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FEDERAL SUBSISTENCE BOARD
PUBLIC REGULATORY MEETING

VOLUME III

EGAN CONVENTION CENTER
ANCHORAGE, ALASKA

JANUARY 13, 2005
8:30 o'clock a.m.

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

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

2
3 (Anchorage, Alaska - 1/13/2005)

4
5 (On record)

6
7 CHAIRMAN DEMIENTIEFF: Call to order.

8 There are so many people that contribute to the program
9 and we're losing one of ours, but appreciate all the
10 valuable contributions that this person has made and I
11 decided to open it up with a touchy-feely moment this
12 morning and show appreciation.

13
14 In this case, the young lady is moving to
15 Anchorage and is no longer eligible to serve on her RAC,
16 but we just wanted to give some appreciation for her
17 years of contribution before she goes because she has
18 been a valuable member of our team. This placque we had
19 made up for Della Trumble to honor her work that she has
20 done and just a small token of appreciation for her
21 valuable contributions.

22
23 I understand that even though she's going
24 to be living in Anchorage and won't be eligible to serve
25 anymore, we needn't worry. She's still working for her
26 tribe here in Anchorage in their Anchorage office and if
27 you feel somebody looking at you over your shoulder, it
28 will probably be Della. So I just wanted to show our
29 appreciation.

30
31 (Applause)

32
33 MS. TRUMBLE: Thank you, everybody. This
34 has actually been a hard one to let go. I really learned
35 a lot and just appreciate the time and understanding and
36 knowledge that I've gained from the other regions. I
37 think of all the things I've been involved in and
38 contributing, donating my time to. This has been one of
39 the big ones and I really appreciate the opportunity.
40 And I just want to encourage everybody -- like Mitch
41 says, I'll be watching over your shoulder -- to really
42 continue to work together because I think that's the only
43 way that we can all move forward in a positive direction.
44 So thank you.

45
46 CHAIRMAN DEMIENTIEFF: Upon chairperson
47 Della's instruction, we shall move forward. With that
48 we'll get on to FP05-02. Jerry.

49
50 MR. BERG: Thank you, Mr. Chair. Jerry

1 Berg with the Office of Subsistence Management. You'll
2 find Proposal 05-02 starts on page 411 of your book.
3 Proposal 02 is very similar to Proposal 06, which you
4 dealt with yesterday for the Kuskokwim except that this
5 proposal deals with the subsistence fishing schedule on
6 the Yukon. It was submitted by the eight organizations
7 from the Yukon-Kuskokwim Delta listed in the analysis.
8 They request that the subsistence salmon fishing schedule
9 on the Yukon River be lifted when in-season indicators
10 provide assurances that upriver subsistence and
11 escapement needs will be met independently of any
12 decision to allow a state-authorized commercial Chinook
13 salmon opening.
14

15 The State's King Salmon Management Plan
16 does have a connection to the commercial fishery as you
17 can see in their regulation at the bottom of page 416
18 under relevant State regulations. You can see it in
19 italics under Relevant State Regulations. Although
20 coordination between Federal and State management
21 continues to be an important aspect of dual management to
22 the extent possible, the Federal in-season manager is not
23 bound by the State's management plan and currently has
24 the authority to relax the schedule. That's spelled out
25 in the Delegation of Authority letter. However, this
26 delegation letter is not widely distributed or known to
27 the public.
28

29 Once it has been determined that the
30 salmon run abundance is strong enough to meet escapement
31 and subsistence needs, the schedule is relaxed by
32 subdistrict progressively upriver to coincide with the
33 run timing of the same pulse of fish that triggered the
34 lower river decision to relax the schedule.
35

36 It would be difficult to make the decision
37 that there are enough salmon to relax the schedule prior
38 to also making the assessment that there are enough fish
39 to have a commercial opening.
40

41 There is a need to have better
42 understanding of the full scope of effects that
43 subsistence users are having from the change of harvest
44 patterns due to the subsistence fishing schedule and the
45 effects of change on subsistence use opportunities due to
46 the schedule. The Federal manager currently has been
47 delegated the authority to open and close subsistence
48 fishing which includes relaxing the schedule once it has
49 been
50 determined that escapement and subsistence needs are

1 likely to be met; however, the public is generally not
2 aware of this delegation.

3
4 It would be helpful to clarify to the
5 public that the subsistence fishing schedule can be
6 relaxed in Federal public waters when an assessment of
7 the run strength has been
8 made that escapement objectives, subsistence needs, and
9 U.S./Canada border passage obligations will be met.

10
11 That concludes my presentation. Thank
12 you, Mr. Chair.

13
14 CHAIRMAN DEMIENTIEFF: Thank you. Written
15 public comments.

16
17 MR. MATHEWS: Yes, Mr. Chairman. I'm
18 Vince Mathews, the subsistence council coordination for
19 Interior Alaska. We received two written public
20 comments. You'll see them on page 414 as summarized. We
21 received from Mike Moses of Mountain Village that he
22 supports this proposal. This proposal needs special
23 attention to insure that subsistence users on the Yukon
24 are no longer listening for further instructions from the
25 Alaska Department of Fish and Game. He proposed that
26 this proposal be passed before finding ourselves with a
27 large rebellious crowd.

28
29 We also received a written comment from
30 the Yukon River Drainage Fisheries Association in
31 opposition. I believe they'll have a representative here
32 talking further on their comments. Mr. Chair, that's all
33 the comments we have.

34
35 CHAIRMAN DEMIENTIEFF: Thank you. We have
36 several requests for testimony this morning on this
37 proposal. First we'll go with Eric Johnson from AVCP.

38
39 MR. JOHNSON: Good afternoon, Mr. Chair,
40 Members of the Board. My name is Eric Johnson with AVCP.
41 The issue here with Proposal 05-02, once again, is a
42 basic question about whether the standard that Federal
43 managers should be applying is the Federal standard
44 that's in ANILCA or whether it's a very different
45 standard that's stated under State law. Under Section
46 3114 of ANILCA, restrictions on subsistence need to be
47 justified either by the need to protect viable
48 populations or the need to ensure continued subsistence
49 uses.

50

1 The State standard is very different. The
2 State standard says that the subsistence schedules, which
3 are a restriction, can only be lifted when various
4 commercial management determinations can be made.
5

6 This proposal is brought by AVCP and seven
7 tribes that subsistence fish off of Yukon salmon. I
8 think there may be some confusion about what this
9 proposal asks for and I would like to reassure the
10 upriver RAC people and folks from YRDFA as well that this
11 isn't a call to just lift the schedules. This proposal
12 is about when the schedule should be lifted. We're
13 saying that under ANILCA it should be lifted when
14 subsistence concerns, population viability concerns have
15 been met.
16

17 By the way, I would also mention that the
18 friendly amendment that was proposed by the Yukon-
19 Kuskokwim Delta RAC that also added transporter passage I
20 think is also something that would need to be in there
21 and was an omission that shouldn't have been omitted by
22 our proposal.
23

24 The State system is different. The State
25 system triggers everything on commercial management
26 decisions and that's clear on the surface of the State
27 regulations. The 2003 regulatory changes that were made
28 by the State, by the way, did not take care of that
29 problem. The only problem those regulatory changes took
30 care of was that they made it so that if a district
31 doesn't have a commercial fishing period that district
32 can still go off the schedules in sequence. However, the
33 trigger for anybody going off the subsistence schedules
34 is still whether there's a sufficient abundance of salmon
35 to allow for a commercial opening. So, when you look at
36 the State regulations, it's clear that removing these
37 restrictions is not based on the proper considerations
38 under ANILCA.
39

40 Similarly, in actual practice, I know
41 there's been a lot of talk about subsistence users may
42 not understand that what's being asked for here is
43 actually being implemented. Well, it's not been
44 implemented in actual practice. In 2003, as is
45 summarized in the issue paper that's in your binders and
46 supported this proposal, people were taken off the
47 schedules and then they were put back on when the
48 commercial fishing periods ended. Later on, in response
49 to AVCP special action request, it was conceded that
50 there may have actually been room for a little extra

1 subsistence fishing opportunity there that had been
2 passed over as a result of that.

3
4 This last summer the commercial opening
5 took place in District Y-2 before Y-1 and District Y-2
6 went off the subsistence fishing schedule earlier than Y-
7 1 did as a result of that, even though Y-1 is downriver.
8 The fact that the commercial opening took place first in
9 Y-2 and then a few days later in Y-1 meant that the
10 people in Y-1 were kept on the schedules two days longer
11 than would have been necessary.

12
13 So it's not really accurate to say that
14 this proposal merely describes some management strategy
15 that's already in place. The bottom line is both the
16 State regulations and actual practice show that the
17 decisions to lift the schedules or reinstate the
18 schedules are being made solely on the basis of
19 commercial management decisions.

20
21 The bottom line is it shouldn't be that
22 controversial for the Federal regulation to reflect this
23 Federal standard. The Federal standard is different from
24 the State standard and regardless of whether in
25 particular seasons the two standards might reach the same
26 result, these are different standards and it's important
27 that Federal management be based on the Federal standard.

28
29 I'd also like to mention it's not enough
30 that the in-season managers have special action
31 authority. I do think that people in rural Alaska are
32 actually widely aware of the fact that the in-season
33 managers have a delegation of authority and that they can
34 make decisions like to lift the schedules. But the
35 bottom line is it's not being followed and the in-season
36 manager on the Yukon doesn't have any regulatory
37 structure that tells him what he should be doing in these
38 kinds of circumstances that tell him when he can't be
39 following the State regulations but needs to be following
40 a different analysis instead.

41
42 Also, the proposal asks for something
43 mandatory. When these restrictions are no longer
44 justified under Section 3114, we're saying that the
45 manager needs to lift the schedules. It's not something
46 that's just a matter of permissive authority. At that
47 point, the justification for these restrictions under
48 ANILCA has gone away.

49
50 So I'd like to conclude just briefly by

1 harkening back to something Tim Andrews said yesterday,
2 our Natural Resource director, mentioned how back four
3 years ago, January of 2001, when folks from the delta
4 were out there at the Federal Subsistence Board meeting,
5 people who agreed with the schedules did so because they
6 want the schedules to be a conservation measure that's in
7 place during a period of salmon recovery.

8
9 When the trigger for lifting the schedules
10 is commercial management decisions and when the schedules
11 go back in place immediately after commercial fishing
12 periods end, that is a recipe for the schedules becoming
13 permanent. If the schedules are lifted or reinstated
14 based on the proper considerations under Section 3114 of
15 ANILCA, then you really do have a system where the
16 schedules are a conservation measure in place to ensure
17 upriver subsistence opportunity and to ensure
18 conservation of the resource.

19
20 When we look at the State system, we see a
21 recipe for locking in these schedules, even though
22 there's restrictions on subsistence for locking in these
23 schedules even when there aren't proper concerns that
24 would justify these schedules under Section 3114, and
25 that's why we think it's really important that this Board
26 make sure that the proper Federal standard govern when
27 the schedules will be lifted.

28
29 Unless there's any questions, that's all I
30 have to say.

31
32 CHAIRMAN DEMIENTIEFF: Thank you. Are
33 there any questions.

34
35 (No comments)

36
37 CHAIRMAN DEMIENTIEFF: Thank you very
38 much, Eric. Billy Charles.

39
40 MR. CHARLES: Good morning. Mr. Chairman,
41 I'm Billy Charles from the Yukon Delta, village of
42 Emmonak. With respect to the people that are supporting
43 this, people on the Kuskokwim and those areas, I'd just
44 like to say our position on lifting of the windows. I
45 think the windows, first off, is the best tool that both
46 the State and the Feds have put together as a
47 conservation tool. We've always allowed on the Lower
48 Yukon the first runs of fish to go by and the windows
49 assure the passage of those fish upriver. The windows
50 have burdened us down in the lower river, but we

1 understand the purpose of those.

2

3 First off, maybe I should say I oppose
4 lifting of these windows. I oppose FP05-02 that relaxes
5 the fishing schedules when runs permit. I think the
6 current regulations allow the Federal and the State
7 managers during in-season management to do that. For
8 that reason, I oppose it and I also oppose for the
9 reasons on the Staff analysis where it was said that the
10 tribal councils on the lower river supported this. You
11 may as well pull Emmonak out of there because the Native
12 Village of Chuloonawick is separate from the Emmonak
13 Native Village.

14

15 And I don't see the Native Village of
16 Alakanuk, who has the biggest representation on the YRDFA
17 Board on the lower Yukon. If this type of proposal was
18 going to go through, I just don't understand why those
19 people on the lower river that follow the regulatory
20 process were unaware of this. I certainly was unaware of
21 it in Emmonak. When issues of this magnitude would be
22 served among the tribe, the city, the corporations,
23 because fisheries is our economic base, those types of
24 things that affect our economic base, rule-making, we
25 would know. Generally, we would have a joint meeting of
26 all the entities because this is what sustains us, the
27 fish, and we want to be in the regulatory process as much
28 as we can and we weren't aware of it.

29

30 So, for those reasons, Mr. Chairman, I
31 oppose this proposal.

32

33 CHAIRMAN DEMIENTIEFF: Thank you very
34 much. Are there questions.

35

36 (No comments)

37

38 CHAIRMAN DEMIENTIEFF: Appreciate your
39 comments and taking the time to come and help us out.
40 Jill Klein.

41

42 MS. KLEIN: Good morning, Mr. Chair,
43 Members of the Board and Regional Council Members. My
44 name is Jill Klein and I work with the Yukon River
45 Drainage Fisheries Association, which is also known as
46 YRDFA. I'm here today to give the positions of the YRDFA
47 board of directors, which come from the Yukon River
48 fishing districts and villages.

49

50 On Proposal FP05-02, on relaxing of

1 lifting the windowed fishing schedules when runs permit,
2 the YRDFA board does oppose the proposal. A few comments
3 just to reference this.

4
5 YRDFA does support overall the subsistence
6 salmon fishing windows and we support it in times of
7 conservation as well as during normal salmon returns.
8 The windows bring more fish upriver as they pass through
9 the lower windows. Areas like the Koyukuk River,
10 especially in the Yukon Flats, are upriver and they're
11 waiting for the fish to make it up to their areas. These
12 windows do provide knowledge to them that fish are being
13 passed upriver and that lower river people are making
14 this effort on their behalf.

15
16 Although the runs do seem to be on the
17 rebound right now, we still want to be careful about
18 getting fish upriver. We do understand that the windows
19 pose an inconvenience and are definitely a burden to some
20 people on the lower river for various reasons. There may
21 be too many people fishing at once. There's not always
22 the right weather for drying fish. As well, when people
23 upriver are still on windows while people downriver are
24 commercial fishing and that poses some conflicts.

25
26 But this proposal seems to be looking at
27 when to go off the windows and what language and trigger
28 points enable people to go off the windows. The windows
29 do affect when people go out to fish, but this proposal
30 shouldn't affect that. However, adoption of the proposal
31 might lead some people to believe that it will change the
32 windows process.

33
34 And from the different regional council
35 perspectives and positions, and as well from the
36 different positions that you're hearing from the public,
37 there seems to be some misunderstanding, as Eric also
38 mentioned from AVCP, about what this proposal really is
39 about. If YRDFA does understand the proposal correctly,
40 again, we think the change in language will not change
41 the actual actions by fisheries managers. Currently, as
42 you've heard, the fishery managers do relax the schedule
43 when the run permits and in the language it is linked to
44 commercial fishing, but there's also decisions about
45 meeting upriver subsistence needs, U.S./Canadian border
46 passage escapement and escapement needs and making sure
47 that those will be met before the windows are lifted.

48
49 YRDFA is currently looking into developing
50 a proposal to submit to OSM that will look at the

1 changing harvest patterns due to the windows and we
2 realize that there are many issues surrounding them and
3 maybe the regulation could be modified or made better,
4 but we'd like to take the time to research it first and
5 have more of a unified approach to changing the language
6 if it's warranted.

7

8 That's all I have at this time. Thank
9 you.

10

11 CHAIRMAN DEMIENTIEFF: Thank you. Are
12 there any questions.

13

14 (No comments)

15

16 CHAIRMAN DEMIENTIEFF: There must have
17 been some interesting discussion at the meeting to allow
18 your organization to make this stand. Can you give us a
19 little bit of insight? Yesterday we heard some
20 discussion about getting the councils together, yet your
21 organization is made up from people from all the three
22 regions, our regions, that are affected. Can you perhaps
23 offer a little bit of insight to the discussions that you
24 had to arrive at the position? I mean you don't have to
25 go into detail, but I just want to make sure that people
26 were participating from all regions.

27

28 MS. KLEIN: Yes, Mr. Chair. As you've
29 heard and know, this proposal has been put before the
30 Alaska Board of Fisheries, so a year ago as well we had
31 our full board participating with our alternates and
32 that, in total, was about 25 people from different
33 villages on the Yukon River. As well, at that time, the
34 Alaska Board of Fisheries, we didn't support the proposal
35 for the various reasons I did mention. Again, this fall,
36 we did meet up in Fairbanks and we just had our full
37 board, which is 16 members from different villages. As
38 you mentioned, we do have members from the lower river,
39 from the coast, up until the border at Eagle.

40 Some of the comments that I mentioned, mainly
41 we have people from the lower river on our board that do
42 not like the windows and they do realize that they pose
43 an inconvenience to them. During our discussions, even
44 within our total board, there was some confusion about
45 what this proposal was for. Is it to relax the windows?
46 And people were speaking about why they didn't like the
47 windows and some others of us saying that we didn't think
48 this proposal was going to change that. And it wasn't
49 about getting rid of the windows or keeping the windows,
50 it was just about language and about when to go off the

1 windows.

2

3

4 So that was the gist of our conversation
5 as opposed to really looking more so at that proposed
6 language and what that really means and being able to
7 hash that all out. That's why I was saying that in the
8 future maybe there would be river-wide consensus to look
9 more at this issue and look at the language, but I don't
10 think people fully understood the proposal enough to get
11 to that place with it.

11

12

13 So we did discuss how the upriver users,
14 as I mentioned, some of them don't like they're still on
15 the windows when the lower river is fishing. Even though
16 you'll hear more so from some upriver people that they
17 want the windows because of the security it gives them to
18 pass the fish upriver, they also don't like to be on the
19 windows when the lower river people are having their
20 commercial fisheries. But I think the YRDFA board
21 overall is taking a position that even though the windows
22 pose an inconvenience, they know it seems like the right
23 thing to do at this time to help put fish upriver and are
24 taking that approach.

24

25

26 CHAIRMAN DEMIENTIEFF: Thank you very
27 much. Are there any other questions, comments.

27

28

(No comments)

29

30

31 CHAIRMAN DEMIENTIEFF: Just in closing, I
32 think once, briefly, years ago, I was an alternate on the
33 YRDFA board and I haven't been able to, except for when
34 requested, attend any of the meetings and, of course, we
35 had the meeting in Nunana. But I just want you to convey
36 to your organization I know the hard work -- when you
37 were in Nunana, it was the most time I had to spend with
38 the organization. I, at least, appreciate -- I'm not
39 really speaking for the board, but I appreciate the work
40 that your organization does and I realize that it is
41 member driven and all your members are stakeholders in
42 the Yukon fishery. So just convey that to them. I sure
43 appreciate the work that you guys do and I appreciate
44 your testimony here today. Thank you.

44

45

Regional Council recommendations.

46

47

48 MS. GREGORY: Mr. Chairman. Mary Gregory.
49 We supported the proposal with modification and it's
50 found on 413. There should be clarification by the State
and Federal subsistence fisheries managers on the fishing

1 schedules because there is much confusion on the salmon
2 fishing schedules. The subsistence fishery came close to
3 being a protest fishery in the Yukon-Kuskokwim Delta last
4 summer because of the fishing schedules. Fishing
5 schedules were relaxed in both the Yukon and Kuskokwim
6 Rivers because there were sufficient numbers of salmon.
7 Subsistence users have sacrificed their valuable fishing
8 time by abiding with the fishing schedule and fishery
9 restrictions the last few years.

10
11 Even though it changed our way of life, we
12 have to abide by it. There's nothing we can do but to
13 abide by the restrictions that are being imposed on us.
14 I told you yesterday that fishing drying time is the
15 crucial part of our fishery in the summer because we
16 don't want to waste the food, the fish. If you don't
17 cure it the right way, then it's not good for consumption
18 if the weather ruins it.

19
20 Also, I support this because we are
21 downriver people, it's true in the Kuskokwim area too,
22 that's our main food, dry fish, and we eat it every day
23 during the wintertime and then we put up enough food for
24 us plus for other people that can't afford to go out and
25 fend for themselves, like those people who are too old.
26 So that's my personal opinion and my personal thoughts.

27
28 It's hard to agree with some people
29 sometimes when your way of life is being threatened and I
30 told you the schedules are changing my way of life and
31 I'd like to die as a Yup'ik person doing my own food
32 gathering and I'd like for my people back home to
33 continue to do that, give them the only thing that they
34 know how to fend for themselves, my generation. The
35 younger people may be different, they may be eating other
36 foods most of the time, but we still gather from the land
37 and that's our main economy. Thank you, sir.

38
39 CHAIRMAN DEMIENTIEFF: Thank you.
40 Western.

41
42 MR. REAKOFF: Thank you, Mr. Chairman.
43 Western Interior Regional Council opposed this proposal.
44 It is my perception that the Council did not want to
45 change what was in place, they didn't want to lower the
46 bar for the initiation of the window alleviation,
47 allowing the fisheries managers to maintain those trigger
48 points or those threshold points where a commercial
49 fishery is instituted is the assurance that there's
50 plenty of fish to meet escapement needs and the

1 subsistence needs. We didn't want to lower the bar in
2 any way because we've gone through this recovery period.

3
4

5 The Western Interior is very sensitive to
6 the downriver plight of trying to get fish dried during
7 good weather. I personally feel that there needs to be
8 work on when those windows are initiated, possibly
9 waiting for their first good drying weather and initiate
10 the first window so that people have at least one window
11 of opening. There's ways to address some of those
12 issues, but we were very reluctant to lower the bar and
13 we want to maintain the current manager's prerogative to
14 meet these escapement subsistence needs before the
15 windows are relaxed on the lower river.

16
17

18 The users throughout the Western Interior
19 region also have to wait for their window to come
20 through. They may have bad weather also. The people in
21 our region who fish during the windows feel it provides
22 build-up and they have good harvests and it allows
23 escapement, so most of the people in our region are in
24 favor of the window schedule at this time.

24
25

25 CHAIRMAN DEMIENTIEFF: Thank you very
26 much. Eastern.

27
28

28 MR. NICHOLIA: Thank you, Mr. Chairman.
29 The Eastern Interior opposed this proposal. We believe
30 that it would not make the Federal in-season manager's
31 job any easier. There
32 is not support from our region for doing this as before
33 the window schedule was put in, especially in the upper
34 Yukon and the Yukon Flats area, the people were always
35 getting cut off. Since the window schedule was
36 introduced, that was the first year that they did catch
37 some fish, were allowed to catch some fish before they
38 were getting cut off.

39
40

41 This also provides for river-wide
42 escapement through all the streams and it provides
43 subsistence for upriver. The thing it also provides is
44 quality escapement, the bigger fish getting into the
45 smaller streams. We oppose this and we leave it in the
46 in-season managers' hands, Fred Bue and Russ Holder, to
47 make the right choices at the right time when the runs
48 allow. Thank you.

48
49

49 CHAIRMAN DEMIENTIEFF: Thank you. Staff
50 Committee.

1 MR. SIMMIONS: Thank you, Mr. Chair. Rod
2 Simmions, Fish and Wildlife Service. I'll refer you to
3 page 414 of your Board book. The Interagency Staff
4 Committee recommendation is to oppose the proposal, which
5 is consistent with the Western Interior and Eastern
6 Interior Regional Advisory Councils' recommendation, but
7 is contrary to the recommendation of the Y-K Delta
8 Regional Advisory Council.

9
10 This regulation is not needed because it is a
11 management strategy that is already in practice and is
12 implemented in-season when the abundance of salmon is
13 estimated to be of sufficient magnitude to remove the
14 subsistence fishing schedule. Both State and Federal
15 fisheries managers implemented this strategy in the Yukon
16 River in 2003 and 2004. The Interagency Staff Committee
17 recommends to the Federal Board that this separation of
18 subsistence windows and commercial fishery openings be
19 described in the 2005 booklet that provides information
20 to the public on Federal subsistence fishing regulations.
21 Thank you, Mr. Chair.

22
23 CHAIRMAN DEMIENTIEFF: Department.

24
25 MR. BERGSTROM: Thank you, Mr. Chairman.
26 The Department's comments are in their document and
27 supplemental materials on the final comments on proposals
28 page one and two.

29
30 Existing state management plans and
31 fishing regulations provide a reasonable opportunity for
32 subsistence fishing and customary and traditional
33 subsistence uses are given a meaningful
34 priority. This proposed wording would not change
35 management actions. However, adoption of this proposal
36 will increase the likelihood of users believing the
37 schedule will be relaxed earlier than managers can agree.
38 Currently, management tools are already in place to relax
39 the subsistence salmon fishing schedule on the Yukon
40 River if the run strength is strong enough to do
41 so.

42
43 Relaxing the schedule is not directly
44 related to commercial fishing as several districts and
45 subdistricts have not had commercial opportunity in the
46 last two years, 2003-2004, but the subsistence schedule
47 was relaxed to the pre-2001 subsistence regulations
48 throughout the drainage. There is flexibility in
49 relaxing the schedule.

50

1 A similar proposal to the Board of
2 Fisheries was not adopted in January 2004. Fishery
3 managers and users understand that the schedule will be
4 relaxed when the in-season run strength is strong enough
5 to do so. The Department does not support the proposal,
6 but does support the Interagency Staff Committee
7 recommendation to describe the current management
8 strategy in their 2005 booklet. We do not support a
9 regulation to describe State regulations and management
10 plans.

11
12 CHAIRMAN DEMIENTIEFF: Thank you. Board
13 discussion.

14
15 MR. TONY: Mr. Chairman.

16
17 CHAIRMAN DEMIENTIEFF: Paul.

18
19 MR. TONY: I've got a couple questions. I
20 want to know if the decision to relax the fishing
21 schedule in Federal areas is made independently by the
22 Federal in-season manager. Also, whether the State
23 regulation that's in Appendix A is the current State
24 regulation or whether that's the old one.

25
26 CHAIRMAN DEMIENTIEFF: So we have a
27 question for both the Federal and State managers. Jerry.

28
29 MR. BERG: Yes, Mr. Chair. My
30 understanding is the State and Federal managers do work
31 very closely together in season. They're looking at the
32 same data. Although the Federal manager does make his
33 independent decision on every opening and every closing
34 and actions that are taken on the river and I believe he
35 documents that through a memo to the file, although those
36 aren't generally shared with the public, so I think that
37 is correct, that he does make an independent judgment on
38 every action taken.

39
40 As far as the regulations, I believe
41 they're the current regulations, although I might defer
42 to the State if they see any differences that they're
43 aware of. I believe they're the most current
44 regulations. Thank you.

45
46 MR. BERGSTROM: Mr. Chair, I believe
47 those are the current subsistence ones. There's also in
48 the commercial fishing regulations a king salmon
49 management plan which also describes the management
50 strategy. I'd also like to add as far as the management

1 between State and Federal there is coordination under the
2 Yukon River protocol where they discuss the run
3 assessment and then the management strategy. So there is
4 a discussion between the Federal and State on management
5 actions taken particularly, you know, dealing directly
6 with subsistence, like going off of the schedule and
7 when.

8
9 MR. TONY: The statement that was made in
10 the Staff Committee recommendation that there's a
11 separation of subsistence windows and commercial fishery
12 openings. I'm just trying to figure out if you look at
13 the State regulation in Appendix A it appears to indicate
14 to me that there is a reference to commercial salmon
15 fishing periods within that section and I'm trying to
16 figure out how they've been separated.

17
18 MR. SIMMIONS: Mr. Chair. Rod Simmions,
19 Fish and Wildlife Service. Mr. Tony, my understanding is
20 this is a management strategy question that the Federal
21 in-season manager bases his decision on the abundance
22 level of fish that's in river in order to lift the
23 schedule. It's not related to whether or not there's
24 going to be prosecution of a commercial fishery. So
25 that's the recommendation of the Staff Committee, is that
26 management strategy is described in the regulation book,
27 in our public booklet.

28
29 MR. TONY: Is that the strategy that would
30 always be followed in this case, I mean given conditions
31 about the run strength?

32
33 MR. SIMMIONS: Mr. Chair, Mr. Tony, that's
34 a decision that's made in-season based upon the
35 information that's there at that particular time, if that
36 answers your question. Maybe I'm not following you.

37
38 MR. TONY: I guess the question is, it
39 says it's a management strategy that's implemented in
40 season when the abundance of salmon is estimated to be of
41 sufficient magnitude and what I'm asking is if the
42 abundance of salmon is estimated to be of sufficient
43 magnitude, is that always going to be the result or would
44 there be cases where the schedule would not be lifted?

45
46 MR. SIMMIONS: Through the Chair, Mr.
47 Tony. It's my understanding that if you were solely
48 looking at that particular species of salmon, that would
49 be the case always. However, there are always other
50 instances that occur in season because you have mixed

1 species within that particular time period, such as chum
2 salmon. So, if there was a decision made by the in-
3 season manager to delay the schedule, it would be based
4 upon circumstances related to other fish stocks as well,
5 so it's not just a clear-cut, you know, making decisions
6 on a single species.

7
8 So that would be the only instance that I
9 can describe at the moment that would delay such a
10 lifting, but there are many of these types of
11 circumstances that in-season managers do have to deal
12 with besides just a single species.

13
14 CHAIRMAN DEMIENTIEFF: One of the things I
15 haven't mentioned and it's very important in this and
16 some of the other issues that we have dealt with because
17 of the Federal and the State management responsibilities
18 and there was a certain amount of skepticism from our
19 RAC's as we worked on the MOA to try to find a way to
20 enhance communications between all of the parties. We've
21 done our job to make sure that our RAC's are involved in
22 those decisions.

23
24 It just illustrates the importance and I'm
25 not going to bring it up, but this really goes to all of
26 the cases where we do have State and Federal in-season
27 managers working together. It's very necessary, the work
28 we did to get the MOA, and it illustrates the fact that
29 even though they each retain their own authority it
30 works. The more people we get working together, the
31 better off the resource is and this is one of those
32 cases.

33
34 Further discussion.

35
36 MS. GOTTLIEB: Mr. Chair. This seems
37 similar to our discussion yesterday afternoon on the
38 Kuskokwim, so I'm not sure we need to enact a regulation,
39 but to reinforce what you were just saying. Perhaps the
40 language that we would like to appear in the regulation
41 booklet can be circulated in draft. I'm not sure exactly
42 what the best timing would be, but so all the RAC's see
43 it, can comment on it, make sure everybody understands
44 it. Obviously the State, YRDFA, others, but it's one
45 thing for us to say what we're going to do in general
46 here, but to see it in specific language will hopefully
47 help everybody.

48
49 CHAIRMAN DEMIENTIEFF: Della and then
50 John.

1 MS. TRUMBLE: Thank you, Mr. Chair. I
2 sympathize, I think, with what you're asking and what
3 you've basically stated as far as elders because I know
4 it's been a concern through this whole process. I
5 remember and recall how painful this was just
6 implementing this process a couple years ago, but I also
7 feel that the positives and what has transpired since
8 then has had such a great effect on the whole system that
9 to try to change something I think that's working really
10 well may have a negative impact. I also feel that maybe
11 as managers that more time and effort in looking at some
12 of the things that impact it, whether it be weather and
13 other things, that those decisions can be taken into
14 consideration as they go through each summer and making
15 some decisions.

16
17 CHAIRMAN DEMIENTIEFF: John, just one
18 thing I forgot real quickly before I get to you. That is
19 what I am encouraged by is hearing a willingness to
20 continue to work on the issue and that's part of the
21 process, so I failed to mention that in my opening
22 comments. But that's a thing that I am really encouraged
23 by and that's how we resolve problems, is by having all
24 interested parties work together. So I just wanted to
25 make sure I got that point out before we get too far into
26 this. I just failed to mention it. Sorry about that,
27 John. Go ahead.

28
29 MR. LITTLEFIELD: Thank you, Mr. Chairman.
30 First, I'd like to state for the record that the
31 Southeast Region doesn't like to interfere in other
32 regions' business, so I held my tongue yesterday when we
33 were discussing the Yukon-Kuskokwim River, but I think I
34 have to make some kind of comment here on behalf of the
35 Southeast Region. Also, I'd like to note for the record
36 that my mother is an Athabaskan from Rampart, so I do
37 have some ties to the Interior and have had.

38
39 In the Southeast Region, we've been really
40 concerned with following ANILCA, the law, as full as
41 possible. Section 802 of the law says that the priority
42 and preference is for the rural residents and I think
43 that's clear to everybody. It says that you need to
44 continue your uses. Section 804 says that when there's a
45 restriction in uses and you have to differentiate among
46 the regions, the actual rural residents of those
47 different regions, we have to make some different
48 regulations for those people. That's the next step
49 farther along.

50

1 In both of those steps there cannot be any
2 commercial fishing or any subsistence fishing taking
3 place that interferes with that in the view of the
4 Southeast Regional Council. We've taken this step and we
5 talked about this yesterday that those other uses need to
6 be curtailed first. I find it strange that all this
7 stuff is tied to commercial fisheries and there's still
8 ongoing sport fishing.

9
10 When we had the Area M discussion and when
11 we started talking about windows, I was really perplexed
12 at how windows could come about when they definitely did
13 not recognize the continued use patterns of the people on
14 the river. At the same time I was told there was a
15 commercial fishery going on. At the same time there's a
16 sport fishery going on. So our concerns are mainly that
17 when you differentiate between these people, you need to
18 do it among the subsistence users.

19
20 And those regions need to get together and
21 figure it out because we're in an 804 restriction here,
22 folks, and there should not be any commercial fishing,
23 even though I recognize those people that are doing the
24 commercial fishing are probably the very same people that
25 are doing the subsistence and that's really tough.
26 Nevertheless, the law says those uses need to be
27 curtailed.

28
29 For the Southeast Region, I'd like to be
30 consistent in saying we'd like to see the law followed
31 here and the law would indicate to me that the state
32 needs to be restricted in these seasons whenever there
33 isn't enough abundance to meet the law and the law says
34 you can't continue the uses that you've done. There's a
35 conservation issue and we have to address that and make
36 some kind of differentiation between the users on the
37 Lower Yukon and Lower Kuskokwim and those on the upper
38 end. So that seems to me that discussion should be
39 taking place only on the Federal level because we've now
40 gone two steps into ANILCA.

41
42 So those are my comments and I hope it
43 doesn't seem like I'm favoring one side or the other.
44 Just as a matter of process, the Southeast Region wants
45 you to abide by what ANILCA says. Thank you, Mr. Chair.

46
47 CHAIRMAN DEMIENTIEFF: Thank you. Further
48 discussion. Ralph.

49
50 MR. LOHSE: John might think I'm taking an

1 opposing view, but I'd like everybody to turn to page
2 431. I think there's something on 431 that everybody
3 should look at. We've been talking about producing fish
4 for subsistence and if you take a look on page 431 you
5 see two graphs. One is a graph of escapement to Canada,
6 which is the upper river chinook salmon, which everybody
7 is mostly interested in. When I read the report here, it
8 sounds like the upper river king salmon are the ones that
9 are most important to every subsistence user group, all
10 the way up the river. And we see that in 2003 the
11 subsistence harvest was the second highest harvest in 20
12 years. We say that in 2003 the escapement was highest in
13 20 years. We see in 2001 the subsistence harvest was
14 about sixth for 20 years. There was no commercial
15 fishing. The escapement to Canada was the second highest
16 in 20 years.

17
18 To me, I have to go along with Eastern and
19 Western Interior and say the windows are working. We're
20 doing what we have to do, is put fish on spawning grounds
21 so that there's fish for people to eat. If you don't put
22 fish on spawning grounds, you don't have fish. We can
23 see that when we look at '98, '99 and 2000. So,
24 consequently, myself, I would have to go along with
25 Eastern and Western Interior and say the windows are
26 working, they're giving fish to everybody all of the way
27 and they're putting fish on the spawning grounds. What
28 more can you ask of any system. Thank you.

29
30 CHAIRMAN DEMIENTIEFF: The other thing I
31 think that's really important -- yeah, there are areas
32 where that's always been their priority, to get fish for
33 people for food. If there's enough to harvest for other
34 purposes, fine, but that's always been the priority that
35 I have heard from everybody up and down the system. The
36 importance of the food is what is really important. So
37 we just need to keep that in mind. That testimony, I
38 think, has been consistent.

39
40 In working with the -- for example, Della,
41 I've heard it from your region as well as they deal
42 through the False Pass issue. And I've heard from your
43 region as well that people who have testified on these
44 issues for years and years, everybody is dependant upon
45 the resource and wants to find the tools to get the
46 resource to the people. That I really have appreciated.
47 But that is the one common denominator even though people
48 have differences. In the approach for management, that
49 is the one common denominator. Everybody realizes that
50 they depend upon that resource.

1 Paul.

2

3 MR. TONY: Are any of the Federal in-
4 season managers here that we might ask them questions?

5

6 CHAIRMAN DEMIENTIEFF: Okay. We have Russ
7 Holder.

8

9 MR. TONY: I've got a couple questions, Mr.
10 Holder. One is, it talks about in the Interim Memorandum
11 of Agreement that the Federal subsistence program uses
12 existing State fishery management plans unless they do
13 not provide for the subsistence priority in Federal law.
14 I'm just curious what criteria you apply to make that
15 decision about whether the Federal subsistence priority
16 is being provided for.

17

18 MR. HOLDER: Yes, Mr. Chairman, Mr. Tony.
19 My name is Russ Holder and I'm the Yukon River in-season
20 Federal manager. The primary mandate which I'm following
21 is providing for healthy fish stocks upriver and also
22 providing for the subsistence priority for Federally-
23 qualified users on Federal lands.

24

25 The measure of healthy fish stocks
26 basically at this point is attempting to meet the
27 escapement objectives that have been established and that
28 we have agreed to meet with the Alaska Department of Fish
29 and Game management process and regulation of, you know,
30 the different escapement objectives that have been
31 established throughout the drainage.

32

33 Also we're attempting to assess whether
34 people are meeting their escapement or their subsistence
35 needs in, say, two ways. In talking to people in season
36 and there's a limited interview process that refuge
37 information technicians are surveying people in different
38 villages, how they're doing in season, and then also post
39 season looking at the Fish and Game survey which is
40 conducted on the numbers of fish. The in-season process
41 is basically a quality issues, asking people how they're
42 doing as compared to previous years. The post season one
43 that Fish and Game conducts is primarily, the numbers and
44 graph that Mr. Lohse pointed out to you, is basically
45 generated from that interview process.

46

47 MR. TONY: The other question I have is whether
48 you, as the Federal manager, have ever independently made
49 a decision regarding the seasons that was different than
50 what the State managers had made.

50

1 MR. HOLDER: Mr. Chairman, Mr. Tony. Yes,
2 I have.

3
4 MR. TONY: What was that or when?
5

6 MR. HOLDER: I believe it was two years
7 ago, summer chum salmon, subdistricts 4(B) and (C). The
8 escapement indicators were not indicating sufficient
9 fish, that they were not going to be meeting their
10 objectives and there was some issue regarding the
11 indicators, looking at Pilot Station, looking at the
12 overall escapement projects and the State manager and
13 myself had a difference of opinion. They were prepared
14 to move ahead with a very limited commercial opening and
15 I disagreed with that. We had basically a difference of
16 opinion and the commercial opening did not occur.

17
18 CHAIRMAN DEMIENTIEFF: Any other
19 discussion.

20
21 MR. EDWARDS: Mr. Chairman, if you're
22 ready for a motion, I'm prepared to offer one. I move
23 that the Board accept the recommendation of the Western
24 and Eastern Interior Councils, which would be to reject
25 the proposal. As we discussed yesterday on the similar
26 proposal on the Kuskokwim, we feel that this regulation
27 is unnecessary as it represents a management strategy
28 that is already in practice by both the State and Federal
29 fisheries managers and that relaxation of the schedule is
30 based upon the abundance of fish, not whether a
31 commercial fishery is implemented or not.

32
33 CHAIRMAN DEMIENTIEFF: Thank you. We have
34 a motion. Do we have a second.

35
36 MR. BSCHOR: Second.

37
38 CHAIRMAN DEMIENTIEFF: Discussion.

39
40 MS. GOTTLIEB: Mr. Chair. I guess with
41 the tight time frame of actually publishing the fisheries
42 booklet, if there's any opportunity to meet with the
43 three chairs if there's still some questions about this
44 before everybody leaves, that might be a good idea.

45
46 CHAIRMAN DEMIENTIEFF: We do have that on
47 the agenda. It's one of our closing items, is just an
48 open discussion with the Council chairs. If we need to
49 bring that up again at that time or if they're so
50 inclined, we do have the opportunity to do that.

1 Further discussion on the motion.

2

3 (No comments)

4

5 CHAIRMAN DEMIENTIEFF: I think John keeps
6 talking about our motions. The wording in this one is --
7 I think the motion was to accept the recommendations of
8 the Western and Eastern, so we've got to be careful about
9 our wording. As John pointed out and as I know, you
10 can't have a negative motion. So, as we do the wording
11 on these things on our screens, we need to make sure that
12 we're getting the proper wording. The motion was to
13 accept the recommendation of the Western and Eastern
14 Regional Councils. Just so we understand that.

15

16 If there's no further discussion, all
17 those in favor signify by saying aye.

18

19 IN UNISON: Aye.

20

21 CHAIRMAN DEMIENTIEFF: Those opposed same
22 sign.

23

24 (No opposing votes)

25

26 CHAIRMAN DEMIENTIEFF: Motion carries.

27 05-03.

28

29 MR. UBERUAGA: Mr. Chair, Members of the
30 Board. The analysis for this fisheries proposal is found
31 on page 422 of your Board book.

32

33 This proposal was submitted by the Eastern
34 Interior Regional Advisory Council and requests that, in
35 the Yukon River drainage, all gillnets with greater than
36 6-inch mesh, may not
37 be more than 35 meshes in depth. The Council requested
38 that the proposed regulation apply to both subsistence
39 and commercial
40 fishing nets.

41

42 The analysis before you has little
43 information on the effect of this proposal on commercial
44 fisheries, so I will provide you some additional
45 information in my oral testimony today.

46

47 The Federal Subsistence Management Program
48 has not managed commercial fishing along the Yukon River;
49 however, a provision for the Federal Subsistence Board to
50 restrict, close or open Federal public lands and waters

1 to the non-subsistence taking of fish and wildlife exists
2 under Subpart B of ANILCA. Your Board may restrict such
3 uses only when it is deemed necessary to assure
4 a viable population of fish or wildlife, to ensure
5 continued subsistence uses or if there is an issue of
6 public safety or administration.

7
8 Gillnets are highly selective for catching
9 fish, with larger mesh sizes more effective for larger
10 Chinook and smaller mesh more effective for smaller
11 Chinook and other species. Mesh size regulations can
12 significantly alter the sex ratio and age class
13 composition of Chinook salmon stocks.

14
15 There's currently no restriction in either
16 Federal or State regulation concerning gillnet mesh
17 depths for subsistence fishermen on the Yukon River.
18 However, mesh depth may be restricted in season for
19 conservation purposes.

20
21 The State commercial fishing regulations
22 are germane here and I will point out that gillnets for
23 the commercial fisheries greater than 6-inch mesh may not
24 be more than 60 meshes deep in Yukon Districts 4 through
25 6 and no more than 45 meshes deep in Yukon Subdistricts 1
26 through 3.

27
28 Local knowledge supports the contention
29 that larger, older female Chinook salmon have a tendency
30 to run deeper in the river. Deeper nets usually catch
31 more Chinook salmon usually in the lower part of the net,
32 but there is no direct scientific evidence that female
33 Chinook are disproportionately harvested over males. A
34 proponent believes that deeper gillnets target larger
35 female Chinook salmon. They're concerned that this
36 practice of using these deeper gillnets, along with a
37 disproportionately higher rate of Ichthyophonous disease
38 among larger Chinook salmon does create a conservation
39 concern on the spawning grounds.

40
41 The Eastern Interior Regional Council has
42 stated that with lower salmon returns subsistence users
43 are not being allowed a reasonable opportunity to meet
44 their subsistence needs. However, Chinook salmon run
45 strength has improved in recent years and the windowed
46 fishing schedule has been implemented to increase upriver
47 escapement and subsistence opportunities.

48
49 In February of 1998 the U.S./Canada Joint
50 Technical Committee reviewed the availability of age-sex-

1 length information for Yukon River Chinook salmon seeking
2 to address whether a decrease in size had occurred. Their
3 analysis concluded that the data did not indicate any
4 sustained substantial change in fish size for Yukon River
5 salmon.

6
7 The Office of Subsistence Management,
8 Fisheries Information Services branch, is currently
9 addressing this question and conducting an age/sex/length
10 analysis of
11 Yukon River Chinook salmon. Those results are
12 anticipated to be presented to the Council meetings in
13 March of 2005.

14
15 At the same time, the Yukon River Drainage
16 Fisheries Association (YRDFA) is concerned about allowing
17 sufficient numbers of larger female Chinook to reach the
18 spawning grounds. In 2004, YRDFA and the Department of
19 Fish and Game started collecting information on existing
20 gear types used throughout the drainage prior to the next
21 Board of Fish regulatory cycle. The intent there is to
22 focus on a river-wide approach to review
23 data on fish size to see if there is biological data to
24 match the anecdotal data that fish size is changing.

25
26 Adoption of this proposal would create a
27 divergence between State and Federal regulations, making
28 the Federal subsistence fishing regulations more
29 restrictive than the State's subsistence and commercial
30 fishing regulations. Management and enforcement of such
31 a fishery would likely be problematic and require
32 extensive outreach and education efforts.

33
34 Adoption of this proposal would require
35 some subsistence and commercial fishermen to shorten
36 their nets and require that they fish longer and expend
37 more funds to get the fish they need. Having a uniform
38 gillnet mesh may result in different harvest efficiencies
39 among fishing districts and, again, would make Federal
40 regulations more restrictive than the State's subsistence
41 and commercial fishing regulations, seeming inconsistent
42 with subsistence priority of ANILCA.

43
44 The Board's authority to restrict
45 commercial fishing under ANILCA is limited to instances
46 in which there is a conservation concern, a need to
47 continue subsistence uses or for reasons of public safety
48 or administration. At this time, these conditions do not
49 appear to be supported by the available data.

50

1 Mr. Chair, that concludes my presentation.
2 Thank you.

3
4 CHAIRMAN DEMIENTIEFF: Thank you. Written
5 public comments.

6
7 MR. MATHEWS: Yes, Mr. Chairman, there
8 were two written public comments. They're summarized on
9 page 424 of your booklet. Mike Moses of Mountain Village
10 opposes the proposal. A large majority of the large
11 Yukon king salmon swim well below the current 45 mesh
12 depth nets. The lower Yukon River has a very deep
13 channel and with the changing environment the kings are
14 staying in the cool waters of the deep channels. He
15 recommended paying attention to what is happening in the
16 shallow waters further up the Yukon River.

17
18 The Yukon River Drainage Fisheries
19 Association opposes the proposal. Thank you, Mr. Chair.

20
21 CHAIRMAN DEMIENTIEFF: Thank you. For
22 public testimony, Billy Charles.

23
24 MR. CHARLES: Mr. Chairman, for the
25 record, my name is Billy Charles. I'm from the village
26 of Emmonak. Just briefly, I'd like to just say I would
27 oppose the proposal restricting the six inch. Like the
28 Staff report mentioned, there is not enough information.
29 I am a fisherman and late in the '80s, I think it was,
30 when there was an abundance of salmon, the managers
31 decided that in order to stretch the fisheries out and
32 target different species during those big runs, they
33 allowed six-inch gear during a big run of kings going
34 through and there was a lot of drop-offs. If you're
35 concerned about salmon, this is one way of killing the
36 fish or killing the resource the quickest way,
37 restricting the mesh size. I just wanted to state that
38 for the record, Mr. Chairman.

39
40 CHAIRMAN DEMIENTIEFF: Thank you. Any
41 questions.

42
43 (No comments)

44
45 CHAIRMAN DEMIENTIEFF: Thank you. Jill
46 Klein.

47
48 MS. KLEIN: Thank you, Mr. Chair. For the
49 record, my name is Jill Klein and I'm representing YRDFA
50 today. On Proposal FP05-03 on the proposal to shorten

1 commercial gillnets to 35 mesh maximum depth, YRDFA does
2 oppose the proposal.

3
4 Some of the reasons why and some
5 background. YRDFA is concerned with getting the right
6 number of fish up to the spawning grounds and we do also
7 care about the quality of escapement with respect to
8 getting the right percentage of female salmon to the
9 spawning grounds as well and that is why we do support
10 the windows proposal. An additional gear restriction for
11 the same purpose is not necessary at this time.

12
13 As you did hear from your Staff reports,
14 there are various agencies and non-profits, such as the
15 Alaska Department of Fish and Game, the Office of
16 Subsistence Management, the Yukon River Panel and Joint
17 Technical Committee, as well as YRDFA that are addressing
18 the issue of the changing size of salmon that are being
19 harvested and the size of salmon that are making it to
20 the spawning grounds.

21
22 The initial research questions are asking
23 if salmon are getting smaller and, if so, why. As you
24 heard, we're also looking into a gear survey. Until this
25 data is released to the public and decision-making bodies
26 such as the Alaska Board of Fisheries and the Federal
27 Subsistence Board, YRDFA feels that gear restrictions are
28 not necessary at this time.

29
30 Potentially, if this proposal is adopted,
31 it could impose costs to subsistence fishermen. As you
32 heard, they will have a potentially economic burden to
33 still try and find the fish. They will have to move
34 around more and travel further distances perhaps, but
35 fish still may get caught and it is unproven that this
36 will do anything to improve escapements.

37
38 As well, we've heard about the hanging
39 ratio of nets and that that can also change net
40 efficiency and depths. So even if this proposal is
41 adopted fishermen may be able to still change how they
42 hang their nets and fish at the same depths that they are
43 fishing now. Thank you.

44
45 CHAIRMAN DEMIENTIEFF: Thank you. Any
46 questions.

47
48 (No comments)

49
50 CHAIRMAN DEMIENTIEFF: Thank you once

1 again. Norm Cowen.

2

3 MR. COWEN: Thank you, Mr. Chairman,
4 Members of the Board and Members of the Regional
5 Councils. My name is Norman Cowen and I'm testifying on
6 behalf of YDFDA, the Yukon Delta Fisheries Development
7 Association. YDFDA opposes the change proposed in this
8 proposal. The proposal would cause a major disruption in
9 the subsistence fishing in the lower river. To justify
10 it requires some very good information and analysis.
11 Studies are ongoing right now by YRDFA, OSM and others
12 and need to be finished and analyzed before taking action
13 on this type of proposal. Escapement data from the 2004
14 season needs to be reviewed and understood. It's simply
15 premature to act at this time.

16

17 If the mesh were to be changed, what is
18 the right mesh depth? What is the information you would
19 use to base that decision upon? YDFDA is concerned about
20 the resource just like others. It is because it is the
21 foundation of both our commercial and subsistence
22 fisheries and economy. Last year everyone said that they
23 would take this issue seriously and, as you've heard
24 today, everybody is taking it seriously and looking at it
25 and the work needs to be completed. Thank you.

26

27 CHAIRMAN DEMIENTIEFF: Thank you. Any
28 questions.

29

30 (No comments)

31

32 CHAIRMAN DEMIENTIEFF: Thank you very
33 much. Francis Thompson.

34

35 MR. THOMPSON: Good morning. First of
36 all, I'd like to say happy new year and late merry
37 Christmas and to the Russian Orthodox faithful and
38 they're on a Julian calendar and their new year's is
39 tomorrow and I'd like to say happy new year to the
40 Russian Orthodox faithful.

41

42 My name is Francis Thompson. I presently
43 reside in the community of St. Mary's, which is located
44 on the Lower Yukon River, approximately 100 miles upriver
45 from the Bering Sea. I am a commercial and subsistence
46 fisherman, a U.S. panel member of the Yukon River Panel
47 and presently employed as the administrator for the
48 Algaaciq Tribal Government.

49

50 First and foremost, as the eldest son of

1 Mr. John Thompson, Sr., I would like to thank you, Mr.
2 Chairman, and Members of the Board for recognizing my
3 father in your thoughts and prayers during this important
4 meeting. Thank you.

5
6 I would like to mention something about
7 the subsistence issue and I've thought about it and I
8 told my dad last night when I was visiting him that I
9 would mention this, that at our fish camp I would like to
10 put a sign up and in that sign it would enclose the
11 Thompson's Subsistence Fish Camp, trade and barter, cash
12 only. We accept cash only. The thought is that by
13 implementing cash to the definition within subsistence
14 we'll create and has established abuse amongst the
15 subsistence users because they now know they can make
16 money by drying strips. That I wanted to mention and we
17 need to be careful. When you insert dollar values, it
18 creates something not very good.

19
20 The discussion for subsistence is very
21 broad. When I say the subsistence user, I generally use
22 traditional subsistence user, not just a subsistence
23 user. Those are my thoughts I'd like to express.

24
25 Federal Proposal 05-03, although it does
26 not have support from the various Regional Councils and
27 from Interagency Staff Committees and from public
28 comments, I too would like to express my opposition on
29 behalf of the subsistence and commercial fishers from St.
30 Mary's. This proposal is divisive and will divide the
31 users from upriver and downriver. Presently there is a
32 cooperative effort that is going on that many users on
33 the Yukon River are trying to accomplish, which is
34 rebuilding the Yukon River Chinook. Cooperative
35 rebuilding efforts through YRDFA and the U.S./Canada
36 Salmon Agreement is presently in place.

37
38 Mesh depths was reduced from 60 to 45 mesh
39 on the lower river for Chinook gear. For the Chum gear,
40 from 70 to 50 mesh. I was amazed to hear that upriver
41 presently is 60 mesh deep and 70 mesh deep for Chum. If
42 gear restrictions were going to be in place, I would
43 suggest that it be river-wide, that 45 mesh be the limit.

44
45 In St. Mary's, the residents had asked
46 that the mouth of the Andreafsky be closed for commercial
47 fishing because salmon mill at the mouth of the river.
48 By closing the Andreafsky River, the escapement numbers
49 to the east fork and west fork river have been increased
50 dramatically from 1,900 to approximately 4,500 this past

1 year and it showed significant increases last year, too.

2

3

4 At this time there is windows fishing for
5 subsistence, there's gear restrictions in place and
6 efforts for rebuilding Chinook stocks through YRDFA and
7 the U.S./Canada Salmon Agreement. There is also events
8 out of our control, such as ocean survival, ichthyophonous
9 and predation on the salmon that all are part of the
10 argument that's going on here.

11

12 The good news is that the salmon abundance
13 is increasing and we've noticed that for the past several
14 years. The chlorophyll bloom out in the ocean has
15 reduced in size, so everything is looking up. There's a
16 lot of fish coming back. We've been catching a lot of
17 eels these past couple of years and that's a good
18 indicator that ocean survival is showing improvement.

19

20 Everything is looking up and we need to be
21 patient because we already have things that are in place
22 already and what we're trying to do is rebuild the
23 Chinook stock and we need to give those a chance.
24 Imposing gear restrictions right now is not a good idea.

25

26 Lastly, if there is evidence that large
27 mesh gear is reducing the size of the salmon on the Yukon
28 River, then it must be so for all the fisheries in the
29 state of Alaska. It shouldn't only address the Yukon
30 River, it should be for the whole state. Thank you.

31

CHAIRMAN DEMIENTIEFF: Any questions.

32

(No comments)

33

34

35 CHAIRMAN DEMIENTIEFF: Just one little
36 message for your father. I'll just take a personal
37 moment here. I can't describe the pride that I enjoy in
38 watching you testify. Because I've been in so many
39 forums for so many years with your father and to see you
40 picking up, it just fills my heart with pride. You just
41 convey that to your father for me, please, if you would.

42

MR. THOMPSON: Yes, I will.

43

44

CHAIRMAN DEMIENTIEFF: Bill Alstrom.

45

46

47 MR. ALSTROM: Good morning, Mr. Chair and
48 Board Members. My name is Bill Alstrom. I'm also from
49 the community of St. Mary's on the Lower Yukon River,
50 specifically in the Y-2 District. I'm also a subsistence

1 and commercial fisherman and sit on the board as a co-
2 chair. I'd like to oppose this Proposal 05-03.

3
4 The reasons are similar to the people that
5 testified before me on this proposal that opposed it.
6 There's a few items I'd like to bring up. Reducing the
7 gear from what we use now, over six-inch gear, the
8 majority of fishermen usually use a 45-mesh gear for both
9 subsistence and commercial purposes. During the spring,
10 as soon as the ice goes out, when fish start showing up,
11 usually we've got really high water in that area down
12 there in the lower river and using a smaller mesh, like
13 if we were restricted to a 35 with something that's six-
14 inch gear or larger, you know, it would restrict our
15 catch for subsistence use because of the unusually high
16 water during our subsistence season when we target
17 Chinook and summer Chum.

18
19 I know and I know other people know that
20 usually when we go out there and make our first couple
21 drifts, you know we fish by the beach where it's a lot
22 shallower, and as soon as traffic starts hitting that
23 river, especially with these windows operation, we get to
24 see a lot more fishermen out there targeting these two
25 species. Especially Chinook, they tend to go out toward
26 the middle of the river in the deeper channels where it's
27 unattainable with the gear we use.

28
29 On the lower river, especially I'd say
30 maybe from Devil's Elbow above Marshall down to the
31 mouth, that's a wide river. At times it goes from a mile
32 to maybe a mile and a half wide. There's a few places in
33 there where we can fish where it's shallow. We get a lot
34 of deep channels out there. Like I mentioned before, the
35 fish are moving into the deeper channels, making it a
36 little more difficult to sustain our subsistence needs.
37 I think the same way goes with the commercial season,
38 too, you know. They tend to move toward the deeper
39 channels when there's a lot of traffic on the river.

40
41 Also I think this proposal would be a
42 hardship on the fishermen there, especially with the
43 majority of the fishermen having 45-mesh deep gear, to
44 switch over to a 35. They'd either have to cut the
45 meshes off their net and re-hang either the float or lead
46 line. In the middle parts of the Yukon, they've probably
47 got deeper channels up there, so they use the 60-mesh
48 gear up there. Especially in districts above Holy Cross,
49 maybe Russian Mission and above. That would be a
50 hardship on them too because I know they've got deep

1 channels up there and most of them, you know, find eddies
2 out there to set their gear. The water gets pretty swift
3 up there. And there might be some driftnetting up there,
4 but I'm not really sure.

5
6 And then also I think this proposal here
7 wouldn't work with the windows because the windows we got
8 now, you know, that would probably take care of the
9 subsistence needs anyway because of the restricted hours
10 we got now. This proposal wouldn't help the lower river
11 people on their subsistence needs.

12
13 When they talk about targeting bigger
14 fish, especially the females -- I think there were years
15 when a whole bunch of jacks show up because I've been
16 fishing on the Yukon most of my life and some years we
17 get a whole slug of jacks come up the Yukon, you know,
18 and then in other years we don't hardly see them at all,
19 you know, just a few of them. So I think there's got to
20 be, like said before, more studies done on this.

21
22 Like the others that testified before me,
23 I oppose this proposal. Thank you.

24
25 CHAIRMAN DEMIENTIEFF: Thank you.
26 Regional Council recommendations. I'll just go in the
27 list that they are. Y-K.

28
29 MS. GREGORY: Mr. Chairman, Y-K Delta
30 Regional Council opposed because we had a lot of
31 testimony from the public and they said that large fish
32 were caught in the shallow waters in the Yukon River with
33 a six-inch mesh gillnets. This kind of proposal
34 inconveniences subsistence fishers and causes overharvest
35 of salmon when subsistence fishers need to harvest only a
36 few number of fish for food.

37
38 We had a lot of people in opposition of
39 this proposal when it came up in our meeting, so we
40 oppose this.

41
42 CHAIRMAN DEMIENTIEFF: Thank you.
43 Western.

44
45 MR. REAKOFF: Thank you, Mr. Chairman.
46 Western Interior was opposed to this proposal. We have
47 some fishers in the lower part of our region that use
48 mesh. And then data has been presented through archival
49 tags that show the Chinook move up and down in the water
50 column, so there's a lot of data noise in this issue.

1 It's my perception at least that during
2 calm weather that would be an effective proposal, having
3 35 mesh. In windy weather, a lot of fish come right up
4 on top because it's oxygenated water, so this has varying
5 effects, degrees of effect.
6

7 I think that our Proposal 04 shows that we
8 possibly could accommodate this, but we feel that it's
9 premature at this time. There's some other issues about
10 mesh size, selectivity and so forth. So to have people
11 change to 35 mesh at this time without addressing those
12 mesh size questions, it would be better to have a
13 standardized, river-wide mesh side and depth and come to
14 an agreement throughout the whole drainage. We felt at
15 this time the data conflicts and we would oppose this
16 proposal.
17

18 CHAIRMAN DEMIENTIEFF: Thank you.
19 Eastern.
20

21 MR. NICHOLIA: Thank you, Mr. Chairman.
22 The Eastern Interior have concerns about a decline in the
23 quality of Yukon River Chinook salmon escapements, and
24 the loss of the large seven and eight year old Chinook
25 salmon. Eastern Interior elders have told members of the
26 Regional Council that there are not as many large fish in
27 the population as there were historically. The Regional
28 Council has concerns that there have been long-term
29 negative impacts on the genetics of Yukon River Chinook
30 salmon as a result of the long-term use of large-mesh
31 gillnets. In addition to being susceptible to large mesh
32 gillnets, the large, old female Chinook salmon is very
33 susceptible to Ichthyophonous infection. This proposal
34 would spread fishing time out and help to increase the
35 positive affects of the windowed
36 subsistence fishing schedule. Something has to be done
37 now before it is too late; this is a first step.
38

39 When I was at that meeting in Eagle, I
40 wasn't really for this because I know from dealing with
41 the Y-K elders, John Hanson and Harry Wilde, like I said,
42 there will be a lot of drop out and I told them that.
43 This proposal is more or less formed from a former State
44 Board of Game member.
45

46 I really believe from hearing from people
47 like around Tanana and Rampart and further upriver that
48 the older age class of Chinook is really disappearing in
49 our area. I don't see it like when I was a kid fishing
50 with my father. I don't see the big fish anymore. Maybe

1 we see one or two, but not like long ago. They used to
2 be 80 pounds, really big fish.

3
4 The windows are helping, but I really
5 believe something has to be done more than windows if we
6 really want to build this Chinook salmon stock back to
7 where it was or even close to where it was historically.
8 I know there's a lot of adverse impacts to it, ocean
9 survival, a lot of other things that negatively affect
10 this. I know that we have people, subsistence and
11 commercial users, along the Yukon have been sacrificing a
12 lot. We've been sacrificing, sacrificing, sacrificing.
13 I know this proposal asks for a big sacrifice and I know
14 there's going to be a lot of opposition, but I really
15 believe something has to be done now if we're going to
16 save our fish, more than just windows. Thank you.

17
18 CHAIRMAN DEMIENTIEFF: Thank you. Staff
19 Committee.

20
21 MR. SIMMIONS: Thank you, Mr. Chair. I'll
22 refer you to page 423, 424 in your Board book for the
23 Interagency Staff Committee recommendation, which was to
24 oppose the proposal, consistent with the recommendations
25 of the Y-K Delta and Western Interior Regional Advisory
26 Councils, but contrary to the recommendation of the
27 Eastern Interior Council.

28
29 By imposing a river-wide gillnet depth
30 restriction on Federally-qualified subsistence users, the
31 proposed regulation would be more restrictive than the
32 existing State regulations, and thus have greater and
33 more detrimental effects on these users. Such an action
34 would be inconsistent with the Federal priority provided
35 for in ANILCA Title VIII, Section 805(c).

36
37 Local knowledge regarding the effects on
38 Chinook salmon populations of deeper gillnets fished near
39 or on the river bottom, and changes over time in the size
40 of Chinook harvested by
41 subsistence users, does provide qualitative evidence to
42 suggest that gillnet depth may have an effect on age and
43 length characteristics for this Yukon River salmon
44 species.

45
46 Further analysis of long term age-sex-
47 length data sets should be completed to provide
48 quantitative support for this hypothesis. However, joint
49 action should be undertaken simultaneously by both the
50 State and Federal management programs, to ensure that

1 such restrictions have the desired effect of reducing
2 harvest on larger, older age Chinook in a manner that
3 does not differentially affect Federally-qualified
4 subsistence users.

5
6 In addition to changes in gillnet depth,
7 other measures may need to be considered for increasing
8 the size and age of returning Chinook salmon. We
9 therefore support the initiative by the Alaska Department
10 of Fish and Game to work cooperatively with State and
11 Federal resource agencies, and subsistence users, to
12 develop effective management tools that will improve the
13 quality
14 of spawning escapement. Thank you, Mr. Chair.

15
16 CHAIRMAN DEMIENTIEFF: Thank you.
17 Department comments.

18
19 MR. BERGSTROM: Yes, Mr. Chairman. I'll
20 be summarizing Department comments on page two of our
21 document. Efforts are in place, as you have heard, to
22 gather information on gear types and possibly a
23 relationship that may influence fish size and age.
24 Currently the State is working with YRDFA in collecting
25 information on existing gear types throughout the
26 drainage and other work during the next two years. As
27 you've heard, OSM is working currently on analyzing
28 age/sex/size/structure to see if there's been any change
29 and what those changes are in fish size and age.
30 U.S./Canada Joint Technical Committee also has a
31 subcommittee working on this issue.

32
33 If it is determined that a gear change is
34 necessary in the future, the State would support a river-
35 wide approach. Making a change only in applicable waters
36 is not appropriate nor practical. As Mr. Simmions just
37 explained, we would see this as a big public policy issue
38 to work with the public on once we have data to go
39 through the information that has been collected and then
40 to come up with options as to how to address whatever
41 those results might be.

42
43 For the record, regarding this proposal,
44 the State also believes that the extension of gillnet
45 depth restrictions to the Yukon River commercial
46 fisheries is beyond the Board's authority under ANILCA.
47 Thanks.

48
49 CHAIRMAN DEMIENTIEFF: With that we're
50 going to take a break before we begin Board discussion.

1 We've been going for a couple hours now.

2

3 (Off record - 10:23 am)

4

5 (On record - 10:53 am)

6

7 CHAIRMAN DEMIENTIEFF: Okay. We'll call
8 the meeting back to order as we begin Board discussion on
9 FP05-03. Go ahead.

10

11 MS. GOTTLIEB: Mr. Chairman. I would like
12 to ask Keith Goltz to provide some clarifications to the
13 statements made on 432 as well as on 423 about possible
14 inconsistency with ANILCA if this Board is more
15 restrictive than the State.

16

17 MR. GOLTZ: The standard that we apply is
18 a meaningful use priority, but the State does provide
19 context for that, but it does not control our actions.
20 The Federal system is independent from the State. Our
21 goal is not to play a game of sort of legal leap frog.
22 Our goal is to implement a Federal priority. In some
23 cases, the complexities of the facts may indicate that we
24 are, in fact, more or less restrictive from the State,
25 but that's a consequence and not a goal. We should keep
26 in mind our primary goal is to provide that meaningful
27 priority.

28

29 CHAIRMAN DEMIENTIEFF: Thank you. From my
30 perspective, I really applaud -- actually, they're my
31 Eastern RAC, since I live in the region. I applaud the
32 effort for raising the issue. However, I can't support
33 it for the simple reason of the burdens that it would put
34 on subsistence users and I think everybody has to agree.

35

36

37 I'm totally encouraged that there is work
38 in progress. Totally encouraged that people are working
39 together, that they're addressing this issue. I think we
40 heard that in all the comments on this issue that they're
41 working together and will continue to work together to
42 find a way to accomplish this.

43

44 It's just that when we do things with gear
45 sizes, years back when it first happened there was
46 commercial and people had the resources, commercial and
47 subsistence. People had the resources to change gear.
48 Now it's a real burden and I think it puts a real burden
49 on straight subsistence users because to force that on
50 them would not be good. We do know that there's not

1 consensus, but the issue has been raised and it's out
2 there.

3
4 Also, I've been on several different
5 studies. My father was born and raised in Holy Cross and
6 whenever I got the time I'd take a boat trip down. Of
7 course, knowing people up and down the river, I'd stop
8 down there with Sidney Huntington as he was doing
9 studies. I stopped and stayed, you know, just to spend a
10 little extra time because I was curious. We found out,
11 which is what some of the testimony was, those big fish
12 are out in the middle where nobody can get to them.
13 There's not gear that you can operate to get to those. I
14 realize that there's not many and I don't know for what
15 reason, but there's no gear that can get to them. Wheels
16 don't touch them. Drift fishing doesn't touch them.
17 They're just out there in the middle as they travel and
18 they don't come out until they get close to their
19 spawning grounds. They don't come to where people can
20 get at them.

21
22 I don't know if I'm in my proper place to
23 be -- every conservation measure that we sacrifice in
24 Alaska that puts us into compliance with our salmon
25 treaty with Canada, we make sacrifices and it's clearly
26 obvious -- no, that's just the facts. It's clearly
27 obvious to everybody that they just harvest more and
28 we're making the sacrifices to get those fish there.
29 That's kind of a problem. So we don't know what they're
30 -- it's been years since I've been up there during their
31 fishing season. As the big ones get up close to the
32 spawning grounds, I don't know if they're targeting
33 those. I just don't know. I just know the numbers and
34 it's a fact.

35
36 So there are so many different issues, but
37 luckily we have the forums to work on those issues.
38 Basically, that's the point of view I'm coming from and
39 I'm just encouraged to hear that people are out there
40 putting these things on and I'm encouraged to hear that
41 some progress is being made.

42
43 I do know on the ground, and I think
44 probably everybody on the river can attest to that in
45 terms of meeting our subsistence needs in the last
46 several years we are in so much better shape. We are
47 able to meet our subsistence needs. I don't commercial
48 fish anymore, but maybe they don't get the commercial
49 fish, but we are and have been for a few years now eating
50 salmon again. There were a couple of lean years there.

1 So we are on the rebound and that's why I applaud the
2 efforts of the Eastern Regional Council.

3
4 But under current regulation, under
5 current management, we are meeting subsistence needs on
6 the river a lot better now than we were a few years ago.
7 So that's really an encouragement to me. So all this
8 talking, all this working together is working and it's
9 working on the ground. It can get better and we need
10 ideas like this, but we just need everybody to get on
11 board with them and make sure that it can happen.

12
13 So that's kind of lengthy, but that's kind
14 of where I'm coming from. Discussion. John.

15
16 MR. LITTLEFIELD: Mr. Chair, Southeast
17 Region will not get involved in this particular proposal,
18 but we do have some procedural concerns. For Southeast,
19 on this particular proposal, size doesn't matter. I
20 heard a statement made by Staff that maybe I was hearing
21 wrong. I heard him say that the only reason the Federal
22 Subsistence Board can get involved in this was for
23 conservation concerns. I believe I heard that statement.
24 I take issue with that. In the Staff analysis, it even
25 takes issue with what he said. That's not the only
26 reason that the Federal Subsistence Board can take
27 action.

28
29 If you read the law, something that
30 everybody forgets, the State forgets and even the Federal
31 Board forgets, if you look at 802, which is the general
32 priority, it says conservation is listed on the same line
33 as continuation of uses. You need to be able to continue
34 the uses in your customary and traditional manner. When
35 you get to 804, which is where we are now with these
36 windows, it says the same thing. You must continue such
37 uses. So there's two parts to this and conservation is
38 obviously our mandate, but it's also our mandate to
39 continue the use patterns for those rural residents in
40 their customary and traditional manner. So there's two
41 parts to it.

42
43 Earlier I had talked about Proposal 02 and
44 I got bushwhacked by Proposal 03 information. But,
45 anyway, let's look at that Table 1 on page 431 because it
46 addresses what I was talking about. We've had windows
47 for years. I don't know how long. In all of that time
48 there's been commercial and sport takes and that's what I
49 was talking about earlier. I'm a commercial fisherman.
50 I've commercial fished since I could walk, when I'd first

1 go fishing with my dad. Some of the decisions I make
2 affect me. Notwithstanding that, as I sit on the RAC, my
3 job is to provide for the rural resident subsistence
4 priority and preference and that's what I do. So if a
5 decision I make might hurt me in the commercial part of
6 what I used to do, I finally got rid of all my licenses
7 last year, I can't let that affect what I do because my
8 personal priority preference is taking care of business,
9 what the law says. So that was my comment previously.

10

11 If you look at that graph, to me, you
12 could look at it and say in the '80s you were taking
13 about 160,000 fish and I don't have a calculator and I'm
14 just taking a look at this, in the '90s you had about
15 145,000 fish and in the new century you're averaging
16 about 60,000 fish. So, while it might be improved, it
17 certainly is not what it was historically and, at the
18 same time, we're restricting people's customary and
19 traditional use activities. So that's a matter of
20 process is all I wanted to comment on. Mr. Chair.

21

22 CHAIRMAN DEMIENTIEFF: Discussion. Yes.

23

24 MS. GOTTLIEB: Thank you, John, for adding
25 that perspective. This, too, is what I'm trying to
26 underscore also. We've been hearing for years that there
27 are problems on the Yukon River and this proposal
28 underscores the need to address that issue. The purpose
29 of the proposal is to keep more fish in the river to
30 reach the upriver people so that they have the
31 opportunity to catch and for this Board to make an
32 attempt at equity for those subsistence users who have
33 not had their needs met. So I think this enhances the
34 positive effects that the windows have had. It is a
35 short-term burden.

36

37 My understanding is nets can be fairly
38 easily rolled up, not necessarily at a lot of cost. I
39 guess there's also 35 mesh as a restriction on the
40 Kuskokwim, too, so it's not totally new. But I
41 appreciate the need for more communication. I think we
42 ought to respect the traditional knowledge that has been
43 coming from Eastern Interior and also have the Board re-
44 commit to trying to get to this region as we were going
45 to last year, but because of the heavy smoke we were
46 unable to travel there.

47

48 MR. EDWARDS: I guess one thing, I've been
49 trying to equate to what Mr. Littlefield said. If you
50 look at the chart on 431, it's very clear that the

1 subsistence priority has been maintained and the
2 commercial fishing catch has significantly been reduced.
3 I guess it supports what you said needs to occur, don't
4 you feel?

5
6 CHAIRMAN DEMIENTIEFF: Go ahead, John.

7
8 MR. LITTLEFIELD: Mr. Chair. I don't know
9 whether these numbers are right or accurate or whether
10 they're fair or equitable. I'm just saying that you have
11 people before you -- there was a gentleman yesterday who
12 talked about they're not able to do things when the sun
13 shines. Those were their customary and traditional
14 activities. They didn't wait for a window when it was
15 raining. So you have put restrictions on those people.
16 You put restrictions on them so that the fish can get to
17 Canada and we understand that part of it.

18
19 But putting those restrictions on people
20 means you need to curtail the other. That's what ANILCA
21 says. And the discussion that I asked our lawyer from
22 the Agriculture Department to clarify for us is when we
23 put restrictions on subsistence users in any manner,
24 whether it's to take away their continued use patterns or
25 to take away from their needs for conservation reasons,
26 we need to eliminate those other uses. That's what
27 ANILCA says. So that's my process here, is we're still
28 having an ongoing commercial fishery -- and I'm not
29 disputing the take or the numbers, but it's an ongoing
30 fishery while we're applying restrictions to subsistence
31 users up and down the river.

32
33 I don't know how to make this -- the
34 regions themselves can figure this out of how to do that.
35 Your comment was right on. And they can get together and
36 figure out how to do this, but it should be subsistence
37 based. In other words, we need to, number one, make sure
38 our needs are met and we need to try to continue the use
39 patterns that we historically use. If we can't, there's
40 a conservation reason, then let them discuss it. But
41 having a commercial fishery ongoing seems inconsistent
42 with ANILCA.

43
44 CHAIRMAN DEMIENTIEFF: Mary.

45
46 MS. GREGORY: I'd like to explain why the
47 commercial take was low. In the last few years the
48 decline of the fish market, fish prices have gone down
49 and a lot of people don't go to those places to process
50 fish anymore.

1 CHAIRMAN DEMIENTIEFF: Keith, did you have
2 a comment.

3
4 MR. GOLTZ: Yes. I don't think the
5 Department of Agriculture ever said that in order to
6 restrict subsistence uses you have to necessarily
7 eliminate all other uses. He did say that that's the way
8 it works in many cases. I think we have to be careful
9 about such a rigid and mechanistic application of these
10 words that we can't get our job done.

11
12 This came to the Ninth Circuit in the
13 context the first time of Unit 15(A) moose. In that case
14 we had what amounts to a slot limit on moose and that's
15 certainly a restriction on subsistence. It's certainly
16 something inconsistent with historical patterns. In that
17 case, we had both sport and subsistence users taking that
18 same moose herd during essentially the same times and the
19 Ninth Circuit said that's fine. They said that you can
20 allow other uses of that moose herd as long as you are
21 providing the meaningful preference.

22
23 So I think that's the goal that we want to
24 keep our eye on. Are we providing a meaningful
25 preference for the subsistence users. We want to be
26 careful we don't confuse the goal line with the
27 sidelines. The goal is providing that priority use.
28 There are certain side boards that we have to stay in
29 when we're doing that. We have to consider other users,
30 as you have mentioned several times during your
31 testimony, and we have to consider the resource and we
32 have to consider the context, the complexities involved
33 in reasonably managing these resources. But I don't
34 think we ever want to get so mechanistic on this and
35 wooden that we can't do our job and I don't think ANILCA
36 requires it.

37
38 CHAIRMAN DEMIENTIEFF: Gerald.

39
40 MR. NICHOLIA: You know, through the past
41 six, seven years we came a long way. We came a long way
42 providing subsistence fish to our users along the river.
43 This proposal is not really just to restrict. I knew it
44 was going to come to some kind of discussion like this.
45 But it's more or less to make us aware that we're losing
46 a part of this thing. It's not only Lester or Harry
47 that's telling me this, it's not only that, it's my
48 Grandpa Sidney and my Uncle Gilbert too that's hinting to
49 me to do something. I don't know why they don't hint to
50 the Western Interior people. I listen to them and I

1 listen to a lot of people and a lot of elders. It's here
2 to make us aware that even if we do make a lot of
3 sacrifices, we continue to have to make a sacrifice to
4 keep the viability of the Chinook salmon into this river.
5 Like I said before, this proposal came about from a
6 former State Board of Game member, Board of Fish.

7
8 CHAIRMAN DEMIENTIEFF: Gerald, I
9 appreciate that and that's why I applaud the effort.
10 Don't get me wrong. Actually, I think the way we all
11 work, that's why we have the discussion. We don't make
12 decisions until we get to the vote. We have the
13 discussion because we're getting more information and
14 then when it comes decision time. Just because I'm
15 telling you where I'm at doesn't mean I necessarily stay
16 there. I don't think any of us do that. These are
17 things that I thought needed to be brought up. The work
18 that you folks have done has been excellent as far as I'm
19 concerned.

20
21 MR. BSCHOR: Mr. Chairman, on page 428 in
22 the top paragraph it refers to FIS branch analysis. I
23 wonder if we could have somebody from FIS speak to that.
24 It says the draft results were anticipated for late fall
25 2004. As it relates to this proposal, I guess.

26
27 MR. KLEIN: Fisheries Information Services
28 is doing an age/sex/length analysis for the Yukon. What
29 we have is a time series where the time series is about
30 30 years for many of the projects and we're looking at
31 six systems to look at changes in length and age
32 composition or sex composition over that 20 to 30 year
33 period. Actually, the biologists and statistician are
34 cranking right now to produce that information. We'll
35 have a peer review and then we will have that information
36 available in about a month. Mr. Chair.

37
38 CHAIRMAN DEMIENTIEFF: Thank you. Judy,
39 you had something also.

40
41 MS. GOTTLIEB: Yes, thank you. I think
42 it's important that we're discussing the communication
43 that needs to take place amongst the subsistence users up
44 and down river, but of course another key player in the
45 discussion does need to be the Board of Fisheries and I
46 think perhaps this Board can signal again that we really
47 would like this discussed and figure out any mechanisms
48 we can to have informal or formal discussions, but any
49 assistance we can get in that area we'd certainly
50 appreciate as well.

1 CHAIRMAN DEMIENTIEFF: Any other
2 discussion. Is somebody prepared to make a motion.

3
4 MR. EDWARDS: Mr. Chairman, I move that we
5 accept the recommendation of the Y-K Delta and the
6 Western Interior Council, which would be to reject the
7 proposal. I think, as we discussed, there doesn't appear
8 to be data or really hard evidence to indicate that we
9 have a conservation problem and that it would warrant
10 such action. As has been stated, there are several
11 ongoing studies that would, I think, help in making these
12 decisions maybe better in the future. Certainly, the
13 Board should be kept appraised of those. Any time, I
14 think, when we start looking at various gear
15 restrictions, we really need to take the whole drainage
16 into consideration and really look at what the impacts of
17 those kind of decisions are. I think it's particularly
18 relevant in the case of the Yukon River with all its
19 complexities and many runs and our international
20 commitments that we have with regard to it.

21
22 CHAIRMAN DEMIENTIEFF: There's a motion.
23 Is there a second.

24
25 MR. OVIATT: I'll second.

26
27 CHAIRMAN DEMIENTIEFF: Discussion on the
28 motion. And my final thoughts on this is what I like
29 about our process. We can come right back to it. We're
30 not leaving it for several years. I know it's going to
31 come back and I applaud that, that it is going to come
32 back. Just knowing that from the work in progress. It's
33 just not going to go away. It's something that we do
34 need to stay focused on and I encourage, however the vote
35 turns out, that all Board members, I don't care if it's
36 directly or through their Staff Committee person,
37 continue to keep following the situation. It's an
38 ongoing thing and it will not go away. I know everybody
39 else is going to be working on it and we just need to
40 stay on top of it. That's all I encourage, regardless of
41 how this vote goes.

42
43 MS. GOTTLIEB: Mr. Chairman, while I would
44 not have supported this applying to commercial fisheries,
45 I feel like in other proposals that we've discussed we've
46 put a lot more deference to traditional knowledge and the
47 local input that we've received, but you also have our
48 commitment to continue to follow and work on this issue
49 during the coming year or years.

50

1 MR. TONY: Mr. Chairman.
2
3 CHAIRMAN DEMIENTIEFF: Go ahead.
4
5 MR. TONY: I just want to say that I have
6 mixed emotions about voting for this relative to the
7 conservation concerns basin-wide and river-wide. And I
8 just want to say that, on the other hand, I think sending
9 the message to continue the cooperation and coordination
10 among agencies and councils within that river drainage is
11 really the answer. I'd rather see a more coordinated
12 look at that and I think we're moving in that direction
13 and I'm encouraged with that. So I will vote for this.
14
15 CHAIRMAN DEMIENTIEFF: Any other comments.
16
17
18 (No comments)
19
20 CHAIRMAN DEMIENTIEFF: Hearing none, all
21 those in favor of the motion please signify by saying
22 aye.
23
24 IN UNISON: Aye.
25
26 CHAIRMAN DEMIENTIEFF: Those opposed same
27 sign.
28
29 (No opposing votes)
30
31 CHAIRMAN DEMIENTIEFF: Motion carries.
32 Thank you very much for your hard work on that. A tough
33 issue. Number 04. Oh, before we do that, we'll just go
34 as far as we can this morning. I know we're going to
35 finish up today, but I just want the RAC chairs in
36 particular to make sure you're keeping track of all the
37 things we've talked about, about the issues we need to
38 discuss without the pressure of a proposal because I am
39 looking for a good dialogue.
40
41 Staff analysis on number 04.
42
43 MR. BERG: Thank you, Mr. Chairman.
44 Proposal FP05-04 was submitted by the Western Interior
45 Council and requests that drift gillnets be allowed in
46 Subdistricts 4-B, 4-C and District 5 of the Yukon River
47 and that they be no more than 35 meshes depth and less
48 than 150 feet in length. They also requested that the use
49 of drift gillnets be restricted to two 36-hour periods
50 placed at the end of the subsistence fishing schedules.

1 The Western Interior Council also
2 recommended modifications to their proposal in Anvik this
3 past October. Their modifications would only include
4 Subdistricts 4-B and 4-C and would cut the time allowed
5 to use drift gillnets in half to only two 18-hour
6 periods. Finally, they recommended modifying the dates
7 to specify that drift gillnets be allowed from June 10th
8 to July 14th to harvest Chinook salmon and after August
9 2nd to harvest chum salmon. These are the same dates
10 that are currently allowed in that portion of Subdistrict
11 4-A upstream from Stink Creek.

12
13 Currently, drift gillnets are allowed to
14 harvest salmon in the lower 500 miles of the Yukon River.
15 If adopted, the proposal would expand the use of drift
16 gillnets for subsistence use on Federal public waters to
17 the Canadian border. If the modifications recommended by
18 the proponent were adopted, this would allow the use of
19 drift gillnets for subsistence use in Subdistricts 4-B
20 and 4-C, within the northern unit of the Innoko NWR and
21 the Nowitna NWR.

22
23 The Federal Subsistence Board rejected a
24 similar proposal last year, as you know, based on
25 conservation concerns, but did encourage the proponent to
26 work with others to craft a proposal that helped address
27 the concerns raised last year.

28
29 Drift gillnets were historically used in
30 the middle Yukon as an alternative to fish traps or
31 dipnets, although it was not documented to what extent
32 they were used. The analysis has detailed information
33 regarding the status of the Chinook, summer chum and fall
34 chum salmon. In general, Chinook salmon returns have
35 continued to improve for the past four years, while
36 summer chum salmon returns have improved for the past
37 three years. Both appear to be rebuilding. Fall chum
38 salmon returns have only improved over the past two
39 seasons and do not appear to have rebounded as well.

40
41 Subdistrict 4-A below Stink Creek is the
42 best area in the Yukon River to compare historical
43 Chinook salmon subsistence harvest estimates with and
44 without the use of drift gillnets. Figure 8 on page 453
45 shows that subsistence harvest there since 1995, when
46 drift gillnets were allowed back into that area by
47 regulation, have been higher for five of the nine years
48 despite lower salmon returns in three of those years.
49 These increases in harvest during those five years did
50 not, however, reflect an increase in the total Yukon area

1 Chinook salmon harvest beyond levels normally seen.

2

3 The provisions within the proposal, if
4 adopted, would provide for the most conservative
5 regulation in place for the use of drift gillnets on the
6 Yukon River. It would allow
7 people to use drift gillnets closer to home, less travel
8 time to and from fishing sites, more efficient use of
9 resources, safer travel and less coordination with
10 neighbors to share fishing sites.

11

12 It is difficult to predict if drift
13 gillnets would become
14 a widely used gear type if allowed. It is likely that
15 some people would take advantage of a new opportunity
16 which may
17 result in some increases in harvest levels. However, it
18 is not likely that any increases in harvest levels would
19 be substantial enough to detect in the overall harvest
20 totals for the Yukon area as a whole. Also, given the
21 stock status, it is not likely that allowing drift
22 gillnets would create a conservation concern.

23

24 Normal fluctuations in subsistence harvest
25 levels can be due to more efficient gear or to unrelated
26 factors. Subsistence
27 users typically report that their harvest levels are
28 based on their needs for the year rather than what they
29 are able to catch with available gear. If adopted and
30 harvests do increase, however, one explanation could be
31 that subsistence users in these areas were not meeting
32 their needs for Chinook salmon prior to being able to use
33 this gear type.

34

35 Drift gillnets can be a more efficient
36 gear type than set gillnets or fishwheels, which are
37 currently allowed in these areas. However, limiting them
38 to a maximum of 35 meshes deep and 150 feet in length
39 would provide the most conservative subsistence or
40 commercial regulation for this gear type for the harvest
41 of salmon in the Yukon River.

42

43 Currently there are no limits on the depth
44 of subsistence gillnets for the Yukon River and only
45 Subdistrict 4-A has the same net length restriction.
46 Drift gillnets have not been allowed in these areas by
47 regulation for the past 28 years. However, ANILCA
48 intended to allow for changes in technology and/or
49 techniques for subsistence uses as reported in a
50 Congressional committee report in 1978. This change

1 would allow middle and upper Yukon River subsistence
2 users the opportunity to use the same gear type to target
3 the same salmon stocks as both lower river subsistence
4 and commercial fishers.

5
6 Adopting these regulations would create
7 some concerns for implementing such a change. Yukon
8 River salmon stocks are considered fully allocated. If
9 harvests do change as a result of allowing this gear
10 type, it could affect other fisheries of the Yukon River.
11 There are also some reports that suggest upriver
12 subsistence users have had less difficulty in meeting
13 their annual harvest needs for 2003 and 2004.

14
15 Coordination, to the extent possible,
16 between Federal and State management continues to be an
17 important aspect of dual management. If this proposal is
18 adopted, it would create a divergence between Federal and
19 State regulations. This would require accurate physical
20 descriptions of Federal public land boundaries, creating
21 and distributing maps, and placing markers along the
22 river bank. Public meetings in the affected areas would
23 likely be needed to help inform local people of
24 regulation changes and land boundaries affected.

25
26 If adopted, the harvest level in these
27 areas would also need to be monitored for significant
28 changes. Monitoring for changes in harvest patterns
29 could best be done through the existing
30 Yukon River harvest monitoring program.

31
32 If drift gillnets were allowed only in
33 Subdistricts 4-B and 4-C, the villages of Galena, Ruby,
34 Koyukuk, and possibly Tanana, would benefit. Galena and
35 Ruby would be allowed to use drift gillnets in their
36 local area. Koyukuk would likely benefit
37 from no longer having to compete with fishermen coming
38 downriver to fish in their area. Tanana residents could
39 only benefit if they were willing to travel approximately
40 28 miles downstream to the Subdistricts 4-B and 4-C
41 boundary.

42
43 If the subsistence fishing window were
44 reduced to two 18-hour periods instead of two 36-hour
45 periods, this timing may reduce the actual time fished to
46 less than 18 hours due to the specific hours allowed.
47 The current subsistence fishing schedule in Subdistricts
48 4-B and 4-C is two 48-hour periods per week. If the two
49 18-hour periods were placed at the end of the fishing
50 periods, drift gillnets would be allowed from midnight on

1 Thursday through 6 p.m. Friday and midnight Saturday
2 through 6 p.m. Sunday.

3
4 Mr. Chair, that concludes my presentation.
5 Thank you.

6
7 CHAIRMAN DEMIENTIEFF: Thank you. Written
8 public comments.

9
10 MR. MATHEWS: Yes, Mr. Chairman, we've
11 received quite a few written comments on these, so I'll
12 be summarizing those. The ones that are in your book are
13 on page 440.

14
15 Again, Mike Moses of Mountain Village
16 submitted a written comment in opposition to the
17 proposal. He feels that drifting the shallow channels
18 of the upper Yukon River do not give the
19 king salmon a fair chance to make it to the spawning
20 grounds. He also thought about the dry fish and smoked
21 strip market that enables someone to make more money than
22 the commercial king
23 salmon market on the lower Yukon Delta.

24
25 The Yukon River Drainage Fisheries
26 Association also is in opposition to this proposal.

27
28 Since Monday we received the following
29 faxes, so I'll try to summarize those. Chris Summer of
30 Galena submitted. He's a lifelong resident of the Yukon
31 River and supports his family on king salmon solely. He
32 does not fish for any other kind of fish. He normally
33 needs about 40 king salmon a year for his family. He
34 continued to say that the setnet sites in the Galena area
35 are very scarce and they are taken up by longtime
36 residents. He spends between two hours and -- it's
37 either 20 or 30 gallons, it's hard to read his writing
38 here, of gas at \$4 a gallon, round trip to the driftnet
39 site across from the village of Koyukuk. If he's lucky,
40 it only takes one trip to get his 40 fish, but it usually
41 takes two to three trips to get 40 fish. It is a 16-hour
42 day to catch the fish and then get to take care of them.
43 He concluded by saying he would hope that the Board would
44 help him save energy and that he would like to see
45 driftnetting allowed all the way up to the village of
46 Tanana.

47
48 We've received a fax from Alfred Evans, a
49 Galena resident. He also would like to see the driftnet
50 fishery extended upriver as far as possible to give all

1 subsistence fishermen a chance to catch a little fish.
2 Reasonings for allowing that, he enumerated four of them.
3 One is safety. Going downriver from Galena, they can run
4 into some of the worst rough water conditions. The
5 second reason is the high cost of fuel. It's a 30-mile
6 run down to the drift site and 30 miles back and about 15
7 passes to meet what he needs, so they're burning a lot of
8 fuel. Three, the area that they now drift in is really
9 congested and sometimes about 20 boats in a small area.
10 Four, subsistence fishermen have been trying to get this
11 changed for some time now. He concludes with that he
12 feels that they are being discriminated against because
13 the people that are not for extending this are a couple
14 of commercial fishermen and subsistence should have a say
15 so.

16
17 We received a fax from the Huslia Tribal
18 Council signed by First Chief William Derendoff. He says
19 the people of Huslia support this proposal NY4-B and C.
20 People here in Huslia go down to Koyukuk to drift for
21 kings during the summer run. It's a lot easier for
22 people to fish if they don't have to compete with other
23 villagers fishing across from Koyukuk. The commercial
24 fishery has not been a factor in the last decade.

25
26 We would like to see as a pilot management
27 tool for 2004, and if it enhances management, work with
28 Alaska Department of Fish and Game management for future
29 years. People from Huslia share their subsistence fish
30 during memorial potlatches on the Koyukuk River, so it's
31 very important as less people come up from down river as
32 compared to last year. Economics makes this a difficult
33 fishery. This proposal would not only help people of
34 Huslia, but would benefit the communities of Ruby and
35 Galena as well.

36
37 We received a fax from Galena resident
38 Doug McCoy. He support driftnetting in the Galena area
39 and further upriver. It's a quick way to obtain fish and
40 takes the pressure off the village of Koyukuk.
41 Additionally, due to the high cost of fuel, it is
42 expensive for Galena residents to travel down to Koyukuk
43 to obtain their fish.

44
45 Allison and Randy Esmailka of Galena
46 submitted a letter. They would like to see the
47 regulations about seining on the Yukon changed to
48 accommodate people living upriver from where the Koyukuk
49 empties into the Yukon. Most of the good place to set a
50 net have been claimed by others. If you do not find a

1 good eddy and a setnet, it does not mean the fish will
2 pass into that spot. People living in Galena who cannot
3 find a productive spot for a setnet must travel 60 miles
4 round trip to seine. When they get to the first spot
5 that's good for seining, there are often other boats
6 lined up and competition. It may take several passes
7 before a person can get enough fish. Often the seining
8 trip is done after work and can take all night.

9
10 And they express concern on the length of
11 time of transportation, that the fish quality
12 deteriorates due to the warm temperatures in the boat.
13 If people were allowed to seine the waters closer to
14 Galena and Ruby, less fish would be wasted because they'd
15 be closer to getting them cut and tended to and also not
16 use as much gas to travel the distance.

17
18 Also I'd like to see some change about the
19 hours you make for people to put the nets in and out of
20 the river. The hours you choose make it very hard on
21 people who work jobs and I know you would like to believe
22 that subsistence fishermen are not working jobs.
23 However, most everybody I know that fish or that he knows
24 have jobs to work in order to pay for the expense of gas
25 and to maintain their boats.

26
27 Mr. Chairman, that's all the public
28 comments received as of this morning.

29
30 CHAIRMAN DEMIENTIEFF: Thank you. We have
31 one request for testimony at this time. Jill Klein.

32
33 MS. KLEIN: Thank you, Mr. Chair. My name
34 is Jill Klein with the Yukon River Drainage Fisheries
35 Association and we are here today to testify on Proposal
36 FP05-04 about the expansion of subsistence drift
37 gillnetting in Subdistricts 4-B and 4-C and District 5.
38 At this time we do oppose the proposal.

39
40 It is our understanding that the proposal
41 was amended, but we didn't take action on the amended
42 version and it is difficult to take action without the
43 modifications in front of us, so we did take action just
44 on the original proposal.

45
46 In concept, YRDFA does support subsistence
47 fishing and we do support conservation measures when they
48 are needed. The Chinook runs the past few years have
49 been improving, but there still are concerns about
50 getting the right numbers of Chinook up into Canada for

1 spawning escapements, as you've heard, and YRDFA wants to
2 ensure that this obligation to the Yukon River Salmon
3 Agreement is met.

4
5 As some of you know, the YRDFA upriver co-
6 chair is Gilbert Huntington and I have some comments from
7 him from the area of Galena. While many people do like
8 to fish in front of their community and closer to home to
9 save gas money and prevent possible issues, like
10 overcrowding, we have heard that this is something that
11 people would prefer to do but it's not necessarily
12 something that they need to do to meet their subsistence
13 needs.

14
15 When he's been speaking with people in
16 Galena about the conservation concern of getting fish up
17 to Canada, it seemed to be that people realized they
18 would rather have fish in the long term than in the short
19 term and find that they might be able to work a little
20 harder with going to catch their fish than worry about
21 the salmon not returning if they were to negatively
22 affect the stocks from this new fishing pressure.

23
24 People also had concerns about drift
25 gillnetting and that it could lead to an increase in the
26 Chinook harvest due to new people joining the fishery as
27 it will be more convenient because it will be closer to
28 home for people to go out fishing. Part of the concern
29 is that new fishermen and women who join the fishery
30 might not know what to do with the fish and end up
31 wasting it. Cutting and drying the fish may not be
32 difficult, but curing it takes knowledge and skill that
33 new fishermen and women may not have if they join the
34 fishery. As well, YRDFA is concerned that the stock
35 composition may change if people are out drifting versus
36 setnetting or using fishwheels.

37
38 The YRDFA board of directors has not seen
39 data showing that subsistence needs in this area are not
40 being met. If there are challenges to meeting
41 subsistence needs, we're not sure that a change in gear
42 type or access to a new fishing location will adequately
43 address the ability of people to meet their needs. There
44 are issues like water levels and salmon numbers that also
45 affect ones ability to catch fish.

46
47 In response to the crowding issue, again,
48 we're not sure that opening up new fishing grounds would
49 definitely be the answer. It will move people to a new
50 fishing area and out of the current fishing area, but

1 there could still be crowding issues in the new fishing
2 area as well. We know that there are many locations on
3 the Yukon River where there are limitations of good
4 fishing spots and we know that fishing locations are
5 determined based on the histories of the particular area.
6 There's village level decision-making that goes on and
7 regulations that all affect where people go fishing.

8

9 In summary, we understand that this is a
10 controversial issue and over the years, even within
11 YRDFA, we've had different opinions and decisions about
12 this and we realize the many intricacies of it and that
13 it's hard to reach consensus on it. As well, the
14 Interagency Staff Committee did not come to consensus.

15

16 In general, YRDFA does not want to take
17 action against subsistence fishing efforts or people's
18 desires to be able to meet their subsistence fishing
19 needs, but we feel for the above reasons that we cannot
20 support this at this time. Thank you.

21

22 CHAIRMAN DEMIENTIEFF: Gary.

23

24 MR. EDWARDS: Mr. Chair. If I could ask
25 Ms. Klein a question. Based upon what you just said, I'm
26 having difficulty kind of reconciling in my mind, at
27 least what I thought you said, that within the town of
28 Galena itself, which is going to be the primary
29 beneficiary of this, there seems to be some consensus to
30 oppose this. Is that a correct observation?

31

32 MS. KLEIN: I've only heard information
33 from our co-chair and I'm not sure how many people he
34 spoke to. So, there are some people, I think, that are
35 in opposition. Their voices have not been as numerous as
36 the ones that are in support, so I think there are both
37 people that support and oppose it.

38

39 MR. EDWARDS: But the co-chair of YRDFA
40 lives in Galena and is opposed to this.

41

42 MS. KLEIN: Correct.

43

44 CHAIRMAN DEMIENTIEFF: Any other
45 questions. Gerald, did you want to ask a question?

46

47 MR. NICHOLIA: I don't know if I want to
48 ask, but I just want to bring you back to what the co-
49 chair told you guys last were, we're pretty much all the
50 same people here.

1 CHAIRMAN DEMIENTIEFF: Thank you very
2 much, Jill. Regional Council recommendations. Y-K.

3
4 MS. GREGORY: Mr. Chairman, the Lower
5 Yukon-Kuskokwim RAC opposes this recommendation, thinking
6 that this will sacrifice more fish and subsistence
7 fishing time if this proposal were adopted. Another
8 fishery in the upper Yukon would be established and
9 subsistence fishing would have to be reduced in the lower
10 Yukon. There are few fishers in the proposed fishery
11 area, in the lower Yukon River, if adopted this proposal
12 would have effect on much more fishers. For these
13 reasons, the Lower Yukon Fish and Game Advisory Committee
14 opposed this proposal during its teleconference meeting.
15 The Yukon River Drainage Fisheries Association Board also
16 opposed this proposal for the same reasons as the Lower
17 Yukon State Advisory Committee. The actual mileage of
18 the proposed area appears greater than the 18 miles
19 mentioned when the Yukon-Kuskokwim Delta Council met; the
20 actual mileage for the proposed fishery is approximately
21 80-90 miles. A similar proposal was submitted to the
22 Federal Subsistence Board in 2003 that would have
23 expanded the drift gillnet fishery. The use of this
24 resource for dog food is not an acceptable justification
25 of need.

26
27 CHAIRMAN DEMIENTIEFF: Thank you.
28 Western.

29
30 MR. REAKOFF: Thank you, Mr. Chairman.
31 I've written an additional comment that I've had passed
32 out to the Board members and I'd like to read that
33 comment into the record. I feel this comment will
34 clarify many aspects of this issue for the Board.

35
36 I wanted to state again that the Western
37 Interior modified our proposal to the two 18-hour fishing
38 periods per week, which is only slightly less than 20
39 percent of the week's period. Then 80 percent of the
40 week's period would be for escapement and other user
41 harvest.

42
43 My statement for our Council in support of
44 Proposal FP05-04 will begin with the problems that are
45 needed to be addressed. These problems have been in
46 place for many, many years. So these are the problems
47 that this Board has to address for our C&T eligible
48 users. Above the 4-A line there are limited good fishing
49 sites, as the letters in support state. It's the haves
50 and the have nots. So limited fishing sites for these

1 rural residents.

2

3 Many of the Federally-qualified users who
4 do not have access to good sites are compelled to travel
5 from Ruby, Galena and Huslia. So we're getting support
6 out of Huslia. That's because there's people from Huslia
7 who have traditionally gone to the Yukon to fish. And
8 they compete with the village of Koyukuk right in front
9 of the village, drifting primarily for king salmon in a
10 highly competitive situation during the open harvest
11 windows.

12

13 This is very burdensome to the subsistence
14 users in our region. The burdens entail extra travel
15 time, extra effort while they're there to compete in an
16 arbitrarily small harvest zone and the extra expense in
17 these days of escalating fuel costs. Proposal FP05-04
18 was crafted by our Council to address these problems and
19 address the concerns expressed regarding the conservation
20 of salmon stocks by this Board last year.

21

22 This proposal also takes into account the
23 ANILCA-mandated premise that these rural residents have a
24 Federal preference over other consumptive uses, as stated
25 in the policy of Title VIII, Section 802, Congress's
26 position on the repression of customary and traditional
27 uses. I've given you a supplement of that House record.
28 On page 10,546 of the House record regarding subsistence
29 uses, the Congress recognizes -- it states that the state
30 of Alaska may have repressed subsistence activities.
31 This is a repressed fishery.

32

33 Also, Congress's position on regulations
34 concerning such subjects as seasons and means of taking
35 must be adopted, which have the least adverse impact upon
36 rural residents. 802 is specific as to the least adverse
37 impact. With these aspects in mind, Proposal FP05-04
38 would help to rectify this situation with conservation of
39 the resource in mind, yet afford the Federally-qualified
40 users in our region the choice to use a gear type
41 without, I might add, detriment on the lower 500 miles of
42 the Yukon River to the salmon resource.

43

44 The choice of drift gillnet gear was
45 eliminated in the 1970s to accommodate the expanding
46 commercial harvest. The repression of the subsistence
47 use of drift gillnet occurred before any subsistence
48 priority was established. Nothing has changed to this
49 repression of the subsistence harvest gear type above the
50 4-A line. There are two harvest allocations on the Yukon

1 in these districts; subsistence and commercial. There's
2 no gear type allocation. We have subsistence and
3 commercial. There's not a gear type allocation on the
4 Yukon among subsistence users.
5

6 The objective is to meet subsistence needs
7 with the least adverse impact to the subsistence users in
8 regards to the economy of time, effort and expense, which
9 is in the eight criteria. That's criteria three. That's
10 a keynote of subsistence, economy of time, effort and
11 expense.
12

13 Our Western Interior Council has endorsed
14 the conservation window schedules, which allows the
15 passage of salmon during the closure to assure escapement
16 and Canadian boarder passage obligations. The open
17 harvest windows is when subsistence users are allowed to
18 take their subsistence salmon. The 05-04 proposal, as
19 modified by our Council, would allow only two 18-hour
20 harvest windows per week at the end of the 48-hour
21 openings in Subdistricts B and C. This limited fishing
22 time affords plenty of salmon passage to the upper
23 drainage escapement needs and fixed gear users.
24

25 All the potential biological impacts
26 described by the opposition of this proposal can be
27 applied to Subdistricts Y-1 through Y4-A, allowing the
28 use of drift gillnet for subsistence or, for that matter,
29 commercial use. The argument is that there's going to be
30 a stock composition change. How can that be if that's
31 occurring through windowed openings throughout the whole
32 lower end of the river. Of course, drift gillnet
33 subsistence use has not, especially with the windowed
34 harvest schedule, damaged salmon runs in the lower part
35 of the river. As the State of Alaska's own comment
36 states, two of the four largest recent runs have crossed
37 into Canada with harvest windows using drift gillnet
38 gear.
39

40 The Alaska Board of Fisheries had a split
41 vote on the subsistence use of gillnet gear at their '04
42 meeting. It's apparent some Board members understand the
43 need for regulatory change. The perception that
44 reasonable opportunity is afforded with the present
45 subsistence fishery is oblivious to the hardships and
46 high costs endured by subsistence users not allowed to
47 use drift gillnet above the 4-A line. The scoffing at
48 the regulatory-imposed overcrowding also shows the
49 differences in the subsistence priorities of Federal and
50 State systems.

1 Our Federal regulations are to cause the
2 least adverse impact on rural residents, not just
3 reasonable opportunity. The insinuation that a fishery
4 manager must consider decreasing overall fishing time is
5 incorrect. Subsistence is the highest priority.
6 Commercial harvest needs to be curtailed to accommodate
7 the subsistence allocation. The insinuation that our
8 users will harvest beyond their normal is incorrect as
9 these customary and traditional rural residents will take
10 only what they need and not more.

11
12 As a subsistence representative for these
13 users, I take exception to the allegation that our users
14 are more wanton than other residents of the drainage. If
15 a few more fish are taken with drift gillnet gear, it
16 will show that needs were not being met. Any time the
17 Federal Subsistence Program regulations diverge from the
18 State's, there will be a need for land ownership, markers
19 and proper public notice of the differences. If we have
20 any fish or wildlife regulatory differences, it is
21 because the Federal Subsistence Board recognizes the need
22 for a difference. This is the whole reason for the
23 Federal subsistence oversight.

24
25 Voting in support of this Proposal 05-04
26 will address some of the concerns our Council has
27 identified. This issue is not going to go away by
28 ignoring it. These are real problems and this proposal
29 shows how to address them. This type of proposal has
30 occurred for many years because many of the subsistence
31 users want this option. It's an option only. They can
32 still utilize fixed gear if they would like to.

33
34 Last year a similar, less restrictive
35 proposal had many letters of support. We have fewer
36 letters of support from our region this year. I'm
37 concerned that people are losing faith, that their true
38 subsistence needs have not been addressed and are
39 becoming demoralized. The Western Interior Regional
40 Council is committed to seeing a resolution to this
41 issue. We have confidence in the Federal Subsistence
42 Program to solve this issue with your help as we have
43 with many other issues in the past. Thank you.

44
45 CHAIRMAN DEMIENTIEFF: Seward Pen, you have
46 deferred to the home region, is that correct?

47
48 MS. CROSS: We took no action and deferred
49 to home region, yes, sir.

50

1 CHAIRMAN DEMIENTIEFF: Thank you.
2 Eastern.

3
4 MR. NICHOLIA: Thank you, Mr. Chair. The
5 Eastern Interior Council opposes this proposal. Compared
6 to fish wheels, drift gillnets can be very effective for
7 catching salmon. There is concern that the salmon
8 resource could not handle the expansion of this gear
9 type. This does nothing to assure quality of escapement.
10 This proposal could have a significant biological and
11 sociological impact on the Yukon River. State and
12 Federal In-Season Managers do not feel that this proposal
13 would be beneficial to the Yukon River salmon resource.
14 This is a wrong direction when rebuilding stocks of Yukon
15 management salmon concerns.

16
17 My own personal view of this, when we were
18 talking of this in Eagle, too, is how could you say that
19 the Western Interior is equal to the lower river when the
20 lower river is more populated and more dependent on
21 resource and they don't have a time -- you guys say you
22 have hardships. We have a lot of hardships. You say you
23 go 40 miles, spend \$100 for 40 fish. We spend more than
24 that around Tanana. We go 40 miles just to catch two or
25 three fish. Sure, we'd like to go drift netting, but we
26 realize that will be very detrimental to the resources.

27
28 We see a lot of things and we want a lot
29 of things, but we realize that we're stuck in a
30 traditional fishwheel and setnet area. When I asked my
31 grandpa about this this summer, he said that 4-A fishery
32 should have never happened because it restructured that
33 whole area. He really wanted to see where the kids could
34 be back in their fish camps. When you go down there in
35 the 4-A, they catch all the fish they need and then they
36 let their kids run around town and go wild. He said it
37 should have never happened, but that's what he told me.
38 He'd never testify against this anymore. He don't want
39 to argue about this stuff anymore.

40
41 It restructured that fishery, I know it
42 did, from what it used to be. It used to be a
43 traditional setnet and fishwheel. If this is allowed, it
44 will restructure our fishery in Tanana. It will. It
45 will change the stock composition. It will affect us.
46 When there's a lot of driftnet going on in the mouth, it
47 affected us by the fish coming upriver. Sure, we thought
48 about that and thought about this, but you've got to look
49 at it from the conversation view.

50

1 This isn't going to help us rebuild the
2 stocks in the Yukon. It's going adverse, in the wrong
3 direction. It really is. If we want to rebuild stocks in
4 the Yukon, we can't be allowing this. It's going to take
5 a bigger piece of the pie away -- it's going to take a
6 piece of the pie away from somebody else and give
7 somebody else a bigger piece of the pie. That's all it's
8 going to do. You could ask for all you want and
9 everything. Hardships, we're having harder hardships in
10 our area. Thank you.

11
12 CHAIRMAN DEMIENTIEFF: Thank you. With
13 that, I think we'll take a break for lunch. I know
14 there's some dialogue that people are really looking
15 forward to and I'm asking just to hold off.

16
17 Not to make light of the issue because I
18 know the gravity of it, how serious it is, but I'll just
19 share with you. One time I found the perfect spot to try
20 this on the Tanana River, the best spot to do this, and
21 this was years and years ago. I was young and more
22 energetic. So I cast my net out there and began drifting
23 down. It cost me a perfectly good fish net. I got all
24 the pieces back, but that's literally what they were,
25 were pieces, so at least you won't have to see this
26 probably on the Tanana River.

27
28 Okay, we'll get back as close to 1:00 as
29 we can. It's a little after noon right now.

30
31 (Off record - 12:02 pm)

32
33 (On record - 1:20 pm)

34
35 CHAIRMAN DEMIENTIEFF: We'll go ahead and
36 call the meeting back to order. We shall continue on
37 with Staff Committee report.

38
39 MR. SIMMIONS: Thank you, Mr. Chair. Rod
40 Simmions, Fish and Wildlife Service. I'll refer you to
41 page 438 in your Board book for the Interagency Staff
42 Committee recommendations.

43
44 As you've heard previously, the
45 Interagency Staff Committee did not reach consensus on
46 this proposal and there are three evenly supported
47 recommendations. I'll describe those three options for
48 the Board.

49
50 Option A, again on page 438, is to support

1 with modification, consistent with the Western Interior
2 Council recommendation, with the additional modification
3 to not allow the use of drift gillnets to harvest chum
4 salmon in Subdistricts 4-B and 4-C after August 2. The
5 regulation under Option A is located in the middle of
6 page 438 in the bolded text.

7
8 The Western Interior Regional Advisory
9 Council's recommendation responds specifically to the
10 input, concerns, and requests of the Federal Subsistence
11 Board provided during its December 2003 meeting. The
12 proposed regulation is more restrictive than any prior
13 State or Federal regulatory proposal concerning drift
14 gillnetting in the Yukon River. Although Chinook salmon
15 are listed as a stock of concern, there have been
16 improvements in run strength for the past four years.
17 However, a more cautious approach is warranted when
18 considering the use of drift gillnets to harvest chum
19 salmon. These fish have not rebounded in abundance as
20 well as Chinook and expanding the use of drift gillnets
21 to harvest chum after August 2 has more biological risks
22 associated with it.

23
24 Given the extensive use of this gear type
25 in the lower 500 miles of the Yukon River for both
26 commercial and subsistence
27 fisheries, the recommendation of the Western Interior
28 Council is consistent with both the subsistence priority
29 and conservation principles of fisheries management.
30 Allowing the limited use of driftnets would not
31 significantly increase overall harvests of Chinook
32 salmon. The proposed depth restriction for these nets is
33 viewed as a conservation measure and is more restrictive
34 than the depth of gear used in the lower Yukon commercial
35 fishery. The time restriction recommended by the Western
36 Interior Regional Council is half of that allowed for
37 drift gillnetting in Districts 1, 2 and 3 during the
38 windowed subsistence fishing schedule.

39
40 If adopted, this regulation would allow
41 subsistence users in 4-B and 4-C to fish the same gear
42 type that is allowed in the downstream areas and may help
43 alleviate some of the conflict between users. It would
44 provide them with more flexibility and reduce crowding in
45 the upper portion of Subdistrict 4-A. It is expected
46 that this change may enable residents of Galena and Ruby
47 to conserve boat fuel and would provide for safer travel.

48
49 In-season and post-season subsistence
50 harvest monitoring programs would allow for an evaluation

1 of any changes in harvest. There would be a need for an
2 aggressive outreach and education effort to inform the
3 public of the new regulation and where exactly the
4 Federal public water boundaries are located in
5 Subdistricts 4-B and 4-C. That concludes Option A.
6

7 Option B is to oppose the proposal,
8 consistent with the recommendations of the Yukon-
9 Kuskokwim Delta and Eastern Interior Regional Advisory
10 Councils.
11

12 The viewpoint of the Interagency Staff
13 Committee on Option B is to oppose this proposal based on
14 the following considerations: One, Yukon River Chinook
15 and chum salmon are identified as Stocks
16 of Concern and are undergoing a period of run rebuilding.
17 Instituting a new subsistence gear type that could target
18 larger adult female Chinook salmon of transboundary
19 origin would be
20 inconsistent with and compromise current efforts to
21 rebuild these runs.
22

23 Secondly, two of the three Yukon River
24 Councils oppose this proposal. Additionally, the Federal
25 Subsistence Board and
26 the Alaska Board of Fisheries did not support similar
27 proposals that were considered this past winter.
28

29 Thirdly, drift gillnetting windows within
30 the weekly windowed subsistence fishing schedules
31 (windows
32 within windows) will be confusing and present significant
33 challenges to monitor regulatory compliance. Separate
34 news releases and management actions would be required by
35 the Federal
36 in-season manager. This approach of separate management
37 actions was used in 2000 and created considerable
38 confusion for subsistence users.
39

40 Fourth, due to the complex nature of the
41 Yukon River salmon fishery and high subsistence
42 dependency by the many communities, it is recommended
43 that adjustments to allowable subsistence gear types and
44 fishing time be approached with recommendations supported
45 by users up and down the river and are consistent with
46 long-term stock conservation goals.
47

48 Finally, Option C is to defer the
49 proposal. This viewpoint is represented by the the
50 Interagency Staff Committee to defer the proposal in view

1 of the fact that the three Yukon River Councils were so
2 sharply divided about this proposal. In addition, the
3 Yukon-Kuskokwim Delta and Eastern Interior Councils have
4 not had an opportunity to give full consideration to the
5 Western Interior Council s recommended modifications.
6 For these members, it would be best to provide for
7 intensive consultation among the affected Councils during
8 the next year, with the expectation that a unified,
9 compromise position would be developed.

10

11 That concludes Staff Committee
12 recommendations.

13

14 CHAIRMAN DEMIENTIEFF: Thank you.
15 Department comments.

16

17 MR. BERGSTROM: Thank you, Mr. Chairman.
18 The Department will be summarizing comments on pages two
19 and three of our Department comment document.

20

21 The state is very concerned about
22 potential biological impacts caused by changes in stock
23 composition of harvests taken by a new gear type,
24 potential of user conflicts with a regulation that is
25 only applicable to a patchwork of Yukon River waters,
26 substantial difference in Federal and State regulations
27 impacting management coordination, possible increased
28 harvests, and potential negative impacts to existing
29 fisheries including subsistence fishers farther upriver
30 as well as other
31 user groups along the river and meeting U.S./Canada
32 Agreement
33 obligations.

34

35 As you have heard, the Federal Subsistence
36 Board and the Alaska Board of Fisheries carefully
37 considered similar proposals in 2003 and 2004 and opposed
38 them. There is nothing substantially new in this
39 analysis that provides substantial
40 evidence to adopt the original or the Western Interior
41 RAC modification of the proposal, particularly in the
42 original proposal for a much larger geographic area.

43

44 The Department is not aware of data nor
45 does the analysis provide data indicating that reasonable
46 opportunity and customary and traditional subsistence
47 uses being given a meaningful priority are not being
48 provided by the current regulations. Public participants
49 stated that Chinook salmon subsistence needs have been
50 met at the October 2004 Western Interior RAC meeting. In

1 fact, Chinook salmon subsistence harvests have increased
2 in
3 District 4 overall in recent years.
4

5 A large abundance of Chinook salmon has been
6 available for harvest in recent years with two of the
7 four largest runs across the border into Canada since
8 1981 documented in 2002 and 2004. We emphasize this
9 because that's a large part of meeting subsistence
10 priority or meaningful preferences by having fish
11 available for harvest. About 50% of the Chinook salmon
12 and 90% of the fall chum salmon historical subsistence
13 harvests drainage wide have been harvested under the
14 existing regulatory structure in the Upper Yukon area,
15 Districts 4, 5 and 6.
16

17 The component of the proposal to allow
18 drift gillnets for fall chum salmon has not been
19 adequately addressed by the RACs, public or in the
20 Federal analysis, which provides little evidence for
21 adopting that portion of this proposal. Most everything
22 has been geared towards Chinook salmon.
23

24 This proposal was submitted primarily to
25 alleviate public perception of overcrowding of drift
26 gillnet fishermen near Koyukuk village. We would like to
27 say that there's numerous incidents of this along the
28 river where fishers utilize a specific portion of the
29 river in front of large villages, such as Emmonak,
30 Mountain Village, St. Mary's. So it's just something
31 that occurs along with subsistence fisheries along this
32 river.
33

34 Although use of drift gillnets may or may
35 not increase the overall subsistence harvest, this gear
36 type will change the composition of stocks harvested.
37 Stationary set gillnet and fish wheel gear likely harvest
38 more local Chinook salmon stocks, while mobile drift
39 gillnet gear will likely harvest more Canadian origin
40 Chinook salmon stocks. This is common TEK along
41 the Yukon River, that fish closer to the bank are closer
42 to their spawning streams and fish further offshore are
43 headed further upstream.
44

45 Drift gillnet gear may also shift the
46 timing of harvest to earlier in the run than traditional
47 gear currently in use, which would tend to increase the
48 harvest of Canadian-bound Chinook salmon, which tend to
49 be stronger earlier. In addition, Federal
50 regulations allowing the sale of subsistence caught

1 salmon may result in increased harvest using this new
2 gear type. It would be more efficient in harvest.

3
4 If this proposal were adopted, it would
5 heighten the complexity of regulations and management of
6 this complex, huge river system, 1,200 miles long in
7 Alaska and then continuing into Canada. Current
8 regulations are based on traditional fishing patterns and
9 gear types used and subsistence fishing time is based on
10 the historical gear types utilized. If a different, more
11 efficient gear type is allowed, a fishery manager must
12 consider decreasing overall subsistence fishing time to
13 account for increased efficiency and changes in stocks
14 harvested.

15
16 Allowing drift gillnets in applicable
17 waters would create a patchwork of State and Federal
18 regulations in Subdistricts 4-B and 4-C with differing
19 regulations that may change traditional fishing patterns.
20 Regulations would greatly differ between the State and
21 Federal systems and management would not be coordinated,
22 resulting in separate public news releases and
23 potentially different State and Federal fishing schedules
24 based on differences of opinion possibly on how these
25 changes in stocks harvested may impact the overall
26 fishery.

27
28 We have seen in the past different news
29 releases from the State and Federal side has led to
30 confusion as to who is allowed to use which gear type,
31 when fishing is open and where and this leads to
32 potential enforcement problems. The Federal analysis of
33 this proposal seems at odds with the analysis presented
34 and discussion of FP05-03 where there was an extensive
35 discussion of the concerns associated with use of large
36 mesh gillnets on Chinook salmon.

37
38 If this proposal is adopted, it will
39 likely be more difficult to get public support for
40 potential future gear changes envisioned in Proposal 03
41 if such changes are determined to be necessary in the
42 future. It appears that concerns for potential impacts
43 to other users, Canadian Chinook stocks and fisheries
44 management appear to be the reasons why the Y-K Delta and
45 Eastern Interior RACs as well as YRDFA oppose this
46 proposal.

47
48 The Department does not support the
49 proposal. Thanks.

50

1 CHAIRMAN DEMIENTIEFF: Thank you. Board
2 discussion.

3
4 MR. EDWARDS: Mr. Chairman, I have several
5 questions and I'll just ask a few and then let somebody
6 else go. I guess my first question for Staff, can we
7 have a map that we can project that would show kind of
8 the checker board effect of what would occur either if
9 the original proposal was approved or the modified
10 proposal that the Western Council proposed?

11
12 MR. BERG: If we could get the map from
13 the proposal up on the screen. It's also on page 444 in
14 the analysis.

15
16 MR. EDWARDS: I was trying to figure out
17 from looking at the one on 444. Maybe you can just kind
18 of characterize how checker board was this. If you were
19 in a boat and you would start fishing at the top of 5 and
20 work your way all the way down through 4-B, how many
21 times would you go in and out of Federal jurisdiction?

22
23 MR. BERG: Basically, if you start at the
24 Canadian border at the far right side of the map, you're
25 going to start going through Federal land just below the
26 village of Eagle and then just above the village of
27 Circle you'll leave Federal public land and then go back
28 into it just below the village of Circle, all the way
29 down below Steven's Village. You'll leave Federal public
30 land again, all the way down to the Nowitna Refuge, which
31 is just below Tanana, go into Federal public land and
32 then back out by Ruby, back in to Federal public land by
33 Galena and then that would end. That dark line right
34 below Galena is the top of Subdistrict 4-A. There's four
35 different times that you go in and out of Federal public
36 lands from the Canadian border all the way downstream.

37
38 MR. EDWARDS: How do we visualize this
39 would work as far as either enforcing it or informing
40 people? I guess the way you characterize it, once you
41 start down there, you'd reach a point, have to pull your
42 net, continue on down. I mean are the segments such that
43 that would be a scenario, I guess is what I'm asking, or
44 is that something based upon the river reaches and all
45 that you probably wouldn't run into that kind of
46 scenario?

47
48 MR. BERG: I think we would have to
49 educate the public as to where the boundaries were for
50 Federal public waters. For instance, people from Ruby

1 could only fish upstream of Ruby. They could not fish in
2 State waters basically downstream of Ruby, so we would
3 probably need to put a boundary sign where the Federal
4 public boundary is for the Nowitna Refuge just upstream
5 of Ruby and then people would -- we'd have to let them
6 know that they couldn't drift below that boundary sign
7 that we'd have to put up on the river. The same below
8 Galena. The northern unit of Innoko Refuge boundary
9 starts just below Galena. We'd have to put a sign up
10 there stating where the Federal public boundary for that
11 refuge begins and they'd be able to drift there. They
12 would not be able to drift upstream of Galena, in between
13 Galena and Ruby for instance. And then on top of that we
14 would also have to let them know specific time periods
15 when they were allowed to use drift gillnets.

16

17 MR. EDWARDS: I guess a second question
18 for Staff would be can you elaborate a little bit more
19 about what actually took place in the harvest level when
20 4-A was included in this driftnet. Do we have data that
21 shows if it increased, decreased, was the efficiency
22 improved or did it remain the same or what exactly
23 occurred as a result of that action?

24

25 MR. BERG: Mr. Edwards, if you look at
26 Figure 8, which is on page 453, that's really the area of
27 a portion of Subdistrict 4-A below Stink Creek, so it's
28 the lower portion of Subdistrict 4-A, is the area where
29 we can compare when drift gillnets were allowed up until
30 1977 and then they were not allowed for a 19-year period,
31 all the way till 1995, and then they were allowed again
32 starting in 1995 through the current regulatory
33 structure. So you can see for five of the nine years
34 since 1995 that the harvests have been higher in that
35 area for five of those nine years despite the fact that
36 in 1998, 1999 and 2000 the runs were lower.

37

38 If you look on Figure 1, it kind of shows
39 the run strength of Chinook salmon going through the
40 river, that you actually had lower returns in '98, '99
41 and 2000 and yet '98 you had a fairly substantial harvest
42 in Subdistrict 4-A. It's kind of hard to say why
43 harvests were higher in one year versus another. There's
44 certainly a number of unrelated factors such as whether
45 people were out fighting fires or whether they had access
46 to a boat or a gillnet that year. Certainly, you can see
47 that's really the only area that we have to look at with
48 and without drift gillnets and that's the data we have,
49 is that it was higher for five of those nine years.

50

1 MR. EDWARDS: I guess my last question, as
2 part of the opposition that the Y-K Delta has expressed
3 in their remarks, they expressed concerns that this could
4 affect the harvest in their region, do you think that's a
5 valid concern?

6
7 MR. BERG: I think it's a valid concern if
8 there was a need to reduce the fishing time in the lower
9 river if the managers felt like they needed to do that to
10 accommodate any potential increase in harvest in the
11 upper river. I guess I couldn't say whether that's going
12 to be a reality or not. That's just speculation, I
13 guess, at this point whether it would really impact the
14 lower river fishers or not. I think we'd have to get
15 some data for a couple years to see really whether there
16 was actually an increase in harvest in Subdistricts 4-B
17 and 4-C before we really know what the potential impacts
18 would be and whether it need be adjustments in
19 management.

20
21 MR. EDWARDS: Thank you and thank you, Mr.
22 Chair. I'll ask my other questions in a little bit.

23
24 CHAIRMAN DEMIENTIEFF: Anybody else.
25 Judy.

26
27 MS. GOTTLIEB: I was going to ask Jack,
28 I'm not sure if you were in or if Ron or others from the
29 council were in on the discussions with the Staff
30 Committee and if there are comments that you have that
31 relate to taking chum out of the proposal.

32
33 MR. REAKOFF: Member Gottlieb, yes, I was
34 on the teleconference with the Staff Committee on that.
35 Most of the discussion revolved around the Chinook
36 harvest. Any comments that I made, according to my
37 recollection, revolved around that these are very limited
38 periods of time. People do harvest chum for subsistence
39 and there is this significant passage period, so these
40 chum salmon are part of the subsistence needs. The
41 perception that there's going to be a huge increase in
42 harvest is not valid because these people are currently
43 harvesting fish for their needs. I don't feel that
44 there's going to be a significant harvest of chum salmon
45 either. I feel there may be an increase, but that will
46 be to accommodate need. Of course, there's regulatory
47 processes for the in-season manager to reduce harvest
48 closures and so forth. That's standard procedure and it
49 was my comment that those would be reduced if necessary.
50 Not reduced if runs are normal.

1 MR. EDWARDS: I guess I also have a couple
2 questions for the Western Council. One of them has to do
3 with sort of the questions I referenced with regards to
4 the folks from YRDFA in trying to reconcile where it
5 appears that some number of people in Galena, who would
6 be the community that's going to benefit the most by this
7 regulation, seem to be in opposition of this. I mean was
8 any of this expressed during the Council's deliberation
9 on this and how do we rectify that?

10

11 MR. REAKOFF: It's how you ask the
12 question. If you paint a black picture that drift
13 gillnetting is going to deplete all the runs, are you in
14 favor of that, some people may say they wouldn't be. In
15 reality, the co-chair of YRDFA sat at that very table
16 last year and says he was probably the only person in
17 Galena that was opposed to that proposal. So I feel it
18 was a fairly large stretch to portray that to this Board
19 that there's a significant number of people in Galena
20 that are opposed to utilizing drift gillnet. I feel the
21 majority of the users in Galena are for the proposal or
22 at least neutral on the proposal. The perception that
23 there's a significant number, I've never found that in
24 any of the villages in this area. We have huge support
25 from the people of that area that are affected by this
26 current regulatory process.

27

28 MR. EDWARDS: Thank you. As a follow-up
29 question, going back to your earlier, very thorough
30 remarks, when you were asked to address this issue and
31 raising some issues about trying to maintain these and
32 not putting an inconvenience and allowing people to
33 utilize the methods that are in place, and all that said,
34 it would seem to me that the proposal would have been
35 more -- I'm a little unclear why we have windows within
36 windows and actually put restrictions on gear. Why
37 wouldn't the proposal simply be to just allow this as a
38 method similar to like we do through the rest of the
39 river, the lower river, and have it throughout the whole
40 windows periods and have the nets basically the same as
41 everybody else use. It almost comes across that it
42 appears we're putting further restrictions on these
43 because we have some level of concern as to what the
44 impact might be.

45

46 MR. REAKOFF: Through the Chair. My
47 response is that last year we did have that proposal and
48 this Board declined that proposal. This current proposal
49 was in response to that, trying to accommodate
50 subsistence needs but yet still have -- there's concerns

1 about having more opportunity. Some of those concerns
2 would revolve around having the same length of period for
3 all of the gear types. We felt that providing a more
4 limited opportunity at the end of the period would give
5 the set fixed gear types a first crack at the fish and
6 the drift gear could fish after that.

7
8 Our amended proposal comes from Member
9 Benedict Jones, who amended this proposal in response to
10 the opposition of the Eastern Interior. We're trying to
11 make this as palatable as we can but still provide some
12 need. This is as far back as we can go. We're trying to
13 get some kind of rectification of this situation.

14
15 CHAIRMAN DEMIENTIEFF: Let me just ask a
16 question to the State. There was stock separation done
17 on fall chum I think in the '70s where north bank and
18 south bank fall chum were bound.

19
20 MR. BERGSTROM: Yeah, that's correct. It
21 was like '79, '80 there at Ruby is where the tagging
22 occurred and the north bank being more sheen jack, Canada
23 and the south bank being fall chum going to the Tanana.

24
25 CHAIRMAN DEMIENTIEFF: But the follow-up
26 to that is -- I'll ask either one of the managers. Do we
27 have any work done on stock separation on Chinook?

28
29 MR. BERGSTROM: Most of the stock
30 separation work has been near the mouth with the
31 commercial harvest and I don't believe we've really had
32 any right around Galena area. The information we have
33 there is just the traditional knowledge that you tend to
34 hear people say on that south bank the Ruby catches are
35 more Tanana fish.

36
37 CHAIRMAN DEMIENTIEFF: I guess where I was
38 going was trying to discuss Eastern's concern about doing
39 damage to -- I can't remember, how did you word that,
40 Gerald, altering stocks.

41
42 MR. NICHOLIA: Are you worried about the
43 Canadian stock?

44
45 CHAIRMAN DEMIENTIEFF: Actually both.

46
47 MR. NICHOLIA: It would be pretty hard to
48 picture that in the river there. Without doing any
49 studies to figure that out, I don't think I could answer
50 that.

1 CHAIRMAN DEMIENTIEFF: I mean the point is
2 that you did raise that concern and I don't think anybody
3 really can answer as far as I can see exactly what stocks
4 are -- depending on whether they drifted on north bank or
5 south bank. It would be hard to picture which stocks
6 might be most impacted. Let me say I'm not saying this
7 as a Tanana River fish utilizer. I just want to know
8 because I think you did raise a valid point because other
9 than local, you know, it's basically an unknown. While I
10 value local knowledge, it still remains a concern for us
11 as regulators to try to know if there is any data to say
12 where these stocks are going.

13

14 MS. GOTTLIEB: Mr. Chair.

15

16 CHAIRMAN DEMIENTIEFF: Yes.

17

18 MS. GOTTLIEB: While I'm not sure about
19 north bank or south bank issues, my understanding, and
20 maybe Jerry or Dan could help, the earliest fish going up
21 are most likely destined for the upper river and Canada
22 and middle, middle and the last the lower river. So I
23 think by asking for this drift gillnet at the very end of
24 the allowable fishing time that hopefully would take into
25 account that concern for the upper river and Canadian
26 escapement.

27

28 MR. EDWARDS: Mr. Chairman, we have a
29 representative here today from our Nowitna Refuge and I
30 guess I'd just like Jeff to come forward if he could to
31 maybe discuss how he sees this affecting the refuge and
32 us carrying this out.

33

34 CHAIRMAN DEMIENTIEFF: Please.

35

36 MR. EDWARDS: Jeff, could you state your
37 name for the Board and also what your relationship is on
38 the refuge and how you work with the fisheries and the
39 folks that utilize the fisheries particularly as it
40 applies to the refuge.

41

42 MR. BYERSDORF: Mr. Chair, Member Edwards.
43 My name is Jeff Byersdorf. I'm a pilot and subsistence
44 biologist with Koyukuk/ Nowitna National Wildlife Refuge.
45 I'm here representing Mike Spindler, our refuge manager.
46 I guess, Member Edwards, to get directly to your
47 question, in the summertime I spent a considerable amount
48 of time working with an in-season fisheries harvest
49 survey that we do, also in making sure that people are
50 aware of the different regulation changes and the

1 existing schedules that are out there.

2

3 MR. EDWARDS: Thank you. I have a couple
4 questions. From your perspective, if Federal and State
5 regulations, in this case, are not in alignment, how do
6 you see this affecting the refuge?

7

8 MR. BYERSDORF: Mr. Chair, Member Edwards.
9 I guess there's several things I would point out and that
10 is that if you look at Proposal 03, which you guys had
11 just looked at before lunch, it's very similar to that in
12 respect to the mesh depth. Currently, under Federal and
13 State regulations, there is no subsistence mesh depth
14 restriction. If you were to pass this, you're going to
15 have a Federal regulation that's more restrictive than
16 the State regulation. What that's going to mean for the
17 refuge is that we're going to be -- it's going to be
18 problematic and it will require us to do extensive
19 outreach and education.

20

21 In addition to the net depth question,
22 there's also the question as far as land status. A lot
23 of people aren't necessarily aware of the difference
24 between Federal and State boundaries and where they could
25 or couldn't fish, so we would also have to, in addition
26 to putting out, creating maps, giving them to local
27 people, putting up boundary markers, we'd also have to be
28 meeting with people and doing outreach and education as
29 far as when they could fish, where they could fish.

30

31 The big problem that I see here is that
32 you're looking at people not necessarily being aware of
33 the regulations and you're setting them up for law
34 enforcement actions by both Federal and State agencies
35 and that's what we'd like to try and avoid.

36

37 MR. EDWARDS: I'm also assuming that this
38 is going to require sort of a separate news release from
39 the refuge and this would occur each time or how would
40 that work?

41

42 MR. BYERSDORF: My understanding from this
43 is that you would need to do separate Federal news
44 releases. When I first came on board with this refuge in
45 2001, they had separate Federal and State news releases
46 and I had to do extensive efforts with all the tribal
47 councils in the area to make sure they were aware of the
48 Federal news releases. In 2002, they ended up
49 streamlining that to where it was a joint Federal/State
50 news release and that seemed to alleviate a lot of the

1 confusion with fishers.

2

3 MR. EDWARDS: Thank you. I guess one last
4 question. You indicated that you spent at least the last
5 couple summers sort of out on the ground, you know,
6 talking to the people that are harvesting these fish and
7 I'm just kind of asking for your view or opinion here,
8 but given what the recent harvest levels have been and
9 the general fulfillment of subsistence needs, do you
10 think these regulation changes are necessary?

11

12 MR. BYERSDORF: The short answer to that,
13 Mr. Edwards, is no. What we've seen, we've been doing
14 in-season harvest surveys in some of the area villages
15 since 2001. We started a pilot study working with YRDFA,
16 the Emmonak and the Loudon Tribal Council. From going
17 out into the villages and speaking with people and
18 getting them to participate in the YRDFA teleconferences,
19 what we've been hearing from people is that '98 to 2000,
20 yes, there were some concerns with meeting their needs,
21 but since the run strengths have increased in recent
22 years, they have been able to meet their needs.

23

24 The on-the-ground thing that I guess I see
25 is that in 2001 the Board of Fish schedule was
26 implemented. That was after a period of scarcity for
27 people. So you went from a period where people may not
28 have been able to meet their subsistence needs to now
29 you've got a schedule in place. People, what they seem
30 to do, what I've been hearing from local people, is
31 that's when they kind of shifted their fishing style.
32 They wanted to be able to get their fish in as quick a
33 time period as possible and drifting allows them to do
34 that as opposed to a setnet or a fishwheel. So they
35 shifted to going down the Koyukuk and doing drifting
36 fishing so they could get it in an efficient and timely
37 manner.

38

39 MR. EDWARDS: What certainly was proposed
40 here would allow them to do that without having to make
41 this trip, right?

42

43 MR. BYERSDORF: That's correct. It's
44 closer to the village, it's much more efficient, it's a
45 more efficient means, it would take less gas, less travel
46 time.

47

48 MR. EDWARDS: Thank you very much. I did
49 not ask anybody from our law enforcement to come here,
50 but at least my understanding in looking at

1 correspondence from our law enforcement folks is that I
2 think their view of these regulations is that it would be
3 almost nearly impossible for them to try to enforce them.
4 Mainly because of the checker board effect of this and
5 lack of understanding. Even if I'm assuming the banks
6 were marked, I don't know how well they have to be marked
7 and at certain stages in the river. My understanding is
8 that that's not even really that practical because you
9 may or may not see the markings. Then, with the windows
10 on top of windows, even further complicates it, at least
11 certainly from their perspective.

12

13 CHAIRMAN DEMIENTIEFF: Thank you. Judy.

14

15 MS. GOTTLIEB: Thanks and thank you very
16 much for coming before us today. Maybe I misheard you.
17 I thought you started out your statement saying this
18 would be more restrictive to subsistence users.

19

20 MR. BYERSDORF: My understanding of this
21 is it's similar to Proposal 03 where you have -- you've
22 got a mesh depth restriction. Currently there is no
23 Federal or State subsistence mesh depth restriction.
24 With this proposed regulation that you're looking at,
25 there is a mesh depth restriction, which is going to be
26 more restrictive than the State because the State doesn't
27 have one.

28

29 MS. GOTTLIEB: Okay. I guess I was
30 looking at it as by affording an opportunity to use the
31 driftnet, that that's an allowance rather than a
32 restriction, understanding there would be some conditions
33 on the net itself.

34

35 MR. BYERSDORF: Mr. Chair, Member
36 Gottlieb, that's correct. I know that it's been pointed
37 out that this is the most conservative subsistence drift
38 gillnetting regulation that would be in place on the
39 river, but the other thing to be aware of is that it's
40 also currently not allowed in this area at all.

41

42 CHAIRMAN DEMIENTIEFF: Jack.

43

44 MR. REAKOFF: The 35 mesh comes from
45 Benedict Jones from fishes in Koyukuk. He says that's a
46 commonly used depth of gear there. At that portion of
47 the river is 35 mesh. It isn't like they have to cut
48 their gear off or anything. They're not fishing 45 mesh
49 or 60 mesh, they're fishing 35 mesh. So this wouldn't be
50 any kind of a hardship on the users. This is what

1 they're using anyway to fish in the 4-A area. I remind
2 the Board that I'm representing the Western Interior
3 Council. These regulatory processes are common with any
4 difference in regulations. I don't feel that they're
5 impossible. They're fishing a boundary line at the 4-A.
6 They have to have markers there. It's the same thing.
7 There's no difference. It's just another line on the
8 river. Implementing a marker on the beach is no
9 different than they have to do. They can't fish above
10 that marker down at the 4-A line. And the time frames,
11 those are published time frames.

12
13 Three of our Council members said that
14 they were willing to -- Tommy Kriska, Benedict Jones and
15 Emmitt Peters from up in Ruby said they didn't feel that
16 this was implementation of any problem. They were
17 willing to work with local people in understanding these
18 time frames of harvest. They'll still have a subsistence
19 schedule. It's just a shortened subsistence schedule in
20 that area. Our Council members didn't feel that that was
21 going to be a big problem.

22
23 CHAIRMAN DEMIENTIEFF: The discussions at
24 this point have been to Option A and B, but there is that
25 Option C and there has been no discussion. I just want
26 to get out the understanding of this defer and I'd ask
27 Staff basically until when and why.

28
29 MR. SIMMIONS: Mr. Chair, Members of the
30 Council, it's my understanding that that particular
31 option was presented to the board because of the
32 modifications that the Western Interior Council
33 recommended at their meeting was different from the
34 original proposal. Eastern Interior saw a different --
35 or acted on a different proposal than what Western
36 Interior recommended. So having an opportunity for the
37 three councils to deliberate over Western Interior's
38 final recommendation was, I believe, behind the option to
39 defer.

40
41 CHAIRMAN DEMIENTIEFF: We all know we just
42 did game issues yesterday in the fisheries meeting. The
43 earliest we could bring it back is in the spring Board
44 meeting, so I guess the question then would be, if there
45 wasn't an action taken in the spring Board meeting, how
46 long will it take for us to get something in regulation
47 and would it be in effect for 2005. Tom.

48
49 MR. BOYD: Mr. Chair, if we didn't enact
50 this regulation now, it obviously wouldn't make it into

1 the publication or the regulatory regulation book for
2 this year for fisheries. However, we could enact a
3 regulation out of cycle and then notify the public via
4 other means, press release and public notice and that
5 sort of thing.

6

7 CHAIRMAN DEMIENTIEFF: Yes.

8

9 MR. TONY: I just wanted to ask the
10 gentleman here a question. Are there currently other
11 types of subsistence fishing under the Federal rules that
12 are allowed within this area now?

13

14 MR. BYERSDORF: Through the Chair, Member
15 Tony. I don't quite understand your question.

16

17 MR. TONY: I guess I'm asking if in this
18 section of the river that we're talking about are rural
19 residents who are qualified Federal subsistence users
20 allowed to go there and fish with other gear types at the
21 current time?

22

23 MR. BYERSDORF: Yes, they do. What you
24 see then from that area from Galena over to just outside
25 of Koyukuk is that there's setnet sites out there. In
26 the area from Galena upriver, there are several setnet
27 sites and there's also some fishwheel sites.

28

29 MR. TONY: Are they allowed to do that
30 within any area within those lines or is it only on
31 Federal -- is there some type of Federal boundary or
32 patchwork that they're dealing with when they go to put
33 those setnets in under the current regulations?

34

35 MR. BYERSDORF: Through the Chair, Member
36 Tony. It's on both Federal and State waters that they're
37 allowed to do that.

38

39 MR. TONY: I guess I had kind of the same
40 reaction as Jack here about the law enforcement aspect of
41 this. I don't see what makes this area unique to other
42 areas of the state. I had been up around Paxton when the
43 caribou hunting was going on and the State had closed its
44 Tier II hunt for Nelchina caribou, but the Federal hunt
45 was still open and the State troopers had cited, I think
46 it was, 21 people in the one day that we were up there
47 for hunting outside the Federal area. This is a problem
48 in terms of identifying where Federal land begins and
49 where it ends and educating the public all over the state
50 and not just in this area, is it not?

1 MR. BYERSDORF: Through the Chair, Member
2 Tony. I guess what I see, it's kind of a three-fold law
3 enforcement issue. One is that you're now having a
4 difference, a non-alignment of Federal and State
5 regulations, so it's making people aware of that. The
6 other thing is that between the Federal and State waters
7 there would be no net depth restriction in the State
8 waters and yet there would be one on the Federal waters.
9 The other thing is that as far as the timing, making sure
10 that people are aware that they could only be doing their
11 driftnet fishing in Federal waters during those last 18
12 hours if you go with the modification during the last 18
13 hours of the time periods. So I guess from the law
14 enforcement side, and I'm not a law enforcement person,
15 but that's what I see as problems that they would be
16 looking at.

17
18 MR. EDWARDS: I just wanted to say right
19 now we have consistency throughout the river between
20 Federal and State lands. I mean it differs from
21 different gear types on different parts, but there is
22 consistency. My concern that I expressed was now you
23 create what's in this one zone, this checker board
24 effect. If you go all the way through five, it's a
25 fairly significant checker board effect where you come in
26 and out of different regulations. So it isn't similar, I
27 don't think, to the example that you used because we do
28 have consistency now throughout the system.

29
30 MR. TONY: I guess the example I gave had
31 two of the things you were talking about. The State
32 season was closed, so there was a difference between the
33 regulations. The Federal season was open and there was
34 -- you know, therefore, the only place that you could
35 hunt for those caribou was on Federal lands, which was a
36 checker board pattern. So it's not really any different
37 than the example you're talking about.

38
39 CHAIRMAN DEMIENTIEFF: We have to keep in
40 mind that the mesh restriction is for driftnet fishing
41 only, according to this regulation. That's my
42 understanding of it. So, you know, it would not affect a
43 setnet fisherman. I'm going to go with Gerald first and
44 then Jack.

45
46 MR. NICHOLIA: I have a question for Dan.
47 With the current gear types, do you think they're given a
48 reasonable opportunity to meet their needs compared to
49 what we're having? Like they're saying they're compacted
50 and congested in one area. When we're up there in our

1 area, you've been around us, we barely have a reasonable
2 opportunity. Would you say they have a reasonable
3 opportunity to meet their subsistence needs with the gear
4 types that they have?

5
6 MR. BERGSTROM: Mr. Chairman, I'll answer
7 Gerald's question. Based on what we hear in-season
8 because, as we've heard, there is a project ongoing in
9 Galena where we hear how people are doing catching fish
10 through the season and they've said they've met their
11 needs and we did hear at the RAC meeting that people said
12 they catch what they need, so this is more of a
13 discussion of how you're going about it, I guess, whether
14 you change your gear types and how you're fishing there,
15 but they have been able to meet their needs in recent
16 years.

17
18 I did want to point out a couple things
19 with the enforcement issues. The State's Subdistrict
20 boundaries are usually landmarks, so they're kind of in
21 an identified area along the river so people know where a
22 landmark is. A lot of these Federal boundaries are just
23 a section line that's not noticeable along the riverbank
24 where they are and you definitely need to bring your
25 equipment to know where those are, you know, when you do
26 the marking of them.

27
28 Then the other thing I haven't heard
29 brought up is there's a fair amount of people that come
30 from Fairbanks back to Galena to go fishing and they'll
31 need to know the rules too, whether if they're fishing
32 with somebody it's okay, if they use their own boat it's
33 not okay or whatever rules on Federally-qualified
34 subsistence users are.

35
36 CHAIRMAN DEMIENTIEFF: That's a real good
37 point, Dan. I know we have people that come down from
38 Nenana that have family in Galena and they go down there.
39 Maybe not every year, but they go down to fish, so that's
40 a very valid point. Jack.

41
42 MR. REAKOFF: One clarification. This
43 amended proposal is strictly for 4-B and 4-C. We're not
44 talking about 5 anymore. Those boundaries on flat areas,
45 there's lots of boundaries in coastal areas of Alaska
46 where they put range markers on the beach. You can tell
47 exactly where the boundary line is. Again, I reiterate,
48 it's not a big deal. It's common. On the Dalton Highway
49 where I live there's areas of State land and Federal
50 land. There's disparities in hunting regulations,

1 there's markers on the highway that say where those
2 boundaries are. This is just inherent with the Federal
3 program. Any time you have a disparity between
4 regulations you're going to have boundary markers. It's
5 not a big deal to put some range markers on the beach. I
6 could do it with an ax and a saw in about 20 minutes. Go
7 back in the woods, cut a few posts, no problem. It's not
8 a big deal.

9

10 CHAIRMAN DEMIENTIEFF: Now you'd have to
11 get a permit to cut a few posts. (Laughter) Yes, Paul.

12

13 MR. TONY: I agree with that. I can think
14 of a current example where there's a Federal open season
15 on deer, you know, on Montague Island on Federal lands
16 and the State season closed December 31st. I mean I
17 think that when we regulate we can't make all our
18 regulations match the State openings. I don't think
19 that's a fair way to do it because under the State system
20 -- I mean I can remember in recent times where the State
21 had a five-day moose season out in the Ahtna Region and
22 under State law that was deemed to be a reasonable
23 opportunity to get your moose. The State conceded that
24 there was probably less than a 20 percent chance of
25 getting a moose and a lot of the anecdotal evidence was
26 that hunters only got a moose once every five years under
27 that season. And that was fine under State law. You
28 know, they said that's a reasonable opportunity that a 20
29 percent chance to get your moose is reasonable. I think
30 the superior court judge that heard the case first said
31 that if you went to Carrs and went to do your grocery
32 shopping and you only had a 20 percent chance of getting
33 food for your family, would you think that was
34 reasonable. Of course, it was overturned by the Supreme
35 Court, but we're going by a different standard here. You
36 know, reasonable opportunity isn't really what we're
37 talking about. We're talking about a meaningful
38 priority, which is very different than what the State
39 allows. You know, the State comments are peppered with
40 reasonable opportunity, but that's not what we're talking
41 about here.

42

43 CHAIRMAN DEMIENTIEFF: Go ahead, Della.

44

45 MS. TRUMBLE: Thank you, Mr. Chair. I
46 just want to maybe comment on a couple of things here.
47 The discussion on the different times between State and
48 Federal I can understand that we do with the caribou.
49 Our Federal subsistence caribou opens August 1st, the
50 State opens September 1st and the closures all align. So

1 that being one thing and the idea of the different
2 locations in the openings and closures I think is a
3 matter of education.

4

5 However, I might want to go back to the
6 concern of conservation at this time. Is this something
7 maybe that's premature until we have more data to figure
8 out exactly what these stocks are going to do in the next
9 couple years? That's just a question I would ask.

10

11 CHAIRMAN DEMIENTIEFF: Gary.

12

13 MR. EDWARDS: Mr. Chairman, I have one
14 other question for Staff. Given that these openings are
15 tied to the windows, so they're windows within windows, I
16 guess, so to speak, what happens to this regulation once
17 the original windows are lifted?

18

19 MR. BERG: Then we would revert back to
20 the pre-2001 schedule and then those two 18-hour periods
21 would be on the end of the pre-2001 schedule when you go
22 back to that, so it still doesn't change the 18-hour
23 periods. They still go on the end of either the opening
24 of the windowed schedule or the opening of the pre-2001
25 schedule that was in place prior to the schedules in
26 2001.

27

28 MR. EDWARDS: But if you didn't have any
29 windows, I don't understand how that would work. Then
30 that would just open up for, you know, a 24-hour use of
31 drift gillnets?

32

33 CHAIRMAN DEMIENTIEFF: Okay. I need to
34 complete the thought about the deferment or that option.
35 I've been working on it and I'm not necessarily saying
36 I'm in favor of this, but I just wanted to work out the
37 logistics. Logistically, for us to do that, for us to
38 get the modified proposal back to Yukon-Kuskokwim and to
39 Eastern, because it does dramatically change the
40 proposal, that would be done in February or March. I
41 don't know the exact dates. And we could pick it up.
42 And we've done this before as a Board, that we've taken
43 it up -- and that would be basically you pick up right
44 where we are. Everybody understands the issue. We'd be
45 basically waiting for Western and Yukon-Kuskokwim to
46 digest the significantly modified proposal. We have done
47 that before. Since we have monthly workshops, we could
48 make a portion of that a public meeting to deal with the
49 resolve of this issue. I think, possibly, to get it in
50 place if it was to be successful and get out for the 2005

1 season.

2

3 I'd just like to ask the refuge people if
4 you think that if we had an early April decision if that
5 would allow time to get the information out.

6

7 MR. BYERSDORF: Mr. Chair. I think if you
8 were to reach a decision in April, it would be do-able to
9 get the word out. In that area, we generally start
10 fishing probably about mid-June, when the Chinooks start
11 running up. We'd probably have six weeks maybe to do
12 outreach and education and then get the boundaries posted
13 and such.

14

15 CHAIRMAN DEMIENTIEFF: Again, I'm not
16 saying that I'm necessarily for that, but just so we
17 understand Option C and the time frame if the Board chose
18 to do that and get it back to the two RACs who didn't
19 have the advanced information. All I'm getting at is
20 that it is theoretically possible for us to have them
21 consider the significant -- and it is significantly
22 modified. That I will not disagree with. They didn't
23 have the same information in front of them. If they look
24 at it in that light, it would be very major changes in
25 the original proposal and I think it's very good. So it
26 is just possible that they may look at that. So if the
27 Board did choose to do that, we still -- the bottom line
28 is we could get a regulation in place for the 2005
29 fishing season and still have the opportunity to get
30 people educated about where the districts are. So I just
31 wanted to make sure everybody understood that. You can
32 continue your discussion with wherever you're going.
33 Paul

34

35 MR. TONY: Thank you, Mr. Chair. Do we
36 have any idea how much of an impact the urban fishermen
37 that are coming in from Fairbanks and other places that
38 are fishing? As I understand it, the Federal waters are
39 open for urban residents to come and fish under State law
40 at the current time. Do we have any idea how much that
41 plays into this, how much of the competition that's
42 happening around Koyukuk is a result of that? And
43 whether we should consider, you know, if subsistence
44 needs aren't being met and essentially by restricting
45 these Federal users have we considered other consumptive
46 uses and maybe closing these areas to urban residents as
47 one way of helping people meet their needs.

48

49 MR. BYERSDORF: Mr. Chair, Member Tony. I
50 guess I'd look to Dan for part of that question because

1 he was saying that it is one thing you need to consider,
2 so I don't know if he has a better handle on the numbers.
3 I can tell you that my experience has been more that as
4 opposed to urban users coming out to Galena to fish,
5 especially with the recent years having better runs, the
6 local Galena people are taking some of their fish and
7 giving them to family members, to non-rural people.

8

9 CHAIRMAN DEMIENTIEFF: Dan. Gary, I will
10 get to you. Let's finish this train of thought. Go
11 ahead.

12

13 MR. BERGSTROM: Mr. Chairman, this really
14 kind of comes to the whole Federal/State user issue. The
15 reason you'd need to do the enforcement education with
16 people that come from Fairbanks is they don't feel like
17 they're urban. They're from a family that grew up in
18 Galena and they're going back out to fish and they think
19 of themselves as being a subsistence fisher from Galena,
20 so to speak. And we've had that happen before in 2001
21 when the special action was done pre-season to go to only
22 Federally-qualified users. I saw a guy I knew that --
23 you know, he had lived his whole life in Emmonak, but he
24 had moved to Anchorage because he had health problems.
25 But he was going out to fish and I said I don't think
26 you're a rural user and he just looked at me like I was
27 nuts. So that's kind. There isn't a lot of outside
28 pressure. It's just some people come in and if you have
29 the rules in place and it's Federally-qualified, you have
30 to let them know what the rules are because I think it's
31 kind of been looked at that they can help out but they
32 wouldn't operate their own boat or something, but they
33 just need to know what the rules are.

34 CHAIRMAN DEMIENTIEFF: And that's a real chore,
35 Dan. Again, I do know people from Anchorage from the
36 lower river that go down to go fishing. I know they do
37 because most of them launch in Nenana and have
38 arrangements with local people to take care of their
39 vehicles during the time that they're gone. So that's a
40 very real thing also. Gary.

41

42 MR. EDWARDS: I just wanted to go back to
43 my question to Staff. The way I read what's being
44 proposed here is that this 18-hour period occurs the last
45 18 hours of a window opening and my question was if there
46 is no longer a window opening once the windows are
47 removed, then you can't have something that occurs in the
48 last 18 hours in something that no longer exists, then
49 what actually takes place on the ground?

50

1 MR. BERG: Mr. Chair, Mr. Edwards.
2 Actually, what happens when the windows go away is we
3 revert back to the pre-2001 schedule and the pre-2001
4 schedule was also two 48-hour periods. I don't think
5 it's the same days. I think the window schedule last
6 year the Board of Fish actually changed the days that the
7 windowed schedule was open, but it's still two 48-hour
8 periods when we go off the windowed schedule.
9

10 MR. EDWARDS: But would those two 48-hour
11 period be synonymous with the windows or are the windows
12 actually a different kind of vehicle? Recognizing the
13 time frame may be the same, but are they the same?
14

15 MR. BERG: I think the days might have
16 been shifted, but the time frame is still the same just
17 in this portion of the river. In the lower river,
18 Districts 1, 2 and 3, they're restricted to two 36-hour
19 periods, but when the windows go away, then they can fish
20 any time when there's not a commercial opening. In
21 District 4, they revert back to what was originally in
22 place in 2001, which was two 48-hour periods.
23

24 CHAIRMAN DEMIENTIEFF: Mary.
25

26 MS. GREGORY: I think regarding the RACs
27 not being together in a lot of these things is because we
28 didn't know what they're doing. I was going to wait
29 until the RACs meet with the Board, but I need to ask for
30 some money so that we can have our meetings maybe two
31 times a year for tri-Council meetings and I want you to
32 look for monies to do that so that we will not take up a
33 lot of time discussing one proposal.
34

35 CHAIRMAN DEMIENTIEFF: We've got nothing
36 but time, Mary. I'm sorry. Jerry.
37

38 MR. NICHOLIA: Thank you. You know, it
39 all comes down to reasonable opportunity to meet your
40 subsistence needs with the time allowed with the gear
41 type you have. I never heard this year that they didn't
42 meet their needs. What I heard is that they did. They
43 said they have a hard time being congested in one area.
44 So do we in the Eastern Interior. We have a hard time in
45 congested areas and we're meeting our needs with what we
46 have. Personally, I believe I don't think the stock
47 could handle it because all the adverse information I'm
48 getting from the outside, there's too much adverse
49 impacts to the Chinook salmon already. We don't even
50 know what's happening out there in the ocean. We're

1 starting to rebuild a stock and we're just about to allow
2 a new gear in a fishery that has a great potential of
3 restructuring all the fisheries in Y-K, Western and
4 Eastern Interior. If I were you, I'd be very careful of
5 what I'm doing. They have a reasonable opportunity to
6 meet their subsistence needs. Everybody is having a hard
7 time.

8

9 CHAIRMAN DEMIENTIEFF: Jack.

10

11 MR. REAKOFF: Reasonable opportunity is a
12 State term. We're going back to Title VIII of ANILCA,
13 802, which is with the least adverse impact. Congress
14 was clear. Regulations and means of taking must be
15 adopted which have the least adverse impact. We're not
16 talking about huge amounts of fish. They're talking
17 about if there's a 100 percent increase in Chinook
18 harvest, there may be 3,000 additional fish. That's very
19 unlikely. If there's a 50 percent increase, there's
20 1,500 fish increase in harvest. It's not a huge number
21 of fish. It's a very small number of fish we're actually
22 talking about.

23

24 CHAIRMAN DEMIENTIEFF: Let me just follow
25 up to that. The thing we have to keep in mind is there's
26 three villages. If the regulation was adopted, we have
27 to keep in mind for Federally-qualified subsistence
28 users, people coming from the urban areas would not be
29 able to participate in this form of the fishery. We have
30 to get that out also on the record. I got from your
31 testimony, maybe you could follow up on it, that these
32 people in these villages are utilizing those salmon
33 anyway. They're getting it. You just know that they are.
34 What you're doing, basically, the crux of the issue, and
35 that's where the question is, is by adopting the
36 regulation we would make their harvest more efficient.
37 Jack, you could respond to that. You might have another
38 point. I don't know.

39

40 MR. REAKOFF: It would spread the fishers
41 out and it would have the least adverse -- the regulatory
42 process will have the least adverse impact for people to
43 attain their subsistence needs. In the deliberation at
44 the Staff Committee when I was on the teleconference, at
45 one point they discussed this urban/rural issue and a
46 subsistence drift permit implementation was part of that
47 discussion. I stated, as my own self, we haven't had a
48 RAC meeting since then, that as far as I'm concerned that
49 would be fair. You issue a Federal subsistence driftnet
50 permit for that 4-A, B and C and only the fishers who

1 have the permit. The educational component gets a lot
2 easier then. People come in, they get the permit,
3 they're informed of what all the regulations are. It
4 cuts right to the chase. You put the range markers on
5 the beach. It's not that hard.

6

7 CHAIRMAN DEMIENTIEFF: Thank you. John.

8

9 MR. LITTLEFIELD: Thank you, Mr. Chairman.

10 My mentor, my tribal brother and good friend Bill Thomas,
11 when training me, always used to say just stick with
12 Title VIII kid and you'll be okay and I endorse that as
13 well as the Council in Southeast. What Title VIII says
14 is that it requires you to have an administrative
15 structure, where rural residents with local knowledge
16 have a meaningful role in developing these regulations.
17 The regulations are not the law. ANILCA is the law.
18 That's your interpretation, regulations, of how ANILCA
19 should operate.

20

21 This cries out for what Mary Gregory just
22 talked about. This is not meaningful to have these three
23 Councils sitting here arguing across this table at one
24 another. That's not a meaningful discussion. She's
25 exactly right. They should have two or three meetings a
26 year because they're all users of this system and they
27 need to sit down and develop for themselves what the
28 regulations should state.

29

30 Mr. Reakoff just said we're going to take
31 1,500 fish at the same time you have 40-50,000 fish taken
32 in commercial. I know what Mr. Goltz said here, but this
33 seems to me to cry out to be -- well, let's take those
34 1,000 fish away from the commercial. And internally
35 these members that know, that have their hand on that
36 system from one end of the river to the other, let them
37 determine their own destiny here instead of regulatory
38 trying to impose something on them that some oppose and
39 some don't. They should be able to come to consensus
40 here.

41

42 We're struggling with this in Unit 2.
43 We're coming up with consensus based. Previously you've
44 used this on caribou herds. The State's done this on
45 several things where people get together and figure.
46 ANILCA requires that, meaningful input from these
47 residents, and I certainly don't think it's there.

48

49 Another thing, I keep hearing reasonable
50 opportunity. There's nowhere in ANILCA that it talks

1 about reasonable opportunity and I want to make that
2 clear. Reasonable opportunity that requires somebody to
3 travel 60 miles downriver may meet the State definition.
4 It does not meet the Federal definition. To require them
5 to go those distances I think is improper. But these
6 people can get together and figure out how to address
7 that.

8
9 I would urge that you come up with the
10 administrative structure. If Mary Gregory said you need
11 money, that's what you need. Get money. Get these
12 people together and get them talking so they have a
13 consensus that they can live with. If they can't, then
14 you guys get to be the six dark angels and make the
15 decision. They should first have that meaningful
16 opportunity to do this without you imposing something on
17 them. Mr. Chair.

18
19 CHAIRMAN DEMIENTIEFF: Thank you. The
20 thing I would point out is that you just reinforced what
21 Jack had just mentioned about using ANILCA as a standard
22 and I agree. That's why we're here, because of ANILCA.
23 We do look forward to the afternoon discussion to talk
24 about increasing communications. We've tried one way,
25 but we need to try something else. We can talk about
26 that and come up with some ideas. Jack, do you have
27 follow-up.

28
29 MR. REAKOFF: I thank my colleague, Mr.
30 Littlefield. I have not been pressing the issue that the
31 commercial harvest is how subsistence harvest allocations
32 are met. It's the in-season manager's job to reduce the
33 commercial harvest to accommodate subsistence. The fear
34 of the Eastern is that the cut is going to come out of
35 the subsistence allocation. No. There's a subsistence
36 priority. The commercial harvest is where the
37 allocations are reduced to meet the subsistence needs. I
38 thank Mr. Littlefield for reminding me to reiterate that
39 issue.

40
41 CHAIRMAN DEMIENTIEFF: Any further
42 discussion.

43
44 MR. BSCHOR: Mr. Chair, as far as coming
45 to consensus today, it doesn't seem very likely to me. I
46 would go back to your question about whether we should
47 defer or not. I'd ask ourselves would defer help move
48 this forward in a more positive way or a more effective
49 way, I guess. I'd just throw that out.

50

1 CHAIRMAN DEMIENTIEFF: Again, I wasn't
2 offering that as a suggestion, I just wanted to make sure
3 everybody understood how that would work and that it
4 could be done. That's all that was basically.

5
6 MR. BSCHOR: And I don't know that the
7 time frames you mentioned would be very realistic. They
8 might be, they might not be. I think if we did look at
9 deferring that we ought to be reasonable about that, too,
10 as far as what the realities are.

11
12 CHAIRMAN DEMIENTIEFF: Yeah, we may be
13 looking entirely that it would be sometime next year,
14 late next year, before we could bring things together.
15 If push comes to shove, I'll tell you what, that in
16 looking and realizing there's only three village
17 residents that would be allowed to do it and what I
18 pointed out they're already getting the resource, we all
19 know they are, it's just putting hardships on other
20 people, people in Koyukuk for example, push comes to
21 shove and because we have yearly meetings, my
22 inclination, they worked hard for it, they've asked for
23 it, we've heard that it is manageable, it can be done,
24 the people will make themselves educated, can go to the
25 local office to get a permit, which is a modification to
26 the proposal, under those conditions, in appreciation for
27 all their hard work, I'm willing to go with the proposal.

28
29
30 Realizing that if we do see a negative
31 impact, just for those reasons -- and the key thing is
32 we're not changing allocations. We're making the
33 subsistence users ability to go get fish cheaper and
34 relieving pressure in other areas. So they're going to
35 do it anyway. Maybe not in this way, but you can bet
36 they're getting fish somewhere. For those reasons I
37 support the proposal, although I don't get to make the
38 motion. I just want us to get going. I think everybody
39 has -- the buzz word for this meeting, sideboards on the
40 issue. One of the buzz words.

41
42 MR. EDWARDS: Mr. Chairman, I guess I
43 don't sort of fully agree with you, so therefore I'm
44 going to go ahead and make a motion that might help us
45 into discussion. I have some reservations about this, so
46 I'm going to move that we accept the recommendation of
47 the Eastern Interior and the Y-K Delta Regional Advisory
48 Councils to reject this proposal.

49
50 I think the Chinook and the fall chum

1 stocks still remain the designated stocks of concern and
2 are still undergoing rebuilding, as has been brought up
3 by the Eastern Interior, and the information that we've
4 also been provided does indicate that the subsistence
5 needs of the folks in the 4-B and 4-C area are being met
6 and that there are some ongoing studies that might help
7 us get closer to this, plus some opportunities for the
8 Councils to be able to sit down and work this out.

9
10 I guess I have concerns when we're looking
11 at a system such as the Yukon where we have opportunities
12 to try to maintain some consistency throughout the river
13 I think serves us well. Again, any time we have
14 rebuilding stocks to go into a new methods of take, new
15 types of gear, I think we have to be very cautious before
16 we do that. So, therefore, again, I move that we accept
17 the recommendation of the Eastern Interior and the Y-K
18 Delta Regional Advisory Councils.

19
20 CHAIRMAN DEMIENTIEFF: Thank you. Is
21 there a second to the motion.

22
23 (No comments)

24
25 CHAIRMAN DEMIENTIEFF: Is there a second.

26
27 (No comments)

28
29 CHAIRMAN DEMIENTIEFF: Motion dies for
30 lack of a second. Does somebody else have another
31 motion.

32
33 MR. TONY: Mr. Chairman, I would make a
34 motion that we accept the Western Interior Regional
35 Council's recommendations with modification.

36
37 MS. GOTTLIEB: Mr. Chair, I'll second for
38 discussion purposes on the modifications.

39
40 CHAIRMAN DEMIENTIEFF: As they modified
41 it, yeah. Discussion on the motion.

42
43 MS. GOTTLIEB: Mr. Chair.

44
45 CHAIRMAN DEMIENTIEFF: Yes.

46
47 MS. GOTTLIEB: So maybe if we go over this
48 one more time this would be -- now we're talking it would
49 apply only to king salmon and that there would be a
50 permit that would be required for anyone who wishes to

1 fish with this gear.

2

3 CHAIRMAN DEMIENTIEFF: Help me understand
4 this, Judy. Is that a motion to amend to have a permit
5 requirement?

6

7 MS. GOTTLIEB: It is.

8

9 CHAIRMAN DEMIENTIEFF: We need to get that
10 on the record.

11

12 MS. GOTTLIEB: Right. It would be an
13 amendment to the motion that we're talking only on
14 Chinooks and a permit would be required to use this gear
15 type in these subdistricts.

16

17 CHAIRMAN DEMIENTIEFF: There's a motion to
18 amend. Is there a second.

19

20 MR. TONY: Second.

21

22 CHAIRMAN DEMIENTIEFF: Discussion on the
23 amendment.

24

25 MR. EDWARDS: Mr. Chair, I guess I'd ask
26 the Park Service, are they prepared to be the agency to
27 issue these permits.

28

29 MS. GOTTLIEB: If it applies to our areas,
30 we certainly will.

31

32 MR. EDWARDS: What if it applies to
33 somebody else's area?

34

35 MS. GOTTLIEB: Mr. Chair, I thought I did
36 hear at least a little bit of an offer on the part of the
37 refuge that they would be able to accommodate this if
38 this is what came about. But if that's not supported by
39 their region, I guess maybe we need to talk about that a
40 little more.

41

42 CHAIRMAN DEMIENTIEFF: Well, it's a good
43 discussion. The bottom line is, if it goes into
44 regulation, the managers are going to have to do it.
45 That's just all there is to it. Any more discussion on
46 the amendment. Gerald.

47

48 MR. NICHOLIA: Thank you, Mr. Chair. I
49 just have to say this. You know they're meeting their
50 needs. You know we're meeting our needs. If this takes

1 fish away from us, I don't know how this program is even
2 helping out the Eastern Interior. Those extra fish that
3 they're going to catch with this highly-efficient gear is
4 going to take fish from somebody else and that's a known
5 fact. I wish my uncle and them was here.

6
7 CHAIRMAN DEMIENTIEFF: Thank you. Further
8 discussion on the motion to amend.

9
10 (No comments)

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

15
16 IN UNISON: Aye.

17
18 CHAIRMAN DEMIENTIEFF: Those opposed same
19 sign.

20
21 MR. EDWARDS: Aye.

22
23 CHAIRMAN DEMIENTIEFF: Motion carries.
24 Now back to the main motion as amended. Is there any
25 further discussion on that.

26
27 (No comments)

28
29 CHAIRMAN DEMIENTIEFF: Hearing none, all
30 those in favor signify by saying aye.

31
32 IN UNISON: Aye.

33
34 CHAIRMAN DEMIENTIEFF: Those opposed.

35
36 IN UNISON: Aye.

37
38 CHAIRMAN DEMIENTIEFF: Roll call.

39
40 MR. BOYD: Mr. Bschor.

41
42 MR. BSCHOR: No.

43
44 MR. BOYD: Mr. Tony.

45
46 MR. TONY: Yes.

47
48 MR. BOYD: Ms. Gottlieb.

49
50 MS. GOTTLIEB: Yes.

1 MR. BOYD: Mr. Oviatt.
2
3 MR. OVIATT: Yes.
4
5 MR. BOYD: Mr. Edwards.
6
7 MR. EDWARDS: No.
8
9 MR. BOYD: Mr. Chairman.
10
11 CHAIRMAN DEMIENTIEFF: Yes.
12
13 MR. BOYD: Four-two.
14
15 CHAIRMAN DEMIENTIEFF: Motion carries four
16 to two. I'm going to push on because I do want to make
17 sure that we have time for discussion. 05-05. On second
18 thought, we better take a short break. That was an
19 exhaustive little process.
20
21 (Off record)
22
23 (On record)
24
25 CHAIRMAN DEMIENTIEFF: Call to order.
26 During the break I immediately got jumped. The Chair to
27 the Chair said get them moving. My wife. This morning
28 she said slow them down so we could spend another day
29 here, but I got different marching orders. If you notice
30 a change in my cadence, you'll know why. Okay. With
31 that, let's go on to Proposal 05.
32
33 MR. UBERUAGA: Thank you, Mr. Chair,
34 Members of the Board. Fisheries Proposal 05 is presented
35 in your Board book beginning on page 462. This proposal
36 was submitted by the Eastern Interior Regional Advisory
37 Council and seeks to establish a six-day fall chum salmon
38 opening for Federally-qualified subsistence users in
39 Subdistrict 5-D of the Yukon River.
40
41 The Council submitted this proposal
42 because of a history of the fall chum salmon subsistence
43 closures in Subdistrict 5-D,
44 while lower Yukon River users had harvest opportunities
45 on the same fish. The Council stated that the proposal
46 would ensure that remote families dependent upon
47 subsistence resources, and unable to participate in
48 subsistence assistance programs, would be given a
49 reasonable opportunity to harvest fall chum salmon for
50 personal consumption and use. The Council also noted

1 that the adoption of this proposal would preclude the in-
2 season manager s ability to restrict this fishery during
3 this six-day period of September 15th through the 20th.

4
5 Fall chum salmon run strength has been
6 variable over the years and was very poor in 1993 and
7 from 1998 through 2002 and subsistence fishing
8 restrictions were the result. Subsistence harvest of
9 Yukon fall chum had been below the State of Alaska's
10 amounts necessary for subsistence during the years
11 mentioned.

12
13 Subsistence fishing management is
14 implemented according to the Alaska Board of Fisheries'
15 2001 windowed fishing schedule and in Subdistrict 5-D the
16 windowed fishing schedule is seven days a week, 24 hours
17 a day. This proposal seeks a guaranteed opportunity to
18 fish in this subdistrict without regard to indicators of
19 in-season run strength.

20
21 Adoption of this proposal would take away
22 the Federal in-season manager's authority to manage
23 subsistence fishing during this period. During years of
24 low fall chum salmon returns subsistence harvest during
25 this six-day period could result in the removal of fish
26 from returns that might be below escapement requirements,
27 thereby affecting stock recovery.

28
29 There is also concern about the
30 inconsistency between this proposal and the existing
31 U.S./Canada agreements for border passage of fall chum
32 salmon.

33
34 Mr. Chair, this concludes my presentation
35 and thank you.

36
37 CHAIRMAN DEMIENTIEFF: Written public
38 comments.

39
40 MR. MATHEWS: Yes, Mr. Chair, there were
41 two submitted. They're found on page 464. The Yukon
42 River Drainage Fisheries Associations opposes it and Mike
43 Moses of Mountain Village also opposes it. He explained
44 that the work put out by the Yukon River Panel and the
45 U.S. Fish and Wildlife Service to protect these Canadian
46 bound stocks should remain in effect until such time that
47 they feel protection is no longer needed. Protection of
48 these fall chum salmon should also not end up as dog
49 food. Dogs are able to eat other foods besides salmon
50 and people should be grateful that they can receive fish

1 without due expense. Those are the two public comments.

2

3 CHAIRMAN DEMIENTIEFF: Thank you. We have
4 one request for public testimony. Jill Klein.

5

6 MS. KLEIN: For the record, my name is
7 Jill Klein with YRDFA on Proposal 05 for the five-day
8 fall chum opening. Again, as Vince Mathews had stated,
9 we are opposed to the proposal. In general, we'd like to
10 say we do support the Yukon Flats and Y5-D in their
11 fishing efforts and we understand the difficulty that
12 they have in meeting their subsistence needs during
13 certain river conditions or run sizes. Especially during
14 times of high water it is difficult to catch fish in
15 their area regardless of how many fish there may be and
16 the amount of fishing time they have, which is seven days
17 a week.

18

19 It is important to support people who do
20 want to live their subsistence lifestyle, but we still
21 want the ability to limit fishing efforts if there is a
22 conservation concern that may be needed and we're not
23 sure that this is a part of the proposal. And this
24 proposal could lead to fishing on weaker stocks that may
25 need protection in order to achieve escapement goals.

26

27 We would also like to stress the
28 importance of learning more about the numbers of salmon
29 going by at this specific part of the river and sometimes
30 it's difficult to tell that. Local people in the region
31 have felt that sometimes managers push fish past the
32 Yukon Flats region in order to make border escapement
33 goals while the rest of the river went fishing. It is
34 important to balance meeting their subsistence needs
35 while at the same time protecting the resource.

36

37 YRDFA has been working with the Council of
38 Athabaskan Tribal Governments this past summer to learn
39 more about their subsistence harvest patterns and we
40 suggest that fisheries managers utilize this information
41 and gather more data if they can about the numbers of
42 salmon going past at this point in the river. We hope
43 that that should ensure minimum subsistence needs are
44 met, which is what we feel this proposal is addressing.
45 Thank you.

46

47 CHAIRMAN DEMIENTIEFF: Thank you.
48 Regional Council comments. Yukon-Kuskokwim.

49

50 MS. GREGORY: Mr. Chairman. The Y-K Delta

1 Regional Council opposed this. They feared if this
2 proposal is adopted, it would jeopardize fall chum
3 recovery because fall chum is still in its rebuilding
4 stage. Other species of fish are readily available in
5 that area to meet local subsistence fishers needs. This
6 proposal is confusing as presented to the Yukon-Kuskokwim
7 Delta Council. The Yukon-Kuskokwim Delta Council prefers
8 the original language of the proposal in the booklet that
9 was sent to Council members for review before this
10 meeting. It was too difficult to compare those two.

11

12

CHAIRMAN DEMIENTIEFF: Western.

13

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CHAIRMAN DEMIENTIEFF: Eastern.

MR. NICHOLIA: Thank you, Mr. Chair. The U.S./Canada Agreement provides that whenever possible small scale traditional subsistence fisheries shall not be disrupted. Why we put this proposal forward is it will only benefit about no more than 20 families, remote families, in the Yukon Flats region that don't have other avenues, like public assistance, to make it through the winter. What I heard when I was there in Eagle and what I heard from other people is they choose to live that lifestyle, it's the lifestyle they want to live. When they're cut off, they're cut off from food. That's why we put this forward, just to protect those few families. It's not detrimental. We asked Fred Bue what's 5,000 fish going to be to the overall run and he says it's not going to be no big impact. It's other uses that impact the fishery. Thank you.

CHAIRMAN DEMIENTIEFF: Staff Committee.

ROD SIMMIONS: Mr. Chair, Members of the Board. I'll refer you to page 463 for the Interagency Staff Committee recommendation, which was to oppose the proposal consistent with the recommendations of the Yukon-Kuskokwim Delta and Western Interior Regional

1 Advisory Councils, but contrary to the recommendation of
2 the Eastern Interior Regional Advisory Council.

3

4 Opposing this proposal would retain the
5 current management scenario, which provides a flexible
6 and responsive approach to differing levels of salmon
7 escapement, and extensively involves the public,
8 Councils, coordinating Fisheries Committee, and State,
9 Federal, and Canadian fisheries managers throughout the
10 season.

11

12 If adopted, this proposal would restrict
13 or eliminate the in-season manager s authority to manage
14 subsistence fisheries during the dates proposed,
15 regardless of run strength or timing. This would be
16 inconsistent with the principles of sound fisheries
17 management. The proposed regulation could also be
18 inconsistent with the U.S./Canada Agreement during years
19 of low run strength, because of the inability to quickly
20 close the harvest season based on in-season run
21 estimates. Thank you, Mr. Chair.

22

23 CHAIRMAN DEMIENTIEFF: Thank you.

24 Department.

25

26 MR. BERGSTROM: The Department comments
27 are on pages three and four of our document. We do not
28 support the proposal and basically agree with the Federal
29 Staff Committee. What we did want to add as far as the
30 concerns for how the fall chum run is managed and
31 subsistence concerns that we did have several very poor
32 runs from '98 through 2002.

33

34 We do want to note that in January 2004
35 the Alaska Board of Fisheries revised the fall chum
36 management plan by adjusting the overall escapement goal
37 from 350,000 to 300,000 fish. This change was made to
38 provide more subsistence fishing opportunity while
39 continuing to sustain the run. So we feel that we've had
40 an adjustment there that will hopefully help in the lower
41 run sizes to provide some subsistence fishing
42 opportunity.

43

44 And then I just had one more comment since
45 we had our opening comments. We're on our last proposal,
46 but we do continue to urge that the RACs meet together so
47 we can coordinate better on issues. We feel that
48 management along the Yukon has been very well coordinated
49 between Federal and State, but as you lose that
50 coordination it can get more difficult. Thanks.

1 CHAIRMAN DEMIENTIEFF: Thank you. Board
2 discussion. Paul.

3
4 MR. TONY: I just have a question on the
5 Staff Committee analysis, on how setting a season would
6 take away the authority that the Board gives the in-
7 season manager to close it in case there weren't enough
8 fish. I thought that we set seasons and then we give
9 that in-season authority as a way to close the seasons
10 earlier if the run strength wasn't sufficient to provide
11 for conservation of the resource.

12
13 MR. UBERUAGA: Mr. Tony, I would respond
14 that in that the proposal requested specifically that
15 authority. In other words, they asked specifically that
16 it would remove the authority from the in-season manager.
17 Thank you.

18
19 CHAIRMAN DEMIENTIEFF: Further discussion.
20 Judy.

21
22 MS. GOTTLIEB: Mr. Chair, I think once
23 again this highlights the frustration of upriver users.
24 Maybe this isn't the best vehicle to try to continue to
25 address those concerns, but it does really highlight how
26 important the conservative management over the entire
27 river is really important and puts the burden on
28 in-season managers to ensure that enough fish make it all
29 the way up the river, not only for escapement but also
30 for subsistence uses.

31
32 CHAIRMAN DEMIENTIEFF: Further discussion.
33 Yes.

34
35 MR. LITTLEFIELD: Maybe I'm lost. I'm
36 looking at Proposal 05. Is that what we're on? I don't
37 see anything within that proposal that says to eliminate
38 the manager's authority. Maybe I'm reading it wrong.
39 Maybe you could clarify that for me.

40
41 MR. UBERUAGA: The proposal originated at
42 the winter Regional Advisory Council meeting and it was
43 noted at that time to ask OSM to prepare the proposal and
44 I went back and reviewed the transcripts and confirmed
45 with the lead Council chair that this, indeed, was the
46 intent of the proposal, was to establish that six-day
47 period regardless of the authority of the in-season
48 manager. I'm not sure what part you don't understand,
49 Mr. Littlefield. Thank you.
50

1 CHAIRMAN DEMIENTIEFF: Go ahead.

2

3 MR. LITTLEFIELD: Does it say mandatory
4 there then or something because that isn't the language.
5 I'm just trying to follow up Mr. Tony's comments. It's
6 been my experience that the land managers have that
7 authority and you can't take that away from them if it's
8 been delegated by the Federal Board. So I was just
9 confused there. Sorry.

10

11 CHAIRMAN DEMIENTIEFF: Go ahead, Tom.

12

13 MR. BOYD: Mr. Chair. I think Mr.
14 Uberuaga is correct with regard to the intent of the
15 proposal as it was submitted. If you look on page 465 in
16 the first paragraph, toward the end of the paragraph, the
17 next to the last sentence, the Council also noted that
18 the adoption of the proposal would preclude the in-season
19 manager's ability to restrict this fishery during the
20 six-day period. So when we prepared that analysis it was
21 with that in mind.

22

23 I would agree with you, however, Mr.
24 Littlefield, that the actual regulatory language does not
25 preclude that and that if the Board so chose to pass
26 this, it could continue to empower the in-season manager
27 to further curtail that fishery as they saw fit based on
28 the need for meeting conservation concerns.

29

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

32

33 MR. GOLTZ: The delegations are
34 accomplished by a letter and that happens after the
35 regulatory action by the Board. In this case, there
36 wouldn't be a delegation. That's something that's always
37 within the power of the Board and they always have the
38 power to grant or deny that authority.

39

40 CHAIRMAN DEMIENTIEFF: Further discussion.
41 Hearing none, is somebody prepared to offer a motion.

42

43 MR. EDWARDS: Mr. Chairman, I move that
44 the Board adopt the recommendation of the Y-K Delta and
45 the Western Interior Councils, which would be to reject
46 the proposal. If runs were weak in a given year, I
47 don't think that this proposal has the adequate
48 safeguards that would be necessary and I think it would
49 be contrary to the U.S./Canada Agreement and would create
50 an added conservation problem on meeting spawning

1 escapement objectives.

2

3 CHAIRMAN DEMIENTIEFF: Is there a second.

4

5 MS. GOTTLIEB: I'll second.

6

7 CHAIRMAN DEMIENTIEFF: Discussion. Paul.

8

9 MR. TONY: I wonder if the in-season
10 manager can give us a little bit of the history of what
11 the chum fishing allowances have been in recent years and
12 what the outlook is for the future, I guess.

13

14 CHAIRMAN DEMIENTIEFF: Go ahead, Russ,
15 respond to the question.

16

17 MR. HOLDER: Mr. Chairman, Mr. Tony. The
18 past two years the fishing times in Subdistrict 5-D have
19 been seven days a week and they have not been restricted.
20 The previous years there have been restrictions, concerns
21 for low returns of fall chum salmon. The outlook for at
22 least the next couple years we've been seeing the fall
23 chum salmon stocks rebuilding and we are not anticipating
24 closures of any kind within that area, but it is possible
25 if the stocks do not return as anticipated that there
26 could be closures in that area to provide for adequate
27 escapement.

28

29 CHAIRMAN DEMIENTIEFF: Further discussion.

30

31

32 MR. BSCHOR: Mr. Chair.

33

34 CHAIRMAN DEMIENTIEFF: Yes.

35

36 MR. BSCHOR: It says in the Staff analysis
37 here, I believe, that during years of low fall chum
38 salmon returns the subsistence harvest during this
39 requested six-day period could remove fish from returns
40 that might be below escapement requirements. Can we get
41 an idea of what the likelihood of that is? That's
42 speculative at this point. I wonder if we have any data
43 on what the chance of that might be to happen.

44

45 MR. HOLDER: Mr. Chairman, Mr. Bschor. If
46 I understand your question correctly and I'd like
47 clarification, are you asking how certain are we that we
48 would not have closures in that area in the future?

49

50 MR. BSCHOR: I'm asking what the chances

1 are of this really affecting the U.S./Canada Agreement.
2 Because I don't know how many fish -- I think Gerald said
3 5,000 fish. I mean what's the margin for moving within
4 this -- what's the margin that we're working in here
5 before we hit that wall with Canada?

6
7 MR. HOLDER: The U.S./Canada Treaty
8 Agreement provides for 80,000 fish, which has been less
9 than that in these lower return years. The impact of
10 5,000 fish is probably beyond our management ability to
11 provide for.

12
13 CHAIRMAN DEMIENTIEFF: Go ahead.

14
15 MR. BERGSTROM: Yes, Mr. Chair. If I
16 understand, it's kind of a question of would there be a
17 year where we'd see so few fish where you wouldn't be
18 able to take like 5,000. Well, the 2000 season was just
19 a horrendous run. I think the total run was about
20 270,000 and we ended up taking a total of 12-20,000 just
21 before we knew how bad the run was. As we look back on
22 that year, you know, there shouldn't have been any
23 harvest. That was just to reach escapements. And then
24 we just kind of add in that secondarily there's the
25 U.S./Canada portion of that border commitments that would
26 be tough to meet in such a year. So there can be that
27 year that's so bad that it's not possible.

28
29 CHAIRMAN DEMIENTIEFF: Further discussion.
30 Let me just say this one tears at my heart personally.
31 When they first started restricting us on the river,
32 there was a certain biologist got knocked to the ground
33 two different weeks in a row as he was delivering the bad
34 news. Once by one of our elders who felt so
35 compassionate about the issue and I pulled him off of the
36 biologist. And the next week by yours truly and the
37 elder pulled me off of him. This is one area I really
38 have trouble with.

39
40 The thing I can say is that we have
41 learned to be more efficient at getting our needs and it
42 took a lot of adjustment. For example, you don't get
43 periods off. Of course, we lived through the era when
44 there was no fall chum fishing and that was real
45 difficult to take. I believe in the planning process. I
46 believe in the management.

47
48 My inclination is to vote for the motion,
49 but I'm just letting you know that it hurts to do this.
50 I don't know exactly. I'm still on the fence. I don't

1 have any advocacy one way or the other, but I'm just
2 letting you know the feelings that are behind it. I
3 understand totally and appreciate Eastern's testimony in
4 this issue, but it just cuts too close to the quick for
5 me. Paul.

6
7 MR. TONY: I just want to ask for a
8 clarification again. It seems to me that in reading this
9 they're not asking that there be a season set in stone,
10 that the in-season manager couldn't adjust if the
11 escapement wasn't what it should be. It looks to me like
12 what they're asking is that only Federally-qualified
13 subsistence users be eligible to fish during this time
14 period, which is a whole different thing. I mean reading
15 on the face of it that's what it appears to me and I just
16 wanted clarification on that.

17
18 MR. UBERUAGA: Mr. Tony, the only
19 clarification I can give you is that my understanding is
20 that they want a guaranteed six-day period they can fish
21 that these fish will be available to the remote families
22 out there regardless of anything else. Regardless of the
23 run strength, regardless of anything else, in-season
24 manager authority. They want to be able to fish for
25 those fish.

26
27 This proposal is for two families, two
28 remote families who live a true subsistence lifestyle
29 with very little recourse to going up to Eagle to take
30 part in the assistance programs. They have dog teams.
31 They feed their dog teams with fish and they're out
32 there.

33
34 MR. TONY: Isn't that essentially asking
35 for the second tier of priority under ANILCA where you
36 would do a determination on those most dependent on the
37 resource and then you would narrow it? If the amount of
38 fish available couldn't provide for everybody, that you
39 would narrow it to those most dependent on it. Because
40 that's what it reads here. Not everybody who is a
41 qualified user within the state would be allowed to go
42 there and fish during a guaranteed season. It reads to
43 me more like asking for a determination that those most
44 dependent would be the ones that would be eligible to
45 fish and that you wouldn't have the wider harvest.

46
47 MR. UBERUAGA: I leave that to you to
48 determine that. I'm only relaying what the intent of
49 their submittal was and that's to allow that six-day
50 fishing for those remote families.

1 MR. EDWARDS: What would we estimate that
2 harvest would be on an annual basis?

3
4 MR. UBERUAGA: I heard estimates at the
5 Council meeting from 500 to 1,500 fish.

6
7 CHAIRMAN DEMIENTIEFF: Jerry.

8
9 MR. NICHOLIA: Thank you, Mr. Chair. This
10 proposal is for a couple families in the Eagle region
11 that doesn't have another avenue like public assistance
12 or general assistance to rely on like people within the
13 community does. There's even people around Fort Yukon
14 and I heard around Beaver too that's out there living a
15 truly subsistence lifestyle that just want an opportunity
16 to put a few fish away for themselves and their dogs,
17 their transportation, to make it through the year.

18
19 We're always talking to Andy and Virgil
20 and a couple other of my Council members about this. We
21 came to a point where we thought this Board will have
22 some kind of tool to help these families out, not just
23 have the in-season managers cut them off and they're
24 going to be starving out there and go hungry and stuff.
25 That's what actually happened and they did get cut off.

26
27 Even if these families could get a permit
28 or something because it's only going to be about five,
29 six, seven families that's out there that lives remotely.
30 It has to be a yearly permit that they come in when
31 they're allowed to get this permit and go out and fish
32 for 500 fish or 300 fish to make it through the fall.

33
34 What we're trying to do right here is help
35 these remote families that have no other avenue of
36 providing for themselves. That's what we're trying to do
37 with this proposal here. It's not going to be all
38 Federally-qualified users that's within that region.
39 This is remote families that's living a truly subsistence
40 lifestyle in a Federally-controlled land that's asking
41 you guys for help.

42
43
44 MR. TONY: Mr. Chairman.

45
46 CHAIRMAN DEMIENTIEFF: Go ahead, Paul.

47
48 MR. TONY: My question, and I'm not sure
49 who to ask this of, is what mechanism would trigger that
50 second tier protection when you get to the point where

1 you're having to restrict subsistence users and you go to
2 provide for those who are most dependent on the resource,
3 what mechanism would trigger that?

4
5 MR. BOYD: The mechanism is 804 of ANILCA,
6 which allows for the discrimination of uses between those
7 who are most dependent if you will. To date, we've
8 implemented Section 804 only a community-by-community
9 basis. We haven't gone to the individual level, which is
10 what seems to be suggested by what I'm hearing in this
11 proposal. However, what I read in this proposal is
12 different from that. What I'm reading is that within 5-D
13 chum salmon opening for all Federally-qualified users
14 within 5-D. So that's a number of communities as I see
15 it unless I'm missing something. So even the proposal
16 itself really doesn't target two families or a handful of
17 families. It basically wants to open it up unrestricted
18 for all communities in that region or that subdistrict.
19 Mr. Chair.

20
21 CHAIRMAN DEMIENTIEFF: John.

22
23 MR. LITTLEFIELD: Thank you, Mr. Chair. I
24 was going to save this for the open discussion, but this
25 is the last proposal. I was having a little trouble
26 following it, so I want to talk a little bit about that.
27 The proposal that's before you is reverse language. It's
28 hard for the public to follow what's going on here and
29 that's why at Southeast we recommended that you use a
30 procedure of adopting what's put forward. In other
31 words, the language that I'm looking at is on page 462.
32 Had you moved to adopt the language on 462 as endorsed by
33 the Eastern Regional Council, in other words a positive
34 motion to support what was proposed, I think I could
35 follow you a little easier. The language there doesn't
36 say a single thing about restricting the ability of
37 anybody. It doesn't anything about 804. It does say
38 Federally-qualified, which is before 804. So I'm still
39 uncertain what language you guys are talking about. To
40 me, it seems like you moved to adopt this language that
41 says proposed regulation, which says absolutely nothing
42 about restricting any manager's authority, which I don't
43 believe you can do anyway. If that could be clarified, I
44 guess I might have saved that for later, but this is my
45 last shot at this, so thank you.

46
47 MR. BOYD: I think I've responded before,
48 Mr. Chair, and I think I've said Mr. Littlefield is
49 correct. If you look simply at the language of the
50 proposed regulation it absolutely says nothing about

1 restricting. I'm not sure what you're referring to, Mr.
2 Littlefield.

3

4 CHAIRMAN DEMIENTIEFF: Go ahead.

5

6 MR. LITTLEFIELD: Just a short response,
7 Mr. Chair. The second part of it was the motion was to
8 adopt the recommendation of the Yukon-Kuskokwim, which is
9 to reject the proposal, which is what you've done a
10 couple times. I'm saying that the form that should have
11 been used to make it clearer to the public would have
12 been to move to adopt the recommendation of the Eastern
13 Interior Council. If you vote no, it means no, it
14 doesn't mean yes. That's what I'm trying to ask you to
15 do. If you put these in positive forms -- when you all
16 say six no's, then everybody knows no means we didn't
17 accept it. No doesn't mean we accept it. So that is
18 what I'm asking you to do.

19

20 MR. TONY: The question I have, Mr. Chair,
21 the general description in the proposed language, is that
22 verbatim what was written by the Eastern Interior Council
23 or is that an interpretation of what their intent was?
24 It sounds like maybe their intent was different than
25 what's written down here and that's the only thing I'm
26 trying to clarify or get an answer to.

27

28 MR. UBERUAGA: Again, it was taken from
29 the transcripts and double checked with the proponents,
30 with the chair of the Council, and he was fine with what
31 we came up with. So that's the intent and the language
32 is suitable with them. Thank you.

33

34 MR. TONY: But it includes all qualified
35 Federal subsistence users in 5-D, so it's a little bit
36 more than 500 fish.

37

38 MR. UBERUAGA: That's correct. Again, it
39 was directed at a few families. The chair that lives in
40 Eagle specifically stated that this is not for us, people
41 in Eagle. He says we get assistance. It's for those
42 people who cannot take part in the assistance. So, yes,
43 the wording may have not been the most exact and succinct
44 possible, but that was the wording that the Council came
45 up with and agreed to. Thank you.

46

47 MR. TONY: Mr. Chair. It sounds to me
48 like the intent was to ask for an 804 determination for
49 individual families maybe.

50

1 CHAIRMAN DEMIENTIEFF: I think that's what
2 was asked for, but what the proposal is is actually all
3 qualified subsistence users in the subdistrict. It has a
4 larger implication and I think the problem the Council
5 was trying to solve.

6
7 MR. NICHOLIA: Mr. Chairman, I think we
8 may have a little misunderstanding between me and Rich
9 and I'm sorry about that, but things are happening so
10 fast, we wanted to protect the Federally-qualified remote
11 families within that Yukon Flats area because that's what
12 we were shooting for because there was only a few
13 families who would utilize this, whereas they had no
14 other avenue to get public assistance or something like
15 that. If it comes to 804 and if it helps these families,
16 I feel I've done something for them or we've done
17 something for them.

18
19 CHAIRMAN DEMIENTIEFF: Gerald, do you know
20 where they live outside of Eagle.

21
22 MR. NICHOLIA: What Andy told me, there's
23 one family that's about 20 miles down from Eagle and
24 there's another one about 30 miles around Circle and I
25 asked Paul Williams how many other families are remotely
26 disconnected from a village and other assistance programs
27 and he said five to six families along the river that
28 really lives that lifestyle. A couple people came to
29 Andy, because he's the representative from that area and
30 asked him how could they get help when they get cut off
31 from their subsistence fishing on fall chum and we tried
32 to come up with something and this is what we came up
33 with and hopefully we could do something for them. It's
34 up to you guys. You could amend this thing the way you
35 guys see fit to help them or you could just shoot it
36 down, too, also.

37
38 CHAIRMAN DEMIENTIEFF: Keith, maybe you
39 could give us your view of the proposal.

40
41 MR. GOLTZ: If the Board wishes to narrow
42 the proposal down to those seven families, I think the
43 law would allow you to do that. The practical problem
44 is identifying that smaller subset. But if you can
45 identify a subset smaller than Federally-qualified users,
46 I think the law would allow you to craft the regulation
47 to meet that particular need.

48
49 CHAIRMAN DEMIENTIEFF: Gary.
50

1 MR. EDWARDS: I guess the reality is that
2 crafting the regulation is the easy thing. Trying to
3 figure out actually how to make that happen on the ground
4 to ensure that these X amount of families get 1,500 fish
5 every year is probably much more difficult, wouldn't it
6 be?

7
8 CHAIRMAN DEMIENTIEFF: Paul.
9

10 MR. TONY: I wonder, Keith, if it could be
11 a direction from the Board to the in-season manager that
12 in the event there had to be a general closure that he
13 could look at those most dependent and decide whether
14 there could be some allowable level of catch for that
15 smaller group.

16
17 MR. GOLTZ: The answer is yes. The Board
18 has the ability to delegate within the parameters of its
19 own power. The reason I'm laughing is that the mentor
20 for Southeast would often come to these meetings and give
21 us his version of ANILCA and then I would feel like I had
22 to respond and it ended up like a debate.

23
24 I have to say now and maybe later in the
25 meeting that these delegations are delegations from the
26 Board. The Board has full authority to grant a
27 delegation, it has full authority to withdraw and I
28 thought I heard you say, John, that we don't have
29 authority to restrict the manager's authority. The only
30 authority any manager has comes from this Board and the
31 Board has full power to craft the parameters of that
32 authority to change it or to withdraw it. That's
33 something we shouldn't lose sight of. This is a Federal
34 program run by a Federal Board and it has the authorities
35 granted to it which may or may not be delegated in any
36 particular case. To come back to this case, yes, it
37 seems to me that if it's done clearly you can grant those
38 authorities to the managers.

39
40 CHAIRMAN DEMIENTIEFF: Tom.
41

42 MR. BOYD: Mr. Chair, as I've been
43 listening to the discussion and sort of getting refocused
44 on what is the intent of the proposal as opposed to what
45 is actually proposed and getting more of an understanding
46 and after Mr. Tony posed the question about whether or
47 not the in-season manager could be delegated the
48 authority to make distinctions between those that are
49 most dependent upon the resource in times of shortage.
50 Essentially what that says to me is delegating to the in-

1 season manager some authority to implement Section 804
2 into doing an assessment of essentially those three
3 criteria. I would suggest to the Board to move
4 cautiously on this.

5
6 I think, as we have struggled with how you
7 implement 804, we've limited ourselves to date to looking
8 at this on the community level but not on the individual
9 level. I think if we were to get into this, I think we
10 would want to do diligence to the Board and to be able to
11 develop some sort of an approach to this that we could
12 apply across the Board. We're talking about implementing
13 something that has far broader implications and
14 ramifications than we can even envision in this setting
15 and in this circumstance. So I think we need to be very
16 cautious and very careful.

17
18 So I would caution the Board at this time
19 not to adopt a regulation sort of on the spur of the
20 moment thinking, well, we've got to meet this need, when,
21 in fact, we need to step back and look at how we might
22 implement this on a broader scale if we're going down
23 that road and to have the Board understand the
24 implications and ramifications of following that course
25 of action. Mr. Chair.

26
27 CHAIRMAN DEMIENTIEFF: That's another real
28 problem I'm wrestling with. We obviously cannot do it
29 for everybody in the system, but there are other people
30 in other areas and I think that's a point that while I
31 really appreciate the concerns and Gerald has done his
32 usual good job of framing it, it's hard for me to apply
33 something like this for one little group of people in one
34 little area and not to have that same possibility for
35 other people in the system within our authority and
36 that's a real problem I have. It's a fairness issue. We
37 need to be fair to all our Federally-qualified
38 subsistence users. Of course, it has huge biological
39 implications when you make it available in a fair way.
40 That's kind of where I'm at, I guess. Tom.

41
42 MR. BOYD: I might also add that in this
43 situation, based on what I've heard, for the last two
44 years we haven't had the need to restrict fall chum in 5-
45 D, is that correct, Mr. Holder?

46
47 MR. HOLDER: Mr. Chairman, Mr. Boyd, that
48 is correct.

49
50 MR. BOYD: And based on that, then we

1 wouldn't even invoke 804 in this circumstance. Mr.
2 Chair.

3

4 CHAIRMAN DEMIENTIEFF: Della.

5

6 MS. TRUMBLE: I've had a comment, but then
7 after your discussion and Tom's, I may have to agree with
8 you. I do sympathize and I am with Gerald in his concern
9 with these families and the whole issue with this is the
10 six families that don't have access to two things, that's
11 public assistance or general assistance. If that was
12 able to be put into words with your motion or to amend
13 it, then it limits it pretty much to those six families.
14 But I also, on the other hand, agree to what you said.
15 If you make it into a regulation, then it's questionable
16 who is going to be eligible and who isn't.

17

18 CHAIRMAN DEMIENTIEFF: John.

19

20 MR. LITTLEFIELD: I don't want to get into
21 a long debate here with the lawyer, but nothing is going
22 to change. When I'm gone, they're going to keep right on
23 coming out of Southeast. Anyway, my interpretation there
24 and why I would say no is because emergency actions or
25 special actions are temporary in nature. They are not
26 regulations or written into the regulations. The
27 regulations that you have require that you review those
28 immediately. So, what we're talking about and the
29 request from the Eastern Interior was to put into
30 regulation this -- and if they really want to go to these
31 communities, I have a suggestion of how you could do that
32 if you would like to hear the amendment, Mr. Chair.

33

34 CHAIRMAN DEMIENTIEFF: Go ahead.

35

36 MR. LITTLEFIELD: Mr. Chair, what I would
37 suggest is that you revise -- let's go back and say that
38 we're talking about the language on 462 and that doesn't
39 say anything about Federal managers. So I would amend
40 that for Federally-qualified subsistence users residing
41 outside of the communities. I don't have anything else
42 to reference it to, so I will say outside of the
43 communities in Table 2 as shown on 471 and let Mr. Knauer
44 craft that appropriately because I believe that is what
45 Gerald said. These people all reside outside of the
46 communities and that should accomplish your purpose. It
47 doesn't matter where they live as long as they're living
48 outside this. I think that would accomplish it, sir.

49

50 CHAIRMAN DEMIENTIEFF: Paul.

1 MR. TONY: I think I agree with Tom on
2 this, that maybe we a way to move forward is to ask for a
3 Board working group meeting where we address how to
4 implement 804 if it's done on a non-community basis and
5 put an approach into place because I'm sure if it gets
6 set in here there's going to be asked for in other
7 situations and that's the reason I think that looking at
8 it at that level and how to consistently implement it is
9 going to be the way to go forward, I think.

10

11 CHAIRMAN DEMIENTIEFF: Yes.

12

13 MR. REAKOFF: That's where we hung up, was
14 having all of the C&T eligible users for 5-D eligible.
15 We understood the intent, but that's where the proposal
16 hung up. We were not opposed to the few families.
17 That's why we had compassion on that aspect. I would
18 caution the Board to proceed carefully with this. This
19 is a very wide-ranging effect and I would encourage that
20 interboard meeting for discussion on what these
21 parameters would entail. I would proceed very
22 cautiously.

23

24 CHAIRMAN DEMIENTIEFF: I agree with the
25 need, but there's other people all over the state that
26 are Federally-qualified that have the same need. It's
27 difficult that we need to do something one size fits all.
28 Therefore, I reluctantly intend to vote no on the
29 proposal, but I already was going there as far as one of
30 our work sessions to try to find -- put Keith to work and
31 try to see if there's some reasonable approach. I hope,
32 Gerald, that you'll understand that it has to apply to
33 everybody. We can't just do it for -- we have no
34 authority to do it for just those families. No way to do
35 it. But we will look into it and if there is a way
36 possible, then we will do that.

37

38 With that, is there any more discussion.
39 Judy.

40

41 MS. GOTTLIEB: Mr. Chair, following Mary's
42 advice, if nature is good to all of us, the season is
43 going to be open next year and hopefully those families
44 have not only their time but also have good luck in
45 catching the fish.

46

47 CHAIRMAN DEMIENTIEFF: Anyway, the bottom
48 line is a yes vote adopts the recommendation of the
49 Yukon-Kuskokwim Delta and Western Regional Advisory
50 Councils. That's what's on there. I do intend to

1 support the motion. Are we done?
2
3 (Board nods affirmatively)
4
5 CHAIRMAN DEMIENTIEFF: All those in favor
6 of the motion please signify by saying aye.
7
8 IN UNISON: Aye.
9
10 CHAIRMAN DEMIENTIEFF: Those opposed same
11 sign.
12
13 (No opposing votes)
14
15 CHAIRMAN DEMIENTIEFF: Motion carries.
16 Keith, we're going to have a workshop by tomorrow, so
17 you're going to have to spend all night to get us some
18 research done. We will do that, I guarantee you, and we
19 will pass that along because I think the exercise is
20 really necessary.
21
22 Consent agenda. The Chair would entertain
23 a motion to adopt the consent agenda.
24
25 MR. TONY: So moved.
26
27 CHAIRMAN DEMIENTIEFF: Is there a second.
28
29 MR. EDWARDS: Second.
30
31 CHAIRMAN DEMIENTIEFF: The rest of the
32 Board moved to second the motion. Discussion. All those
33 in favor signify by saying aye.
34
35 IN UNISON: Aye.
36
37 CHAIRMAN DEMIENTIEFF: Those opposed same
38 sign.
39
40 (No opposing votes)
41
42 CHAIRMAN DEMIENTIEFF: Motion carried.
43 Okay. Board discussion of Council topics with Chairs.
44 If Regional Council representatives have issues, I'd
45 prefer to lead off with you. Della.
46
47 MS. TRUMBLE: This is my last meeting as a
48 Chair for Kodiak Aleutians and there are a couple issues
49 I wanted to bring forward. First of all, we had the
50 opportunity last summer or last June to bring a number of

1 representatives from the other regions and some Federal
2 Staff to our region. We split them out from the
3 Shimagans all the way through Area M through the False
4 Pass fisheries. I wanted to pass on from Stanley Mack,
5 the Aleutians East Borough Mayor, that we would like to
6 continue to do that this coming June. Given what Mitch
7 said earlier, that I'll be watching over your shoulder,
8 basically I'm right across the street. My office is at
9 OSM. But I'd like to continue that and to extend that
10 invitation and I'll be happy to help coordinate and work
11 that because I think it was very beneficial and the
12 people in our region really appreciated the time and
13 effort from Fish and Wildlife and the representatives.
14 I, unfortunately, was supposed to go up to Eagle and was
15 looking forward to that last summer, but the fires
16 restricted that trip.

17 The other thing, and I told Mary and I talked
18 to Jack a little bit, is at one time this Board had the
19 tri-councils meetings and I was able to participate in
20 all them as a representative from Area M and may
21 encouraged that dialogue, I think, to help come into
22 these meetings with at least some sense of consensus in
23 the future may be beneficial. The biggest message here
24 is to really continue to work together not only as the
25 various agencies but the regions because I think, as a
26 whole, especially the regions as a whole, if we agree and
27 have consensus on something it's more power to us as
28 regions as we go in together. I just wanted to pass that
29 on and to say thank you for the opportunity.

30
31 CHAIRMAN DEMIENTIEFF: Yes, Della, we
32 appreciate your work. I am planning to make a trip and
33 that's one of the areas that I plan to. We'll just thank
34 you once again for your hard work and your willingness to
35 continue to participate. Ralph.

36
37 MR. LOHSE: As the Chair of the
38 Southcentral Regional Advisory Committee, I would like to
39 take this opportunity to read into the record a
40 resolution that we passed and that we're passing on to
41 you as a Board. With the Chair's permission, I'll read
42 the resolution. I think you all have a copy of it, but
43 we'd like to put it on the record, too.

44
45 CHAIRMAN DEMIENTIEFF: Yeah.

46
47 MR. LOHSE: I take it that yeah means I
48 have your permission.

49
50 CHAIRMAN DEMIENTIEFF: Go ahead.

1 MR. LOHSE: Resolution 04-01. Resolution
2 requesting the Federal Subsistence Board initiate
3 research on customary trade amounts. Whereas the
4 Southcentral Federal Subsistence Regional Advisory
5 Council was established by Section 805 of the Alaska
6 National Interest Lands Conservation Act of 1980 (ANILCA)
7 and whereas the above Subsistence Regional Advisory
8 Council is given the authority in Section 805 of ANILCA
9 to review and evaluate management plans and other matters
10 relating to the subsistence uses of fish be a public
11 forum for the expression of opinions and recommendations
12 on any matter related to subsistence uses of fish and
13 wildlife, and to encourage local and regional
14 participation in the decision-making process affecting
15 the taking of fish and wildlife on public lands, waters;

16
17 Whereas the members of the Regional
18 Advisory Council are appointed by the Secretaries of the
19 Interior and Agriculture based on their expertise and
20 knowledge of subsistence resources, their knowledge of
21 customary and traditional uses of those resources, as
22 well as their knowledge of sport and commercial uses of
23 those same resources;

24
25 And whereas the members of the Regional
26 Advisory Council are a cross-section of the rural Alaska
27 leaders because their membership includes village
28 leaders, tribal leaders, members of the local State of
29 Alaska Advisory Committees, trained biologists,
30 recognized academic leaders and elected representatives
31 to local and state governments and even their chairman,
32 who is none of the above;

33
34 And whereas the Southcentral Federal
35 Subsistence Regional Advisory Council represent the rural
36 subsistence users of 20-plus communities and others
37 living in rural areas of the Southcentral Region;

38
39 And whereas on October 1, 1999 the Federal
40 Subsistence Program, including the Federal Subsistence
41 Regional Advisory Councils, expanded to include
42 subsistence fisheries on Alaska rivers and lakes and
43 limited marine waters within and adjacent to Federal
44 public lands;

45
46 And whereas Chinook and sockeye salmon are
47 an integral part of the traditional subsistence diet and
48 lifestyle for the communities within the drainages of the
49 Copper River Drainage, customary trade of salmon has been
50 a customary and traditional activity practiced by the

1 rural residents of the Copper River Drainage;

2

3 And whereas until October 1999 customary
4 trade of fish has not been allowed in regulation and this
5 has resulted in very little documentation of customary
6 trade activities and now, therefore, be it resolved the
7 Southcentral Federal Subsistence Regional Advisory
8 Council requests the Federal Subsistence Board to
9 initiate research on customary trade amounts on the
10 Copper River;

11

12 And further be it resolved the
13 Southcentral Federal Subsistence Regional Advisory
14 Council is willing to participate on this important
15 subsistence research on customary trade amounts passed
16 and approved by a duly constituted quorum of the
17 Southcentral Federal Subsistence Regional Advisory
18 Council during its fall public meeting October 12, 2004.
19 Signed Ralph Lohse, Chair of the Southcentral Regional
20 Advisory Council.

21

22 The resolution passed with a vote of 10-
23 003 during the October 12, 2004 meeting in Soldotna,
24 Alaska. If you go back and look at our minutes from that
25 meeting you'll find that the need for this was brought up
26 many times. Our leaders from Ahtna and other places
27 brought up the need for this research. So we dutifully
28 and with all due respect ask that you do all within your
29 power to initiate this kind of a research program. Thank
30 you muchly. Any questions.

31

32 CHAIRMAN DEMIENTIEFF: Thank you. Anybody
33 else have anything.

34

35 MS. CROSS: I do. Only a couple things.
36 One recommendation I'd like to make to the Board, I don't
37 remember how long I've been coming to these meetings, but
38 at one point in time we used to alternate who goes first
39 and it went from Region 1 and one year it would be from
40 Region 10 backwards. I think it would be kind of wise if
41 the Board would start going back that way. One year have
42 the proposals presented from Region 1 and the following
43 year have the proposals presented from Region 10 because
44 I notice towards the end of the meeting period everybody
45 gets tired and things may not be discussed as well. I'm
46 not saying it happened here, but I think it would be wise
47 for the Board to start alternating again.

48

49 Another thing I would like to make for the
50 three Yukon Boards is I'd like to encourage you to work

1 together very well because it seems to me throughout the
2 years that I've been here the decisions that are made on
3 the two biggest rivers regarding fisheries has major
4 impacts and what goes on with our proposals in other
5 parts of the state. I come from a region that's very
6 small. When we do come up with some proposals sometimes,
7 you know, like the Federal Staff will tell us this
8 occurred in the Yukon River and this is what happened.
9 So whatever you present to the Board and you don't come
10 up with a good consensus may have impact for the rest of
11 the state. You are the largest system there is and that
12 holds the most of the Federal lands and I would encourage
13 you to work with one another. The decisions that are
14 made by this Board has far more impact than you realize
15 and I think you're doing a fine job and I hope you will
16 continue to iron out your differences, but also keep in
17 mind whatever happens will affect the rest of the state.

18

19 And I want to thank the Board once again
20 for a productive meeting and Mitch for coming up to our
21 region. Thank you again. I've learned a lot again and
22 we'll see you next time.

23

24 CHAIRMAN DEMIENTIEFF: Thank you in
25 speaking to the issue you raised, Grace, about the three
26 Yukon-Kuskokwim Regional Councils. Also I would like, as
27 you go back to your winter meetings, to keep in mind the
28 budget restrictions and keep in mind that your people
29 want to meet with you. Come up with ideas to help us out
30 for how we can get a dialogue going. We do have those
31 kind of problems. That's one thing I wanted to ask of
32 you during the winter meetings if you have time to
33 schedule it on your agenda. Jack first, I think, and
34 then Gerald.

35

36 MR. REAKOFF: Thank you, Mr. Chairman.
37 First I would like to say that I appreciate the hard work
38 that this Board does. I'm very satisfied with the
39 diligence you have and looking at all aspects and the
40 resource and the subsistence users. I know how hard
41 those tough decisions are and I can appreciate that.

42

43 Mr. Chair, you asked for us to sleep on
44 that tri-council issue and possibly come up with ideas,
45 so little wheels were turning in my head last night in my
46 sleep, I suppose. The tri-council meeting that we had
47 had benefits in that a face-to-face meeting allows the
48 working out of issues and understanding by all the RAC
49 members and that's a benefit. The tri-council meeting is
50 never going to alleviate all of the differences though.

1 The tri-council meetings are very
2 expensive and I understand the budgetary constraints that
3 we may have in the future, but I do feel that all three
4 councils that deal with these fishery issues should be
5 meeting simultaneously on the same day and should at
6 least have teleconferencing for those issues that the
7 chairs agree are controversial issues. I feel that
8 that's the minimum that these councils can work out these
9 issues by having one simultaneous day of meeting,
10 wherever that may be, and that all the council chairs
11 agree upon the controversial issues and work through
12 those on that teleconference. I think that's the minimum
13 that we can do with this. We're at a huge loss meetings
14 stacked end to end like we did this year. It just
15 doesn't work.

16
17 CHAIRMAN DEMIENTIEFF: I guess I should
18 have pointed out too that we will be working on it
19 internally because we realize the importance of this
20 happening, this communication, that everybody can know
21 where everybody's at when we affect the two systems.
22 Anything else. Gerald.

23
24 MR. NICHOLIA: Thank you, Mr. Chair. I'd
25 like to thank you guys for doing all the hard work and
26 stuff and bringing us here and trying to do something.
27 I'd also like to caution you. What you did not do for a
28 subsistence person to meet their needs is not very
29 commendable in my book and what you did for another group
30 of people to meet their convenience, to make it easier
31 for them when everybody else is having a hard time doing
32 their fishing and stuff is not really commendable in my
33 book. I think what you guys did today just very well
34 might have split up the three councils. I just want to
35 tell you that.

36
37 CHAIRMAN DEMIENTIEFF: Thank you. Mary.

38
39 MS. GREGORY: Yes, Mr. Chair. I spoke to
40 our chairperson yesterday and he wanted me to convey this
41 to you, that last time you guys were talking about the
42 upper Yukon spawning being in reality and he wanted to
43 know how the people who said that the spawning was not
44 happening knew that and he also added that because we've
45 had several years of low water that those streams up
46 there may not be getting enough water for the fish to
47 spawn in.

48
49 I also spoke to one of our Board members,
50 James Charles. He wanted that Proposal Number 60 become

1 a reality, which it didn't. He also had good comments on
2 our five-year moratorium on moose in Unit 18. He said
3 the people at first didn't like it from Lower Kuskokwim
4 but they're getting used to it because there's a winter
5 harvest for moose in the Lower Yukon River which they
6 sometimes participate in and he supports that.

7
8 Now my soapbox. We need money to have the
9 tri-council meetings at least twice a year. I just
10 witnessed yesterday and I spoke against the 250-some-
11 thousand dollar that the other Federal agents are going
12 to match a study of humpback whitefish. If you could
13 give us at least 10 percent of that amount, that would
14 give us maybe two meetings a year with the tri-councils
15 because we are the only vehicle that you have to get
16 input from the villagers who are the subsistence users
17 and the reason why we have a subsistence board for that
18 matter. Thank you.

19
20 CHAIRMAN DEMIENTIEFF: Thank you. Anybody
21 else. John.

22
23 MR. LITTLEFIELD: Thank you, Mr. Chair. I
24 note for the record I think I'm number six and not number
25 10. I have about 38 pages here in front of me and I'm
26 struggling with a meaningful priority and preference of
27 those in deference to Ms. Cross, so I'm going to just try
28 to make a couple of them as short as I can.

29
30 One of the things that we've done in the
31 Southeast Region is we try to submit proposals on license
32 fees. All of you are aware that the license fees are
33 going to be doubling and they're going to go to \$100.
34 Unfortunately, as members of this Board, have been
35 prohibited from discussing whether license fees should
36 apply to subsistence users because of stonewalling by
37 OSM. Those proposals have been rejected and not been
38 able to reach the Board and not being able to be
39 discussed by other members because it's a Secretarial
40 decision.

41
42 Be that as it may, we still should be able
43 to discuss that in an open forum. These \$100 license
44 fees are going to have a very significant effect on rural
45 communities everywhere in Alaska, not just Southeast. I
46 think that it's important that we make it a matter of
47 public record what we think about that and then submit a
48 letter to the Secretary asking her to give us some relief
49 on the application of license fees as well as tags that
50 are required by the State.

1 I'm going to submit another proposal and I
2 want to let you know that. This will be at least my
3 third proposal to remove the requirement for license fees
4 and I want to let the Board know that we'd like to have a
5 frank discussion among the people of that problem. It is
6 a problem and just simply saying that you can't discuss
7 it because it's outside your purview is not correct.
8 ANILCA says we can talk about anything concerning
9 wildlife and fish resources in our region, so I'd like to
10 do that, Mr. Chair.

11
12 I'm going to skip over the mixing zones.
13 Our record is clear that we oppose the mixing zones.
14 Yesterday I thanked Mr. Hernandez and the Board did too
15 as well, but one of the things I'd like to note for the
16 record is that the Forest Service has stepped up to bat
17 here. They have provided their funds and their expertise
18 to fund this program and I'd like to note that for the
19 record that Mr. Bschor we do appreciate that and if you
20 could pass that on to all of the members that have been
21 making this possible, I would appreciate that.

22
23 MR. BSCHOR: Thank you very much.

24
25 MR. LITTLEFIELD: The next thing I had is
26 the North Pacific Fisheries Management Council meeting.
27 The Southeast Alaska Regional Advisory Council took a
28 position on this as we have previously. We asked for
29 funds for me to travel to Anchorage in support of these
30 regulations which are for the same people that we're here
31 representing right now and it was disapproved. So I came
32 on my own dollar and I did testify at the North Pacific
33 Fisheries Management Council. I think the OSM should
34 have been paying me back for that. We took a position on
35 that and you've paid my way to Board of Game meetings and
36 Board of Fish meetings and I don't think it's an
37 arbitrary decision which one you want me to go to.

38
39 If the Council takes a position, we don't
40 take 50 positions, we only take a couple of them and we
41 ought to be able to go defend those among the agencies.
42 In this case, it was a Federal agency. And we should
43 also go defend those against the Board of Game and the
44 Board of Fish, proposals that directly affect us as
45 subsistence users. Again, I think it's within the
46 purview not who manages and has the management authority
47 of that resource, it's a subsistence resource for the
48 state of Alaska. We have the right to comment on it.

49
50 Also, while I'm on that, we have a Board

1 of Game meeting that's coming up where we're going to be
2 discussing the proposal that the Regional Advisory
3 Council submitted to require registration permit and you
4 heard from Mr. Hernandez that that's proceeding good and
5 we may have a good result. I would like to in advance
6 request travel authorization for two members of the
7 Southeast Regional Council to attend that Board of Game
8 meeting and present their case. So that's going to be
9 coming to you that we'd like two people to know and I
10 want to let you guys know because sometimes I think that
11 you don't know what's happening in the background.

12
13 Next was the Stikine River. We're not
14 very happy with what didn't happen. I guess I'll put it
15 in a reverse proposal. We are happy with the sockeye
16 that were given to us and the State has been stepping up
17 to the bat here. They've really helped us out, have been
18 proponents of getting subsistence fisheries on the
19 Stikine. The stonewalling that we're getting by the
20 Pacific Salmon Commission on establishing an extremely
21 conservative limit, 1,100 fish roughly out of the
22 Stikine, whether it's tens and hundreds of thousands of
23 fish, it kind of irks us in Southeast.

24
25 We think that you should go ahead and take
26 the action we asked you to a couple years ago, establish
27 those fisheries, let the chips fall where they may.
28 We're not preempting the Pacific Salmon Treaty or any
29 other regulations. We're laying them side by side as the
30 agriculture lawyer has told us we need to do. We need to
31 lay Federal legislation and all these things side by side
32 and interpret them together. There's no preemption, but
33 we believe the Federal Subsistence Board can go ahead and
34 make that regulation and then we'll hash that out of what
35 happens.

36
37 Customary trade. Some of the things that
38 happened earlier, we were really nervous about in
39 Southeast. At the North Pacific Fisheries Management
40 Council as an Intertribal Fish and Wildlife Commission
41 asked me to participate as a member in their meetings,
42 and in those meetings we strongly supported zero limits
43 on customary trade. I know everybody is different here,
44 but what our reasoning was, whatever limit we set,
45 whether it was \$10, \$100 or \$1,000 or \$2,000, it set a
46 target for subsistence users that they all tried to
47 reach. It became something that they're all shooting
48 for. We can get \$200 worth of fish, we can get \$500
49 worth of fish. It became a target.

50

1 Where we would like to concentrate on is
2 the words customary and traditional. If it's customary
3 and traditional for you to sell \$10,000 worth of strips,
4 that's your customs and traditions and you're entitled to
5 continue to do that. Conversely, I think the person who
6 for years has had a customary trade that exceeds these
7 values, if they were to come in, I think they would have
8 a good chance of a jury reasonably saying, yes, you guys
9 have been doing that. So I'd like to hang our hat on
10 customary and traditional and stay off of these
11 artificial limits. Our Council is strongly in favor of
12 that.

13
14 I am cutting some pages out, Mr. Chair.
15 I'd like to talk to adherence to ANILCA. We talked a
16 little bit about that and I think we really need to focus
17 on that. All of the Councils need to not fall away from
18 that. Make sure that our regulations are not straying
19 too far from what ANILCA says because ANILCA is the law,
20 the regulations are merely interpretation of that law and
21 they can't be adverse to it.

22
23 We identified marine waters in Yakutat in
24 2002 for inclusion in the submerged lands. That's on the
25 table right now. We've never received an answer from
26 anybody. We petitioned the secretary in that meeting,
27 told him we wanted a record to go to the Federal
28 Subsistence Board, we wanted a record to go to the
29 Secretary -- we wanted the Secretary of Agriculture as
30 well as the Interior. We haven't heard squat on that.
31 Not a word. We haven't heard that it doesn't apply or
32 anything and we feel that needs to be addressed because
33 it is not in the existing submerged lands issue.

34
35 We identified the World War II with
36 military withdrawals in the Sitka area. The uplands were
37 returned to the public domain. The submerged lands were
38 not and have never been to this day. We believe those
39 are subject to Federal jurisdiction by this Board, but we
40 don't have an answer and we'd like to flush that out.

41
42 On the allocation issue, all the other
43 members have talked about this and what we're doing is
44 we're allocating fish from one end of the river to the
45 other and it's a tough issue and I concur with all the
46 other chairs that you need to come up with a structure
47 and the money to allow those people to settle allocation
48 issues as near as possible and bring that to you. If it
49 takes FACA and it takes money, then ANILCA says that you
50 need to do that. It's not meaningful to have people

1 dueling across the table like that and it's not
2 supportive of the program.

3
4 Mr. Chair, I guess I'd like to leave that
5 and repeat what I said earlier when I was being
6 interviewed, was that whether this Board is doing any
7 good. Yes, I think you are doing some good and I applaud
8 you for your efforts to move this along. I think what
9 you're doing is setting precedence for the State when the
10 State ultimately decides they want to take over this
11 program and I think what you're doing is important.

12
13 And I want to thank all the Regional
14 Councils and those members because I know, just like me,
15 we're all volunteers and those people that are out there
16 put in a lot of work, a lot of hours and I'd like to
17 thank them for all the work they do. Thank you.

18
19 CHAIRMAN DEMIENTIEFF: Thank you. Tom, I
20 think, has a couple closing comments and then I'm going
21 to use the prerogative of the Chair and get the last word
22 in. Go ahead, Tom. We have one matter we have to get on
23 the record.

24
25 MR. BOYD: Thank you, Mr. Chair. I'm
26 going to call Bill Knauer up to read into the record some
27 administrative corrections that we are applying to the
28 Copper River.

29
30 MR. KNAUER: Thank you, Mr. Chairman.
31 This relates to salmon on regulations on the Lower Copper
32 River. It was the intent of the Federal Subsistence
33 Board to mirror subsistence fishing regulations that the
34 State had in place in 1990 and then again in 2000. Since
35 Statehood, there has been no State sanctioned subsistence
36 salmon fishery downstream from Haley Creek in the Copper
37 River. In 2000, both the codified regulations and the
38 public booklet correctly stated that you may not take
39 salmon in the tributaries of the Copper River and the
40 waters of the Copper River not in the upper Copper River
41 district.

42
43 A conflict in the construction of the
44 regulations as to whether a permit was required to take
45 salmon on the Prince William Sound area was identified
46 prior to publishing the 2001 final rule. This conflict
47 was resolved, but with some unintended consequences
48 relative to salmon in the Copper River Drainage. Through
49 the effort to clarify the regulations in 2001, we
50 inadvertently omitted the portion of the regulations

1 which closed the lower Copper River and its tributaries.
2 However, the regulation prohibiting harvest continued to
3 appear in the public booklet until 2004. The present
4 situation was realized by Park Service and Forest Service
5 Staff in November of this past year. No permits have
6 been requested or issued for the tributary streams or the
7 Copper River downstream from the upper Copper River
8 District.

9
10 On December 2nd a workshop was held in
11 Cordova in part to address the concerns of the in-season
12 manager regarding this situation. Workshop participants
13 included subsistence fishermen from upriver and downriver
14 areas, commercial fishermen, Regional Council members,
15 local Advisory Committee members, Native organization
16 representatives from Eyak and Ahtna and State and Federal
17 Staff. The workshop participants unanimously agreed that
18 an administrative correction would be the most
19 appropriate way to deal with reinstating the explicit
20 closure of the lower Copper River and tributaries
21 relative to subsistence salmon fishing.

22
23 Therefore, unless the Board objects, this
24 office, in consultation with the Park Service and Forest
25 Service, will revise the regulatory language to
26 accurately reflect the salmon closure within those
27 portions of the Copper River Drainage. Thank you, Mr.
28 Chairman.

29
30 CHAIRMAN DEMIENTIEFF: Thank you. I don't
31 see any objections. Tom.

32
33 MR. BOYD: Thank you. Mr. Chair, I would
34 like to just momentarily recognize two of my Staff who
35 will be moving on. The first won't be moving very far,
36 actually the second either, but the first will actually
37 stay involved in the program and just moving beyond the
38 Office of Subsistence Management and is going to work for
39 the Bureau of Indian Affairs and that will be Pat
40 Petrivelli. So I'd ask Pat to stand.

41
42 (Applause)

43
44 MR. BOYD: Pat's work on our Staff as an
45 anthropologist and has appeared before you a number of
46 times, but she won't be going far, so we'll be seeing
47 more of her. Then, secondly, I want to recognize Tim
48 Jennings. I'd have Tim stand.

49
50 (Applause)

1 MR. BOYD: Tim is going to be going to our
2 Fish and Wildlife Service regional office to work in
3 fisheries and ecological services. He served us as one
4 of our resource division chiefs and has done an admirable
5 job in shepherding all of the work that you see presented
6 before you as well as the work that he does in
7 coordinating with the Regional Advisory Councils. Tim
8 will be sorely missed in our office and from our program.
9 He's contributed greatly. That's all I have, Mr. Chair.

10
11 CHAIRMAN DEMIENTIEFF: Thank you. I want
12 to thank everybody for all their hard work. We all work
13 very hard at what we do. We devote the time and the
14 effort to get our jobs done and it causes stress in
15 different ways. I've never let it show in the meetings,
16 but there are a couple of Staffers that have seen how it
17 affects me after the meetings are over. A lot of times
18 the recovery is long. Last night was one of those
19 nights. I couldn't sleep till nearly 4:00 in the morning
20 and a fox that kept me awake were just totally on the
21 program. I have to thank my wife, if she'd stand up.

22
23 (Applause)

24
25 CHAIRMAN DEMIENTIEFF: I don't know how
26 she does it, but she gets the brunt of my stress and
27 sometimes it causes some interesting discussion. I guess
28 that's politely put. I think we all recover from the
29 stress in different ways. I try to prepare myself for
30 the day to make things -- to look for the day for
31 opportunities of good we can do per our mandate. I have
32 one little way I do it every day and I'll just do it
33 right now. This is what I do before I come, quote a
34 famous person that you'll all recognize. "I see skies of
35 blue, red roses too, and I think to myself what a
36 wonderful world."

37
38 And we are adjourned.

39
40 (END OF PROCEEDINGS)

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C E R T I F I C A T E

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

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

THAT the foregoing pages numbered 250 through 367 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME III taken electronically by Nathan Hile on the 13th day of January 2005, beginning at the hour of 8:30 o'clock a.m. at the Egan Convention Center in Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 29th day of January 2005.

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