

00160

1 FEDERAL SUBSISTENCE BOARD

2

3 EGAN CONVENTION CENTER

4 ANCHORAGE, ALASKA

5

6

7 VOLUME II

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9 DECEMBER 18, 2002

10 10:00 o'clock a.m.

11 PUBLIC MEETING

00161

1 PROCEEDINGS

2

3 (Anchorage, Alaska - 12/18/2002)

4

5 (On record)

6

7 CHAIRMAN DEMIENTIEFF: We'll go ahead and
8 do Kodiak/Aleutians area first. That would be FP03-07.
9 And with that, we'll do the Staff analysis.

10

11 MR. UBERUAGA: Mr. Chair. Members of the
12 Board. I refer you to Tab F, Page 395.

13

14 Fisheries Proposal FP03-07 submitted by
15 the Kodiak National Wildlife Refuge would decrease the
16 annual harvest limit and restrict the allowable size for
17 male king crab in the vicinity of Kodiak Alaska. As
18 submitted this proposal would result in a partial
19 alignment with ADF&G subsistence regulations. The
20 current Federal Subsistence regulations read as follows:

21

22 The annual harvest and possession limit
23 is six crabs per household, only male
24 king crab may be taken or possessed.

25

26 The proposed regulations would read:

27

28 The annual harvest and possession limit
29 is three crabs per household, only male
30 king crabs seven inches or greater in
31 width of shell may be taken or possessed.

32

33 All residents of Kodiak Island Borough
34 except those residents of the Kodiak Coast Guard Base
35 have a customary and traditional use determination for
36 shellfish and may harvest subsistence king crab in
37 Federal marine waters.

38

39 Women's Bay near Kodiak Alaska is a
40 Federally managed subsistence area in the Alaska National
41 Maritime Wildlife Refuge that has always supported red
42 king crab populations. Federal waters are shown in the
43 map in dark blue and make up a small percentage of the
44 overall area containing king crab. Women's Bay has
45 significantly higher densities of juvenile and female red
46 king crab than nearby areas and is thought to be an
47 important nursery area. It is easily accessible and
48 heavily used for subsistence fishing by local residents.

49

50 Despite the overall decline in abundance

00162

1 of red king crab in the Kodiak area, there have been
2 relatively higher abundance of juvenile and female king
3 crab in Women's Bay until recent years.

4
5 Currently there is a statewide
6 conservation concern for red king crab. In the 1970s
7 commercial harvest of red king crab in the Kodiak area
8 ranged from 12 to 24 million pounds with a near peak
9 harvest in the '80/81 season. By 1983, the commercial
10 fishery had collapsed and was closed to harvest. The
11 crab populations have remained depressed since 1983.

12
13 Subsistence crab harvest in the Kodiak
14 area dropped dramatically with the king crab population
15 collapse. For example, Appendix 2 on Page 405 shows that
16 the estimated subsistence harvest in the vicinity of
17 Kodiak in 1982 was almost 18,000 king crab. Eleven years
18 later, 1983 [sic], the estimated subsistence harvest was
19 around 4,600 crab.

20
21 In 1994 the Federal Subsistence Board
22 closed marine waters under Federal jurisdiction to the
23 harvest of king crab to all except for Federally-
24 qualified users. A motion to restrict the harvest of
25 male king crab with a seven inch carapace width or
26 greater failed passage by the Federal Subsistence Board.
27 In 1997 the State Board of Fisheries adopted subsistence
28 shellfish regulations which reduced the king crab
29 subsistence harvest limit in the Kodiak area from six
30 male king crab per person per day to three male king crab
31 per household per year. The State had a shell width
32 restriction of seven inch or greater carapace width in
33 place since 1990 to allow each male king crab
34 approximately two seasons of reproductive opportunity
35 before being exposed to harvest.

36
37 The current differences between State and
38 Federal regulations are, the State annual subsistence
39 limit is three crabs per household per year, while the
40 Federal annual subsistence limit is six crab per
41 household per year. The State allows no more than one
42 crab pot to take king crab while Federal regulations
43 allow five crab pots. The State has no restriction on
44 the size of the subsistence crab pot while the Federal
45 regulations restrict crab pot size to no greater than 75
46 cubic feet in capacity. State subsistence users may
47 harvest only male king crab seven inches or greater in
48 carapace width while Federal users may harvest any male
49 king crab. And lastly, State waters are open to all
50 subsistence users while Federal waters are closed to all

00163

1 but Federally-qualified users.

2

3 The effects of adopting Proposal FP-07
4 are fewer immature and female crab will be harvested from
5 marine Federal waters. More mature crabs will be in the
6 available breeding population. A seven inch carapace
7 width will eliminate the harvest of females taken by
8 mistaken identity since females do not usually reach a
9 seven inch carapace width. Harvesting only male king
10 crabs of seven inches or greater will male crab two full
11 seasons of reproductive opportunity before being
12 subjected to harvest. Modifying the proposal for the
13 size and number of crab pots used will align State and
14 Federal regulations and result in better enforcement and
15 reduced regulatory confusion.

16

17 Mr. Chair, that concludes my
18 presentation. Thank you.

19

20 CHAIRMAN DEMIENTIEFF: Thank you, very
21 much. Written public comments.

22

23 MS. CHIVERS: Thank you, Mr. Chair.
24 Michelle Chivers, Council Coordinator. There were no
25 written public comments at this time.

26

27 Thank you.

28

29 CHAIRMAN DEMIENTIEFF: Thank you. We
30 don't have any additional requests for public testimony
31 at this time. Regional Council recommendation.

32

33 MS. TRUMBLE: Thank you, Mr. Chair.
34 Della Trumble, Kodiak/Aleutians.

35

36 The Kodiak/Aleutian Advisory Council
37 discussed this issue in Cold Bay in September and they
38 had requested that the annual limit remain at six. They
39 agreed with the seven inches or greater in width of shell
40 may be taken and possessed. And they also wanted to
41 include that you may not use more than one crab pot of
42 any size to take king crab.

43

44 There was one Council member that didn't
45 quite agree with this and thought to change it to three,
46 however, in discussing this with Al Cratty last night
47 from Old Harbor, he maintained that he would like to go
48 with the rest of the Council and to keep it at the six.

49

50 Thank you.

00164

1 CHAIRMAN DEMIENTIEFF: Thank you, very
2 much. Staff Committee.

3

4 MR. SIMMONS: Thank you. Mr. Chair.
5 Members of the Board. Council Chairs. I'll refer you to
6 Tab F, Page 392 for Staff Committee recommendations.

7

8 The Staff Committee did not reach
9 consensus on a recommendation. The majority of the
10 members would favor adopting with modification to align
11 State and Federal regulations for the harvest limit and
12 crab pot restrictions. The minority of the members favor
13 adoption of the recommendation of the Kodiak/Aleutians
14 Subsistence Regional Advisory Council.

15

16 Justification of the majority viewpoint
17 is that the Kodiak red king crab population is depressed
18 to approximately one percent of former levels. There is
19 a conservation concern for this species in the Kodiak
20 area and in Women's Bay. Marine waters under Federal
21 jurisdiction in Women's Bay are a known nursery area for
22 the larger Chiniak Bay. This proposal will assist in the
23 recovery of this depressed population. The alignment of
24 State and Federal subsistence shellfish regulations will
25 result in better law enforcement through reduced
26 regulatory confusion and better harvest reporting. This
27 proposal would apply consistent management restrictions
28 that would protect the breeding population and allow a
29 limited subsistence harvest to occur. Allowing more male
30 red king crab to mature and breed before being subjected
31 to harvest is a sound management policy. The regulation
32 of the majority viewpoint, if adopted would read:

33

34 The annual limit is three crabs per
35 household, only male king crab seven
36 inches or greater in width of shell may
37 be taken or possessed. You may not use
38 more than one crab pot of any size to
39 take king crab.

40

41 The justification of the minority
42 viewpoint of the Staff Committee noted that
43 Kodiak/Aleutians Regional Advisory Council voted in
44 majority to support the modified proposal regulating the
45 subsistence harvest of king crab in Federal waters of
46 Women's Bay. The Staff Committee acknowledged that the
47 Council did recommend changes in Federal regulations that
48 would result in additional protection measures for king
49 crab via increases in the minimum size limit and
50 reduction in the number of pots. Also available data

00165

1 provided in the OSM Staff analysis indicates that the
2 average annual king crab harvest by all subsistence
3 users, both State and Federal in the combined Women's Bay
4 and Chiniak Bay areas is extremely low. Under the
5 current Federal and State harvest limit, the typical
6 harvest is estimated at 65 crabs total. Given such low
7 harvest levels, it is unlikely that additional
8 restrictions in the Federal subsistence harvest will have
9 any significant or measurable benefit to the crab
10 population. The minority viewpoint, third point, is that
11 adoption of the Council's modified version would not
12 violate principles of fish and wildlife conservation.
13 Because the original proposal would have reduced the
14 annual harvest limit, the Council also rejected it on
15 grounds that it would unnecessarily restrict subsistence
16 activities and was, thus, detrimental to such users. The
17 regulation as recommended by minority viewpoint is found
18 on the text on the bottom of Page 393 and it would read:

19

20 The annual limit is six crabs per
21 household, only male king crabs seven
22 inches or greater in width of shell may
23 be taken or possessed. You may not use
24 more than one crab pot of any size to
25 take king crab.

26

27 That concludes Staff Committee
28 recommendations, Mr. Chair.

29

30 CHAIRMAN DEMIENTIEFF: Thank you.
31 Department comments.

32

33 MS. SEE: Good morning. Mr. Chairman.
34 Members of the Board. Council Chairs. The Department
35 supports the Interagency Staff Committee majority
36 recommendation. We support it because it would
37 accomplish three key goals.

38

39 1. It would be clear to the public.

40

41 2. It would provide for crab
42 conservation in the Kodiak area.

43

44 3. It would align State and Federal
45 regulations.

46

47 The Kodiak red king crab stock is
48 depressed and the State supports the minimum size limit
49 that will ban the harvest of immature crabs to help
50 increase the breeding stock. The site of most crab

00166

1 harvest activity in Federally managed waters in Women's
2 Bay is known to be a king crab nursery area for the
3 larger Chiniak Bay complex. Reducing the number of crab
4 pots will support crab conservation by reducing the by-
5 catch of all components of the king crab stock. In other
6 words, all the smaller animals would be reduced if there
7 were fewer pots. And the by-catch as it's called of
8 those animals could be detrimental.

9

10 To accomplish these goals and to align
11 the State and Federal regulations, the Federal regulation
12 would need to be modified to reduce the number of crab
13 pots from five to one as is proposed in the majority
14 recommendation.

15

16 And lastly, we support the majority
17 recommendation which sets the annual limit to three crabs
18 per household per year. We believe that this is
19 necessary given the depressed levels of these stocks and
20 note that this would align State and Federal regulations
21 as well as provide opportunity.

22

23 Thank you.

24

25 CHAIRMAN DEMIENTIEFF: Thank you. Board
26 discussion.

27

28 MR. EDWARDS: Mr. Chair, I have one
29 question I'd ask the Staff. It would appear that when
30 the Refuge submitted their proposal they did not put a
31 restriction, they did not reduce the number of pots and
32 if so, what was their thinking?

33

34 MR. UBERUAGA: I'm not sure why they did
35 not do that. The person who submitted that was leaving
36 at the time, transferring to a new job and he did it kind
37 of at the last of the minute and I don't think he thought
38 it completely through or I believe he would have tried
39 for a complete alignment.

40

41 MS. GOTTLIEB: Mr. Chair.

42

43 CHAIRMAN DEMIENTIEFF: Yes.

44

45 MS. GOTTLIEB: Do we know about how many
46 households use the crab resources?

47

48 CHAIRMAN DEMIENTIEFF: Staff.

49

50 MR. UBERUAGA: The crab resource there is

00167

1 very close to the city of Kodiak and I don't know how
2 many households use it but it's easily available, it's on
3 a roaded system and it's right there in front of town.

4

5 MS. TRUMBLE: Mr. Chair.

6

7 CHAIRMAN DEMIENTIEFF: Yes.

8

9 MS. TRUMBLE: There is a schedule that
10 was attached, Table 1, that refers of different years and
11 the total harvest and the population estimates of all the
12 areas. So on Page 401 and basically what it shows is
13 that from '98, '99 and 2000 there's an average of maybe
14 235 that was the harvest total and it gives the
15 population totals. This amounts to about 1.1 percent and
16 it's also my understanding from the Council members from
17 Kodiak, that this is not a highly used area for
18 subsistence, it was mentioned -- at least for crab, it
19 was mentioned that was a highly used area for subsistence
20 but that's more in reference with the salmon. And there
21 was also a point that was brought up by one of the
22 Council members that basically the impact to this area
23 has -- that one thing that has more impact to this whole
24 area is the trawl fishery.

25

26 CHAIRMAN DEMIENTIEFF: Discussion.

27

28 MR. BUNCH: Mr. Chair.

29

30 CHAIRMAN DEMIENTIEFF: Yes.

31

32 MR. BUNCH: I'm concerned about the
33 maintenance of the stock also but the opportunity for
34 reasonable subsistence has to be factored in here
35 somewhere. Wouldn't the reduction of -- or the increased
36 in the shell size and the reduction in the number of crab
37 pots, wouldn't that also allow the male red king crabs to
38 mature? I mean wouldn't that have the same effect and
39 still not have the adverse impact on subsistence?

40

41 CHAIRMAN DEMIENTIEFF: Staff.

42

43 MR. UBERUAGA: I think allowing the
44 breeding population to increase, allowing -- only taking
45 crab seven inch or greater is the greatest conservation
46 measure of any part of this proposal. I mean that's
47 where you're getting most bang for your buck.

48

49 MR. BUNCH: And that's the recommendation
50 of the Regional Council, is that you increase the....

00168

1 MR. UBERUAGA: That's right. That's
2 correct.

3
4 MR. BUNCH: So we could probably meet the
5 goal of increasing the king crab population just through
6 that. I mean we're talking about the difference between
7 three and six for the limited use that's done by
8 subsistence users in Kodiak. It's my understanding that
9 that will have minimal impact upon the king crab
10 population in Women's Bay.

11
12 MR. UBERUAGA: Oh, I'm not sure that we
13 can assess the impact that that will have. But again, of
14 the measures proposed, the greatest conservation measure
15 is increasing the take to seven inch crab, that's where
16 you're getting the most for it.

17
18 MR. BUNCH: Thank you.

19
20 MR. UBERUAGA: Yep.

21
22 MR. EDWARDS: Mr. Chairman, I'm prepared
23 to make a motion but before I do I'd like to ask Staff,
24 do you have a copy of this chart that could be projected
25 up on the board?

26
27 MR. UBERUAGA: No, I don't.

28
29 MR. EDWARDS: Well, I'm going to
30 circulate as I'm making my motion. But my understanding,
31 what it shows, is that population has dropped and these
32 are males, seven inches or larger, from close to 9
33 million back in 1974 to a few thousand now. I mean one
34 could almost raise the question why are we even having a
35 season at all and if this was a terrestrial animal under
36 the Fish and Wildlife Service's hospices, we would have
37 probably petitioned it for listing quite a long time ago.
38 But I just want to circulate that if some of the Board
39 members have not seen the dramatic decrease. The
40 population, my understanding is down to less than one
41 percent of what it was at its historical level. So it
42 seems to me that we would clearly have a conservation
43 concern here.

44
45 So with that I would move that we adopt
46 the recommendation of the majority opinion of the Staff
47 Committee to align Federal and State subsistence
48 regulations for the taking of king crab in the Kodiak
49 area with those in State regulations and this would
50 reduce the current annual harvest of six king crabs down

00169

1 to three king crabs, limit size to male crabs with a
2 carapace greater than seven inches and allow the use of
3 only one crab pot.

4

5 CHAIRMAN DEMIENTIEFF: There's a motion,
6 is there a second? Is there a second to the motion? Is
7 there a second? Motion dies for lack of a second.

8

9 Further discussion.

10

11 MR. BISSON: Mr. Chairman.

12

13 CHAIRMAN DEMIENTIEFF: Yes.

14

15 MR. BISSON: I guess it's apparent that
16 the only difference between the two proposals, between
17 the RAC recommendation and what the Staff came up with is
18 the amount of the harvest. And it seems compelling to me
19 that if the RAC and the Staff are in agreement on two of
20 the measures and one of those is the most significant
21 measure in terms of protecting the king crab.

22

23 I, for one, am compelled to come forward
24 with a motion to accept the RAC recommendation.

25

26 CHAIRMAN DEMIENTIEFF: We have a motion
27 to accept the RAC recommendation, is there a second?

28

29 MR. BUNCH: Second.

30

31 CHAIRMAN DEMIENTIEFF: Discussion on the
32 motion.

33

34 MR. BUNCH: Mr. Chair. I notice that
35 this graph impact being passed around only has data up to
36 1993 so that information is 10 years old. I don't know
37 what the current population is. It seems to me that it's
38 tough to make decisions on information that's 10 years
39 old and there should be something out there that's
40 somewhat newer than that.

41

42 MR. EDWARDS: Mr. Chairman, could we ask
43 if the State could respond to that?

44

45 CHAIRMAN DEMIENTIEFF: Sure.

46

47 MR. CAMPBELL: For the record, my name is
48 Rod Campbell with Fish and Game. We don't have the
49 results back from the 2001 survey yet. I do not have
50 that information. What I would like to mention

00170

1 concerning that is the estimates that we do have, there's
2 a huge range, there's a very large range in our
3 confidence levels of those estimates. In your report,
4 the minority report on Page 393 under No. 2, the middle
5 of the paragraph, when it talks about estimating the
6 crab, it is an estimated crab population, it's not really
7 a total population. And when it says the average
8 population is approximately 17,300, there is a large
9 variability of that. The range and the confidence levels
10 are very, very low confidence in that. So you know,
11 there could be anywhere from 3,000 upwards to, you know,
12 higher levels than that. So the confidence level is very
13 low.

14

15 So I guess our feeling is that even a
16 reduction from six down to three to match the State that
17 would -- any larger crab out there for reproduction would
18 be a help since it's a depressed population.

19

20 I don't know if that helps or not.

21

22 MS. SEE: If I could just add that we do
23 feel that provision about the reduction in numbers is a
24 legitimate conservation concern.

25

26 Thank you.

27

28 CHAIRMAN DEMIENTIEFF: Thank you, very
29 much. I want to say that I intend to support the motion
30 and I want to compliment the Kodiak/Aleutian RAC for
31 seriously addressing the conservation concerns. And
32 hearing our fellow managers, to address those concerns
33 that were there and to modify basically its position to
34 address those concerns. And I just think that in the
35 fact of the RAC doing diligence in addressing those
36 concerns makes me feel that the system is still working
37 and that, you know, you've basically done your homework
38 and I just want to compliment the RAC and let you know
39 that I do intend to support the motion.

40

41 Pete, do you have a comment.

42

43 MR. PROBASCO: Yes, Mr. Chair. Pete
44 Probasco. Prior to my Federal employment I used to be
45 the regional supervisor in the Westward region which
46 includes Kodiak and my Staff surveyed king crab
47 populations. And to answer Mr. Bunch's question, even
48 though the data that Mr. Edwards pointed to only goes to
49 '93, the important factor of the matter is that the king
50 crab stocks in the Gulf of Alaska are very depressed,

00171

1 they are not rebuilding and Mr. Campbell points to that
2 and basically when you have estimates that have such a
3 wide variance and they're so low indicates the difficulty
4 in our trawl survey that the State conducts in finding
5 king crab. So I don't want the Council, when they vote
6 on this, to assume that this stock is rebuilding, it is a
7 depressed stock.

8

9 Mr. Chair.

10

11 MR. BUNCH: Pete, if I may respond to
12 that. I understand that. But my heartburn with that is
13 the fact that it probably wasn't subsistence users that
14 brought that stock to that level but those are the ones
15 who seem to have to pay when these stocks get to be down
16 to a depressed level and that's what I'm trying to do, is
17 make sure that there's the ample opportunity for
18 subsistence without killing that resource. And, you
19 know, it just seems to me like it's the subsistence user
20 that ends up paying the dues for those.

21

22 MR. EDWARDS: Mr. Chairman, I guess I
23 would argue that we are where we are regardless of who is
24 responsible. One could argue that we should have
25 probably taken actions maybe 20 years ago but the reality
26 is that that didn't take place. And I guess I would
27 argue maybe two wrongs don't make a right. I would have
28 difficulty voting for the motion. The recommendation was
29 made by our Refuge people who have the management
30 responsibility and I put a trust in their judgment that
31 they're looking out to what is best for the resource, to
32 ensure, not only to allow for a current subsistence use
33 but hopefully to allow that to continue into the future
34 as opposed to maybe having to take more dramatic actions
35 which would totally eliminate the subsistence harvest
36 along with all harvest.

37

38 MS. GOTTLIEB: Mr. Chair.

39

40 CHAIRMAN DEMIENTIEFF: Yes.

41

42 MS. GOTTLIEB: I think today's problem is
43 a little bit similar to what we were facing yesterday or
44 in the Togiak area in the herring roe, in that, I don't
45 think we would know because this is a relatively small
46 area, exactly how many Federally-qualified subsistence
47 users are using that area versus the rest of the bays. I
48 wonder if there's a system that could be designed in
49 cooperation with the RAC or Kodiak subsistence users so
50 we could get some feedback on how much is taken in that

00172

1 particular portion and that would give us better
2 information for future decisions. This decision would be
3 good for a year, get some information so we'd have
4 feedback for next year.

5

6 CHAIRMAN DEMIENTIEFF: Yes, Bill.

7

8 MR. THOMAS: Thank you, Mr. Chairman. We
9 went through this 10 years ago word for word. Same
10 problem. Same argument. And I, for one, supported the
11 RAC on this. And I've been becoming increasingly
12 disturbed with the portrayal as what I see with some of
13 the members of the Board. In fact I've reached a point
14 right now is with the recommendations that have been
15 discussed more at the table has come from either the
16 Staff, Interagency Staff Committee or the Department and,
17 the RACs have to crawl and grovel hoping for some
18 support. And I'm beginning to see a less need for the
19 RACs. Although this was designed around the RACs, the
20 RACs were designed around it. But with the attitude of
21 the Board and the language I see, if I didn't know any
22 better I would have sworn that the Department wrote the
23 Staff analysis and the recommendation for the Staff
24 Committee. It's very apparent because the language is
25 there.

26

27 Why align yourself with something that
28 failed in the past. This is what we got to look at. I
29 mean the reason we're here is because there's great
30 failure in the previous management system. So the RAC
31 recommendation is a good one.

32

33 Thank you, Mr. Chair.

34

35 CHAIRMAN DEMIENTIEFF: Yeah, I don't know
36 where those comments are coming from, Bill. If you were
37 watching the actions of the Board, the operative motion
38 is to adopt the recommendation of the RAC.

39

40 MR. THOMAS: I agree.

41

42 CHAIRMAN DEMIENTIEFF: Okay.

43

44 MR. THOMAS: This particular.....

45

46 CHAIRMAN DEMIENTIEFF: Well, that's
47 enough anyway.

48

49 MR. THOMAS:this motion.....

50

00173

1 CHAIRMAN DEMIENTIEFF: Any other
2 discussion.

3

4 (No discussion)

5

6 CHAIRMAN DEMIENTIEFF: Hearing none. All
7 those in favor of the motion please signify -- what, go
8 ahead.

9

10 MR. BOYD: Ralph wanted to speak.

11

12 CHAIRMAN DEMIENTIEFF: Oh, I'm sorry,
13 Ralph.

14

15 MR. LOHSE: Mr. Chair, just a comment and
16 a little comment on this proposal.

17

18 One of the reasons that we have RACs is
19 so we have user prospective and I think that's one thing
20 that I've seen that we don't use very much. What I'm
21 looking at right here when I look at this proposal, I'm
22 going to look at this proposal like I lived in Cordova,
23 like I deal with fishermen on a day to day basis, which
24 are what most of the subsistence fishermen will be, and
25 if I'm going to go out and set a crab pot which means I
26 need a fairly good size boat to go set a king crab boat,
27 your biggest conservation measure that you have in this
28 proposal is cutting it down from five pots to one pot.
29 Because as the Fish and Game has said when they go out to
30 make surveys, their problem is finding enough crab to get
31 a reasonable survey on it. Well, as a subsistence
32 fishermen, to take five pots out you may have a
33 reasonable catch to catch a seven inch king crab or six
34 seven inch king crabs but at one pot, you're probably not
35 going to take your boat out of the harbor and that's your
36 biggest conservation measure that you've just put in
37 here. The bag limit isn't going to make any difference.
38 If they can't get enough to survey, you're not going to
39 get enough with one pot that it's going to be worthwhile
40 going in and out of the harbor and that's how a user will
41 look at it. I mean that's how they would look at it,
42 I'll say, in Cordova. Maybe they look at it different in
43 Kodiak or someplace else, but the average person who has
44 a boat big enough to go set a king crab pot will not
45 bother to go out of the harbor for one pot.

46

47 Thank you.

48

49 CHAIRMAN DEMIENTIEFF: Thank you. I
50 think that supports the discussion that I was making

00174

1 earlier in terms of complimenting the Council, the RAC on
2 addressing conservation concerns with regard to that and,
3 so I appreciate your comments very much Ralph.

4

Further discussion.

6

7 (No discussion)

8

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

12

13 IN UNISON: Aye.

14

15 CHAIRMAN DEMIENTIEFF: Those opposed,
16 same sign.

17

18 MR. EDWARDS: Nay.

19

20 CHAIRMAN DEMIENTIEFF: Motion carries.
21 With that, we'll change Staff and move over to Southeast.

22

23 MS. TRUMBLE: Thank you, Mr. Chair.

24

25 CHAIRMAN DEMIENTIEFF: Thanks.

26

27 (Pause)

28

29 CHAIRMAN DEMIENTIEFF: I guess we'll
30 begin consideration of the steelhead issue, Prince of
31 Wales. I'll just note, again, for the record that we
32 have gone through the whole regulatory process and have
33 had considerable debate and it's already advanced to
34 Board debate level and with that I understand that the
35 Staff has been working hard to try to come up with a --
36 management Staff have been working hard to try to come up
37 with a solution. I see we've got a document here with
38 regard to FP03-22, 23, 24, 26 and with that I'll turn it
39 over to Staff to report.

40

41 MR. THOMPSON: Mr. Chairman.

42

43 CHAIRMAN DEMIENTIEFF: Yes.

44

45 MR. THOMPSON: I could provide some
46 orientation here if you wish?

47

48 CHAIRMAN DEMIENTIEFF: Okay, that's fine.

49

50 MR. THOMPSON: Yes, as you'll note we do

00175

1 have some material we put on your desk this morning. We
2 had considerable Board discussion about this particular
3 proposal or set of proposals. There are some elements
4 that they have in common and there are two or three
5 elements which separated the Council recommendation from
6 what the Staff Committee majority recommendation was and
7 we were concentrating on those elements. We were not
8 able to arrive at a compromise, if you will, that the
9 Board was comfortable with yesterday and you instructed
10 us to recess a Staff discussion to see if we could
11 explore some opportunities to bring us closer to what the
12 Council wishes to achieve in this particular regulation.

13

14 We believe we have in this document
15 before you accomplished some movement towards coming
16 closer to what the Council would like to see in this,
17 particularly the winter steelhead fishery. I'd like to
18 point out to the Board, again, though, that we lack data.
19 We lack the desirable amount and quality of data that we
20 would like to put in the hands of the managers to be able
21 to provide you with a set of recommendations that come
22 closer to what the Council wants to achieve without a
23 sizeable risk of violating the principles of fisheries
24 conservation, that being one of the items that you have
25 to look at under your charge.

26

27 With that being said, we do offer up some
28 suggestions here that do bring us closer, they do involve
29 some additional levels of risk of exceeding, possibly
30 exceeding the 600 fish camp that you requested and most
31 importantly of targeting the fishing pressure on fall
32 steelhead which are the sensitive run of fish in some of
33 the small systems. So we'd just like you to keep in mind
34 that we're offering something up here that does involve a
35 little higher level of risk.

36

37 So with that let me turn it over to Staff
38 to explain what they've come up with.

39

40 CHAIRMAN DEMIENTIEFF: Thank you, very
41 much. Who's going to -- Cal, are you going to present or
42 who's going to present?

43

44 MR. CASIPIT: Yes, Mr. Chairman. I'll
45 present this compromise proposal. For members of the
46 public, behind us there are additional copies of what's
47 before the Board on the table in the lobby. So if folks
48 behind me would like to follow along with a copy they can
49 run back there and get one.

50

00176

1 What we discussed last night and this
2 morning is basically we split the six month season that
3 was in the minority RAC opinion, we split it into two
4 seasons, a winter season and a spring season. For the
5 winter season we settled on the dates of December 1
6 through the end of February. We established a seasonal
7 harvest limit of two fish per household. We kept the
8 same gear that was in the original proposal. We kept the
9 bait restriction. We installed a hundred fish cap for
10 the winter fisheries so that we could control the harvest
11 on fall steelhead.

12
13 Since we have two seasons we would have
14 two permits, one for the winter, one for the spring. The
15 winter season permit would have to be returned before a
16 user could get the spring permit so that we could have an
17 idea of how many fish were taken in that fall winter
18 fishery. And again, the permit conditions and the
19 systems that receive that special protection would be
20 determined by the local manager in consultation with the
21 Department.

22
23 A little discussion on this winter
24 season. We believe that the winter season bag limit of
25 two fish per household rather than one fish per household
26 per week will allow us to manage that fishery within the
27 100 fish cap. And having the separate winter season
28 permit will provide an estimate mid-season between the
29 fall run and the spring run so that we can have a check
30 on how many fish were taken in that winter fishery before
31 the spring fishery is under way.

32
33 For the spring season which would be
34 March 1 through May 31, we established a harvest limit of
35 five fish per household for this season. Again, the same
36 gear as before. The same bait restriction as before.
37 And the harvest limit, the season harvest limit or the
38 cap would be 600 fish minus the fish reported in the fall
39 fishery. And again, the permit would be returned within
40 15 days of the close of the season so that we would have
41 a good estimate of the fish that were caught. Again, the
42 same permit conditions and systems to receive special
43 attention as in above.

44
45 A little discussion on this one, the
46 harvest limit is set as five fish per household per
47 season rather than one fish per household per season for
48 very much the same reason as the winter season, to
49 control the harvest and have orderly management of the
50 fishery and to avoid exceeding the harvest cap. Also the

00177

1 combination between the winter season harvest limit and
2 the spring harvest season limit totals about seven fish
3 which corresponds real well with the household data that
4 we have from the Subsistence Division that showed about
5 seven fish per household is used according to the
6 household survey that appears on Page 240 of the Staff
7 analysis.

8

9 Again, we didn't list the listing of the
10 streams in the minority Staff Committee and the SERAC
11 position because we wanted to allow the in-season
12 managers to have the flexibility to provide for
13 subsistence fishing opportunity and deal with
14 conservation concerns.

15

16 We would also like to mention that
17 because there is a little bit more risk with this type of
18 regime as Mr. Thompson had noted. And after two years of
19 experience with this, with managing this fishery, Staff
20 will report back to the Council and the Board with
21 modifications, if needed and permit requirements,
22 seasons, bag limits, harvest caps and other regulations
23 concerning this fishery.

24

25 With that that ends my presentation.

26

27 CHAIRMAN DEMIENTIEFF: Discussion.

28

29 MR. BISSON: Mr. Chairman.

30

31 CHAIRMAN DEMIENTIEFF: Yes.

32

33 MR. BISSON: Just a quick question. I
34 think it's obvious that this proposal would not have any
35 size restrictions on the fish taken; is that correct?

36

37 MR. CASIPIT: Yeah, no minimum size
38 limits in this.

39

40 MR. BISSON: But the sportfishing
41 regulations would continue, I'm assuming they will
42 continue with the fish above 36 inches?

43

44 MR. CASIPIT: That would have to be a
45 question that's answered by the State.

46

47 MR. BISSON: Well, I understand but I'm
48 just trying to understand the situation out there on the
49 stream.

50

00178

1 MR. VINCENT-LANG: Yes, that's true,
2 assuming the Board of Fisheries doesn't change anything
3 at their upcoming meeting. But right now, the way we
4 would go into the sportfishery, it would still be
5 continued to be operated under a 36-inch size limit.

6

7 MR. BISSON: Okay.

8

9 MR. VINCENT-LANG: And if I might add,
10 we've been involved in these discussion, the State over
11 the last day and a half where these things have evolved
12 and as an initial basis to try this out for two years,
13 we're fully supportive of trying it out and working with
14 Federal Staff to assure that the fall run stocks, which
15 are of the main issue here are adequately protected while
16 still providing some harvest opportunity. And we believe
17 that the harvest opportunity that's provided here is well
18 fitted towards the documented uses in the household
19 surveys as a first attempt at looking at this so we're
20 supportive of this.

21

22 CHAIRMAN DEMIENTIEFF: Gary.

23

24 MR. EDWARDS: Mr. Chairman, with the
25 winter harvest being subtracted from the 600, and if that
26 number comes in higher, let's say 200, we would still
27 leave this five fish limit in place and then deal with
28 this maybe as an in-season management issue?

29

30 MR. CASIPIT: Correct. We still have the
31 in-season management authority that's delegated to our
32 local manager to deal with this.

33

34 MR. BUNCH: Mr. Chair.

35

36 CHAIRMAN DEMIENTIEFF: Yes.

37

38 MR. BUNCH: Cal, tell me again what are
39 you going to do with the data that's collected on this,
40 how do you propose collecting that?

41

42 MR. CASIPIT: The data would be returned
43 to us on the permits, the harvest reports from the
44 permits.

45

46 MR. BUNCH: Okay, thank you. And
47 then.....

48

49 MR. CASIPIT: There may be additional
50 things that Jeff may do like random callings of

00179

1 harvesters and things like that to get an idea of harvest
2 and all that, but I would leave that to Jeff to talk
3 about since he is the local manager.

4
5 MR. BUNCH: Yeah, it looks to me like one
6 of the problems we've been having is this lack of data to
7 make these decisions so I would like to see some kind of
8 data collection come out of this process so that we can
9 make more informed choices down the road.

10
11 MR. CASIPIT: Again, with the FIS
12 proposal that the Board approved yesterday and with
13 additional measures that Jeff can take under his
14 authority, I think we can come back to you in two years
15 with better information for you to decide if you want to
16 modify this or do something else.

17
18 CHAIRMAN DEMIENTIEFF: Well, let me just
19 say that I think that from looking at the work that
20 management Staff have done with regard to the issue,
21 that, I just want to compliment on doing the work. I
22 think you've gone as close as you can to meeting the
23 request of the Regional Council and I just appreciate the
24 effort that was done. I think for me, you've done work
25 in terms of addressing the request of the RAC and in
26 terms of addressing the conservation concerns that we
27 have with regard to the fall run steelhead. So I really
28 appreciate it. I know yesterday I was terribly
29 frustrated by the fact that it appeared we were going to
30 do nothing with regard to the request. And I think we've
31 done everything we can to try to accommodate the request
32 of the RAC and just want to compliment all managers with
33 regard to the work that was done. It appears to be a
34 workable compromise.

35
36 MR. THOMAS: Mr. Chairman.

37
38 CHAIRMAN DEMIENTIEFF: Yes.

39
40 MR. THOMAS: Are you going to give the
41 RAC an opportunity?

42
43 CHAIRMAN DEMIENTIEFF: Yes.

44
45 MR. THOMAS: I also compliment the Staff
46 and the managers on the work they've done on attempting
47 to satisfy the recommendation of the RAC. However, given
48 the additional risks that were mentioned and the end
49 result really isn't resulting in managing the resource,
50 it's managing the users. And I can't emphasize this

00180

1 enough. You know, I wish I had time to have Board
2 members 101 on this and we keep competing with these
3 other philosophies. Alignment, this is written as if it
4 was going to be managing a different user group.

5
6 And to give up the one fish per week for
7 two fish per household for the season, that is not an
8 opportunity for subsistence. Subsistence is not a one
9 time delicacy. You have to remember that. When you're
10 dealing with subsistence, subsistence is not a desired
11 way of life for many people. It's a circumstance that
12 they have to use to sustain themselves. You did say that
13 you don't have the data that you would like to support
14 this. Remember what you're managing, you're managing
15 subsistence. Let's stay with that.

16
17 If there is something that it's impeding
18 the availability of subsistence there's provisions in
19 Title VIII to do that. Consider that.

20
21 But with all due respect, to all the
22 effort that was put into this, Southeast RAC has to
23 reject the recommendation and stay with our initial
24 recommendation.

25
26 Thank you, Mr. Chair.

27
28 CHAIRMAN DEMIENTIEFF: Thank you.
29 Discussion.

30
31 MR. BACHOR: Mr. Chair, I respectfully
32 appreciate the comments from Mr. Thomas and understand
33 and -- I hope he understands that yesterday we came to an
34 impasse where we would not have authorized subsistence
35 for another year. We know subsistence type of activities
36 are taking place. I think we've attempted to allow at
37 least some subsistence to occur. It may not be perfect
38 for everybody but without at least some effort at trying
39 to come to conclusion, I would say on this proposal, then
40 subsistence won't occur in an authorized way.

41
42 So with that in mind, also I would like
43 to say that we have conservation issues. I mean that is
44 why this is taking so long and that's why there's so much
45 discussion and consternation about how much subsistence
46 should occur even though I would agree that subsistence
47 should outweigh, I would agree with you, we need to
48 manage this in a way that we've got some -- we've got a
49 chance to see how much, how fast so that the resource
50 isn't jeopardized.

00181

1 And from what I can tell, I want to
2 compliment the Staff also. I think they have come as
3 close to that at this point in time that they'll ever be
4 able to, otherwise we're going to wait another year.

5
6 With that in mind, I am prepared to make
7 a motion if you wish to go there.

8
9 CHAIRMAN DEMIENTIEFF: Yes.

10
11 MR. BACHOR: What I would like to do with
12 the diligence and the permission of everyone in the room
13 is to read this in detail, because I think it's that
14 important. And I would like to begin by saying:

15
16 I move to adopt Proposal FP03-25, as
17 modified within the full regulations that I'm about to
18 read. They begin:

19
20 You may take steelhead trout on Prince of
21 Wales Island only under the terms of Federal subsistence
22 fishing permits. Two permits will apply for Prince of
23 Wales Island fisheries:

24
25 Winter season, December 1st through
26 February 28th or 29th as appropriate.

- 27
28 a. The season harvest limit is two
29 fish per household
30
31 b. You may use only a dipnet, spear
32 or rod and reel with artificial
33 lure or fly
34
35 c. You may not use bait
36
37 d. The winter season winter harvest
38 level cap is 100 steelhead for
39 Prince of Wales Island
40
41 e. The winter season permit must be
42 returned within 15 days of the
43 close of the season and before
44 receiving a permit for the spring
45 steelhead subsistence fishery
46
47 f. The permit conditions and systems
48 to receive special protection
49 will be determined by the local
50 manager in consultation with the

00182

1 Alaska Department of Fish and
2 Game.

3

4 Spring season, March 1 through May 31st.

5

6 a. The harvest limit is five fish
7 per household for the spring
8 season

9

10 b. You may use only a dipnet, spear
11 or rod and reel with artificial
12 lure or fly

13

14 c. You may not use bait

15

16 d. The spring season harvest limit
17 is 600 fish minus the number of
18 steelhead harvested in the winter
19 subsistence steelhead fishery for
20 the Prince of Wales Island

21

22 e. The permit must be returned
23 within 15 days of the close of
24 the season

25

26 f. The permit conditions and systems
27 to receive special protection
28 will be determined by the local
29 manager in consultation with the
30 Alaska Department of Fish and
31 Game

32

33 CHAIRMAN DEMIENTIEFF: Is there a second
34 to the motion?

35

36 MS. GOTTLIEB: Second.

37

38 CHAIRMAN DEMIENTIEFF: Discussion.

39

40 MS. GOTTLIEB: Mr. Chair.

41

42 CHAIRMAN DEMIENTIEFF: Go ahead, Judy.

43

44 MS. GOTTLIEB: Well, I want to commend
45 all those involved in this working group and I know there
46 were some discussions with the RAC Chair about this as
47 well and I think that's very appropriate and really want
48 to thank everybody for putting in the extra effort. I
49 don't think this Board wants to always be the final
50 problem-solver. We really appreciate it when most of the

00183

1 problems are solved before it reaches here.

2

3 I think this proposal provides for more
4 fish without the size limit and more time and opportunity
5 to fish so I think we've made tremendous progress here.

6

7 CHAIRMAN DEMIENTIEFF: Gary, you had a
8 comment.

9

10 MR. EDWARDS: Mr. Chairman, I was just
11 going to say that I, too, think that folks have really
12 tried to work very hard to reach a reasonable resolution
13 on this and I certainly plan to vote in favor of the
14 motion.

15

16 In so doing, I guess, I am troubled that
17 we've spent two days now anguishing over a very small
18 amount of fish when there's a huge commercial by-catch
19 that is occurring which if somehow could be reduced we
20 could certainly allow more fish. And it's my
21 understanding that the State is no longer actually
22 monitoring what that by-catch is and if that is the case
23 then I think maybe one additional action we could do
24 would be to encourage the Board maybe to -- for us to
25 send a letter to the State encouraging them to begin
26 monitoring that harvest for future management decisions.

27

28 MS. GOTTLIEB: Mr. Chair.

29

30 CHAIRMAN DEMIENTIEFF: Yes.

31

32 MS. GOTTLIEB: I guess I would also ask
33 if maybe the in-season managers would, if it's
34 appropriate, make a presentation to the February RAC
35 meeting to get some more input from Prince of Wales
36 residents or do whatever outreach needs to be done now in
37 the affected area so that there might be opportunity for
38 further feedback or maybe other possible solutions.

39

40 MR. REEVES: Mr. Chair. Ms. Gottlieb, we
41 can sure work on doing that.

42

43 CHAIRMAN DEMIENTIEFF: Yeah, with
44 response to Gary's suggestion, I think it's a very good
45 one. So I will instruct Staff to draft a letter or a
46 communication to the State with regard to that request.
47 I think it's a very legitimate request.

48

49 Further discussion.

50

00184

1 MR. BACHOR: Mr. Chair, if it's okay, I
2 would ask if I could submit the write up that the Staff
3 has done for the record?

4
5 CHAIRMAN DEMIENTIEFF: Yes. Yes.

6
7 MR. BACHOR: Thank you.

8
9 CHAIRMAN DEMIENTIEFF: Further
10 discussion.

11
12 (No discussion)

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

17
18 IN UNISON: Aye.

19
20 CHAIRMAN DEMIENTIEFF: Those opposed,
21 same sign.

22
23 (No opposing votes)

24
25 CHAIRMAN DEMIENTIEFF: Motion carries.
26 With that we've completed our mornings work. As I noted
27 yesterday, we have to wait to do the rainbow issue until
28 Mr. O'Hara gets back from his family obligations and he
29 said he would be back here by 1:00 o'clock. So we will
30 go ahead and recess. I do want him to participate in the
31 meeting and then the last agenda item after that, of
32 course, with the RAC Chairs, as he's been an integral
33 part of the program. So with that we're going to go
34 ahead and recess until 1:00 o'clock and we'll take up the
35 rainbow issue at that time.

36
37 (Off record)

38
39 (On record)

40
41 CHAIRMAN DEMIENTIEFF: We'll call the
42 meeting back to order or some remote resemblance of
43 order.

44
45 We have before us FP03-06(b), Staff
46 analysis.

47
48 MR. BUKLIS: Mr. Chairman, Larry Buklis,
49 Fishery Biologist with the Office of Subsistence
50 Management. I'll be reviewing the analysis. The

00185

1 analysis can be found on Page 437 in your book, but I
2 would also refer you, perhaps at first to Page 408 and on
3 Page 408 is a map of the Bristol Bay area. And as I
4 begin to go through my comments I'll reference some
5 geographic locations and the map, I think, would be
6 helpful.

7

8 This proposal for the Bristol Bay area
9 was submitted by the Bristol Bay Council. It requests
10 that harvest regulations be established for the take of
11 rainbow trout. Because of the complexity of the issues
12 addressed by this proposal, my comments will be somewhat
13 longer than in my earlier presentations. I hope you'll
14 find the additional detail helpful.

15

16 State subsistence regulations allow
17 retention of rainbow trout taken incidentally in other
18 subsistence net fisheries or through the ice. Rainbow
19 trout may also be taken for subsistence uses under State
20 sportfishing regulations.

21

22 Wild rainbow trout are found in abundance
23 throughout most of the Bristol Bay area. Some exceptions
24 are Lake Clark and its tributaries and the Egegik and
25 Ugashik River drainages. Rainbow stocks of the region
26 are world famous and are a corner stone of the large
27 sportfishery. I'd like to point out some locations on
28 the map which is on Page 408 of your book and also
29 projected on the wall which might help you as I go
30 through the remainder of the analysis. I'll go from
31 north to south and from east to west.

32

33 Lake Clark and its tributaries and the
34 Tazimina River are found in National Park and Preserve
35 lands. Iliamna Lake and its tributaries are not within
36 our jurisdiction except for the upper reaches of the Pile
37 River and its tributaries on the far east end of the
38 drainage which do originate in Park land. The Alagnak
39 River is a wild river corridor and its headwaters are in
40 Preserve Land. The Naknek River drainage, Katmai
41 National Park is closed to ANILCA subsistence. However,
42 the Big Creek enters the Naknek from the south and does
43 originate on Refuge lands. The Egegik and Ugashik River
44 drainages do include Refuge lands. And to the west
45 Togiak Refuge lands include a number of river drainages,
46 one that I will be speaking to later specifically is the
47 Ungalikthluk River drainage which does include the
48 Nugalikthluk River. This is the Refuge and the river
49 drainages I mentioned are in this area.

50

00186

1 Now, I'll return to my review of the
2 analysis.

3
4 The Board of Fisheries established
5 policies in 1990 that emphasized conservative wild stock
6 management of rainbow trout in Bristol Bay. The Board
7 will address development of a statewide rainbow trout
8 management policy and management plan this coming March.
9 Methods used for harvest of rainbow trout for subsistence
10 consist of rod and reel, hook and line through the ice
11 and incidental take by gillnets. Freshwater fish harvest
12 consists of a variety of species. Much of the rainbow
13 trout harvest in the outlying smaller communities occurs
14 while people are taking other fish species, such as
15 fishing nets for whitefish or pike or fishing through the
16 ice for grayling, pike or dolly varden.

17
18 Subsistence harvest estimates by
19 community are found in Table 1 in the analysis. I would
20 just point out that these range widely in numbers of
21 rainbow trout taken by community for the various years
22 for which we have data. The highest was 3,600 rainbow
23 trout for Nondalton in 1983. The estimated non-salmon
24 fish harvest for Nondalton in that year was 44,000 fish.
25 The point being that rainbow trout are a portion of the
26 total non-salmon fish, in this case eight percent.

27
28 In the sportfishery, some of the rainbow
29 trout catch is retained but much is released. In the
30 last 1990s, sport catch in Bristol Bay averaged 156,000
31 rainbow trout annually with over 153,000 released and
32 about 2,700 kept. This presumably includes fish
33 harvested for subsistence with rod and reel under State
34 regulations.

35
36 The Alagnak River is the largest rainbow
37 trout sportfishery in the area. Annual catch averaged
38 20,000 rainbow trout but the number kept averaged 99
39 fish.

40
41 The regulation as initially proposed
42 roughly paralleled the general sportfishing regulation
43 but sport regulations are more complex and conservative
44 than was reflected in the proposed subsistence
45 regulation. Exceptions to the general sport regulation
46 that are applied in some locations include closures to
47 fishing during the spring spawning period, no retention
48 during the summer, reduced harvest or size limits or
49 restrictions on the use of lures and baits, sometimes
50 called terminal gear restrictions.

00187

1 At its fall 2002 meeting, the Bristol Bay
2 Council did not include these additional features in its
3 proposed subsistence regulations although the Council did
4 modify the regulation. The modified proposed regulation
5 does not include restrictions on the size of fish
6 retained but does include a conservation step during the
7 spring spawning period that would apply to all of our
8 waters under Federal jurisdiction in the area. The daily
9 harvest limit of five rainbow trout allowed beginning on
10 November 1st would drop to per day beginning on April
11 10th instead of June 8th as occurs in the sport
12 regulations.

13
14 The Council believes that harvest of
15 rainbow trout under the modified proposed regulation will
16 not be substantially different from ongoing levels and
17 will therefore not pose a conservation impact to the
18 resource.

19
20 An exception of concern that has come
21 forward is the Ungalikthluk River drainage on the Togiak
22 Refuge. A large number of Bristol Bay rural residents
23 gather in that vicinity to participate in the commercial
24 herring fishery. The river is closed to fishing under
25 sport regulations April 10 to June 7th and closed to
26 retention of rainbow trout June 8th to October 31st. In
27 other words, fishing's allowed but no retention during
28 the summer.

29
30 The degree of potential use under Federal
31 subsistence regulations would be related to the scope of
32 our C&T determination. The current C&T determination in
33 the Togiak district is limited to residents of the Togiak
34 district, freshwater drainages flowing into the district
35 and the community of Manokotak.

36
37 The Council approach is intended to
38 provide subsistence opportunity with no closed periods or
39 size restrictions and to provide for sufficient
40 conservation by the way of harvest limits. Subsistence
41 needs for use of rainbow trout could likely be met under
42 the Council proposal or under regulations that more
43 closely parallel sportfishing regulations. However, the
44 degree of efficiency, flexibility and priority would be
45 less with a full paralleling of sportfishing regulations.

46
47 Size limits can help to conserve larger
48 more productive fish and to maintain the size structure
49 of the population. They can also be a way of managing a
50 stock for trophy fish fishery use.

00188

1 Terminal gear restrictions can help to
2 reduce injury to fish caught and contribute to higher
3 survival upon release but they may also reduce catch
4 efficiency.

5
6 Although Federal Subsistence regulations
7 for the take of rainbow trout parallel State sportfishing
8 regulations in many regions of the state there is
9 variation. For example, on the one hand in Prince
10 William Sound area, Federal Subsistence regulations do
11 not allow targeted take of rainbow trout but on the other
12 hand in the Kuskokwim area, for seven villages, take of
13 rainbow trout is allowed with few restrictions.

14
15 A reasonable basis for the assessment
16 that conservation impacts to rainbow trout stocks are not
17 likely from the Council proposal is founded on
18 recognition of the character of subsistence fishing
19 practices and the harvest limits that would be imposed.
20 Subsistence fishing is characteristically opportunistic
21 and efficient. The proposed harvest limits when taken by
22 rod and reel or jigging gear would not provide
23 significant new incentive to diverge from current fishing
24 patterns.

25
26 Remoteness of most Federal lands from
27 regional population centers and the localized nature of
28 the C&T determinations for rainbow trout currently in
29 place in our regulations for most of the area further
30 reduce the potential for conservation impacts.

31
32 A report in 1996 by Jim Fall and others
33 of the Department of Fish and Game did note that much of
34 the rainbow trout harvest in the smaller communities
35 occurs while people are targeting other species as part
36 of a complex of fish caught. It is typical of
37 subsistence fisheries for captured fish to be retained.
38 We would not expect retained fish to be a high graded set
39 of only large fish but rather the first number of fish
40 caught up to the allowed harvest limit.

41
42 In the face of uncertainty, a
43 precautionary approach is often advised paralleling State
44 subsistence and sportfishing regulations would be the
45 more precautionary approach in the sense that it is the
46 status quo. However, there are shortcomings with such an
47 approach as it would apply to Federal Subsistence
48 management. If State regulations were fully parallel the
49 anomalous situation would arise in which Federal
50 Subsistence users would be allowed to catch rainbow trout

00189

1 but would be prohibited from retaining the fish in some
2 locations and seasons. Also in other circumstances size
3 limits unaccompanied by terminal gear restrictions would
4 mean that bait and multiple hook lures could be used to
5 more efficiently capture rainbow trout but fish of a
6 specified size would need to be released. This raises
7 concerns about mortality of released fish. To address
8 such concerns by imposing terminal gear restrictions in
9 our Federal regulations would result in an approach which
10 is actually more restrictive than sport regulations in
11 many cases.

12

13 Related to these considerations are
14 issues surrounding catch and release mortality.
15 Mortality rate of trout released from a subsistence
16 fishery due to size restrictions largely absent terminal
17 gear restrictions may differ substantially from release
18 mortality in a sportfishery managed for catch and release
19 fishing. Beyond the statistical questions there is
20 also the need to address cultural concerns involved with
21 subsistence regulations that require release of captured
22 fish.

23

24 A subsistence fishing permit is currently
25 required in Federal regulation for the take of salmon and
26 char in the Bristol Bay area. The analysis recommends
27 that this requirement be extended to include rainbow
28 trout for the purposes of harvest monitoring and
29 enforcement.

30

31 Clearly, study of key resource issues
32 raised by the regulatory proposal is warranted as is
33 monitoring of a subsistence fishery that might be
34 implemented under Federal regulations.

35

36 Our Fishery Resource Monitoring Program
37 has not, to date, advanced any studies of Bristol Bay
38 rainbow trout for funding absent a fishery for these
39 stocks under our regulations.

40

41 Mr. Chairman, that concludes my review.

42

43 CHAIRMAN DEMIENTIEFF: Thank you, very
44 much. Written public comments.

45

46 MR. EDENSHAW: Mr. Chair. Board members.
47 There weren't any written public comments.

48

49 CHAIRMAN DEMIENTIEFF: Thank you. We
50 have one request for public testimony at this time. Mark

00190

1 Lisac. I hope I didn't abuse that name too much. Lisac.

2

3 MR. LISAC: It's actually pronounced

4 Lisac.

5

6 CHAIRMAN DEMIENTIEFF: Oh.

7

8 MR. LISAC: Thank you, Mr. Chair. My
9 name is Mark Lisac. I'm a fisheries biologist with the
10 Togiak National Wildlife Refuge. I've worked with
11 rainbow trout stocks in the Togiak Refuge since 1985 and
12 have conducted several projects to study rainbow trout
13 life history and population dynamics over the years. My
14 comments are directed primarily towards the rainbow trout
15 within the Refuge since I'm most familiar with those
16 stocks, but these comments may apply to other stocks
17 within the Bristol Bay region. These comments to
18 represent a consensus between the Togiak Refuge Staff and
19 the King Salmon Fisheries Office Staff regarding Proposal
20 03-06.

21

22 The rainbow trout populations within the
23 Refuge that would be affected by this proposal would
24 primarily be those of the Osviak, Togiak, Ungalikthluk
25 and the Nugalikthluk Rivers. And although the Refuge
26 supports simplifying or standardized subsistence fishing
27 regulations as much as possible we cannot support either
28 of the latest options presented by the Staff Committee as
29 they relate to the Refuge especially the Ungalikthluk and
30 the Nugalikthluk Rivers and the rainbows in those rivers.

31

32 This population consists of very few fish
33 of relatively large size that become concentrated in the
34 lower river during the spring spawning season. In the
35 late 1980s these rivers were closed to rod and reel
36 fishing by the State Fish and Game by emergency order to
37 increase -- due to an increase in effort observed from
38 the annual Togiak herring commercial fishing fleet that
39 Larry referred to. And then in 1990 the State Board of
40 Fish made the spawning season closure from April 10 to
41 June 7 permanent by regulation.

42

43 Option A, as recommended by the Staff
44 Committee does not take into account that the current rod
45 and reel regulations have evolved over time to address
46 rainbow trout populations that might be vulnerable to
47 overharvest. Especially these larger mature fish during
48 the spring spawning season. The potential increase
49 harvest in mature rainbow trout by removing the size
50 limitations and the spring spawning closures could have

00191

1 impacts to some of these rainbow trout populations in the
2 Bristol Bay region. We believe that these impacts should
3 be evaluated before any more liberal harvest regulations
4 are adopted.

5

6 Option B, as recommended by the Staff
7 Committee retains the gear and harvest restrictions for
8 most of the sensitive areas while allowing for a winter
9 subsistence harvest but it also eliminates the spring
10 spawning season closure on the Ungalikthluk and
11 Nugalikthluk Rivers. And as stated earlier, this is a
12 small population of mature rainbow trout that has a
13 history of regulatory actions taken to address
14 conservation concerns.

15

16 Again, although the Refuge supports
17 standardizing regulations as much as possible and where
18 possible, we feel that it would be best to address
19 subsistence fishing regulations with a drainage by
20 drainage and species by species approach because of the
21 different population characteristics and also the
22 different levels of vulnerability or accessibility to the
23 various stocks. We believe that adopting the current
24 State sportfish regulations for Federal waters where
25 there are conservation concerns for rainbow trout would
26 provide a good starting point for developing more
27 specific regulations.

28

29 Thank you, Mr. Chair. That's all I have.

30

31 CHAIRMAN DEMIENTIEFF: Mark, I'm going to
32 -- even though you filled out a public testimony request,
33 you're the only one that we have, I'm going to ask you to
34 stay there since it's something we do in some cases with
35 regard to some issues in case there are questions that
36 you may be able to help out with. So if you don't mind
37 just staying there, even though you signed up for public
38 testimony I don't consider it -- I do consider it an
39 extension of the Staff report. So if you would, please,
40 stay there in case somebody has a question of you, I'd
41 appreciate it.

42

43 There are no other requests for public
44 comment at this time. Regional Council.

45

46 MR. O'HARA: Mr. Chair.

47

48 CHAIRMAN DEMIENTIEFF: Dan.

49

50 MR. O'HARA: Thank you, Mr. Chair, for

00192

1 rearranging the schedule I do appreciate that. This time
2 of the year is -- a lot of activities take place and we
3 had a big gathering last night at the Bristol Bay Borough
4 High School, about 400 people came out and we had
5 programs going on so I had to run home and come back. So
6 I thank you for adjusting the schedule a little bit, we
7 do appreciate that.

8

9 Concerning the Bristol Bay Advisory
10 Council's concerns on this proposal. I have several
11 thoughts I'd like to share with you and one of them is,
12 of course, is that we are not interested in buying off on
13 the State of Alaska's program as far as subsistence goes,
14 it's too restrictive. And I think it's the
15 responsibility of this Federal Board, as I will mention
16 to you several times, you will remember what we're
17 talking about, that this is a Title VIII issue. There is
18 not a danger unless you want to handle a permit basis
19 with Mark over in Togiak, we can certainly do that,
20 that's one of the requests that we've had on the Council
21 side, it is a permitted system so you're going to be
22 keeping track of what's happening with the fish.

23

24 And the other is is that this Federal
25 Subsistence program that we propose to you is not going
26 to endanger the stock. In fact, you don't even have an
27 inventory on the stock base and neither does the State of
28 Alaska, in fact, it'd probably be the best thing to
29 happen, to have a Federal Subsistence Program and have
30 the State of Alaska and the Federal get together and do
31 an inven -- sports guys have been crying for years for
32 doing that and you have no idea -- you have how many fish
33 are caught and you have how many subsistence people catch
34 fish and you don't even have a mortality rate. Nobody
35 wants to deal with that because we're afraid of that,
36 that's probably six to 10 percent, of 156,000 fish that
37 are caught and maybe nine to 12,000 killed by a hook and
38 release program and we're concerned about letting
39 somebody eat a fish at other times of the year.

40

41 I'd like to have that Bristol Bay map put
42 back up there if you would.

43

44 Let's go river by river and look at,
45 since Larry gave a pretty good summary on his report,
46 let's just take the Big Creek, for instance, now, that's
47 Federal waters. When you speak of Big Creek, there is --
48 you go way up Big Creek and you come to this little sign
49 on the bank and it says, this is the beginning of the
50 Lake Becharof Refuge. And so if you have a jet boat that

00193

1 you could put about \$12,000 into you could probably go up
2 there and get some rainbow trout. No one goes up that
3 far with a prop unless you take two outboard motors with
4 you and I don't think the rainbow trout are that
5 valuable. But the sport's guys will do it because they
6 put six or \$7,000 apiece into it. All right, so very
7 little pressure is taking place on subsistence up there
8 on the Big Creek.

9

10 Let's take the Naknek River, none,
11 whatsoever Federal program. The best river -- that river
12 was so depleted, the State of Alaska brought it back -- a
13 massive fishery but you get up into Lake Clark -- I mean,
14 excuse me, Naknek Lake and, you know, you've got a -- I
15 don't know what the price of your rod and reel would be
16 in order for you to fish in there but I guarantee you
17 it's not a subsistence users fishery and it's Federal
18 waters, nothing to do with the Naknek River.

19

20 Let's go to the Branch, the Alakanuk, the
21 White man calls it the Alagnak. One-third of that river
22 is Federal. I don't believe the Feds have any control
23 over the management of that river, the waters. Am I
24 right on that somebody? I think that's State of Alaska
25 control. This is an exceptionally fine river as far as
26 sportfishing goes. But take a rainbow trout from the
27 headwaters of those two lakes, Mr. Chairman.....

28

29 CHAIRMAN DEMIENTIEFF: Wait, Dan, maybe
30 let's get an answer. Larry, do you have an answer on
31 Federal control?

32

33 MR. BUKLIS: Mr. Chairman, Mr. O'Hara is
34 correct in that the headwaters are in the Park lands, the
35 Preserve lands, but Dan, the river is a wild river
36 corridor so that -- that would allow us for jurisdiction.

37

38 MR. O'HARA: I seriously doubt if you
39 have very much jurisdiction on those type of waters up
40 there. We just had a big management plan on Katmai not
41 too long ago -- and, anyway, I stand corrected if it is,
42 fine.

43

44 The people from Levelock, maybe five
45 snowmachines a year come out of Naknek to go over to the
46 Branch River if the ice conditions, the snow conditions
47 to catch fish through the ice, five snowmachines a year.
48 Not very much pressure.

49

50 And I don't have any problem with the

00194

1 recreational people doing as much as they want to do and
2 careful about that study, but there is minimal. Now, you
3 go up into the lake, Nonvianuk, very little subsistence
4 use in that Nonvianuk. Go to Kukaklek, the other outlet
5 of the Branch, very little subsistence maybe a few from
6 Levelock, Igiugig go up the hill into that river.

7

8 Kvichak, not even State of Alaska, you
9 can't even hardly eat a trout there.

10

11 Let's go up to Lake Iliamna and as was
12 given by Larry, Lake Iliamna, across from Lake Iliamna is
13 a river called Copper River, that is a -- on the east
14 side, right there, you got it right on, Copper River is
15 one of your top sports fishing and some subsistence use
16 out of Kakhonak. Go across the river to Newhalen, you go
17 all the way up to Sixmile Lake before it's even Federal
18 concern. And I guarantee you that up there at Sixmile
19 Lake where he has that light, across from that is the
20 Tazimina River and in the Tazimina River the stocks have
21 been pretty much depleted, there's very little effort
22 taking place there, you know, and if there is going to be
23 any use in that river and it is a Federal river, and you
24 might even have control of that, you can certainly do
25 subsistence way before you do recreation. Because the
26 first, number 1 priority on Federal lands is not
27 recreation but it is subsistence and then comes
28 recreation and sports or sports and recreation or
29 commercial or whatever you want to call it.

30

31 All right, let's go back down to Bristol
32 Bay, the King Salmon River, that's a branch of the Egegik
33 River and look at that river system. I appreciate Mark's
34 comments on Togiak because he's got a concern there.
35 We're going to be very careful. Bristol Bay has always
36 been noted to take care of the resource first before you
37 eat it, you must get a recruitment stock, that's always
38 been our policy.

39

40 All right, let's go to the King Salmon
41 River down the Egegik, you have some really good rainbow
42 trout fishing in the King Salmon River. And if you can
43 travel up that river as a subsistence user 30 miles with
44 a jet boat and that's the only way you're going to get
45 there unless you got a plane to fly up there to get to
46 the Park boundary, there is very little part of the
47 Federal waters of the King Salmon River that pertains to
48 Federal management, very small.

49

50 Let me tell you something, I'm a pilot

00195

1 for PenAir and I fly all those lands every day and here
2 is a DeHavilland sitting there, \$225,000 airplane sitting
3 on the sandbar with five guys from New York probably out
4 there catching rainbow trout. People from Egegik can't
5 even get up there, this is subsistence we're talking
6 about, you know. I looked at your Staff and their 50/50
7 compromise. They probably don't know the things we're
8 talking about today.

9

10 We had three things. We said, first of
11 all, this is something that we are concerned about, you
12 have to have a permit. Secondly, there is no danger of
13 overfishing the stocks in Bristol Bay. Three, it falls
14 within the realms of ANILCA, Title VIII. And so that's
15 where we're at.

16

17 Becharof Lake, I don't think they have
18 any rainbow trout in Becharof Lake and I don't know if
19 there's a biologist here today or not. Ugashik, there
20 may be some rainbow trout down there but what are the
21 guides and what are the recreational people targeting
22 Ugashik, King Salmon River, Dog Salmon River. You know,
23 I fly in there every day with PenAir to these lodges,
24 there's grayling, king salmon and the coho salmon, that's
25 what they target on.

26

27 All right, if you have 156,000 hooked
28 fish, of trout in Bristol Bay and you have 2,675, 2,700
29 fish that are kept and those are rainbow trout, my
30 understanding, and you have a mortality rate of six to 10
31 percent of 9,000 to 12,000, I would assume that there
32 certainly is a formula here that as subsistence users on
33 Federal land that we cannot live with.

34

35 In the closing, I just wrote down a
36 couple of things here that I wanted to mention to you. I
37 think this would be a great time to be able to do an
38 inventory of the stocks that we have. Bristol Bay is
39 massive as far as rainbow trout goes. We've always used
40 them.

41

42 The second thing is, common sense will
43 tell you, that the first right of refusal on State and
44 Federal lands, and who cares whether there's a problem
45 between Title VIII and the Constitution of the State of
46 Alaska, is subsistence. What are we doing, fish two
47 percent, that's nothing. But you know the mighty dollar
48 is something. So this might be a good time for us to
49 look at an inventory type thing and Mr. Chairman, I'm
50 starting to sound more and more like Bill Thomas but he's

00196

1 much better looking than I am so I will have to consider
2 that.

3

4 Thank you, Mr. Chairman.

5

6 CHAIRMAN DEMIENTIEFF: Thank you, Dan.
7 Staff Committee.

8

9 MR. SIMMONS: Thank you. Mr. Chair.
10 Members of the Board. Council Chairs. I'll refer you to
11 Tab G, Page 432 for Interagency Staff Committee
12 recommendations.

13

14 The Staff Committee members could not
15 come up with a consensus on this proposal. The vote was
16 evenly split resulting in presenting the Board with two
17 courses of action. Option A regulations can be found on
18 Page 432 in the middle of the page. The proposed
19 regulations would read:

20

21 Except as provided elsewhere in this
22 section you may not take rainbow trout,
23 steelhead trout. You may take salmon,
24 rainbow trout and char only under
25 authority of a subsistence fishing
26 permit. Rainbow trout may be taken by
27 rod and reel or jigging gear. Rainbow
28 trout daily harvest and possession limits
29 are per day, two in possession, April 10
30 to October 31, no size limit. Five per
31 day, five in possession, November 1 to
32 April 9, no size limit. If you take
33 rainbow trout incidentally in other
34 subsistence net fisheries or through the
35 ice you may retain them for subsistence
36 purposes.

37

38 Option A justification is based on three
39 considerations. The first, the Staff Committee noted
40 that the Bristol Bay Regional Advisory Council voted
41 unanimously to support the proposal. A number of
42 conservation measures were included in the Council's
43 recommendation to ensure that this important resource was
44 adequately protected.

45

46 Secondly, The Staff Committee noted that
47 the OSM Staff analysis suggests that the proposed
48 regulations would likely not have an additional impact on
49 rainbow trout populations. Staff analysis indicate that
50 the total annual harvest of trout under sport

00197

1 regulations, by both sport anglers and subsistence users
2 represented in the late 1990s, only 1.7 percent of all
3 trout caught each year. Even if highly conservative
4 estimates are used the number of trout that may succumb
5 to hook and release angling mortality are likely to equal
6 or surpass the amount that are intentionally harvested by
7 subsistence users using rod and reel gear.

8

9 The Staff Committee recognized that the
10 Bristol Bay Regional Advisory Council did adopt a number
11 of conservation measures to protect rainbow trout. The
12 reduction in subsistence harvest limits during an
13 extended spring/summer period is, in fact, more
14 restrictive than the current State sportfishing
15 regulations for much of Bristol Bay area. The Council's
16 proposal to remove gear restrictions is intended to
17 distinguish recreational sport angling from the
18 subsistence harvest of trout for food. Length
19 restrictions were also removed so that users could retain
20 any size fish that was caught.

21

22 Concerns expressed that the proposed
23 regulations may promote the targeted harvest of large
24 trout and/or more trout especially in the Ungalikthluk
25 River drainage during the spring spawning season by
26 qualified users were based solely on conjecture without
27 data or other supporting evidence. Such issues should be
28 addressed via the implementation of the Council's
29 recommended permit system.

30

31 Final point being that the Staff
32 Committee and Council positions are both in alignment.
33 The modified proposal requires a number of measures to
34 protect rainbow trout populations and does not violate
35 principles of fish and wildlife conservation.

36

37 Option B of the Staff Committee is a
38 modification of the proposed regulations to modify to
39 fully parallel State sportfishing regulations for the use
40 of rod and reel and jigging gear relative to areas of
41 Federal jurisdiction. For the record the specific
42 regulatory language is found on the bottom of Page 433
43 and on 434. I won't go through the entire set of
44 regulations because they are lengthy other than to
45 summarize them and say that these regulations represent a
46 series of gear and harvest restrictions in defined waters
47 that have evolved over time through a series of Board of
48 Fisheries actions.

49

50 The justification for Option B is that

00198

1 the proposed regulations with modification would
2 establish seasons, harvest and possession limits and
3 methods and means for the subsistence take of rainbow
4 trout in the Bristol Bay area and allow retention of
5 rainbow trout taken incidentally in other subsistence net
6 fisheries or through the ice. These regulations would
7 parallel State subsistence fishing regulations for the
8 take of rainbow trout incidentally in other subsistence
9 net fisheries or through the ice and would provide for
10 targeted take by rod and reel or jigging gear with
11 restrictions that fully parallel State sportfishing
12 regulations. The existing permit requirement for salmon
13 and char would be extended to include rainbow trout for
14 the purposes of harvest monitoring enforcement.

15
16 Conservation measures indicated in these
17 regulations including requirements for single hook,
18 unbaited artificial lures, reduced harvest limits,
19 maximum size limits or prohibitions on retention are
20 important management tools. These measures are necessary
21 to protect rainbow trout stocks, especially during the
22 spring spawning period.

23
24 Mr. Chair, that concludes Staff Committee
25 comments.

26
27 CHAIRMAN DEMIENTIEFF: Thank you, very
28 much. Department comments.

29
30 MS. SEE: Mr. Chair. Members of the
31 Board. Council Chairs. The Department supports the
32 Interagency Staff Committee recommendation that is
33 outlined in Option B.

34
35 We support these as a means to ensure
36 that subsistence users would have reasonable opportunity
37 to harvest trout in the Bristol Bay region yet also
38 protect individual trout stocks from potential
39 overharvest.

40
41 Past studies have shown that most
42 subsistence use of trout in this region occurs during
43 winter months when alternative fishery resources are
44 scarce. Adoption of the modified regulations in Option B
45 will provide for expanded harvest opportunities in winter
46 and also minimize conflicts with existing uses of trout
47 during summer months when alternative fishery resources
48 are available for subsistence purposes.

49
50 We note that another key feature in

00199

1 Option B is that trout length limits are included in the
2 proposed language. Length limits reduce the harvest of
3 spawning size trout. We feel this is an important point.
4 This is a precautionary provision that's a key element in
5 the State's current sportfishing regulations and we feel
6 it's needed because little or no data are available for
7 specific trout stocks in the area streams.

8

9 Until we gain a better understanding of
10 these trout stocks, the modified proposal appears to
11 provide subsistence opportunity as well as provide key
12 conservation measures. And I'd also like to note that
13 Doug Vincent-Lang has comments to add to this as well.

14

15 CHAIRMAN DEMIENTIEFF: Go ahead.

16

17 MR. VINCENT-LANG: Yes, I might note that
18 many of the catch and release numbers that you've heard
19 in front of you today are numbers for the overall Bristol
20 Bay region. They're not numbers that are occurring on
21 the Federal waters of the Bristol Bay region. Only a
22 small portion of this harvest and catch numbers that
23 you're hearing about are occurring on Federal waters.

24

25 The catch and harvest numbers that you're
26 hearing about are occurring relatively on State waters
27 that have larger stocks in comparison to some of the
28 stocks that are occurring in Federal waters. Stocks in
29 Federal waters are in many cases much smaller, as Mr.
30 O'Hara pointed out in his talk, and as such are, in our
31 opinion, much more vulnerable to overharvest.

32

33 Simplified regulations that provide
34 similar harvest opportunity across a broad spectrum of
35 streams irregardless of their stock size, and other
36 information that may be known about it, are not a valid
37 approach toward discerning for a sustained fishery over a
38 long period of time.

39

40 We believe a better approach is to
41 formalize a baseline conservative strategy which can be
42 liberalized depending upon the known stock specific
43 information and until we gain a better understanding of
44 the stocks on some of these waters, especially those
45 Federal waters that are smaller stocks, we encourage you
46 to take a more conservative harvest strategy that limits
47 the number of spawning size trout that can be removed
48 from some of these drainages that is incorporating some
49 minimum numbers on the number of large spawning stock
50 trout that can be removed.

00200

1 Thank you.

2

3 CHAIRMAN DEMIENTIEFF: Thank you. Board
4 discussion. Gary.

5

6 MR. EDWARDS: Mr. Chairman, I'd like to
7 ask Mark a couple questions. And maybe I misunderstood
8 you but I thought at the start of your presentation you
9 said that the Refuge was actually opposed to both of the
10 Staff Committee's recommendations; is that correct?

11

12 MR. LISAC: Yes, Gary. What I stated was
13 we couldn't support either option because there was not a
14 provision in there for a spawning season closure. The
15 fishery was still open even though in some of the area
16 there's no harvest allowed, the fishery is still open.

17

18 MR. EDWARDS: So then the systems that
19 you identified that you had particular concern about, in
20 fact, it is open to sportfishing but it's totally catch
21 and release. And as was pointed out there is some level
22 of mortality associated with that and that's what you're
23 concerned about?

24

25 MR. LISAC: It's closed to sportfishing
26 now between April 10th and June 7th. But from June 7th
27 to October 31 there's no harvest allowed in the
28 sportfishery. And then after November 1 it goes to five
29 fish a day which is primarily for the subsistence
30 fishery. I guess the issue is, is it's just that
31 critical time period between April 10 and June 7th, when
32 the fishery would still be open -- it would be closed to
33 the sportfishery but it would be open to the subsistence
34 fishery on a catch and release basis only.

35

36 MR. EDWARDS: So then get back to my
37 original question, you're actually opposed to all three
38 of the proposals, both what the RAC proposed and what the
39 Staff Committee is proposing. And I guess if that's the
40 case, what would you propose?

41

42 MR. LISAC: I have no problem with five
43 fish a day through the winter and -- actually I have no
44 problem with standardizing regulations for areas where
45 there are not conservation concerns. The areas that are
46 outlined here in Option B, that the Department just
47 addressed, they have special regulations that have been
48 developed over the years to address conservation concerns
49 and my point it is is that in those areas, those streams,
50 for those populations, that we continue to retain

00201

1 spawning season closures. That would be the main issue I
2 have with all three options.

3

4 MR. EDWARDS: So you would propose, in
5 some of these systems that have a total closure,
6 sportfishing, subsistence everybody?

7

8 MR. LISAC: For those areas that have
9 already been identified as having spawning season
10 closures, and the one area that I'm most familiar with is
11 the Ungalikthluk and the Nugalikthluk Rivers there's
12 currently and has been for the last 12, 14 years
13 essentially spawning season closures on that drainage.
14 For that area I would support maintaining that. There
15 are some others, I think, on the -- I'll use the White
16 man version, on the Alagnak and I believe other portions
17 of the drainages to the east there where there are
18 closures during the spawning season currently under
19 sportfish regs.

20

21 MR. EDWARDS: As I read what's in front
22 of me, on the Ungalikthluk -- it's actually just closed
23 to harvest from April 10th to October 31st, so I'm
24 assuming that that means that it's still open to fishing
25 but you can't harvest so there isn't a spawning closure
26 there currently or am I missing something?

27

28 MR. LISAC: No, if you look at the
29 current sportfish regulations, they are different than
30 what is in Option B there. Option B just actually states
31 from April 10th until October 31 no harvest.

32

33 MR. EDWARDS: I'm just confused, Mr.
34 Chairman, about what is and what is not included in the
35 recommendations.

36

37 MR. LISAC: Yeah, Option B does not
38 include the wording to have a spawning season closure.

39

40 CHAIRMAN DEMIENTIEFF: All right, we're
41 going to go to Larry to respond to that in a minute
42 because I think, you know, he gave the Staff analysis and
43 probably those questions should be directed towards him.
44 But did I hear you say that there was an area that was
45 closed to State catch and release fishing but it was open
46 for Federal subsistence catch and release, is that what I
47 heard?

48

49 MR. LISAC: Just the way Option B reads,
50 Mr. Chairman, yes, that Ungalikthluk and Nugalikthluk

00202

1 River would be closed to sportfishing but would be open
2 to subsistence catch and release fishing.

3

4 (Laughter)

5

6 CHAIRMAN DEMIENTIEFF: That's what I
7 thought. That's a real contradiction in terms. Anyway,
8 Larry.

9

10 MR. BUKLIS: Mr. Chairman, I'm trying to
11 provide clarification. I think you've provided it.

12

13 (Laughter)

14

15 MR. BUKLIS: Within the framework of
16 State sportfish management, the way the Ungalikthluk
17 River drainage is handled, April 10 through June 7 no
18 fishing. No activity allowed it's the spawning period.
19 June 8th to October 31st, fishing activity is allowed but
20 you may not keep the fish you catch. So in the spring no
21 fishing. In the summer and early fall fishing's allowed
22 but no retention, you must release the trout you catch.
23 That's the sportfish regime.

24

25 When we brought this into the proposed
26 subsistence management regulation, the way we captured
27 that was the whole period, spring, summer, early fall, no
28 harvest allowed for subsistence. Strictly speaking one
29 could be a subsistence speaking, one could be a
30 subsistence fisher go there catch and release and not be
31 in violation. That's correct.

32

33 But the way that principal was captured
34 for subsistence management, it was a no harvest period.

35

36 Mr. Chairman.

37

38 CHAIRMAN DEMIENTIEFF: Dan, what are the
39 odds of your subsistence dependent people go out and
40 catch that fish and throw it back in?

41

42 MR. O'HARA: Yeah, that would look real
43 good on the plate, I guarantee you that would fill them
44 up.

45

46 MR. BUNCH: Mr. Chair.

47

48 CHAIRMAN DEMIENTIEFF: Charlie.

49

50 MR. BUNCH: Dan, you said you had some

00203

1 concerns about the Togiak area but you didn't expound on
2 them, would you mind stating what your concerns were in
3 Togiak?

4

5 MR. O'HARA: Mr. Chairman.

6

7 CHAIRMAN DEMIENTIEFF: Yes.

8

9 MR. O'HARA: This is Federal waters and
10 Title VIII of ANILCA, .805(c) says that the first right
11 of refusal on the Togiak is going to be subsistence and I
12 guess what I was driving at was if there's going to be a
13 hook and release program and it starts killing fish and
14 you're going to start restricting subsistence then you
15 got to go back to what the law reads. And this is on
16 Federal lands, that's pretty cut and dry, there is no
17 sports, there is no commercial, it's done, it goes
18 strictly to subsistence. And you're feet are going to
19 have to be held to the fire on that because that's what
20 the law says. And that was my main concern, subsistence
21 first, if it's going to go beyond subsistence -- I mean
22 if subsistence is going to be a threat to the resource,
23 subsistence stops.

24

25 I'll give you an example. We had 90
26 moose in Sunshine Valley over there in Togiak, we have
27 600 and some moose now because we said we're all going to
28 stop until that resource comes back up, brows, no
29 predators, it worked. So we're going to take care of the
30 resource first of all, then we're going to eat and you
31 play with your fish or sell them or whatever you're going
32 to do after that.

33

34 MS. GOTTLIEB: Mr. Chair.

35

36 CHAIRMAN DEMIENTIEFF: Yes, Judy.

37

38 MS. GOTTLIEB: A few comments and then a
39 question. I certainly want to echo Dan's assessment of
40 some of those rivers around Lake Iliamna, they're pretty
41 hard to get up even with a jet boat. And I guess I would
42 also look to the Council for next year's fisheries
43 projects to submit something and I'm sure Staff and
44 everyone would be glad to help out to submit some study
45 for our future funding to answer some of these questions.

46

47 I have two questions, perhaps one for
48 Mark or Larry, I mean there are specific rivers that have
49 been named here that might have conservation or do have
50 conservation concerns but cannot the in-season manager

00204

1 make a call on it if it's perceived that there is too
2 much pressure being put on even though it's not written
3 into here, I would still assume the in-season manager can
4 make some decisions on those specific rivers if it needs
5 to be made?

6

7 CHAIRMAN DEMIENTIEFF: Larry.

8

9 MR. BUKLIS: Mr. Chairman, certainly the
10 in-season manager has the authority to restrict or close
11 subsistence activity for conservation reasons. The
12 extent to which they'd be able to monitor that activity
13 and keep pace with that is the question. But I think
14 what one would have to make an assessment on is the
15 likelihood that we would have that level of activity to
16 pose that kind of a concern in relation to other uses.

17

18 MS. GOTTLIEB: Mr. Chair.

19

20 CHAIRMAN DEMIENTIEFF: Yes.

21

22 MS. GOTTLIEB: And thank you for that
23 answer, Larry, but then I guess I was also going to ask
24 Dan or others, the proposal from the RAC did not include
25 any size limitation and so I wondered if you could give
26 us some background on that?

27

28 MR. O'HARA: Yeah, Mr. Chairman, if I
29 may.

30

31 CHAIRMAN DEMIENTIEFF: Go ahead, Dan.

32

33 MR. O'HARA: We do not have a size
34 restriction on the catch of these fish and the question
35 was asked of me a little earlier, did we have a closure
36 during the spawning season, we had a reduction from five
37 to two during that time. We put no restriction on size.
38 And I think there is a reason for that. When you go to
39 the Kvichak, in the State waters, and you have, in
40 October, a massive whitefish population traveling up in
41 the upper water of the Kvichak and the people from
42 Igiugig go put a net in the water and they catch
43 whitefish there is not a by-catch of rainbow trout. So I
44 think -- you know, and if they did they would keep them
45 and eat them because it's October and you can do that,
46 the State of Alaska said you could. And so, no, we did
47 not put a restriction on size, we do not feel this is a
48 threat and I think you need to echo what the State of
49 Alaska said and I appreciate the gentleman who made this
50 comment, is that, the biggest percentages of fish caught

00205

1 is the Naknek, the Branch and the Kvichak, Newhalen,
2 Copper River, all these little Federal lands off to the
3 side are minuscule compared to the 156,000, your number
4 you're talking about, it's very small. And so I think if
5 they catch a few big fish, I don't think it's going to
6 decimate the population at all.

7

8 Thank you, Mr. Chairman.

9

10 CHAIRMAN DEMIENTIEFF: I think that kind
11 of raised a concern that I'd had earlier and made a
12 little note on about potential overharvesting. We
13 haven't seen it. But I guess the other question, Dan, I
14 have is, from what I'm gathering rainbow trout are not a
15 real targeted subsistence resource? I mean people aren't
16 going to go specially out to get a boat load of rainbow
17 trout, it sounds to me like a lot of our subsistence
18 activities, you know, we harvest incidental to doing
19 other subsistence activities and would that characterize
20 the harvest patterns of rainbow trout?

21

22 MR. O'HARA: Yes. In fact, let me give
23 you an example. You have -- and I'm from Lake Iliamna, I
24 know the area really well and lived there all my life,
25 that's where I grew up. You have in the lower section of
26 Iliamna on State managed waters, the Lower Tularik, this
27 is classic rainbow trout of any place in the world. They
28 probably don't grow any less than 26 inches and they grow
29 as much as 33, 36 inches. Now, occasionally in the
30 winter time the people will go down there and they will
31 fish through the ice for, not necessarily to target a 33
32 inch rainbow, but you catch whitefish down there, you
33 catch grayling down there and you catch a lot of pike in
34 there and you do occasionally catch a rainbow.

35

36 Look at the people at Egegik, they go
37 from Egegik over to King Salmon River with a snowmachine
38 or a skiff, they don't come anywhere near Federal waters,
39 not way up into the headwaters of the King Salmon River
40 and they, in the winter time will go to Gobey's Creek and
41 they will put a hole in the ice and catch trout through
42 the ice. And they will catch rainbow's there because
43 there is a lot of them there, but they will catch dolly
44 varden and they'll catch whitefish and they'll catch
45 pike.

46

47 So you're right, maybe a very small
48 amount, I don't even know who would target, who would
49 just eat trout.

50

00206

1 Thank you.

2

3 CHAIRMAN DEMIENTIEFF: You don't throw
4 them back in. Any other discussion.

5

6 MR. BUNCH: Mr. Chair.

7

8 CHAIRMAN DEMIENTIEFF: Yes.

9

10 MR. BUNCH: I had a question for Mark, if
11 you would. You'll have to excuse my pronunciation here
12 on the river but how many Federally-qualified users have
13 been participating in that and then how many are likely
14 to do it if it's open for subsistence?

15

16 MR. LISAC: There hasn't been a
17 subsistence rod and reel fishery over there that I'm
18 aware of. As Dan pointed out, we are lacking information
19 for some of these areas especially in quantifying
20 subsistence harvest by species. I mean I can tell you
21 there's about 900 people in the village of Togiak and
22 another 100 maybe in the village of Twin Hills that are
23 in close proximity. To my knowledge, I don't believe
24 there's been a lot of subsistence activity in that area.
25 Some of the subsistence studies that were referred to
26 there from '96, did really identify those areas -- that
27 drainage that I'm most concerned with as being used for
28 subsistence activities. And then the other problem with
29 some of the earlier subsistence work that was done was
30 that the non-salmon species were just lumped together as
31 trouts and so it's tough to sort that out.

32

33 And so I couldn't tell you like how many
34 subsistence use days or how many fish have been harvested
35 out of those drainages. I'm sure there's some I'm just
36 not aware of it.

37

38 The study there that was done in 1984 --
39 or I mean '94/95 by the Department and Bristol Bay Native
40 Association targeted interviewing folks in Togiak and
41 Manokotak and if I remember right the total number of
42 fish harvested or total number of rainbow's harvested in
43 Togiak was about just shy of 900 and that was just in the
44 main Togiak drainage.

45

46 MR. BUNCH: And you said, rod and reel,
47 was that taken with rod and reel or nets?

48

49 MR. LISAC: No, that would be with nets
50 and jigging and I don't -- and those numbers weren't

00207

1 broken down by gear types if I remember correctly.

2

3 MR. BUNCH: Thank you.

4

5 MS. GOTTLIEB: Mr. Chair.

6

7 CHAIRMAN DEMIENTIEFF: Yes.

8

9 MS. GOTTLIEB: Well, what I think what's
10 really good about what's being brought up here is that
11 one of the importance of this proposal, one of the
12 important aspects of it would be for the Board to
13 acknowledge that this is a subsistence fishery and that's
14 not in the regulations right now. And that's also the
15 reason we don't have the data that we would like. So
16 we're kind of in a cycle here, if we take a step to adopt
17 then we have the opportunity to collect the data as well
18 and provide opportunity.

19

20 MR. BISSON: Mr. Chairman.

21

22 CHAIRMAN DEMIENTIEFF: Yes.

23

24 MR. BISSON: Is there a difference in the
25 reporting requirements between either Option A or Option
26 B? I mean it seems to me that if we were to approve a
27 subsistence fishery there ought to be some process to
28 collect the data. I would assume they would be issued a
29 permit, we could contact the people that have these
30 permits and gain information that you don't have right
31 now.

32

33 I guess my reaction is, we don't seem to
34 know anything about this fishery. There's so much
35 ambiguity that I don't know how the hell we can make a
36 decision to be honest with you.

37

38 CHAIRMAN DEMIENTIEFF: Larry, do you want
39 to respond to that?

40

41 MR. BUKLIS: Mr. Chairman, both Option A
42 and B would require a permit system, however, Option B
43 with full paralleling of current State regulations, I
44 don't know how many people would come forward for a
45 Federal permit when they can collect those fish with a
46 status quo approach in place. So I don't know if we'd
47 get any new look at information.

48

49 Currently under the State system, people
50 can keep incidentally caught rainbow trout in their

00208

1 subsistence activity through netting or through the ice
2 and they don't have to put it on a special permit
3 anywhere. Secondly, people can go with the rod and reel
4 under State sport regulations and harvest rainbow trout
5 under sport regulations for subsistence use. There isn't
6 a reporting requirement under sport regulations. There
7 is a mailout survey that people can voluntarily respond
8 to and it's a good database, it's a good survey. But I
9 think it'd be hard to tease out of that how many fish
10 were taken for subsistence use and how many were
11 recreational fish and so it's sort of lost in the mix.

12
13 CHAIRMAN DEMIENTIEFF: Gary.

14
15 MR. BUKLIS: Getting back to your.....

16
17 CHAIRMAN DEMIENTIEFF: Oh, I'm sorry, go
18 ahead Larry.

19
20 MR. BUKLIS: Getting back to your
21 specific question, A and B both contain a permit
22 requirement, but in B with full paralleling I don't know
23 if it'd be a very active Federal permit system because
24 people would be able to take the same number of fish in
25 their status quo sport incidental subsistence approach.
26 If that answers your question.

27
28 CHAIRMAN DEMIENTIEFF: Thank you. Gary.

29
30 MR. EDWARDS: Mr. Chairman, if I could
31 ask Dan, the Council's proposal also included a
32 permitting system, did you have something in mind, what
33 that permit would be and the reporting requirements and
34 how it would be obtained and so on?

35
36 MR. O'HARA: I believe the reason that we
37 wanted a permitting system was to keep track of the
38 number of fish caught. And if we have an idea that maybe
39 the harvest level is getting too high to endanger the
40 escapement or the -- or not the escapement, I keep
41 thinking of salmon, the stocks, then we're keeping track
42 of it.

43
44 And I guess the main reason we wanted
45 that is because we do not have an inventory of those
46 streams and I think if you do a subsistence priority
47 you're going to find out that we're going to have to do
48 an inventory. This is a valuable, valuable resource,
49 both to the State, the Feds and the local people. I
50 think it merits that.

00209

1 Thank you.

2

3 CHAIRMAN DEMIENTIEFF: Further
4 discussion.

5

6 MR. EDWARDS: Mr. Chairman.

7

8 CHAIRMAN DEMIENTIEFF: Gary.

9

10 MR. EDWARDS: I guess the last thing I
11 would say is that, you know, this is a very broad
12 reaching proposal which includes, you know, many
13 different systems and I think as Dan has pointed out, in
14 many of those cases there is probably not a conservation
15 concern, but as our biologist from the Refuge has pointed
16 out there are some systems where they feel that there's a
17 conservation concern and would recommend no fishing and
18 no harvest during certain periods of time. I don't know
19 how we tease this out and try to allow subsistence use
20 and harvest on areas that could support it and then have
21 restrictions on those where we do feel that we have some
22 concerns.

23

24 CHAIRMAN DEMIENTIEFF: Let me see, let's
25 go back to Mark here, do we have -- it would take
26 specific circumstances where, not circumstances that
27 occur every year, where there might be a conservation
28 concern, is that -- I'm just -- it would have to do with
29 access to the resource?

30

31 MR. LISAC: I'm not quite sure I
32 understand the question.

33

34 CHAIRMAN DEMIENTIEFF: Well, if you're
35 concerned about overharvest, I'm assuming that there
36 would have to be certain conditions which would allow
37 access to the resource that don't occur every year?

38

39 MR. LISAC: No, I think the conditions
40 are there every year to access those fish during the
41 spring spawning season. We have, you know, without going
42 into great detail, we do have information on that
43 population. We've radio-tagged those fish and documented
44 their movements in areas of spawning and they are in
45 close proximity to the bay which is easily accessible.

46

47 CHAIRMAN DEMIENTIEFF: And in the Council
48 recommendation, you don't think that's a conservation
49 measure which the Council has proposed in terms of
50 reduced take during that time?

00210

1 MR. LISAC: I think for, like Gary had
2 mentioned there, for the broad region, it probably
3 addresses most of the concern. But I do believe that
4 there is specific drainages and populations that we maybe
5 need to look at more closely before we adopt a broad
6 regulation.

7
8 As far as the Council's recommendation,
9 you know, back to Mr. Edward's question there, I could
10 support that if it also included the modification to
11 close down certain areas during those sensitive time
12 periods.

13
14 CHAIRMAN DEMIENTIEFF: Have you had the
15 opportunity to work with the Bristol Bay RAC very much?

16
17 MR. LISAC: Yes, I have over the years,
18 not specifically on any of these proposals. I had not
19 been involved in this proposal early on and not until
20 after the RAC meeting there in the fall was I assigned to
21 deal with this.

22
23 CHAIRMAN DEMIENTIEFF: As with all of our
24 RACs, who are conservation concerned, because they are
25 talking about their food source, but I think through the
26 years that the Bristol Bay RAC has been one of the most
27 prolific in terms of conserving the resource and would
28 come to you first if there was some information, if you
29 didn't go to them first, that raised a legitimate
30 conservation concern. We've seen it over and over again.
31 You know, for me, I'm prepared to go with the Option A
32 and I think that you would find that your ability to work
33 with that RAC to fine-tune, you know, any particular
34 areas of concern that you might identify, I think you
35 would be real successful because, you know, in my mind
36 I'm going through the three standards that we have on
37 rejecting a RAC recommendation and I just don't see them.
38 But I do see that.

39
40 And, trust me, you can go to that RAC if
41 there are issues, specific issues that need to be cleared
42 up and also, trust me, that as long as I'm Chairing this
43 Board I'll make sure that those issues get aired as they
44 come up, I don't care who's raising them. If it's the
45 manager's that are raising them or if it's the RAC that's
46 raising them, we'll make sure that they get review of
47 this Board and action taken on them as we identify those
48 specific areas of conservation concerns.

49
50 So with that I intend to support Option A

00211

1 even though I don't get to make any motions, you know,
2 that's where I'm going right now. But that's one of the
3 real big reasons why and I do know that you'll have
4 success in addressing specific concerns, you and all the
5 managers involved will have success.

6

7 MR. BUNCH: Mr. Chair, if I can follow-up
8 with a question, if I might?

9

10 CHAIRMAN DEMIENTIEFF: Go ahead.

11

12 MR. BUNCH: Mark, you said you were
13 concerned about access down there, is your concern
14 centered around the Federally-qualified users or is it
15 because of the herring fishermen that congregate there in
16 the droves?

17

18 MR. LISAC: Well, like I said the fishery
19 has been closed to rod and reel fishing for at least 12
20 years and I believe it's going to create a new
21 opportunity. You know, whether it will just be the local
22 residents there or all residents of the herring fleet
23 which used to be called the seventh largest city in
24 Alaska but I don't think it has been in the last few
25 years. I guess that's the major point, is that, it has
26 been closed, it was closed by emergency order and then by
27 regulation because those fish are vulnerable and
28 sensitive and to open it up without looking at what
29 impacts there might be, I guess I'm just a little bit
30 sensitive to that.

31

32 But I agree with you, Mr. Chairman, that
33 I have great respect for the Bristol Bay RAC and Dan and
34 those guys out there and have no problem working with
35 them, it's just, you know, initially when this proposal
36 was split as two proposals and we had C&T on the table,
37 it became real evident that, you know, this could be a
38 hot spot, it is all within the Refuge right down to
39 saltwater so, you know, it's one of the unique areas as
40 with the other rivers there on the Bristol Bay side of
41 the Refuge but there's not the concern on the Togiak,
42 Osviak drainages that there are in this particular
43 drainage.

44

45 CHAIRMAN DEMIENTIEFF: And I do also, you
46 know, agree with Judy's earlier comment with regard to
47 the fact that as in-season managers, you have the
48 capability if you see a problem to close and that's an
49 immediate action. So that also addresses the
50 conservation concern.

00212

1 MR. THOMAS: Mr. Chairman.

2

3 CHAIRMAN DEMIENTIEFF: Yes, go ahead,
4 Bill.

5

6 MR. THOMAS: Thank you, Mr. Chairman.
7 With regards to more pressure being put on this fishery,
8 the first use of that resource was subsistence and
9 subsistence goes back at least 10,000 years. And so if
10 there's a conservation concern now it had to come from
11 other than subsistence users.

12

13 Thank you, Mr. Chairman.

14

15 CHAIRMAN DEMIENTIEFF: Any other
16 discussion.

17

18 MS. GOTTLIEB: Mr. Chairman.

19

20 MR. BISSON: Mr. Chairman.

21

22 CHAIRMAN DEMIENTIEFF: Oh, I'm sorry.

23

24 MR. BISSON: Could I just ask a couple of
25 questions?

26

27 CHAIRMAN DEMIENTIEFF: Go ahead.

28

29 MR. BISSON: I think you've already
30 answered part of my question. You know, I think Mr.
31 O'Hara was talking about a number of Federal waters that
32 are not accessible to subsistence users simply because of
33 how they remote they are but the area that you're most
34 concerned about is accessible?

35

36 MR. LISAC: Correct.

37

38 MR. BISSON: Okay. And is there only one
39 river that you're concerned about or is there more than
40 one stream, that, if we were to look at some alternative
41 to put some spring spawning protections on a particular
42 spring in combination with the RAC recommendation, would
43 that resolve some of the conflict?

44

45 MR. LISAC: The rivers -- there's two
46 rivers actually, it's the Ungalikthluk and Nugalikthluk
47 Rivers and they join about three-quarters of a mile up
48 from saltwater is where they join. The population of
49 fish in that lower drainage travels between those two
50 drainages.

00213

1 MR. BISSON: Okay. And so right now you
2 said there's been no fisheries in the spring spawning
3 season during that time period and am I also hearing
4 correctly that, if, in fact, we were to pass Option A,
5 the in-season fisheries manager, if that person, I'm
6 assuming that's you.....

7

8 MR. LISAC: No, it's not.

9

10 MR. BISSON: Okay, whoever it is, if they
11 determine there was an impact on the resource they could
12 close that fisheries if there were too many -- if the two
13 fish per day, which is proposed by Option A, if too many
14 people were taking advantage of it, the option does exist
15 to close that fisheries down to protect spawning fish; is
16 that correct?

17

18 CHAIRMAN DEMIENTIEFF: Yes.

19

20 MR. BISSON: Thank you.

21

22 MS. GOTTLIEB: Mr. Chair.

23

24 MR. O'HARA: Mr. Chairman -- oh, excuse
25 me.

26

27 MS. GOTTLIEB: Go ahead, Dan.

28

29 CHAIRMAN DEMIENTIEFF: Yes, Judy, I'm
30 sorry -- or who was that -- oh, Dan -- Judy, go ahead.

31

32 MS. GOTTLIEB: I was just going to ask,
33 Dan, our Chairman spoke quite eloquently about your
34 Regional Advisory Council and so I wanted to and maybe
35 made some commitments, but I wanted to see perhaps at
36 your next meeting you would open that up for further
37 discussion, in general on this matter, amongst all the
38 interested parties, based on the action that this Board
39 does but maybe to explore some further specific ideas
40 people have?

41

42 MR. O'HARA: Mr. Chairman.

43

44 CHAIRMAN DEMIENTIEFF: Yes.

45

46 MR. O'HARA: Ms. Gottlieb, did you have
47 something specific in mind or are you thinking about
48 Togiak or what was your thought that we should maybe go
49 back and revisit?

50

00214

1 MS. GOTTLIEB: I guess not so much to
2 revisit but to have your meeting be open to all
3 interested parties who would want to discuss the concepts
4 on whatever measure we pass today.

5
6 MR. O'HARA: Yeah. You know, I think
7 it's been -- in closing, Mr. Chairman, there is not one
8 outdoor Council member here that I see, there is not one
9 sports guide standing up here saying you guys are wetter
10 than a pet -- there's no one here except your Staff
11 saying that we 50 percent don't agree with what you're
12 doing. I mean there is not, the State of Alaska, other
13 than sitting at that table over there has no opposition
14 whatsoever to what this proposal represents here today.

15
16 I find it incredible that you have a
17 problem with that. You know, and the last thing, look at
18 your books at 433, the bottom of the page there, number
19 3, it says, at present no Federal regulations specifies
20 to a rainbow trout subsistence fishery in the Bristol Bay
21 area exists, no Federal regulation. The last sentence,
22 thus in times of shortage qualified residents could not
23 fully exercise their subsistence priorities in accordance
24 with the established pattern of use within the region.
25 And that's ANILCA .805(c).

26
27 Thank you.

28
29 CHAIRMAN DEMIENTIEFF: Okay, I've had a
30 request for a brief break and it will be brief. We're
31 only going to take about a five minute break. I've got
32 travel commitments and I'm sure everybody else wants to
33 get home.

34
35 MR. THOMAS: Mr. Chairman, I have an
36 announcement. I'm going to go out and buy me a beaver
37 and fish history.

38
39 CHAIRMAN DEMIENTIEFF: Do that.

40
41 (Off record)

42
43 (On record)

44
45 CHAIRMAN DEMIENTIEFF: Gerald, you had a
46 comment.

47
48 MR. NICHOLIA: Yeah, I just had a
49 question. What is the problem? What is the problem with
50 less than two percent impact on these trout to allow

00215

1 these people to subsistence fish and put out fish on
2 their table?

3

4 CHAIRMAN DEMIENTIEFF: Thank you. I
5 think -- I'm not sure whether this question needs to be
6 addressed to Tom or Keith. But in terms of -- it's
7 probably a question for Tom. In terms of in-season
8 management, if we had a stream that was in concern, and
9 suddenly the in-field [sic] manager is going to issue the
10 permits; is that correct, the local manager?

11

12 MR. BOYD: The local -- any Federal
13 office can issue the permits that are residing locally,
14 Mr. Chair. The in-season manager is tasked with the
15 responsibility to essentially monitor the status of the
16 fishery and then make decisions regarding emergency
17 closures or any other action that may need to be taken
18 within the delegated authority of the manager.

19

20 CHAIRMAN DEMIENTIEFF: So we have a
21 suspect stream or one that would, maybe the in-season
22 manager would be concerned about for the local Staff, and
23 suddenly there was 100,000 permits applied for for the
24 spring, I mean that would cause a serious conservation
25 concern and give -- and I know that's an extreme number,
26 and give the manager -- he would have the ability to
27 close that season even before it began; is that correct?

28

29 MR. BOYD: Mr. Chair, you're posing a
30 hypothetical that, I think, is probably hard to provide a
31 response to. The in-season manager certainly would have
32 the authority to make closures on the basis of concerns
33 about the resource and if there were a significant number
34 of users to apply, I would sense that the in-season
35 manager would certainly be very attuned to what's going
36 on with that fishery and would probably make a quick
37 assessment as to whether that fishery could withstand
38 that kind of pressure and it's possible, I guess, that
39 they would make a decision to close at that point.

40

41 CHAIRMAN DEMIENTIEFF: Well, I mean I'm
42 just saying that it's possible, or that we do have that
43 structure in place, that that can happen and can happen
44 very quickly?

45

46 MR. BOYD: Yes, Mr. Chair.

47

48 CHAIRMAN DEMIENTIEFF: Okay. Mr. Long
49 [sic], did you have something you wanted to....

50

00216

1 MR. VINCENT-LANG: Well, I wanted to add,
2 not to confuse this issue further, but the permit that's
3 issued is issued by the State of Alaska. There is no
4 Federal permit for this area. So what you have here is
5 you have a State permit that's being issued and if you're
6 trying to decide whether or not there could be conditions
7 put on that permit by the Federal manager, I think you're
8 going to have to get yourself a Federal permit to set the
9 stipulations on the Federal permit. We don't have that
10 in place right now.

11

12 CHAIRMAN DEMIENTIEFF: Yeah, but that's
13 something that easily could be done. I mean we're
14 looking at, you know, biologically -- or, you know, if
15 we're looking at concerned areas for conservation for the
16 resource, that, if we suddenly have a whole bunch of
17 applications for that that's something that we could
18 address very quickly and we can build a permit for our
19 Federal lands easily enough.

20

21 Go ahead.

22

23 MR. VINCENT-LANG: That's true. But if
24 you started setting stipulations on permits that weren't
25 the same as the State we could no longer issue those
26 permits so you would be on your own permit system.

27

28 CHAIRMAN DEMIENTIEFF: But I think
29 probably pre-season managers could probably work that out
30 because the State people do work with the Federal people
31 pre-season, correct?

32

33 MR. VINCENT-LANG: Yeah, we would be glad
34 to work with the Federal manager to look at how we could
35 assure for the conservation of these stocks and provide
36 subsistence opportunity but where, in fact, those
37 regulations would differ from State regulations, then you
38 would be into a Federal permit system. And if you're
39 going to move that direction I encourage you, right now,
40 to take the step of establishing a Federal permit for
41 this fishery.

42

43 MR. BOYD: Your question, Mr. Chair, is
44 do we do that by regulation?

45

46 CHAIRMAN DEMIENTIEFF: Yes.

47

48 MR. BOYD: Yes. The answer is yes, we do
49 that by regulation.

50

00217

1 CHAIRMAN DEMIENTIEFF: Okay. Then I
2 guess my suggestion, if we are going to adopt Option A,
3 is that we just amend it to provide a Federal permit so
4 that our managers can track the -- just the number of
5 applications and give us the information we need to make
6 future decisions on the resource as well.

7

8 MR. BISSON: Mr. Chairman.

9

10 CHAIRMAN DEMIENTIEFF: Yes.

11

12 MR. BISSON: If we were to do that then I
13 guess what I need to have confirmed is that, in fact, if
14 we have a Federal permit we were to adopt Option A, that
15 in fact the in-season manager, the manager on the ground
16 would have the delegated authority to set the conditions
17 necessary in the permit to protect, you know, the species
18 as they determine necessary and maybe just on a few
19 drainages where that needs to happen. Is there something
20 we need to do to pass that -- to delegate that
21 responsibility down or does it already exist in fact?

22

23 MR. BOYD: Mr. Chair, I need to maybe
24 confer with our regulation specialist, however, my
25 understanding of the current delegated authority is that
26 it goes primarily to emergency closures and to gear
27 restrictions. Specific -- I'm grappling with what
28 specific stipulations would be applied to a permit, I
29 think we would need some specific Board language to
30 further delegate additional kinds of restrictions if
31 that's what you have in mind.

32

33 MR. BISSON: Well, I guess what I'm
34 thinking about is this morning when we passed on the
35 steelhead issue, we had language which did what I was
36 just talking about which is to delegate the ability for
37 the in-season manager to establish other permit
38 conditions as they choose are necessary and that had to
39 deal with making decisions about small stocks on
40 different streams.

41

42 CHAIRMAN DEMIENTIEFF: Go ahead, Tom, you
43 had additional information?

44

45 MR. BOYD: Yes, Bill Knauer, our
46 regulation specialist just clarified that for me and I
47 apologize, I think I misled you. The delegated authority
48 within the current delegation does allow the in-season
49 manager to stipulate permit conditions.

50

00218

1 CHAIRMAN DEMIENTIEFF: Thank you. So
2 basically if I understand, either option would have to
3 have an amendment to include a Federal permit for the
4 harvest of rainbow trout; is that correct? Would we be
5 able to -- I mean basically that's it. If you're saying
6 that the managers have the ability to put stipulations on
7 the permits, then all we need is an amendment to either
8 option that we may adopt to include a Federal permit --
9 to authorize a Federal permit for the harvest of rainbow
10 trout.

11

12 MR. BUKLIS: Mr. Chair.

13

14 CHAIRMAN DEMIENTIEFF: Larry.

15

16 MR. BUKLIS: Mr. Chairman, the only thing
17 I would add is under our fisheries terms in the
18 regulations, the term subsistence fishing permit, which
19 is in A and B, subsistence fishing permit means a permit
20 issued by the Alaska Department of Fish and Game or the
21 Federal Subsistence Board. The word Federal doesn't have
22 to be in that phrase.

23

24 CHAIRMAN DEMIENTIEFF: So the language
25 would read, the amendment would read to include language
26 that a subsistence fishing permit for the harvest of
27 rainbow trout is necessary -- what am I trying to say --
28 will be required, I guess.

29

30 MS. GOTTLIEB: Mr. Chair.

31

32 CHAIRMAN DEMIENTIEFF: Yes.

33

34 MS. GOTTLIEB: I guess looking at the
35 Interagency Option A, if I understood Larry's comment
36 correctly, I mean we're okay that you may take rainbow
37 trout under the authority of a subsistence fishing
38 permit. But then perhaps adding the conditions as we did
39 earlier today on Prince of Wales, permit conditions and
40 systems to receive special protection will be determined
41 by the local manager in consultation with the Department
42 of Fish and Game, or something similar to that.

43

44 CHAIRMAN DEMIENTIEFF: We have that
45 language in Option A. If we were to use Option A as a
46 vehicle, 27(i)(5)(xiv) where it says under the authority
47 of a subsistence fishing permit, we would just have to
48 submit or amend to submit to put Federal before
49 subsistence fishing permit and that's basically it.
50 That'd be the only change that we'd need to make. Here I

00219

1 am wordsmithing and I don't need to.

2

3 MR. EDWARDS: Mr. Chairman, I guess while
4 I think that this certainly may be a fix to address the
5 conservation issue it does seem that to some extent the
6 Board is sort of asking, in this case, the Refuge to sort
7 of wear the black hat where they've already come to us
8 and identified that they feel there's a conservation
9 issue. Basically what we're saying is, well, we agree
10 with that but we're going to let you identify that at
11 some later point in time. And, one, I guess could argue
12 maybe that's part of their responsibilities, but it does
13 seem that we're putting a lot of maybe our responsibility
14 on to them.

15

16 CHAIRMAN DEMIENTIEFF: I would agree with
17 that Gary but I think, you know, we heard from the
18 Council that the Council would hear it and, you know,
19 I've already committed that the Board will certainly hear
20 if there is an issue that surfaces, in particular, and we
21 need to fine-tune the regulation, you know, I've already
22 committed the Board that we would do that. We don't know
23 that they're out there, we don't know that they're out
24 there specifically but if something does come up we could
25 simply fine-tune the regulation. I know it may put a
26 little bit of pressure on the mangers at this point but
27 that doesn't take away our responsibility to respond to
28 any specific issues that come up.

29

30 MS. GOTTLIEB: Mr. Chair, I guess I'm
31 just not clear whether it would help or whether we should
32 say something about the permit conditions as part of the
33 proposal as well. I'll leave that to Bill or others
34 maybe to comment on.

35

36 CHAIRMAN DEMIENTIEFF: Yeah, that's a
37 delegated authority already. Yes.

38

39 MR. THOMAS: Doesn't it say in Title
40 VIII, should a shortage of resource be identified, in
41 other words, if the resource becomes in peril, then a
42 priority will be implemented? Was that provision taken
43 out? If it's still there why not use it.

44

45 CHAIRMAN DEMIENTIEFF: Further
46 discussion.

47

48 MR. BUKLIS: Mr. Chairman.

49

50 CHAIRMAN DEMIENTIEFF: Yes, Larry.

00220

1 MR. BUKLIS: Thank you, Mr. Chairman. I
2 think I might be able to help a little bit on the permit
3 terminology. Under A, the sentence you read earlier, you
4 may take salmon, rainbow trout and char only under
5 authority of a subsistence fishing permit. Now, that
6 phrase, subsistence fishing permit can encompass the
7 State system and any new Federal system. For salmon and
8 char, we would probably continue to work with the State's
9 permit system. Since our approach to rainbow trout under
10 this approach, this option would be different, the State
11 would not be issuing their permits for that take.

12
13 So a second sentence could narrow it in
14 terms of rainbow trout. A second sentence could say, a
15 Federal permit is required for the take of rainbow trout.
16 So either could apply for salmon and char and for rainbow
17 trout it must be Federal because it can't be State.

18
19 And then after that if you wanted to put
20 a sentence in about stipulations and authority it would
21 follow, like in Southeast, the example that came up,
22 that's where it would fit.

23
24 CHAIRMAN DEMIENTIEFF: Well, we have it
25 here, it's already authorized as it exists; is that right
26 -- is that correct?

27
28 MR. BUKLIS: Yes, Mr. Chairman. It's
29 just that by having salmon, trout and char under a
30 subsistence permit it may imply one permit system for all
31 species whereas for rainbow trout it can only be the
32 Federal permit.

33
34 CHAIRMAN DEMIENTIEFF: So we'd be
35 striking rainbow trout out of that sentence and then.....
36

37 MR. BUKLIS: I think it would be best,
38 Mr. Chairman, to retain the sentence. The main principal
39 is, you need a subsistence fishing permit for any of
40 those three species.

41
42 CHAIRMAN DEMIENTIEFF: Right.

43
44 MR. BUKLIS: For one of those three
45 species, rainbow trout, it can only be a Federal permit.
46 For the other two species we can use that general phrase
47 which encompasses both systems.

48
49 CHAIRMAN DEMIENTIEFF: So basically that
50 would -- we'd just add a sentence that says a Federal

00221

1 permit will be required for rainbow trout?

2

3 MR. BUKLIS: For the take of rainbow
4 trout.

5

6 CHAIRMAN DEMIENTIEFF: Yeah. So
7 basically what we should do, I don't know, does anybody
8 want to make a motion here to adopt an option?

9

10 MR. BUNCH: Mr. Chair.

11

12 CHAIRMAN DEMIENTIEFF: Yes.

13

14 MR. BUNCH: Well, like I told you
15 earlier, I only put 50 cents in the parking meter so I'll
16 volunteer to make a motion.

17

18 I move that we accept Option B of the
19 Federal proposal FP03-06(b) with the addition of a
20 paragraph B under (2)(7)(i)(5)(xiv) [sic] which states:

21

22 A Federal permit will be required to take
23 rainbow trout or words to that effect.

24

25 CHAIRMAN DEMIENTIEFF: Let me clarify,
26 are you going with Option A or Option B? Option A is the
27 Regional Council recommendation.

28

29 MR. BUNCH: Oh, I'm sorry, Option A.

30

31 CHAIRMAN DEMIENTIEFF: Okay. With the
32 amendment that a Federal permit will be required. Okay,
33 is there a second to that motion?

34

35 MR. BACHOR: Second.

36

37 CHAIRMAN DEMIENTIEFF: Okay. Discussion.

38

39 MS. GOTTLIEB: Mr. Chair.

40

41 CHAIRMAN DEMIENTIEFF: Yes.

42

43 MS. GOTTLIEB: I just wondered if I could
44 make a friendly amendment and mention that sentence on
45 stipulations that we discussed before as used in the
46 Southeast proposal?

47

48 CHAIRMAN DEMIENTIEFF: Go ahead.

49

50 MS. GOTTLIEB: And that wording would be

00222

1 something to the effect of the permit conditions and
2 systems to receive special protection will be determined
3 by the local manager in consultation with the Alaska
4 Department of Fish and Game and local users.

5
6 CHAIRMAN DEMIENTIEFF: There is a motion
7 to amend, is there a second?

8
9 MR. BISSON: I second it.

10
11 CHAIRMAN DEMIENTIEFF: Any discussion on
12 the amendment? Dan, does that give you any heartburn?

13
14 MR. O'HARA: Yes, it does, but then we
15 just stand by with what our Council put forward and I'm
16 just thankful it's Option A instead of Option B. So
17 permitting is a rather interesting system in that when
18 the Park Service has issued a permit to go get a moose by
19 a resident or a non-resident, that Park Ranger is flying
20 over that moose camp three times a day. He lands, he
21 gets his phone number, he gets his address, his Social
22 Security number and his permit for the Park and his
23 permit for his license and if he paid his fee. They know
24 more about that guy than his wife knows about him,
25 whether he paid his alimony or not, who knows. And if a
26 guy's going to get a moose up the Egegik River there with
27 the State of Alaska he's got to go to King Salmon to get
28 himself a permit. Permitting is nothing new. Permitting
29 is keeping track of the resource.

30
31 I don't know what Judy's -- excuse me,
32 Ms. Gottlieb's reading into that but at this stage of the
33 game you just do what you want to do because we're not
34 moving over.

35
36 Thank you.

37
38 CHAIRMAN DEMIENTIEFF: Any further
39 discussion on the motion to amend.

40
41 (No discussion)

42
43 CHAIRMAN DEMIENTIEFF: Hearing none. All
44 those in favor of the motion to amend, please signify by
45 saying aye.

46
47 IN UNISON: Aye.

48
49 CHAIRMAN DEMIENTIEFF: Those opposed,
50 same sign.

00223

1 (No opposing votes)

2

3 CHAIRMAN DEMIENTIEFF: Motion carries.

4 We now have the main motion as amended before us.

5 Further discussion.

6

7 (No discussion)

8

9 CHAIRMAN DEMIENTIEFF: Hearing none. All

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

11 aye.

12

13 IN UNISON: Aye.

14

15 CHAIRMAN DEMIENTIEFF: Those opposed,

16 same sign.

17

18 (No opposing votes)

19

20 CHAIRMAN DEMIENTIEFF: Motion carries.

21 That concludes our business except where we have -- we

22 need a motion to adopt our consent agenda items. Is

23 there a motion to adopt our consent agenda items?

24

25 MR. BISSON: Mr. Chairman, I move we

26 adopt our consent agenda items.

27

28 CHAIRMAN DEMIENTIEFF: Thank you.

29

30 MR. BUNCH: Second.

31

32 CHAIRMAN DEMIENTIEFF: It's been moved

33 and seconded. Discussion.

34

35 (No discussion)

36

37 CHAIRMAN DEMIENTIEFF: No objection. All

38 those in favor signify by saying 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 Okay, we're now going to go into our meeting with the

49 Regional Council Chairs which will be the last -- unless

50 something else comes up, will be the last item we'll

00224

1 have. How do we phrase that. And basically the question
2 that we have with regard to this issue is a discussion of
3 future meetings with the Board and the Regional Council
4 Chairs.

5
6 The issue here is that the Chairs are not
7 a FACA authorized group and so we don't have a way to get
8 into any substantive issues. When we first started out
9 meeting, we did it on an informational basis on
10 administrative matters and then it's kind of evolved
11 through the years into doing, you know, addressing
12 substantive issues and it became a real FACA issue as
13 well. And basically, you know, why I scheduled it at the
14 end, at the conclusion of the regulatory meeting was so
15 that we would not have an advanced opportunity to discuss
16 any regulatory issues that may be coming up prior to
17 addressing them in a public forum. Because in the past
18 our Council Chair's meetings have been kind of closed
19 meetings between us and the Chairs.

20
21 And towards that end, we, you know,
22 address a very many concerns among them, which continues
23 to be an issue, items like compensation of Regional
24 Council members, you know, those are things that we move
25 forward. We've addressed issues like trying to improve.
26 Our Staff trying to improve travel, for example,
27 arrangements for Council members. And those things are
28 entirely appropriate. So that's basically where we're
29 at. And I just kind of wanted to get some feedback from
30 the Council Chairs to see what their reaction was to that
31 particular move and quite frankly as I told the Board in
32 the work session last week, that, you know, I'll take the
33 blame because I think we worked hard to, you know, FACA
34 has been an issue with us that we've been working on for
35 the last, what, year and a half or something, and we are
36 finally in compliance and I want to make sure we stay
37 that way.

38
39 So that's basically where we're at and I
40 don't know if you guys have any feedback on that or if
41 you're comfortable with having a meeting at the end, just
42 like this, at the end of our regulatory process. But
43 keeping in mind that we would have to only discuss
44 administrative matters.

45
46 Gerald.

47
48 MR. NICHOLIA: I think this is a good way
49 to bring it out in the open. I don't believe you guys
50 should be pushed by political means or other big people

00225

1 or sports people, to just be pushed to just allow or act
2 that might be contradictive to Title VIII of ANILCA.

3

4 CHAIRMAN DEMIENTIEFF: Ron.

5

6 MR. SAM: Thank you, Mr. Chair. To my
7 knowledge we have never discussed any issue or proposal
8 or Federal Subsistence Board decisions or decisions to
9 come. As you appropriately stated, all we hollered and
10 screamed at you about is for a good four or five years is
11 compensation, which we've never gotten and we probably
12 will never get and improvement of travel for our Regional
13 Council members.

14

15 Point in fact is that are spring meeting
16 is scheduled for Aniak. For the operations of Western
17 Interior, we have to travel, depending on weather
18 permitting, from Wiseman, Alatna, Allakaket, Fairbanks,
19 overnight here at Anchorage and then either catch a
20 charter or full plane load of Staff and our Regional
21 Council members from the upper regions of Western
22 Interior to Aniak. And then we go through the same
23 process coming back, it takes two days -- it gives us two
24 extra days of travel and those are the things that we
25 addressed.

26

27 And before I came down I called my
28 officers and talked to them about this jointly, we feel
29 that we are being FACCA'd out and phased out in some sort.
30 We brought the issue -- we talked about the issue before
31 this started and this started out with Senator Halford's
32 letter to Secretary Griles, out of that came a mandate
33 from the Department of Interior mandating that we create
34 a 70/30 split, subsistence versus commercial entities,
35 and Title VIII was, as we understand it, was created
36 slowly to protect the subsistence users.

37

38 Thank you, Mr. Chair.

39

40 CHAIRMAN DEMIENTIEFF: Thank you. Any
41 other discussion. Well, I guess we'll continue to have
42 them at the conclusion of our regulatory meetings in this
43 manner. It will have to be in a public forum just in
44 case there are matters like that. I mean like the Aniak
45 issue, you know, there's virtually nothing we can do
46 about it. It's just a logistical thing, we don't get to
47 schedule the airlines. But I mean that's a real issue, I
48 understand it, it gives you two extra days of travel.

49

50 I know there's nothing we can do to help

00226

1 you and I think we all realize that.

2

3 So if there's nothing else, I want to
4 wish everybody Happy Holidays and I hope you all get
5 home.....

6

7 MR. WILDE: Mr. Chairman.

8

9 CHAIRMAN DEMIENTIEFF: Yes.

10

11 MR. WILDE: Mr. Chairman, I think we have
12 come from long ways with the Federal Subsistence Board.
13 There's some places, nuts loose and we tightened them up.
14 I think we work together and try to save the subsistence.
15 In my area, because my area is the biggest area,
16 Yukon/Kuskokwim, elders do understand some things are
17 very hard to get what you want. Because in my area, I
18 think it's the hardest part because you have to translate
19 everything. Our coordinator, he do a lot of work because
20 he have to prepare ahead of time how is the easiest way
21 to understand the elders because most of our Council are
22 elders. So we do appreciate what Council did work with
23 us. We don't lose very much but very important things, I
24 think it would be good some Board members go to some
25 Council meetings, they could understand more.

26

27 Thank you, Mr. Chairman.

28

29 CHAIRMAN DEMIENTIEFF: Thank you. And
30 I'll also thank you for Tom and Keith and myself for,
31 what seems like most of the time we're the only nuts
32 around here that need a little tightening.

33

34 MR. WILDE: Amen. Amen.

35

36 CHAIRMAN DEMIENTIEFF: Ralph -- Tom takes
37 exception to that.

38

39 MR. LOHSE: Mr. Chair, if I may make a
40 suggestion, I think we have worked and we have come a
41 long way. But I think there is one thing that, as we sat
42 around as Chairs and talked about it this noon, there's
43 one thing that we would like to see happen and that is
44 when you're discussing these issues, one of the reasons
45 you have RACs is because RACs are people from rural
46 areas. They're people who understand the rural areas,
47 they probably understand how the people in the rural
48 areas will react and what they will do a lot more than
49 most of you sitting up there at the table do and they'll
50 look at it from a different angle than you would.

00227

1 And when you're on these knotty problems,
2 these problems that you're having trouble solving and
3 you're dealing with one area, you know, I really think
4 that you should at some time or another, just ask, are
5 there any other Chairs, any other RAC Chairs that are
6 sitting here that have something that they can
7 contribute. Because the people are the same all over the
8 rural area. And we all have a wide variety of different
9 experiences, the people that are sitting up here as
10 Chairs, and there are a variety of experiences a lot of
11 you don't have, some of you do. And those contributions
12 may, at times, shed some light on some of your problems.
13 I know there's times it's just hard to sit here and hold
14 your peace when something that looks so obvious because
15 of where you come from stares you in the face and it
16 looks like nobody's able to see it and sometimes some of
17 us haven't held our peace and, don't say it, Tom, but I
18 think that it would be nice to be invited to say, do you
19 guys have something you'd like to contribute. And that
20 would make it look -- I mean it would make me and I don't
21 know about the rest of the RAC Chairs but it would make
22 it feel like when I'm sitting here for the rest of the
23 meeting, that I'm not just wasting my time and that you
24 have us here for a reason.

25

26 Thank you.

27

28 CHAIRMAN DEMIENTIEFF: Ralph, I've never
29 in my tenure here on this Board, I've never not allowed a
30 RAC Chair to speak on an issue and there's a lot of
31 reasons for that, in addition to the reasons that you
32 stated. Sometimes a game issue, for example, is, you
33 know, another area has gone through a similar issue and
34 has experience that's been important and a valuable part
35 of our deliberations but I've never not allowed a RAC
36 Chair to speak on an issue.

37

38 MR. LOHSE: Mr. Chair, I agree with you
39 100 percent. But there is a difference between being not
40 allowed and being invited. There's a lot of times, I
41 know, that we've kept silent simply because we didn't
42 want to put our oar in without having somebody ask us if
43 we had something to contribute. And it's just, you know,
44 like I think of the issue that you went through yesterday
45 on the rainbow trout, and I can think of having gone
46 through the same issue with the Alaska Board of Fish when
47 Cordova requested a cut back in cut-throat trout for the
48 same reason and those are things that would contribute to
49 your discussion, but you don't really like to -- you
50 don't like to stick your oar in and give them to you if

00228

1 you're not asked to.

2

3 And, you know, even if there was just,
4 you know, when you're struggling with some of these
5 problems that you have that are hard and you can see
6 that, you, as a Board, are struggling with them, if all
7 you did is ask, does anybody out there in the RACs have
8 something to contribute? Have you come across this
9 problem before? What have you done? How do you think
10 the people will think? How do you think the people will
11 react? What do you think -- I mean I wanted to sit here
12 and say, you know, if the subsistence people in Bristol
13 Bay know that there's a problem that they will get shut
14 down if there's too much fishing in the mouth of this
15 creek and this is made obvious to them ahead of time as a
16 people, now, they have ownership of the resource, they,
17 themselves will say it's in our best interest not to do
18 it.

19

20 That's where the education comes in.

21

22 CHAIRMAN DEMIENTIEFF: Uh-huh.

23

24 MR. LOHSE: That's where you got to give
25 people credit for the fact that people learn and people
26 grow. And that's where I think you've got -- that's what
27 you have these people up here for. You've got experience
28 here -- you got experience sitting to the left of me here
29 that none of us will ever have, you know, and he is
30 tapped into experience that none of us could never even
31 start to tap into, and let's make use of that. Let's
32 make use of it when you're on these thorny problems.

33

34 We're sending out these surveys to get
35 TEK and we put it all down on paper, traditional
36 ecological knowledge, fine, you've got traditional
37 ecological knowledge sitting right here that all you got
38 to do is ask. But most of it is not going to volunteer,
39 it's going to wait until it's asked and not everybody is
40 like me who has the background where you speak without
41 being spoken to and I know that I'm forward that way.
42 Bill Thomas is that way and I respect him for it.

43

44 But you know, you've got knowledge here
45 that you can just ask.

46

47 CHAIRMAN DEMIENTIEFF: Yeah, you know, at
48 one time we used to have an opening comment. I don't
49 want to invite it on every proposal, I mean, you know,
50 specifically ask for it. But at one time we used to have

00229

1 -- I used to give an opening remark and I think maybe
2 we'll go back to that, Tom, and include it at the
3 beginning of every regulatory meeting, we'll talk about
4 the process and we'll talk about the importance of the
5 RACs and invite people, you know, at that time, RAC
6 Chairs, if they want to participate in another region or
7 have some similar experiences, invite them to participate
8 because that's just been the way it's been.

9

10 Dan.

11

12 MR. O'HARA: The very least you can do is
13 at least introduce us. You didn't do that last time,
14 thank you, Merry Christmas.

15

16 (Laughter)

17

18 CHAIRMAN DEMIENTIEFF: What was your name
19 again?

20

21 (Laughter)

22

23 CHAIRMAN DEMIENTIEFF: Okay, are we done.

24

25 MR. THOMAS: Mr. Chairman.

26

27 CHAIRMAN DEMIENTIEFF: Bill came back.

28

29 MR. THOMAS: Yeah, Merry Christmas. This
30 has really been a disturbing meeting for me, especially
31 process wise. I sent a letter to OSM and I spelled out
32 that the RAC started out with a one page instruction
33 printed on both sides, now it's a volume on what we're
34 supposed to do as RACs, our responsibilities. I tried to
35 find out what process the Board uses at arriving at their
36 decision, how do you know what to focus on, it doesn't
37 look like there's a general focus from members of the
38 Board. And I can't imagine you not having a script or a
39 process of some sort to arrive at. And I have to say,
40 that today's meeting looked more like a Board of Fish
41 meeting than a Federal Subsistence Board meeting and it
42 sounded like one. And it doesn't look like anybody on
43 the Board is coming from a compatible direction or
44 heading in the same direction so that bothers me.

45

46 And I'm going to be giving this some
47 thought and I'll be in touch with the Board and OSM
48 regarding that because I'm really disturbed and some of
49 my correspondence is going to reflect that.

50

00230

1 Thank you, Mr. Chairman.

2

3 CHAIRMAN DEMIENTIEFF: Thank you.

4 Anything else. Yes.

5

6 MR. SCHIEDT: Let me bring up this issue,
7 when I was checking into my hotel, you know, how you guys
8 work real hard for us not to have any problems, yesterday
9 I came in the morning, I tried to check in, I couldn't
10 check in. I tried at noon, I couldn't check in. I tried
11 after the meeting and I couldn't check in. I gave the
12 lady at the counter my spelling of three different,
13 possibly mistakes in my last name, still, I had problems
14 and I finally just told them, if you guys are going to
15 give me problems just put it on my credit card, I got to
16 sleep somewhere. You know, one of those issues.

17

18 And he brought the right issue up, you
19 know, we got TEKs, when you guys had the problem you had
20 yesterday, I had information, over 50 years ago what my
21 -- an elder died at 117 and he told me about the fish
22 problems they had and you guys are worried about trout.
23 As an elder, I'm 57 years old, we know trout never go
24 back to the same river where I come from and I was told
25 50 years ago and the agency did a study, and which is
26 true and heard what we were saying up north, to me how
27 could you manage like trout when you know a trout is not
28 going to go to the same place in the same river, in the
29 same drainage. When we tagged trout in Kivalina River,
30 we get it in Russia, Unalakleet, Noatak, Kiana, Deering.

31

32 I'll give you an example, he's right, we
33 should be asked, maybe we'll help the other guys educate.
34 To me, when I came in, this is my first meeting, I see
35 it's Federal Subsistence Board but there's only one
36 Native up there, you know, to really help our people, the
37 protocol under ANILCA we should -- subsistence should be
38 a priority but I see a Federal non-subsistence Board up
39 there.

40

41 Thanks.

42

43 CHAIRMAN DEMIENTIEFF: Thank you. And I
44 out number them one to five.

45

46 (Laughter)

47

48 CHAIRMAN DEMIENTIEFF: Anything else.

49

50 (No discussion)

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1 CHAIRMAN DEMIENTIEFF: Again, thank you
2 one and all. January 14th will be our next meeting on
3 customary trade. So again, have a Happy Holiday season
4 and get home to your family safely. We stand adjourned.

5

6 (END OF PROCEEDINGS)

