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FEDERAL SUBSISTENCE BOARD

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ANCHORAGE, ALASKA

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VOLUME I

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DECEMBER 17, 2002

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8:30 o'clock a.m.

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PUBLIC MEETING

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1 PROCEEDINGS

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3 (Anchorage, Alaska - 12/17/2002)

4

5 (On record)

6

7 CHAIRMAN DEMIENTIEFF: Good morning. As

8 we make our way to our chairs it looks like we've got our

9 full Board here and ready to go. Introductions, I guess,

10 we'll maybe just kind of go around the table. My name is

11 Mitch Demientieff, I'm the Chairman of the Board. Tom.

12

13 MR. BOYD: I'm Tom Boyd. I'm the

14 Assistant Regional Director for the Office of Subsistence

15 Management, U.S. Fish and Wildlife Service.

16

17 MR. BUNCH: I'm Charles Bunch. I'm

18 standing in for Niles Cesar, Regional Director Bureau of

19 Indian Affairs.

20

21 MS. GOTTLIEB: Judy Gottlieb, National

22 Park Service.

23

24 MR. GOLTZ: Keith Goltz, Solicitor's

25 Office.

26

27 MR. EDWARDS: Gary Edwards, Fish and

28 Wildlife Service.

29

30 MR. BISSON: I'm Henry Bisson, BLM State

31 Director for Alaska.

32

33 MR. BACHOR: I'm Denny Bachor. I'm

34 Regional Forester for the U.S. Forest Service.

35

36 CHAIRMAN DEMIENTIEFF: As we begin the

37 meetings I'm going to -- I've always taken this job as

38 something that I really enjoy doing. And as we begin the

39 meeting I'm going to apologize in advance if I seem to be

40 a little bit -- if I seem to be distracted somewhat, it's

41 because I am, I don't want to be here. It's too close to

42 Christmas, you know, and I'm missing -- I've got a couple

43 of grandkids at home, they're in pre-school, and I'm not

44 looking for sympathy I'm just telling you, you know, I'm

45 missing their very first Christmas program this week. So

46 if I do seem a bit distracted, you know, I'll just

47 apologize in advance, that's where my heart is, it's at

48 home. And I'm sure those of you that are traveling are

49 in the same situation. It's just too close to Christmas.

50 So anyway, I just wanted to let you know, if I do seem

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1 distracted or not quite myself that's why.

2

3 Are there any corrections or additions to
4 the agenda at this point?

5

6 MR. BOYD: I have an administrative
7 thing.

8

9 CHAIRMAN DEMIENTIEFF: Go ahead.

10

11 MR. BOYD: Thank you, Mr. Chair. I would
12 just like to mention to the Board and to the Staff and
13 those in the audience, that at the front desk we have a
14 handful of these coupons for parking at the 6th Avenue
15 Parking Garage. I guess they're good for the day. And I
16 understand that tomorrow we will have additional coupons
17 that might be good also for the 5th and the 6th Avenue
18 parking garages. So that's something that has been
19 provided to us and we will thank the Anchorage Parking
20 Authority, I guess.

21

22 CHAIRMAN DEMIENTIEFF: We have no request
23 for public comment at this time and non-agenda items, so
24 with that we'll just go ahead and move into our agenda
25 and get on with the Fisheries Monitoring Plan. Steve, I
26 guess.

27

28 We do have consent agenda items. You
29 should have the handout in front of you. Maybe we'll go
30 ahead and take a motion at this time to adopt the consent
31 agenda items, it's the yellow handout.

32

33 MS. GOTTLIEB: Mr. Chairman.

34

35 CHAIRMAN DEMIENTIEFF: Yes.

36

37 MS. GOTTLIEB: I'll move that we adopt
38 those projects listed on the consent agenda provided to
39 us.

40

41 MR. BUNCH: I second that.

42

43 CHAIRMAN DEMIENTIEFF: It's been moved
44 and seconded that we adopt the consent agenda items.
45 Steve, did you have comments with regards to the consent
46 agenda items?

47

48 MR. KLEIN: Mr. Chair, this year we're
49 using a different process. It's to more parallel the
50 regulatory process and streamline this presentation. On

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1 the consent agenda you have 28 projects that we had
2 unanimous consent between the Technical Review Committee,
3 the Regional Advisory Councils and the Staff Committee,
4 and those are the 28 projects and we'll cover some non-
5 consent agenda items during the formal briefing.

6

7 Thank you.

8

9 CHAIRMAN DEMIENTIEFF: Thank you. Any
10 other discussion on the consent agenda items?

11

12 (No discussion)

13

14 CHAIRMAN DEMIENTIEFF: None. All those
15 in favor of the motion to adopt those items, please
16 signify by saying aye.

17

18 IN UNISON: Aye.

19

20 CHAIRMAN DEMIENTIEFF: Those opposed,
21 same sign.

22

23 (No opposing votes)

24

25 CHAIRMAN DEMIENTIEFF: Motion carries.
26 Mr. Klein.

27

28 MR. KLEIN: Thank you, Mr. Chair. Board
29 members. This first topic, what we're here to do is to
30 review and approve the 2003 Monitoring Plan. This is the
31 fourth plan that we've brought to the Board, we're in
32 year four. I have a powerpoint presentation that will
33 probably take about 20 minutes and I will proceed with
34 that. And with me today I have Dr. Polly Wheeler and Dr.
35 Steve Fried to assist me.

36

37 So the briefing today, I'm going to try
38 to make it short and focused. We have a smaller program
39 this year in 2003 compared to years past. In years past
40 we've had monitoring plans up to \$7 million, this year
41 most of our money is tied up in continuing projects and
42 we're looking at a program that's less \$2 million for
43 2003.

44

45 I want to thank the FIS Staff and the
46 Technical Review Committee for the hard work they've done
47 through the year to bring this monitoring plan to you
48 today.

49

50 The outline, I'm just going to go over

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1 the Draft Monitoring Plan, the process we followed. We
2 had several changes we initiated this year. We'll also
3 present a consent agenda, which is something new, I'll
4 provide an overview of that. And then I'll ask Polly and
5 Steve to go over the non-consent agenda items. We have
6 four non-consent items. Then we'll take comments, we need
7 to take comments from the public, we need to hear from
8 the Regional Council Chairs, the Alaska Department of
9 Fish and Game and the Staff Committee.

10

11 So that's the outline and we'll proceed
12 unless there's questions of the Board.

13

14 Okay, so for 2003, to develop this plan,
15 again, it's been an ongoing effort over the past year
16 from a lot of dedicated folks, again, we utilized the
17 same seven step process that we've used in the past
18 years. We'll go over several of these steps to describe
19 to you the process we used. I wanted to highlight step
20 one and step six right here. Step one is identification
21 of information needs, that's an ongoing process where we
22 work with the Regional Councils to update their issues
23 and information needs. This year the Staff worked with
24 all the Councils to strategically plan for the future
25 there. We looked at what's on their issues and
26 information needs, assessed what the gaps were and in
27 most cases we updated those issues and information needs
28 this year. Then at step six, when we take the draft plan
29 to the Councils, that's a value added step and this year
30 bore that out as well. The plan we took to the Councils,
31 they suggested several changes and we're bringing to you
32 a better plan as a result of input from the Councils.

33

34 For 2003, we did requests for proposals
35 in November of last year. At that time, we only
36 anticipated only \$1.3 million dollars available so,
37 again, it's a very reduced program from past years. And
38 the focus for 2003 was on continuing projects we had
39 initiated in 2000 and 2001 with just over a million
40 dollars available. There's a lot of projects we funded
41 in the first two years where the funding lapsed and the
42 focus for 2003 was to continue those high priority
43 projects. Next year in 2004 we anticipate about \$5
44 million to be available for the monitoring program and
45 that will give us a chance to really strategically look
46 at what our priorities are and ensure that we're funding
47 the highest priorities.

48

49 So from that call for proposals, this
50 year we received 60 proposals. Also I wanted to add, for

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1 2003, to maximize the amount of funding available in
2 2004, for any continuation projects we limited them to
3 one year of funding so that in 2004 we'll be looking at
4 all the projects and sorting through priorities. So for
5 this focus call we received 60 proposals. It was
6 reviewed by the Technical Review Committee. Those four
7 ranking factors that we've used, strategic priority, the
8 technical and scientific merit, past performance of the
9 investigator and partnership and capacity building.
10 Those are the four criteria we use at the Technical
11 Review Committee level to sort through the priorities.
12 We also have the issues and information needs from the
13 Councils and those elevate the priority of any project if
14 it is on the issues and information needs of the Council.

15

16 Of those 60 proposals that we received,
17 the Technical Review Committee advanced 37 of those for
18 developing of investigation plans where we can really
19 look at the objectives and methods and make sure that
20 we're bringing sound science to the Regional Councils as
21 well as the Board. From those 37 investigation plans we
22 reviewed those, the TRC recommended 30 of those projects
23 be advanced for the 2003 plan and that's what formed the
24 2003 Draft Monitoring Plan that we took to the Councils.

25

26 And broken apart by the two data types
27 that we have, for those 30 projects, 25 of them were
28 stock, status and trends, the biological projects and
29 five of them were in the harvest monitoring, TEK,
30 traditional, ecological knowledge component. For the
31 amount of projects in harvest monitoring and traditional,
32 ecological knowledge, our target really is about one-
33 third and so we are a little light in the amount of
34 projects we received this year. I think that's a result
35 of two things. One, the researchers, the social
36 scientists and anthropologists out there, most of them
37 are fully absorbed implementing projects that the Board
38 has already approved and they're implementing, either
39 through the monitoring plan or through their agencies or
40 organizations. Secondly, within FIS, my division, we
41 didn't have any anthropologists until Dr. Wheeler came on
42 board about a half year ago, and I think in the future
43 under Polly's leadership we'll see a lot more harvest
44 monitoring and TEK projects there and now that we're
45 fully staffed we'll be working with investigators out
46 there and organizations to drum up more proposals and
47 investigation plans.

48

49 So for 2003, the recommendation was 25
50 stock, status and trend projects, five harvest monitoring

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1 and TEK projects. And those are summarized in Tab A,
2 Page 9.

3

4 So that formed the Draft Monitoring Plan.
5 And then we have several review steps. First of all was
6 the Regional Councils and like last year we went to the
7 Councils and presented the Draft Plans and reviewed it
8 with them during their fall meetings. We also had a
9 public comment period where we accepted comments through
10 October 15th and then last month we took the TRC
11 recommendations and the input from the Councils and
12 presented that to the Staff Committee and Alaska
13 Department of Fish and Game.

14

15 So that's the process we followed for
16 2003. We're going to review that one last time in terms
17 of the projects that we're recommending to be funded.
18 That kind of concludes the process part of the 2003 plan
19 and now I'd like to move into a quick overview of the
20 consent agenda and then we'll move into the four non-
21 consent agenda items.

22

23 The consent agenda is on this yellow
24 form, you've adopted that as the consent agenda and, of
25 course, we can provide more details on any of those
26 projects. But on that consent agenda we have 28
27 projects. Originally the TRC had recommended 30 of them
28 and for 28 of them we had complete agreement between the
29 Technical Review Committee, the Regional Councils and the
30 Staff Committee, so those 28 projects represented 1.7
31 million, that is a little higher than what we anticipated
32 in the call for proposals but we had some cost savings
33 within the Subsistence Management program where we're
34 actually able to fund up to 1.8 million in projects. And
35 those 28 that are on the consent agenda represent 1.7.

36

37 So we got 28 projects on the consent
38 agenda. I did want to highlight -- I'm not going to go
39 over all 28 of those, I just wanted to highlight three of
40 them as kind of some of the examples of the outstanding
41 projects that we're recommending that you fund on the
42 consent agenda. The first one is in Southeast Alaska.
43 And as all of you know, sockeye salmon are very important
44 for subsistence, there's a lot of smaller systems that
45 never really have been assessed or not assessed enough.
46 We have two projects that are on the consent agenda that
47 are recommended to look at escapements for four systems
48 near Kake and Sitka. A lot of these projects get to be
49 very expensive but through the efforts of Doug McBride,
50 he worked with the Southeast Sustainable Salmon Fund and

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1 we obtained matching funds from that organization so that
2 we could fund both of those studies. So here we're
3 funding a high priority subsistence species in Southeast.
4 They're cooperative projects that have the Forest Service
5 working with the State and tribal organizations. It's
6 supporting the regulatory program. This is just an
7 example of two of the projects that you'll be funding if
8 you approve the consent agenda.

9

10 Secondly, on the Yukon River, there's two
11 weir projects and one sonar project, these are on the
12 Eastfork Andreafesky, the Gisasa and the Chandalar
13 Rivers. These projects were cut out of the Fish and
14 Wildlife Service's budget, they would not have been
15 conducted in 2003 without this program. They came to the
16 monitoring program looking for funding to continue those
17 high priority projects, they're supported by the in-
18 season managers and we'll be recommending those three
19 projects for funding today. So here's an example of
20 where we're being responsive to the needs of the in-
21 season manager and ensuring that the information they
22 need to manage fisheries is available to them.

23

24 Final example is also from the Yukon
25 River. There's a project on the consent agenda where the
26 Fish and Wildlife Service Genetics Lab will work with
27 Yukon River Drainage Fishermen's Association to look at
28 stock identification of chinook salmon, local knowledge
29 observations are that there's blueback and whitenose
30 chinook salmon that are different stocks. So in this
31 study we're going to, YR DFA will link up with the
32 Genetics Lab and will do some genetic analysis to look at
33 the blueback and whitenose chinook salmon. So there's an
34 example where we're blending western science with
35 traditional knowledge to support the subsistence
36 management program.

37

38 So those are just three examples. We
39 have 28 projects that are equally as important to the
40 monitoring program in providing for subsistence
41 fisheries.

42

43 And if you had questions on any of the
44 other projects we can certainly entertain those. Within
45 your Board books, you also have descriptions of all of
46 these 28 projects as well as the non-consent agenda
47 items.

48

49 Next, I propose that we go into the non-
50 consent agenda items of which we have four of those. And

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1 first I'll ask Dr. Wheeler to address Southeast. The
2 four projects are going to be in Southeast, regulation
3 history of Southeast Alaska, Subsistence Salmon Fisheries
4 Regulations; Prince of Wales Island steelhead and rainbow
5 trout harvest. The other two non-consent agenda items
6 are fisheries biotechnician training and Afognak Lake
7 sockeye salmon assessment and Dr. Fried will address
8 those when Polly completes her presentation.

9

10 CHAIRMAN DEMIENTIEFF: Yeah, let's take
11 them one at a time.

12

13 MR. KLEIN: Dr. Wheeler.

14

15 MS. WHEELER: Mr. Chair. The first two
16 non-consent agenda items are linked so if it's okay with
17 you I was planning on speaking about them together. I
18 mean I'll do it one at a time but they are linked.

19

20 CHAIRMAN DEMIENTIEFF: Go ahead.

21

22 MS. WHEELER: Thank you, Mr. Chair. The
23 regulatory history of Southeast Alaska subsistence salmon
24 fisheries regulations project is described fully in your
25 Board book under Pages 13 to 17, so I'm not going to get
26 into details of the project here. As is noted in your
27 book and up on the screen, the Technical Review Committee
28 recommended this project for funding but the Southeast
29 Regional Advisory Council did not. The Regional Council
30 did not support this project in large part because they
31 felt it lacked a sufficient capacity building component
32 and they also felt that their issues and information
33 needs regarding regulatory review of subsistence salmon
34 fisheries regulations had been addressed through a
35 project previously conducted by the Central Council of
36 Tlingit and Haida Indian Tribes of Alaska entitled
37 Regulating Subsistence Fisheries in Southeast Alaska.

38

39 In addition to not recommending this
40 project for funding, the Southeast Regional Advisory
41 Council removed regulations review from their issues and
42 information needs. At the same time the Regional Council
43 identified Prince of Wales Island steelhead as a top
44 priority for their issues and information needs.

45

46 In order to address Prince of Wales
47 steelhead, the Council recommended adding a component to
48 an existing FIS project, Project 01-105 entitled Klawock
49 River and Sarcar Lake sockeye salmon harvest use pattern.
50 The Council recommended adding a component to that

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1 project which would collect information on customary and
2 traditional use of steelhead on Prince of Wales Island.
3 This project component would begin to address a high
4 priority information need as defined by the Regional
5 Council. The principal investigator for that project is
6 Mike Turek with the Division of Subsistence, Alaska
7 Department of Fish and Game. He was at that Regional
8 Advisory Council meeting and he indicated that adding
9 this additional work to their existing project wouldn't
10 pose a problem and the proposed modification is described
11 on Pages 19 to 21 in your Board book. The proposed
12 modification would address a high priority need and would
13 be within the realm of the existing project.

14

15 Both the Technical Review Committee and
16 the Southeast Regional Advisory Council recommended
17 funding for this project. The project addition, just to
18 clarify is on the non-consent agenda because it arose out
19 of the Southeast Regional Advisory Council's
20 recommendations to one, not fund the regulatory review
21 project, and, two, to, instead fund the addition to the
22 existing project which would address Prince of Wales
23 steelhead. This latter project addition did not,
24 therefore, go through the normal process since the idea
25 was developed at the Southeast Regional Advisory Council.
26 A conceptual proposal has been reviewed by the TRC and
27 we'll also review the IP.

28

29 Mr. Chair, this effectively addresses the
30 first two non-consent agenda items.

31

32 Thank you.

33

34 CHAIRMAN DEMIENTIEFF: Thank you. We
35 have no request for public comments at this time.
36 Regional Council comment.

37

38 MR. THOMAS: Mr. Chairman. I think the
39 activities that occurred around these added were covered
40 by the presenters.

41

42 CHAIRMAN DEMIENTIEFF: Thank you. Staff
43 Committee recommendation.

44

45 MR. BRELSFORD: Thank you, Mr. Chairman.
46 The Staff Committee was pleased to receive the package
47 for the Fisheries Monitoring Program this year and we
48 take note of the fact that 28 of the projects were on the
49 consent agenda. That represents a tremendous achievement
50 in the technical review by the investigators and the

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1 scientists and in community review and community support
2 from the Regional Councils. Where we have a couple of
3 non-consent agenda items, we were similarly impressed and
4 appreciative of the problem-solving approach by the
5 Regional Councils and the Staff in the Fisheries
6 Monitoring Program.

7

8 So in this instance Staff Committee
9 concurs with the judgment of the Regional Council and of
10 the FIS Staff that Project No. 44, the regulatory history
11 project should not be funded at this time and that,
12 instead, we should add additional funding for the
13 monitoring project concerning Prince of Wales steelhead.
14 The Staff Committee justifications are noted in the book.
15 I might mention a word from the justification on Page 19
16 concerning the Prince of Wales steelhead project, we do
17 believe that there is a sound technical basis to add this
18 project to an existing project on Prince of Wales Island.
19 It is out of cycle but we have seen the judgement of the
20 FIS Staff that this is feasible and appropriate to do and
21 on that basis we recommend that the regulatory project
22 not be funded and that the Prince of Wales steelhead
23 project be funded using, in redirecting that budget
24 allocation.

25

26 So that concludes the Staff Committee
27 recommendation on these two items to you.

28

29 CHAIRMAN DEMIENTIEFF: Thank you.
30 Department comments.

31

32 MS. SEE: Good morning. The Department
33 supports the Staff Committee recommendation on these two
34 proposals. We also note that we recognize the potential
35 usefulness of the regulatory project as noted by the TRC,
36 but agree with the Staff Committee that it's not the time
37 to do this particular project.

38

39 Thank you.

40

41 CHAIRMAN DEMIENTIEFF: Board discussion.

42

43

44 MS. GOTTLIEB: Mr. Chair.

45

46 CHAIRMAN DEMIENTIEFF: Yes.

47

48 MS. GOTTLIEB: I guess I have a
49 procedural question, perhaps, for Steve. We're being
50 asked about several non-consent agenda items. Is there

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1 money for all of them or are we going to have to choose
2 amongst these for funding?

3

4 MR. KLEIN: The Staff Committee is going
5 to recommend that you fund three of the four. We can
6 certainly fund those. There is funding available to fund
7 all four of that were the wishes of the Board.

8

9 MR. EDWARDS: Mitch.

10

11 CHAIRMAN DEMIENTIEFF: Gary.

12

13 MR. EDWARDS: Steve, as a follow-up to
14 that, if those projects were not funded and you do have
15 money for them, then how would that money be used?

16

17 MR. KLEIN: Mr. Edwards. Mr. Chair.
18 What we've done in the past three years when we've had
19 surplus funding, we forward funded existing projects to
20 make that available in the future years. So if we use
21 that this year, we would fund the -- for projects we
22 already have approved by the Board, we would fund the
23 2004 component of those and allow more funding available
24 for new projects in 2004 with the 2004 funds.

25

26 CHAIRMAN DEMIENTIEFF: Further
27 discussion.

28

29 (No discussion)

30

31 CHAIRMAN DEMIENTIEFF: If there's none,
32 we're ready for a motion with regard to Project 03-044.

33

34 MR. BACHOR: Mr. Chairman, I move that we
35 support the Staff Committee recommendations as presented.

36

37 CHAIRMAN DEMIENTIEFF: Is there a second
38 to that?

39

40 MR. BISSON: I second it.

41

42 CHAIRMAN DEMIENTIEFF: It's been moved
43 and seconded. Discussion on the motion.

44

45 (No discussion)

46

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

50

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1 IN UNISON: Aye.

2

3 CHAIRMAN DEMIENTIEFF: Those opposed,
4 same sign.

5

6 (No opposing votes)

7

8 CHAIRMAN DEMIENTIEFF: Motion carries.
9 01-105.

10

11 MR. BACHOR: Mr. Chairman. I had thought
12 I voted on both but I also would move to accept the
13 proposal as recommended to add the money to this
14 particular proposal.

15

16 CHAIRMAN DEMIENTIEFF: Yeah, that's 01-
17 105, right?

18

19 MR. BACHOR: Okay, there is a motion, is
20 there a second?

21

22 MR. BISSON: I second it.

23

24 CHAIRMAN DEMIENTIEFF: Yeah, the motion
25 actually was to do them one at a time. The combining of
26 that was in the presentation. Discussion on the motion.

27

28 (No discussion)

29

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

33

34 IN UNISON: Aye.

35

36 CHAIRMAN DEMIENTIEFF: Those opposed,
37 same sign.

38

39 (No opposing votes)

40

41 CHAIRMAN DEMIENTIEFF: Motion carries.
42 Okay, Item No. 3, non-consent agenda item No. 3.

43

44 MR. KLEIN: Mr. Chair. Dr. Fried will
45 present non-consent agenda Items 3 and 4. Dr. Fried.

46

47 MR. FRIED: Thank you. Good morning, Mr.
48 Chair. Non-consent agenda Items 3 and 4 have a linkage
49 similar to what we already discussed for Southeast. Item
50 3 is the fisheries biotechnician program proposal, it's

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1 on Pages 23 to 25. And 4 is the Afognak Lake sockeye
2 salmon assessment project, it's on Pages 27 through 30 in
3 your books.

4
5 The fisheries biotechnician training
6 program basically would provide local residents education
7 and training that they would need to work as fisheries
8 technicians for Federal and State agencies and other
9 organizations. It's actually based on a pilot program
10 that was done by the done by the investigator last year
11 which was quite successful. It's done in conjunction
12 with the University of Alaska-Fairbanks, the Bristol Bay
13 campus and the people that go through the program
14 actually get university credits for completing it. It's
15 a pretty intensive three week program.

16
17 It's on the non-consent agenda. The TRC
18 recommended funding for this. The Bristol Bay, Alaska
19 Peninsula Regional Advisory Council supported this and
20 they also recommended funding. The Kodiak/Aleutians
21 Council, although they saw the value of this and
22 supported the value of these types of projects, they said
23 that this was not as high a priority as some other needs
24 in their region.

25
26 And what happened was is in 2002, there
27 was a problem that occurred with a subsistence fishery on
28 Afognak Lake sockeye, it was actually closed and this
29 occurred after we had received proposals and reviewed
30 proposals and investigation plans so it was out of cycle,
31 basically for that. We did work with the investigator.
32 The investigator was actually at the Council meeting in
33 the fall. They provided an investigation plan, it was
34 reviewed by the Technical Review Committee and what this
35 would do -- the Technical Review Committee actually
36 supported funding for this project but they also wanted
37 to see some modifications. And the modified project,
38 what it would do would be to enumerate the sockeye salmon
39 smolt migrating out of Afognak Lake in 2003. And it was
40 considered to be very important because the last three
41 years this sockeye run has been declining and these smolt
42 will be produced from some fairly low escapement so it
43 would be, you know, very valuable information. It was
44 also looked at as a pilot study, though, because nobody's
45 ever done a smolt enumeration project on this system.
46 And while it really seems like it would work, I mean it's
47 not 100 percent certain so it's a one year pilot study.

48
49 The Kodiak/Aleutians Council thinks this
50 is their number 1 priority in the region because of what

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1 occurred last season. And as I said the Technical Review
2 Committee also recommended this project be funded and
3 that's why these two are linked, the fisheries
4 biotechnician training and the Afognak Lake sockeye
5 salmon projects.

6
7 If you want further information I could
8 provide some otherwise that's about all I have to say
9 right now.

10
11 CHAIRMAN DEMIENTIEFF: Thank you. With
12 regard to 03-046 is there comments from the Regional
13 Councils.

14
15 MS. TRUMBLE: Thank you, Mr. Chair. When
16 we went through this during our meeting and as it was
17 explained, our concern was funding and what happened with
18 Afognak Lake. And trying to figure out how we can get
19 that funding because there was a concern in the region,
20 and that's why it's in here.

21
22 And as far as the Bristol Bay and the
23 training, the concern, I think, that came up with that
24 is, you know, we supported it and felt it was important
25 but the concern being that the three regions are
26 technical -- well, they're technically three regions, the
27 Kodiaks, the Aleutians and Bristol Bay and the large
28 area, on whether, you know, people in our region would be
29 able to participate or have more people participate than
30 having to go through the Bristol Bay region.

31
32 MR. O'HARA: Mr. Chair.

33
34 CHAIRMAN DEMIENTIEFF: Yes.

35
36 MR. O'HARA: You're dealing with Bristol
37 Bay's biotechnician program?

38
39 CHAIRMAN DEMIENTIEFF: Yeah, the
40 biotechnician training program.

41
42 MR. O'HARA: All right, I have some
43 comments on this. My name is Dan O'Hara, Chair of
44 Bristol Bay Council. And of course, the Bristol Bay
45 Advisory Council supported this proposal. And you will
46 notice that when you look at 03-046, that the
47 participants in this program receive college credit. And
48 I would assume that the age limit is about junior and
49 senior in high school. And we, of course, had one of
50 these young people make a presentation to the Bristol Bay

00016

1 Native Corporation Board of Directors on the success of
2 this program and it's an exceptional program. That is
3 one factor I think that is important.

4
5 This is one of the areas where if you
6 were to think in terms of co-management and sometimes the
7 local people want co-management and it may not be,
8 sometimes, the very best thing to do but this would be an
9 area where co-management would work. They become
10 educated on the program. This resource becomes their
11 resource. And I notice that they're dealing with the
12 young people so this is something that would probably
13 happen over many generations to come.

14
15 Also the partnership of this program is
16 pretty impressive. We notice that the Kijik Corporation,
17 which is your local Native corporation supports this,
18 tribal council supports, Lake and Peninsula Borough,
19 Alaska Department of Fish and Game, U.S. Fish and
20 Wildlife Services and then the University of Alaska. You
21 have residents of Nondalton, Newhalen, Iliamna, Port
22 Alsworth. If Port Alsworth supports anything I think you
23 should have a yes vote because, well, like the people in
24 the Old Testament who's hand was against every man, and I
25 like those people, it has nothing to do with liking them
26 or disliking them, but this is an exceptionally good
27 program.

28
29 And I think one of the things that Title
30 VIII should do is that you should really consider the
31 financial contribution as made in subsistence. And I'm
32 sure our short-haired, well-shaven Republicans may not
33 agree on that, but I think this is a very important
34 issue. You are contributing financially to the area. I
35 think the bottom line, though, is Bristol Bay has not had
36 a harvest in the Kvichak in five years and anything we
37 can do to conserve and educate and figure out what has
38 happened, why don't we have a return on the smolt in
39 Bristol Bay is very important. \$22,000, is that, Mr.
40 Chairman, the amount you're looking at here, Steve?

41
42 MR. FRIED: That's correct.

43
44 MR. O'HARA: Yeah. I think that's a very
45 well invested amount of money. Thank you, Mr. Chair.

46
47 CHAIRMAN DEMIENTIEFF: Thank you. I
48 should have noted that we didn't have any request for
49 public comment with regard to the issue. And with that
50 we'll move on to Staff Committee.

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1 MR. BRELSFORD: Thank you very much, Mr.
2 Chairman. This is another instance in which the Staff
3 Committee finds the recommendation of the Staff and the
4 input from the Bristol Bay Regional Council persuasive.
5 The benefits of this project have been described. I
6 think we can characterize it as a demonstration project
7 that is demonstrating new strengths in science education
8 and resource conservation education at the very local
9 level. This is exceptional and is very worth our while.
10 It is also highly cost-effective as Dan has just noted.
11

12 Let me add one note and that is that as a
13 result of the conversation between the two Regional
14 Councils, the training will be conducted in the Lake
15 Clark, but residents from the Kodiak/Aleutians region as
16 well as the Bristol Bay Alaska Peninsula area will be
17 involved.

18
19 So the Staff Committee recommends that
20 funding go forward on this particular proposal.

21
22 Thank you.

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

26
27 MS. SEE: Mr. Chair. The Department also
28 strongly supports this proposal and feels it's a very
29 good investment in the future.

30
31 CHAIRMAN DEMIENTIEFF: Thank you. Board
32 discussion.

33
34 MR. EDWARDS: Mr. Chairman, I'd like to
35 ask Della a question. Della, I attended your meeting
36 when this project was discussed and as you had indicated,
37 if I recall, the two concerns were, should we fund this
38 at the expense of potentially other projects and in this
39 case the one in question does appear that we're going to
40 be able to fund it but you also expressed concerns about
41 the breadth of this and in looking at the transcript, you
42 know, you had indicated that you could feel a lot
43 different about it if it could be expanded to a number of
44 schools and a number of regions. And my sense is that
45 you were saying that, not only in the terms of your
46 regions but regions across the state; is that correct?
47

48 MS. TRUMBLE: Yes, that is correct.

49
50 MS. GOTTLIEB: Mr. Chair.

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1 CHAIRMAN DEMIENTIEFF: Yes.

2

3 MS. GOTTLIEB: This project, as many of
4 you know, started with the Fisheries Subsistence money
5 that the National Park Service received after
6 implementation of the program. And the future goal and
7 the one we're working on is to have this repeated in
8 other parts of the state and as has been stated we have
9 pledged, upon hearing the Regional Advisory Council's
10 concern that we will recruit more actively this year to
11 Kodiak/Aleutian areas so some of the students might be
12 able to participate as well. But it has a demonstration
13 project that received a lot of praise from the Deputy
14 Secretary of Interior, he got to see it first hand, hear
15 about it, and certainly one we'd like to continue and
16 we'd appreciate the support.

17

18 Thank you.

19

20 CHAIRMAN DEMIENTIEFF: Is there a motion.

21

22 MS. GOTTLIEB: Mr. Chair.

23

24 CHAIRMAN DEMIENTIEFF: Yes.

25

26 MS. GOTTLIEB: I move that we accept the
27 project 3-046, the biotechnician training program for
28 funding for this year.

29

30 CHAIRMAN DEMIENTIEFF: Is there a second?

31

32 MR. BUNCH: I second it.

33

34 CHAIRMAN DEMIENTIEFF: It's been moved
35 and seconded. Further discussion.

36

37 MR. EDWARDS: Mr. Chairman, I plan to
38 vote in favor of the motion, however, I do, I guess have
39 kind of a basic concern having to do with, you know,
40 looking at these kinds of projects. I certainly think
41 it's a wonderful project, I think it's something that we,
42 as Federal agencies have an inherent responsibility to
43 look at opportunities to participate in those. As Ms.
44 Gottlieb said, not only did the Deputy Secretary visit
45 and was highly impressed, he even followed that up with a
46 letter that, I think, went to all the Interior Bureaus
47 asking them to look into this project and look for ways
48 that they might be able to participate. And I guess,
49 from my standpoint, I think, that is the best way to go.
50 And I guess we're willing to pledge that after this year,

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1 we've already assigned somebody who is supposed to be
2 getting with the Park Service to talk about ways that we
3 could participate and maybe help fund this program
4 outside of the subsistence program, which, I guess, I
5 think is probably where it best should fit.

6

7 CHAIRMAN DEMIENTIEFF: Thank you.

8 Further discussion.

9

10 (No discussion)

11

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

15

16 IN UNISON: Aye.

17

18 CHAIRMAN DEMIENTIEFF: Those opposed,
19 same sign.

20

21 (No opposing votes)

22

23 CHAIRMAN DEMIENTIEFF: Motion carries.
24 03-047, we've already had the Staff presentation. We
25 have no request for public comments. Regional Council
26 comment.

27

28 MS. TRUMBLE: Mr. Chair. Della Trumble,
29 Kodiak/Aleutians. Our Regional Council fully and
30 strongly supports this. They worked closely with Steve.
31 There's a lot of concern with Afognak Lake the last three
32 years and this past year more so after the subsistence
33 fishery was shut down. And we would really ask that for
34 the support that this proposal needs, that it gets
35 passed.

36

37 Thank you.

38

39 CHAIRMAN DEMIENTIEFF: Thank you.
40 Additional Regional Council comment.

41

42 MR. O'HARA: Mr. Chairman.

43

44 CHAIRMAN DEMIENTIEFF: Yes.

45

46 MR. O'HARA: Dan, Chair of Bristol Bay.

47 I think one of the reasons that Bristol Bay did not
48 probably make comment on this is we really don't fully
49 understand, you know, the needs of other regions like the
50 Regional Council themselves would support it. But any

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1 time you see a decline like you've experienced here, I
2 think that there is no doubt that we would have to
3 support this proposal.

4
5 CHAIRMAN DEMIENTIEFF: Thank you. Staff
6 Committee.

7
8 MR. BRELSFORD: Thank you very much, Mr.
9 Chairman. The Staff Committee recognizes the urgent need
10 to take up this proposal out of cycle and also that the
11 technical quality of this pilot project is sound and for
12 those reasons the Staff Committee recommends that the
13 Board adopt this proposal within the funding package.

14
15 Thank you.

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

19
20 MS. SEE: The Department supports the
21 Staff Committee recommendation in support of the Regional
22 Advisory Council for this proposal.

23
24 CHAIRMAN DEMIENTIEFF: Thank you. Board
25 discussion and/or action.

26
27 MR. BISSON: Mr. Chairman, I move we
28 accept Staff recommendation on this.

29
30 MR. BUNCH: I second.

31
32 CHAIRMAN DEMIENTIEFF: It's been moved
33 and seconded that we approve the Staff Committee
34 recommendation with regard to Project 03-047. Any
35 discussion with regard to the motion. Yes.

36
37 MR. EDWARDS: Mr. Chairman, I just want
38 to say again, listening to this discussion, if I wasn't
39 convinced for the need of it prior to that meeting, I
40 certainly was convinced of the need of it when I left
41 that meeting. There was certainly a very passionate and
42 I think a very informative discussion on this particular
43 project, so I certainly plan on voting in favor of it.

44
45 CHAIRMAN DEMIENTIEFF: Thank you. Any
46 other discussion.

47
48 (No discussion)

49
50 CHAIRMAN DEMIENTIEFF: Hearing none. All

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1 those in favor of the motion please signify by saying
2 aye.

3

4 IN UNISON: Aye.

5

6 CHAIRMAN DEMIENTIEFF: Those opposed,
7 same sign.

8

9 (No opposing votes)

10

11 CHAIRMAN DEMIENTIEFF: Motion carries.
12 Thank you very much.

13

14 MR. KLEIN: Mr. Chair.

15

16 CHAIRMAN DEMIENTIEFF: Yes.

17

18 MR. KLEIN: That concludes the non-
19 consent agenda items. We still would need approval on
20 the consent agenda and if there was any questions or you
21 needed further discussion we would certainly try to
22 answer those questions. I think we need a motion to
23 approve. We had a motion to adopt what was on the
24 consent agenda, to bring about full completion we would
25 need a motion to approve the 28 projects on the consent
26 agenda, Mr. Chair.

27

28 CHAIRMAN DEMIENTIEFF: Okay, thank you.
29 I thought we'd already done it. Is there a motion to
30 approve the consent agenda items.

31

32 MR. EDWARDS: Mr. Chairman, I move that
33 we vote to accept all the 28 projects listed on the
34 consent agreement.

35

36 CHAIRMAN DEMIENTIEFF: Is there a second
37 to the motion.

38

39 MS. GOTTLIEB: Second.

40

41 CHAIRMAN DEMIENTIEFF: Discussion.

42

43 (No discussion)

44

45 CHAIRMAN DEMIENTIEFF: Hearing none. All
46 those in favor signify by saying aye.

47

48 IN UNISON: Aye.

49

50 CHAIRMAN DEMIENTIEFF: Those opposed,

00022

1 same sign.

2

3 (No opposing votes)

4

5 CHAIRMAN DEMIENTIEFF: Motion carries.

6

7 MS. GOTTLIEB: Mr. Chair.

8

9 CHAIRMAN DEMIENTIEFF: Yes.

10

11 MS. GOTTLIEB: I'd just like to thank
12 Steve and the Technical Review Committee and everybody
13 else for revamping the process a bit and making it a lot
14 clearer and easier for us to work on this year.

15

16 Thank you.

17

18 MR. KLEIN: Mr. Chair.

19

20 CHAIRMAN DEMIENTIEFF: Yes.

21

22 MR. KLEIN: Ms. Gottlieb. Thank you for
23 those comments, Judy. We didn't really spend a lot of
24 time on the 28 projects on the consent agenda and there
25 really is some great work there and I would make the
26 offer to the Board or individual members if they wanted
27 further briefing on what we'll accomplish with those
28 projects, my Staff and I would be available at any time
29 to do that.

30

31 Thank you.

32

33 CHAIRMAN DEMIENTIEFF: Sure.

34

35 MS. TRUMBLE: Mr. Chair.

36

37 CHAIRMAN DEMIENTIEFF: Yes.

38

39 MS. TRUMBLE: If I could make one
40 comment. I wanted to thank the Staff for their work on
41 the 03-047. They worked closely with the region and the
42 Council members to get this put together and it was
43 something of great importance to them. I'd like to thank
44 Steve for working closely with them on this. Thank you.

45

46 CHAIRMAN DEMIENTIEFF: Thank you. With
47 that we'll move on in the agenda. Do we have a motion to
48 adopt the consent agenda items? We'll stand down a
49 moment

50

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1 (Pause)

2

3 CHAIRMAN DEMIENTIEFF: It's a little bit
4 of a different format than we're used to dealing with and
5 that's what's confusing me here. I think what we've done
6 in the past is listed the consent agenda items and given
7 anybody an opportunity to take those items off of the
8 consent agenda and then we've approved them at the end is
9 the way we've done it in the past. So maybe at this time
10 we'll just go ahead and do as we've done in the past and,
11 maybe, Tom, you could go through the consent agenda items
12 or who's going to do that for us?

13

14 MR. BOYD: I can.

15

16 CHAIRMAN DEMIENTIEFF: Yeah, just to list
17 them and then we will go to -- as opposed to doing it in
18 two motions, we will just simply approve those items, if
19 there's no objections to them, at the end of the meeting
20 like the way we've done it in the past. Okay, go ahead,
21 Tom.

22

23 MR. BOYD: Thank you, Mr. Chair. I would
24 refer the Board to the gold handout that was in front of
25 you on your table, Federal Subsistence Board agenda. And
26 then on Page 4 of that handout, this is to replace items
27 that are currently in your Board book. We've modified,
28 slightly, this particular item so you see there five
29 items that are listed on the consent agenda.

30

31 These are FP03-21; FP03-11 and FP03-13,
32 which will be dealt with together. FP03-16; FP03-18 and
33 FP03-03, all of these are listed as consent agenda items.
34 The remainder of the proposals would be non-consent
35 agenda items.

36

37 CHAIRMAN DEMIENTIEFF: Okay, so those are
38 the consent agenda items and we will adopt at the
39 conclusion of our meeting, if there's no objections or
40 request for consideration of those issues. With that
41 we'll move on to statewide proposals. The first one
42 FP03-27.

43

44 MR. SHERROD: Thank you, Mr. Chair. The
45 beginning of the proposal can be found on Page 153, the
46 commencement of the analysis is on Page 162 in your books
47 under Tab B.

48

49 CHAIRMAN DEMIENTIEFF: Yes.

50

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1 MR. SHERROD: Okay. Proposal 03-27 was
2 submitted by the Office of Subsistence Management and
3 requests that the Federal Subsistence Board establish a
4 statewide regulation allowing the taking of fish for
5 religious and ceremonial or potlatch purposes. While
6 Federal Subsistence regulations allow for the taking of
7 wildlife outside of established seasons and harvest
8 limits for such purposes, no such provisions exist for
9 the taking of fish.

10
11 The first regulatory provisions adopted
12 by the Federal government contained provisions in Subpart
13 B allowing the Board to authorize the taking of fish and
14 wildlife outside of prescribed seasons and harvest limits
15 for purposes, including, ceremonies and potlatches.
16 Since that time, the Board has, on a case by case basis,
17 implemented unit-specific regulations, either through
18 regulatory changes or special actions allowing for the
19 taking of wildlife for cultural, education and religious
20 programs and ceremonies. As of the regulatory year
21 2002/2003, there were provisions in 13 of the 26 wildlife
22 and fisheries management units. Although there were no
23 regulations allowing for the taking of fish for
24 ceremonial or religious purposes, the Board has, on at
25 least three occasions, authorized such taking by a
26 special action. For example, the Board permitted the
27 harvest of 50 coho salmon for a memorial potlatch in
28 Sitka and that was under Special Action 01-05.

29
30 While there is variation between these
31 unit-specific regulations and that is for wildlife, the
32 Board has required that the harvesting of these resources
33 does not violate recognized principles of fish and
34 wildlife conservation and that the following be provided
35 to the appropriate Federal manager.

- 36
37 1. That information about the
38 activity and in the case of a
39 funerary or mortuary ceremony,
40 the name or names of the
41 decedents.
42
43 2. Reporting of the species, sex,
44 number, location and timing of
45 harvest and the name and
46 addresses of the harvesters.
47
48 3. Furthermore, the Board has
49 required that the harvester be a
50 qualified rural subsistence user

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1 for the species and area in which
2 the harvest occurs. That is, he
3 has or she has C&T.

4
5 4. Additionally, in most cases, the
6 appropriate Federal manager must
7 be notified prior to attempting
8 to harvest the resource.

9
10 The serving of fish and wildlife is
11 central to Alaska Native ceremonial feasting. Such foods
12 reaffirm ethnic identity and the tie to the land and
13 resources. Fresh salmon and steelhead are available only
14 part of the year for many Alaska Natives. Where
15 available, they are an important resource for funeral and
16 mortuary cycles, including memorial potlatches.

17
18 While most ethnographic descriptions of
19 potlatches focus on the ritual behavior and the
20 distribution of material well, that is, blankets, guns,
21 detail documentation of food is rare. One exception is
22 Rifle, Blankets and Beads by William E. Simeone. Simeone
23 records the offering of, and I quote, "pans of Copper
24 River salmon" at a Tanacross potlatch in the 1980s.

25
26 All the fisheries management areas have
27 harvest limits, temporal restrictions or both for some
28 species of fish. Statewide, however, most fish can be
29 harvested by subsistence users without restriction and
30 would not require use of the proposed provisions. The
31 proposed limit on steelhead and salmon trout would not
32 equally affect subsistence users in all parts of the
33 state because of temporal and geographic distributions.
34 Steelheads have been documented along the Aleutian Chain
35 but data of their distribution in the Bering Sea is
36 limited. Salmon are rare north of Kotzebue Sound. In
37 addition, both are only available in freshwater
38 seasonally.

39
40 The affects of the proposal, adoption of
41 this proposed regulatory change should have minimal
42 impact on salmon and steelhead populations or other fish
43 populations.

44
45 That is the end of my presentation, Mr.
46 Chair.

47
48 CHAIRMAN DEMIENTIEFF: Thank you.
49 Written public comment.

50

00026

1 MR. MATHEWS: Yes, Mr. Chairman. I'm
2 Vince Mathews, Regional Coordinator with the Office of
3 Subsistence Management.

4
5 We received five written comments. One
6 in support. Two support with modification. And two
7 opposed.

8
9 The Copper River Native Association
10 supports the proposal.

11
12 The Cordova District Fishermen United
13 supported it with modification to require a permit
14 specifying the name of the harvester, their address,
15 number of species and the date and location of harvest.

16
17 The Wrangell-St. Elias National Park
18 Subsistence Resource Commission supported with
19 modification. Basically they requested that it should be
20 based on the need, the number of fish, the need to meet,
21 not 25 listed in the proposal, it could be greater than
22 that.

23
24 Ed Warren, II, of Eklutna -- Klukwan,
25 excuse me, opposes the proposal because he feels the
26 existing guidelines for subsistence are accommodating.

27
28 The last one was Tanana Chiefs
29 Conference. They oppose the proposal because prior
30 notification is contrary to many cultural practices and
31 it may hamper the harvester's luck to harvest that
32 species. They also recommend that it should be a tribal
33 reporting requirement. There are representatives here
34 from Tanana Chiefs that may expand upon this.

35
36 Mr. Chairman, that's all the written
37 comments that I know of.

38 CHAIRMAN DEMIENTIEFF: Thank you. We
39 have no request for public comment at this time.
40 Regional Council comments.

41
42 MR. THOMAS: Mr. Chairman.

43
44 CHAIRMAN DEMIENTIEFF: Yes.

45
46 MR. THOMAS: This is an interesting
47 proposal. It's a practice that has gone on as long as
48 fish have been in these waters. And as long as there
49 were ceremonies within the tribes of Alaska this has gone
50 on. And I'm not sure what language is going to finally

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1 wind up being in the books on this. But if it's not
2 liberal enough then the people are going to find it
3 difficult to abide by whatever short allocations are made
4 with this. The total amount of fish used throughout the
5 state for these purposes can't even be measured with the
6 resources that are out there.

7

8 So I think the more liberal language you
9 could include in there would better meet existing
10 practices, uses, which are hysterical -- historical --
11 hysterical, too. And if we're going to use the words
12 customary and traditional, this certainly falls within
13 that.

14

15 Thank you, Mr. Chairman.

16

17 CHAIRMAN DEMIENTIEFF: Thank you.
18 Additional Council comments. Ron.

19

20 MR. SAM: Thank you, Mr. Chair. Under
21 the written comments you notice that the Tanana Chiefs
22 submitted some comments on recommendations. Because as
23 so ably stated, us, among the Koyukuk River and some of
24 the Yukon, we do not like the language as prior to
25 attempting to take. You know, we usually submit reports
26 after we've harvested or used these certain species for
27 our ceremonies, after the taking. We do not like putting
28 numbers on any of these proposals, especially for
29 religious ceremonies. Because if you notice, under some
30 of our micro-managing techniques, the more you try to
31 micro-manage the more you restrict your subsistence
32 harvesting and you more or less make outlaws of your own
33 people just to practice these religious ceremonies.

34

35 Thank you, Mr. Chairman.

36

37 CHAIRMAN DEMIENTIEFF: Thank you. Ralph,
38 you had a comment.

39

40 MR. LOHSE: Thank you, Mr. Chair.
41 Southcentral, to a certain extent concurred with both of
42 the previous speakers with a little bit different outlook
43 on it. We, too, didn't feel that a number should be
44 established on it. For one thing each situation is
45 different. And we thought that we had in-season managers
46 and that whoever was involved with taking the fish could
47 work with the in-season managers to come up with a number
48 that was sufficient for what their needs were, so we
49 didn't like the restriction of a number on there.

50

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1 We recognized the need for a permit for a
2 different purpose and that was for the protection of the
3 person that was taking them. We could see where somebody
4 who was taking fish for a funerary potlatch and
5 enforcement would come down on them and it would be
6 pretty hard for the person taking the fish to prove,
7 especially in the kind of situation we have in the Upper
8 Copper, that he was engaged in a legal activity. And so
9 we looked at the permit as a protection for the purpose
10 taking the fish not as something that was established for
11 the purpose of the manager that was issuing it.

12
13 Our suggestion on that was that the
14 permits be blank permit forms, remain in all of the
15 tribal councils and that when a situation like this came
16 up all they had to do was make a phone call to the in-
17 season manager. They could get a number, fill in the
18 permit and the person taking the fish would have the
19 permit on hand, he wouldn't have to go any place and that
20 way he would be protected if a Fish and Wildlife
21 protection officer came along, which is probably more
22 common in our area than it would be in other areas.

23
24 We also agree with what Bill Thomas said
25 on the idea of restriction. And so we looked in Section
26 B down there, it says the local Federal fisheries manager
27 may restrict the number of species. We'd like to see
28 restrict crossed out and put establish. Establish is a
29 positive word, restrict is a negative word. And I don't
30 see any reason to have negative words in something like
31 this when you can write it in a positive manner.

32
33 And from that standpoint, we supported
34 the idea that a permit reporting was necessary and permit
35 could be necessary for the protection of the person
36 taking it but we, like I said, to reiterate it, we didn't
37 think there needed to be a pre-established limit because
38 all situations are different and we think it should be
39 written in positive language.

40
41 Thank you.

42
43 CHAIRMAN DEMIENTIEFF: Thank you.
44 Additional Regional Council comment. Harry.

45
46 MR. WILDE: Mr. Chairman, Yukon Kuskokwim
47 Council, they have been practicing with their elders,
48 that's why they oppose this. They feel that they're not
49 applied to Yukon and Kuskokwim, because when somebody has
50 died or ceremonial purposes, people help each other, a

00029

1 lot of neighbors and others, they brought some food and
2 fish. They feel that fish is always be available in the
3 Lower Yukon area, they do use only fish alone itself,
4 they also use mostly to make what you call (In Native),
5 use fresh fish, pikes and all those. So they try to
6 continue follow their customary trade through their
7 elders.

8

9 CHAIRMAN DEMIENTIEFF: Gerald.

10

11 MR. NICHOLIA: Thank you, Mr. Chairman.
12 We had quite the discussion on this in our last meeting.
13 I didn't agree with the notifying the in-season manager
14 before time because it's against our traditional beliefs.
15 But the only place that it will affect us in the Eastern
16 Interior is in the Yukon Flats, that's the only place and
17 we never really did have no voices from there. But we
18 supported with the modification.

19

20 And the person, like around Tanana, the
21 person that really doesn't report nothing but we really
22 agreed that the tribal government should, like Tanana
23 tribal government, it's mostly how we go about dealing
24 with potlatches and stuff in our area.

25

26 That's just what I wanted to say, thank
27 you.

28

29 CHAIRMAN DEMIENTIEFF: Thank you.

30 Additional comment. Della.

31

32 MS. TRUMBLE: Thank you, Mr. Chair. The
33 Kodiak/Aleutians did not like the way the limitations
34 that were listed in here so they had taken those out.
35 They also inserted local manager and designee to
36 determine the amount of salmon and/or steelhead to be
37 taken. And that's basically it.

38

39 CHAIRMAN DEMIENTIEFF: Thank you. Any
40 other Regional Council comment. Staff Committee.

41

42 MR. JACK: Mr. Chairman. Board members.
43 You will find the Staff Committee recommendation on Page
44 159, Tab B.

45

46 In making its recommendation the Staff
47 Committee recognized the sensitivity of the persons
48 grieved, that is, with the respect to giving personal
49 information and also recognizing the people in the
50 villages can deal with their tribal governments easier.

00030

1 The recommendation is to adopt the
2 proposal with modification. The proposed regulation
3 would read:

4
5 The taking of fish from Federal waters is
6 authorized outside of published open
7 seasons or harvest limits if the
8 harvested fish will be used for food in
9 traditional religious ceremonies which
10 are part of funerary or mortuary cycling,
11 including memorial potlatches provided
12 that:

13
14 (a) the person or designee or tribal
15 government organizing the ceremony
16 contacts the appropriate Federal
17 fisheries manager prior to attempting to
18 take fish to provide the nature of the
19 ceremony, the parties and/or clans
20 involved; the species and the number of
21 fish to be taken and the Federal waters
22 from which the harvest will occur.

23
24 (b) the taking does not violate
25 recognized principles of fisheries
26 conservation and uses the methods and
27 means allowable for the particular
28 species published in the applicable
29 Federal regulations. The Federal
30 fisheries manager will establish the
31 number, species or place of taking, if
32 necessary, for conservation purposes.

33
34 (c) each person who takes fish under this
35 section must, as soon as practical, and
36 not more than 15 days after the harvest
37 submit a written report to the
38 appropriate Federal fisheries manager
39 specifying the harvesters name and
40 address, the number and species of fish
41 taken and the date and location of the
42 taking.

43
44 (d) no permit is required for taking
45 under this section. However, the
46 harvester must be eligible to harvest the
47 resource under Federal regulations.

48
49 The justification is adoption of the
50 proposal would recognize the importance of fish in

00031

1 traditional ceremonial and religious activities. The
2 Federal Subsistence program has already established
3 regulations to allow the taking of wildlife for
4 ceremonial and religious purposes. This regulation would
5 extend similar opportunities for the taking of fish.

6
7 The proposed regulatory language provides
8 flexibility to subsistence users while maintaining the
9 authority of the manager to establish conditions that
10 ensure the conservation of salmon and steelhead stocks.

11
12 Thank you.

13
14 CHAIRMAN DEMIENTIEFF: Thank you.
15 Department comments.

16
17 MS. SEE: Mr. Chair. The Department
18 supports the Interagency Staff Committee recommendation
19 to modify the original proposal and to thus provide for a
20 specific fish harvest opportunity for ceremonial use in
21 Federal waters. As noted by some of the statements from
22 the Councils this may apply more in some areas of the
23 state than others because in many situations the fish
24 that are needed for ceremonial use can be harvested under
25 existing State subsistence regulations.

26
27 We'd note that we concur with the
28 recommendation as in the modified proposal for some
29 specific regulatory approaches. And, in particular, that
30 there be coordination with local Federal fisheries
31 managers as well as a type of harvest reporting to
32 monitor conservation concerns.

33
34 CHAIRMAN DEMIENTIEFF: Thank you. Board
35 discussion. Gary.

36
37 MR. EDWARDS: I guess I'd like to ask
38 Carl, it appears that Staff Committee kind of picked and
39 choosed from the various modifications that were
40 identified by the various Councils. Were you able to
41 identify sort of which ones you accepted and which ones
42 you didn't? For example, the one that Ralph raised about
43 having to establish or not to establish, it looks like
44 you adopted that. I'm just trying to understand, what
45 were the other ones that you adopted?

46
47 MR. JACK: Mr. Edwards. Mr. Chair. As
48 you note the Regional Councils recommendations are
49 different. What the Staff Committee did was to try to
50 synthesize and come up with a reasonable recommendation

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1 that it did.

2

3 MS. GOTTLIEB: Mr. Chair.

4

5 CHAIRMAN DEMIENTIEFF: Judy.

6

7 MS. GOTTLIEB: I think the Staff
8 Committee did a really good job of listening to the
9 Council suggestions and making changes. I guess I would
10 want to ask, Ralph, you mentioned specifically it would
11 be good for a person to have a permit, that's not in here
12 although the contact between the person and the manager
13 occurs. So do you see this version as being workable?

14

15 Thank you.

16

17 MR. LOHSE: Again, this comes as part of
18 the problem with trying to make a statewide regulation
19 that applies to different situations all over the state.
20 And in Southcentral, where we have a lot of road access,
21 we have on the Copper River, for example, five or six
22 different user groups taking salmon out of the Copper
23 River. We've come up with ways to try to mark fish, to
24 differentiate them between subsistence users and State
25 subsistence users and sportfishermen. We have
26 enforcement. And all of this is confusing enough to the
27 enforcement that they've got to try to figure out what
28 the person is taking the fish under.

29

30 We actually felt that a permit would
31 protect the person taking the fish because in our area
32 it's totally possible that somebody may tap you on the
33 shoulder and say why are you taking these fish and why
34 are you taking so many over the bag limit for. And, you
35 know, we've just gone through the same thing on marking
36 of fish wheels. I know we like in an age with instant
37 communication and just a phone call away is the tribal
38 council. We can't even come down on a conclusion on how
39 to mark our fish wheel with just a number without having
40 names and addresses on them. We just felt that it would
41 be totally possible for somebody taking fish under the
42 terms of one of these without a permit to all of a sudden
43 have some tall explaining to do and be interrupted in the
44 process of taking the fish and, you know, you hate to
45 have to prove you have the legal right to do anything
46 when there's a law officer standing right there. And the
47 law officer is not supposed to be the judge as to whether
48 or not you're doing it legal or not, he's got to have
49 some kind of evidence that what you're doing is a legal
50 activity. And that's why we felt that if there could be

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1 permits at the tribal council that all they'd have to do
2 is -- even in the Staff Committee recommendation it calls
3 for a phone call to the local fisheries manager ahead of
4 time, that fisheries manager could give them a permit
5 number, they could write on the permit and they would
6 have something in their possession to protect them.

7

8 That was our feeling on it.

9

10 Thank you.

11

12 MR. THOMAS: Mr. Chairman.

13

14 CHAIRMAN DEMIENTIEFF: Yes.

15

16 MR. THOMAS: In hopes I'm not out of
17 order by requesting this time. With all the language I
18 see in this particular proposal has less to do with the
19 resource and more to do with the user. And I see
20 unnecessary focus on managing the user. Because the
21 resource that's going to be harvested for the use is
22 defined in this particular proposal are not even going to
23 be measurable. And to allocate the amount of law
24 enforcement that you have at hand, the only reason I
25 could see for this particular proposal is to give law
26 enforcement something to do. And if they don't have
27 anything to do maybe there's an area we could save some
28 funding for managing this program.

29

30 But it's not a real compatible worded
31 proposal, either for OSM, the Board or the users in
32 general.

33

34 Thank you, Mr. Chairman.

35

36 CHAIRMAN DEMIENTIEFF: Further
37 discussion. Tom.

38

39 MR. BOYD: Thank you, Mr. Chair. I'd
40 like to attempt to ask the question that Mr. Edwards
41 asked earlier regarding the changes made from the Staff
42 Committee recommendation, from the proposal. I may not
43 have caught them all but I will highlight a handful of
44 those changes for you so you'd have that in your mind.

45

46 Under Item A in the Staff Committee
47 modification or the proposal itself, I think the
48 language, the person or designee and we added or tribal
49 government that was recommended.

50

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1 We also removed, I'm not sure where this
2 is but the requirement for the name of the decedent.
3 That was also in the proposal, it's not in the Staff
4 Committee recommendation.

5
6 We removed the requirement for a
7 specified number of fish to be harvested or a limit, that
8 to be determined by the in-season manager.

9
10 And then the positive language that was
11 noted by Mr. Lohse, instead of saying restrict to say to
12 establish, that was in (b).

13
14 I think, generally, those are the kinds
15 of changes that were made.

16
17 Thank you, Mr. Chair.

18
19 CHAIRMAN DEMIENTIEFF: Further
20 discussion. If not, I think we're ready for a motion.

21
22 MS. GOTTLIEB: Mr. Chair.

23
24 CHAIRMAN DEMIENTIEFF: Yes.

25
26 MS. GOTTLIEB: I certainly think the
27 concept here is very good and appropriate and provides
28 for the conservation of resources as well as
29 acknowledging the importance of food for traditional
30 ceremonies. I think that Staff has done a good job of
31 showing the variety between the regions and that this
32 wouldn't affect anybody's personal permit. I'm willing
33 to support it as recommended by the Staff Committee and I
34 think if there are ways that we can work specifically on
35 Southcentral's concerns then maybe we can do that
36 afterwards. So I support as recommended by the Staff
37 Committee.

38
39 CHAIRMAN DEMIENTIEFF: Is there a motion
40 to take action with regard to FP03-27?

41
42 MS. TRUMBLE: Mr. Chair.

43
44 CHAIRMAN DEMIENTIEFF: Yes.

45
46 MS. TRUMBLE: If I might make a point
47 here. On the first -- on the Staff Committee
48 recommendations, I think there needs to be an or between
49 traditional or religious ceremonies. That's the way it
50 was originally was written. The way this is written is

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1 traditional religious ceremonies.

2

3 CHAIRMAN DEMIENTIEFF: Pardon me?

4

5 MR. EDWARDS: Are you still looking for a
6 motion?

7

8 CHAIRMAN DEMIENTIEFF: Yeah.

9

10 MR. EDWARDS: Mr. Chairman, I move that
11 we accept the Staff Committee recommendation for Proposal
12 3-27 with the edit that was just suggested.

13

14 CHAIRMAN DEMIENTIEFF: Which would put an
15 or between traditional or religious ceremonies?

16

17 MR. EDWARDS: Yes.

18

19 CHAIRMAN DEMIENTIEFF: I just want to be
20 specific about that. Okay, is there a second to that
21 motion?

22

23 MR. BUNCH: I second that.

24

25 CHAIRMAN DEMIENTIEFF: Yes, Tom, you had
26 something?

27

28 MR. BOYD: With regard to the edit and I
29 just want to make the clarification, I'm not trying to
30 suggest one or the other, but I think it was
31 characterized, I may be wrong on that Della, but I think
32 it was characterized as part of the original proposal,
33 that the or was in there. I'm not sure that that was the
34 case. What appears in our books is that it says the
35 proposed regulation was traditional religious ceremonies,
36 if that suggestion makes it better, I think is another
37 matter to consider, but it was not part of the original
38 proposal.

39

40 MR. BISSON: Mr. Chairman, in reading
41 that change, by adding or, it really doesn't change the
42 regulation. It's still for the purposes of funerary or
43 mortuary cycles and I think that's the driving force
44 behind the regulation to permit the taking of fish for
45 this purpose and that doesn't change either way. So I
46 think the or is fine -- and I second the motion.

47

48 CHAIRMAN DEMIENTIEFF: Okay. Discussion.

49

50 MR. EDWARDS: Mr. Chairman, I do, share,

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1 I guess a little bit of Ralph's concerns, particularly
2 because my understanding is that we're talking about this
3 activity taking place during a closed season or during
4 restrictions and with law enforcement folks out there. I
5 guess that said, I think we probably ought to go forward
6 with it as written but certainly in our case and, any, I
7 think, of the Federal agencies who may be enforcing any
8 of these regulations we certainly need to make sure that
9 our law enforcement folks understand that this provision
10 is in place and, you know, just be aware of as they go
11 about their activities.

12

13 MR. BACHOR: Mr. Chairman, I intend to
14 vote for this. I have a similar concern having dealt
15 with similar programs as Mr. Lohse mentioned relative to
16 programs on firewood permitting for traditional purposes
17 and that sort thing and I've seen that program work very
18 well. I don't believe that the proposal eliminates the
19 possibility of that happening voluntarily if the suer
20 wants to ensure that they're not going to get into a
21 situation with a law enforcement officer, perhaps that
22 could be a voluntary thing. It says no permit is
23 required, it doesn't say one couldn't be issued in
24 consultation and agreement with all parties involved.
25 But I am concerned about that enforcement issues.

26

27 Nevertheless, I still feel that this
28 proposal provides for a relatively limited harvest for
29 traditional religious ceremonies and yet, still it allows
30 local managers to deal with the harvest stipulations and
31 conservation concerns.

32

33 CHAIRMAN DEMIENTIEFF: Thank you. So let
34 me see, what agency are we dealing with in terms of and,
35 in particular, I think Ralph pointed out the Copper
36 River, who's agency is that?

37

38 MS. GOTTLIEB: Park Service.

39

40 CHAIRMAN DEMIENTIEFF: Park Service.

41

42 MS. GOTTLIEB: And I'm not sure if you're
43 concerned about lower down the river or not, but
44 certainly Park Service area on the middle and upper
45 Copper River.

46

47 MR. BACHOR: The lower river it would be
48 the Forest Service and maybe -- I don't know about Fish
49 and Wildlife Service.

50

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1 MR. EDWARDS: It certainly would address
2 the Yukon and Kuskokwim, right, when we have restrictions
3 on those and what it would do, in my understanding, would
4 allow take during those restricted periods for these
5 purposes.

6
7 CHAIRMAN DEMIENTIEFF: I guess what I'm
8 getting at is that if we could deal with the Southcentral
9 Regional Council concerns with regard for a permit by
10 agencies. And I'm looking for the agencies to see if
11 that's something that can be done and tailored
12 specifically for the areas that Southcentral are
13 concerned about.

14
15 MS. GOTTLIEB: Mr. Chair, our Federal
16 fisheries manager will be glad to work with Southcentral
17 Council and other tribal groups to make arrangements for
18 a permit system or whatever we end up deciding on.

19
20 CHAIRMAN DEMIENTIEFF: Yeah, and in
21 particular I'd point out to the conversation that was --
22 I'm sorry, who made the point, that it's not required but
23 it doesn't prohibit for a particular area. And this
24 particular area is Southcentral where the concern has
25 been raised. So if we can work that out with the
26 managing agency to accommodate that concern, does that
27 seem satisfactory to you Ralph?

28
29 MR. LOHSE: Mr. Chair. I think that's
30 very satisfactory. Because like I said this is a case of
31 trying to make a shoe that's one size fits all and that
32 doesn't work. I do have a question, if I may ask it?

33
34 CHAIRMAN DEMIENTIEFF: Go ahead.

35
36 MR. LOHSE: I was under the impression
37 from one of your members of the Board up there that this
38 only applies in times when there aren't any other
39 resources available. We thought that this would also
40 apply if the season was open for other resources, that's
41 where we saw the conflict was -- when salmon come up the
42 Copper River there's always something open. I mean
43 that's basically what it boils down to. So if you're
44 going to be taking salmon for a funerary or mortuary
45 potlatch, you're going to be taking it at the same time
46 that there are other seasons and other methods available
47 for taking it. But this is being taken for a specific
48 purpose and we didn't look at this as going on, I'll use
49 the word, somebody's limit out of their own personal
50 subsistence limit or sport limit or anything on that

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1 order. Because we have so many restrictions on the
2 taking of salmon in the Copper River, different bag
3 limits for different methods and means and things like
4 that that we didn't see this as only being applicable
5 when the season was closed to all other uses. We saw
6 this as taking part at the same time that other uses were
7 going on and so that's where you would have the conflict
8 of whether a person is doing something legal or not.

9

10 Thank you.

11

12 CHAIRMAN DEMIENTIEFF: I'm not seeing
13 anything in the regulation that addresses that, is there
14 something I'm missing?

15

16 MR. EDWARDS: No, maybe I can clarify
17 that, Ralph, no, I think you're right. I think as
18 written it doesn't just do that but my point is that it
19 would allow that harvest to take place during those
20 periods during restrictions. And my guess is that's
21 where it's going to be probably the most critical time
22 and so, therefore, you're going to have restrictions on
23 fishing and then you're going to have a few folks out
24 there that have been approved to fish for this purpose
25 and then that's when the issue as to, you know, how do
26 enforcement folks deal with that and they just need to
27 make sure that they understand that they could observe
28 people fishing who are legitimate to fish during a closed
29 season.

30

31 CHAIRMAN DEMIENTIEFF: Further discussion
32 on the motion.

33

34 (No discussion)

35

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

39

40 IN UNISON: Aye.

41

42 CHAIRMAN DEMIENTIEFF: Those opposed,
43 same sign.

44

45 (No opposing votes)

46

47 CHAIRMAN DEMIENTIEFF: Motion carries.
48 We're going to take a break.

49

50 (Off record)

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1 (On record)

2

3 CHAIRMAN DEMIENTIEFF: I'm going to call
4 the meeting back to order. We'll move on to FP03-28.

5 Staff analysis.

6

7 MR. UBERUAGA: Mr. Chair. Members of the
8 Board. I'll refer you to Tab B, Page 162. Fisheries
9 Proposal FP03-28 submitted by the Office of Subsistence
10 Management would streamline the Federal Subsistence
11 Board's in-season special action process. State
12 emergency orders would apply to Federal waters in
13 instances where the State and Federal managers are in
14 agreement. In-season special actions would be issued only
15 when Federal management actions differ from State
16 management actions. While overall the streamlining may
17 be good, in some instances there may be exceptions that
18 require a special action.

19

20 Under this streamlining proposal the
21 Regional Advisory Council's, subsistence users and the
22 public would continue to be involved in the Federal
23 decision-making process. The designated Federal
24 fisheries managers would continue to consult with
25 concerned individuals and groups in developing management
26 recommendations for all State issued emergency orders.
27 Additionally, Regional Advisory Council members or the
28 public could appeal management decisions at any time to
29 the Board if they disagree with the decision.

30

31 Our normal procedures require that each
32 change we make in the fisheries management take place by
33 or through a special action. On the Yukon River, for
34 example, during the 2001 season, 27 special actions were
35 initiated by the Federal in-season manager, 26 of these
36 were identical to the State emergency orders. In 2002
37 the Federal Subsistence Board approved a temporary one
38 year streamlining of special action process on a trial
39 basis for the Yukon and Kuskokwim Rivers. This process
40 is identical to the one proposed here. Discussion with
41 the in-season managers for the Yukon and Kuskokwim
42 regions indicate that the streamline special action
43 approach worked very well. However, for other areas of
44 the state, the streamlining process may be premature.

45

46 In one region the belief is that the
47 proposed streamlining places an undue burden on in-season
48 managers. Another reason the statewide proposal may be
49 premature that currently there's a Federal/State
50 Memorandum of Agreement for developing regulatory process

00040

1 protocols for managing fisheries statewide. The hope is
2 that the successes of what happened on the Yukon and
3 Kuskokwim Rivers can be built into this Federal/State MOA
4 protocol approach.

5
6 With me today I have Mr. Russ Holder and
7 Robert Sundown, Yukon and Kuskokwim River in-season
8 managers. Both of them, with your permission would like
9 to briefly address the Board on this process.

10
11 CHAIRMAN DEMIENTIEFF: Go ahead.

12
13 MR. HOLDER: Mr. Chairman. Board
14 members. Staff. Audience. Thank you for the
15 opportunity to comment. My name is Russ Holder. I'm the
16 designated Federal Fisheries manager for the Yukon River
17 and I'm speaking in support of Proposal FP03-28.

18
19 During this era of dual management
20 authority, State and Federal managers in the Yukon River
21 have worked hard to decrease public confusion regarding
22 fishery management actions by developing mutually agreed
23 upon management actions which are announced as joint news
24 releases. The legal document, which actually temporarily
25 change the regulations being announced in the news
26 release are the State emergency orders and the Federal
27 special actions.

28
29 The primary issue being addressed by this
30 proposal is that when State and Federal managers are in
31 agreement about a management action, the Federal special
32 action process is largely a duplicate administrative
33 record. The general public doesn't see them. The
34 typical time frame doesn't allow for the required
35 newspaper publication and the publication of the actions
36 in the Federal Register is often time consuming and does
37 not fulfill the purpose of informing the public at large
38 in a timely manner.

39
40 A second issue is a large amount of Staff
41 time required by both management and administrative Staff
42 to process Federal special actions. After the 2001 in
43 which the in-season manager wrote 26 special actions, a
44 less time consuming approach called streamlining was
45 conceived.

46
47 The streamlining approach still requires
48 an administrative record be produced by the Federal
49 manager but the record is more of a memorandum of
50 agreement to the file rather than a legal document.

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1 In testing out the streamlining approach
2 during this 2002 fishing season and in writing 28
3 streamlining concurrences, my assistant and I were able
4 to spend more time actually focusing on assessing the
5 salmon run and working with State managers on solving
6 fishery issues rather than writing special actions.

7
8 Changing the Federal administrative
9 requirement for documenting a Federal management action,
10 which is the same as a State regulatory emergency order
11 action does not alter, change or in any way diminish my
12 management authority. A Federal special action can be
13 issued if Federal and State managers disagree.

14
15 It is my request that you support FP03-28
16 as recommended and modified by the Staff Committee. I
17 worked well during the trial period of 2002. It will
18 allow a more productive use of Staff time and I believe
19 it has assisted in improving our working relationship
20 with our State counterparts.

21
22 Thank you. And I believe Mr. Robert
23 Sundown of the Yukon-Delta National Wildlife Refuge Staff
24 has comments on behalf of the Kuskokwim River management
25 staff.

26
27 MR. SUNDOWN: Thank you, Russ. Thank
28 you, Mr. Chair and Members of the Federal Subsistence
29 Board. My name is Robert Sundown. I'm here representing
30 Mike Reardon, the manager for the Kuskokwim region, the
31 Yukon-Delta National Wildlife Refuge.

32
33 I'm here in support of Proposal 28 for
34 several reasons.

35
36 Our goal is to streamline the process and
37 minimize the bureaucracy that occurs over the course of
38 the in-season which is an intense short period of time of
39 intense management for the fisheries. And the primary
40 goal of this streamlining is to benefit the various user
41 groups on the Kuskokwim and throughout the Yukon as well.
42 Any time we minimize the bureaucracy we minimize the
43 regulatory confusion that is associated with the Federal
44 and State EO, special action processes. And this is
45 especially helpful around the somewhat congested areas of
46 the borders near Aniak and the Kuskokwim Bay region where
47 a lot of the fisheries occur and you have both, joint
48 State and Federal waters.

49
50 This also allows more time to be devoted

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1 to harvest resource monitoring projects which the various
2 Native organizations carry out. And should any special
3 action requests come about or diversions from State
4 regulatory proposals come, they would basically come from
5 the State -- I mean from the harvesting monitoring
6 projects that come about from the Native organizations.
7 This would also give us more time to devote on resource
8 monitoring projects that occur on the various rivers that
9 we have with weirs and other monitoring projects that we
10 employ with the Alaska Department of Fish and Game.

11

12 Another reason is we have a strong record
13 of integrated decision-making. You know, we utilize the
14 Kuskokwim Salmon Management Working Group which
15 represents all the user groups on the Kuskokwim, anywhere
16 from the commercial to the sport user to the subsistence
17 users. So it's an integrated decision that comes out of
18 the management action.

19

20 We maintain good communications with
21 Native organizations such as the Association of Village
22 Council Presidents, the Kuskokwim Native Association and
23 the Orutsaramiut Native Corporation. We have regular
24 meetings with the Alaska Department of Fish and Game
25 prior to any management actions that occur on the
26 Kuskokwim River. All of our research and monitoring
27 projects are going to be determined by the Kuskokwim
28 Fisheries Resource Coalition which basically is a
29 combination of, again, all the user groups in our area.
30 And we determine all of the research and monitoring
31 priorities that are going to occur on the Kuskokwim.

32

33 You know, for all these reasons the
34 streamlining of the special actions and emergency orders
35 would make a great deal of sense.

36

37 And finally, we do reserve our ability to
38 employ a special action should diversion from State
39 regulations need by.

40

41 Thank you.

42

43 CHAIRMAN DEMIENTIEFF: Thank you.

44 Written public comments.

45

46 MR. MATHEWS: Yes, Mr. Chairman. The
47 Board received three written public comments. Two in
48 support and one to defer.

49

50 The Cordova District Fishermen United

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1 support the proposal in the interest of clarity and
2 consistency.

3

4 The Copper River Native Association
5 supports the Staff recommendation to adopt the proposal
6 only for the Yukon and Kuskokwim regions.

7

8 The Wrangell-St. Elias National Park
9 Subsistence Resource Commission deferred on this
10 proposal.

11

12 Mr. Chairman, that's all the written
13 public comments.

14

15 CHAIRMAN DEMIENTIEFF: Thank you. We
16 have no request for additional public testimony at this
17 time. Regional Council recommendations.

18

19 MR. THOMAS: Mr. Chairman.

20

21 CHAIRMAN DEMIENTIEFF: Yes.

22

23 MR. THOMAS: For one thing Southeast is
24 opposed to this proposal. With all due respect to the
25 presenters, confusion is not a new factor in this
26 business and there's nothing or anything anybody can do
27 to remove the element of confusion so long as the
28 government's involved in management, that's just the way
29 it is.

30

31 Mr. Chairman, I also have some prepared
32 statements that I want to share at this time comments
33 that I would be compelled to share with you, however,
34 reluctant I feel this will result in approved
35 communication, understanding and process guidance.

36

37 These comments are prompted to present
38 them at this time with respect to the arduous efforts
39 that OSM endured for year to apply requirements of FACA
40 as you determine to satisfy specific standards of the
41 Act.

42

43 An observation from Region 1 is that a
44 majority of recommendations from the RAC has gone down in
45 defeat due to political preferences rather than good
46 science. It appears that our Regional Advisory Council
47 doesn't have credibility at this forum with our level of
48 local knowledge and experience. Title VIII is written
49 with the intention of this additional resource of
50 information because the resources without them have

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1 resulted in the State of Alaska losing subsistence
2 management authority on Federal public lands and waters.
3

4 When we first implemented ANILCA, which
5 was 10 years after adopted by Congress, virtually all of
6 the documents furnished by the Department portrayed
7 negative characterization of the subsistence community.
8 The difference between the State and Federal
9 acknowledgement of subsistence resources was profound.
10 It reflected an approved future for the subsistence
11 community. The general comment at that time was that the
12 Department was hostile towards the subsistence community.
13 Since then a significant number of Department employees
14 terminated their employment with the State of Alaska and
15 assumed responsibilities in Federal Subsistence
16 management and with that came a certain amount of
17 potential conflict of interest by way of some family
18 working for Department and a member of the same family
19 working in senior positions with OSM. This is a very
20 unusual scenario in this process.

21
22 Some things to consider have been
23 mentioned at this forum almost every time we've met.
24 Subsistence gathering and needs dictate seasons, bag
25 limits, methods and means and gear type. Western science
26 focuses on regulating users and law enforcement and in
27 most cases regulations criminalize subsistence gathering.
28 If we are, in fact, assuming responsibility for providing
29 a continued opportunity for subsistence use as a priority
30 as worded in Section .801 we need to get serious about it
31 and recognize and accept the responsible nature of the
32 majority of subsistence users.

33
34 We know that there's an explanation for
35 this observation and assessment but we don't believe it.
36

37 OSM and the Federal Board is hostage to
38 political guidance or stand a chance of compromising
39 their career. We understand that and agree that it is an
40 unfortunate circumstance. It further impedes practical
41 stewardship of subsistence use of natural resources.

42
43 Again, we felt compelled to bring these
44 observations to your attention. The Board and OSM have
45 made many gestures to change the configuration of the
46 initial process. They all appear arbitrary at best. No
47 specific or scientific justifications have been
48 presented. This has gone on for so long that it has the
49 appearance of a locomotive out of control.
50

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1 The most concerning factor that it all
2 appears to be deliberate in nature and without an
3 expected motive or anticipated outcome. When we started
4 this process we started as a team. That seems to have
5 been replaced with adversary-like counterproductive
6 efforts. This makes the administration and the
7 Legislature delighted to have this occur. We don't
8 expect things to improve as long as this continues we
9 just wanted to note that it doesn't go unnoticed.

10
11 We see a need for sensitivity and
12 cooperation from the Federal Subsistence Management Board
13 to portray the appearance to the subsistence community as
14 a friendly and supportive while being responsible and
15 providing continued opportunity as a priority. We
16 continue to pledge our best representation of Title VIII
17 to the subsistence community as defined in .801.

18
19 The Regional Advisory Councils are the
20 only statutory structure in Title VIII. We need to keep
21 that in mind and support them accordingly. Should you
22 feel compelled to discuss this issue with the Regional
23 Chairs or the Southeast region we're at your disposal.
24 We would, however, appreciate any initial response in
25 writing so that individual RACs can appropriate
26 deliberate any follow-up, if necessary.

27
28 Mr. Chairman, thank you for allowing me
29 this time to share those comments with you. But Region 1
30 opposes adoption of this proposal.

31
32 Thank you, Mr. Chairman.

33
34 CHAIRMAN DEMIENTIEFF: Thank you. Other
35 comments. Ron.

36
37 MR. SAM: Thank you, Mr. Chairman. We
38 understand the huge task in front of us because,
39 especially on the Yukon River where we have the
40 checkerboarding effect on Federal lands and Federal
41 waters versus State lands and State waters.

42
43 We feel that, and this is in my home
44 region, especially the Koyukuk River, that we have huge,
45 huge Federal land holdings therefore Federal waters. And
46 I guess we felt comfortable with any supersession by the
47 Federal special action teams that would go into effect,
48 that we felt fairly comfortable with this and that's why
49 we supported it with modification.

50

00046

1 Thank you.

2

3 CHAIRMAN DEMIENTIEFF: Harry.

4

5 MR. WILDE: Mr. Chairman. Yukon-
6 Kuskokwim Delta Regional Advisory Council recommend that
7 support with modification. Yukon-Kuskokwim Regional
8 Council support proposal No. 28 with the Staff
9 modification. I also see the regulatory wording shows
10 with the recommendation.

11

12 CHAIRMAN DEMIENTIEFF: Thank you. Other
13 Regional Council comments.

14

15 MS. CHIVERS: Mr. Chair.

16

17 CHAIRMAN DEMIENTIEFF: Go ahead.

18

19 MS. CHIVERS: I'm Michelle Chivers. I'm
20 the coordinator for the Northwest Arctic Regional
21 Advisory Council. My acting Chair regrets being unable
22 to be here, Raymond Stoney and Enoch Schiedt will be
23 showing up later this morning so I'll go ahead and read
24 the Northwest Arctic Council recommendation.

25

26 They did not make a recommendation on
27 this proposal. The Council chose to leave this
28 recommendation to Councils affected by this proposal.

29

30 Thank you.

31

32 CHAIRMAN DEMIENTIEFF: Barbara, you had
33 something.

34

35 MS. B. ARMSTRONG: Yes, I do, Mr. Chair.
36 Coordinator for Seward Penn. Grace Cross was not able to
37 attend this Federal Board at this time.

38

39 Seward Peninsula region wish to support
40 the Yukon-Kuskokwim region on this proposal because it
41 affects two of their communities which is Stebbins and
42 St. Michael and they support it with modification to
43 read:

44

45 For the Yukon and Kuskokwim areas,
46 Federal subsistence fishing schedules,
47 openings, closings and fishing methods
48 are the same as those issued for the
49 subsistence taking of fish under Alaska
50 emergency orders unless superseded by a

00047

1 Federal special action.

2

3 Thank you, Mr. Chair.

4

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

7

8 (No discussion)

9

10 CHAIRMAN DEMIENTIEFF: If not, we'll go
11 to Staff Committee recommendation.

12

13 MR. JACK: Mr. Chairman. Board members.
14 You will find the Staff Committee recommendation on Page
15 173. The recommendation is to adopt with modification to
16 apply only for the Yukon and Kuskokwim area at this time
17 consistent with the Yukon Kuskokwim-Delta, Western
18 Interior and Eastern Interior Regional Council
19 recommendations.

20

21 Allow the current Federal/State in-season
22 protocol effort to develop operating guidelines and
23 recommendations for the statewide implementation.
24 Regulatory wording would read as follows:

25

26 Appropriate section will be inserted in
27 this:

28

29 For the Yukon and Kuskokwim areas.
30 Federal Subsistence fishing schedules
31 openings, closings and fishing methods
32 are the same as those issued for the
33 subsistence taking of fish under the
34 Alaska State emergency order -- and it
35 cites the appropriate section there --
36 unless superseded by a Federal special
37 action.

38

39 The justification. In adopting a
40 proposed regulation the Board will make permanent for the
41 Yukon and Kuskokwim areas, the streamlined approach
42 implemented on a trial basis in these areas during the
43 2002 fishing season. Informal evaluation to date have
44 not identified any concerns with the process and it
45 appears that cooperation and coordination is in place.

46

47 The one year trial for the Yukon and
48 Kuskokwim areas has reduced redundancy and confusion
49 concerning in-season fishery management actions and
50 should be adopted permanently at this time for these two

00048

1 reasons.

2

3 The purpose of the original proposal was
4 to streamline the special action process on a statewide
5 basis, however, applying this regulation statewide
6 appears premature at this time due to concerns from some
7 regions regarding possible unintended consequences.
8 Implementing this regulation in the Yukon and Kuskokwim
9 area provides a model for developing the statewide
10 approach through the current Federal/State In-season
11 Management Protocol. This approach will also allow other
12 Regional Advisory Councils to comment and contribute more
13 fully to the efforts of the in-season management protocol
14 working group which are anticipated to conclude in 2003.

15

16 Mr. Chairman, that concludes the Staff
17 Committee recommendations.

18

19 CHAIRMAN DEMIENTIEFF: Thank you.
20 Department comments.

21

22 MS. SEE: Mr. Chair. Members of the
23 Board. Chairs of the Councils. We support the original
24 proposal but we concur with the Interagency Staff
25 Committee recommendation as an interim step.

26

27 The Department does support streamlining
28 the special action process where special actions are
29 issued only in-season when Federal management actions
30 differ from State management actions. Under this
31 provision whenever State and Federal managers agree on
32 subsistence fishing management actions then one emergency
33 order applies to both State and Federal waters.

34

35 Currently in practice on the Yukon River,
36 this approach has successfully promoted a more
37 coordinated management approach for State and Federal
38 managers. We feel that it provides efficient, timely and
39 clear information to the public and it provides -- it
40 coordinates legal notices regarding identical management
41 actions.

42

43 As an initial step toward achieving these
44 goals, we do support the Interagency Staff Committee
45 recommendation to adopt this proposal now for only the
46 Yukon and Kuskokwim River drainages. But we really want
47 to emphasize that we will continue our efforts to work
48 with Federal Staff and all the public to implement this
49 proposal on a statewide basis given the benefits that we
50 believe it does provide.

00049

1 Also, just as a small editorial note,
2 from the original proposal to the modified version there
3 is a correction which is needed to note that the
4 emergency orders are in statute so that's essentially
5 what the correction does compared to the original
6 version.

7
8 Thank you.

9
10 CHAIRMAN DEMIENTIEFF: Thank you. Board
11 discussion.

12
13 MS. GOTTLIEB: Mr. Chair.

14
15 CHAIRMAN DEMIENTIEFF: Yes.

16
17 MS. GOTTLIEB: I'd like to thank Russ and
18 Robert for taking the time to come testify today and I
19 know the efforts this past summer were on a learning
20 curve but I think we did, really very well, and I would
21 concur with everyone that the efforts so far are
22 progressing with Yukon and Kuskokwim, that would be a
23 good place to start.

24
25 So I would move that we adopt the Staff
26 Committee recommendation and begin this system just on
27 the Yukon and Kuskokwim and strongly encourage the
28 protocol working group to continue working towards
29 additions.

30
31 CHAIRMAN DEMIENTIEFF: We have a motion
32 to adopt the Staff Committee recommendation with regard
33 to Proposal FP03-28, is there a second?

34
35 MR. BACHOR: I second.

36
37 CHAIRMAN DEMIENTIEFF: Discussion.

38
39 MR. EDWARDS: Mr. Chairman, I certainly
40 agree. I think the pilot study has worked extremely well
41 and it's at this point it's time to go forward to the
42 next step in making it permanent. As we heard from our
43 two in-season managers, I think they're very supportive
44 of it, both, in the context that it still allows them to
45 be, you know, a major player and allows to delegate
46 special actions down to them but at the same time will
47 free them up to provide better service to all users with
48 regards to the program.

49
50 CHAIRMAN DEMIENTIEFF: Thank you.

00050

1 Further discussion.

2

3 (No discussion)

4

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

8

9 IN UNISON: Aye.

10

11 CHAIRMAN DEMIENTIEFF: Those opposed,
12 same sign.

13

14 (No opposing votes)

15

16 CHAIRMAN DEMIENTIEFF: Motion carries.
17 With that we'll move onto Southeast. We have Proposal
18 FP03-20.

19

20 MR. CASIPIT: Thank you, Mr. Chairman,
21 Board members, Council Chairs. The materials in the
22 Board book for this proposal FP03-20 starts on Page 187
23 in your book behind Tab C.

24

25 Proposal 20 was submitted by the Sitka
26 Tribe of Alaska. They request closing the Redoubt Lake
27 watershed and part of Redoubt Bay to sockeye salmon
28 fishing except by Federally-qualified subsistence
29 fishermen under terms of a Federal subsistence fishing
30 permit. The proponent also requests changes to the
31 sockeye salmon harvest limits, open seasons and methods
32 and means.

33

34 The proponent believes that Federal
35 jurisdiction should extend into marine waters and the
36 entire fishery should be managed under a Federal fishing
37 permit. The proponent is concerned about conflicts with
38 non-Federally-qualified users, conflicting State and
39 Federal regulations and reductions in the resource.

40

41 To where you this is a little bit Redoubt
42 Lake is located on Baranof about nine nautical miles
43 south of Sitka. The Federal Subsistence Board, in their
44 December 2001 meeting adopted regulations for the
45 management of sockeye in the fresh waters of Redoubt
46 Lake. These regulations were in response to a proposal
47 submitted by Sitka Tribe of Alaska in that regulatory
48 cycle. On July 26th of this year, the Federal
49 Subsistence Board removed the Federal regulations at
50 Redoubt which reopened sockeye fishing to all users, this

00051

1 action was in response to above average projected
2 escapements and presently there are no specific Federal
3 regulations pertaining to Redoubt.

4

5 I wanted to touch a little bit on State
6 and Federal proposed regulations, just kind of summarize
7 things that appears in your Staff analysis. Allowable
8 fishing gear is the same under State and Federal
9 regulations except that rod and reel is allowed under
10 Federal regulations but not under State regulation.
11 Federal and State open seasons are the same while the
12 proposal asks for a year-round open season under Federal
13 regulations. The bag limits vary between the State and
14 Federal bag limits and what the proponent requests. The
15 proponent is asking for a daily limit of 25 sockeye and
16 an annual limit of 50 sockeye. Federal regulations have
17 a household possession limit of 10 sockeye with no annual
18 limit and the State subsistence regulations allow a
19 possession limit of 10 and an annual limit of 50 fish per
20 individual or household. The State sportfishing daily
21 limit is six per day and 12 in possession.

22

23 The biological background. A weir has
24 been operated by the United States Forest Service and the
25 Alaska Department of Fish and Game on the outlet of
26 Redoubt Lake nearly every year since 1981. Sockeye
27 escapement is trending up, however, the 2000 and 2001
28 escapements were just short of 3,000 fish in 2000 and
29 3,600 fish in 2001 despite the early season closures of
30 sport and subsistence fisheries in those years. The
31 total escapement for 2002 is much improved and nearly
32 24,000 sockeye, this escapement is above the average
33 annual escapement of 21,000 sockeye during the period of
34 1982 to 2001.

35

36 The effect of the proposal. In regards
37 to jurisdiction, the Federal Subsistence Board does not
38 have the authority to extend Federal jurisdiction into
39 marine waters. With respect to the freshwater fishing
40 closure, ANILCA, Section .815, Subparagraph 3 does not
41 allow the restriction of non-subsistence uses unless
42 necessary for the conservation of healthy populations of
43 fish and wildlife or to continue subsistence uses of such
44 populations. Overall the harvest of sockeye salmon in
45 this system by non-Sitka resident subsistence users and
46 non-State resident sport users from 1984 to 2001 was low,
47 about three-tenths of a percent of the terminal sockeye
48 run. Closing the freshwater to all but Federally-
49 qualified subsistence users will not noticeably benefit
50 subsistence users or increase escapement, therefore the

00052

1 proposed closure would unnecessarily restrict non-
2 Federally-qualified users.

3

4 In terms of Federal permit requirement.
5 If this proposal were adopted, Federally-qualified
6 subsistence users would have to obtain a Federal
7 subsistence fishing permit to fish in fresh water. This
8 would be in addition to an ADF&G subsistence fishing
9 permit to fish in marine waters and freshwater. Dual
10 harvest reporting will result in reduction in data
11 quality of the harvest reporting system and a confusion
12 of fishermen. An additional source of confusion is
13 differing State and Federal fin removal requirements on
14 harvested sockeye.

15

16 In regards to harvest limit, the
17 proponent is requesting a daily limit of 25 sockeye per
18 household. The number of dipnet fishing sites is very
19 limited at the falls, in years of lower sockeye abundance
20 a lower daily limit of 10 would allow protection of the
21 stock, help reduce crowding of the users and reduce the
22 need for in-season action by managers. In years of
23 higher sockeye abundance, State managers have the in-
24 season authority to increase the daily limit to 25
25 sockeye per day. Federal managers would have the same
26 flexible if this proposal were not adopted.

27

28 Hopefully Board members have distributed
29 to them the draft State management plan that's being
30 developed, that has been developed by the Sitka Advisory
31 Committee. The intent of this proposal -- well, the
32 State Board of Fish proposal No. 115 seeks to develop
33 this management plan for Redoubt sockeye. The task force
34 was consisted of local users representing diverse
35 interests. It has met throughout the fall to develop an
36 escapement based management plan. The consensus plan was
37 drafted by the task force and was presented to the Sitka
38 Fish and Game Advisory Committee on December 5th, 2002.
39 The Committee voted unanimously 11-0 to support the plan
40 developed by the task force. The State Board of Fish
41 will consider the plan in their January or possibly
42 February meeting and Federal staff attended task force
43 meetings and provided information to aid the task force
44 members in development of this management plan.

45

46 I just wanted to key in on some of the
47 features of the Redoubt -- of this draft plan before the
48 State Board of Fish. This plan has a draft biological
49 escapement goal of 10,000 and 25,000 sockeye.
50 Conservation of the resource is the top priority.

00053

1 Subsistence users have priority over other uses.
2 Allowable uses would be managed based on projected
3 sockeye escapement. Bag limits would increase as
4 projected escapements increases. Rod and reel would be
5 allowed as a subsistence harvest method under State
6 regulation. Snagging of sockeye would be allowed in
7 marine waters as a subsistence harvest method. The
8 length of the open season is longer. And community
9 harvest permits would be allowed as escapements
10 increased.

11

12 The sockeye resource at Redoubt will
13 benefit from an escapement management plan that is
14 accepted and supported by the users. Subsistence users
15 will have a clear priority under the plan. With the
16 State plan in place the need for additional Federal
17 regulations should be minimized if not eliminated. This
18 will result in less conflict between State and Federal
19 management and ultimately less confusion for all users of
20 Redoubt sockeye.

21

22 And that concludes my presentation.

23

24 CHAIRMAN DEMIENTIEFF: Written public
25 comments.

26

27 MR. SCHROEDER: Mr. Chairman, we have one
28 written public comment.

29

30 The Southeast Alaska Seiners oppose
31 extending Federal jurisdiction into marine waters near
32 Redoubt Bay. They also don't believe that a restriction
33 on non-subsistence harvest is necessary at this time.

34

35 Those are all the written public
36 comments.

37

38 CHAIRMAN DEMIENTIEFF: Thank you. We
39 have no request for additional public testimony at this
40 time. Regional Council comments.

41

42 MR. THOMAS; Thank you, Mr. Chairman.
43 Southeast Regional Council recommendation is to support.
44 I might add that 50 sockeye annual harvest is really a
45 conservative use of the species.

46

47 Of all the salmon that are used in
48 Southeast, the sockeye is one of the most versatile
49 species down there for their methods and means of
50 preserving and using. So the presentation gave you a

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1 very good overview and should be considered.

2

3 Thank you.

4

5 CHAIRMAN DEMIENTIEFF: Thank you. Staff
6 Committee recommendation.

7

8 MR. THOMPSON: Mr. Chairman, the Staff
9 Committee recommends rejecting the portion of the
10 proposal that relates to the extension of Federal
11 jurisdiction into marine waters and rejecting the closing
12 of freshwater to all but Federally-qualified subsistence
13 users. We also recommend deferring that portion of the
14 proposal requesting changes in the sockeye salmon harvest
15 limit, methods and means as will be addressed in the
16 management plan by the State Board of Fish later this
17 spring.

18

19 Our justification for making this
20 recommendation is as follows: The Federal Subsistence
21 Board does not have the authority to extend Federal
22 jurisdiction into marine waters and, therefore, the
23 marine waters portion of this proposal is outside the
24 scope of the analysis that was presented to you.

25

26 ANILCA Section .815 (3) does not allow
27 the restriction of non-subsistence uses unless necessary
28 for the conservation of healthy populations of fish and
29 wildlife or to continue subsistence uses of such
30 populations.

31

32 In the case of Redoubt, the projected
33 escapement for 2002 is above the average annual
34 escapement of 21,841 sockeye during the period of 1982 to
35 2001. Closing the freshwater to all but Federally-
36 qualified subsistence users is not necessary to continue
37 subsistence uses or for the conservation of a healthy
38 sockeye population. Redoubt Lake sockeye are closely
39 monitored using stock assessment information and in-
40 season management authority local Federal and State
41 fisheries managers are in the best position to protect
42 the stock. Codifying regulations on systems such as
43 Redoubt would reduce the flexibility of managers to
44 respond to the needs of subsistence users and changes in
45 sockeye abundance as they become aware of those returning
46 runs.

47

48 As Mr. Casipit pointed out the management
49 plan which was just recently released, December 5th by
50 the Sitka Fish and Game Advisory Committee recommends

00055

1 seasons, harvest limits, methods and means. The plan is
2 developed and recommended by a planning group consisting
3 of local people who represented all user interests and it
4 will be considered -- we understand it will be considered
5 by the Board of Fish in their spring meeting.

6

7 Staff Committee recommends deferring that
8 portion of the proposal until the Board of Fish acts on
9 the management plan and its recommendations so that you
10 would have the opportunity to consider the outcome of the
11 Board of Fish action and the wisdom of aligning Federal
12 regulations with whatever the Board of Fish adopts.

13

14 Thank you, Mr. Chairman.

15

16 CHAIRMAN DEMIENTIEFF: Department
17 comments.

18

19 MS. SEE: Mr. Chair. Board members.
20 Council Chairs. We support the interagency Staff
21 Committee recommendation which has two elements of
22 addressing -- addresses two elements of this proposal.

23

24 Regarding harvest methods and means, we
25 support deferring that portion. And the reason for that
26 is when it comes to the portion about Redoubt Bay sockeye
27 salmon, there is a locally-based process already going on
28 that is specifically intended to propose solutions to
29 local concerns and present these to the Alaska Board of
30 Fisheries. A task force of representatives of Redoubt
31 salmon user groups will be addressing the issues raised
32 in this proposal and they will be submitting the sockeye
33 management plan to the Board.

34

35 We support and strongly support the
36 concept of local residents working to resolve user
37 conflicts within a fishery. We also believe that
38 consideration by the Alaska Board of Fisheries is the
39 next step to consider all uses and to propose ways to
40 respect and balance those uses.

41

42 Regarding the second portion of this
43 proposal, the closure in marine waters, we do not support
44 that portion. The Federal Subsistence Board does not
45 have authority to regulate fisheries within State and
46 marine waters as has been noted in previous comments.

47

48 Thank you.

49

50 CHAIRMAN DEMIENTIEFF: Thank you. Board

00056

1 discussion. Gary.

2

3 MR. EDWARDS: Mr. Chairman, I'd like to
4 ask Mr. Thomas, what his thoughts are with regard to this
5 Redoubt sockeye task force, both their workings and the
6 products they've produced.

7

8 MR. THOMAS: Thank you, Gary. The
9 information I got is an in progress report as to what
10 they're doing. They have a group in Sitka that is
11 working extensively on this trying to come up with --
12 they're trying to design their approach and management of
13 Redoubt the most effective way for the fluctuation of the
14 escapement that Redoubt has been experiencing. And so I
15 think with the information that you have before you at
16 this time is that the information that comes from the
17 working group in Sitka, which is before you, is a good
18 model to go by.

19

20 CHAIRMAN DEMIENTIEFF: Any other
21 discussion.

22

23 MR. BACHOR: Mr. Chair, I think I should
24 take the opportunity to emphasize what the Staff
25 Committee already said, so I won't go into detail, but I
26 think it's important to look at the State sponsored local
27 cooperative management plan and give that a chance to
28 come to fruition. I also think that at this point in
29 time there is no conservation reason to close the
30 portions of Redoubt Bay as proposed.

31

32 I also want to reemphasize that the
33 Federal government is in court over the jurisdictional
34 issues relative to the marine waters so I also think that
35 we need to keep this in mind.

36

37 Because of those reasons I intend to vote
38 against Proposal 20.

39

40 CHAIRMAN DEMIENTIEFF: Further
41 discussion. Do we have a motion then?

42

43 MR. BACHOR: I would like to propose a
44 motion. I move to reject the proposed extension of the
45 Federal boundaries in Redoubt Bay and reject the proposed
46 restriction on non-subsistence users. Further to defer
47 proposed changes to seasons, harvest limits, and methods
48 and means pending State Board of Fish action on the State
49 sponsored management plan.

50

00057

1 CHAIRMAN DEMIENTIEFF: Is there a second
2 to the motion?

3

4 MR. BISSON: Second.

5

6 CHAIRMAN DEMIENTIEFF: Further
7 discussion.

8

9 MS. GOTTLIEB: Mr. Chair.

10

11 CHAIRMAN DEMIENTIEFF: Yes.

12

13 MS. GOTTLIEB: Well, I would commend the
14 efforts of the task force and maybe we can find out when
15 we can get a report back then how it ends up and what the
16 Board of Fisheries decides to do.

17

18 MR. VINCENT-LANG: Well, I would love to
19 be able to project what the Board of Fisheries is going
20 to do but I can't even project who the Board of Fisheries
21 members are right now. We'll report back to you, they're
22 scheduled to take this up in either January or February.
23 I think it's January, the subsistence group, so we'll
24 report back to you some time after that at your next
25 meeting.

26

27 CHAIRMAN DEMIENTIEFF: Further
28 discussion.

29

30 (No discussion)

31

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

35

36 IN UNISON: Aye.

37

38 CHAIRMAN DEMIENTIEFF: Those opposed,
39 same sign.

40

41 (No opposing votes)

42

43 CHAIRMAN DEMIENTIEFF: Motion carries.
44 Proposal FP03-22, are these all linked?

45

46 MR. CASIPIT: Mr. Chairman, yes, all the
47 proposals are covered by one Staff analysis.

48

49 CHAIRMAN DEMIENTIEFF: Okay, good. Go
50 ahead, with the Staff analysis.

00058

1 MR. CASIPIT: Thank you. Mr. Chair.
2 Members of the Board. Council Chairs. The materials for
3 these proposals begin on Page 217 behind Tab C and
4 continue to the end at Tab D.

5
6 Proposals 22, 23, 24 and 25 request
7 modification of the current Federal subsistence
8 regulations for steelhead on Prince of Wales Island.
9 Proposal 26 requests the closure of steelhead fishing by
10 both Federally-qualified and non-Federally-qualified
11 users on Prince of Wales Island.

12
13 A little on the regulatory history. All
14 steelhead harvest occurred either incidentally in
15 subsistence and commercial fisheries or under sportfish
16 regulations. Prior to 1994, the regulation was one fish
17 per day, any size and since 1994, sport regulations have
18 changed to one fish per day, two annually, 36-inches or
19 greater. The daily limit can be two fish if one is a
20 hatchery fish as evidenced by a heeled atopol scar.
21 There are no size restrictions for a hatchery steelhead.

22
23 Commercial fishing regulations were also
24 changed during the 1994 cycle prohibiting the sale of net
25 caught steelhead. These fish, however, may be retained
26 for personal use. The trawl fishery was not restricted
27 and may still sell steelhead.

28
29 Federal regulations. During the fiscal
30 year 2001 fishing regulatory cycle, the Federal
31 Subsistence Board allowed fishing for steelhead on Prince
32 of Wales Island by modifying PF01-23. Essentially that
33 regulation put in place the sportfish regulation or State
34 regulation as Federal subsistence regulations.

35
36 During the fiscal year 2002 fisheries
37 regulatory cycle the Federal Subsistence Board rejected
38 FP02-40 and this proposal was very similar to FP-123.

39
40 On Prince of Wales Island steelhead are
41 present in 74 systems. Peak numbers of steelhead are
42 present in April and May and are represented by two
43 stocks of steelhead, a fall run and a spring run and the
44 spring runs are dominate.

45
46 Available information for Prince of Wales
47 Island steelhead is very limited. Since 1994, both the
48 Alaska Department of Fish and Game and United States
49 Forest Service has initiated snorkel surveys of some
50 Prince of Wales Island systems. How well these counts

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1 indicate trends is unknown as very little data has been
2 collected to relate peak counts to actual escapements.
3 Actual population numbers are unknown as well. Tentative
4 escapements for some Prince of Wales Island systems were
5 estimated in the 1980s. No predictive models have been
6 developed to determine harvestable surplus but a model
7 developed for the Karluk River has suggested that harvest
8 could range between 9.8 to 29 percent. Prince of Wales
9 Island potential sustainable exploitation may be near the
10 lower end of this model approximately at 10 percent.

11

12 Length data for Prince of Wales Islands
13 is lacking. Table 2 of your analysis shows a sample of
14 1,075 steelhead that suggests only six-tenths of a
15 percent are larger than 36-inches. Since these lengths
16 are derived mainly from one system, the Carta, actual
17 length composition for Prince of Wales Island may not be
18 fully representative plus length frequency may vary year
19 by year and by system.

20

21 Habitat changes from past logging
22 practices may be having an effect on steelhead. There
23 have been no long-term monitoring projects implemented so
24 any negative impacts on Prince of Wales Island systems
25 are unknown.

26

27 For harvest history, household
28 subsistence harvest surveys displayed on Table 3 in your
29 analysis have estimated harvest by Prince of Wales Island
30 communities is roughly 600 steelhead per year, most taken
31 by rod and reel. If you notice on your table on Table 3
32 the total there lists 770 steelhead, however, we
33 subtracted out steelhead that were caught in net
34 fisheries and reported on these household surveys.

35

36 Local sport regulations up until 1991
37 resulted in large sport harvests of steelhead on Prince
38 of Wales Island, that's displayed in Table 4. Sport
39 harvest peaked in 1987 at 1,950 steelhead and since 1994
40 estimated sport harvest has ranged from zero to 114. A
41 limited number of mortality studies suggested two to
42 three percent catch and release mortality and managers to
43 be conservative commonly assume five percent. Bait
44 mortalities tend to be from three to nine times higher
45 than artificial lures.

46

47 Commercial fishing by-catch is displayed
48 in Table 4. It has ranged from 533 to 11,540 prior to
49 the 1994 regulation changes with the majority 65 percent
50 occurring in gillnet fisheries. Since 1997 fewer than 50

00060

1 reported landings have occurred yearly in the trawl
2 fishery. There is uncertainty with these recent
3 estimates as net caught steelhead are not documented.

4
5 All proposals except 26 would liberalize
6 steelhead harvest on Prince of Wales Island. Without an
7 annual harvest limit and harvest cap there is a
8 conservation concern with allowing increased harvest. An
9 annual season may potentially expose smaller fall run
10 stocks to overharvest. Allowance of the use of bait
11 could cause conservation concerns because of the
12 increased mortality factor towards lost or released
13 steelhead trout and char.

14
15 I did want to mention four things that I
16 think is important for the Board to remember in their
17 deliberations on possible seasons, bag limits and such.

- 18
19 1. That any harvest be directed away
20 from extremely small runs that
21 are road accessible.
22
23 2. That they be directed away from
24 fall runs.
25
26 3. Provide no more than the
27 documented contemporary harvest
28 by Prince of Wales Island
29 residents at this time estimated
30 at 600 steelhead.
31
32 4. And we also should not further
33 constrain harvest by use of
34 length limits.

35
36 With that I end my presentation and would
37 be happy to answer questions.

38
39 CHAIRMAN DEMIENTIEFF: Thank you.
40 Summary of written public comments.

41
42 MR. SCHROEDER: Mr. Chairman, we received
43 three written public comments. Two opposed and one
44 support these proposals.

45
46 The Tongass Sportfishing Association
47 strongly opposes relaxing harvest restrictions for
48 steelhead on Prince of Wales Island streams. The writer
49 believes that biological data doesn't support change from
50 the current management plan.

00061

1 The Prince of Wales Island Steelhead
2 Conservation Association also opposes relaxing harvest
3 restrictions. The writer believes this would be
4 detrimental to the resource.

5
6 Ed Warren of Klukwan supports increasing
7 steelhead trout harvest to five fish per day.

8
9 That concludes the written public
10 comments we've received.

11
12 CHAIRMAN DEMIENTIEFF: Thank you. We
13 have no request for additional public comment at this
14 time. Regional Council recommendation.

15
16 MR. THOMAS: You know in our wisdom of
17 streamlining our proposals I spent the whole time during
18 the presentation trying to see where we're at. Where did
19 you wind up, Cal? What page did you wind up on?

20
21 MR. CASIPIT: Mr. Chair. Mr. Thomas, if
22 you'd go to 248, summarizes the Southeast Regional
23 Advisory Council's recommendation.

24
25 MR. THOMAS: Thank you.

26
27 MR. CASIPIT: And their justification
28 appears on 249.

29
30 MR. THOMAS: So with regards to FP03-26,
31 the Southeast Regional Advisory Council opposes. These
32 proposals were combined in one Staff analysis and one
33 Council deliberation process.

34
35 But anyway, that's been -- that's the
36 bottom line of our recommendation is to oppose and with
37 that I have some additional comments.

38
39 With regard to the steelhead. True
40 subsistence users use responsibly the natural resources
41 to sustain life. They use practical protocols coexisting
42 with the environment as nature designed. This does not
43 correspond with Western science, biology or speculation.
44 It has nothing to do with politics. It's surviving
45 versus not surviving.

46
47 While steelhead is closed to subsistence
48 and remains open for sportfishing. This is a blatant
49 violation of existing language and the intent of Title
50 VIII. Also in harvesting subsistence, size or gender is

00062

1 not always a factor and responsible use of the resource.
2 The driving factor is quality and quantity. If less than
3 adequate food is harvested people remain hungry. This is
4 why you've heard the expression that the Western term,
5 definition and intent does not reflect those of the
6 subsistence community. We need to give this more
7 recognition and demonstrate sensitivity to the
8 subsistence community.

9

10 Also I just received a fax from a member
11 of our Council, if I might Mr. Chairman.

12

13 CHAIRMAN DEMIENTIEFF: Go ahead, Bill.

14

15 MR. THOMAS: This just came in this
16 morning from Mike Douville. He lives on Prince of Wales
17 Island and his comments are as follows. I'd like to make
18 some comments to the Federal Board regarding steelhead.
19 First I will tell you that I'm a 53 year old resident of
20 Craig having spent all those years on Prince of Wales
21 Island. I have fished steelhead since my early teens.
22 We know that steelhead has a limited winter run. This
23 run of fish has supplied fish for the people of Craig and
24 Klawock since I can remember. From 1995 to present we
25 have not been able to harvest virtually any of this run
26 of fish because of State regulation. Restrictive size
27 and bag limits prompted by low fish counts through the
28 Carta River weir prior to 1995. I do know that in some
29 years before 1994 that plus 600 steelhead were taken from
30 this system. I would also point out that these fish, for
31 the most part were caught by users other than rural. It
32 is never efficient to take steelhead from the Carta for a
33 subsistence user living on the west side of Prince of
34 Wales as fish in other systems are easier to access.
35 However, the Carta River weir counts were used as a basis
36 to put present State regulations in place for all streams
37 on Prince of Wales Island. In fact, the fishing was as
38 good as it was ever was in other streams, yet all the
39 meetings held in one -- I believe 1994 the Department,
40 sport biologists were told that there was no steelhead
41 anymore and strict regulation was needed to save what was
42 left. I found myself scratching my head in bewilderment
43 as fishing had been fine in all places I had been fishing
44 that year and in all previous years. I asked this
45 biologist how he knew this was so and he answered by
46 telling us that the Carta and the Sitik River had low
47 fish counts through their weirs. I asked what did that
48 have to do with the fish in Thorne, Stanning, Klawock and
49 other places, the fishing is good in those places and the
50 Thorne and Stanning have never had a weir so how could he

00063

1 know the fish numbers were low. An adequate answer was
2 never given. So we would have to assume that
3 professional judgment was used. I see this term used
4 frequently when hard facts and numbers are lacking
5 concerning this issue. It became clear that the decision
6 to restrict had already been made. The meeting with us
7 was just a formality. I will point out that the State
8 bag limit on steelhead prior to '95 was one fish per day,
9 two if you could show on had a fin clip or was hatchery
10 fish so a household, we'll say, two fishermen could
11 legally take 14 fish a week. You could double that
12 number if half were hatchery fish to 28. I don't
13 remember that there were any closed season.

14
15 The point I'm trying to make is that the
16 RAC's recommendation is just a small fraction of the
17 harvest prior to '95. Also only six percent or less of
18 the households on a Prince of Wales applied for Federal
19 permits to fish coho, which are, in fact, much easier to
20 catch than steelhead. I would not expect the steelhead
21 effort to be any different. The Department would like
22 you to believe that every household on the Island with a
23 harvest of steelhead a week based on what we see on coho
24 effort, this is a long way from reality. High water,
25 freezing conditions and short day light hours are only a
26 few obstacles encountered when fishing steelhead in the
27 winter. Many people have no interest but for some this
28 is the only salmon available. Some have no boat, no car
29 but can walk to the river catch a fish to eat. This has
30 always been a customary and traditional -- what is not
31 customary and traditional is to catch and release dozens
32 of fish to get that 36-inch one that is legal to take
33 home to eat. By the Department every two fish out of 100
34 are 36-inches, which represent accepted mortality rate of
35 five percent, that's not a professional judgment by the
36 Department. You would release at least five fish that
37 would die to get that 36-inch fish to take home. This is
38 against the accepted rules of subsistence I have been
39 taught and used for the past 40 years.

40
41 The effort for steelhead would be
42 minimal. The tools are already in place too closely to
43 monitor this fishery through a permitting system. We
44 have a Federal biologist on the Island. The District
45 Ranger has the authority to take action should there be a
46 need. Title VIII says subsistence has a priority over
47 all other users. The Department agrees stocks have
48 recovered from '94 levels, another professional judgment,
49 many streams are exempt from this proposal and the season
50 asked for is short in comparison to past years. No

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1 subsistence fishery has been allowed since '95, yet
2 there's a full-blown sport fishery that is open at this
3 time, this is against the principles of Title VIII. The
4 subsistence that I know believe that this fishery is set
5 aside for guided sportsman by the Department. It also
6 appears that the Department opposes any proposal or RAC
7 recommendation, it is futile to pursue, is this true.

8

9 For the reasons stated above, I urge the
10 Federal Board to support the steelhead proposal as
11 recommended by the Southeast Regional Advisory Council.

12

13 Thank you for your consideration, Michael
14 Douville, Craig, Alaska.

15

16 Thank you, Mr. Chairman.

17

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

20

21 MR. SCHROEDER: Mr. Chairman, could I
22 clarify the Regional Council recommendation?

23

24 CHAIRMAN DEMIENTIEFF: Go ahead.

25

26 MR. SCHROEDER: Mr. Chairman, the
27 Regional Council did oppose FP03-26 which was the
28 steelhead proposal to close all fishing on Prince of
29 Wales. The recommendation that the Council did pass is
30 shown on the screen. The Council recommends a season of
31 December 1 to May 31st, a harvest limit of one fish per
32 week and a harvest cap of 600 fish.

33

34 Thank you.

35

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

38

39 MR. THOMPSON: Mr. Chairman, the Staff
40 Committee did not reach consensus on a recommendation.

41

42 The majority of the members favor
43 rejecting Proposals 22, 24, 25 and 26 and supporting
44 Proposal 23 with modification.

45

46 A minority of the Staff Committee members
47 recommend adopting the recommendations of the Southeast
48 Council which supported Proposal 25 with modification.

49

50 The justification for these alternate

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1 recommendations are as follows.

2

3 For the majority viewpoint, current State
4 and Federal, regulations provides some harvest
5 opportunity for steelhead including subsistence harvest
6 by Federally-qualified users. The recommendation of the
7 majority of the members of the Staff Committee is to
8 liberalize subsistence fishery regulations on Prince of
9 Wales Island to reflect contemporary use which appears to
10 be sustainable. Closures of all uses on Prince of Wales
11 Island Federal public lands is not necessary for the
12 continued viability of steelhead populations, continuous
13 of subsistence uses or for reasons of public safety.
14 Productivity of steelhead is low in comparison to salmon
15 and should be managed conservatively. Subsistence
16 harvest opportunities should reflect documented
17 contemporary use that appears sustainable. Directed
18 harvest opportunity for steelhead should be kept
19 conservative due to the limited abundance and
20 productivity, lack of assessment data, ease of access
21 throughout the road system, and relatively large numbers
22 of potentially Federally-qualified fishers.

23

24 In general subsistence harvest should do
25 the following:

26

- 27 1. Be directed away from extremely
28 small runs that are road
29 accessible.
- 30
- 31 2. Not be directed at the fall run
32 of steelhead.
- 33
- 34 3. Provide no more than documented
35 contemporary harvest by Prince of
36 Wales Island residents, which is
37 estimated to be 600 steelhead.
- 38
- 39 4. And not be further constrained by
40 length limits.

41

42 The minority view is -- if the minority
43 is adopted, the modified regulation -- excuse me. If the
44 majority view is adopted, the modified regulation would
45 read as follows:

46

47 You may take steelhead trout on Prince of
48 Wales Island only under the terms of a
49 Federal Subsistence permit from March 1
50 to May 31st. The annual limit is two

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1 fish. You may use only a dipnet, spear,
2 rod and reel with artificial lure or fly.
3 You may not use bait. The annual harvest
4 level cap is 600 steelhead for Prince of
5 Wales Island. And the permit conditions
6 and systems to receive special protection
7 will be determined by a local manager in
8 consultation with the Alaska Department
9 of Fish and Game.

10
11 It is necessary to obtain additional
12 assessment data and this should be done before increasing
13 harvest beyond current documented levels.

14
15 The majority of members on the Staff
16 Committee strongly endorse funding steelhead assessment
17 through the Fisheries Resource Monitoring Program to
18 determine accurate identification of small runs, stock
19 assessment of larger runs including estimates of
20 abundance and length structure. The majority members of
21 the Staff Committee also encourage additional effort to
22 undertake yearly subsistence harvest assessments for
23 steelhead and other fish species used by Prince of Wales
24 Island residents.

25
26 For the minority viewpoint, the Staff
27 Committee members in the minority who support FP03-25 as
28 modified base their recommendation on the following
29 factors:

- 30
- 31 1. Concurrence with the Southeast
32 Alaska Subsistence Council
33 recommendation, which included
34 numerous steelhead population
35 conservation measures.
 - 36
37 2. Evidence to support the
38 sustainability of the proposed
39 steelhead subsistence fishery.
 - 40
41 3. Lack of biological and harvest
42 data to support a modification in
43 the Council's recommendation on
44 harvest seasons and weekly
45 harvest limits.
 - 46
47 4. Alignment with mandates provided
48 by Title VIII, Section .805(c).

49
50 If the minority view is adopted, FP03-25

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1 as modified would read as follows:

2

3 You may take steelhead trout on Prince of
4 Wales Island only under the terms of a
5 Federal Subsistence fishing permit from
6 December 1 to May 31st. The following
7 conditions would apply. The annual
8 harvest limit is one fish per week per
9 household. You may use only a dipnet,
10 spear, rod and reel with artificial lure
11 or fly. You may not use bait. The
12 annual harvest level cap is 600 steelhead
13 for Prince of Wales Island. The permit
14 must be returned within 15 days of the
15 close of the season. And these would
16 apply in 21 listed systems that would go
17 into the regulations. The minimum size
18 limit would be 36-inches or larger and
19 spears could not be used in these 21
20 listed systems.

21

22 That's the Staff Committee

23 recommendation, Mr. Chair.

24

25 CHAIRMAN DEMIENTIEFF: Thank you.
26 Department comments.

27

28 MS. SEE: Mr. Chair. Members of the
29 Board. Council Chairs. These proposals raise some
30 complex issues.

31

32 We support the Interagency Staff
33 Committee majority recommendation. We feel that State
34 and Federal Staff can now agree that some additional
35 subsistence harvest opportunity for steelhead can be
36 provided on Prince of Wales Island while also maintaining
37 healthy stock status. This conclusion is based, in part,
38 on new household survey data showing that the
39 contemporary harvest of steelhead on Prince of Wales
40 Island are higher than previously believed. State Staff
41 along with Federal Staff and local users have worked
42 closely to reach an agreed upon approach that will
43 provide for increased harvest opportunity while at the
44 same time protecting sustainability of individual
45 steelhead trout stocks. Given that virtually no stock
46 status information is available for the area streams.

47

48 The regulatory approach supported by the
49 majority of the Interagency Staff Committee
50 recommendation includes some provisions that we consider

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1 essential toward achieving additional harvest opportunity
2 for steelhead on Prince of Wales Island while also
3 protecting the vulnerable stocks from over-exploitation.
4 Specifically, we support the recommended season length,
5 the annual harvest limit, gear allowances and annual
6 harvest caps. Of these, we strongly support and want to
7 emphasize the season opening date of March 1st. We feel
8 this is important to protect fall run stocks that are
9 extremely vulnerable to harvest pressure due to low
10 abundances and lack of stock specific information.

11

12 We also note that we support delegating
13 responsibility to the Federal fisheries manager to set
14 harvest provisions by permit and the associated harvest
15 reporting requirements. This delegation provides a key
16 management tool to help prevent over-exploitation of road
17 and non-road accessible streams that support small stocks
18 of steelhead trout.

19

20 Finally, we'd like to note that we
21 strongly recommend that the Federal Subsistence Board
22 support funding for additional steelhead trout research
23 on Prince of Wales Island to help assure that harvest
24 opportunity is not impacting the sustainability of the
25 area's steelhead trout stocks.

26

27 Thank you.

28

29 CHAIRMAN DEMIENTIEFF: Thank you. Board
30 discussion.

31

32 MR. EDWARDS: Mr. Chairman.

33

34 CHAIRMAN DEMIENTIEFF: Gary.

35

36 MR. EDWARDS: I guess I got a couple
37 questions because I'm having -- trying to separate all
38 these different proposals out and trying to read through
39 all of this. But, I guess, maybe I'd direct the question
40 to either OSM Staff or the Interagency Staff Committee or
41 the State, what I don't understand is what's being
42 proposed by the majority of the Staff Committee actually
43 doesn't seem to be as conservative potentially as what's
44 being actually recommended by Southeast. The way I
45 understand it, each of them have a threshold of 600 fish.
46 One of them has a six month season, one of them has a
47 three month season. But we sort of concurred that
48 there's probably not going to be much fishing occurring
49 in December, January and February. And based upon the
50 data it appears that somewhere around 117 households have

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1 been participating in these fisheries, and if it's -- and
2 assuming, for example, that a household is not going to
3 fish for those whole three months, which would be 12
4 weeks and if they only fished four weeks their harvest
5 could potentially be significantly less than if you
6 allowed every individual to fish.

7

8 So I'm just trying to understand why
9 what's being recommended by Mr. Thomas and his folks, in
10 fact, could not -- might even be much more conservative
11 than what's being recommended by the Staff Committee and
12 plus I also think that they provide a size limit on
13 certain waters which is not my understanding in the Staff
14 Committee recommendation.

15

16 MR. THOMPSON: Mr. Chairman, let me
17 launch a response. One of our primary concerns is about
18 targeting pressure on the fall run steelhead. And by
19 having a different season start up date it has a
20 different impact on those fall run of steelhead. But I
21 guess I would defer to Staff to explain more fully the
22 reasoning behind adjusting the season in order to -- and
23 to explain how that removes the pressure on the fall
24 steelhead. It's a little more involved than just the
25 length of the season.

26

27 MR. CASIPIT: Thank you, Mr. Chair.

28

29 CHAIRMAN DEMIENTIEFF: Go ahead.

30

31 MR. CASIPIT: Mr. Edwards. Council
32 Chairs. Let me take a stab at this as well.

33

34 Basically, I would have the same comment
35 about the December 1 start up date as Mr. Thompson did.
36 In the months of December, January, basically the only
37 fish that are going to be in streams are going to be fall
38 run fish, we don't want to direct a whole bunch of
39 pressure at fall run fish. The other consideration here
40 is that for the in-season management to work, to make
41 sure that we stay under the 600 fish cap, in this case,
42 the in-season manager Jeff Reeves, to my left there, he's
43 got a couple choices. I mean we could require some
44 onerous reporting on users like a weekly harvest report
45 or a bi-weekly harvest report to get the actual harvest
46 through the season so to keep track of the 600 fish cap
47 or Mr. Reeves could use, you know, harvest potential of
48 the existing permits that have been issued with that
49 December 1 start up date. So, you know, December 1 could
50 work. It would require either more frequent reporting on

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1 the part of the users or that Jeff make his calls based
2 on harvest potential of the permits out there, not
3 necessarily what is harvested but what is the harvest
4 potential. And there could be a situation, you know,
5 this is just speculation, I understand Bill's -- Mr.
6 Thomas' concern about speculation, but, you know, it
7 could be that Mr. Reeves might have to use in-season
8 authority to close the fishery before May 31st and, you
9 know, therefore, kind of mess up the opportunity in the
10 spring is where we want to direct the fishing is in the
11 spring.

12
13 So those are some of the concerns that
14 we're kind of bouncing and bouncing around.

15
16 MR. EDWARDS: But I believe Mr. Thomas'
17 position was that the reality is that there will be
18 virtually very limited fishing in December, January and
19 February. Do we have any evidence that would lead us to
20 believe that there is going to be a significant amount of
21 fishing occurring at that time of year?

22
23 MR. CASIPIT: Again, it's all speculation
24 and, you know, what we think is going to happen. You
25 know, at least in this first go around we kind of prefer
26 to take a more conservative approach, a first step.
27 Maybe in a couple of years when we get more research
28 information and more information on harvest patterns and
29 that, like you approved for the Fisheries Resource
30 Monitoring Program earlier this morning, maybe based on
31 some of that information we could take some steps to
32 broaden that out and liberalize. But at this point in
33 time for the first step, we want to try to remain a
34 little bit conservative.

35
36 MR. EDWARDS: Then one other question.
37 Then by limiting it to a three month season and
38 potentially putting more anglers out there since you're
39 dealing with individuals as opposed to households, as
40 what is being recommended, doesn't that have the
41 potential that during those three months to maybe have a
42 much higher harvest occur or much greater participation
43 than you might want during that period?

44
45 MR. CASIPIT: Again, within terms of
46 participation, you kind of have to look at the existing
47 C&Ts and how those are arranged on Prince of Wales
48 Island. If you look at the south end of the Island, the
49 areas around Hydaberg, Klawock and Craig, those are very
50 narrow C&T determinations so that we believe the, if you

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1 will, the customer base is going to be a lot smaller. If
2 you look at the north end of Prince of Wales Island where
3 there is no specific C&T, any rural resident of the
4 Southeast region can fish there and, you know, that's --
5 that's where you might see the real big increase in use
6 is on the north end.

7

8 MR. THOMPSON: Mr. Chairman.

9

10 CHAIRMAN DEMIENTIEFF: Yes.

11

12 MR. THOMPSON: Could I elaborate on his
13 response. The Staff Committee did consider a couple of
14 other associated issues here. One is, as you may well
15 know, Prince of Wales Island is very well roaded, access
16 is exceptional to a number of these steelhead systems
17 during all year long. And so access becomes a little
18 more of an issue here than perhaps in a lot of our
19 subsistence -- rural subsistence fishing communities.
20 Also the element of having increased numbers of spring
21 run steelhead intermingling with the fall run fish tends
22 to reduce the likelihood that those fall fish will be
23 caught. That's why we wanted to concentrate the harvest
24 when there is more total fish being made available to the
25 subsistence fishing community. So it tends to reduce the
26 pressure on the fall run.

27

28 CHAIRMAN DEMIENTIEFF: Go ahead.

29

30 MR. BISSON: Mr. Chairman, just so I'm
31 clear, what I'm hearing is that from the period of
32 December to March 1, any harvest of the steelhead would
33 be -- it's your belief it would be -- professional
34 judgment it would be from fall run fish, that there's no
35 spring run fish in there and so that any impact would be
36 on the fall run?

37

38 MR. CASIPIT: Mr. Chair. Mr. Bisson,
39 that is correct. The December 1 through -- the period
40 December 1 through beginning of March are almost
41 exclusively fall run fish.

42

43 MS. GOTTLIEB: Mr. Chair.

44

45 CHAIRMAN DEMIENTIEFF: Yes.

46

47 MS. GOTTLIEB: I'm glad the Federal
48 manager is here because I have a few questions for Mr.
49 Reeves. And that is the list of streams that has been
50 developed, is that list either something you participated

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1 in or one that you and perhaps the State would agree is a
2 pretty good list of designating streams that would be of
3 concern?

4

5 MR. REEVES: Mr. Chairman. Ms. Gottlieb.
6 Board. For the record my name is Jeff Reeves and I'm
7 with the Forest Service. Are you referring to the list
8 of road side systems in the appendix?

9

10 MS. GOTTLIEB: Let's see, the one I think
11 mentioned in the minority report.

12

13 MR. REEVES: Okay, the ones in there.
14 Those are all small road side systems and I did sit down
15 with Fish and Game and the biologist from the Thorne Bay
16 Ranger District who is also on the Island and we were all
17 pretty much in agreement that the estimates of escapement
18 on those were under the threshold that we felt --
19 basically we felt that a threshold of about 200 fish was
20 the breaking point and those were all had estimates under
21 200 or no estimates at all. So -- and these all have at
22 least one access point linked on the road system. And so
23 we just felt that for right now, yes, these should
24 maintain a 36-inch size restriction.

25

26 Does that answer your question?

27

28 MS. GOTTLIEB: It does. If I could also
29 follow-up, in that, if we -- would you be able to
30 implement a system that has been described, that you
31 could sustain the 600 limit, overall, but also not
32 jeopardize any of the stocks that might be of concern in
33 these specific streams?

34

35 MR. REEVES: I believe we could. We
36 could either stay with this regulation, maintaining a
37 size restriction. I believe there was an option that was
38 potentially considered that would allow some small
39 harvest but then we get back to Cal's point that it would
40 require a really intensive reporting requirement.

41

42 MS. GOTTLIEB: If I might, well,
43 reporting requirement would help you keep track, pretty
44 up to date as to what the status is and so maybe a
45 question to the Regional Advisory Council or some of the
46 other users, whether that requirement would be really
47 burdensome or whether that would be a positive in terms
48 of knowing that the stock status was being monitored in a
49 timely way.

50

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1 MR. SCHROEDER: Mr. Chairman. Ms.
2 Gottlieb, I think subsistence users on Prince of Wales
3 will participate in a permit reporting system. And I
4 will point out that one motive force for this proposal is
5 that subsistence harvest surveys found that there were
6 quite a few fish being taken already on Prince of Wales
7 Island. These fish have essentially been off the record.
8 So one thing that bothers managers, of course, is the
9 harvesting that goes on that isn't recorded. So one
10 thrust of this proposal will be to get better harvest
11 data and to know where those fish come from and also the
12 seasonality of that harvest.

13
14 CHAIRMAN DEMIENTIEFF: Earlier, Gary, you
15 asked also a question of the State manager as well and
16 Mr. Lang has been trying, I think trying to respond to
17 your earlier questions.

18
19 MR. VINCENT-LANG: Thank you, Mitch. I
20 guess a couple comments. The list of streams that's in
21 the minority Staff report, when the State and the Federal
22 government sat down and the Forest Service sat down and
23 talked about those, our managers, we never talked about
24 those streams in context of providing a winter fishery.
25 We always talked about this within the context of
26 providing a fishery when the stocks were mixed in those
27 streams. That is, on a mixed stock of spring and fall
28 run fish. So if you end up going back and trying to take
29 the minority Staff opinion, certainly the list of streams
30 isn't an accurate reflection of how we would feel about
31 providing the harvest opportunity underneath that
32 regulation since that regulation is proposing to have it
33 start December 1st.

34
35 We are very concerned that that list, for
36 instance, does not include small non-road accessible
37 streams that are just as equally vulnerable as road
38 accessible streams in many instances. You can get to
39 them and just because it's small or non-small doesn't
40 mean it's any less vulnerable.

41
42 The second comment was with respect to
43 this, I guess your question, Gary, is this being an
44 individual harvest limit versus a household harvest
45 limit. If you have 120 households and you allow each
46 household to take one fish over a very long period of
47 time, over what amounts to about six months, the Staff
48 feel that, at least, that harvest potential may, in fact,
49 cause some problems on some of the small streams, whether
50 they're roaded or non-roaded along Prince of Wales

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1 Island. If you take the numbers, of instance, as a two
2 fish annual limit per individual, if there's about a 120
3 households participating in that fishery out there, about
4 three individuals per household, that gives you a harvest
5 potential of about 360, take that times the two fish
6 annual limit you end up with about 720 fish that are
7 being harvested. Knowing not every individual within
8 every household is going to participate gets you about
9 where you want to be as a 600 fish harvest potential out
10 there.

11

12 So I think you can make the numbers work
13 however you want them to work but I think having an
14 annual limit allows an increased flexibility for a
15 household to go out and participate above a one fish
16 annual harvest limit for a household. It allows a group
17 of people to go out and participate and take the
18 steelhead they may need.

19

20 So with that, I guess, I think that
21 answered your question.

22

23 CHAIRMAN DEMIENTIEFF: Bill.

24

25 MR. THOMAS: Thank you, Mr. Chairman.
26 You know since this started we've made references to
27 data, lack of data and I know for a fact that on Prince
28 of Wales the data that we're throwing around here doesn't
29 exist.

30

31 You heard that the model was taken from
32 the Carta River system, which is the only system out
33 there that produces the size limit allowable under State
34 regulation and I'm getting both from the Staff Committee
35 and from the Department the very thing I mentioned
36 earlier, was a negative characterization of the
37 subsistence community. You're talking about the
38 potential overharvest of available fish. Subsistence
39 users do not have a history of exploiting anything.
40 Anything. Nobody recognizes the importance of a
41 sustained yield better than a subsistence user. There's
42 a difference of importance to them.

43

44 When you take one out of five fish and
45 expect that four of them die from mortality, that's not
46 good management.

47

48 In the winter, you heard about the low
49 pressure because the cold weather and the uncomfortable
50 conditions. Not many people are going to be going out

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1 there.

2

3 It seems to me like .804 is someplace we
4 should be looking at with regards -- if we're going to be
5 concerned about overharvesting. Our job is to provide a
6 continued opportunity and access for subsistence use of
7 these resources. If there, in fact, is a shortage, an
8 identified shortage for this to occur, then we need to
9 take a look at .804.

10

11 Thank you, Mr. Chairman.

12

13 CHAIRMAN DEMIENTIEFF: Thank you. Gary.

14

15 MR. EDWARDS: I just have one other
16 question. Now, am I correct, the current regulation
17 basically allows, it's a year-round harvest but puts a
18 length limit on the fish and you can't take more than two
19 fish per person per year over 36-inches, so there is not
20 a -- there's no time frame, there's no closure?

21

22 MR. CASIPIT: That is correct.

23

24 MR. EDWARDS: And then what does the
25 current data show with regards to that harvest as to
26 which month those fish are taken or at least attempt to
27 take? Because the way I read that you can go out and
28 fish any time but any fish you catch under 36, you have
29 to release, right? So I mean theoretically with 100-some
30 households and three people fishing and taking two fish,
31 you could take, theoretically a whole bunch of fish over
32 36 inches, because you'd have 12 months to do that to get
33 it accomplished, right?

34

35 MR. CASIPIT: Yeah. In a general sense
36 that's right. The problem comes is that if you look at
37 the length data that we do have for Prince of Wales
38 Island, granted it's only from the Carta River, one of
39 the better rivers, you know, one of the better producers
40 on the Island, only six-tenths of a percent of the fish
41 that were measured are greater than 36 inches. So
42 conceivably you could take two fish a year under the
43 sport regulations, under the existing Federal regulation.
44 But the likelihood of catching 200-plus steelhead in a
45 year is -- I'm not sure that most people do that, that
46 catch 200 fish in a year and release them. The other
47 part of that is the mortality that Bill was alluding to,
48 you know, the five percent mortality of hook and release
49 steelhead that was mentioned earlier.

50

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1 MR. BUNCH: Mr. Chair.

2

3 CHAIRMAN DEMIENTIEFF: Yes.

4

5 MR. BUNCH: If I may. I'm not familiar
6 with these watersheds that are listed here in the
7 booklet, does that represent a geographical of all the
8 Prince of Wales Island or are those grouped in a certain
9 locale on the Island, those that are named in the
10 minority report?

11

12 MR. CASIPIT: Thank you, Mr. Chair. The
13 systems you see listed there are small road accessible
14 systems. If you're interested in a more extensive list,
15 in the appendix, A and B, lists some additional streams
16 based on -- well, Appendix A lists the remote Prince of
17 Wales Island systems, that is, off the road system.
18 Appendix B lists road accessible systems, both in terms
19 of basically small stocks and larger stocks.

20

21 MR. BUNCH: Okay, as a follow-up to that,
22 do all the streams in Prince William have a fall and a
23 winter run or a fall and a spring run?

24

25 MR. CASIPIT: No, they're -- go ahead.

26

27 MR. REEVES: Mr. Chairman. Mr. Bunch.
28 To clarify a couple of your questions, basically, if you
29 look on the list there that's on the overhead there, if
30 you were to jump in your truck from Red Bay Lake Creek
31 there and you were to drive to Dog Salmon Creek, you're
32 probably going to be driving close to 150, 160 miles on
33 road. So, you know, these are all spaced out. And if
34 you could repeat your second question there, if you
35 wouldn't mind just summarizing it for me?

36

37 MR. BUNCH: Do all of these named streams
38 have both a fall and a spring run of steelhead?

39

40 MR. REEVES: No, they do not. Basically
41 the ones that are identified as fall steelhead systems
42 are currently listed in the sportfishing regulations, you
43 know, they fall under a separate sportfishing regulation
44 now and there's 13 of them that they have listed in
45 there. And if you were looking at individual systems
46 it'd be more, but it's actually 13 drainages, I should
47 say that are combined.

48

49 MS. GOTTLIEB: Mr. Chair.

50

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1 CHAIRMAN DEMIENTIEFF: Judy.

2

3 MS. GOTTLIEB: Or.....

4

5 MR. BACHOR: Mr. Chair.

6

7 CHAIRMAN DEMIENTIEFF: Yes.

8

9 MR. BACHOR: Looking at my watch, it
10 looks like it's about time for lunch and I'm getting
11 hungry.

12

13 But nevertheless this is obviously one of
14 the more emotional species we deal with no matter where
15 it is in the United States and it's very important. And
16 I think this recommendation is extremely important to
17 everyone. We also have some changing conditions and I'm
18 glad you brought up the fact that how far it is between
19 streams if you're driving a road and if the road system,
20 it may be there but in many cases very difficult. With
21 that aside, I think we can continue to look towards
22 increased pressure over the years. And gathering
23 information, yeah, we don't have all the data. Think of
24 how complex it is with such a large area to gather all
25 the data, we do have indicators. There is a concern, I
26 think we need to deal with that.

27

28 I also am fairly well convinced that that
29 fall stock is something we better be very much paying
30 attention to. And with the complexity of the systems
31 over there, it's hard to pinpoint stream by stream right
32 now. I think we need to rely upon our local State and
33 Federal managers to really work together to look at and
34 find out where those problems are.

35

36 Now, in order to bring this to some sort
37 of a closure or a vote, I would ask once again, Ken
38 Thompson, if you could reiterate the majority Staff
39 proposal and possibly the minority so we can look at that
40 more specifically, just summarize that again. I think
41 you said the majority Staff proposal was Proposal 23 with
42 modification, could you reiterate that for us, please.

43

44 CHAIRMAN DEMIENTIEFF: I think maybe
45 we'll just go ahead and break for lunch right here. I
46 don't think we're going to be able to finish this. But
47 we will.....

48

49 MR. BACHOR: That's certainly.....

50

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1 CHAIRMAN DEMIENTIEFF:open.....

2

3 MR. BACHOR:an option.

4

5 CHAIRMAN DEMIENTIEFF:up probably
6 about 1:15 or so and so we'll get a response at.....

7

8 MR. BACHOR: Okay.

9

10 CHAIRMAN DEMIENTIEFF:that time to
11 your question.

12

13 (Off record)

14

15 (On record)

16

17 CHAIRMAN DEMIENTIEFF: Okay, we'll go
18 ahead and call back to order. I think we left the
19 question off with Ken regarding trying to clarify the
20 difference between the two majority and minority
21 recommendations. Are you prepared?

22

23 MR. THOMPSON: Thank you, Mr. Chairman.
24 There are, in fact, a number of similarities between the
25 two recommendations, but to help the Board understand why
26 you may want to go one way or the other, we tried to
27 tease out the differences between the majority and the
28 minority or RAC recommendation and we've put this up on a
29 powerpoint on the screen.

30

31 And there are basically three elements
32 that differentiate the two recommendations or the two
33 opinions that probably should rest most heavily in the
34 Board members minds in deciding how to craft this
35 regulation.

36

37 The season is the first major difference
38 between the two opinions. The majority is recommending a
39 season of March 1 to -- starting on March 1 and the
40 minority on December 1st. What this issue -- what this
41 addresses is the element of intercepting fall steelhead.
42 With an earlier opening date you are going to be
43 targeting in a much more significant way, the harvest of
44 the fall run fish which we're trying to protect. The
45 second item that should be considered is the harvest
46 limit by having a harvest limit of per two year per
47 person as the majority recommends as opposed to one per
48 week per household that the minority or the Council
49 recommends. You are, in this case, avoiding burdensome
50 weekly -- what we think should be necessary is weekly

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1 reporting under the one per week per household because of
2 the potential of harvesting more fish in a shorter period
3 of time. By going with the two per year per person you
4 avoid that burdensome frequent reporting requirement.

5
6 The third issue is identification of
7 small systems. The question there is do we want to
8 provide the in-season manager the authority to stipulate
9 in permit what the conditions ought to be for fishing or
10 should we codify it in the regulations. In the opinion
11 of the majority, by putting it in permit conditions and
12 not codifying it give more flexibility for the local
13 manager to identify where he or she could provide
14 subsistence fishing to accommodate a subsistence
15 opportunity, whereas if we put it in regulation it's
16 locked in basically for the season. So that gives us
17 actually a better way of providing or maximizing
18 subsistence opportunity.

19
20 I think that summarizes the main elements
21 of differences that you'd want to consider.

22
23 MR. BISSON: Mr. Chairman. Mr. Thompson,
24 it seems to me there is another element here and that has
25 to do with the size limit of fish that can be taken.
26 There is a difference between the two proposals as I read
27 it. And one of the concerns I would have is that, you
28 know, considering what Mr. Thomas said earlier about
29 mortality, it would seem to me that not having the size
30 limit as the majority recommends may actually allow some
31 fish be taken that would otherwise be wasted and they
32 would count as part of the annual take. In my feeling it
33 would result in less impact on the fish if we, for
34 subsistence purposes, if we eliminate that size
35 requirement which requires them to sort through a number
36 of fish that probably, some of which are going to die
37 anyway and if they do injure one, one they catch with it
38 hook and line instead of simply putting it back with the
39 likelihood it's going to die, at least, they have the
40 option of taking that fish for subsistence purposes.

41
42 MR. THOMPSON: Mr. Chairman, let me refer
43 to Staff on explanation of your concern there.

44
45 MR. CASIPIT: Thank you, Mr. Chair. Mr.
46 Bisson, yeah, your perception is exactly right. With the
47 majority opinion, the permit conditions of which minimum
48 size limit could be a permit condition, if you will, for
49 those small systems, that could be set by permit and be
50 up to the local manager to figure out if that can be done

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1 or not. With the minority opinion, the list of those
2 streams, if you were to pass it as written, that list of
3 streams would have a 36-inch minimum size limit on it,
4 you know, subsistence users would have to only take fish
5 greater than 36 inches in that list of streams.

6

7 CHAIRMAN DEMIENTIEFF: Gary.

8

9 MR. EDWARDS: One question I have, under
10 the permit conditions of the majority, where you find
11 yourself in a position based upon more people are
12 requesting the fish and assuming that everybody who you
13 give a permit to is going to catch two fish, aren't you
14 going to have to draw the limit at 300 permits or maybe
15 even less than that so it'd be the first 300 people that
16 show up are going to actually be allowed to fish?

17

18 MR. REEVES: Mr. Chairman. Mr. Edwards,
19 I would believe, I guess that would be a decision that
20 would probably have to be made at how soon that 300th
21 permit was issued. And if it had happened by March 24th
22 then we probably wouldn't want to issue any more. If we
23 only issued 275 by May 28th, you know, we could probably
24 issue a few more. So I -- as for the legality of whether
25 we'd have to stop at 300, that, I do not know. I'd have
26 to probably ask either law enforcement or maybe Jim about
27 something like that. Ideally probably 300 would be a
28 good place to cut off assuming that each permit would
29 harvest the two fish. That would effectively hit the
30 cap.

31

32 CHAIRMAN DEMIENTIEFF: So with regard to
33 the RAC recommendation, there still would be reporting
34 requirements, right, you're talking about weekly
35 reporting or something?

36

37 MR. THOMPSON: Yes, that's correct.

38

39 CHAIRMAN DEMIENTIEFF: Okay. So if they
40 were going after and getting the fish that we didn't want
41 them to get after, wouldn't we know about that right away
42 and don't our in-season managers have the ability to
43 close?

44

45 MR. THOMPSON: Yes, we would.

46

47 CHAIRMAN DEMIENTIEFF: You know, there's
48 conservation built, I think, into each plan. And I think
49 with that weekly reporting we're going to know exactly
50 what's going on. And I really commend everybody for

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1 their hard work and in particular the RAC for their hard
2 work. And, you know, we already established this morning
3 that there's built in conservation apparently something
4 that the people are willing to do in terms of that weekly
5 reporting. I really see no reason to go against the
6 recommendation of the RAC at this point. I just don't
7 see, we haven't established any of our grounds to go
8 against it.

9

10 MR. BUNCH: Mr. President.

11

12 CHAIRMAN DEMIENTIEFF: Go ahead.

13

14 MR. BUNCH: I highly agree with you. I
15 think that regardless of what Mr. Thomas might think, I
16 think that when you have a RAC that has a unanimous
17 decision that it's incumbent on this Board to give that a
18 lot of weight. Conversely, it's our duty to protect the
19 resource. But I haven't seen any clear cut evidence
20 here, while there is some concern voiced about the impact
21 on the fall run, I haven't seen any data that says that
22 the subsistence users on the Prince of Wales are going to
23 harm it. Apparently they haven't to this point so I
24 don't know what there's going to be that's going to be
25 different that would cause some harm to the fall
26 steelhead. I mean it seems to be conjecture that people
27 are going to go out and do the worst with that resource
28 and I don't think that that's called for either.

29

30 CHAIRMAN DEMIENTIEFF: Gary.

31

32 MR. EDWARDS: Mr. Chairman, unless I'm
33 wrong I don't think there's a weekly reporting under 3-
34 25. The way I read it, they only have to report after 15
35 days after the close of the season it's a harvest per
36 week but I don't think there's a reporting, is there,
37 Bill?

38

39 MR. THOMAS: Say again.

40

41 MR. EDWARDS: The Chairman had indicated
42 that he felt that there was a weekly reporting
43 requirement under your recommendation but I don't believe
44 that is the case, is there?

45

46 MR. THOMAS: I have to yield to Staff.

47

48 MR. CASIPIT: Right now the only thing in
49 that recommendation is that the permit must be returned
50 within 15 days of the close of the season. So if there

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1 isn't a weekly reporting element in there right now, the
2 Board would have to insert that if the Board so chose.

3

4 CHAIRMAN DEMIENTIEFF: I guess I was
5 basing my comment on based on what I heard Ken talking
6 about and he was talking about in the minority that they
7 would have to -- there would have to be weekly reporting.
8 Ken, I don't know, if you want to.....

9

10 MR. THOMPSON: Yes, Mr. Chairman. I'm
11 sorry, our Staff believes that if we do have a one per
12 week per household limit that we should have more
13 frequent reporting, i.e., weekly reporting but that's not
14 part of the minority or the Council recommendation. As
15 Mr. Bisson has pointed out, it would be reporting within
16 two weeks of the close of the -- 15 days of the close of
17 the season.

18

19 CHAIRMAN DEMIENTIEFF: Yeah, that's what
20 it says in the regulation.

21

22 MR. THOMPSON: Right.

23

24 CHAIRMAN DEMIENTIEFF: Mr. Lang, did you
25 have something?

26

27 MR. VINCENT-LANG: Well, I just wanted to
28 point out that Gary was correct, that wasn't and the
29 concern that we had when we sat down and talked about it,
30 is you kind of look at 120 households and you take 28
31 weeks, which is the length of the season of the minority
32 Staff and the RAC recommendation and you come up with a
33 harvest potential sitting at around 3,300 fish so it was
34 the Staff recommendation that if you put that kind of
35 harvest potential out there you need some kind of in-
36 season harvesting reporting. And when we talked about it
37 we thought that that was quite a burdensome type of
38 harvesting reporting requirement so that's why the
39 majority Staff Committee and the Department's
40 recommendation is more centered around something that was
41 less burdensome to the user.

42

43 MR. BUNCH: Mr. President.

44

45 CHAIRMAN DEMIENTIEFF: Yes.

46

47 MR. BUNCH: But the input doesn't have to
48 rely on the subsistence user reporting, can't there be
49 some kind of krill census or some kind of monitoring by
50 the fisheries management?

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1 MR. VINCENT-LANG: Mr. Chair. I guess
2 you could develop that system but certainly there's
3 nothing like that in place down there at the current time
4 and there's certainly no funding to put that in place. I
5 guess if the Federal agencies would like to have a krill
6 survey to monitor this to stay within the 600 fish
7 harvest cap, you might ask the Federal agencies about
8 that one.

9
10 MR. BUNCH: Okay. But historically there
11 hasn't been more than 600 taken and do you have anything
12 that would make you believe there would be more than 600
13 taken if the minority report was.....

14
15 MR. VINCENT-LANG: Mr. Chair. That's the
16 million dollar question. When you regulate a fishery and
17 you put it in your books, yeah, history has, at least on
18 the State side you increase participation levels. So I
19 think initially you want to start out conservatively to
20 find out if you're going to adopt the 600 fish cap as the
21 top of this thing, you have some responsibility to assure
22 that you're overshooting that cap in the first couple
23 years. So I think the way we approach this working with
24 the Federal agencies is how we could provide that
25 reasonable opportunity for the subsistence users out
26 there but yet meet the conservation issues associated
27 with the protection of fall run stocks and not have an
28 incredibly burdensome reporting requirement that I, I
29 think the Staff heard pretty loud and clear that none of
30 the local users wanted out there.

31
32 MR. THOMAS: Mr. Chairman.

33
34 CHAIRMAN DEMIENTIEFF: Bill, go ahead.

35
36 MR. THOMAS: See that's the difference
37 between the State and the Federal. You just heard him
38 use the term reasonable opportunity. .801 says continued
39 opportunity. That's the only reasonable opportunity, the
40 continued opportunity. And two fish a year per person
41 does not meet the needs of the subsistence people. One
42 people is more reasonable.

43
44 See the difficult thing about this forum
45 is that there isn't anybody with the exception of maybe
46 the Chair that understands anything about the issue at
47 hand, which is subsistence. You're trying to manage
48 something you've never seen before. And the reason we're
49 here is because the RACs, we're part of the language of
50 Title VIII, no one else was. And still we find ourself

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1 working like hell to try to survive being pitted against
2 the Interagency Staff who doesn't know any more about the
3 resource than the Board members. And your experts and
4 experience on this issue are the people from the RACs,
5 those are local people. I don't know what the hell's
6 going on here.

7

8 Think about it. Thank you.

9

10 CHAIRMAN DEMIENTIEFF: Gary, you had
11 something.

12

13 MR. EDWARDS: I guess I was going to ask
14 Doug, it's my understanding under the current regulations
15 people can go out now, subsistence users and target all
16 run steelhead, the only restriction is that they can only
17 keep fish over 36 inches, but right now it is, the fall
18 runs are all wide open; is that correct?

19

20 MR. VINCENT-LANG: That's correct, Mr.
21 Edwards. However, there are very few fish over 36 inches
22 that could be harvested out there. And if you reduce
23 your minimum size limit then you end up increasing
24 harvest potential in those small stocks.

25

26 MR. EDWARDS: But a subsistence user
27 could go out there and catch as many fish as he wants in
28 hopes of catching one over 36, which as part of that
29 effort we're assuming that there's going to be a fair
30 amount of mortality of those fish that they release?

31

32 MR. VINCENT-LANG: That's entirely true.
33 However, we think that with the gear restrictions we have
34 in place for those fisheries during that period of time
35 there isn't a lot of mortality associated with it. And
36 the opportunity that's being provided here would remove
37 those minimum size limits to increase the opportunity for
38 a subsistence user to take fish.

39

40 CHAIRMAN DEMIENTIEFF: Well, I think
41 we've all got our hands pretty much around the issue,
42 just what's the pleasure of the Board at this time?

43

44 MR. THOMAS: I have a motion, Mr.
45 Chairman.

46

47 MS. GOTTLIEB: Mr. Chair.

48

49 CHAIRMAN DEMIENTIEFF: Yes.

50

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1 MS. GOTTLIEB: I wonder if there's --
2 maybe we could put this to both the Federal and the State
3 managers, the possibility of modifying the season but
4 keeping the harvest limit and the permit conditions as
5 suggested by the majority, provide for an enhanced
6 opportunity, at least, timewise but be carefully
7 monitoring the 600 total that way?

8

9 MR. EDWARDS: Mr. Chair, maybe to go
10 along with Judy's suggestion, I don't know if given our
11 timeframe and all for the regulations, if there is an
12 opportunity to maybe remand this back to the RAC and to
13 OSM and whoever else and see if we can't come up with a
14 better regulation. I mean I have to tell you that, quite
15 frankly, I'm uncomfortable with almost all of them and
16 would not real feel comfortable on voting on any of them,
17 one way or the other, particularly with the lack of
18 information that we seem to have.

19

20 CHAIRMAN DEMIENTIEFF: Then you're
21 willing to take it out of cycle, take the issue out of
22 cycle, which we'd have to do in order to get a regulation
23 on the book for next year, we'd have to take it up out of
24 cycle? It'd go back to the RAC in their spring meeting,
25 you know, we're going to have to come back with
26 consideration of the proposal because how many months
27 does it take to get it in regulation -- 90 days, is that
28 it?

29

30 MR. BOYD: I don't understand the
31 question, Mr. Chair.

32

33 CHAIRMAN DEMIENTIEFF: Once the Board
34 takes an action, is it 90 days or 120 after to get it in
35 regulation?

36

37 MR. BOYD: Mr. Chair, if I may, I don't
38 think there's a prescribed amount of time. We think we
39 can get it effective fairly soon. There are time
40 requirements for publication in the Federal Register and
41 those sorts of things but we've made temporary
42 regulations effective immediately and I think it's upon
43 Board decision.

44

45 CHAIRMAN DEMIENTIEFF: Well, just let me
46 understand here. The basic -- or one of the basic
47 problems that we have is with regard to reporting
48 obligations for in-season management. That's the biggest
49 problem here. And that would be one of the issues and if
50 we remanded it back to the RAC, that would be, I guess,

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1 if I'm hearing things right?

2

3 MS. GOTTLIEB: Mr. Chair.

4

5 CHAIRMAN DEMIENTIEFF: Yes.

6

7 MS. GOTTLIEB: Could I ask Mr. Edwards,
8 did he mean people should work on it in the next day or
9 two so we could maybe complete it during this Board
10 meeting or did you mean back to the RAC cycle?

11

12 MR. EDWARDS: I meant at a later date. I
13 don't know if we have time to do that and still get it, I
14 mean I just, quite frankly, am sort of somewhat
15 uncomfortable with personally trying to vote on this one
16 way or the other.

17

18 CHAIRMAN DEMIENTIEFF: Well, anyway, I
19 still stand on what I say. I'm prepared to go with the
20 RAC recommendation. But if somebody else wants to do
21 something else, we just need to get a motion. We need to
22 get a motion on the table here.

23

24 MR. BACHOR: Mr. Chairman.

25

26 CHAIRMAN DEMIENTIEFF: Yes.

27

28 MR. BACHOR: It seems to me that we're --
29 I'm just not sure if a whole 'nother year of study is
30 going to get us anywhere. And there are some definite
31 differences in the proposal, not considerably different.
32 I am concerned that the added burden of reporting and
33 that sort of thing is, from what I understand, from my
34 Staff is significant so I'm not really enamored with
35 that. I'm also not sure that more studies are going to
36 tell us anything different about the 13 or so streams
37 that are fall run streams that have problems.

38

39 So if you want a motion, I could propose
40 a motion here and we can vote on it and see where it
41 goes.

42

43 CHAIRMAN DEMIENTIEFF: Yeah.

44

45 MR. BACHOR: Okay. I move to adopt the
46 Proposal 23 as modified and recommended by the Staff
47 Committee majority.

48

49 CHAIRMAN DEMIENTIEFF: There's a motion,
50 is there a second?

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1 MR. BISSON: I second.

2

3 CHAIRMAN DEMIENTIEFF: It's been moved
4 and seconded. Discussion on the motion.

5

6 MR. EDWARDS: Mr. Chairman, I do think
7 there may be some other options. I guess I wasn't
8 thinking that we would wait and spend a whole 'nother
9 year on this. It seems to me, for example, if both of
10 them require permitting process then you would know under
11 3-25, if nobody came in December, January and February
12 and asked for a permit you know that there wouldn't be a
13 problem because nobody, obviously, would be fishing
14 because there would be no permits issued. So there may
15 be some options of coming up with ways to monitor those
16 initial permits and set some threshold or something. I
17 just think that there are some other potential options
18 that wouldn't necessarily take a whole year of study and
19 try to find out.

20

21 It seems to mean the primary concern is
22 these fall runs and if we can do something that would
23 allow the fishing to go forward and yet, at the same
24 time, protect those, it seems to me we ought to try to do
25 that.

26

27 MS. GOTTLIEB: Mr. Chair.

28

29 CHAIRMAN DEMIENTIEFF: Yes.

30

31 MS. GOTTLIEB: I would agree with Gary.
32 I think there's a few other things that could be explored
33 amongst the managers, the minority Staff Committee
34 opinion was put together about three or four weeks ago so
35 I think it just hasn't had a chance to have full
36 discussion and perhaps discussion with the RACs and
37 others. And I think some of the information that came up
38 today would also be worthwhile to have further discussion
39 rather than having a potentially, you know, contentious
40 issue for starters here. I think there is opportunity
41 for some common ground and resolution.

42

43 CHAIRMAN DEMIENTIEFF: Bill.

44

45 MR. THOMAS: Mr. Chairman.....

46

47 MR. BISSON: Mr. Chairman, I just wanted
48 to say that I would not be opposed to deferring to give
49 people a chance to try to see if they could work out a
50 compromise solution. If it could be done, if Staff could

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1 meet and perhaps meet with Mr. Thomas this evening or in
2 the next couple of days, if they could come up with an
3 alternative that we could agree on, you know, between now
4 and Thursday, I think that would be fine with me. If it
5 takes more time than that, then I guess we need to decide
6 on whether we want to do that or not.

7

8 CHAIRMAN DEMIENTIEFF: Procedurally,
9 though, Mr. Thomas has the unanimous mandate from the
10 RAC, okay. It would be very difficult, I think, for Mr.
11 Thomas to go against the unanimous recommendation from
12 the RAC. I mean it would be very difficult for any Chair
13 to go against the recommendation of their RAC.

14

15 Bill.

16

17 MR. THOMAS: Thank you, Mr. Chairman.
18 See, what we're -- I'm really surprised at this. What
19 you're Board is confused over is speculation, numbers
20 that don't have basis. You know, they anticipate a worst
21 case scenario, which is a historical means of managing
22 the resource in the state. The information you got from
23 the RAC has been substantiated with experience of people
24 that use these systems and this resource. That's where
25 our recommendation came from. I don't understand why we
26 have to put so much effort into trying to prevail over an
27 Interagency Staff Committee especially on a proposal like
28 this.

29

30 Thank you, Mr. Chairman.

31

32 MR. BUNCH: Mr. Chair, I would
33 wholeheartedly agree with Mr. Thomas on that issue. I
34 think that if we were to vote right now I'd have to vote
35 against the majority report simply because I don't think
36 it meets the needs of subsistence users.

37

38 CHAIRMAN DEMIENTIEFF: Is there any
39 further discussion on the motion?

40

41 (No discussion)

42

43 CHAIRMAN DEMIENTIEFF: Hearing none, I
44 think we better go for a roll call vote, Tom.

45

46 MR. BOYD: Okay.

47

48 MR. EDWARDS: Mr. Chairman, just one
49 point though.

50

00089

1 CHAIRMAN DEMIENTIEFF: Gary.

2

3 MR. EDWARDS: A no vote does what?

4

5 CHAIRMAN DEMIENTIEFF: A no vote -- the

6 motion is to accept the majority report of the Staff

7 Committee and a no vote rejects the majority Staff

8 Committee opinion.

9

10 MR. EDWARDS: But it doesn't accept the

11 minority?

12

13 CHAIRMAN DEMIENTIEFF: Pardon?

14

15 MR. EDWARDS: But it doesn't accept the

16 minority?

17

18 CHAIRMAN DEMIENTIEFF: No, but it's not

19 -- that option would still be open to the Board. You

20 know, the thing I think we've got to realize is our Board

21 meets every year. We adopt a regulation, this goes into

22 effect for this season and we're going to be right back

23 here next December and have a chance to fine tune any

24 regulation in time for next season. So that's the thing

25 that we have to keep in mind. We schedule all of our

26 regulations every year. So if there are, in fact,

27 biological issues or something that comes up, other

28 information, we could come right back to it. So that's

29 why one of the stronger reasons why I'm prepared to go

30 along with the RAC recommendation, and that's basically

31 it.

32

33 Are we ready for a vote?

34

35 (Affirmative nods)

36

37 Go ahead, Tom.

38

39 MR. BOYD: Mr. Bachor.

40

41 MR. BACHOR: Aye.

42

43 MR. BOYD: Mr. Bisson.

44

45 MR. BISSON: Aye.

46

47 MR. BOYD: Mr. Edwards.

48

49 MR. EDWARDS: No.

50

00090

1 MR. BOYD: Ms. Gottlieb.

2

3 MS. GOTTLIEB: I'll vote for but only
4 because of my concern about the fall run. I would like
5 to see some further follow-up work on the part of the
6 managers and in talking to the subsistence users about
7 permitting requirements and whether there truly is or
8 isn't a burden to making that happen.

9

10 Thank you.

11

12 MR. BOYD: Mr. Bunch.

13

14 MR. BUNCH: No.

15

16 MR. BOYD: Mr. Chair.

17

18 CHAIRMAN DEMIENTIEFF: I vote no. Motion
19 fails three to three.

20

21 (Pause)

22

23 CHAIRMAN DEMIENTIEFF: Do we have another
24 motion.

25

26 MR. BUNCH: Mr. Chair.

27

28 CHAIRMAN DEMIENTIEFF: Yes.

29

30 MR. BUNCH: I move that we accept the
31 minority report on the RAC, as I feel that more closely
32 meets the needs of subsistence users on Prince of Wales
33 Island.

34

35 CHAIRMAN DEMIENTIEFF: There is a motion,
36 is there a second?

37

38 (Pause)

39

40 CHAIRMAN DEMIENTIEFF: There is no
41 second? Well, we can't get a second.

42

43 MR. BUNCH: Mr. Chair, can I have a
44 clarification here, if I may.

45

46 CHAIRMAN DEMIENTIEFF: Pardon?

47

48 MR. BUNCH: Can I have a clarification on
49 a procedural point?

50

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1 CHAIRMAN DEMIENTIEFF: Go ahead.

2

3 MR. BUNCH: As you know I'm not a full-
4 time member of this Board, I'm only sitting in for Niles
5 Cesar. But it's my understanding for this Board to turn
6 down the recommendation of a RAC there has to be some
7 criteria in order for us to do that. Would you explain
8 to me what that criteria is, please?

9

10 MR. BOYD: Mr. Chair, if I might
11 paraphrase from .805(c).

12

13 CHAIRMAN DEMIENTIEFF: Yes.

14

15 MR. BOYD: If the Board rejects a Council
16 recommendation it must do so on the basis of three
17 reasons listed in .805(c) and those are that it would be
18 detrimental to the satisfaction of subsistence needs;
19 that it would violate conservation principles or that it
20 lacks substantial evidence.

21

22 Mr. Chair.

23

24 CHAIRMAN DEMIENTIEFF: Thank you. We
25 usually have those right with us because it's something
26 that does come up all the time but we just didn't do it
27 in this particular packet, I guess.

28

29 So anyway, procedurally what we'll do is
30 if we don't get a second then we're going to end up doing
31 nothing on the whole proposal.

32

33 MR. EDWARDS: We might have another
34 motion.

35

36 CHAIRMAN DEMIENTIEFF: What?

37

38 MR. EDWARDS: We might have another
39 motion.

40

41 CHAIRMAN DEMIENTIEFF: Well, that motion
42 dies for a lack of a second.

43

44 MR. EDWARDS: Are you interested in
45 another motion?

46

47 CHAIRMAN DEMIENTIEFF: Sure. Well, yes,
48 I think, you know, we have a responsibility to do
49 something, you know. We've tried two approaches and I
50 just don't want us to walk away from this, you know, with

00092

1 leaving it basically in limbo. So, yes, I do want
2 another motion.

3

4 MR. EDWARDS: Well, I guess, Mr.
5 Chairman, if there would have been a second on that I
6 would have probably voted against that motion again
7 because I'm certainly convinced that we need to be
8 concerned about the fall runs. I guess I'm not convinced
9 that necessarily what's being proposed by the RAC would
10 necessarily impact that although I certainly don't know.
11 I'm assuming, though, that if people wanted to fish
12 during December and January and February and that's why
13 they asked for it, then people would fish. So my view is
14 there would probably be some level of harvest, I'm not
15 sure what that is.

16

17 I do think, again, there still is some
18 options to it without maybe having to spend a year on it.
19 I guess I would move that, I don't know what the correct
20 word is, if we remand it back to the RAC and pick it up
21 at our next meeting with the charge of the RAC to try to
22 sit down with all the concerns and address what the --
23 identify the conservation concerns and try to come back
24 with a proposal that would do that but at the same time
25 providing a subsistence opportunity.

26

27 MR. THOMAS: Mr. Chairman.

28

29 CHAIRMAN DEMIENTIEFF: There's a motion,
30 is there a second?

31

32 (Pause)

33

34 CHAIRMAN DEMIENTIEFF: Is there a second?

35

36 MS. GOTTLIEB: Mr. Chair, could that be
37 repeated, please?

38

39 MR. EDWARDS: I'm not sure I can. I
40 think the motion was and I guess if remand is the correct
41 term, that we would remand the -- refer -- defer -- we're
42 going to refer the proposal back to the RAC asking them
43 to bring it back to the Board at the next time we meet
44 and with the charge of working, sitting down and trying
45 to work with all interested parties to address what is
46 viewed as the conservation concerns and to hopefully come
47 back with a proposal that would address those issues and
48 that we would be able to vote in the affirmative on.

49

50 CHAIRMAN DEMIENTIEFF: Is there a second

00093

1 to that motion?

2

3 MS. GOTTLIEB: Mr. Chair.

4

5 CHAIRMAN DEMIENTIEFF: Yes.

6

7 MS. GOTTLIEB: I guess I'll second it

8 with the amendment that if all parties meet and want to

9 come back to us sooner than the May meeting that would be

10 fine with me.

11

12 CHAIRMAN DEMIENTIEFF: When is the next
13 time that the Southeast RAC meets?

14

15 MR. THOMAS: We meet again in February.

16

17 CHAIRMAN DEMIENTIEFF: February.

18

19 MR. THOMAS: I have a question if it's

20 allowable?

21

22 CHAIRMAN DEMIENTIEFF: Go ahead.

23

24 MR. THOMAS: I don't know what's missing

25 from the information for Mr. Edwards. We got a letter

26 from the person that probably knows more about the system

27 on Prince of Wales than anybody in here. It's an

28 accurate account of what's going on. We have 13 members

29 on our Council. We're all familiar with the resources

30 and its use. This is not new to us. We've been doing

31 this before time was measured. And there's still fish

32 there. You're talking about added pressure, everybody on

33 Prince of Wales is eligible for a subsistence permit.

34 And so where else could the additional pressure come from

35 except from off the Island. If you're going to let that

36 happen you can't measure the pressure that would show up

37 from off the Island. I don't think we should be

38 victimized because of that speculation or that

39 possibility.

40

41 Thank you, Mr. Chairman.

42

43 CHAIRMAN DEMIENTIEFF: Thank you.

44 Further discussion on the motion.

45

46 MS. GOTTLIEB: Mr. Chair.

47

48 CHAIRMAN DEMIENTIEFF: Yes.

49

50 MS. GOTTLIEB: I guess in my mind it

00094

1 comes back to Federal and State managers and cooperation
2 and coordination. I don't think I heard an answer in
3 terms of how permitting process can be improved. Right
4 now it's 15 days, or the end of the year -- 15 days after
5 the season, whatever it might be, what can you do without
6 putting undue burden on yourselves and/or the users to
7 improve the permitting system so we can get a little bit
8 better feedback. You can have better feedback and
9 judgment on the fishing pressure and the strengths of the
10 runs.

11

12 MR. CASIPIT: Well, again, I guess I'll
13 take my best shot at this. There's no question under the
14 majority opinion, it'd be a heck of a lot easier for the
15 manager to deal with issues of staying under the 600 fish
16 cap and what have you. No question it's an easier job
17 for the managers to work with the majority opinion.

18

19 The minority opinion, the SERAC opinion,
20 you know, we could probably make that work, too. It's
21 going to cost us, you know, cost us more money and it's
22 going to require that users report on a weekly basis and
23 that sort of thing to keep the harvest controlled and
24 keep under the 600 fish cap.

25

26 That means then I don't know what to say
27 about any proposals in between because there's not
28 anything -- you know, there's not anything in between for
29 us to respond to right now.

30

31 MS. GOTTLIEB: Mr. Chair, I guess I'm
32 still confused, sorry about this, I thought it was within
33 15 days not weekly reporting, at the close of the season,
34 I thought that was the proposal?

35

36 MR. CASIPIT: Yeah, that's what's in the
37 minority opinion, the RAC opinion. When Staff Committee
38 came up with the majority opinion, you know, we were
39 working with a three month season so we didn't see the
40 need for weekly reporting. You know, if the majority
41 Staff Committee opinion was the SERAC position then we
42 would have to -- we would be discussing with you right
43 now the issue of weekly reporting so that we could stay
44 under the 600 fish cap.

45

46 MR. BISSON: Mr. Chairman, it seems to me
47 that some of the uncertainty is not knowing how much of
48 the fall run steelhead would be harvested, you know,
49 before you end up with a mixture of fish beginning in
50 March. The question I would have is whether it's

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1 feasible to have a reporting system just for the period
2 that the Southeast RAC has recommended from December 1st
3 to March 31st and then eliminate the reporting so at that
4 point you would know how many steelhead had been
5 harvested and you'd know what you have to work with in
6 that later period.

7

8 So you'd limit it to just those people
9 that are harvesting fish during that time period, which,
10 if there aren't many people going out there, it doesn't
11 seem like it would be an undue burden.

12

13 MR. CASIPIT: Just first blush answer to
14 that, that seems like it's totally -- that seems workable
15 to me.

16

17 MR. BISSON: I believe with that change,
18 if we had a reporting requirement during that period then
19 I think I certainly believe that I could support the
20 Southeast RAC recommendation.

21

22 CHAIRMAN DEMIENTIEFF: We kept monthly
23 calendars, I know, in the Interior, does it have to be a
24 weekly calendar, or a weekly report?

25

26 MR. THOMAS: Mr. Chairman, I'd be willing
27 to arm wrestle the Park Service to get this settled.

28

29 (Laughter)

30

31 CHAIRMAN DEMIENTIEFF: Just what I was
32 talking about and I agree, that maybe making it go away
33 after the three months, but even, I think, monthly
34 information would be less of a burden on the managers
35 [sic] and still give current enough information to see if
36 there is, in fact, that going on.

37

38 Doug.

39

40 MR. VINCENT-LANG: I want to answer
41 Judy's question earlier, I don't think anybody really
42 answered that.

43

44 I guess from the Department point of
45 view, if you took 600 fish out of the fall run there
46 would be some conservation issues associated with that.
47 Now, I think 600 fish being taken out of a mixture of
48 fall and spring spawners don't have conservation
49 concerns. But I think if you set up a system whereby you
50 would allow all 600 fish to be taken out of the fall run

00096

1 you could potentially or credibly end up with stock
2 conservation problems in fall run streams on Prince of
3 Wales Island.

4
5 And I think the second question you asked
6 about permitting, without some upper cap being placed on
7 the number of fall run fish being taken you still have
8 the potential of ending up with all 600 fish early on.
9 So I think if you go that direction, wanting to provide
10 some opportunity during the fall run you're going to have
11 to look at some conservative harvest strategy to prevent
12 overharvest of those fall run stocks.

13
14 I think this is an issue that begs for
15 further discussion.

16
17 MR. THOMAS: Mr. Chairman.

18
19 CHAIRMAN DEMIENTIEFF: Yes.

20
21 MR. THOMAS: Again, if, if, if. You
22 know, you can't feed a family on if. You got to give
23 them the opportunity to get out there and get it. And if
24 they recognize that there's a conservation issue they
25 respect that and deal with it accordingly.

26
27 Thank you.

28
29 CHAIRMAN DEMIENTIEFF: Yeah, I think what
30 we're hearing is could be conservation concerns. And
31 again, we don't have cause to go against the RAC
32 recommendation. I don't remember where we're at here.
33 We had a motion?

34
35 MR. BOYD: The motion was, I believe, to
36 refer it back to the RAC.

37
38 CHAIRMAN DEMIENTIEFF: Refer it back to
39 the RAC. It was moved and seconded. And that's
40 basically the motion that we have in front of us.

41
42 MS. GOTTLIEB: Mr. Chair.

43
44 CHAIRMAN DEMIENTIEFF: Yes.

45
46 MS. GOTTLIEB: I think Doug led us to the
47 point where can the managers and the subsistence users,
48 with as much or as little specificity as possible come up
49 with potential harvest limits and I know we don't have
50 all the data but we have some background knowledge of who

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1 uses what areas. And just generally come up with a
2 scheme of approximate number of permits, even maybe by
3 season to allow this to happen but with the cautions.
4 But it's going to be up to the permitters to take some
5 stronger -- a stronger lead on that in my opinion.

6

7 MR. THOMAS: Mr. Chairman.

8

9 CHAIRMAN DEMIENTIEFF: Yes.

10

11 MR. THOMAS: Sending it back to the RAC
12 isn't going to do anything. We gave you everything we
13 got. It's credible. It's accurate. It's useable. It's
14 manageable. We're the only information that gave you
15 with those properties in it. If you give it back to the
16 RAC and we got to deal with an agency Staff Committee,
17 the State, I don't think it will be give and take. And
18 it's a matter -- I don't know, I think our biggest
19 problem here is educating the Board. I think that's
20 where it's at. And it's too bad that that's the case.
21 You try to go by instincts. I try to demonstrate some
22 loyalty. There's camaraderie. There's a lot of
23 components, I'm familiar with government. And you got to
24 put that aside and embrace this issue like you were given
25 the charge to do so. We're not doing that.

26

27 Thank you.

28

29 CHAIRMAN DEMIENTIEFF: Yeah, I agree.
30 This is not something -- I certainly can't support the
31 motion at all. You know, from my -- if the reporting
32 were the issue, we could have used the RAC recommendation
33 as a vehicle and amend to take care of those three months
34 reporting, the three months that are of concern and we'd
35 have a Board action. You've got a unanimous
36 recommendation of the RAC and, you know, they're going to
37 come back with the same recommendation or very little
38 difference, you got to wait until February to get that
39 done, we have the opportunity to do something today.

40

41 So for that reason I can't support the
42 motion to refer back to the RAC.

43

44 MR. BISSON: Mr. Chairman, can I ask a
45 question.

46

47 CHAIRMAN DEMIENTIEFF: Yes.

48

49 MR. BISSON: I guess the question I would
50 have, at least, at this point, I think you're right.

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1 From where I'm sitting I think the proposal of the RAC is
2 something I could accept with some sort of reporting
3 requirement to take care of that time period that would
4 go -- with so much potential for removal of fish from the
5 fall run. The question I would have is whether, at the
6 same time, it's possible to establish a number that could
7 be acceptable. If you're going to collect information on
8 a monthly basis as you recommended, is there a number of
9 fish from the fall run that, at least, on a trial basis
10 in this first year we could live with so that with
11 monthly reporting, if 200 fish got taken out of the fall
12 run, there'd be an opportunity to delay any additional
13 catch until you get to March 1st or whenever the mixed
14 fish are in there.

15

16 I don't even know whether that's feasible
17 or not but it seems to me that that's a reasonable
18 approach to take and that avoids taking all 600 fish out
19 of that one run which is of a great deal of concern to
20 the biologist.

21

22 CHAIRMAN DEMIENTIEFF: I think that's why
23 we have in-season managers. We don't need to set
24 parameters as a Board. If there's a biological concern
25 by the in-season managers, they have the ability to close
26 the season and so that's not something that we would
27 necessarily have to come up with in regulation.

28

29 MR. BISSON: So what you're saying is if
30 we went with the Southeast RAC recommendation with some
31 sort of reporting requirement with the managers, the in-
32 season managers could look at then they could make that
33 determination at any point. They wouldn't necessarily
34 have to allow 600 fall fish to be taken. They could
35 decide that some lesser number is all that the fisheries
36 can sustain and then open it back up again in the spring.

37

38 That seems reasonable to me.

39

40 CHAIRMAN DEMIENTIEFF: Yeah, we have
41 that in place now. And if there are biological concerns
42 the managers can just simply close the season at that
43 point. Bill.

44

45 MR. THOMAS: Thank you, Mr. Chairman. If
46 there's going to be any concerns about the resource,
47 conservation wise, the first people to be concerned about
48 it to do something about it are the users. So the
49 biologists have nothing to worry about. Because the
50 subsistence, inherently assume the responsibility of the

00099

1 source of their resource.

2

3 Thank you, Mr. Chairman.

4

5 CHAIRMAN DEMIENTIEFF: So basically
6 that's what quite often happens in management. Users who
7 are concerned will often be, and that's what Bill is
8 saying, will often be the very first ones to get a hold
9 of the managers and say, we've got a problem. We've got
10 a biological problem here or we think we do. And I know
11 it's something that I've done before in the State system,
12 during my third year, whatever tenure as Chair in
13 chairing our Advisory Committee and I know other members
14 of the Advisory Committee, very many also did the very
15 same thing.

16

17 MR. BACHOR: Mr. Chairman, I'm just
18 wondering, I'm kind of confused where we are in the
19 process now, if we got a motion on the floor or not. But
20 is there any advantage or opportunity to maybe tabling
21 this for a day so that the parties can talk about maybe
22 drafting a motion that might be a combination of what
23 everybody needs here? Because my initial gut feeling is
24 we're not that far off and I would hate to put this off
25 for another year if we could avoid that, mainly because
26 subsistence needs won't be met if we do that.

27

28 MR. THOMAS: That's right.

29

30 CHAIRMAN DEMIENTIEFF: I certainly would
31 be prepared to do that. I mean the motion is to refer to
32 back to the Regional Council, which would mean that the
33 next time that the Council could take it up would be
34 February.

35

36 MR. EDWARDS: Mr. Chairman, I'm willing
37 to withdraw my motion if we could come up with something
38 to allow a couple of days for folks to try to address it.

39

40 CHAIRMAN DEMIENTIEFF: Who seconded that
41 motion?

42

43 MR. EDWARDS: Judy.

44

45 CHAIRMAN DEMIENTIEFF: Judy, do you
46 concur with the withdrawal?

47

48 MS. GOTTLIEB: I would concur.

49

50 CHAIRMAN DEMIENTIEFF: Okay. We'll go

00100

1 ahead and do that. We'll ask the managers to get
2 together with Bill and see if we can resolve the
3 reporting concerns. Like I said, I think it's perfectly
4 fine. I like the idea and I'm not trying to tell you
5 guys how to resolve it but I like the idea of having the
6 reporting for the first three months of the season when
7 the concern is. But if you guys could get that and see
8 if we can't work something out. I mean he's obviously
9 got to stick by his recommendation of the Council as I
10 said earlier. But if we can work out some kind of a
11 compromise, he's still going to support the Regional
12 Council recommendation as it's presented because his
13 Council has voted on that and that's what he's obligated
14 to do. So if you guys can sit down, I'm certain it's
15 just a scheduling thing. I'll just go ahead and
16 reschedule it and we'll see if we can't come up with
17 something.

18

19 So with that we'll go ahead and
20 reschedule for either tomorrow or the next day for
21 further consideration of the proposal and prepare to move
22 on.

23

24 MR. THOMAS: Are you going to take a
25 break so I can wrestle the Park Service?

26

27 (Laughter)

28

29 CHAIRMAN DEMIENTIEFF: Yeah, maybe that's
30 not a bad idea, we'll take a short one.

31

32 (Laughter)

33

34 (Off record)

35

36 (On record)

37

38 CHAIRMAN DEMIENTIEFF: We'll move to the
39 Cook Inlet area. We're going to be doing Proposals FP03-
40 8(a) 9(a), 10(a) and 8(b), 9(b) and 10(b). Who's going
41 to do the Staff analysis, is that you Pat?

42

43 MS. PETRIVELLI: Yes.

44

45 CHAIRMAN DEMIENTIEFF: Okay.

46

47 MS. PETRIVELLI: Mr. Chairman, my name is
48 Pat Petrivelli. The analysis for 8(a), 9(a) and 10
49 begins on Page 268 in Tab D.

50

00101

1 Fish Proposal 03-08(a) submitted by
2 Michele Haynes, a resident of Chisik Island in Western
3 Cook Inlet requests a positive customary and traditional
4 use determination for shellfish for the residents of
5 Chisik Island in Tuxedni Bay only. 9(a) submitted by
6 Henry Kroll, a resident of Tuxedni Bay in Western Cook
7 Inlet requests a positive customary and traditional use
8 determination for crab and razor clams in Tuxedni Bay for
9 residents of Tuxedni Bay only. 10(a) submitted by
10 Ninilchik Traditional Council, Steven Vanik and Frank
11 Bahr requests a positive customary and traditional use
12 determination for all shellfish in the Cook Inlet area
13 for residents of the Kenai Peninsula district.

14
15 There are no customary and traditional
16 use determinations for shellfish in the Cook Inlet area,
17 therefore, all rural residents are currently eligible.
18 8(a) asks for recognition for the local residents of
19 Tuxedni Bay and Chisik Island, 9(a) Tuxedni Bay only and
20 then the 10(a) has the largest group, the residents in
21 the Kenai Peninsula district or the communities
22 surrounding Cook Inlet.

23
24 Proposals 9(a) and 10(a) were originally
25 submitted in 2000 and included a request for other
26 species. These requests were dealt with during the
27 2001/2002 regulatory cycle and the analysis of FP02-11(a)
28 12(a), 13(a) and 14(a) that dealt with the use of salmon
29 and other freshwater fish species and those
30 determinations were deferred until a study of Cook Inlet
31 subsistence finfish fisheries was completed. The request
32 for the customary and traditional use of shellfish was
33 deferred until this cycle.

34
35 Seasons and harvest limits for this area
36 for shellfish are addressed separately in the analysis of
37 8(b), 9(b) and 10(b). The largest group of users
38 requested in the three proposals is identified as
39 residents of the Kenai Peninsula district. The Kenai
40 Peninsula district isn't defined in the Federal
41 Subsistence Management Program regulations. For the
42 purposes of this analysis the boundaries of the Kenai
43 Peninsula Borough were used as these boundaries are
44 inclusive of the groups described by all three
45 proponents.

46
47 A preliminary step was made to review
48 shellfish use by residents in areas surrounding the Kenai
49 Peninsula Borough. To the north in the rural portions of
50 the Matanuska-Susitna Borough where shellfish harvest

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1 areas were mapped and where shellfish use occurred, these
2 residents obtained shellfish from Clam Gulch or Kachemak
3 Bay. To the west, in Lake Clark, in the Lake Clark and
4 Lake Iliamna area, the harvest areas on the west side of
5 Cook Inlet described for Nondalton, Pedro Bay, Iliamna,
6 Newhalen and Kokhonak extended from Chinitna Bay south to
7 Akumwarvik Bay. To the east and in Prince William Sound
8 harvest maps for Whittier showed that uses occurred in
9 the Prince William Sound area.

10

11 So due to the lack of documented use by
12 residents of other areas, the analysis of community
13 characteristics and the eight factors for determining
14 customary and traditional use will be focused on the
15 residents of the Kenai Peninsula Borough.

16

17 As to Federal waters under consideration,
18 marine water jurisdiction where shellfish resources
19 relevant to this analysis will occur applies in the
20 Tuxedni subunit of the Alaska Maritime National Wildlife
21 Refuge which surrounds Chisik Islands in Federal waters
22 within the exterior boundaries of the Lake Clark National
23 Park in Tuxedni Bay. These areas were referred to in
24 this analysis as the Tuxedni Bay area. Hashed marked
25 areas indicate these marine waters on the map and are
26 described in detail in the analysis on Page 269.

27

28 A summary of the historical depth
29 population and ethnic composition of the communities and
30 areas in the Kenai Peninsula Borough can be found on
31 Table 1 on Page 272. Data from ADF&G household surveys
32 are -- is listed in Table 2 on Page 273. This data was
33 available for seven communities and a study of the other
34 rural areas of the southern Kenai Peninsula. The scope
35 of the area included in these studies is indicted on
36 Pages 271 through 273 of the analysis.

37

38 The data relating to household that's
39 available showed that from 86 to 100 percent of these
40 households harvested subsistence resources. Shellfish
41 made up from 2.3 percent to 18.5 percent of the per
42 capita pounds used annually in those households.
43 Seldovia at 34 pounds had the highest per capita annual
44 use. Cooper Landing at 2.3 pounds had the lowest per
45 capita annual use. Two generally used patterns are
46 evident. These two use patterns are reflected in varying
47 degrees by the communities in the Borough that use
48 shellfish. The patterns are related to their nearness to
49 shellfish resources. In communities where a wide variety
50 of shellfish occurs locally, the use is spread throughout

00103

1 the year. This use pattern of readily available
2 shellfish is evident in Port Graham, Nanwalek and
3 Seldovia. This shellfish use pattern is also described
4 by Kroll in the three generations of their families along
5 with the residents in the Tuxedni Bay and Chisik Island
6 area respectfully.

7
8 The other use pattern reflected in the
9 Tyonek seasonal round involves traveling to where the
10 specific resource occurs at specific times of combining
11 other activities with the trip. The description clamming
12 trips in the 1984 ADF&G study provides detailed
13 information for the regular use of the area from Little
14 Jack Slough to Tuxedni for these activities. Besides
15 Tyonek, this use pattern of the Tuxedni Bay area is shown
16 in varying degrees for Niniilchik, Seldovia, Hope and
17 Cooper Landing. In addition to hunting being combined
18 with clamming activities when traveling a number of
19 households from Seldovia and Niniilchik have fished
20 commercially in the west side of Cook Inlet during the
21 course of which they engaged in subsistence activities
22 such as clamming, fishing and hunting. Resource use
23 mapping by the ADF&G, Division of Subsistence, provides
24 evidence of use of these Federal waters by Tyonek and
25 Cooper Landing. Other resource use maps show use by
26 residents of Niniilchik.

27
28 Testimony at Council meetings in written
29 documents show use of Federal waters by residents of
30 Seldovia in the two proponents -- the residents of
31 Tuxedni Bay and Chisik Island.

32
33 As to the effects of this proposal, or
34 these proposals, currently there are no determinations of
35 shellfish for the Cook Inlet area. These proposals were
36 limited to selected groups of residents of the Borough.
37 Also considering Federal jurisdiction relative to
38 shellfish distribution the area affected by the proposal
39 is very limited. Rural residents of other communities
40 will be excluded from the customary and traditional use
41 determination, these communities could continue to
42 harvest clams under State personal use or sport
43 regulations and harvest of tanner crab could also
44 continue under State personal use regulations.

45
46 That concludes my presentation.

47
48 CHAIRMAN DEMIENTIEFF: Thank you.
49 Written public comments.

50

00104

1 MS. WILKINSON: Ann Wilkinson,
2 Coordinator. Mr. Chairman, there were none.

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

7
8 MR. LOHSE: Mr. Chair, Southcentral
9 Regional Council made no recommendations on this
10 proposal. In fact, on Section (a) on the proposal, we
11 didn't even bring it to the floor for a vote. We were
12 kind of concerned partly because the people who submitted
13 the proposal had no information in front of us either.
14 There was no written comment or no comment from the
15 people who it was for.

16
17 Thank you.

18
19 CHAIRMAN DEMIENTIEFF: Thank you.

20
21 MR. O'HARA: Mr. Chairman.

22
23 CHAIRMAN DEMIENTIEFF: Yes, Dan.

24
25 MR. O'HARA: Bristol Bay's boundary goes
26 over to the -- across to Alaska Peninsula and over to the
27 west side of the Cook Inlet region over there and so we
28 had a comment on it. We supported the Staff
29 recommendation and they had a list of names there, it's
30 in your book, on both 8 and 9, was it -- yeah, 8, 9 and
31 10(a), and those were our comments.

32
33 However, I would like to ask, is it Pat
34 Petrivelli?

35
36 MS. PETRIVELLI: Yes.

37
38 MR. O'HARA: You listed -- if I could,
39 Mr. Chairman.

40
41 CHAIRMAN DEMIENTIEFF: Go ahead, Dan.

42
43 MR. O'HARA: She listed names of villages
44 and Lake Iliamna that participated in bottom fish and
45 shellfish on the Cook Inlet side, would you list those
46 names again? I have names like Iliamna, Pedro Bay, Port
47 Alsworth, Nondalton, Newhalen, Igiugig and Kokhonak.

48
49 MS. PETRIVELLI: Let's see, oh, well,
50 what I said was -- oh, Nondalton, Pedro Bay, Iliamna,

00105

1 Newhalen and Kokhonak?

2

3 MR. O'HARA: Nondalton and what, Pedro

4 Bay?

5

6 MS. PETRIVELLI: Yeah, Nondalton, Pedro
7 Bay, Iliamna, Newhalen and Kokhonak, yeah. Is harvesting
8 from Chinitna Bay south to Akumwarvik. That's what the
9 technical report identified as their shellfish harvest
10 areas and not north of Chinitna Bay -- not north in the
11 Tuxedni Bay area.

12

13 MR. O'HARA: One of us should turn our
14 mike off so there's no backfeed. I think that, you know,
15 Port Alsworth, Iliamna, Newhalen and all those places
16 went over there and did those fisheries, just so that's
17 in the minutes.

18

19 Thank you, Mr. Chairman.

20

21 CHAIRMAN DEMIENTIEFF: Thank you. Staff
22 Committee.

23

24 MR. CHIN: Thank you, Mr. Chair. The
25 information I'd like to present to you is shown on Page
26 257 under Tab D of your notebook.

27

28 The Interagency Staff Committee
29 recommendation on Proposals 8(a), 9(a) and 19(a) are to
30 adopt the proposal with modification to make positive
31 determinations of customary and traditional use of clams
32 and crab for residents of Tuxedni Bay, Chisik Island and
33 Tyonek.

34

35 The Staff Committee felt it was important
36 to provide a more succinct geographic description of the
37 area involved here and so they recommend the inclusion of
38 the following language in the regulation.

39

40 Cook Inlet area, meaning the Federal
41 waters in Tuxedni Bay area within the
42 boundaries of Lake Clark National Park
43 and Preserve or the Alaska Maritime
44 National Wildlife Refuge.

45

46 Our justification for our recommendation
47 is as follows. The Staff Committee reviewed data from
48 ADF&G household studies, various studies, resource use
49 maps and personal written communications which show that
50 Tuxedni Bay area has been used for the harvest of clams

00106

1 for residents of Tuxedni Bay, Chisik Island and Tyonek.
2 While data from the ADF&G household studies show that
3 these communities and the other rural residents of the
4 Kenai Peninsula Borough uses crab there is no
5 documentation for the use of crab in the Tuxedni Bay area
6 except for the information provided by the residents of
7 Tuxedni Bay and Chisik Island. It also showed that there
8 are other rural residents of the Kenai Peninsula Borough
9 used shellfish obtained mainly in the Lower Cook Inlet
10 area, the east side of Cook Inlet. There is no
11 documentation for use of Tuxedni Bay area by any other
12 rural residents.

13

14 The Staff Committee found that there was
15 lack of substantial evidence to recommend adoption of the
16 recommendation of the Bristol Bay Advisory Council, which
17 said support the proposal with modification to make
18 positive determinations of customary and traditional use
19 of clams for residents of Tuxedni Bay, Chisik Island,
20 Tyonek as well as Cooper Landing, Hope, Ninilchik and
21 Seldovia and also positive determinations of customary
22 and traditional use of crab for residents of Tuxedni Bay
23 and Chisik Island.

24

25 That concludes my presentation.

26

27 CHAIRMAN DEMIENTIEFF: Thank you.

28 Department comments.

29

30 MS. SEE: Mr. Chair. Members of the
31 Board. Council Chairs. On Proposals 8(a), 9(a) and
32 10(a), we support the Interagency Staff Committee
33 recommendation. The communities of Tuxedni Bay, Chisik
34 Island and Tyonek of uses of shellfish which are
35 documented and which are consistent with the
36 determination of customary and traditional use. The
37 proposal, as modified by the Interagency Staff Committee
38 would align with those documented uses.

39

40 Thank you.

41

42 CHAIRMAN DEMIENTIEFF: Thank you. Board
43 discussion.

44

45 MS. GOTTLIEB: Mr. Chairman.

46

47 CHAIRMAN DEMIENTIEFF: Yes.

48

49 MS. GOTTLIEB: I'd like to make a motion
50 but perhaps first a comment on Mr. O'Hara's statement

00107

1 about the use of these areas and I know the Staff
2 Committee felt that there had been a lack of substantial
3 evidence to support all of the Council's recommendations
4 for communities but maybe that's something we can look
5 into more in the future.

6

7 But for now, I would like to make a
8 motion for the combined Proposals 8(a), 9(a) and 10(a),
9 that we adopt the unanimous Staff Committee
10 recommendation for a positive C&T finding for shellfish
11 for the residents of Tuxedni Bay, Chisik Island and
12 Tyonek. Data from a variety of sources do show that the
13 Tuxedni Bay has been used for the subsistence harvest of
14 clams by residents of Tuxedni Bay, Chisik Island and
15 Tyonek.

16

17 We certainly understand that many people
18 harvest clams in this area but there's little, if any
19 documentation that the Kenai Peninsula residents do this
20 as part of subsistence.

21

22 Adopting the motion would not preclude
23 those residents from harvesting clams in these Federal
24 waters, they still would be able to under the State
25 regulations. And there's also not documentation for the
26 use of crab from Tuxedni Bay area as a subsistence
27 resource by the residents of the Kenai Peninsula.

28

29 So we're also talking about a very small
30 area of Federal waters in and around Chisik Island and
31 most of the clamming takes place at the mouth of Polly
32 Creek and Crescent River, which are State.

33

34 Community patterns on the west side of
35 the Inlet are pretty easy to discern from the data and
36 what's less clear is how to define and discriminate
37 between the Kenai Peninsula communities.

38

39 Thank you.

40

41 CHAIRMAN DEMIENTIEFF: There's a motion,
42 is there a second.

43

44 MR. BUNCH: I will second the motion part
45 of that.

46

47 CHAIRMAN DEMIENTIEFF: Further discussion
48 on the motion.

49

50 (No discussion)

00108

1 CHAIRMAN DEMIENTIEFF: Hearing none, are
2 we ready to vote?

3

4 (Affirmative nods)

5

6 CHAIRMAN DEMIENTIEFF: All those in favor
7 of the motion please signify by saying aye.

8

9 IN UNISON: Aye.

10

11 CHAIRMAN DEMIENTIEFF: Those opposed,
12 same sign.

13

14 (No opposing votes)

15

16 CHAIRMAN DEMIENTIEFF: Motion carries.

17 Okay, we've got 8(b), 9(b) and 10(b). Larry, go ahead.

18

19 MR. BUKLIS: Mr. Chairman, Larry Buklis,
20 Fisheries biologist with the Office of Subsistence
21 Management. That brings us to Proposal 8(b), 9(b) and
22 10(b) and the Staff analysis can be found on Page 285.

23

24 Current Federal regulations do not allow
25 the take of shellfish for subsistence purposes in the
26 Cook Inlet area. The Staff analysis addresses the
27 harvest regulation portion of these three combined
28 proposals for shellfish. Pat has already highlighted the
29 content of the proposals as submitted and the source of
30 the proposals. Commercial shellfish fisheries have been
31 concentrated in lower Cook Inlet. Tuxedni Bay as Pat
32 identified for you is located on the west side of the
33 Central District, which is north of the area of primary
34 commercial use.

35

36 The abundance of shellfish resources
37 within the specific waters of our Federal jurisdiction in
38 the vicinity of Tuxedni Bay is uncertain.

39

40 The greater Gulf of Alaska region which
41 includes the Cook Inlet area supported rapid expansion of
42 crab and shrimp commercial fisheries during the period
43 1960 to 1980 but since then most of these fisheries have
44 collapsed. Climate change and overfishing are typically
45 given as the causes of these stock collapses. Within the
46 State subsistence regulations the only current
47 subsistence shellfish fishery in Cook Inlet is limited to
48 the take of clams in the Port Graham subdistrict which is
49 well south of Tuxedni Bay.

50

00109

1 Let me highlight a few key points on
2 shellfish stock status in the Cook Inlet area. King crab
3 fishing has been closed to all user groups in State
4 regulations for over 15 years due to depressed stocks.
5 The dungeness crab commercial fishery was closed in
6 regulation by the Alaska Board of Fisheries beginning in
7 1997 and in March 2000 the personal use and
8 sportfisheries were also closed. Tanner crab commercial
9 fisheries have been closed since 1995 and other uses are
10 allowed under State regulations with restrictive limits.

11

12 For the shrimp fisheries commercial,
13 personal use and sport uses have been closed in
14 regulation since 1997.

15

16 Razor clam concentrations are present in
17 many areas of Cook Inlet but are most dense near Polly
18 Creek on the west side and from Clam Gulch to Ninilchik
19 on the east side. The east side is set aside exclusively
20 for personal use and sport use under State regulations
21 and has been so since 1959 whereas the west side also
22 supports commercial use. Discussion at the fall meeting
23 of the Southcentral Council indicated that there are sand
24 beaches at a few locations on Chisik Island, which is
25 within our jurisdiction, that do support razor clams,
26 although, not in the abundance found at Polly Creek which
27 is State jurisdiction.

28

29 Also it was said that some crab are found
30 in nearby waters within our Federal jurisdiction,
31 however, the head of Tuxedni Bay is reportedly mud-
32 bottomed and does not support shellfish populations.

33

34 I guess in perspective, effort and
35 harvest would be expected to be low in the Federal
36 subsistence fishery due to the remoteness of this
37 location, the limited area of our jurisdiction and the
38 uncertain abundance of shellfish resources within that
39 jurisdiction. Even so, a precautionary approach is
40 warranted, given the depressed status of many of the
41 shellfish stocks in the Cook Inlet area. A requirement
42 for a subsistence permit does not appear to be necessary
43 at the present time. Paralleling State personal use
44 regulations for the take of shellfish would maintain
45 conservation features in place for those species of
46 depressed stock which I described. Because of the
47 limited geographic area of our jurisdiction and the lack
48 of good information on shellfish abundance within that
49 area, the public would be well served to have this noted
50 in our public booklet version of the Federal regulations

00110

1 if these harvest regulations are adopted.

2

3 Mr. Chairman, that concludes my review.

4

5 CHAIRMAN DEMIENTIEFF: Thank you.

6 Written public comments.

7

8 MS. WILKINSON: Mr. Chairman, there were
9 no written public comments.

10

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

14

15 MR. LOHSE: Southcentral took no action
16 on this, we deferred it to Bristol Bay since it's in
17 their jurisdiction.

18

19 MR. O'HARA: Mr. Chair, pretty much the
20 same comment we had earlier on we don't feel that the use
21 of this resource would be detrimental to the stocks and
22 what the Staff came up with we supported.

23

24 Thank you.

25

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

28

29 MR. CHIN: Thank you, Mr. Chair, members
30 of the Board. I'd like to turn your attention to Page
31 258, Tab D that describes the information I'm presenting
32 here.

33

34 The Interagency Staff Committee
35 recommendation on Proposals 8(b), 9(b) and 10(b) are to
36 adopt the proposal with modification to allow the take of
37 shellfish in the Cook Inlet area.

38

39 Under harvest regulations the parallel
40 State personal use fishery regulations and these are also
41 consistent with the recommendation of the Bristol Bay
42 Regional Advisory Council.

43

44 I'd like to just summarize some of the
45 highlights of the proposed regulation.

46

47 There will be no harvest of king crab,
48 dungeness crab or shrimp for subsistence purposes. There
49 will be limited harvest of tanner crab under specific
50 season, possession limit, size limit and gear fishing

00111

1 requirements. There will be a little bit of harvest of
2 shellfish, specifically clams and butter clams that will
3 be allowed. And there will be no restrictions on any
4 other shellfish species that might be harvested.

5

6 Our justification for our recommendation
7 is as follows.

8

9 We feel that a precautionary approach is
10 warranted given the depressed status of many of the
11 shellfish stocks in the Cook Inlet area. Modification of
12 the proposals is recommended in order to parallel State
13 personal use regulations for the take of shellfish since
14 this would implement conservation features for these key
15 species. The limited geographic scope of relevant
16 Federal jurisdiction and limited information on shellfish
17 abundance in this area of jurisdiction are worth noting
18 in the public booklet version of these regulations to
19 informing the public.

20

21 Thank you, Mr. Chair.

22

23 CHAIRMAN DEMIENTIEFF: Thank you.
24 Department comments.

25

26 MS. SEE: Mr. Chair. Members of the
27 Board. Council Chairs. With respect to Proposals 8(b),
28 9(b) and 10(b), we support the Interagency Staff
29 Committee and the Bristol Bay Regional Advisory Council
30 recommendation.

31

32 We support a precautionary approach for
33 depressed stocks, thus we support the proposed regulation
34 as modified to parallel the State's personal use harvest
35 regulations for shellfish in Cook Inlet. Currently
36 harvest opportunities in this area for clams are provided
37 under State personal use or sport regulations and by
38 personal use regulations for tanner crab. The existing
39 regulations incorporate a precautionary strategy based on
40 knowledge that many stocks in this area of shellfish
41 stocks are depressed.

42

43 We believe that adopting this approach in
44 Federal Subsistence regulations will provide Federally-
45 qualified subsistence users in this area with reasonable
46 opportunity to harvest these resources on a sustainable
47 basis.

48

49 Thank you.

50

00112

1 CHAIRMAN DEMIENTIEFF: Thank you. Board
2 comments. Action.

3

4 MS. GOTTLIEB: Mr. Chairman.

5

6 CHAIRMAN DEMIENTIEFF: Yes.

7

8 MS. GOTTLIEB: I move that we adopt
9 Proposals 8(b), 9(b) and 10(b) as modified by the
10 Interagency Staff Committee. This modification is
11 consistent with the recommendation of the Bristol Bay
12 Regional Advisory Council and the State concurs as well.

13

14 MR. BUNCH: Second.

15

16 CHAIRMAN DEMIENTIEFF: It's been moved
17 and seconded. Discussion.

18

19 MS. GOTTLIEB: Mr. Chair.

20

21 CHAIRMAN DEMIENTIEFF: Yes.

22

23 MS. GOTTLIEB: I just wanted to mention
24 that, again, the extent of the shellfish resources within
25 these waters is uncertain and the conservative harvest
26 approach is warranted. Adopting this proposal that
27 parallels the State personal use regulations provide for
28 conservation of the crabs and clams, but also provides
29 for subsistence opportunities for those residents of
30 Tuxedni Bay, Chisik Island and Tyonek who have C&T use of
31 the shellfish resource based on the action of our
32 previous proposal.

33

34 CHAIRMAN DEMIENTIEFF: Thank you.
35 Further discussion.

36

37 (No discussion)

38

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

42

43 IN UNISON: Aye.

44

45 CHAIRMAN DEMIENTIEFF: Those opposed,
46 same sign.

47

48 (No opposing votes)

49

50 CHAIRMAN DEMIENTIEFF: Motion carries.

00113

1 Okay, Tab E, Prince William Sound, Proposal FP03-12.

2 Pat.

3

4 MS. PETRIVELLI: Mr. Chairman, Proposal
5 FP03-12 was submitted by the Office of Subsistence
6 Management. It requests a positive customary and
7 traditional use determination for freshwater fish
8 throughout the Copper River drainage upstream of Haley
9 Creek for the residents of Lake Louise and Paxson. This
10 proposal was submitted at the request of the Federal
11 Subsistence Board to allow full public and Regional
12 Council review of the minority Interagency Staff
13 Committee recommendation that was made during the last
14 regulatory cycle for Proposal FP02-15.

15

16 The communities with customary and
17 traditional use determinations for freshwater fish in
18 this area are listed on Page 335. The proposed
19 regulation would add Lake Louise and Paxson to the
20 freshwater fish determinations.

21

22 Federal waters of the Copper River
23 drainage are shown on the slide and described in the
24 analysis on Page 336. In the last regulatory review
25 cycle the Federal Subsistence Board made positive
26 customary and traditional use determinations for
27 freshwater fish for the communities listed on Page 335.
28 These communities were proposed by the Wrangell-St. Elias
29 National Park Subsistence Resource Commission. During
30 Board discussion of the proposal concern was expressed
31 that Lake Louise and Paxson were not included in the
32 determination as pointed out in the minority Interagency
33 Staff Committee recommendation. It was agreed that the
34 Office of Subsistence Management would submit the
35 proposal to include these two communities.

36

37 Lake Louise and Paxson are both located
38 within the Copper River Basin area. The characteristics
39 shared by these two communities are their location by a
40 major lake system, nearby caribou migration routes over
41 80 percent seasonal occupancy of the houses. The current
42 settlement of the communities began at the turn of the
43 20th Century and in both areas there is archeological
44 evidence showing use of the area.

45

46 In addition to a review of the use of
47 freshwater fish by Lake Louise and Paxson this analysis
48 also considered the use by other communities in the
49 Copper River Basin that may be affected by this action.

50

00114

1 The resource use maps for freshwater fish
2 done by ADF&G Subsistence Division showed that the west
3 Glenn Highway study area described on Page 337 which
4 includes residents of Matanuska Glacier Sheep Mountain
5 and portions of Chickaloon harvested their freshwater
6 fish locally and did not travel to the Copper Basin to
7 harvest freshwater fish. Resource use mapping for the
8 east Glenn Highway area, described on Page 338 in
9 Sourdough showed use of freshwater fish in the Copper
10 River drainage. So the analysis considered the use by
11 residents of Lake Louise, Paxson, Sourdough and the east
12 Glenn Highway area. A summary of these communities time
13 depth population and ethnic composition are presented in
14 Table 1 on Page 339.

15
16 The data used in this analysis was
17 obtained from two ADF&G Division of Subsistence household
18 surveys. The survey years were 1992 and 1987.
19 Information was also obtained from two 1983 reports
20 written by Holly Reckerd for the National Park Service.
21 For the communities with customary and traditional use
22 for freshwater fish, the 1987 household survey showed
23 that from 91.7 percent to 100 percent of all households
24 use subsistence resources and the estimated per capita
25 harvest of all subsistence resources in these communities
26 ranged from 95 pounds to 342 pounds per year. Data for
27 Lake Louise, Paxson, Sourdough and east Glenn Highway
28 fell within this range. And that's shown in Table 2 on
29 Page 341. In those communities not on the Copper River
30 that have customary and traditional use of freshwater
31 fish, fish other than salmon made up greater than 20
32 percent of their annual per capita use in those -- there
33 were eight communities in that category. Lake Louise,
34 Paxson and Sourdough fall into this category. In Lake
35 Louise, 22.4 percent of their annual per capita harvest
36 is freshwater fish and Paxson 21.6 and in Sourdough 27.9
37 percent. In the east Glenn Highway area, the harvest of
38 non-salmon fish is 7.4 percent of the per capita harvest.
39 A level similar to the communities on or near the Copper
40 River.

41
42 Freshwater fishing areas mapped by the
43 ADF&G Subsistence Division for these residents show the
44 use of Federal waters in the Copper River drainage above
45 Haley Creek. These locations are listed in Table 3 on
46 Page 343.

47
48 The effects of this proposal, currently
49 there are customary and traditional use determinations
50 for freshwater fish in the Copper River drainage for 25

00115

1 communities and areas. Adoption of this proposal would
2 recognize residents of two additional communities, Lake
3 Louise and Paxson. During review of the evidence of use
4 by other Copper Basin residents, two additional
5 communities and areas, Sourdough and east Glenn Highway
6 area showed potential customary and traditional use.

7

8 For the record, the conclusion and
9 justification presented on Page 346 was a preliminary
10 conclusion prepared for the Regional Council meeting and
11 has been superseded by the Interagency Staff Committee
12 recommendation on Page 332 and the same goes for the
13 conclusions for 11 and 13.

14

15 And that concludes my presentation.

16

17 CHAIRMAN DEMIENTIEFF: Thank you.
18 Written public comments.

19

20 MS. WILKINSON: Ann Wilkinson, Regional
21 Coordinator. Mr. Chairman, there are two. They were
22 both in opposition.

23

24 The Copper River Native Association on
25 behalf of the Ahtna region is opposed to adding any more
26 communities to the list of customary and traditional
27 determinations. The evidence of customary and
28 traditional use is inadequate compared to the evidence
29 shown by the Ahtna region. The Ahtna region provided
30 written documentation and many oral testimonies that
31 showed substantial evidence of customary and traditional
32 use of fish and wildlife. Every community should show
33 the same degree of evidence before customary and
34 traditional use determinations are made.

35

36 The second comment was received from the
37 Wrangell-St. Elias National Park Subsistence Resource
38 Commission. They wrote, the proposal does not adequately
39 consider which communities are truly local and rural to
40 resources in consideration. The communities listed in
41 this proposal may exercise the opportunity provided by
42 the State for the Chitina subdistrict fishery. The SRC
43 strongly feels that it is important to be careful and
44 thoughtful in expanding C&T and granting the Federal
45 Subsistence priority. The communities involved need to
46 be consulted.

47

48 That concludes the written comments.

49

50 CHAIRMAN DEMIENTIEFF: Thank you. We

00116

1 have no additional request for public testimony at this
2 time. Regional Council recommendation.

3

4 MR. LOHSE: Mr. Chair, the Southcentral
5 Regional Advisory Council opposes this proposal. The
6 Council did not feel there was sufficient evidence to
7 establish a customary and traditional level of use of the
8 resource. We didn't think it was reasonable for those
9 communities to travel the distance to the Copper River
10 Basin to take freshwater fish when they lived adjacent to
11 abundant sources of freshwater fish themselves. In fact,
12 most of us realize that we would travel from the Copper
13 River Basin to where they were to catch fish instead of
14 them coming to us.

15

16 And the other thing that we didn't
17 particularly like was it was an Interagency Staff
18 Committee recommendation and the communities themselves
19 showed no interest in the recommendation at all. They
20 sent no written comment. They sent nobody to testify.
21 They never said anything to it.

22

23 So with that, we oppose Proposal 12.

24

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

27

28 MR. NICHOLIA: Yeah, thank, your Mr.
29 Chair, we opposed it, and we did that so Southcentral
30 could handle their own issues. It wasn't across
31 boundaries hardly.

32

33 CHAIRMAN DEMIENTIEFF: Thank you. Staff
34 Committee.

35

36 MR. GERHART: Yes, Mr. Chairman, for the
37 record my name is Bob Gerhart, Staff Committee member for
38 the National Park Service.

39

40 On Proposal 12, the Staff Committee
41 recommendation can be found on Page 332. The Staff
42 Committee did not come to consensus on this proposal.
43 The vote was evenly split and, therefore, I'll be
44 presenting two different recommendations for action.
45 Although I would like to point out that Staff Committee
46 was unanimous in agreeing that the proposal should not be
47 accepted at this time.

48

49 I'll call them Options A and Option B.
50 Half of the Staff Committee recommended Option A, which

00117

1 is to reject the proposal. That is consistent with the
2 recommendation of the Southcentral Regional Advisory
3 Council. And the justification for that recommendation
4 is that there is a lack of substantial evidence of a long
5 term consistent pattern of use of the resource to
6 establish a customary and traditional level of use. It
7 is questionable that residents of either community travel
8 such a distance when their communities are located
9 adjacent to abundant sources of freshwater fish.

10

11 That half of the Staff Committee that
12 recommended Option B wanted to defer the proposal and the
13 reason for that, their justification is is that there is
14 a Fisheries Monitoring Project, the title of which is
15 Harvest and Use of Non-Salmon Fish in the Copper River
16 Basin. That report is scheduled for completion in July
17 of 2003. And those members felt that deferring action on
18 this proposal for a year will allow time to provide the
19 information needed.

20

21 And that completes the Staff Committee
22 recommendation.

23

24 CHAIRMAN DEMIENTIEFF: Department
25 comments.

26

27 MS. SEE: Mr. Chair. Members of the
28 Board. Council Chairs. The Department supports the
29 concerns raised by the Interagency Staff Committee as
30 well as concerns raised by the Eastern Interior and
31 Southcentral Regional Councils on this proposal. We do
32 feel it's not appropriate to take it up at this time
33 although, in fact, we could understand and not object to
34 either course of action on this.

35

36 We have two concerns about this proposal.
37 The present time we feel that the information is
38 insufficient to evaluate and substantiate a finding of
39 traditional and customary uses in portions of the Copper
40 River Basin. That's the reason that the Department
41 initiated a specific study, to gather information about
42 these specific areas. That project is underway but the
43 results, as noted earlier, are not yet available. The
44 study is entitled the Harvest and Use of Non-Salmon
45 Species in the Copper River Basin and it's supported by
46 Fish and Wildlife Service. It's obtaining information
47 about subsistence uses of freshwater fish by these
48 communities and it will also provide map-based
49 information. The project researchers have indicated that
50 they'll have preliminary information available before

00118

1 summer 2003 and the final report is scheduled to be
2 completed before the end of the calendar year of 2003.

3
4 We recommend that the Board not consider
5 this proposal at this time. By the next proposal cycle
6 the results of the study will contribute substantially to
7 understanding the subsistence uses in this area. We note
8 that the proposed approach of defining an area rather
9 than naming a set of communities, which is also mentioned
10 in this proposal, could provide a way to include those
11 residents nearby but not within a community boundary.

12
13 And lastly, if this proposal is deferred,
14 we recommend that the waters outside Wrangell-St. Elias
15 National Park and Preserve that are under Federal
16 jurisdiction be clearly identified in the future
17 analysis.

18
19 Thank you.

20
21 CHAIRMAN DEMIENTIEFF: Thank you. Board
22 discussion.

23
24 MR. BISSON: Mr. Chairman.

25
26 CHAIRMAN DEMIENTIEFF: Yes.

27
28 MR. BISSON: Just to correct the record,
29 I think I heard the Staff Committee presenter say that
30 rejecting the proposal was consistent with the
31 recommendations of the Southcentral and Eastern RACs but
32 the text up there on the board says that it would be
33 contrary to the recommendations.

34
35 MR. GERHART: You're correct. My
36 statement was correct. I believe that.....

37
38 MR. BISSON: That's what I thought.

39
40 MR. GERHART:graphic is wrong.

41
42 MR. BISSON: So as I understand this
43 process, if we vote with the RAC to oppose the
44 recommendation at this point in time, and Alaska Game of
45 Fish Department [sic] completes its work, this could be
46 brought back at any time after that work is completed as
47 a revised proposal taking into account everybody's
48 concerns. So whether we defer it or reject it we're
49 accomplishing the same thing, either way, it basically
50 goes back to the drawing board until there's new data in

00119

1 place.

2

3 CHAIRMAN DEMIENTIEFF: Yes. I think --

4 Ralph, didn't I hear you say that there was nobody that

5 was interested?

6

7 MR. LOHSE: Mr. Chair, I think

8 Southcentral Regional Advisory Council would be more than

9 willing to reconsider it if there was new information

10 available and if the people from these communities

11 submitted it. To reject it at this point in time does

12 not close the door to them. They have the opportunity to

13 put a proposal in like that at any time in the future.

14

15 CHAIRMAN DEMIENTIEFF: Correct. Is there

16 a motion?

17

18 MS. GOTTLIEB: Mr. Chair.

19

20 CHAIRMAN DEMIENTIEFF: Yes.

21

22 MS. GOTTLIEB: I guess I would move to

23 defer Proposal 12 which is a request to revise the

24 existing C&T. And although there was not a consensus on

25 this, all the members did agree as, I believe, we've also

26 agreed in our discussion, that the proposal should not be

27 adopted at this time. While the RAC opposes the proposal

28 based on the belief that there's insufficient evidence to

29 establish C&T for Paxson and Lake Louise, I believe that

30 the deferral would not be a rejection of the Council's

31 recommendation and I'd hope that they would agree, but,

32 rather provides the opportunity that, I think, we're all

33 saying to address the main concern of the Council and

34 others, to gather more information about those

35 communities in question. And the Board shares the

36 Council's concern for the need for better information

37 regarding C&T determinations.

38

39 CHAIRMAN DEMIENTIEFF: There's a motion,

40 is there a second? No second?

41

42 MR. BACHOR: I'll second it.

43

44 CHAIRMAN DEMIENTIEFF: Okay. It's been

45 moved and seconded. From my point of view, I'm more

46 inclined to go with Option A, especially if we can't get

47 anybody from the affected communities to come forward and

48 request the action. And I agree with all that's been

49 said earlier, that it can be brought back at any time,

50 especially if somebody from that area wants to propose it

00120

1 and we get new information. I think the Board and Staff
2 have done diligence in terms of consideration of the
3 request to the Board. And I'd just be more inclined just
4 to move it off and deal with it if it does come up by
5 members of the community. But I'm not really -- I'm just
6 concerned about leaving things on the table.

7

8 MR. BUNCH: Mr. Chair, I have a
9 housekeeping question. Would that, if we defer it, does
10 that kind of muddle up the agenda down the road or does
11 that leave something hanging as unfinished business?

12

13 CHAIRMAN DEMIENTIEFF: Yes. It does
14 leave unfinished business and that's why I think with no
15 local interest and Regional Council recommendations to
16 oppose, I'd be more inclined just to reject the proposal
17 now and not leave it out there hanging around. And
18 everybody else is exactly right, that's making the case
19 that it can be brought up at any time.

20

21 MR. BUNCH: Well, it seems to me that if
22 both options would do the same thing, if we went through
23 the Option A, that that would clear up the agenda for us
24 down the road.

25

26 CHAIRMAN DEMIENTIEFF: Yes.

27

28 MS. GOTTLIEB: Mr. Chair.

29

30 CHAIRMAN DEMIENTIEFF: Yes.

31

32 MS. GOTTLIEB: I would be willing to
33 withdraw my motion.

34

35 CHAIRMAN DEMIENTIEFF: Who seconded that,
36 Charlie, was that you?

37

38 MR. BACHOR: No, that was me and I'd be
39 willing to withdraw my second.

40

41 CHAIRMAN DEMIENTIEFF: Okay. The motion
42 has been withdrawn by the maker and the second. Do we
43 have another motion.

44

45 MR. BUNCH: Mr. Chair.

46

47 CHAIRMAN DEMIENTIEFF: Yes.

48

49 MR. BUNCH: I move that we accept Option
50 A for the Proposal of 3-12 of the Interagency Staff

00121

1 Committee recommendation.

2

3 CHAIRMAN DEMIENTIEFF: There's a motion,
4 is there a second?

5

6 MR. BISSON: I second it.

7

8 CHAIRMAN DEMIENTIEFF: Further
9 discussion. Yes, Ralph.

10

11 MR. LOHSE: Mr. Chair, I'm glad to see
12 that you put this back on the table this way. I'll try
13 to explain what it would look like to the Council to do
14 it the other way and I don't mean anything against
15 anybody by it or anything like that, but there's a total
16 difference between deferring and rejecting, in other
17 words, going along with the Council's recommendation.
18 Deferring basically means or would mean to the Council,
19 we knew what was best when we put this on the table and
20 since you didn't go along with it, we're going to look
21 for some more information until you agree with us. To
22 oppose means to basically say, we'll go along with your
23 recommendations and if somebody else wishes to bring this
24 back to the table again, they have every right to do it
25 and at that time it will be reconsidered again with the
26 information that at's hand.

27

28 And that's why I'm very happy to see you
29 do what you just did. Thank you.

30

31 CHAIRMAN DEMIENTIEFF: Thank you.
32 Further discussion.

33

34 MS. GOTTLIEB: Mr. Chair.

35

36 CHAIRMAN DEMIENTIEFF: Judy.

37

38 MS. GOTTLIEB: I had also wanted to
39 mention that most of the Federal waters that we do
40 discuss are pretty remote from Lake Louise and Paxson and
41 as the Council and we pointed out, both of the
42 communities have pretty good sources of freshwater fish
43 in their immediate area and those are not Federal waters
44 so a C&T finding wouldn't impact those waters that they
45 most logically use for subsistence purposes. But also if
46 the Gulkana River is found to be utilized for subsistence
47 fishing of freshwater fish by nearby residents, maybe we
48 should consider a separate C&T determination for that
49 part of the drainage.

50

00122

1 CHAIRMAN DEMIENTIEFF: Further
2 discussion.

3
4 (No discussion)

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

9
10 IN UNISON: Aye.

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

14
15 (No opposing votes)

16
17 CHAIRMAN DEMIENTIEFF: Motion carries.
18 Okay. Let's see, where are we at, FP-03-14. Staff
19 analysis.

20
21 MR. BUKLIS: Mr. Chairman, the analysis
22 for Proposal 14 can be found on Page 355. Larry Buklis,
23 Fisheries Biologist, Office of Subsistence Management.

24
25 This proposal for the Upper Copper River
26 district was submitted by the Subsistence Resource
27 Commission for Wrangell-St. Elias National Park and
28 Preserve. The proposal requests clarification of the
29 requirement that permit holders immediately record their
30 salmon take on the permit form and immediately remove a
31 specified fin from the salmon taken.

32
33 First, for the recording requirement,
34 Federal regulations require that the permit holder record
35 the number of salmon taken immediately after landing the
36 salmon. Definition of immediately is not provided in the
37 Federal regulations, however, State personal use fishing
38 regulations for the Upper Cook Inlet area note that
39 immediately means before concealing the salmon from plain
40 view or transporting the salmon from the fishing site.

41
42 State regulations for the Upper Copper
43 River subsistence district subsistence fishery require
44 that the permit holder record the number of salmon taken
45 before leaving the fishing site. ADF&G has submitted a
46 proposal to the Alaska Board of Fisheries seeking an
47 explicit definition of what fishing site means. Their
48 proposal would amend the State regulations to include the
49 following:

50

00123

1 Fishing site is defined as the specific
2 location or area where the fish was
3 removed from the water and becomes part
4 of the permit holder's bag limit.

5
6 Secondly, for the fin removal
7 requirement. Federal and State regulations require that
8 a person may not possess salmon taken under the authority
9 of a subsistence fishing permit in this fishery unless
10 the specified fins are immediately removed. The
11 definition of immediately is not provided in Federal or
12 State regulations for this context. But I understand
13 it's interpreted by the State to mean upon landing the
14 fish.

15
16 Improved clarity in our regulations would
17 serve to better inform the public of what is required and
18 reduce ambiguity for enforcement. The regulation change
19 will ease the burden on subsistence users by allowing
20 them to record harvest information and remove fins prior
21 to leaving the fishing site. As noted by the proponent,
22 this proposal is not expected to result in a change in
23 harvest. To some extent, the proposed regulatory changes
24 would simply make legal current practices in the fishery.

25
26 The proposed regulation defines the term
27 immediately. In doing so the term harvest site is
28 introduced which is then defined using the phrase reduced
29 to possession. The Southcentral Council recommended
30 defining immediately in a way that uses their
31 interpretation of harvest site. The Council approach
32 would make use of removal of fish from plain view or
33 transporting fish more than 50 feet as the standards for
34 our regulations.

35
36 The Alaska Board of Fisheries was
37 originally scheduled to consider definition of fishing
38 site under their regulations at their meeting beginning
39 December 8th, that meeting has been rescheduled to being
40 January 31st. Therefore, rather than the Federal
41 Subsistence Board being able to consider the action taken
42 by the Board of Fisheries, we are in the position of
43 being the first one to address these related regulations.

44
45 Mr. Chairman, that concludes my review.

46
47 CHAIRMAN DEMIENTIEFF: Thank you.
48 Written public comment.

49
50 MS. WILKINSON: Thank you, Mr. Chairman.

00124

1 Ann Wilkinson, Regional Coordinator. There are three
2 written public comments received, two in support and one
3 to support with modification.

4
5 Cordova District Fishermen United
6 supports this proposal. It clarifies marking
7 requirements and therefore will aid enforcement. CDFU
8 believes that the language, reduced to possession is
9 confusing and that its definition should be clearly
10 explained in the regulation.

11
12 Copper River Native Association supports
13 the proposal. CRNA supports the proposal to record the
14 salmon prior to leaving the harvest site or removing from
15 plain view within 100 foot radius.

16
17 Wrangell-St. Elias National Park
18 Subsistence Resource Commission wrote to modify
19 incorporate the definition of a fishing site proposed in
20 the Alaska Board of Fisheries Proposal 28, which reads:
21 "fishing site would be defined as the specific location
22 or area where the fish was removed from the water and
23 becomes part of the permit holder's bag limit."

24
25 Mr. Chairman, that's all the written
26 comment.

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

31
32 MR. LOHSE: Thank you, Mr. President.
33 The Southcentral Regional Advisory Council's
34 recommendation was to support this with modification.
35 The Council realizes that subsistence fishermen have
36 requested clear definitions of immediately and by
37 inference the site. The amended language addresses their
38 desire for clarity. The notation of 50 feet, which
39 should be a sufficient distance from the fishing site to
40 include the processing site is meant to give the Board a
41 base for discussion. We aren't, in other words, we're
42 not set on 50 feet and we don't expect a Game Warden to
43 run around with a tape measure and get somebody for 51
44 feet or something like that but what we're trying to show
45 is that we feel that it is in the immediate area but yet
46 far enough that a person can do this kind of work.

47
48 Our recommended modification to the
49 proposed regulations are:
50

00125

1 1. A permit holder must record on
2 the appropriate form all salmon
3 taken immediately after landing
4 the salmon. Immediately means
5 prior to removing the salmon from
6 plain view or transporting the
7 fish more than 50 feet from where
8 the fish was taken from water.
9 That, to us, is much clearer than
10 where it becomes part of the
11 permit holder's bag limit or is
12 reduced to possession. We have a
13 picture that we can see.

14
15 And we'd use the same definition for fin
16 clipping.

17
18 2. Immediately means, prior to
19 removing the salmon from plain
20 view or transporting fish more
21 than 50 feet from where the fish
22 was taken from the water. In
23 other words, the fins have to be
24 clipped before they can be put
25 into the cooler or thrown in the
26 back of a pickup truck with a
27 tarp over the top of them or
28 thrown into a freezer or taken 50
29 feet from the place they were
30 taken out of water.

31
32 Thank you.

33
34 CHAIRMAN DEMIENTIEFF: Thank you. Staff
35 Committee.

36
37 MR. GERHART: Thank you, Mr. Chair. The
38 Staff Committee did reach consensus on this
39 recommendation. It's found on Page 353 of your booklet.
40 Staff Committee recommendation is to adopt this with
41 modification consistent with the recommendation of the
42 Southcentral Council.

43
44 It consists of supplanting use of the
45 term harvest site with a variation of the intended
46 meaning of that term. The modified regulation language
47 is in your booklet, I won't read it. It's almost
48 identical to what the Council Chairman just read but I
49 will point out a slight difference.

50

00126

1 As for justification, this proposal will
2 not result in a change in harvest as modified, it simply
3 clarifies the regulations to provide a workable
4 definition for the term, immediately, as it relates to
5 both the recording requirement and the fin removal
6 requirement. Improved clarity in regulations would serve
7 to better inform the users of what is required and reduce
8 ambiguity faced by those attempting to enforce the
9 regulations. The regulation change will ease the burden
10 on subsistence users by allowing them to record harvest
11 and remove fins prior to leaving the fishing site. The
12 modified proposed regulatory language differs only
13 slightly and not on a substantive element from the
14 recommendation of the Council. The term concealing would
15 be used instead of removing relative to plain view and
16 removed from the water would be used instead of taken
17 from the water relative to transporting. These phrases
18 would be more consistent with State regulatory
19 approaches.

20
21 And as Mr. Buklis just mentioned, we
22 thought that when we were giving the Staff Committee
23 recommendation we would be able to report on what the
24 Board of Fisheries did last week but that's not the case.
25 They're now set to meet and discuss this issue at the end
26 of January and this Board may choose to reconsider what
27 it does based on their action.

28
29 That concludes Staff Committee
30 recommendation.

31
32 CHAIRMAN DEMIENTIEFF: Department
33 comments.

34
35 MS. SEE: Mr. Chair. Members of the
36 Board. Council Chairs. We support this proposal with
37 some modifications to provide what we hope would be a
38 practical and clear definition. The intent clearly is to
39 define the marking requirement for salmon taken under
40 subsistence regulations in the Upper Copper River
41 district.

42
43 The State's approach to this would be to
44 recommend the regulatory language defining immediately
45 which has currently been adopted by the Alaska Board of
46 Fisheries under regulatory language for Upper Cook Inlet
47 personal use salmon fishery management plan in which the
48 term immediately mean before concealing the salmon from
49 plain view or transporting the salmon from the fishing
50 site.

00127

1 This definition has been used
2 successfully in the Upper Cook Inlet fishery by State law
3 enforcement. The State enforcement uses the same
4 rationale for enforcement of regulations where that term
5 immediately is used but isn't defined. We consider that
6 this definition really accommodates practical aspects of
7 how people fish.

8

9 Defining the fishing site is something
10 that we feel is unnecessary and can actually get fairly
11 complex if you get into steep or constrained terrain, the
12 50 feet, for example, may be a problem. We do consider
13 that the State and Federal regulations should be the same
14 if at all possible to maintain consistency in enforcement
15 but primarily to be clear to the public.

16

17 Thank you.

18

19 CHAIRMAN DEMIENTIEFF: Thank you. Board
20 comment. Gary.

21

22 MR. EDWARDS: Mr. Chairman, I'm trying to
23 understand the subtle differences between all this and
24 somebody can correct me if I'm wrong. We have an
25 original proposal which the Council modified by simply
26 more or less streamlining probably the definition
27 defining what immediate is. And then the Staff Committee
28 made minor changes to the Southcentral, changes,
29 basically one or two words, using hide as opposed to
30 remove I think or something like that. Now, I'm unclear
31 if the State has actually even more modifications or is
32 it supporting the Staff Committee or is it supporting the
33 RAC or is it supporting the original proposal?

34

35 MS. SEE: I guess to cut to the chase,
36 we're supporting that there be a definition but that you
37 use the definition that I read, which is, before
38 concealing the salmon from plain view or transporting the
39 salmon from the fishing site.

40

41 MR. EDWARDS: Is that different from the
42 Staff Committee's?

43

44 MR. GERHART: Yes, Mr. Chair. Mr.
45 Edwards, the Staff Committee recommendation follows the
46 Council's recommendation which, and the biggest, I think,
47 difference is is that the Council tried to put something
48 measurable, i.e., the 50 feet distance and we concur with
49 that and make that recommendation. The additional
50 changes of wording, I don't even think really are

00128

1 differences in wording and that probably will be worked
2 out by the regulation specialist to come up with the best
3 wording. But I think the intent under either the minor
4 wording changes in the Council recommendation and the
5 Staff Committee really say the same thing.

6

7 MR. EDWARDS: And the State says
8 something different or does it basically say the same
9 thing.

10

11 MS. SEE: Through the Chair. We do not
12 support the distance specification in either of the
13 original or the Staff modified versions because we think
14 that's an unnecessary complication. We agree it should
15 be defined but we recommend, instead, the language that
16 we proposed would be more useful in a practical sense and
17 would also be consistent with existing State usage of the
18 term.

19

20 MR. EDWARDS: Okay. And then just one
21 final question then, if we end up with Federal language
22 and State language, do we have potential the same users
23 working under two different languages?

24

25 MS. SEE: Through the Chair, that's my
26 understanding, yes.

27

28 CHAIRMAN DEMIENTIEFF: Ralph, and then
29 Larry.

30

31 MR. LOHSE: Mr. Chair. In answer to two
32 different things that have been brought up, I'll start
33 with the last question. I don't think that a subsistence
34 user on the Copper River can hold both permits, I may be
35 wrong on that. I'd like an expert opinion on that. I
36 thought if you were fishing underneath the Federal permit
37 you couldn't fish under a State permit, but I may be
38 wrong. I would like an opinion on that one.

39

40 But as far as the difference between
41 fishing site and putting a distance on it. We looked at
42 the Copper River and I know it's different on the Kenai
43 and places like that, what is the site when you're
44 operating a fishwheel? Is it out on the fishwheel where
45 you're taking it out? Is it where you step on the shore?
46 Or is it your table that you've got set back a little
47 ways away from the beach with your pump running water to
48 it that you're running to, you know, where you're going
49 to clean your fish? And we wanted to make it reasonable.
50 In some places people pack them a long way up the bank

00129

1 and we didn't want to give somebody the opportunity to
2 pack it all the way up the bank and be a quarter-mile
3 away from their fishing site and say, well, this is the
4 closest place I could go but we wanted to give them an
5 area that they could say that within this reasonable
6 distance you can take care of your fish and not be
7 worried that somebody's going to say, now, let's see your
8 fishing site is out here and you're taking them over here
9 to work on them.

10

11 And it was in response to fears from
12 people in the Copper River Basin because they wanted to
13 be able to say that, you know, if we can do it within
14 this kind of an area so that we're not worried that I've
15 taken my fish, you know, away from the fishing site.
16 Well, again, fishing site is an arbitrary word unless
17 you've put some kind of definition on it. And that was
18 the concerns that were expressed in the meeting and
19 that's kind of what we tried to address.

20

21 Thank you.

22

23 CHAIRMAN DEMIENTIEFF: Larry.

24

25 MR. BUKLIS: Mr. Chairman, if I could
26 just add upon what the Council Chairman said in response
27 to Mr. Edwards. I think to focus you on the variations
28 on this.

29

30 The standard of concealment from plain
31 view carries through from the proposal to Council to
32 Staff Committee, that aspect -- and the State. The
33 concealment from plain view is one of the criteria for
34 defining immediately can be found through all those
35 versions. Where the divergence occurs is in grappling
36 with this fishing site, harvest site, 50 feet, 100 feet,
37 this transporting issue and how that's handled. And
38 currently, the State is looking to their Cook Inlet
39 regulations where fishing site is defined in a certain
40 way. Where fishing site is used as the standard and
41 they're now having a proposal in for Upper Copper River
42 district to apply that fishing site approach and go on
43 and define fishing site. But their action is yet to
44 occur this spring. So we don't know exactly who they're
45 going to define fishing site.

46

47 As the Council Chairman indicated, their
48 approach, the Council's approach doesn't use the term
49 fishing site, it avoids using the term and simply applies
50 the standard of transporting a certain number of feet and

00130

1 avoids fishing site entirely. So there are variations on
2 approaching that transporting issue.

3

4 MR. EDWARDS: Mr. Chairman, just one
5 question then addressing to the State. If we go ahead
6 and accept the language that Staff Committee's
7 recommendation, would that be motivation for the Fish
8 Board to try to adopt similar language, which, I guess,
9 quite frankly, I think what we're proposing actually is
10 probably more definitive and is much better probably for
11 the user to understand as opposed to what the State
12 currently has.

13

14 MS. SEE: Through the Chair, I don't
15 think we're in a position to say one way or the other
16 what they might do.

17

18 Thank you.

19

20 CHAIRMAN DEMIENTIEFF: I think it was
21 pointed out earlier, who did that, Doug, yeah, we don't
22 even know who they're going to be much less what they're
23 going to do. Any further discussion. Judy, you got
24 something?

25

26 MS. GOTTLIEB: Mr. Chair, I was just
27 going to say this is an example of a proposal where a
28 tremendous amount of work has gone into it to get us this
29 far. I really want to acknowledge and thank the
30 Subsistence Resource Commission from Wrangells for
31 submitting the proposal and getting things starting,
32 calling our attention to the problem. The Southcentral
33 RAC put in also a tremendous amount of time and evidently
34 it was the Chairman who gave the amendment and the motion
35 that came up with the 50 feet, as you've described here,
36 it could have been 100 but deciding unanimously on 50
37 feet, I think that's something that's reasonable and
38 something that this Board can acknowledge and accept.

39

40 So I would move that we adopt Proposal 14
41 as recommended by the Interagency Staff Committee. This
42 recommendation is consistent with the -- that Staff
43 Committee's recommendation is also consistent with the
44 Regional Advisory Council's.

45

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

48

49 MR. BUNCH: Second.

50

00131

1 CHAIRMAN DEMIENTIEFF: It's been moved
2 and seconded. Discussion.

3

4 MR. EDWARDS: Mr. Chairman, I don't know
5 if the State was prepared to answer Ralph's question or
6 not about the two permits?

7

8 MS. SEE: Through the Chair, we're not
9 aware of any reason that there would be a problem with
10 having a user be able to fish under either State or
11 Federal provisions.

12

13 CHAIRMAN DEMIENTIEFF: Larry.

14

15 MS. SEE: There's nothing that prohibits
16 as far as we know.

17

18 CHAIRMAN DEMIENTIEFF: Larry.

19

20 MR. BUKLIS: Mr. Chairman, that's
21 correct, as long as they qualify under our regulations
22 and qualify under the State, they could fish under either
23 or both, however, their limits would not be additive.
24 They couldn't sum up to a new total limit, but they could
25 switch between the two permit systems.

26

27 MR. EDWARDS: With that said, Mr.
28 Chairman, I'm prepared to vote in favor of the motion and
29 I hope that the Board of Fish will consider our wisdom in
30 coming up with a good definition to address this issue.

31

32 CHAIRMAN DEMIENTIEFF: Further
33 discussion.

34

35 (No discussion)

36

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

40

41 IN UNISON: Aye.

42

43 CHAIRMAN DEMIENTIEFF: Those opposed,
44 same sign.

45

46 (No opposing votes)

47

48 CHAIRMAN DEMIENTIEFF: Motion carries.
49 FP03-15.

50

00132

1 MR. BUKLIS: Mr. Chairman, Larry Buklis,
2 Fishery Biologist, Office of Subsistence Management. The
3 analysis for Proposal 15 can be found on Page 364.

4
5 This proposal also for the Upper Copper
6 River district was also submitted by the Subsistence
7 Resource Commission for Wrangell-St. Elias National Park
8 and Preserve. The proposal requests that the regulations
9 explicitly allow retention of freshwater fish taken
10 incidentally to salmon in fishwheels. As the regulations
11 currently read, rainbow, steelhead trout are the only
12 species that may be kept incidental to salmon. Federal
13 and State regulations allow targeted take of freshwater
14 fish for subsistence under the authority of a subsistence
15 freshwater fish permit.

16
17 The number of fish taken by fishwheel
18 incidental to salmon is thought to be very low. Species
19 such as rainbow, steelhead trout, burbot, whitefish,
20 grayling, dolly varden, suckers and lampray are
21 occasionally caught. No further biological impact on the
22 fish stocks is expected from allowing users to legally
23 keep these incidentally caught fish since they are
24 typically dead when retrieved from the holding boxes.

25
26 The proposed regulation would make legal
27 the typical practice when fish incidental to salmon are
28 occasionally captured by fishwheel. Further
29 clarification in the regulations can be accomplished by
30 modification to specify that these fish are taken
31 incidentally to salmon.

32
33 There is some interest in the information
34 that would be obtained by extending the current permit
35 recording requirement for salmon to include the recording
36 of these incidental catches of freshwater fish species.
37 Also the term immediately is used in the proposed
38 regulation relative to removing a specified fin from
39 rainbow, steelhead trout taken by fishwheel and we may
40 infer it for the permit recording requirement.

41
42 Given your action on Proposal 14 it
43 follows that a consistent approach be taken and use of
44 the term immediately here. For the release of rainbow,
45 steelhead trout captured by dipnet, the key aspect is
46 that they are released unharmed to the water.

47
48 The Staff Committee recommendation
49 addresses consistency and use of this terminology.
50

00133

1 Following the Council meeting it was
2 noted that our regulations are silent on retention of
3 freshwater fish caught by dipnet incidental to salmon
4 other than rainbow, steelhead trout which may not be
5 retained. The dipnet capture of freshwater fish is very
6 infrequent and there are not any particular management
7 concerns for these stocks other than rainbow and
8 steelhead trout.

9

10 Mr. Chairman, that concludes my review.

11

12 CHAIRMAN DEMIENTIEFF: Thank you.
13 Written public comments.

14

15 MS. WILKINSON: Thank you, Mr. Chairman.
16 Ann Wilkinson, Regional Coordinator. There are three
17 comments, two in support and one supporting with
18 modification.

19

20 The Cordova District Fishermen United
21 supports utilization of freshwater fish incidentally
22 caught in fishwheels rather than waste by returning them
23 to the water dead.

24

25 The Copper River Native Association
26 supports the proposal to keep fish other than salmon
27 taken from a fishwheel and to record the harvest of these
28 salmon and mark them as proposed in Proposal 03-14.

29

30 The Wrangell-St. Elias National Park
31 Subsistence Resource Commission recommends adopting the
32 proposal with the Staff modification as well as
33 continuing the current regulation that requires users to
34 record the incidental take of freshwater fish taken in
35 fishwheels.

36

37 Thank you, Mr. Chairman.

38

39 CHAIRMAN DEMIENTIEFF: Thank you. There
40 are no additional requests for public testimony at this
41 time. Regional Council recommendation.

42

43 MR. LOHSE: Mr. Chair, Southcentral
44 Regional Advisory Council recommends that you support
45 this proposal. We believe it follows the principles of
46 fish conservation and fish use. The catch information,
47 we feel will be valuable and it will be recorded on the
48 permit and it will give us baseline data for use in the
49 future.

50

00134

1 We thank you for that.

2

3 CHAIRMAN DEMIENTIEFF: Staff Committee.

4

5 MR. GERHART: Mr. Chair. The Staff
6 Committee recommendation can be found on Page 362. The
7 Staff Committee was unanimous in agreeing that this
8 proposal should be adopted with some modifications.
9 Those modifications are consistent with the
10 recommendation of the Southcentral Council. This may
11 sound a little more complicated than it is but I'll
12 mention the modifications consist:

13

14 1. Specifying that these fish are
15 taken incidentally to salmon.

16

17 2. Defining the term immediately and
18 applying it to the recording and
19 marking requirements which is
20 consistent with the
21 recommendation of Proposal 14
22 that you just dealt with.

23

24 3. Deleting use of the term
25 immediately relative to the
26 release requirement for rainbow,
27 steelhead trout given how the
28 term is defined for the other
29 applications.

30

31 4. Explicitly allowing retention of
32 freshwater fish other than
33 rainbow, steelhead trout captured
34 by dipnet.

35

36 5. Making use of the term retained
37 instead of caught relative to the
38 recording requirement for
39 freshwater fish.

40

41 For purposes of clarity the resulting
42 regulation should be broken into two paragraphs and those
43 you can read on Page 362.

44

45 The justification is that the number of
46 freshwater fish taken by fishwheel incidentally to salmon
47 in the Upper Copper River district is thought to be very
48 low. These fish typically die in the fishwheel box. No
49 further biological impacts on the fish stocks are
50 expected from allowing users to legally keep these

00135

1 incidentally caught fish. Likewise, few freshwater fish
2 are captured by dipnet incidental to salmon and the
3 retention of these fish, other than rainbow, steelhead
4 trout should not pose a biological impact to the stocks.
5

6 Further clarification of the proposed
7 regulation can be accomplished with minor modifications
8 and by breaking the regulations into two paragraphs.
9

10 Mr. Chair, that concludes the Staff
11 Committee recommendation.

12
13 CHAIRMAN DEMIENTIEFF: Thank you.
14 Department comments.

15
16 MS. SEE: Mr. Chair. Members of the
17 Board. Council Chairs. Regarding this proposal, we
18 support -- we have to modify slightly what we've said
19 here.

20
21 We support the Interagency Staff
22 Committee and Southcentral Regional Advisory Council
23 recommendation on this proposal because it largely will
24 align State and Federal regulations in the Glennallen
25 subdistrict regarding fish other than salmon that are
26 taken in fishwheels with the exception of the new
27 definition of the term immediately.

28
29 Currently State qualified subsistence
30 users are permitted to retain other freshwater species
31 caught in fishwheels and report them on their subsistence
32 permits and we support this provision.

33
34 Thank you.

35
36 CHAIRMAN DEMIENTIEFF: Thank you. Board
37 discussion and/or action.

38
39 MS. GOTTLIEB: Mr. Chair.

40
41 CHAIRMAN DEMIENTIEFF: Yes.

42
43 MS. GOTTLIEB: I think this is a good
44 example of a regulation which is a modification that
45 expands subsistence opportunity and legalizes the
46 practice that's not specifically provided for in our
47 current regulations. Both the Wrangell-St. Elias
48 Subsistence Resource Commission and Southcentral Regional
49 Advisory Council specifically recommended that freshwater
50 fish taken incidental to salmon be recorded on the salmon

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1 permit. This has been incorporated into the proposal and
2 does serve as a data gathering mechanism at virtually no
3 additional cost to management agencies.

4

5 So I would move to adopt Proposal 15 as
6 recommended by the Interagency Staff Committee and
7 consistent with the intent of the Southcentral Advisory
8 Council.

9

10 CHAIRMAN DEMIENTIEFF: There's a motion,
11 is there a second?

12

13 MR. BISSON: I second it.

14

15 CHAIRMAN DEMIENTIEFF: It's been moved
16 and seconded. Further discussion.

17

18 (No discussion)

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,
27 same sign.

28

29 (No opposing votes)

30

31 CHAIRMAN DEMIENTIEFF: Motion carries.
32 We're going to move on into, I think, Kodiak. It's
33 clearly apparent that we're going to be done tomorrow.
34 So I know the Staffers are working on the problem we had
35 in Prince of Wales. Dan, I don't know, you were planning
36 on getting here what time?

37

38 MR. O'HARA: Two.

39

40 CHAIRMAN DEMIENTIEFF: I hope we're here.

41

42 MR. O'HARA: What's that?

43

44 CHAIRMAN DEMIENTIEFF: I hope we're here.

45

46 MS. TRUMBLE: Mitch, if it's okay.....

47

48 CHAIRMAN DEMIENTIEFF: Yes.

49

50 MS. TRUMBLE:Mr. Chair, I've got a

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1 couple calls into Kodiak and I haven't been able to get a
2 response so if it's okay with Dan, to move to Bristol
3 Bay.

4
5 CHAIRMAN DEMIENTIEFF: Oh, yeah, that's
6 fine, yeah, just in case. That's why I was asking you.
7 And those of you who are traveling, we're going to have
8 our travel person here tomorrow if you want to start
9 going home earlier, you know, that will be possible.
10 We'll be adjusting travel according to how we're
11 proceeding on with the agenda. So I've already given
12 Staff a head's up to get somebody here to make sure that
13 we do that because I do know that I'm going home
14 tomorrow.

15
16 Okay, we'll go to Bristol Bay then.

17
18 (Pause)

19
20 CHAIRMAN DEMIENTIEFF: FP03-05.

21
22 MS. McCLENAHAN: Thank you, Mr. Chairman.
23 I'm Pat McClenahan, Staff anthropologist for the Bristol
24 Bay region. We are at Tab G, Page 416.

25
26 Proposal FP03-05 submitted by the Bristol
27 Bay Subsistence Regional Advisory Council requests a
28 positive customary and traditional use determination for
29 halibut, herring and herring roe on kelp in the Federally
30 administered marine waters within the Bristol Bay fishery
31 management area for the residents of the Bristol Bay
32 management area. The existing and proposed Federal
33 regulations can be found on Page 416.

34
35 We must defer consideration of the
36 request for a positive customary and traditional use
37 determination for halibut. At this time there are legal
38 uncertainties regarding whether the Federal Subsistence
39 Board can implement subsistence halibut regulations.
40 Additionally, there are questions about how the Board
41 will interface with the International Pacific Halibut
42 Commission.

43
44 Currently, all rural residents have
45 subsistence use of herring in the Federally managed
46 waters of the Togiak district. All residents of the
47 Bristol Bay fishery management area have subsistence use
48 of herring in the Federally managed waters of what is
49 termed the remainder of the Bristol Bay area. At this
50 time residents of the Togiak district have customary and

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1 traditional use of herring roe on kelp in the Federally
2 managed waters of the Togiak district. Togiak, Twin
3 Hills and Manokotak are the communities in the Togiak
4 district.

5

6 It should be noted that a very limited
7 area of Bristol Bay marine waters is within Federal
8 jurisdiction. They are confined to the Togiak district
9 and portions of the remainder of Bristol Bay, including
10 the Osviak River estuary, Metervik Bay and Unnamed Bay
11 southwest of Metervik Bay, Kulukak Bay and Tvativak Bay.
12 This area is limited to portions of the coast of Togiak
13 National Wildlife Refuge.

14

15 Three patterns of subsistence use of
16 herring and herring roe on kelp are discernible among the
17 communities of the Bristol Bay area. First pattern,
18 identified by Wright and Chythlook is a subsistence use
19 of herring and herring roe on kelp in immediate proximity
20 to the village. Togiak and Twin Hills residents
21 subsistence fish for herring and gather subsistence
22 herring and herring roe on kelp near Togiak Village.

23

24 The second pattern, also identified by
25 Wright and Chythlook is a use of herring and herring roe
26 on kelp by subsistence users who must travel a short
27 distance from their village. Residents of Manokotak,
28 Aleknagik and Dillingham who travel short distances to
29 Kulukak and Metervik Bay to carry out their subsistence
30 herring activities, carry out this pattern. Some
31 residents have herring roe on kelp camps. Dillingham
32 residents use the marine waters from Metervik Bay to
33 Etolin Point in Nushagak Bay to take herring, herring roe
34 on kelp, other salt water fish and marine mammals.
35 Aleknagik residents use the marine waters from Asigyukpak
36 Spit in Hagemeister Strait to Etolin Point in Nushagak
37 Bay to harvest marine mammals and marine fish.

38

39 A third pattern consists of subsistence
40 users from farther away who also may or may not have
41 camps and may or may not participate with their families.
42 Generally they are a few commercial fishermen from each
43 of the Bristol Bay, Alaska Peninsula and Chignik fishery
44 management area villages who are involved in a variety of
45 subsistence activities during breaks in the commercial
46 fishing periods, including taking herring and/or herring
47 roe on kelp. For this type of use, specific fishing
48 locations within Federally administered waters are not
49 known.

50

00139

1 Several resolutions were received and
2 public testimony was given at the September 30th/October
3 1st Bristol Bay Subsistence Regional Advisory Council
4 meeting about the participation of some residents of the
5 communities in the Bristol Bay and Chignik management
6 areas.

7
8 I wish to clarify a feature of Table 1,
9 which can be found on Pages 420 and 421 in your book.
10 Unless it's specifically stated in the comments column
11 that herring and herring roe on kelp is not listed in the
12 CPDB. The dashes should be construed as zeros. Zeros
13 would indicate that ADF&G asked the interviewee about the
14 subsistence use of herring and herring roe on kelp but
15 the interviewee did not report any harvest for that
16 reporting year. Dashes would indicate there is no data.

17
18 The proposal for herring and herring roe
19 on kelp, if adopted, will provide the rural residents of
20 the communities being granted a positive customary and
21 traditional use determination. A limited opportunity to
22 harvest a subsistence resource in a small area of
23 Federally managed waters in the Bristol Bay management
24 area confined to the Togiak district and portions of
25 waters limited to portions of the coast of Togiak
26 National Wildlife Refuge. This opportunity already
27 exists under State regulations. It is not expected that
28 adoption of this portion of the proposal will effect
29 significant change in resource use patterns of Bristol
30 Bay residents. Compared to other subsistence resources
31 used by Bristol Bay communities, the documented
32 subsistence use of herring and herring roe on kelp is
33 low.

34
35 Mr. Chairman, that concludes my
36 presentation.

37
38 CHAIRMAN DEMIENTIEFF: Thank you.
39 Written public comments.

40
41 MR. EDENSHAW: Thank you, Mr. Chair, and
42 Board members. The public written comments were omitted
43 from the book but we received four written comments at
44 the Council meeting.

45
46 One from the Ugashik Traditional Council,
47 the Native Village of Port Heiden, Pilot Point and the
48 Becharof Corporation for the community of Egegik all
49 supported a positive and customary and traditional use
50 determination for herring and herring roe on kelp.

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1 And those were the public comments, Mr.
2 Chair.

3

4 CHAIRMAN DEMIENTIEFF: Thank you. There
5 are no request for additional public testimony at this
6 time. Regional Council comment.

7

8 MR. O'HARA: Mr. Chairman, you will
9 notice that this proposal is a fairly long one and, of
10 course, we support it. Along with all the items in this
11 proposal, you will notice names of various communities
12 that participated in roe on kelp. And just for your
13 information as far as down as Chignik when the guys come
14 around, even with the seiners to seine in the Metervik
15 Bay and Mud Bay or wherever they're going to be seining,
16 Tongue Point, these people will take time to go do a
17 subsistence type thing on roe on kelp.

18

19 And so it's a pretty far reaching
20 proposal. Probably the biggest impact I would imagine,
21 Cliff, would be impacting Manokotak and Twin Hills and
22 Togiak and those villages that are closer, you know, who
23 are -- and some of them, of course, have a commercial
24 permit for doing roe on kelp commercially. But for the
25 subsistence part of it, we supported this proposal.

26

27 CHAIRMAN DEMIENTIEFF: Thank you. Staff
28 Committee.

29

30 MR. SIMMONS: Thank you, Mr. Chair. Rod
31 Simmons, Fish and Wildlife Staff Committee member. I'll
32 summarize the Staff Committee recommendations, first on
33 halibut and that's found on Page 411.

34

35 The Staff Committee recommends deferring
36 that portion of the request for a positive customary and
37 traditional use determination for halibut. With the
38 justification that the management of halibut is governed
39 by the International Halibut Treaty and the North Pacific
40 Halibut Act with jurisdiction in the United States
41 resting with the Secretary of Commerce. Title VIII of
42 ANILCA does not supersede nor modify the North Pacific
43 Halibut Act. At this time there are legal uncertainties
44 regarding whether the Federal Subsistence Board can
45 actually implement subsistence halibut regulations and,
46 if so, whether these regulations would have to go before
47 the International Pacific Halibut Commission for
48 approval.

49

50 Upon resolution of these issues this

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1 proposal can be reexamined for appropriate processing and
2 potential Board action. That concludes the Staff
3 Committee recommendations relative to halibut.

4

5 On the second point, for herring and
6 herring roe on kelp, the Staff Committee did not reach
7 consensus on a recommendation on that portion of the
8 request for a positive customary and traditional use
9 determination. The majority of members would also defer
10 this portion of the proposal because additional
11 information is needed on the use of the resource
12 pertinent to Federal waters for some of the Alaska
13 Peninsula communities in the Bristol Bay area.

14

15 A minority viewpoint favors adopting the
16 proposal as modified by the Bristol Bay Subsistence
17 Regional Advisory Council. The modified proposal
18 language as recommended by the minority viewpoint is
19 found in the middle of Page 411 which names specific
20 Federal waters and for herring roe on kelp, residents of
21 Bristol Bay area and Chignik area.

22

23 The justification for the majority
24 viewpoint on deferral recognizes that herring and herring
25 roe on kelp are important resources taken, given and
26 received, traded to greater or lesser extent by Bristol
27 Bay area communities depending on a number of factors
28 including proximity to the resource, harvest of competing
29 subsistence resources and the presence in the community
30 of one or more commercial herring fishermen. There is
31 good documentation that the rural residents of the
32 northern Bristol Bay communities use and have used
33 herring and herring roe on kelp as important subsistence
34 resources. However, there is less substantial written
35 documentation of use of the resource for some of the
36 Alaska Peninsula communities in the Bristol Bay area,
37 possibly because the subsistence use of these resources
38 is relatively small compared to all other subsistence
39 resources. The majority of the members of the Staff
40 Committee noted that only a very limited area of Bristol
41 Bay marine waters located in the northern Bristol Bay
42 area is under Federal jurisdiction.

43

44 The minority viewpoint of the Staff
45 Committee members who supported the option of the
46 proposal based on the recommendations of the following
47 factors.

48

49 1. Concurrence with the Bristol Bay
50 Subsistence Regional Advisory

00142

1 Council's recommendation.

2

3 2. The documented C&T usage of
4 herring and herring roe on kelp
5 subsistence resources by the
6 specified communities within the
7 designated Federal waters.

8

9 3. The alignment with mandates
10 provided by ANILCA, Title VIII,
11 Section .805 (c).

12

13 That concludes the Staff Committee
14 recommendation.

15

16 CHAIRMAN DEMIENTIEFF: Thank you.

17 Department comments.

18

19 MS. SEE: Mr. Chair. Members of the
20 Board. Council Chairs. We would offer that we should
21 split our comments into the two areas also identified by
22 the Staff Committee.

23

24 For herring and herring roe, we support
25 the Interagency Staff Committee majority recommendation
26 to defer this portion. There's substantial documentation
27 of subsistence uses of herring and herring roe of
28 communities in the Togiak district. This formed the
29 basis of a customary and traditional use finding for the
30 communities of Togiak, Twin Hills, Manokotak, Aleknagik,
31 Dillingham, Clark's Point and Ekok by the Alaska Board of
32 Fisheries. This was back when the State did
33 determinations by communities. The Department believes
34 that a Federal finding of customary and traditional uses
35 for herring and herring roe is appropriate for these
36 communities and would be consistent with the State's
37 approach.

38

39 In addition, because the Federal marine
40 waters in the Bristol Bay area are confined to the Togiak
41 district. Adopting the State finding would focus the
42 Federal rule on Federal waters. But in contrast, survey
43 information from other communities in Bristol Bay and the
44 Nushagak River documents a lack of substantial evidence
45 of traditional harvesting of herring and herring roe by
46 these communities. And by that I mean that there were
47 surveys conducted in which specific questions were asked
48 but usage was either not there or was very, very low.

49

50 The uses that have been documented are

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1 not longstanding but rather reflect a recent pattern of
2 limited use whose origin and continuation is linked to
3 commercial fishing. This issue warrants further
4 consideration prior to a finding regarding customary and
5 traditional uses. And by recent, I mean from
6 approximately 1977. We also note that some technical
7 problems with the analysis need to be addressed to
8 accurately characterize the existing data and to clearly
9 distinguish subsistence harvest from associated
10 commercial activities.

11

12 At this time we considered that the data
13 and analysis presented to address the eight factors for
14 customary and traditional use do not support, including
15 these other areas identified in the proposal.

16

17 We do recommend that the Board defer this
18 portion of the proposal to look more closely at specific
19 information about subsistence uses of herring and herring
20 roe on by those communities that are outside the Togiak
21 district.

22

23 Regarding the halibut portion of this
24 proposal, the Department does not support that. For
25 jurisdictional reasons we do not support a Federal
26 customary and traditional use determination for halibut
27 in Bristol Bay. As we noted in comments we previously
28 submitted regarding this proposal back in the spring, the
29 Federal Subsistence Board does not have jurisdiction over
30 halibut caught in marine waters. Halibut are managed
31 under the terms of an international treaty which is
32 implemented by the Halibut Act and the regulations are
33 adopted underneath that. Under this regime, the
34 Secretary of Commerce and the North Pacific Fishery
35 Management Council are charged with management authority
36 for halibut fisheries in the U.S. waters. The elements
37 of this proposal dealing with halibut should thus be
38 directed to that Council rather than to the Federal
39 Subsistence Board.

40

41 Thank you.

42

43 CHAIRMAN DEMIENTIEFF: Board discussion.

44

45 MR. EDWARDS: Mr. Chairman, it's my
46 understanding and if I'm correct, that, currently herring
47 roe on kelp is limited to the Togiak district and this
48 would expand it to a larger community. Did we have any
49 comments from folks in the Togiak district that are going
50 to be impacted by this, what was their view on this?

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1 MS. McCLENAHAN: Thank you, Mr. Chairman.
2 There were no people from Togiak except for our Council
3 member from Togiak, who -- no one had any comments from
4 Togiak area.

5
6 CHAIRMAN DEMIENTIEFF: Dan.

7
8 MR. O'HARA: You know, that's really a
9 good point and I hesitate to say that we should speed
10 along on this because I think there's a lot of areas that
11 have not come forward on the use of it and I think Twin
12 Hills, Manokotak and Togiak are going to have the
13 greatest impact on a very small area of subsistence use
14 and the roe on kelp doesn't come back very often and very
15 soon. And you got to make sure you've got a recruitment
16 stock there to keep using and you've got massive areas
17 that have used it. Just like, how do you determine, you
18 know, a customary and traditional use of something like
19 that without anybody other than Peter, who, I believe,
20 what we were 200 miles from Togiak having a meeting and
21 no one was there with any public input. That's a
22 concern. I appreciate that point.

23
24 MR. EDWARDS: I guess then I just would
25 add to that then, sort of what you're saying there, there
26 may be some questions whether the residents of the Togiak
27 district, you know, fully understood what was being
28 recommended and fully had the opportunity to express
29 their views one way or the other.

30
31 MR. O'HARA: Mr. Chairman, may I comment
32 on that?

33
34 CHAIRMAN DEMIENTIEFF: Go ahead.

35
36 MR. O'HARA: Yeah, that's putting it
37 lightly. When you go over there, put about five or six
38 microphones in the back and have a translator, they
39 didn't even show up at Naknek so, you know, who knows how
40 we're impacting those people and I've got to be careful
41 that I don't go beyond the bounds of the Council's
42 recommendation but that is where the rubber meets the
43 road type of a thing. You have to have an interpreter
44 when you go to Manokotak and Twin Hills and Togiak. When
45 they come to Dillingham to meet with our Council if they
46 have a concern, John Dysak from one of the Federal
47 agencies interprets the language and when we had our
48 meeting over there a few years back, we had to have an
49 interpreter. So I don't think they're fairly represented
50 as far as being knowledgeable about what we're doing here

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1 today.

2

3 MR. BISSON: Mr. Chairman, I would have
4 one question. You know, given that there's two
5 components to this proposal, one on halibut and one on
6 herring roe; the one on halibut, I guess I'm trying to
7 understand why there's any benefit in deferring it, why
8 we wouldn't propose to simply reject it at this point. I
9 don't see anybody that seems to think we have the legal
10 authority to make a decision on it why would we want to
11 keep it alive. So, you know, I guess as we think this
12 through, I would ask that we consider rejecting the
13 halibut part of the proposal and then deferring the
14 remaining proposal until we have more information.

15

16 MR. BUNCH: Is that a certainty, Mr.
17 President, do we -- Mr. Chair, do we have not have
18 jurisdiction over halibut?

19

20 CHAIRMAN DEMIENTIEFF: Keith.

21

22 MR. GOLTZ: It's a matter we've been
23 discussing with the North Pacific Fishery Council. We've
24 gotten some surprising responses out of them and we still
25 have to work through it.

26

27 CHAIRMAN DEMIENTIEFF: Maybe then the
28 appropriate action would be just to go ahead and defer
29 consideration of the whole proposal, having those two
30 things completed at this point because we need to finish
31 our work with -- find out if we do have jurisdiction and
32 it sounds like we're not -- probably not going to get
33 that far away. Pat.

34

35 MS. McCLENAHAN: Thank you, Mr. Chairman.
36 Tim Jennings asked me to point out that use opportunity
37 does exist for herring and herring roe on kelp already
38 under State regulations.

39

40 CHAIRMAN DEMIENTIEFF: Yeah.

41

42 MR. EDWARDS: Mr. Chairman, I move that
43 we defer on both aspects of this proposal as recommended
44 by the majority of the Interagency Staff Committee.
45 Certainly as we just discussed the legal uncertainties
46 regarding the Federal Subsistence Board's authority and
47 the North Pacific Halibut Act require that clarification
48 would take place prior to enacting any regulations. And
49 I'd also recommend we defer upon the herring and herring
50 roe on kelp portion of the proposal to allow time for a

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1 more complete analysis to be prepared that would more
2 adequately document community use.

3

4 In saying that, I do note that by
5 deferring on herring wouldn't really have any effect
6 because it's my understanding that it's open to all
7 qualified users and certainly based upon the discussion
8 we had with regards to potential impact on the Togiak
9 district and their ability to be properly informed and
10 voice their opinion on it, I think would warrant that we
11 try to ensure that we have a broader discussion on the
12 impacts on this issue and who may or may not be adequate
13 to -- or having C&T demonstrated.

14

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

17

18 MR. BUNCH: I second it.

19

20 CHAIRMAN DEMIENTIEFF: Discussion on the
21 motion.

22

23 MS. GOTTLIEB: Mr. Chair.

24

25 CHAIRMAN DEMIENTIEFF: Yes.

26

27 MS. GOTTLIEB: I was wondering if one of
28 the fisheries studies is going to or we might come up
29 with the fisheries proposal -- fisheries information
30 proposal to look at these specific geographic areas. I
31 didn't know if that was one we had on the books now or
32 might consider in the future.

33

34 CHAIRMAN DEMIENTIEFF: I don't know.
35 We're just going to have to get that answer somehow Judy.
36 Our people aren't here so we have no way of knowing.
37 Okay, any further discussion on the motion.

38

39 (No discussion)

40

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

44

45 IN UNISON: Aye.

46

47 CHAIRMAN DEMIENTIEFF: Those opposed,
48 same sign.

49

50 (No opposing votes)

00147

1 CHAIRMAN DEMIENTIEFF: Motion carries. I
2 think we're going to move into the Yukon northern area.
3 Proposal FP03-02; is that right?

4

5 MR. BOYD: Yes.

6

7 CHAIRMAN DEMIENTIEFF: Okay. Kind of
8 what my plan is, as they're setting up, is we will --
9 having one proposal left from Kodiak and completing our
10 work on Southeast, we'll begin work on the other Bristol
11 Bay proposal at 1:00 o'clock. There's no real reason for
12 us to begin at 8:30 in the morning, I don't think.
13 Della's just running down some additional information for
14 their proposal, it doesn't appear it's going to take very
15 long. And completing work on Southeast shouldn't take
16 very long either, you know, we had thorough discussion on
17 it today. So we probably won't start until 10:00
18 o'clock. We have to wait until 1:00 o'clock for Dan to
19 get back. He's got to go back home tonight and then get
20 back here and he won't get here until 1:00, so that's
21 kind of going to be our schedule here.

22

23 Okay, go ahead.

24

25 MR. BERG: Thank you, Mr. Chairman. Good
26 afternoon, Mr. Chair, Board members and Council Chairs.
27 Fishery Proposal 03-02 is found under Tab H.

28

29 Fishery Proposal 03-02 was submitted by
30 AVCP and requests
31 the use of rod and reel to harvest salmon in Yukon River
32 tributaries 24 hours a day seven days a week unless
33 already specifically restricted in regulation.

34

35 This proposal would allow the use of rod
36 and reel to harvest salmon in Federal waters of Yukon
37 River tributaries during scheduled closed periods for
38 subsistence salmon fishing. This would apply to both the
39 subsistence schedule surrounding commercial openings and
40 the relatively new subsistence schedules put in place
41 over the past couple of years. Prior to 2001,
42 subsistence fishing in the Yukon River drainage was
43 generally open seven days a week until commercial fishing
44 season opened. Once the commercial fishing season
45 opened, subsistence fishing was either closed before,
46 during or after commercial periods in the lower districts
47 or was concurrent with commercial periods in the upper
48 river districts. These regulations continue to apply in-
49 season when commercial fishing periods are announced.

50

00148

1 In addition to these closures set in
2 regulation, the Alaska Board of Fisheries adopted a
3 reduced subsistence fishing schedule in January of 2001.
4 This new schedule also applies to Federal waters and
5 includes all methods as agreed to under the terms of the
6 Federal/State interim Memorandum of Agreement. This
7 relatively new reduced subsistence fishing schedule has
8 been implemented in late May and applies chronologically
9 by district consistent with the migration of the salmon.

10
11 All closures apply to all methods
12 including rod and reel. While these subsistence fishings
13 schedules close to harvest of salmon by all methods
14 including rod and reel, sportfishing for salmon on the
15 Yukon River tributaries is allowed seven days a week with
16 various bag limits for salmon throughout the drainage.

17
18 Yukon River chinook, summer chum and fall
19 chum salmon have been identified as stocks of concern by
20 Alaska Board of fisheries and are being managed
21 accordingly with a reduced subsistence fishing schedule.
22 Similar reductions in subsistence fishing time have also
23 been implemented in the Kuskokwim River drainage but that
24 schedule only applies to nets and fishwheels.
25 Subsistence fishing with rod on the Kuskokwim River
26 drainage is allowed seven days a week, 24 hours a day in
27 both State and Federal regulation.

28
29 There are a few specific Federal
30 regulatory restrictions in place for various headwater
31 streams within the Yukon River drainage. This proposal
32 would not change these restrictions which generally apply
33 to areas which have an easy access and could lead to
34 conservation risks.

35
36 The average annual subsistence harvest
37 for the past 10 years for the Alaska portion of the Yukon
38 River has been almost 278,000 salmon. It's not known how
39 many of these salmon are caught by rod and reel but it's
40 likely a very low percentage of the overall harvest. The
41 Yukon River residents do occasionally use rod and reel to
42 harvest salmon for subsistence however the vast majority
43 of salmon are harvested using drift and set gillnets and
44 fishwheels.

45
46 If this proposal is adopted it would
47 benefit subsistence fishermen who wanted to harvest an
48 occasional fresh salmon with rod and reel during the
49 subsistence fishing schedule closures.

50

00149

1 Although chinook, summer chum and fall
2 chum salmon are being managed conservatively to help
3 rebuild the runs, the few salmon likely to be taken by
4 rod and reel would not likely result in a substantial
5 increase in the overall harvest of salmon.

6

7 The scheduled closures are most
8 applicable to subsistence net and fishwheel fisheries.

9

10 If this regulation were only applied to
11 the tributaries of the Yukon River drainage, it would
12 create a more complicated and confusing set of
13 regulations. There is little, if any, rod and reel
14 subsistence fishing in the main stem of the Yukon River,
15 however, allowing rod and reel use throughout Federal
16 waters of the entire river drainage including the main
17 stem and tributaries would make regulations easier for
18 everyone to understand.

19

20 The proposal, if adopted, would create a
21 difference between Federal and State subsistence
22 regulations. The proposed regulation would allow
23 subsistence fishing with rod and reel seven days a week
24 in Federal waters of the Yukon River similar to the
25 existing State sportfishing regulations except that
26 subsistence fishermen would not be subject to a harvest
27 limit unless superseded by a separate action in-season.

28

29 If adopted, it is recommended that a
30 system be established to monitor the subsistence salmon
31 harvest by gear type, similar to the harvest data
32 collection methods used in the Kuskokwim River area.
33 This would help assess any potential concerns, especially
34 if salmon harvest by rod and reel become large enough to
35 adversely impact small discreet stocks in tributary
36 streams.

37

38 That's all I have, Mr. Chair. I'll be
39 happy to try to answer any questions at this time.

40

41 Thank you.

42

43 CHAIRMAN DEMIENTIEFF: Written public
44 comments.

45

46 MR. NICK: Mr. Chair. The book show that
47 there are no written comments but we just received
48 resolution from Village of Mountain Village and with your
49 permission, Mr. Chair, I'd like to read the resolution.

50

00150

1 CHAIRMAN DEMIENTIEFF: Go ahead.

2

3 MR. NICK: Resolution 02-27 submitted
4 Asa'carsarmiut Tribal Council of Mountain Village reads:

5

6 Whereas, the Asa'carsarmiut Tribal
7 Council is the Federally recognized governing body
8 representing the Asa'carsarmiut tribe; and

9

10 Whereas, the Asa'carsarmiut Tribal
11 Council feels that it is not in the best interest of
12 tribal members specifically of our elders that this
13 proposed regulation shall allow sportfishing and at the
14 same time to allow for subsistence with rod and reel; and

15

16 Whereas, in the Yukon River drainage
17 there has been times when sportfishing has been allowed
18 24 hours a day seven days a week while subsistence rod
19 and reel fishermen have been limited to specific
20 schedules, such as three days a week in the lower Yukon;
21 and

22

23 Whereas, the tribal council acting with
24 consultation with tribal members does not want
25 sportfishing to be allowed altogether on the Yukon River
26 drainage;

27

28 Now, therefore be it resolved that the
29 Asa'carsarmiut Tribal Council requests that this proposed
30 regulation not be adopted by the Federal Subsistence
31 Board.

32

33 Passed and approved by a quorum of the
34 Asa'carsarmiut Tribal Council the 16th day of December
35 2002 with a vote of six in favor, zero against and zero
36 absent and zero abstaining. And it was signed by James
37 C. Landlord, First Chief, Secretary and Treasurer.

38

39 Mr. Chairman, I do have limited copies
40 for the Board.

41

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

45

46 MR. WILDE: Mr. Chairman, Yukon
47 Kuskokwim-Delta Regional Advisory Council recommends
48 support the proposal as submitted. Yukon tributaries
49 only. I really have a problem with this proposal. I had
50 some people calling to me at my home even from mouth of

00151

1 Yukon, some elders, they say that if this proposal pass,
2 you guys going to come down and teach us how to be
3 sportfishermen. And this teach us as Council in that
4 area, we have to respect our people. Instead when the
5 Staff present something to us and that's not accepted
6 right away, when we ask Staff if the sportfishermen will
7 not able to come down to this area, they say, yeah, but
8 then Staff written words, these sportfishermen will able
9 to go down and fish while after the subsistence fishermen
10 fishing.

11

12 That's the problem I had. So I want you
13 to understand that we support it, Mr. Chairman.

14

15 CHAIRMAN DEMIENTIEFF: Thank you.
16 Regional Council comments.

17

18 MR. THOMAS: Yes.

19

20 CHAIRMAN DEMIENTIEFF: I got a few
21 questions for Jerry. Who has jurisdiction over those
22 waters?

23

24 MR. BERG: Mr. Chair. Mr. Thomas, it
25 would include the entire Yukon drainage so it's a
26 patchwork of different Federal waters throughout the
27 Yukon drainage and it would include, you know, National
28 Park Service lands as well as some Fish and Wildlife
29 Service lands.

30

31 MR. THOMAS: But they're still Federal
32 waters -- they're still Federal, right?

33

34 MR. BERG: It's some Federal waters and
35 also some State jurisdiction waters, it's kind of a
36 patchwork as you move up stream. It goes through some
37 Federal waters back into State and back into Federal, but
38 a considerable amount are Federal waters.

39

40 MR. THOMAS: Okay, my next question is
41 why is the subsistence harvest interrupted when other
42 fisheries are occurring; do you know?

43

44 MR. BERG: Well, I guess it's mostly,
45 from my understanding, from a law enforcement standpoint,
46 to make sure that the subsistence harvest don't occur
47 during the commercial openings at the same time, during
48 the commercial openings so there's not a crossover of
49 subsistence fish entering into the commercial market.
50 Are those the closures you're referring to?

00152

1 MR. THOMAS: Yes, it is. What type of
2 gear does the commercial fishermen use?

3

4 MR. BERG: Well, I believe I don't think
5 I could answer it totally accurate. I believe for chum
6 salmon they're using five and three-quarter inch gear
7 probably.

8

9 MR. THOMAS: But they're not using rod
10 and reel?

11

12 MR. BERG: They're not using rod and
13 reel, correct.

14

15 MR. THOMAS: Okay. Do you have any
16 reason why the gear type is limited to rod and reel?
17 It's okay if you don't know.

18

19 MR. BERG: For this proposal the gear
20 type is limited to rod and reel because all other gear
21 types are currently allowed and this is the only gear
22 type that's not allowed -- well, actually all gear types
23 are closed during subsistence closures and this would
24 just allow an opportunity for people to go out and
25 harvest an occasional fresh salmon using rod and reel
26 when other gear types are not allowed.

27

28 MR. THOMAS: Thank you. Mr. Chairman,
29 might I ask a questions of the Board?

30

31 CHAIRMAN DEMIENTIEFF: In due time.
32 Let's give the other Council Chairs here an opportunity
33 to speak. Gerald.

34

35 MR. NICHOLIA: Yeah, thank you, Mr.
36 Chairman. We support it with the modification the OSM
37 Staff brought up along with Western.

38

39 CHAIRMAN DEMIENTIEFF: Ronny.

40

41 MR. SAM: Thank you, Mr. Chairman. As
42 Mr. Wilde stated, we've been discussing this issue of how
43 come the sportfisheries is open while all the subsistence
44 activities were closed, especially with the rod and reel
45 issue, we've been discussing this issue for a good two
46 years or so and, again, Western Interior supports this
47 proposal with modification simply because under ANILCA we
48 believe that we have all subsistence rights and we should
49 be granted this opportunity.

50

00153

1 Thank you.

2

3 CHAIRMAN DEMIENTIEFF: Staff Committee.

4

5 MR. SIMMONS: Thank you. Mr. Chair.
6 Members of the Board. I'll refer you to Page 452 of your
7 Board book. The Interagency Staff Committee
8 recommendation is to adopt the proposal with the
9 modification to include all Federal waters in the Yukon
10 River drainage consistent with the recommendations of the
11 Eastern Interior and Western Interior Regional Advisory
12 Councils.

13

14 The modified proposed regulation would

15 read:

16

17 Unless otherwise restricted in this
18 section, you may take fish in the Yukon
19 northern area at any time. You may
20 subsistence fish for salmon with rod and
21 reel in the Yukon River drainage 24 hours
22 a day and seven days per week unless
23 specifically restricted in this section.

24

25 The justification of this recommendation
26 is subsistence fishermen have traditionally used rod and
27 reel to harvest salmon. The modified proposal would
28 provide an added opportunity to harvest an occasional
29 fresh salmon using rod and reel. This would apply
30 throughout the Yukon River drainage during scheduled
31 subsistence salmon closures unless restricted in-season
32 by special action.

33

34 Restricting the use of rod and reel to
35 only the tributaries would create a more complicated set
36 of regulations. Allowing the use of rod and reel in all
37 Federal waters of the Yukon River drainage would be
38 easier for everyone to understand.

39

40 Current specific regulatory restrictions
41 in a few of the Yukon River headwater streams would
42 remain in place to continue protections of fish
43 population in those areas. The small number of salmon
44 likely to be taken by rod and reel before, during and
45 after commercial openings as well as during closed
46 periods of subsistence gillnet and fishwheel salmon
47 fisheries will not likely impact the overall salmon
48 harvest levels or the conservation efforts of salmon in
49 the Yukon River drainage.

50

00154

1 While recognizing that the recommendation
2 of the Yukon Kuskokwim-Delta Regional Advisory Council
3 was to support the proposal as written, the Staff
4 Committee recommended that the proposed regulation apply
5 throughout the Yukon River drainage for the reasons
6 stated above.

7

8 That concludes Staff Committee
9 recommendations, Mr. Chair.

10

11 CHAIRMAN DEMIENTIEFF: Thank you.
12 Department comments.

13

14 MS. SEE: Mr. Chair. Members of the
15 Board. Council Chairs.

16

17 The Department recommends on this
18 proposal that the Board defer the decision. It's really
19 an issue about timing, primarily, that causes us to come
20 forward with that recommendation.

21

22 If adopted, this proposal as it stands
23 now would create a divergence between State and Federal
24 regulations regarding the use of rod and reel unless the
25 State's regulation is also modified. The Alaska Board of
26 Fisheries has received a recent request to change the new
27 rod and reel regulation but deferred action until that
28 region's regulations are reviewed next year. This action
29 by the Board indicates that in the meantime they
30 considered that there was reasonable opportunity for
31 subsistence users to obtain the amount necessary for
32 subsistence in the absence of a proposed change.

33

34 There's another part we wanted to note
35 here, currently, all subsistence fishing in the lower
36 Yukon River is separated from commercial fishing periods
37 in order to prevent subsistence caught salmon from
38 entering the commercial market and I believe the Staff
39 mentioned this a few minutes ago.

40

41 This provision was enacted in January
42 2001 when the Alaska Board of Fisheries revised the Yukon
43 River King Salmon Management Plan and established window
44 regulations for conservation purposes. And as most of
45 you know, the windows, as they're called provide a way to
46 ensure that fish can move up river to spawn and reach
47 upper river users and, in fact, allow unfished fish to
48 move up river.

49

50 If a change in Federal regulations does

00155

1 occur and these fisheries then overlap, the Department
2 recommends that the Federal fishery be monitored by the
3 appropriate agency.

4
5 We just wanted to note also that under
6 coordinated management, State and Federal regulations
7 should provide harvest opportunity as well as be aligned
8 as much as is possible to reduce potential confusion for
9 the public. We do recommend that the Federal Subsistence
10 Board consider deferring action for one year to address
11 this proposal in this same public review period as the
12 State regulatory process.

13
14 Thank you.

15
16 CHAIRMAN DEMIENTIEFF: Thank you. Board
17 discussion. Gary.

18
19 MR. EDWARDS: Mr. Chairman, given that if
20 passed the small amount of harvest that would occur as a
21 result of this and given that this would allow the
22 subsistence fishermen to be consistent with the
23 sportfishing opportunities.

24
25 I would move that we adopt the
26 recommendations of the Eastern and Western Interior
27 Regional Advisory Council which was the same as the Staff
28 Committee's and that we would allow rod and reel
29 subsistence fishing within the Yukon drainage 24 hours a
30 day and seven days per week unless specifically
31 restricted.

32
33 CHAIRMAN DEMIENTIEFF: There's a motion,
34 is there a second?

35
36 MR. BUNCH: I second it.

37
38 CHAIRMAN DEMIENTIEFF: Discussion.

39
40 MS. GOTTLIEB: Mr. Chair.

41
42 CHAIRMAN DEMIENTIEFF: Yes.

43
44 MS. GOTTLIEB: I wonder if we could,
45 maybe address Mr. Wilde's concern. It sounded like some
46 of your RAC members or users were concerned that this
47 might bring more sportfishing people into the region; was
48 that correct?

49
50 MR. WILDE: Yes, ma'am. All this thing

00156

1 just start -- AVCP, they had only for hunting, moose
2 hunting areas. What happened is when a couple of -- man
3 and son, they were caught by the enforcement to try to
4 get freshwater inside of -- in front of the camp and when
5 enforcement catch them, they take everything they have
6 and they really scared that little boy, 10 year old boy,
7 and ever since then every time when they see law
8 enforcement he hide, that's for that reason that AVCP had
9 that opening from Piamuit Slough all the way down.
10 That's what it is.

11

12 And elders, in the Yukon, they really not
13 support this because they don't know how to use rod and
14 reel.

15

16 CHAIRMAN DEMIENTIEFF: Further
17 discussion. Bill -- oh, go ahead.

18

19 MR. BISSON: I was just going to say, Mr.
20 Chairman, as I understand it though, this proposal
21 doesn't affect the ongoing subsistence that's happening,
22 it just expands and gives people an additional
23 opportunity to do subsistence fishing at a time when they
24 might otherwise not be able to. So it's for those people
25 who can fish with a rod and reel, it gives them more
26 opportunity to subsist.

27

28 CHAIRMAN DEMIENTIEFF: Bill.

29

30 MR. THOMAS: Thank you, Mr. Chairman.
31 The RACs and the Board's only charge is to provide
32 continued opportunity as a priority. We're talking
33 subsistence. This is a subsistence forum. A subsistence
34 management forum. And we're not here to choose sides and
35 pick sides with other user groups. Other user groups
36 have their own forums and their own schedule.

37

38 The Staff recommendation, I find it
39 really inappropriate. The justification in there very
40 eloquently manages the users and not the resource, we
41 have to get away from that.

42

43 And conflicts with the State are going to
44 occur. We knew that. You know, in 1969 when they
45 decided to turn their back on a rural priority, that was
46 expected to happen. And in talking about spawn, spawn
47 nowadays is a primary target for many of those commercial
48 fishermen because of the marketing difference and the
49 profit difference. Okay, so what if subsistence fish
50 enter the commercial market, there are provisions in this

00157

1 to deal with that. You got people that are going to
2 violate, you're not going to -- you know, you can't
3 manage them to a point to where they're not going to do
4 wrong, I mean they're not Board members.

5
6 So keep in mind that your responsibility
7 is to the subsistence users and let the other groups take
8 care of what they have. If you have to have a combined
9 forum to address those then wait for that time to do it,
10 but for now, let's put our sensitivities, our support,
11 our responsibilities and charges with the subsistence
12 community.

13
14 Thank you, Mr. Chairman.

15
16 CHAIRMAN DEMIENTIEFF: Additional
17 discussion.

18
19 MS. GOTTLIEB: Mr. Chair.

20
21 CHAIRMAN DEMIENTIEFF: Yes.

22
23 MS. GOTTLIEB: I think this proposal is
24 very good because I think it is very responsive to the
25 situation. Everyone on the Yukon/Kuskokwim was exposed
26 to last summer where subsistence users were saying that
27 they were basically sitting on the bank while sport
28 people were fishing and so this rule -- this regulation
29 would solve that problem but it won't solve the problem
30 of people not knowing how to fish with rod and reel.

31
32 CHAIRMAN DEMIENTIEFF: Further
33 discussion. If not, we're going to go ahead and vote
34 then.

35
36 (No discussion)

37
38 CHAIRMAN DEMIENTIEFF: All those in favor
39 of the motion, please signify by saying aye.

40
41 IN UNISON: Aye.

42
43 CHAIRMAN DEMIENTIEFF: Those opposed.

44
45 (No opposing votes)

46
47 CHAIRMAN DEMIENTIEFF: Motion carries.
48 That completes our public work today. We will reconvene
49 again at 10:00 a.m. in the morning with either Kodiak or
50 Southeast, whichever one comes first. We'll complete

00158

1 those two in the morning and do the Bristol Bay issue at
2 1:00 o'clock and have the joint meeting with the RAC
3 Chairs after that.

4

5 We are going to have a brief executive
6 session at this moment so we'll let you guys clear the
7 room -- not an executive session about the meeting, it's
8 just an administrative matter.

9

10 (PROCEEDINGS TO BE CONTINUED)

00159

1 C E R T I F I C A T E

2

3 UNITED STATES OF AMERICA)

4)ss.

5 STATE OF ALASKA)

6

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

10

11 THAT the foregoing pages numbered 2 through 158
12 contain a full, true and correct Transcript of the
13 FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME I taken
14 electronically by Nathan Hile on the 17th day of December
15 2002, beginning at the hour of 8:30 o'clock a.m. at the
16 Egan Convention Center in Anchorage, Alaska;

17

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

22

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

25

26 DATED at Anchorage, Alaska, this 26th day of
27 December 2002.

28

29

30

31

32

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 4/17/04

33

34