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1 FISH AND WILDLIFE SERVICE FEDERAL SUBSISTENCE BOARD
2 LOWER LEVEL, EGAN CONVENTION CENTER
3 ANCHORAGE, ALASKA

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VOLUME I

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8

JUNE 25, 2002

9

1:30 o'clock p.m.

10

PUBLIC MEETING

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1 PROCEEDINGS

2

3 (Anchorage, Alaska - 6/25/2002)

4

5 CHAIRMAN DEMIENTIEFF: We'll go ahead and
6 call the meeting to order. We'll check first to see who
7 we've got on line. Is Alex Nick on line? Mike Reardon?
8 How about Robert Nick, is he on line? Wayne Morgan, are
9 you on line? James Charles, are you on line?

10

11 MR. CHARLES: Yes, I am on line.

12

13 CHAIRMAN DEMIENTIEFF: Okay. Ray Collins.

14

15 MR. COLLINS: Yes, I'm here.

16

17 CHAIRMAN DEMIENTIEFF: Okay. Jack Reakoff.

18

19 MR. REAKOFF: Yes, I'm here.

20

21 CHAIRMAN DEMIENTIEFF: Okay. And Vince
22 Mathews.

23

24 MR. MATHEWS: Yes, I'm here.

25

26 CHAIRMAN DEMIENTIEFF: Well, we'll just add
27 these people on as they come in.

28

29 We're here with regard to Special Action
30 FSA02-03, and with that we'll go to Jerry Berg for the
31 Staff presentation.

32

33 MR. BERG: Thank you, Mr. Chairman. For
34 the record my name is Jerry Berg, I'm the Staff fishery
35 biologist for the Office of Subsistence Management and I'll
36 be presenting the Staff analysis for Special Action 02-03
37 which is submitted by ONC and KNA requesting to limit the
38 chinook and chum salmon harvest in Federal waters to
39 Federally-qualified subsistence users or alternatively, to
40 limit the non-subsistence fishing activities to the same
41 schedule being imposed on subsistence harvest activities.
42 The request also suggests that the closed dates do present
43 a substantial disruptive to traditional methods of harvest.

44

45 The Staff analysis does identify that the
46 Kwethluk IRA Council voted to support this request. It
47 also states that the Kuskokwim River Salmon Working Group
48 also voted to support the request but in fact I guess we
49 found out later that they didn't actually vote on it.
50 There was discussion of support of the Special Action but

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1 they didn't actually vote on it in April.

2

3 The Alaska Board of Fisheries has
4 identified the Kuskokwim River chinook and chum salmon as
5 stocks of concern and as a result, the Board of Fisheries
6 established a reduced fishing schedule as part of the
7 Kuskokwim River Salmon Rebuilding Plan. This schedule was
8 adopted to rebuild the salmon runs by providing closed
9 periods during which salmon pass through with reduced
10 fishing pressure to improve the equality of escapement with
11 possibly more large females reaching spawning grounds and
12 also to more evenly spread the subsistence fishing
13 opportunity throughout the drainage.

14

15 We're now in the second year of the
16 rebuilding management plan and the schedule identified in
17 the plan is being implemented through emergency orders
18 issued by the Alaska Department of Fish and Game. The
19 Federal Subsistence Board adopted, by temporary action, in
20 May of 2000 the same schedules, openings and closings
21 identified in the State EO's unless superseded by a Federal
22 special action. The schedule consists of four days per
23 week open to subsistence fishing with nets or fishwheels
24 followed by three closed days through June or July unless
25 the run strength warrants further action. Subsistence
26 fishing with rod and reel is not restricted under the
27 schedule and is open seven days a week with no bag limits.

28

29 Many of the residents of the Kuskokwim
30 River drainage support the schedule and the efforts to help
31 rebuild these salmon stocks. However, many of these same
32 people do not support the sportfishery being open seven
33 days a week while they are being restricted by the
34 schedule.

35

36 The Federal Subsistence Board received this
37 request in late April and addressed the request on May 1st
38 and at that point decided to defer action on the request
39 until more in-season run strength became available in late
40 June which is where we're at today. The Board also decided
41 to discuss the fishing schedule imposed on Federally-
42 qualified subsistence users and whether the subsistence
43 priority is being properly afforded in Federal waters.

44

45 Federal jurisdiction extends throughout the
46 lower and middle portion of the Kuskokwim River drainage,
47 primarily on the Yukon Delta National Wildlife Refuge. The
48 Refuge boundary includes all waters from the mouth of the
49 river upstream to and including the lower portion of the
50 Aniak River as you can see on the map on Page 3 of the

1 analysis.

2

3 Prior to 2001 the Kuskokwim River was open
4 to subsistence fishing seven days a week, 24 hours a day
5 unless a commercial fishing period was announced. In
6 January of 2001, the Alaska Board of Fisheries instituted
7 the subsistence fishing schedule in a conservation effort
8 to address declining salmon runs. This schedule was
9 implemented in the Lower Kuskokwim River and all salmon
10 spawning tributaries starting the first week of June of
11 this year was extended to the lower and middle river during
12 the second week of June and was finally implemented in the
13 entire river drainage starting June 16th and is now in
14 place today with the next opening starting tomorrow. It's
15 closed through tonight, midnight.

16

17 During subsistence fishing closures all
18 gillnets with stretch mesh greater than four inches must be
19 removed from the water and all fishwheels must not be
20 operated. There's no restrictions on subsistence rod and
21 reel fishing and no harvest limits using rod and reel.

22

23 The Alaska Department of Fish and Game has
24 also placed restrictions on the salmon sportfishery by not
25 opening the sportfishing until June 15th and reducing the
26 bag limits from three to one chinook or chum salmon per
27 day. The Alaska Department of Fish and Game has also
28 stated that they don't expect to have a directed commercial
29 fishery in June or July.

30

31 For current events involving this issue the
32 Kuskokwim River Salmon Management Working Group met on June
33 18th to assess the chinook and chum salmon run strength and
34 agreed with the ADF&G and Fish and Wildlife Service
35 recommendation to maintain the subsistence fishing schedule
36 for another week and to meet again this coming Thursday to
37 reassess the run strength. This management strategy was
38 based primarily on the Bethel test fish index information
39 we have available and also the in-season subsistence
40 harvest reports. As you can see in Figure 1 on Page 5,
41 that the chinook numbers for this year are better than the
42 other three years with comparable water flow data. We can
43 only compare the data to years with similar water flow due
44 to the efficiency of the drift gillnets. And then again on
45 Figure 2, Page 6 you can see the chum numbers are also
46 coming in better than years with similar water flow. And
47 those numbers are through June 23rd, this past Sunday.

48

49 The in-season subsistence harvest reports
50 through June 15th have been favorable with most fishers

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1 below Lower Kalskag reporting very good to normal catches
2 and I understand that Mr. Greg Roczicka with ONC has some
3 updated information that he might be able to provide us
4 later today on the more recent opening.

5

6 So given the current run status of the run
7 and the in-season subsistence harvest reports it is
8 expected that escapements and subsistence needs will be met
9 for chinook and chum salmon in 2002.

10

11 The subsistence fishing schedule
12 implemented in 2001 may have contributed to improving
13 escapements throughout the drainage and you can see in
14 Figures 3 and 4, Figure 3 has the escapement numbers for
15 chinook salmon throughout the drainage and as you can see
16 there were improved escapements throughout the drainage
17 this last year. Of course, there were also measures taken
18 throughout the migratory route of those salmon as they
19 migrate up to the Kuskokwim as well. And then you can also
20 see on Figure 5, it shows the recent years subsistence and
21 commercial harvest levels for the Kuskokwim River.

22

23 The preliminary subsistence harvest
24 estimates for the Kuskokwim River for chinook salmon in
25 2001 were 73,600 fish compared to a 10-year average of just
26 under 80,000 chinook salmon. In the 2001 preliminary
27 harvest of chum salmon was just under 50,000 fish with a
28 10-year average of 63,000. So we were just under the 10-
29 year averages for subsistence harvest last year, although
30 those are above the minimum amounts necessary for
31 subsistence identified by the Board of Fisheries and I
32 believe the State may have more information about that
33 later.

34

35 Sportfishing for chinook and chum salmon on
36 Federal waters in the Kuskokwim River drainage primarily
37 occurs on the Aniak, Kisaralik and Kwethluk Rivers. A
38 majority of this sportfishing effort for chinook salmon
39 within the Kuskokwim drainage occurs within Federal waters
40 on the Aniak River. There was some displaced sportfishing
41 effort last year in 2001 partly due to the muddy water in
42 the Aniak River and partly due to the Federal action to
43 restrict use to only Federally-qualified subsistence users
44 in June and July. That displaced effort did result in more
45 sportfishing effort on the George River and there were
46 closures of the sport and subsistence fishery on the George
47 River most likely due to the higher water and the Federal
48 special action.

49

50 Under more liberal regulations than are

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1 currently in place, sportfish anglers caught an average of
2 7,200 chinook salmon per year on the Aniak, between 1997
3 and '99, although the actual sport harvest for the Aniak
4 River rarely exceeds 500 salmon there is some associated
5 hook and release mortality with chinook salmon and although
6 we don't know for sure what those rates are on the Aniak
7 River there was a study conducted on the Kenai River in the
8 late '80s and early '90s that identified an average hooking
9 mortality of 7.6 percent with a range of four to 11
10 percent.

11

12 For chum salmon there's approximately 3,200
13 chum salmon caught and released annually on the Kisaralik,
14 Kwethluk and Aniak Rivers combined.

15

16 The four day a week subsistence fishing
17 schedule has resulted in a major change in traditional
18 fishing practices for residents in the Kuskokwim area.
19 Many local residents view the schedule as a substantial
20 restriction on subsistence activities and the don't
21 understand why the sportfishery is allowed to continue with
22 the subsistence priority in both State and Federal law.
23 Traditionally residents fished as personal, weather and
24 environmental factors permitted. Families would focus
25 their fishing efforts based on timing of the run, water
26 conditions, processing and drying conditions. Probably the
27 most significant factor is simply having good weather
28 conditions available for processing and drying salmon at
29 the time when salmon are relatively abundant and can be
30 caught. When good weather for processing is not at hand
31 people generally do not harvest their salmon during those
32 times. When salmon fishing is closed at the same time that
33 fish are available and drying conditions are good is likely
34 when the greatest impact to subsistence fishermen could
35 occur.

36

37 With the subsistence fishing schedule
38 instituted in 2001, the Kuskokwim River salmon fishermen
39 have lost the flexibility that is key to their traditional
40 patterns. However, the subsistence fishing schedule is a
41 conversation measure created to help rebuild the Kuskokwim
42 River chinook and chum salmon runs. Subsistence fishers
43 from the middle and upper Kuskokwim River village have long
44 supported efforts to ensure that more chinook salmon arrive
45 in their portions of the river and the schedule is likely
46 helping achieve that goal.

47

48 The Alaska Department of Fish and Game also did not
49 open sportfishing until June 15th. These sportfish
50 regulatory actions are implemented as conservation measures

1 to help reduce the impact sportfishermen may have on the
2 chinook and chum salmon populations. However, some
3 residents of the Kuskokwim River drainage view the
4 sportfish closure through June 15th as window-dressing
5 because the sportfishery does not really get started until
6 late June or early July in the Aniak River.

7

8 There is a conflict over local perceptions
9 of sportfishing. Many Kuskokwim River subsistence users
10 view hook and release sportfisheries as playing with their
11 food. Subsistence fishermen believe that sportfishermen
12 disrupt spawning salmon or at least disrupt spawning
13 habitat. Sportfishers do not harvest many salmon over all
14 and at present levels they will likely have little impact
15 on escapement or subsistence harvest levels during an
16 average or better than average run. It is more of a
17 conflict between traditional values and cultural beliefs
18 which are not very well understood on either side of the
19 issue.

20

21 When ANILCA passed, Congress prohibited
22 imposing restrictions on the taking of fish and wildlife
23 for non-subsistence uses unless necessary identified under
24 Section .815 of ANILCA. However, under Section .804, it
25 also states that subsistence has the clear priority for
26 non-wasteful uses of subsistence over the taking of fish
27 and wildlife for other purposes. The Ninth Circuit Court
28 has interpreted this language to mean that subsistence
29 living, although at the heart of ANILCA is not, per se,
30 preemptive statutory priority and the Board is not required
31 to completely eliminate other uses of fish and wildlife
32 before imposing restrictions on subsistence uses. However,
33 the Federal District Court in the Bobby case interpreted
34 ANILCA to mean that the limits and restrictions imposed on
35 subsistence uses must not be inconsistent with the
36 customary and traditional practices of subsistence users.

37

38 In this instance, a significant and
39 meaningful priority for subsistence over sportfishing is
40 provided by the fact that subsistence users employ highly
41 effective gillnets and fishwheels, fish without harvest
42 limits during the subsistence openings and are able to fish
43 seven days a week using rod and reel.

44

45 The Special Action request would have the
46 greatest impact on sportfishermen fishing for chinook and
47 chum salmon and would negatively effect the commercial
48 activities of guides, outfitters and shuttle services
49 operating in support of the chinook and chum salmon
50 fisheries in the area. Sportfishing for other fish species

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1 would be allowed to continue. In addition sportfishing
2 effort normally directed at the Aniak River may shift to
3 other drainages that are less capable of supporting chinook
4 harvest such as the George River this past year.

5

6 That's all I have at this time, Mr. Chair.

7 I'd be happy to answer any questions.

8

9 CHAIRMAN DEMIENTIEFF: Thank you, we'll
10 keep you available for any questions during the court of
11 the meeting. We are having trouble, I understand, in
12 Bethel with the phones. There was a number of people that
13 I called earlier in the meeting that were not on line, just
14 simply are not able to get in. So if there are people from
15 Bethel, any time that you're able to hook on we will go
16 ahead and allow them to testify even if it's out of order
17 during the process. In fairness, it's not their fault.

18

19 Speaking of testifying.....

20

21 MR. MARTIN: Mr. Chair.

22

23 CHAIRMAN DEMIENTIEFF: Yes.

24

25 MR. MARTIN: This is Wayne Martin with KNA.
26 I just dialed in about five minutes ago when Jerry Berg
27 started his report.

28

29 CHAIRMAN DEMIENTIEFF: Okay, good, thank
30 you.

31

32 MR. NICK: Mr. Chair.

33

34 CHAIRMAN DEMIENTIEFF: Yes.

35

36 MR. NICK: This is Alex Nick from Bethel,
37 we're on line.

38

39 CHAIRMAN DEMIENTIEFF: Okay, you got Mike
40 Reardon and Robert Nick with you?

41

42 MR. NICK: Robert Nick's here.

43

44 CHAIRMAN DEMIENTIEFF: Okay, good thank
45 you. Sometimes phone magic does work. If there are people
46 in the audience that wish to testify, again, the blue forms
47 are available on the table outside the door here. We
48 simply need to get them filled out and we'll take them in
49 the order that we receive them.

50

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1 With regard to that, with Alex being on
2 line I'm not sure if Alex or Tom is going to give the
3 summary of written public comments, Tom, are you going to
4 do that?

5

6 MR. KRON: Yes, Mr. Chairman. I can prepare
7 -- we have a statement summarizing the comments that we
8 received. There were about 20 public comments received
9 from Bethel this morning and I'll go ahead and read through
10 the summary.

11

12 A survey was done by ONC of subsistence
13 people along the Kuskokwim River asking for comments on the
14 fishing schedule last year and this year. Sixteen
15 responses were submitted to the Refuge office. The
16 communities represented in these responses are as follows:
17 Six from Bethel, six from Napaskiak, one from Kipnuk, one
18 from Oscarville and two were unknown. Six opposed the
19 fishing schedule, 10 responses favored the fishing
20 schedule, although one acknowledged its inconvenience. The
21 main reason cited for opposition was not being able to
22 harvest enough fish to meet family needs. Interference
23 with work and other schedules was another reason for
24 opposition. Those who favored the schedule cited the
25 importance of the health of the fish stocks, opportunity to
26 rest with shorter schedule and the ability to meet the
27 families needs with this schedule. Some did acknowledge
28 the inconvenience and noted that not all families were able
29 to catch enough fish for their needs.

30

31 Mr. Chair.

32

33 CHAIRMAN DEMIENTIEFF: Thank you. With
34 that we'll open the floor to public testimony. And I think
35 we will go ahead and start with the people on line in case
36 we have other phone troubles. I'm not sure who's going
37 first, Robert Nick, did you wish to testify?

38

39 MR. R. NICK: Thank you, Mr. Chairman. I
40 would like to make a few comments. This afternoon,
41 although I saw the chairman of our Regional Council
42 yesterday or the day before, you know, there was no
43 comments regarding me speaking for the Federal Subsistence
44 RAC so I'll be speaking for myself as a subsistence
45 fishermen and for other subsistence fishermen in my village
46 and the Kuskokwim River.

47

48 As we all know, the conditions of the river
49 this summer, or this spring and summer so far is that water
50 was high and when water is high we are told that salmon

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1 swim up the river a lot faster than they do when the
2 water's low and it may be the case this year and although
3 last year in the first year of the reduced fishing
4 schedule, many families were able to go out and try to
5 catch as much as they can very quickly, kind of
6 overburdening themselves physically and unable to catch the
7 good going weather that they had, but this year a lot of
8 them were able to catch and everything and the first year
9 of the reduced schedule and this year many families have
10 relaxed their efforts to catch their subsistence catches.
11 So in such I think they're going to miss out on the king
12 salmon run on the river.

13

14 And I will speak for myself as of Saturday,
15 which is, I believe the 23rd, I went out and I only got 12
16 kings and they were mostly red kings and I think the kings
17 have gone by. And I know that some families have not been
18 able to catch their subsistence needs in my village.
19 Yesterday, speaking to one lady who (telephone cuts off)
20 she wanted to know if -- she sure wanted to have her son go
21 fishing but I told her that she has to wait until Wednesday
22 or sometime Tuesday morning. So in this justification, in
23 the second paragraph, I'd like to reference the Federal in-
24 season manager on the Kuskokwim that will monitor the run
25 and for any possible changes may be lifting or relaxing the
26 fishing schedule. And then right now, as Jerry indicated,
27 we take advantage of the weather when we do our subsistence
28 harvest. And right now, this day, this week, last week we
29 had that good weather but it may not be with us longer.

30

31 So my first comments are in relation to the
32 four day subsistence schedule on the Kuskokwim and many --
33 some families as I heard from the written comments earlier,
34 someone indicated that some families have not been able to
35 catch their amounts necessary for subsistence so I'd like
36 to point out a word that we always look to, you know, when
37 we determine how much effort or how much opportunity would
38 be afforded to subsistence fishermen and that is the word,
39 reasonable. Are we getting reasonable opportunity
40 considering the high waters that we had and the good flying
41 weather so my suggestion would be as for the subsistence,
42 the four day subsistence although the working group
43 recommended to continue through this week, that if any
44 possibility to relax those.

45

46 So my second comment would be the Special
47 Action request, as I remember throughout the years that
48 there has always been some comment in regards to the
49 subsistence, like to the sportfishing activity in the
50 rivers that the salmon go up to spawn and the indications

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1 are from comments I heard from people that travel those
2 areas, I haven't been there, but some restrictions probably
3 do need to occur in sportfishing.

4

5 And then coming back to the words,
6 reasonable opportunity, for many years our people, the
7 subsistence fishermen have indicated their need to be the
8 final or the last users when stocks are diminishing. So I
9 think with that I support the request for the Federal
10 Special Action to limit the fishing of salmon, chinook and
11 chum salmon in the rivers where sportfishing occurs to
12 subsistence fishermen only. And we have done that last
13 year and we -- I guess the sportfishermen survived it and I
14 know that many of them generally don't fish for
15 subsistence, they fish for the sport. So with that, to
16 allow more time for others that may want to speak on this
17 Special Action request, I'd like to express my total
18 support for this Special Action request.

19

20 I thank you, Mr. Chairman, for this
21 opportunity. But in closing, I would like to state again
22 that we do have families that have not met their amounts
23 necessary for subsistence of chinook salmon and I think
24 we're on the tail end of the chinook run here on the lower
25 river.

26

27 Thank you, Mr. Chairman.

28

29 CHAIRMAN DEMIENTIEFF: Thank you, Robert.
30 Is there any questions from Board members?

31

32 MR. CHARLES: Hello, James Charles.

33

34 CHAIRMAN DEMIENTIEFF: Who is this?

35

36 MR. CHARLES: Hello.

37

38 CHAIRMAN DEMIENTIEFF: Okay, thank you very
39 much. Wayne Morgan, are you on line?

40

41 MR. MORGAN: Yes. I can hear you, but I'm
42 hearing some echo and it's hard to understand now.

43

44 MR. CHARLES: Hello.

45

46 CHAIRMAN DEMIENTIEFF: Yes.

47

48 MR. CHARLES: I'm James Charles, I'd like
49 to make a comment, too, but I hear an echo in the line here
50 and it's pretty bad.

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1 BETHEL: James Charles, we can hear you in
2 Bethel real well, you're coming in very clear in Bethel.

3

4 MR. CHARLES: Okay, I'd like to make a
5 comment, too.

6

7 CHAIRMAN DEMIENTIEFF: You folks don't have
8 a radio on in your place, do you?

9

10 MR. CHARLES: Mr. Chairman, can you hear
11 me, James Charles?

12

13 CHAIRMAN DEMIENTIEFF: Yes, I can hear you.

14

15 MR. CHARLES: Okay, I'd like to make a
16 comment, too, if it's okay for you.

17

18 CHAIRMAN DEMIENTIEFF: Yes.

19

20 MR. CHARLES: Okay. I'm James Charles from
21 Tuntutuliak. And I'm living here at the mouth of the
22 Kuskokwim and I'm a subsistence fisherman, too. On this
23 Special Action request, we do not have too much.....

24

25 CHAIRMAN DEMIENTIEFF: James. Mr. Charles.

26

27 MR. CHARLES: Yes.

28

29 CHAIRMAN DEMIENTIEFF: We're still getting
30 some feedback problems. I think what we're going to do is
31 take some of the people that are testifying here and we're
32 on line with the teleconference operator and see if they
33 can get our connection cleared up.

34

35 MR. CHARLES: Okay.

36

37 CHAIRMAN DEMIENTIEFF: But we'll do
38 everything we can to give you the opportunity to testify.

39

40 MR. CHARLES: Okay.

41

42 CHAIRMAN DEMIENTIEFF: So, yeah.

43

44 MR. CHARLES: Okay.

45

46 MR. NICK: Mr. Chair.

47

48 CHAIRMAN DEMIENTIEFF: Pardon. Ray, are
49 you still on line, Ray Collins?

50

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1 MR. COLLINS: Yes, I am.

2

3 CHAIRMAN DEMIENTIEFF: Yeah, we're still
4 getting echo, I hear two of you, Ray.

5

6 MR. COLLINS: You're echoing now, too.

7

8 CHAIRMAN DEMIENTIEFF: Yeah.

9

10 (Laughter)

11

12 CHAIRMAN DEMIENTIEFF: Okay, hopefully we
13 can get the teleconference operator to clear it up. In the
14 mean time we'll go ahead.....

15

16 MR. MORGAN: Mr. Chair.

17

18 CHAIRMAN DEMIENTIEFF: Yes.

19

20 MR. MORGAN: This is Wayne Morgan from
21 Aniak.

22

23 CHAIRMAN DEMIENTIEFF: Yeah.

24

25 MR. MORGAN: How about those guys who are
26 having that echo hang up and call back.

27

28 CHAIRMAN DEMIENTIEFF: Yeah, well, we're
29 working on it. In the mean time we'll go ahead with the
30 people that are here that wish to testify. Another
31 suggestion besides no radios on is if you're on speaker
32 phone, to mute your speaker phone if you're just listening.

33

34 With that, we're going to go ahead and ask
35 Phillip Guy to come up and testify please. Go ahead,
36 Phillip.

37

38 MR. GUY: Thank you, Mr. Chairman and
39 Board, other members here. I would like to let the Board
40 know that we have James Nicholia and John Owens present who
41 are with the Kwethluk Joint Group. The Kwethluk Joint
42 Group is composed of the Kwethluk IRA Council, which has
43 been the lead agency with respect to land and renewable
44 resources. And, of course we have the Kwethluk City
45 Council and the Board of Directors of Kwethluk Incorporated
46 for the reason that our lands, collectively per ANCSA is
47 ours.

48

49 I have a resolution which I would like to
50 read, a joint group resolution No. 02-06-03, heading

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1 Kwethluk Joint Group resolution supporting the
2 Orutsararmiut Native Councils and Kuskokwim Native
3 Association Special Action request to the Federal
4 Subsistence Council. And it reads as follows:

5

6 Whereas; the Kwethluk Joint Group held a
7 special meeting June 13, 2002 to consider Orutsararmiut
8 Native Council's and Kuskokwim Native Association's Special
9 Action request to the Federal Subsistence Board to (1)
10 reinstate restrictions limiting chinook and chum salmon
11 harvest in Federal waters of the Kuskokwim River drainage
12 to Federally-qualified subsistence users or (2) as a
13 minimum alternative, limit 2002 recreational and commercial
14 sportsfishing activities consistent with restrictions being
15 imposed, this is emphasized by the Kwethluk Joint Group, on
16 subsistence harvest activities in the Kuskokwim River
17 drainage. And

18

19 Whereas; the Kwethluk Joint Group would
20 favor the combination of the above (1) and (2), however, if
21 given choices to make will favor number 2 above the minimum
22 alternative for the following reasons: The tribal members
23 and residents are expressing frustration with the
24 regulation that allows for recreational and commercial
25 sportsfishing activities when subsistence harvesting
26 activities are restricted; and subsistence salmon
27 harvesters voluntarily are restricting their customary and
28 traditional means to prepare for the coming winter
29 consumption and use, use for traditional trading, i.e.,
30 salmon for seal oil, et cetera, and (2), the Joint Group is
31 on record opposing commercial fish and wildlife guiding
32 which includes catch and release sportfishing; (3) the
33 Joint Group continues to favor the Title VIII of Alaska
34 National Interests Land Act of December 2, 1980,
35 Subsistence Management and Use where Section .804 provides
36 for priority and including non-wasteful subsistence uses in
37 light of the Alaska State Legislature's quite apparent
38 reluctance to provide for recognized rural Alaska priority
39 uses of fish and wildlife; (4) the Joint Group recognizes
40 conservation and protection needs of fish (salmon and other
41 fish species) and wildlife renewable resources for the
42 reason that we, within Alaska, are a growing population and
43 jobs for cash in rural Alaska are far more limited for lack
44 of various types of infrastructures that create permanent,
45 semi-permanent or seasonal jobs. Most employment
46 opportunities are with State operated school systems, the
47 Indian Reorganization Act Councils, Alaska Native
48 Industries Cooperative Association and some private stores;
49 and

50

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1 Whereas, the Joint Group was aware that the
2 Alaska Department of Fish and Game had closed the Kuskokwim
3 River drainage to sportsfishing for salmon from May 1 until
4 June 15, to June 15th. We, all parties, are into
5 continuing conservation, protection and water shed
6 protection efforts of the salmon species. Traffic
7 disruption and interruptions of spawning salmon of the
8 spawning grounds does harm to future salmon populations and
9 are not, please note, I'm saying this, are not based on
10 current run strengths and/or fish tower or weir counting
11 operations while they are important and necessary for
12 salmon propagation and conservation; and

13

14 Whereas, the Kwethluk Group once again have
15 begun to observe greater numbers of both high powered
16 inboard and outboard motor boat types going up and down the
17 Kwethluk River, inboard boats can easily skim over some
18 more shallow depth waterways; and

19

20 That the Kwethluk Joint Group Resolves to
21 support the Special Action request of the Orutsararmiut
22 Native Council and the Kuskokwim Native Association to
23 reinstate restrictions limiting chinook and chum salmon
24 harvests in Federal waters of the Kuskokwim River drainage
25 or to limit 2002 recreational and commercial fishing
26 activities with restrictions being imposed on subsistence
27 harvest activities in the drainage.

28

29 And this resolution is sent out to various
30 people, which include our Honorable Governor Tony Knowles
31 and our congressman.

32

33 CHAIRMAN DEMIENTIEFF: Phillip, we have all
34 that on record. We've got the original resolution and it
35 will be filed on the record. Do you have additional
36 comments?

37

38 MR. GUY: Yes, thank you, Mr. Chairman.
39 Per the earlier presentation regarding the four day
40 restriction, it's going contrary to our cultural
41 traditional ways. I thank you, Mr. Chairman.

42

43 CHAIRMAN DEMIENTIEFF: Thank you. Any
44 questions. Thank you.

45

46 MR. NICHOLIA: Mr. Chairman.

47

48 CHAIRMAN DEMIENTIEFF: Yes.

49

50 MR. NICHOLIA: I have a comment.

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1 CHAIRMAN DEMIENTIEFF: Yes. What's your
2 name?

3

4 MR. NICHOLIA: James Nicholia.

5

6 CHAIRMAN DEMIENTIEFF: Okay.

7

8 MR. NICHOLIA: I'm from the same group as
9 Phil Guy, the Kwethluk Joint Group. We've worked together
10 on this resolution and our village met to form this
11 resolution in opposition to the sportfishing that is
12 occurring during our closed subsistence fishing.

13

14 I live in Kwethluk along where they go up
15 the Kwethluk River and I have a fish camp on the Kuskokwim
16 going up towards Kwethluk River and Kisaralik and during
17 out fishing closures I see a number of boats going up with
18 rod and reels dangling on the side of the boats and that is
19 frustrating to us when we have to sit and wait for our
20 opening of our subsistence fishing. And to me and to the
21 other people that are trying to conserve the salmon up the
22 river for future use and when they -- we let them pass
23 going up to the rivers to spawn and the sportfishermen are
24 up there going after them and this catch and release
25 fishing activity that they say that it is conserving
26 salmon, to me it isn't. When an injured animal or a fish is
27 released, it cannot eat when it's injured in the mouth or
28 live healthy, therefore, it will not be healthy enough to
29 spawn to my point of view, it is hurt.

30

31 The village do not support this
32 sportfishing activity while we are sitting idle waiting for
33 our opening three days a week.

34

35 Thank you, Mr. Chairman and the Board.

36

37 CHAIRMAN DEMIENTIEFF: Thank you. Let's go
38 back on line and see, Wayne Morgan, are you on?

39

40 MR. MORGAN: Yes. I'm back on. I called
41 back and I don't have that feedback anymore.

42

43 CHAIRMAN DEMIENTIEFF: Yeah, why don't you
44 go ahead and testify right now, please.

45

46 MR. MORGAN: Okay. I got another person in
47 line after me. Okay, I did a similar questionnaire as a
48 summer reporter down in Bethel on the fishing schedule.
49 Okay, seven people were not in support of the schedule, two
50 people were in support of the schedule. That two that

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1 favored the schedule said that if this schedule is going to
2 bring back the salmon then they're good with it, no problem
3 with it. The seven that did not support it is the -- they
4 reported that there's more flies out there, that more eggs
5 on the drying fish, if they have to fish again for another
6 week. And on the closed days, the subsistence user is, you
7 know, sitting on the beach and watching boat loads of fish
8 head up -- I mean boat loads of fishermen head up the Aniak
9 River to do fishing. To me the schedule is -- the
10 subsistence users are conserving fish to have more fish for
11 the sportsfishermen at the spawning grounds. And people
12 are working on the open days and those people working, when
13 they get a chance to go fishing, there's more boats on
14 these open days and only limited areas to drift. So
15 they're having problems doing that and they can only do
16 that after work.

17

18 Another one is elders having a hard time
19 setting and resetting of pulling out the nets every week.
20 And that's been a hardship on them also.

21

22 And they said they do not need this
23 schedule because there is more fish out on the river.

24

25 Thank you.

26

27 CHAIRMAN DEMIENTIEFF: Thank you. There
28 was someone else on line with you there that wished to
29 testify.

30

31 MR. MORGAN: Yes.

32

33 CHAIRMAN DEMIENTIEFF: Would you please
34 have that person please identify themselves.

35

36 MR. MORGAN: Yeah, Mr. Chairman, my name is
37 Herman Morgan. I'm the Chairman of the Central Kuskokwim
38 Fish and Game Advisory Committee and I've been on there
39 about 20 years and probably my last year, but it's
40 interesting to see the increase the number of guiding
41 operations, both hunting and sportfishing. To me it's not
42 right to allow these sportfishing activities in the
43 spawning grounds, especially in the shallow spawning
44 streams because especially the boat and the pressure of the
45 water that damages the egg. In one pass, you got five
46 miles down the stream that's a foot deep and these guides,
47 they drive over it every day, you could wipe out more
48 salmon than 10 subsistence families could use. And until
49 you get a limit on the number of these guiding operations,
50 the commercial systems that go out sportfishing, we're

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1 going to see our resource threatened and maybe we'll have
2 little more fish if they keep doing that. But you got to
3 -- away from these boats washing up salmon fry and other
4 fry on the beaches.

5

6 Another thing is grayling, subsistence
7 fishermen who go out there in the winter to fish for
8 grayling, we don't catch grayling anymore. In 1998 the
9 sport anglers caught 11,800 grayling, it's not only salmon.
10 Of all places that -- the place where the salmon lay their
11 eggs should be protected for future generations if we're
12 going to keep our salmon. And those are my concerns.

13

14 CHAIRMAN DEMIENTIEFF: Thank you. Could I
15 get your first name again, I didn't quite catch it?

16

17 MR. MORGAN: Herman.

18

19 CHAIRMAN DEMIENTIEFF: Herman. Herman
20 Morgan, okay, thank you. James Charles, are you on line?

21

22 MR. CHARLES: Yes, I am.

23

24 CHAIRMAN DEMIENTIEFF: Okay.

25

26 MR. CHARLES: Can you hear me?

27

28 CHAIRMAN DEMIENTIEFF: Yes.

29

30 MR. CHARLES: I started awhile ago with
31 this Special Action request on sportfishing. We do not
32 have sportfishing out here at the mouth of the Kuskokwim
33 but as a working group member and a Fish and Game Advisory
34 Committee and Fish and Wildlife Council member, I agree
35 with this Special action request because I have been with
36 the working group on and off since 1988 and we've had
37 sportfishing reports from up river and the people, I've
38 heard, does not like the sportfishing going on when we are
39 closed for subsistence fishing. So I agree with this
40 Special Action request, too.

41

42 And another thing I had in mind is the
43 subsistence fishing schedule, the people down here complain
44 about. I've had people complaining to me about fishing
45 schedule, even there's a lot of fish out there on the
46 river. There is a lot of kings out there. When we fish on
47 scheduled times I think some people fish more than what
48 they need when we do that because thinking about next year
49 when it's open if the fish are going to be gone but when
50 they go out they take more than what they used to take

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1 before this schedule started. They used to fish just what
2 they need. And now I think they overharvest thinking it's
3 going to be closed again next week. So that's how I see
4 it, some people do not like the fishing schedule even if
5 there's a lot of fish out there.

6

7 Chums are running quick this summer, too.
8 The people go out there, they are catching quite a few
9 chums already even we're using king gear, we catch quite a
10 few chums and not too many reds, we catch very few reds
11 this time but a lot of chums. So it may be that way up --
12 but from down here, from the mouth of the stream up to
13 Bethel, people may harvest more than what they need because
14 of this schedule.

15

16 That's all I have now.

17

18 CHAIRMAN DEMIENTIEFF: Thank you. Ray
19 Collins.

20

21 MR. COLLINS: Yes.

22

23 CHAIRMAN DEMIENTIEFF: Did you have
24 testimony?

25

26 MR. COLLINS: Yes. Up here the fish are
27 starting to show up. I've talked to some subsistence
28 fishers yesterday and they're noticing over the years a
29 continued decrease in the size of those fish and that seems
30 to be true this year, that they're smaller fish.

31

32 I understand the concern down there and
33 agree with the concern over the sportfishing, that, you
34 know, the fact that they have to shut down for three days
35 while the sportfishing continues. I think, though, that
36 the closures do benefit subsistence fisheries up river in
37 that they allow slugs of fish to get past. And also the
38 fact that when the commercial was going down there and
39 subsistence going on, using the king gear, I think that may
40 have led to the decrease in the size of the fish in that it
41 was targeting the larger fish. And so having closures
42 allows some of those to get by maybe and I'd be interested
43 in the biologists comments on that, whether or not -- and I
44 think the same is true on sportfishermen, if they're only
45 allowed one fish, they're liable to be letting all the
46 smaller ones go and keep fishing just for the bigger fish
47 so they're going to be selectively harvesting the largest
48 fish, too under that sportfishery. And I'm wondering what
49 the long range impact of that is going to be. I think
50 they've found on the Kenai River that that has had an

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1 affect over there. In fact, they're, I think, requiring
2 them to let some of the bigger fish go now.

3

4 So I think those things have to be kept in
5 mind when we consider this. But even though subsistence
6 fishermen are frustrated down there, again, I would
7 reiterate I think that having certain periods closed and
8 allowing fish by benefits subsistence fishers up the river.
9 Because normally people up here have to fish, they can't
10 get all theirs in one drift or even in a few drifts, they
11 have to fish throughout the season in order to get their
12 subsistence needs because there's just fewer fish out there
13 so they have to put out more effort to get what they need.

14

15 Those are my comments at this point, thank
16 you.

17

18 CHAIRMAN DEMIENTIEFF: Thank you, Mr.
19 Collins. Jack Reakoff.

20

21 MR. REAKOFF: My comments would be I agree
22 with everything Ray said. I feel that those windows are
23 necessary for passage on the low return years. But I also
24 have great empathy for the people who are watching a lot of
25 sportfishing activity, when everybody is taking cuts, you
26 know, there should be some cuts on the sportfish side. I
27 would be inclined to agree that if there's a closure for
28 subsistence then there should be equitable closure for the
29 sportfishery also. And that would be my opinion.

30

31 But I wouldn't agree with lifting the
32 window closures to allow fish passage because they're
33 necessary to allow fish to get up stream further.

34

35 And that's all of my comments right now,
36 thank you.

37

38 CHAIRMAN DEMIENTIEFF: Thank you. John
39 Owens.

40

41 MR. OWENS: Thanks, Mr. Chairman and
42 Federal Subsistence Board members. My name is John Owens
43 and I'm here with my fellow corporation board members,
44 James Nicholia and Phillip Guy. I'm also a tribal
45 administrator for traditional council, Kwethluk IRA Council
46 in Kwethluk. I'm here to stand up for our people in the
47 river, especially my family that has a fish camp in
48 Kwethluk. We're here to support ONC and KNA's proposal to
49 limit or eliminate sportfishing guides in their business in
50 our river, especially on the Kwethluk River plus other

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1 rivers.

2

3 Kwethluk Joint Group, consisting of Kwethluk IRA
4 Council, City of Kwethluk and Kwethluk Incorporated passed
5 a resolution supporting ONC and KNA proposals. The
6 Kwethluk IRA Council reluctantly voted to support limited
7 subsistence fishing schedule second year in a row which
8 started last year. We didn't want to take part in this
9 schedule but if it's going to help us conserve the fish
10 down the road we had no choice but to follow with this
11 schedule.

12

13 This schedule is disrupting our traditional
14 way of life that we do preparing food for our winter
15 consumption and it is taking longer for us to catch our
16 limit for each family. What bothers us is why sportfishing
17 guiding businesses are allowed to fish while we are being
18 denied or restricted with this schedule.

19

20 Who are we conserving this fish for? I
21 know a portion of it is for our people. Are we sacrificing
22 our inherent right to subsist and gather our Native food so
23 that high seas fishermen, False Pass have fisheries and
24 sportsfisheries can get their fish?

25

26 With that, I'd like to show you the fishing
27 schedule that has been distributed in the Kuskokwim to
28 everybody. These are the open days that we fish and these
29 are closed days that are marked. And we don't like this
30 schedule. When we go out fishing for our family, we have
31 certain amounts of fish that we fish for, a limited amount.
32 When we get to that point, number of fish that we need for
33 the winter, that's when we stop. And even with this
34 schedule, it's making it harder for us to gather our fish
35 and longer to fish. I still haven't gotten my numbers of
36 fish that we need for the winter, I'm not even half way
37 there. After I work then I have to go out fishing after
38 5:00 o'clock. There's another schedule here. Subsistence
39 salmon fishing schedule continues to apply to the entire
40 Kuskokwim River drainage, the schedule is part of the
41 Kuskokwim River salmon rebuilding management plan. There's
42 another one that came out. These are faxes that came from
43 the Alaska Department of Fish and Game that came to our IRA
44 offices, that's why I thought I'd share them with you.

45

46 Kuskokwim area salmon update number 5,
47 district 4, Quinhagak is closed because of limited or
48 fishermen in that district right there. Quinhagak is part
49 of the Kuskokwim and, I think, is part of the intercept
50 fisheries that is being allowed to be done commercially for

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1 the fish that are going up the Kuskokwim that are bound for
2 the spawning grounds.

3

4 One last thing that I want to share with
5 you, Paul Agoathica, the other day, I think it was
6 yesterday, he's a Nunavut Premier, he visited Bethel and
7 Barrow and I guess he's going to be here come AFN this
8 fall, and I think this applies in their land and it should
9 apply to us, this quote I'm going to read to you on the
10 newspaper is -- I think it should be applied in our area on
11 the Kuskokwim. The Inuit who are traditional users get
12 first priority of the harvest of any species and
13 thereafter, the non-inuit population are given an
14 allocation and after that the sports hunters or fishers or
15 commercial fisheries come last. I think that should apply
16 in this case where ONC and KNA are proposing to limit
17 sportsfishing in our area.

18

19 That's my comments. Thanks, Mr. Chairman.

20

21 CHAIRMAN DEMIENTIEFF: Thank you. Greg
22 Roczicka.

23

24 MR. ROCZICKA: Thank you, Mr. Chairman.
25 Before I put my comments on the record, Mr. Berg mentioned
26 earlier that I did have an update for our in-season
27 subsistence survey, which we do on a weekly basis
28 throughout the river and have for the last couple of years
29 since this restriction went into place and I'd offer that
30 for you now.

31

32 We surveyed 33 families last week and eight
33 of them reported being unable to fish for various reasons
34 and hope to be able to be out next week. Of those, 23
35 families for king salmon, 17 reported that it was still
36 very good through that week of the 17th through the 22nd,
37 five felt it was normal and three felt it was getting poor.
38 For chums, 12 people considered it to be a very good run,
39 nine classified it as normal and three said it was poor.
40 For sockeye, two families considered it very good, 10 said
41 normal and 10 poor.

42

43 I won't go into great detail here but just
44 on general comments that people had, the overall
45 observation is that we do have a very healthy run of kings
46 and chums coming back this year. But during this report
47 period as well, several families noted that it's very
48 fortunate that a run does appear to be strong since during
49 last week which is traditionally the peak of the run, the
50 average peak of the run as it comes through. Participation

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1 in search and rescue efforts and funeral activities as well
2 as cultural prohibitions related to two recent drownings
3 which took place there precluded a lot of people from going
4 out and created further substantial hardship and disruption
5 for them to pursue their subsistence harvest. And also
6 several comments noted that it's getting later on in the
7 month now again and that flies are being an increasing and
8 significant problem. And then on a personal note I spent
9 last Sunday, every hour on the hour picking eggs off the
10 fish and I was having a hard time keeping up with it.

11

12 I don't know if there's any questions on
13 that before I proceed.

14

15 Seeing none, for the record, my name is
16 Greg Roczicka. I work as a natural resource director for
17 the Orutsararmiut Native Council. And to a degree this
18 Board has already denied us a substantial portion of our
19 request. We asked within one of the main components that
20 we had there is that we asked that you wait, that you do
21 not authorize and preauthorize a non-subsistence use before
22 you know what the run is going to be and we're certainly as
23 greatly as we are fortunate that these runs have come back
24 as healthy as they have this year. But given the
25 biological circumstances that put us in this situation it
26 could just as easily have ended up looking the same as it
27 did in '99/2000. I think it was a very irresponsible act
28 to have this precedent put in place, it's a dangerous
29 precedent, it's a very dangerous precedent for down the
30 road and I would hope that you take a very hard look at
31 that and fix it in the future.

32

33 Many people say to you that the reasonable
34 opportunity for subsistence has been met or is being met
35 under the current schedule and again, to some degree, this
36 may be so but it's not just a numbers game. It's, you
37 know, to an equal and perhaps even greater degree -- no,
38 not perhaps, to a greater degree it most definitely is not.
39 Right at the heart of the matter is that the reasonable
40 opportunity for subsistence is that sportfisheries
41 advocates would have you believe being just the numbers.
42 It's a cultural and traditional -- oh, gosh, I lost my
43 place here and lost my train of thought. The cultural and
44 traditional practices have just been so totally disrupted.
45 And pushing it later into the season you're making people
46 work twice as hard for hopefully the same, many people are
47 not achieving the amount that they consider they need. On
48 that survey which we did and we tried to make it very
49 objective questions that we put out for people for them to
50 respond to this Board, you, just a straight up or down

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1 answer doesn't really cut it but we were looking at about a
2 50/50, so if 50 percent of your people don't feel they're
3 meeting their subsistence needs, is that providing a
4 reasonable opportunity? I don't believe so.

5

6 And then, you know, in the face of all
7 this, when people have to sit on the bank and watch
8 somebody from New York state or some foreign country as it
9 is very often in the middle Kuskokwim walk up and send that
10 off to wherever while they're not allowed to be out
11 fishing, I would put it to you that that's not a matter of
12 equity.

13

14 And our greatest concern, of course, is the
15 future and authorizing this sportfishery to occur before
16 you know what the run is, I mean you don't know if you're
17 going to be able to provide a reasonable opportunity until
18 you know what that run return is. And perhaps at present
19 levels, that people say it's a negligible amount of
20 harvest, you know, so even with possible catch and release
21 mortality, people are saying, well, it doesn't affect that
22 many fish. By gosh knowing the way the commercial industry
23 can grow, it's scary looking down the road. I can tell you
24 for a fact that 10 years ago in GMU 19 there was only eight
25 to 10 commercial game guides and outfitters, we're looking
26 at 59, 60 and counting as of two years ago, with the growth
27 in that industry and you're looking at the same thing with
28 the failures you have on the Kenai, with the increased
29 allocation arguments that are going on down in Southeast,
30 where are people going to be going, they're going to be
31 looking over the next hill, into the Kuskokwim drainage for
32 some place to support their activities. And I'll tell you
33 again in five or 10 years, you know, perhaps a lot of you
34 guys ain't going to be here anymore after that you'll be
35 promoted on to Seattle or Denver or Washington, D.C., even,
36 we're going to be here having to live with that so I ask
37 you to set that policy in place now, be pro-active.

38

39 How many of us have sat here, you know, 10
40 years ago, if only we would have done something, if we
41 would only have taken this pro-active measure. So that's
42 what we're asking is for that equity.

43

44 Another point on this issue of the
45 sportfish having no great impact, well, last year on the
46 George, the State saw fit to support closing that to
47 sportfishing because of the displaced activity from the
48 Aniak and that's at limited levels nowadays. So if there
49 is no impact, that doesn't hold water either.

50

1 I've heard also that you should focus on
2 this amount necessary for subsistence and I know you do
3 need to hang your hat on something but I've also heard as
4 well that it's being advocated that you place that at the
5 low number that was arrived at last year which, again, is
6 one of the -- it's not the lowest run we had which was
7 2000, totally dismal but still it was a very low run and it
8 was a very limited effort and so if you're saying that your
9 amount necessary for subsistence should be placed at
10 something where you had severe restrictions in a low run, I
11 don't think that's appropriate either and I would hope that
12 you would refrain from doing that.

13

14 I guess the final point I'd like to make is
15 that with that Staff review which, by the way, we only got
16 yesterday afternoon, I haven't had time to really sit
17 through and analyze it and think of all the different
18 connotations and write up a big long dissertation telling
19 you whether I agree or not but one of the points in there,
20 of course, I believe it came from your legal quoting the
21 Ninth Circuit Court decision that this Board is not
22 statutorily required to completely eliminate all other
23 uses. We haven't asked you to do that. We provided you
24 the alternative that you at least make it equal. And say
25 that you're not going to be allowing non-subsistence uses
26 out there seven days a week when you have subsistence
27 restricted to four.

28

29 You know, we have a large and pretty
30 relatively intact ecosystem out there and we'd sure like to
31 keep it that way.

32

33 I don't think anybody begrudges sportfish
34 quote/unquote their share when the runs are healthy but
35 they're certainly a huge sour taste in the stomach and the
36 mouth when that burden of conservation is borne entirely on
37 the backs of only the subsistence users. And the point of
38 saying, well, we've cut them back to one fish bag limit and
39 so forth, that's as much window-dressing as the closure
40 from June 1 to 15. That's no significant problem for that
41 industry. It's a catch and release industry, being able to
42 keep a fish is a bonus.

43

44 So anyway, we would ask you for those two
45 basic premises that when you apply your restrictions, that
46 you don't allow non-subsistence uses to exceed that
47 opportunity. I don't believe reasonable opportunity is
48 being provided in customary and traditional practices. And
49 I don't believe you can justify it either and even your
50 minority report, I just had a chance to glance through that

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1 as well and I was pleased to see that they agreed along
2 those line.

3

4 But the bottom line is that for the future
5 I think you really do need, and if you do anything positive
6 today, given the strength of the run, I certainly don't
7 expect you to impose any or enact any restriction in full
8 as it was requested but that you establish a policy that in
9 the future you will have your managers leave non-
10 subsistence uses closed until you have the run data to
11 support having them open. And you should be sitting here
12 today deciding that. That should be your question today
13 about whether or not to open it for non-subsistence uses.
14 I shouldn't have to be here asking you that. That's your
15 mandate. Who are you here to represent? Who do you defer
16 to? In this instance by opening preseason when you don't
17 know what the run is, when you don't know what your returns
18 are, I mean if you have a crystal ball, I'm sure these guys
19 sitting back here, Mr. Sandon would be glad to have it.

20

21 I would hope that you put that in place as
22 a policy and I'll leave it at that for now and if you have
23 any questions I'll try to answer them.

24

25 CHAIRMAN DEMIENTIEFF: Go ahead, Gary.

26

27 MR. EDWARDS: We've heard from several
28 witnesses today as well as yourself that this schedule that
29 has been placed on the subsistence user in many cases is an
30 inconvenience and is a hardship but we've also heard and it
31 appears as a result of that schedule last year that it has
32 allowed us really to manage the fisheries much better up
33 and down the river for all subsistence users. I think we
34 heard earlier today from the folks in McGrath that they
35 felt that having those closures that it has not only
36 allowed them to be able to ensure that they get their fish
37 but also in some cases, larger fish, how would you respond
38 to that?

39

40 MR. ROCZICKA: I wouldn't argue the point
41 at all. And I don't believe that that's a point in
42 question in our request. Our request does not ask for
43 closure or removal of those windows. We ask that all users
44 and especially non-subsistence uses, which I don't believe
45 it is your mandate to defer to be subject to what the
46 return is on those fish. So I don't argue the point at
47 all.

48

49 I guess if I could add just one more thing
50 here that popped to mind. I've had a lot of people tell me

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1 that one of the main questions going around also is, well,
2 what difference does it make if the sportfishery doesn't
3 even occur until late June to early July? Well, the
4 question, of course, that comes to mind for me when people
5 say that, well, if it's not a big deal then why are the
6 State making such a big squawk about it? And secondly, is
7 what I've told you earlier, is that, you're setting
8 precedent here for the future of our fisheries and for the
9 future of subsistence and has been referenced as well, that
10 need is going to do nothing but grow and you need to have
11 that protection in place in my mind. I think it makes a
12 huge difference and it makes a difference to the future.

13

14 CHAIRMAN DEMIENTIEFF: Thank you very much,
15 Greg.

16

17 MR. ROCZICKA: (In Native)

18

19 CHAIRMAN DEMIENTIEFF: Eric Johnson.

20

21 MR. JOHNSON: Good afternoon. My name is
22 Eric Johnson, I'm the natural resources attorney with
23 Association of Village Council Presidents in Bethel. And
24 AVCP supports the request that's been made by ONC and KNA.
25 We believe that a meaningful preference and a reasonable
26 opportunity is not being provided to subsistence users on
27 the Kuskokwim under the current schedule because as has
28 been testified to this Board, first of all, as Wayne Morgan
29 in Aniak pointed out, he's had elders report that they're
30 having a hard time setting and resetting their setnets
31 every week.

32

33 Second, people have had to fish during four
34 day openings as some of the testimony's indicated and not
35 on the days when the weather is good or when the fish is
36 running which, in and of itself is a pretty serious
37 alteration of traditional subsistence use patterns.

38

39 Third, as some of the testimony today has
40 indicated, people are being forced to fish later into the
41 year, into late June and July, they're being forced to fish
42 into the time of the year when dampness becomes a problem
43 for drying fish, when flies come out that start to lay egg
44 on fish. And this is a problem and this is an alteration
45 that's, you know, potentially leading to wanton waste that
46 is at odds with custom and traditional and it also
47 increases the probability that not all subsistence fishers
48 will have a real chance to get their needs met before it
49 just becomes too difficult to be out there drying fish with
50 all the flies and the dampness.

1 Finally, these are some basic disruptions
2 to subsistence activity and to patterns of use that are
3 interfering with customary and traditional patterns of fish
4 camp use and the way that people carry on their summer
5 fishing activity.

6
7 The Federal Staff has recognized as much in
8 its Staff report on Page 12 of the Staff report and I'm
9 quoting here, it says, with the subsistence fishing
10 schedule instituted in 2001, Kuskokwim River fishermen have
11 lost the flexibility that is key to their traditional
12 fishing patterns. And as I read that statement what it's
13 saying is that the flexibility that is key to customary and
14 traditional fishing patterns has been lost with this
15 schedule. And, you know, there are good reasons why this
16 schedule was put in place. People have spoken today about
17 the need to ensure that some salmon get up river for up
18 river subsistence needs. There's the conservation
19 justification with the need to ensure escapement but one
20 thing that I think is absolutely clear and that statement
21 in the Federal Staff report backs up is the fact that
22 justified as these restrictions may be, they are
23 fundamentally disruptive of customary and traditional use
24 patterns of subsistence salmon fishing on the Kuskokwim.
25

26 As John Own from Kwethluk pointed out, even
27 though the Kwethluk IRA has reluctantly gone along with
28 supporting the restrictions this year, as John said, quote,
29 the schedule's disrupting our traditional way of life.
30

31 In the Bobby case the district court
32 recognized that the Federal Subsistence priority protects
33 duration of use as well and it stressed the importance of
34 the finding that had been made in that case that hunting
35 had been customarily done year-round in the Lime Village
36 area for moose and caribou. Similarly here, the Federal
37 Staff has recognized that before 2001, that fishing was
38 open 24 hours a day, seven days a week. The Staff has
39 recognized that fishing has always been under a flexible
40 schedule that allows for accommodating when the runs are
41 running and accommodates weather and other variables. And
42 so just as in the Bobby case you have a situation where
43 customary periods of fishing, customary and traditional
44 durations of fishing are not being followed with this
45 schedule. And in that sense, it can't really be said that
46 people are having a reasonable opportunity to engage in a
47 customary and traditional subsistence way of life. And so
48 long as sportfishing is going on and -- while people are
49 under these kinds of schedules, as long as sportfishing is
50 going on unabated, it's not a meaningful preference either.

1 And if there's a surplus of fish such that
2 there's extra fish out there, then I believe that those
3 fish should go towards liberalizing the schedule a little
4 bit for the subsistence fishermen who already aren't being
5 able to carry on their customary and traditional patterns
6 of subsistence activity. Even if all of the fish that were
7 taken by sportfishermen in a season would only add up to a
8 few hours of additional openings per week, those few hours
9 would make a difference for subsistence fishermen because
10 they bring subsistence fishermen that much closer to being
11 able to basically fish in something that more resembles the
12 customary and traditional use patterns that ANILCA
13 protects.

14

15 And to allow this level of disruption to
16 continue unabated in any way shape or manner so that
17 sportfishermen can fish, I believe is to deny a reasonable
18 opportunity and a meaningful preference.

19

20 And my final comment I just wanted to
21 briefly mention the Ninilchik case, which is quoted in the
22 Staff opinion and the Staff analysis and I do want to
23 observe that the schedule that was upheld in that case was
24 actually a schedule where there was a subsistence only
25 opening for moose on the Kenai afterwards there was regular
26 hunting season which subsistence hunters were able to hunt
27 as well as sport hunters, which is, I believe quite
28 different from what we're talking about here where you're
29 talking about a 24/7 sportfish schedule and subsistence
30 fishermen being limited to a much briefer duration each
31 week. I think the situation here is much more of an
32 inversion of any common sense understanding of what a
33 subsistence priority would be, which is one reason why I
34 get a lot of calls in Bethel from people who are asking,
35 you know, what sort of priority is this? You know, they
36 look at the length of time each week that they have
37 compared to sportfishermen and, you know, it just defies
38 any common sensical notion of what a meaningful preference
39 is.

40

41 Also in the Ninilchik case, the Court was
42 able to find that the schedule there did, the advanced
43 schedule for subsistence was providing a meaningful
44 preference for subsistence and I don't believe it's the
45 same here, you know, where -- we're not talking about mere
46 restrictions of the sort that the Ninilchik case recognizes
47 as acceptable on subsistence before other uses are
48 eliminated. I believe what we're talking about here is a
49 schedule that's inherently disruptive of subsistence
50 customs and traditions and because of that, it's my view

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1 that sportfishing needs to yield so that that inherent
2 disruption of custom and tradition in subsistence can be
3 corrected.

4

5 And thank you. And unless there's some
6 questions that's all I have to say.

7

8 CHAIRMAN DEMIENTIEFF: Gary.

9

10 MR. EDWARDS: I'll propose the same
11 question but maybe a little differently. If there is
12 agreement and I haven't heard any disagreement that, in
13 fact, the schedule is fundamentally disruptive but at the
14 same time it does allow a better management of the run up
15 and down the river for all subsistence users, should we not
16 have that fundamental disruption in order to allow everyone
17 to have a better opportunity?

18

19 MR. JOHNSON: If that fundamental
20 disruption is needed so that three days each week on fixed
21 days subsistence can't fish then, you know, I believe that
22 if there's enough extra fish that it's contemplated that
23 maybe sportfishing should be allowed, that maybe whatever
24 number of fish are taken by sportfishermen in the Aniak or
25 other drainages should be tolerated that those extra fish
26 need to be reallocated so that restricted fishing schedule
27 can be a little less restrictive.

28

29 I don't think there's a problem necessarily
30 with the restrictive fishing schedule, everybody knows that
31 it's an interference with custom and tradition and that
32 it's an interference with protected uses under ANILCA but
33 that there's conservation, justifications, that, you know,
34 there's a need to spread out the subsistence harvest up and
35 down the river. But that begs the question of what about
36 the amount of fish that are being taken by sportfishers?
37 And, you know, recognizing that this restrictive schedule
38 is fundamentally disruptive of subsistence patterns, if
39 there are some extra fish out there, you know, and if that
40 subsistence fishing schedule could be liberalized even by a
41 matter of a few hours I believe that that's where those
42 excess fish should go. Those extra fish should go towards
43 liberalizing a subsistence fishing schedule that's
44 inherently disruptive.

45

46 CHAIRMAN DEMIENTIEFF: Thank you, very
47 much. I think we're going to take a short break here
48 before we continue on.

49

50 MR. NICK: Mr. Chair.

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1 CHAIRMAN DEMIENTIEFF: Yes.

2

3 MR. NICK: This is Alex Nick from Bethel.

4 For the record, I do have four people waiting on line from

5 Bethel to give their public comment. Their names are

6 Leonard Revak, Frank Charles, Mary Gregory would like to be

7 last, Allen Joseph from AVCP.

8

9 CHAIRMAN DEMIENTIEFF: Okay, we'll continue
10 on with them just after a brief break here.

11

12 (Off record)

13 (On record)

14

15 CHAIRMAN DEMIENTIEFF: We'll call the
16 meeting back to order. We have four more people in Bethel
17 to testify; is that correct?

18

19 MR. NICK: Yes, Mr. Chairman.

20

21 CHAIRMAN DEMIENTIEFF: Yes.

22

23 MR. NICK: M. Chairman, whenever you're
24 ready we will begin with Mr. Leonard Revak.

25

26 CHAIRMAN DEMIENTIEFF: Leonard what?

27

28 MR. NICK: Leonard Revak.

29

30 CHAIRMAN DEMIENTIEFF: Okay, go ahead.

31

32 MR. REVAK: Mr. Chairman and attendant
33 elders. This is addressed in the hole of maybe resolving
34 some of the questions about sportfishing in the upper
35 reaches of our tributaries of the Kuskokwim River. In the
36 period of 1960 to 1964 I worked at Katori Bay over on
37 Afognak Island for the Department of Fish and Game. And we
38 were doing some research work on insect populations in the
39 outlet of Katori Lake and it had been observed in the
40 period of 1958 to 1960 that there was a run, a natural run
41 of coho salmon, silver salmon between 50 to 100 fish, that
42 run increased by 1962 to over a thousand. Because just,
43 incidentally the taking eggs in Little Katori lake, we took
44 some coho eggs and reared them in the hatchery so we just
45 put the fry in the Big Katori River.

46

47 And what we observed was is that in
48 sampling we had marked off quadrants in the river and
49 sampling random quadrants for insect larvae we would
50 inadvertently kill coho eggs and when the eggs were widely

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1 dispersed like in the period between 1950 and 1960, the
2 damage was pretty much limited to the quadrants we were
3 sampling in. But when the density of the eggs increased as
4 the run increased, we found that the fungus from the dead
5 eggs were spreading and smothering live eggs in the
6 adjacent quadrants.

7

8 And the reason I'm bringing this up is
9 because while we are concerned here in the Kuskokwim about
10 sportfishery and the amount of fish they are taking during
11 the chum and king salmon runs, I think we should also
12 address the potential damage that is being done on the
13 spawning grounds with people going up river into the
14 spawning areas and fishing for coho salmon later on in
15 August and -- or in late July and August.

16

17 And I'll limit my comments to that. I don't
18 have any exact figures. None of this work was published,
19 as far as I know and I did the research prior to this
20 meeting to see if there was anything published on this.

21

22 The second and quick point I want to make
23 is on the catch and release. Figures reported are under
24 ideal conditions on the Kenai River which is, for the most
25 part, are fish out of saltwater being caught. Very few
26 fish close to spawning are being caught in the sportfishery
27 there so the statistics of recovery in this report that
28 we're dealing with here really have probably no bearing
29 whatsoever on the survival of king salmon caught and
30 released in the upper reaches of our local rivers here in
31 the Kuskokwim area. And I think before we go ahead with a
32 sportfishery up there on these fish, we should know what
33 kind of survival catch and release is producing. Because
34 lactic acid build up in these fish would be significantly
35 different and perhaps much more damaging than it would be
36 in Kenai fish.

37

38 And I'll end my comments with that. Thank
39 you.

40

41 CHAIRMAN DEMIENTIEFF: Thank you very much.
42 Who do we have testifying next?

43

44 MR. NICK: Mr. Chairman, we have Frank
45 Charles.

46

47 CHAIRMAN DEMIENTIEFF: Frank. Frank what,
48 Frank Charles?

49

50 MR. NICK: Yeah, Mr. Chairman, we have Mr.

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1 Frank Charles from Bethel.

2

3 CHAIRMAN DEMIENTIEFF: Okay, go ahead.

4

5 MR. CHARLES: Good afternoon Mr. Chairman,
6 members of the Federal Subsistence Board. My name is Frank
7 Charles from Bethel. For the record I am a co-chair of the
8 Kuskokwim River Salmon Management Working Group. I also
9 would like to point out that you had Mr. Wayne Morgan, who
10 is a fellow co-chair from the Kuskokwim here. If you don't
11 know already, the Kuskokwim River Salmon Management Working
12 Group represents, we believe, the entirety of the Kuskokwim
13 River drainage. We have 12 members representing various
14 user groups and areas throughout the Kuskokwim drainage.
15 And it was reported to you in the Staff analysis and report
16 that we met last week and one of the proponents of the
17 minority viewpoint pointed out some concerns and we, for
18 the most part, as a working group agree with the concerns
19 brought forth by the proponents of the Special Action
20 request. And for the record, back in April when we had our
21 preseason meeting, the proponents brought forth their
22 concerns and indicated that they would be bringing forth a
23 Special Action request to you folks. We'd agreed as a
24 working group with the concerns and, in fact, endorsed
25 their efforts for a number of reasons. And they are, that
26 as Mr. Roczicka pointed out to you, making management
27 actions and making decisions prior to knowing what the type
28 of returns we may have is contrary to what we believe to be
29 the practice and philosophy of the working group. All
30 indications were that because these stocks were identified
31 as stocks of concern by the Board of Fisheries, that there
32 was a high likelihood of poor returns and that conservative
33 action should have been taken prior to the start of the
34 season.

35

36 And lastly, there is a great deal of
37 uncertainty about the effects of sportfishing as was
38 pointed out to you by Mr. Roczicka regarding mortality.
39 And as Mr. Roczicka pointed out, the growing number of
40 sportfishing activities and guides, commercial guides here
41 on the Kuskokwim, in addition and most importantly, on the
42 principle of the matter.

43

44 As you well know, we're into our second
45 year of the salmon rebuilding plan here on the Kuskokwim.
46 Although we reluctantly agree when the Board of Fisheries
47 developed this plan to restrictions unprecedented in our
48 history, we believed that compliance and maintaining of the
49 plan was very important and we continue to believe so. And
50 any intrusion on our activities, our beliefs and ways needs

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1 to be carefully assessed, monitored and dealt with well in
2 advance of any negative effects that may arise as a result
3 of our negligence in that respect. And I believe that's
4 part of the reason why we have such a fair amount of
5 involvement of the working group. We believe that the
6 rebuilding plan is not just for our present generation but
7 for generations to come and, in fact, we also believe that
8 we need to be sure that those fish that return in any given
9 season are returned in such sufficient numbers to provide
10 for their progeny, four to five, six years, eight years
11 down the road. And that's very important to our adherence
12 to the plan. As you've heard a number of people pointing
13 out the difficulties and the burdens that the plan has
14 provided for many of our residents here in the Kuskokwim.
15 We anticipated that when the plan was first developed by
16 the Board of Fisheries, however, as you know, with many of
17 the things that we've had to learn to live with over the
18 years there was a great deal of learning to be done and I
19 believe we're in that process now. And one of the big
20 lessons here is that this area is one of the last cultural
21 strongholds of peoples in the United States and for that
22 matter, in the world to practice a way of life that is
23 unique, priceless and irreplaceable.

24

25 The insults, the frictions and intrusions
26 on our way of life up to now have been momentous, very
27 significant and unprecedented. Prior to this last year,
28 the first year of our rebuilding plan, you need to
29 understand that especially the commercial fishers here on
30 the Kuskokwim have made a fair number and significant
31 number of sacrifices prior to the restrictions being put
32 into place. In other words, the working group, many times
33 voted not to open up the river here to ensure our
34 subsistence users were given that opportunity for their
35 needs to be met and that escapement needs were addressed.
36 And it's only in the last year or two that you've seen even
37 more significant restrictions.

38

39 You need to understand that I represent the
40 Kuskokwim Fishermen's Cooperative, which is, by the way is
41 on its last legs. The cooperative represents a little over
42 800 fishers here on the Kuskokwim and it gives you a clear
43 indication of the importance of commercial fisheries here
44 on the Kuskokwim for our economy and our way of life.
45 Because we have no commercial activity anymore in June and
46 July it's placed an additional burden besides the
47 subsistence restrictions on our peoples being able to have
48 a sense of self-worth identify and to be able to be
49 independent. And based on those concerns, we felt that why
50 is it that subsistence users, commercial fishers be sitting

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1 on the beach for a period of time while nearly unrestricted
2 sportfishing program or regime occurs, especially with
3 those guided operations that continue to make money while
4 subsistence fishers and commercial fishers aren't making
5 money at all.

6

7 And again, for the record, the working
8 group almost unanimously supported the Special Action
9 request forwarded by ONC and KNA. We did that as early as
10 April. We, in fact, took it upon ourselves to petition the
11 Board of Fisheries to make those kinds of considerations.

12

13 I need you to understand that although
14 you've heard concerns about the burdens of the restrictions
15 and the four day opener and three day closures, the primary
16 thrust of this based on a matter of principle towards
17 sportfishing occurring totally unrestricted while people
18 here on the Kuskokwim are sitting on the beach.

19

20 And again, I'd like to emphasize that it's
21 a matter of cultural principle for us. We believe that the
22 Federal Subsistence Board, who is a lot more amenable to
23 our concerns as a people and we're asking you on that basis
24 that you grant our considerations regardless of what you
25 may have heard otherwise. Because the precedent you set
26 here will avoid a great deal of controversy and difficulty
27 for yourselves and our people out here and for the state
28 down the road.

29

30 Thank you, Mr. Chairman.

31

32 CHAIRMAN DEMIENTIEFF: Thank you. Who else
33 do we have?

34

35 MR. NICK: The next person is Mr. Joseph
36 Allen from AVCP -- or Allen Joseph.

37

38 MR. JOSEPH: Yeah, Mr. Chairman, I work with
39 Eric Johnson of AVCP, my name is Allen Joseph. Mr. Johnson
40 just gave some testimony earlier and I'd like to add to
41 AVCP's testimony so my comments will be quite short.

42

43 I'd like to confirm support of AVCP,
44 Kuskokwim Native Association and ONC's efforts in their
45 Special Action request. AVCP basically supports closing
46 down sportfishing in all periods when subsistence salmon
47 fishing is restricted and we request the Federal
48 Subsistence Board to consider that in the spirit of putting
49 a preference for subsistence fishing.

50

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1 And I'd like to make one comment about the
2 sportfishing closure between May 15th and June 15th. I
3 believe the closure was meaningless because salmon are not
4 in the major sportfishing areas or streams by then, after
5 June 15th you see salmon begin reaching in these streams.
6 That's why I say the closure was meaningless.

7

8 I hope we don't have anymore future
9 restrictions on subsistence fishing on emergency order
10 which authorizes these restrictions. But if there's to be
11 any more restrictions in the future and close subsistence
12 and sportfishing are restricted, I think it'd be a bit more
13 meaningful if the sportfishery closure extended beyond the
14 15th -- July 15th.

15

16 And with that I end my comments and I than
17 you very much.

18

19 CHAIRMAN DEMIENTIEFF: Thank you. Do we
20 have anymore on line?

21

22 MR. NICK: Mr. Chair.

23

24 CHAIRMAN DEMIENTIEFF: Yes.

25

26 MR. NICK: Mr. Chairman, from Bethel, the
27 last person is Mary Gregory.

28

29 CHAIRMAN DEMIENTIEFF: Go ahead.

30

31 MS. GREGORY: Mr. Chairman, members of the
32 Federal Subsistence Board. My name is Mary Gregory. I'm
33 the vice-chair of the Yukon-Kuskokwim Delta Regional
34 Advisory Council on subsistence and also a member of the
35 Orutsararmiut Native Council. I want to thank all those
36 people who testified on behalf of the request from ONC and
37 KNA. And I want to thank Kwethluk people for their support
38 as well.

39

40 On June 20th, two days after the Kuskokwim
41 working group meeting, to publicize this meeting, you saw
42 it in the Tundra Drums, I think that time we had a call-in
43 show, one of the callers said last year when he went to
44 (indiscernible - phone cuts in and out) River to gather
45 some plants during a closure time he watched sportsfishing
46 going on on the moss of the river. He was so frustrated
47 and insulted to see the sportfishermen fishing when he
48 couldn't subsistence fish for his own family.

49

50 I think it's like taking food out of the

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1 mouth of a pauper and giving it to a prince, not only as a
2 different food pattern altogether, traditional use of the
3 food and the spiritual aspect of it. If I don't eat my
4 every day food I feel robbed, violated, not complete.

5

6 As for catch and release sportfishing, we
7 use that whole fish. We use the guts, the (in Native), and
8 everything else that we don't hang up to dry to flavor our
9 Yup'ik delicacy (in Native) known as a stink fishhead and
10 we even dry the heads to make (in Native) for our winter
11 potlucks and potlatches. I agree with Allen Joseph,
12 closing the sportfishing from 1 to 15 is not worth it
13 because the fish are not there yet. And also when you
14 close the down river for us people, not to fish, what more
15 discrimination is happening when you open it up near the
16 spawning, it's more vulnerable to being hurt.

17

18 Thank you, Mr. Chairman.

19

20 CHAIRMAN DEMIENTIEFF: Thank you. That's
21 all you have in Bethel now?

22

23 MR. NICK: Mr. Chairman, that is all the
24 public comments we got from Bethel.

25

26 CHAIRMAN DEMIENTIEFF: Okay.

27

28 MR. NICK: Thank you very much.

29

30 CHAIRMAN DEMIENTIEFF: We have one more
31 request here, Jennifer.

32

33 UNIDENTIFIED VOICE: Mr. Chair.

34

35 CHAIRMAN DEMIENTIEFF: Yes.

36

37 UNIDENTIFIED VOICE: I have two people here
38 to provide public comment after Jennifer.

39

40 CHAIRMAN DEMIENTIEFF: Okay.

41

42 UNIDENTIFIED VOICE: Thank you.

43

44 CHAIRMAN DEMIENTIEFF: Okay.

45

46 MS. HOOPER: Thank you, Mr. Chairman.

47

48 MR. COLLINS: Mr. Chair, this is Ray
49 Collins. I have one additional comment I'd like to make,
50 too, if I might have opportunity at the end.

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1 CHAIRMAN DEMIENTIEFF: We'll let you do
2 that on the Regional Council comments, okay?

3

4 MR. COLLINS: Okay.

5

6 CHAIRMAN DEMIENTIEFF: Go ahead.

7

8 MS. HOOPER: Thank you, Mr. Chairman.
9 Federal Subsistence Board members. I've been debating
10 whether or not to submit a blue card. I've been really
11 toying over a question that was asked to a couple of people
12 earlier and I would like to take this opportunity to
13 respond.

14

15 First, I'd like to make sure that I
16 understood the question right, Mr. Gary Edwards asked both
17 Greg and Eric, it seems that the subsistence restrictions
18 and the disruptions to the traditions and long-time
19 practices of the subsistence fishermen on the Kuskokwim
20 River have helped management. And at first, I want to make
21 sure that I understood your question right because that is
22 happened and it is helping management, shouldn't the
23 disruptions and the subsistence restrictions continue? Did
24 I hear it right?

25

26 MR. EDWARDS: Well, I think I guess what I
27 meant is while we acknowledge that disruption and as
28 unfortunate as it may be, if that does allow a better
29 management for the system for all subsistence users, might
30 that be a necessary sacrifice that has to be made?

31

32 MS. HOOPER: Okay, I guess I did understand
33 it. I guess my issue with this and my comments on this
34 that it never should have gotten to this point where we
35 have to restrict and halt traditions that have, you know,
36 gone on for thousands of years and then have this scary
37 reality that they, you know, may be ultimately forever
38 disrupted, why do our subsistence fishermen who fish for
39 food need to be disrupted and restricted to help
40 management. And it's the hard reality that the management
41 that has happened, whether it was in the river, in the bay,
42 in the ocean, wherever, has not done its job, I guess.

43

44 And I guess I'd just like to tie this to
45 the sportfishing issue here at hand. It's an almost
46 backwards approach that the State has used in managing the
47 sportfishery as compared to managing and allowing
48 subsistence. We came into the season with restrictions
49 already in place, you know, with the outlooks that the
50 Department had but yet sportfishing was allowed to stay

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1 open, you know, even with the regulation to close through
2 June 15, which we all know is basically moot. It doesn't
3 do anything for the fishery as far as managing.

4

5 But I'd just like to point out, you know,
6 that it's a complete backwards approach to management when
7 you allow one fishery to be unrestricted, aside from the
8 regulation that was put into EO, it wasn't the case
9 initially but then you manage other fisheries by going into
10 the season, closed and restricted.

11

12 And I just wanted to share these points
13 with you, I hope they made sense. Thanks.

14

15 CHAIRMAN DEMIENTIEFF: Okay, thank you.
16 Now, somebody is line.

17

18 MR. MORGAN: Mr. Chair, this is Wayne
19 Morgan.

20

21 CHAIRMAN DEMIENTIEFF: Yes.

22

23 MR. MORGAN: I have Harry Elane and then
24 I'll give a short testimony on something that I missed.
25 Thank you.

26

27 CHAIRMAN DEMIENTIEFF: Wayne, you've
28 already testified so we'll just allow the one person to
29 testify.

30

31 MR. ELANE: Mr. Chairman.

32

33 CHAIRMAN DEMIENTIEFF: Yes.

34

35 MR. ELANE: Hello.

36

37 CHAIRMAN DEMIENTIEFF: Yes.

38

39 MR. ELANE: Yes, Mr. Chairman, members of
40 the Federal Subsistence Board, my name is Harry Elane and I
41 was born and raised here in Aniak, 30 years. I've been
42 living a half mile up inside the Aniak River.

43

44 Over the years I've seen the Aniak die a
45 slow death. In the late '70s the Fish and Game did a
46 survey, a study all summer long of a test fishery up in the
47 Aniak River. And the number that they came up with was a
48 million fish went up that river. Now we are fighting just
49 for a few.

50

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1 Because of poor management we now are in a
2 situation where our subsistence is restricted. And the
3 Alaska Department of Fish and Game, they call it the
4 rebuilding plan, they need to go the rest of the way,
5 there's tremendous boat traffic that's up the Aniak River
6 with guided fishermen. To me, my personal opinion, that is
7 causing detrimental conditions on the spawning grounds. If
8 I'm correct, I think it's in the 42 or 44 percent that went
9 up the Aniak River spawning ground, so to me I feel that if
10 you're going to restrict us for our subsistence and the
11 Fish and Game, the Fish Board is not knowing what the
12 escapement level is and what the returns are, that
13 sportfishing should be closed until such time as we can get
14 a good picture of what's going on.

15

16 The other thing I want to make comment on
17 is these boats that are going up the Aniak, they're not
18 small little boats. These are boats that are -- well, one
19 boat runs up there has a nine foot bottom, has a 250
20 mercury jet unit on it and the other boats are with the 115
21 range and 22-foot boats, they cause a lot of erosions and
22 God knows what it's doing to the spawning grounds.

23

24 That's what I have to say.

25

26 CHAIRMAN DEMIENTIEFF: Thank you. Okay,
27 with that, we'll move on. That concludes our public
28 testimony. We'll move onto Regional Council comments.
29 Harry, you have comments and Ray, you have comments also?

30

31 MR. COLLINS: Yes.

32

33 CHAIRMAN DEMIENTIEFF: Go ahead, Harry.

34

35 MR. WILDE: Mr. Chairman, my name is Harry
36 Wilde, Chairman of Yukon/Kuskokwim Regional Council. Mr.
37 Chairman, I support Orutsararmiut Native Council request.
38 I think there is enough fish in the Kuskokwim to satisfy
39 the subsistence fishermen in Kuskokwim. Mr. Chairman and
40 member of the Federal Subsistence Board, I would like to
41 see to lift subsistence restrictions in Kuskokwim River
42 before the winter comes around so these people wouldn't
43 have hardship for their winter food in winter.

44

45 Thank you, Mr. Chairman.

46

47 CHAIRMAN DEMIENTIEFF: Thank you. Ray
48 Collins.

49

50 MR. COLLINS: Yes. I've been listening

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1 very closely to the testimony and some of the things that
2 are coming through, along the thoughts that I have, one is
3 that basically the fishing industry is unregulated except
4 that now you've limited it to one fish, but it's a growth
5 industry and there's no limit on what that growth will be.
6 And what we've seen in other areas, in hunting and on the
7 Kenai and so on, it just keeps growing. And so even if
8 it's limited to the one fish let's say, next year there may
9 be twice as many guides. The other is that as that grows,
10 we don't know, we don't have any handle on what we're doing
11 to the habitat and we're in a building plan and we ought to
12 find out exactly what it's doing to those spawning areas
13 before we allow that to continue or it to certainly
14 increase.

15

16 The other point that I heard the biologist
17 make, I was glad to hear that, was the comment on what's
18 happening in the catch and release. Because to my mind,
19 again, allowing them only to keep one fish it's basically
20 unrestricted because most of them don't want to keep fish
21 anyhow. And as I testified before, if they do keep one
22 it's likely to be the largest fish for trophy value. It
23 doesn't limit the number of ones that they can hook and
24 then release. And as we know salmon are different from
25 trout and grayling and the others, in that, they stop
26 feeding when they come into fresh water and I haven't heard
27 this brought out yet and they seem to have only enough
28 reserves to get them to their spawning ground and that's
29 why the Kuskokwim fish are richer than the Yukon fish
30 because they've got further to go to the head of the river.
31 Well, by allowing fishing as they approach the spawning
32 ground, they're at the end of their reserve strength and
33 they've got enough to see them through the spawning area
34 and by practicing catch and release there, we don't know
35 exactly what we're doing in hindering their success in
36 spawning when we catch and release them at that point and
37 maybe they're catching and releasing more than one time.
38 And we may be hindering their ability to even carry out
39 successful spawning because they're at the end of their
40 reserves at that point.

41

42 So I think we ought to know more about that
43 before we allow this activity to continue or certainly to
44 increase.

45

46 And then there's the equity question that
47 came out, you know. Should they be able to do it seven
48 days a week when there are restrictions on subsistence
49 fishermen. But I think there's biological reasons for us
50 to look very closely at that industry and seek to get in

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1 place some kind of a plan that will protect the spawning
2 grounds and those spawners before we allow this to just
3 continue to grow as it is right now. There's no limit on
4 the number of guides or the number of fishermen that can
5 take part in it.

6

7 That concludes my comments. Thank you, Mr.
8 Chairman.

9

10 CHAIRMAN DEMIENTIEFF: Thank you. Staff
11 Committee recommendation.

12

13 MS. FOX: Thank you, Mr. Chair. The Staff
14 Committee did not reach consensus on a recommendation. As
15 a result I will be presenting two viewpoints, one for the
16 majority and one for the minority.

17

18 With regard to the majority viewpoint, the
19 majority of the Staff Committee voted to recommend that the
20 Federal Subsistence Board oppose the request. The data
21 available in the Bethel test fishery and in in-season
22 subsistence harvest reports are the best indicators to date
23 that the 2002 chinook and chum salmon runs are better
24 through June 23rd than years with similar water flow. In-
25 season subsistence harvest reports through June 15th have
26 been favorable with most fishers reporting good catches.
27 Given the current status of the run and in-season
28 subsistence harvest reports, it is reasonable to expect
29 escapements and subsistence needs to be met for chinook and
30 chum salmon in 2002, even with the reduced subsistence
31 fishing time allowed in the schedule.

32

33 The chinook salmon harvest in the Aniak
34 River sportfishery is expected to be low given the current
35 regulations and it is not likely to hinder escapement or
36 subsistence needs. As a result it is not reasonable to
37 close Federal waters to non-subsistence fishing.
38 Similarly, limiting the non-subsistence users to a four day
39 a week schedule would do little to increase subsistence
40 harvest or to increase escapements.

41

42 The Federal in-season manager will continue
43 to monitor the runs to determine if the chinook or chum
44 salmon run strength demonstrates a need for change in
45 management strategy to help meet subsistence and escapement
46 needs. This may include lifting or relaxing the fishing
47 schedule if the run strength is sufficient. Evaluations of
48 in-season run strength will be a joint effort between the
49 Department of Fish and Game and Fish and Wildlife Service
50 managers in cooperation with the Kuskokwim River Salmon

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1 Management Working Group and the four members of the Yukon-
2 Kuskokwim Delta and Western Interior Regional Advisory
3 Council Coordinated Fisheries Committee. The subsistence
4 fishing schedule is a restriction placed on subsistence
5 users but it is being done to help rebuild the chinook and
6 chum salmon runs for future generations and to distribute
7 fishing opportunity more evenly throughout the river. Many
8 local subsistence users recognize and support the fishing
9 schedule because of these benefits. The strength of the
10 salmon runs should allow subsistence users to meet their
11 needs in 2002, although the schedule does pose a
12 substantial change in the traditional practices of rural
13 life and fish camps.

14

15 Although subsistence users are being
16 restricted to less fishing time, a significant priority is
17 provided relative to the opportunities for non-subsistence
18 uses. Sportsfishermen are also being restricted from three
19 salmon per day to only one salmon per day and
20 sportfishermen on the Aniak River are only allowed to
21 retain two chinook salmon per year.

22

23 The meaningful priority for subsistence
24 stems from the facts that the subsistence users employ more
25 efficient gear, fish without harvest limit during the
26 subsistence openings and are able to fish seven days per
27 week using rod and reel.

28

29 The Staff Committee endorses the ongoing
30 efforts of local users and State and Federal managers to
31 monitor run strength and to consider flexibility in the
32 subsistence fishing schedules.

33

34 For the future the schedule might be
35 revised to recognize significantly different levels of
36 fishing pressure in portions of the river with more fishing
37 time in portions where pressure is low as is the case in
38 the Yukon River subsistence fishing schedule.

39

40 In addition, the Staff Committee supports
41 the suggestion of the Yukon-Delta National Wildlife Refuge
42 manager and others, that more specific data should be
43 collected to monitor changes in fish camp traditions such
44 as fewer multi-generational families at fish camp due to
45 the fishing schedule.

46

47 Moving on to the minority viewpoint. The
48 minority vote was to support the Special Action request.
49 The proponent requested that Federal waters on the
50 Kuskokwim and its tributaries be closed to sportfishing or,

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1 in the alternative, that sportfishing be restricted by the
2 same time constraints as subsistence fishing is restricted
3 by the Board of Fisheries fishing schedule.

4

5 In addition at the Kuskokwim Working Group
6 meeting on the evening of June 18th, the proponent also
7 added that if those two requests were not honored then
8 remove the fishing schedule from the Upper Kuskokwim to
9 free subsistence users in that portion of the river to fish
10 seven days per week until their needs were met. Since the
11 lower river users were nearing completion of their
12 subsistence harvest, in that area, the schedule could be
13 maintained.

14

15 When the Board of Fisheries fishing
16 schedule was imposed on subsistence users in 2001 it was
17 accompanied by a joint State and Federal management request
18 that subsistence users voluntarily restrict their own use
19 to ensure escapement and as a conservation measure. The
20 subsistence users did comply and now that there seems to be
21 a slight improvement in the fish runs, subsistence are
22 still being taxed by the fishing schedule and sports users
23 are reaping the benefit at the expense and sacrifice of the
24 subsistence users.

25

26 This schedule is perceived as a major
27 hardship on subsistence users and they have voluntarily
28 complied. Now, the perception is that they are not reaping
29 the benefit and that the Federal Board is responsible for
30 ensuring their subsistence priority over all other uses as
31 required by ANILCA.

32

33 Subsistence users are burdened by the
34 fishing schedule that prohibits their customary and
35 traditional practices of preservation of fish by not
36 allowing them to process their fish when the weather and
37 run are most conducive to maximum yield and restricts their
38 participation in the fishery based solely on schedule and
39 not taking their customary and traditional practices into
40 consideration. It is the customary and traditional
41 practice to take the fish needed on the days of the run and
42 when the weather is most suitable for preservation and that
43 customary and traditional practice is to be considered
44 under the Bobby case. Under the schedule, the later dates
45 are often rainy days and weather in which the prepared fish
46 would spoil and become wanton waste contrary to their
47 customary and traditional practices.

48

49 Subsistence users are already under a
50 hardship to go to and from nets on a scheduled basis and

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1 the pulling and confiscation of nets by law enforcement
2 adds to their limited resources expended on additional gas
3 and motor costs when a simple task is providing the marker
4 material is an option that could, instead be offered to
5 them.

6

7 Data isn't gathered on sports uses
8 regarding harvest, species taken or number of fish taken.
9 Estimates are used as though they reflect what is actually
10 happening and insufficient data is presented on catch and
11 release mortality. Subsistence users believe in
12 conservation and do support conservation efforts. But it
13 is seen as a failure of the Board to not protect their
14 subsistence priority over all other uses and to burden
15 their customary and traditional practices unnecessarily.

16

17 The proponent requested that the schedule
18 be liberalized to allow the upper drainage or areas above
19 Bethel area to obtain their subsistence needs. The problem
20 will continue next year if the Board of Fisheries fishing
21 schedule is again imposed on the subsistence users.

22

23 That concludes my report.

24

25 CHAIRMAN DEMIENTIEFF: Thank you.

26 Department comments.

27

28 MS. SEE: Thank you. And thank you to the
29 Chair, the Board, the Regional Advisory Council Chairs and
30 all the members of the public who have taken a lot of time
31 today to look at this issue in detail. My name is Marianne
32 See with the Department, I'm the Department's coordinator
33 on dual management issues about subsistence. We have kind
34 of two parts to this comment today. One is an overview
35 that I'll offer and then I will segue to our sportfish
36 comments which are in more detail.

37

38 We do appreciate the opportunity to provide
39 information and perspectives regarding this Special Action
40 request to change sportfishing provisions on the Kuskokwim
41 River drainage. The Department's Divisions collaborate
42 closely to ensure sustainable management of the resource,
43 implementation of the State subsistence law and to provide,
44 where possible, for other user needs. Each of the
45 divisions of sportfish, subsistence and commercial
46 fisheries has staff available here today, either in the
47 room or on-line in Bethel to provide specific relevant
48 information.

49

50 My comments are briefly on issues that are

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1 division representatives will further elaborate.

2

3 Our overall position on this Special Action
4 request is based fundamentally on the fact that we continue
5 to provide for priority for subsistence harvest
6 opportunity, provide for other uses and fully engage the
7 public on these crucial issues. We do support the current
8 management measures on the Kuskokwim for subsistence and
9 sportfishing which are designed to adapt to changes in the
10 numbers of fish returning to the river. We, thus, do not
11 support this Special Action request and ask that you
12 consider several main issues as you deliberate today.

13

14 We want to emphasize that there are
15 interrelated reasons for management provisions currently in
16 place on the Kuskokwim drainage. The schedule for
17 subsistence fishing in the Kuskokwim drainage is intended
18 to accomplish four key objectives.

19

20 Firstly, to promote the health of the
21 salmon resources themselves and rebuilding of the salmon
22 runs to allow some fish to pass through with minimal
23 fishing pressure consistent with the Kuskokwim River Salmon
24 Rebuilding Plan. Another is to provide subsistence
25 priority through the entire river system and to ensure that
26 fish reach subsistence users in the up river drainages.
27 Another is to improve the quality of fish escapement, that
28 is, to provide for larger fish and larger female fish that
29 reach the spawning grounds. And lastly, to provide for
30 other uses of salmon as possible while ensuring the
31 subsistence priority. In this we use regulatory tools,
32 such as timing or bag limits to avoid competition and
33 conflict.

34

35 Now, a key measure that the Department uses
36 to implement the subsistence priority is a finding of
37 amounts necessary for subsistence or ANS, which is
38 expressed as a quantitative range. Although it does not
39 assess qualitative characteristics about the harvest, it's
40 an essential tool to evaluate the potential to meet
41 subsistence users needs. We use it in preseason and in-
42 season evaluations to ensure that regulatory provisions
43 will be best aligned to ensure that subsistence users for a
44 specific resource will have reasonable opportunity for
45 harvest.

46

47 We want to make it very clear that we have
48 looked carefully at information from previous years in
49 planning and conducting management regimes for this season.
50 Last year, in a year of below average salmon runs for the

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1 Kuskokwim River, we saw that subsistence users harvested at
2 levels well within this ANS range. At that time
3 subsistence fishers were on a schedule as is the case this
4 year. We also know, as has been mentioned, that users
5 voluntarily reduced their harvest last year and the
6 resulting effect on the harvest data is unknown. This year
7 fish managers have closely watched indicators of run
8 strength and compared those with those of prior years to
9 conclude that the runs should provide fish to subsistence
10 users in numbers that will achieve the amounts necessary
11 for subsistence for that range.

12

13 Additionally, if runs continue to develop
14 as they have, a commercial fishery for chum salmon may
15 occur if a buyer can be found. At this point we would no
16 longer require the schedule.

17

18 And I've been advised and Gene Sandon of
19 our Commercial Fisheries Division may have further comment
20 on this or can answer questions, that an evaluation will be
21 made very soon on this. Mary Pete from our Division of
22 Subsistence is also on-line in Bethel and both can provide
23 additional information on this point.

24

25 Because the ANS is so important, amount
26 necessary for subsistence, my apologies for using an
27 acronym, we wanted to make sure that we provided some
28 information to you which is the second sheet which regards
29 reasonable opportunity and that is background information
30 for you, it has been previously provided to the Board of
31 Fisheries and it speaks to reasonable opportunity which I
32 believe will be something that may come up in your
33 deliberations this afternoon.

34

35 We want to also note that because the ANS
36 assesses quantity, we need other ways to look at the
37 quality of subsistence harvest. This is where other
38 information such as surveys, interviews and other kinds of
39 research is essential. The most relevant information that
40 we have at this time and I realize we've heard other
41 surveys this afternoon, but our information comes from a
42 2001 subsistence harvest questionnaire which occurred at
43 the end of the season. In that questionnaire, users were
44 asked how they felt about the subsistence fishing schedule.
45 There were 627 families responding from 24 different
46 communities. Of these, 60 percent offered either positive
47 remarks or comments indicating that they accepted the
48 schedule. The remaining 40 percent had negative comments.
49 Although this is a small sample size, it does provide a
50 helpful indicator of support for the subsistence fishing

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1 schedule. We acknowledge that further research is needed
2 to assess aspects of the quality and the effects of the
3 fishing schedule on users.

4

5 Regarding sportfishing key measures were
6 put in place this year and they have been mentioned to
7 ensure the subsistence priority while also providing some
8 potential for sportfishing opportunity. The basic approach
9 we're using is to use timing and harvest limits to minimize
10 the potential perceived competition for fish. Subsistence
11 Fishing constitutes a small portion of the overall harvest
12 from prior years and will be further reduced by these
13 measures that include the closed sportfish season until
14 mid-June. And also, fishing activity we note generally
15 starts up later than the subsistence fishery and is
16 conducted in the tributaries where little subsistence
17 fishing occurs. Another measure is reduced bag limits for
18 sportfishers.

19

20 To go into this in more detail, we have
21 Charlie Swanton sitting to my right from the Division of
22 Sportfish who will further explain effects of these and
23 related provisions. And he'll be providing more
24 information on the fisher effort, the number of fish
25 actually caught by sportfishers and the locations of these
26 activities in the Kuskokwim drainages.

27

28 MR. SWANTON: Thanks, Marianne. Again, my
29 name is Charlie Swanton for the record with the Sportfish
30 Division in Fairbanks as part of Sportfish Division Region
31 3.

32

33 I thank the members of the Board as well as
34 the Chairman for the opportunity to address these Special
35 Actions. The packet that you have before you with the Fish
36 and Game logo on it is what I'm going to speaking to, the
37 first page goes through discussion topics. What I'm going
38 to try and do first is give a brief description of the
39 region as well as the areas, go into the 2002 regulations
40 for the upper and lower Kuskokwim and the reason why the
41 upper and lower Kuskokwim are broken out that was is
42 because most of the information that we and that I will be
43 presenting here today is derived from a survey instrument
44 called a statewide harvest survey. What this instrument
45 does is collect this information by sending survey packets
46 to licensed sport anglers, both resident as well as non-
47 resident and unfortunately because of the time that it
48 takes to do this, the information that we have in terms of
49 catch effort and harvest is about a year in delay. So for
50 example, we are anticipating the draft final numbers for

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1 the 2001 fishing season should be available to us probably
2 in the next couple of weeks. So most of the statistics
3 that I will be referring to only go through the year 2000.

4

5 With that being said, I'll move into
6 background regulations and then emergency orders and then
7 move into the statistics as Marianne referred to for both
8 the lower Kuskokwim sportfisheries and the upper Kuskokwim
9 sportfisheries. The lower Kuskokwim sportfisheries would
10 be those that are operated on the Kisaralik, the Kwethluk
11 and the Aniak and the upper would be for those that are
12 operated on the George and the Holitna River. These are
13 the primary ones where we do have harvest catch and effort
14 information. And I will also add some catch and harvest
15 statistics as well.

16

17 There's two maps following the next page in
18 the handout. One is, like I said, is a regional map and as
19 you can see there's, located on that within the region, is
20 six different management areas that are all operated out of
21 the regional office in Fairbanks of which I'm the
22 management supervisor. The second map depicts the lower
23 Kuskokwim management areas as I referred to before and
24 essentially the break out point is the Aniak which is
25 typically referred to as the mid-Kuskokwim and we have a
26 management biologist, John Burr, that's responsible for
27 managing the sportfisheries in the upper Kuskokwim. And
28 then we have a management biologist stationed in Bethel,
29 Bob Lafferty, who is responsible for managing the
30 sportfisheries from the Aniak down river.

31

32 Background regulations have been in the
33 past and continue through this year were the sportfishery
34 opened on the 1st of May and closed on the July 25th. July
35 25th is referred to as a spawning closure. What that
36 purports to mean is that a majority of the spawning of
37 chinook salmon takes place after the 25th of July. I
38 believe that that particular regulation has been on the
39 books since 1987 or somewhere thereabouts. So it has been
40 in place to protect spawning salmon on the spawning
41 grounds.

42

43 The bag and possession limit background is
44 three chinook salmon, two fish over 28 inches. The 2002
45 regulations under the Board of Fisheries rebuilding plan of
46 which we told the Board we would institute by EO prior to
47 the season a one chinook or chum salmon bag limit per day.
48 That was instituted by EO this year. The second component
49 was to delay the beginning of the sportfishery from the 1st
50 of May to the 15th of June. I guess I may well address

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1 that particular issue since it's been referred to as
2 window-dressing or a charlatan's web of deceit.

3

4 The reason why that particular EO was
5 issued had to do with responding to an outcry from AVCP and
6 the subsistence users this spring. The discussion was had
7 in front of the YK-Delta RAC and it was expressed to the
8 YK-Delta RAC, that the influence of that particular
9 emergency order was going to have some minor measurable
10 impact on the systems around Bethel and likely to have no
11 or very minimal impact on the sportfisheries and the
12 harvest as you moved up river. 15-June was the date
13 selected and we don't have any additional information to
14 know whether that date, as you move up river does or does
15 not have any impact. That was what was expressed to the YK
16 RAC and nothing more or less from that so there was no
17 deceit associated with that particular emergency order. We
18 typically cut emergency orders to have a desired biological
19 effect and a measurable effect and we do not necessarily
20 think that that particular emergency order had one nor do
21 we think that we can really measure it. And until we get
22 to that point that's essentially what has to be looked at.
23 So anyway, I just wanted to clarify that particular aspect.

24

25 Moving on past the maps, we'll move into
26 the lower Kuskokwim to begin with. The 1998 through 2000
27 average effort within the lower Kuskokwim River, again,
28 lower being from Aniak down river inclusive of the Kwethluk
29 and the Kisaralik was 7,382 angler days, that's for all
30 species. Distribution of that angler effort comprised 38
31 percent within the Aniak, 36 percent within the Kisaralik,
32 19 percent within the Kwethluk and seven within other minor
33 systems. The average catch within these systems was 3,498
34 chinook salmon, that's an average for 98 to 2000. The
35 reason why that differs from the 7,200 that was referenced
36 in the Staff analysis is the utilization of 1997 through
37 1999, I chose to use a 1998 through 2000 average because
38 that is the more recent data.

39

40 Two of the three highest catch records for
41 the Aniak River occurred in 1997, in 1998. They were
42 12,000 and 5,000 respectfully. The next closest number to
43 those was 3,375 which occurred in 1996.

44

45 In 2000 the effort was 435. Again, the
46 catch distribution was 87 percent for the Aniak and 10
47 percent within the Kisaralik and Kwethluk combined.

48

49 The average harvest within the lower
50 Kuskokwim was 489 chinook salmon per year. 82 percent of

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1 the harvest was the Aniak and 10 percent was the other
2 systems.

3

4 As an aside, in 2002 an aerial survey was
5 flown last Friday and was conducted approximately from 2:00
6 to 4:00 p.m. out of Bethel and flew from the middle
7 Kuskokwim all the way up to the Aniak. They couldn't make
8 it up to the George River. There were nine anglers in
9 total that were counted sportfishing last Friday during
10 this period in time. I'm not professing that this is peak
11 sportfishing time periods, I'm just saying to put it into
12 context. There were more people fishing from the handicap
13 ramps at the BLM boat launch at Sourdough on the Gulkana
14 River last Friday than there were on the entire middle to
15 the mid-Kuskokwim. Of those nine, two were on the Aniak
16 and several were on the Kwethluk.

17

18 Moving on to the upper Kuskokwim River.
19 The two primary systems there are the Holitna and the
20 George River. In 2000 the effort was about 1,100 angler
21 days per year and the 2000 effort was '91 for the George
22 River and a thousand for the Holitna. Catch of chinook
23 salmon is 883 per year. In 2000 161 chinook from the
24 George were caught and 22 for the Holitna. The harvest of
25 chinook salmon for these drainages has been about 140
26 chinook salmon per year. The harvest from the George was
27 zero in 2000 and for the Holitna it was 22 fish.

28

29 In summary, all of the sportfishers
30 operated within the Kuskokwim drainage can be considered
31 small by statewide standards. As I referenced, the
32 Gulkana, angler effort on the Gulkana for an average year
33 is somewhere between 12 to 15,000. And catch averages well
34 in excess of that and harvest is somewhere between three to
35 4,000 for the Gulkana. The harvest numbers in some cases
36 are small and hence suffer from imprecision. When you have
37 a survey instrument such as this, low numbers of
38 respondents translate into imprecision of your numbers. We
39 don't necessarily feel that there's several of orders of
40 magnitude problems with regards to these numbers however
41 there is some imprecision.

42

43 The estimated harvest that occurred in 2001
44 is probably less than 500 fish but we won't receive, again,
45 we won't receive those numbers for several weeks. The
46 State feels that the actions taken during 2001 and being
47 proposed in 2002 are of limited biological consequence to
48 the Kuskokwim River chinook salmon stocks. And in final, a
49 basic tenet of salmon management is upon making a
50 management decision, one has to evaluate its utility

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1 towards meeting a measurable objective. The State
2 questions the utility of these actions based on this
3 principal.

4

5 Thank you, Mr. Chairman.

6

7 CHAIRMAN DEMIENTIEFF: Thank you. Board
8 discussion. Gary.

9

10 MR. EDWARDS: I have a couple questions. I
11 guess I can direct my first one, both, maybe to Staff as
12 well as the State. It has been suggested that perhaps if
13 we did not allow a sportfishery to occur that would allow
14 some relaxation in the restrictions that were being placed
15 upon the subsistence anglers and may allow us to do some
16 modification to the schedule, I'd like to know whether the
17 feeling is that that could occur if the sportfishery
18 remained closed.

19

20 MR. BERG: Mr. Chair, Mr. Edwards. If the
21 Board did take positive action on this request then it
22 would close all other uses other than subsistence for
23 Federally-qualified users, mainly impacting the sport users
24 but it wouldn't change the schedule at all for subsistence
25 uses; is that your question?

26

27 MR. EDWARDS: I guess my question was,
28 would it allow us to allow a different schedule than the
29 four day opening, three closure, would it allow four and a
30 half day opening and two and a half day closure?

31

32 MR. BERG: I don't believe it would. I'd
33 probably defer to Gene. Gene's probably more familiar with
34 the rebuilding plans and the options we have. So I'll just
35 turn it over to Gene.

36

37 MR. SANDON: Mr. Chairman. My name is Gene
38 Sandon. I'm the regional supervisor for Arctic-Yukon
39 Kuskokwim Region, Alaska Department of Fish and Game.

40

41 There's two reasons for liberalizing the --
42 or there's two reasons for adjusting the schedule, one, is
43 for conservation when we don't have enough fish and then we
44 would have to reduce the schedule to provide for escapement
45 needs and subsistence use up river. And the second one is
46 when we can liberalize it when there are enough fish to go
47 commercial fishing. When we decide that we're going to go
48 commercial fishing, the schedule basically goes away.
49 Restriction of the sportfish would not have that effect.

50

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1 MR. EDWARDS: To follow-up on that, if I
2 understand correctly in some discussions that we have had
3 was that one of the things that could restrict the opening
4 of the commercial season is the fact that there would not
5 be any buyers present to buy fish and so you would not open
6 it. If that's being the case, would there be opportunities
7 then, if there would not be a commercial opening for that
8 purpose, would there be an opportunity to expand the
9 subsistence season or the schedule, excuse me?

10

11 MR. SANDON: Mr. Chairman, Mr. Edwards.
12 Yes, as I read the State regulations there just has to be a
13 sufficient number of fish to have a commercial fishery and
14 if that's the case then we can relax the subsistence
15 fishing schedule.

16

17 MR. EDWARDS: Mitch, can I have one other
18 question?

19

20 CHAIRMAN DEMIENTIEFF: Yes.

21

22 MR. EDWARDS: Another issue that was
23 brought up was the concerns about the impact that
24 sportfishing will have on the spawning grounds, both in
25 terms of destruction of habitat, you know, covering of eggs
26 and targeting of fish that may be about to spawn. But it's
27 my understanding that most of the spawning does not occur
28 on Federal lands and therefore really there's no actions
29 that this Board could take that could restrict the opening
30 or occurrence of sportfishing on there, even if we were to
31 close the sportfishery it would still remain open on those
32 areas where spawning occurs; is that correct?

33

34 MR. BERG: Yeah, Mr. Chair, Mr. Edwards. I
35 believe that is correct. The majority of the spawning
36 probably occurs in the upper reaches, particularly on the
37 Aniak drainage which would be outside of the Federal
38 jurisdiction. Although, I imagine that there is some
39 spawning that occurs in the mainstem of the Aniak. I would
40 guess that the majority does occur upstream in the
41 headwater areas. I don't know, Charlie may have additional
42 comments on that.

43

44 MR. SWANTON: No, I think that's probably
45 true. I think probably the majority of spawning takes
46 place up above. And again, like I mentioned before after
47 the 25th of July.

48

49 MS. GOTTLIEB: Mr. Chairman.

50

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1 CHAIRMAN DEMIENTIEFF: Yes, Judy.

2

3 MS. GOTTLIEB: This is Judy Gottlieb from
4 the National Park Service. I do want to thank all those
5 people who were on line and who testified and provided us
6 with a good deal of information. I want to make sure I'm
7 clear on why this year is different than last year when we
8 were in somewhat of a similar situation. My understanding
9 is that we have better projections of the runs and I think
10 the cooperation and the trust and the work that went on
11 over the winter, good pre-season planning has made a huge
12 difference also and certainly what we heard about the
13 Kuskokwim working group and the inclusion of people in
14 those discussions has made a difference.

15

16 But I do want to make sure I'm
17 understanding this correctly, Jerry, do we have a
18 conservation concern here?

19

20 MR. BERG: MR. Chair, Ms. Gottlieb. Given
21 the run strength information we have to date, which is
22 primarily the Bethel test information and the subsistence
23 harvest report to date, even with the updates that Greg
24 Roczicka provided us, certainly indicate that we are having
25 fairly good runs this year. It actually looks maybe even
26 somewhat better than last year and last year we did meet
27 escapement and subsistence needs. So I don't see that
28 there is a conservation concern at this point with the
29 information we have in front of us today.

30

31 MS. GOTTLIEB: Okay, thank you.

32

33 CHAIRMAN DEMIENTIEFF: In our management
34 strategy is fish guiding considered a commercial activity
35 by either or our program?

36

37 MR. EDWARDS: I think the answer to that,
38 at least, I think you'll find it varies from Federal
39 agencies. I believe the Park Service considers guides
40 actually as concessionaires, where the Fish and Wildlife
41 Service does not consider guides as a concessionaires and
42 I'm not sure what BLM does.

43

44 MR. TERLAND: Gene Terland with BLM, we
45 consider them as a commercial activity.

46

47 CHAIRMAN DEMIENTIEFF: Well, that clears
48 that up. How about the State, do you manage that as a
49 commercial activity?

50

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1 MR. SWANTON: I believe, and I said I
2 believe, I'm not real well versed in this, but I do believe
3 that they are treated as a commercial enterprise.

4

5 MR. EDWARDS: Mitch, also as a follow-up to
6 that and actually a question that Judy raised, we do, for
7 example, on the Kenai National Wildlife Refuge in the upper
8 Kenai, restrict the number of guides. But I believe that
9 on all other refuges that there's no restrictions placed at
10 this time.

11

12 CHAIRMAN DEMIENTIEFF: Any other
13 discussion.

14

15 MS. GOTTLIEB: Mr. Chairman.

16

17 CHAIRMAN DEMIENTIEFF: Yes.

18

19 MS. GOTTLIEB: So as I understand it within
20 a couple days there will be another discussion with the
21 Kuskokwim working group and others to look at the status of
22 the runs and the harvest and so not really having the great
23 crystal ball but just as your best guesses, might you be
24 able to predict what could be discussed at that meeting on
25 Thursday?

26

27 MR. BERG: Yes, Mr. Chair, Ms. Gottlieb.
28 That's right, there is a Kuskokwim Salmon Working Group
29 meeting scheduled for this Thursday at noon. And, you
30 know, given the run information we have we'll certainly
31 have a couple more days of information by then and, you
32 know, hopefully we'll be able to have some discussions
33 about whether the subsistence schedule can be relaxed or
34 not, if there's enough fish, chum and chinook salmon in the
35 river to consider a commercial fishery. If the State has
36 anything they'd like to add.

37

38 CHAIRMAN DEMIENTIEFF: Yes.

39

40 MR. SANDON: Mr. Chairman, we've been
41 directed to manage the Kuskokwim River salmon fishers
42 conservatively and having a buyer, not having a buyer does
43 add some weight to it, where we go, but the chum runs in
44 the the Kuskokwim and the Yukon in western Alaska are
45 variable as far as run timing goes. The historic midpoint
46 is around July 3rd and I'm thinking that we should be able
47 to assess the run by that time, whether we're going to have
48 a commercial fishery or not or whether we have enough fish
49 to allow a commercial fishery or not. So it may not happen
50 this Thursday but I'm looking forward probably to the next

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1 week to start moving in that direction.

2

3 Mr. Chairman.

4

5 CHAIRMAN DEMIENTIEFF: Other discussion. I
6 guess if there's no further discussion then we can move on
7 with a motion.

8

9 MR. EDWARDS: Mr. Chairman, I move that the
10 Board support the majority opinion of the Interagency Staff
11 Committee and reject the request to further restrict
12 sportfisheries.

13

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

16

17 MS. KESSLER: I'll second.

18

19 CHAIRMAN DEMIENTIEFF: Discussion on the
20 motion.

21

22 MR. EDWARDS: Mr. Chairman, in making that
23 motion, you know, as I looked at the information that the
24 Board was provided today, it would appear that spawning
25 escapements is going to be made as well as subsistence
26 needs will be met, both for chinook and chum. I mean I
27 certainly agree that these last two years have been, you
28 know, quite a hardship for the people along the Kuskokwim
29 with what has happened to the western salmon runs and as we
30 discussed throughout the day, I don't think there's any
31 question that this four day a week subsistence schedule
32 that has been placed upon these folks has certainly, if it
33 hasn't been an inconvenience as somebody used the term,
34 it's certainly been fundamentally disruptive, however, as
35 we also discussed, it does appear that this approach, given
36 the scarcity of the run has allowed us to better manage the
37 system up and down the river for all subsistence users.
38 And given that, you know, we have been told that regardless
39 of the actions that we might take on the sportfisheries, at
40 least, at this point it would not allow us to lift the
41 restrictions on the subsistence use even for a few hours
42 but, however, it does appear that there could be some light
43 at the end of the tunnel.

44

45 But given that, I guess my concern would be
46 that for us to restrict the sportfishery would be placing
47 an unnecessary restriction on other uses at this time.

48

49 CHAIRMAN DEMIENTIEFF: For me, I'm going to
50 vote no on the motion. I think one of the things that

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1 really concerns me is how we treat the real threat out in
2 that area and that is with regard to commercial guiding or
3 whatever activities, however you want to phrase it. And I
4 think that if we're going to do something, allow something,
5 we're going to collectively have to find a way to deal with
6 that issue and separate that out because to allow
7 unrestricted guiding and we've heard much testimony with
8 regard to that and that does include the State, by the by,
9 collectively with the agencies in the area, I would really
10 strongly encourage you to do something about that
11 particular situation, to put that on our horizon as far as
12 things to work on.

13

14 Now, in the absence of that, you know,
15 because this is a management plan, in the absence of that,
16 basically I'm forced to be the conservative, I'm forced to
17 vote against the motion because I would tend to agree with
18 the Special Action request and in the absence of a
19 cooperative approach.

20

21 So you know if it fails and we go with the
22 Special Action request that does it, it forces it to the
23 table. If my vote does not prevail that has to be on the
24 horizon. That has to be something that cannot wait, even
25 another regulatory year. It has to be something that has
26 to happen. So we need to do that.

27

28 With regard to relaxing the four day
29 period, I have mixed feelings about that. I understand the
30 disruption of traditional fishing but also heard testimony
31 from the upper Kuskokwim that since this has been in place
32 that the quality of fish in the upper Kuskokwim has
33 improved. And even today, Ray Collins testified that he
34 thinks that a good part of that might be because of the
35 four day opening, you know, that's been going on to allow
36 some of the bigger fish who, of course, would be targeted
37 in any fishery to get up there. So I have real mixed
38 emotions about that particular part of relaxing the
39 fisheries, the management plan that we have in place right
40 now. And I know that really doesn't have that much to do
41 with the motion but there was testimony with regard to it
42 today and I just wanted to speak to that particular issue.

43

44 So again, in closing I support the Special
45 Action request. And losing again occur just to get these
46 things on the map so we can find some cooperative way to
47 deal with it because it's a big issue. And I think we've
48 heard testimony today with regard to that. One of the big
49 things that really upsets the locals is the fact that
50 they're sitting on the beach not being able to practice

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1 their subsistence and yet, these commercial and/or
2 sportfishing people are still allowed to be out there
3 fishing. And, you know, that's something that needs to be
4 seriously addressed in the future if we're going to limit
5 that, the very least we can do is the second part of the
6 Special Action request which is to have sportfishing be
7 done on the same table as the subsistence fishing. And I
8 think also that that is a very reasonable request. And it
9 would help in a conservation and a rebuilding program, it
10 certainly is not going to hurt anything for those to be
11 tied together. Now, I understand that would also take a
12 cooperative agreement between the State and the Feds to get
13 that done. So that's something I think we seriously ought
14 to look at.

15

16 And for those reasons I support the
17 management plan and tend to vote against the motion.

18

19 MR. CESAR: Mr. Chairman, I'm a little
20 confused. So your vote is to support the management plan
21 and vote against the proponents; is that correct?

22

23 CHAIRMAN DEMIENTIEFF: The Special Action
24 request, I'm sorry.

25

26 MR. CESAR: You're against the motion.

27

28 CHAIRMAN DEMIENTIEFF: Right.

29

30 MR. CESAR: The motion is to support the
31 Staff Committee.

32

33 CHAIRMAN DEMIENTIEFF: Right.

34

35 MR. EDWARDS: The opinion of the Staff
36 Committee and reject the.....

37

38 CHAIRMAN DEMIENTIEFF: Special Action
39 request.

40

41 MR. EDWARDS:request to further
42 restrict the sportfishery.

43

44 MR. CESAR: Okay. And your vote was to
45 reject that?

46

47 CHAIRMAN DEMIENTIEFF: Right. I intend to
48 vote against the motion.

49

50 MR. CESAR: It feels like Monday to me

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1 because I was done in Kenai all last week, you'll have to
2 excuse me. Let's try this again.

3

4 CHAIRMAN DEMIENTIEFF: Okay.

5

6 MR. CESAR: The motion is to support the
7 majority Staff Committee opinion which would, in effect,
8 reject the proponent's request to close. So a vote yes
9 would support the majority Staff opinion and your vote was
10 no.

11

12 CHAIRMAN DEMIENTIEFF: Will be no.

13

14 MR. CESAR: Okay.

15

16 CHAIRMAN DEMIENTIEFF: Because I....

17

18 MR. EDWARDS: And my vote will be yes to
19 support the motion that I made.

20

21 MR. CESAR: Right, okay. Now, I guess it's
22 time for my vote.

23

24 My vote will be to vote no. And let me
25 give you some of the reasons why. I think that it is
26 contrary to my thinking to have sportfishing opening while
27 we have the folks sitting on the beach. It's just, you
28 know, it goes against what I think.

29

30 And I appreciate Mitch's position that this
31 is a commercial activity because it is, in fact, a large
32 part of it is commercial. Which reminds me of Southeast
33 where, you know, 30 years ago we had no charter boat
34 operators and now local people got to go fishing a lot
35 farther than they did back then and yet the commercial guys
36 are still saying they're sportfishing because they believe
37 that they're providing a service to folks and they are but
38 to me that's still commercial.

39

40 I would much rather see us support part of
41 the proponent's request. I think it would be great if we
42 could tie, you know, subsistence time to also the
43 sportfishing time. And I also think we should look at
44 variable windows, you know, having a window for, you know,
45 elders, you know, taking some special consideration of that
46 and also I'm sensitive to this notion that some people
47 cannot make those four days. They're fishing in their off
48 time and if they're gainfully employed and they're trying
49 to make money on that aspect but the times that they're off
50 the fishing is closed, it seems like we're defeating what

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1 we're supposed to be doing. We's supposed to, you know,
2 try to get it all together so folks will get opportunity
3 and so I think that restricts reasonable opportunity from
4 that perspective.

5

6 The third thing is that if want come to
7 reasonable compromise within this next year, because I
8 believe my vote's going to fail anyway, but I want to be on
9 record as saying, as Mitch did, that we need to do
10 something. And we need, I think, to look at that issue of
11 tying it together. You know, I think there's been a lot of
12 cooperation, no question about it. Made a lot of progress,
13 no question about that. But I think we also have to fine-
14 tune these things and I think that we have an opportunity
15 or an obligation to fine-tune this.

16

17 And again, I'm not going to support the
18 motion but I fully expect to loose but those are my
19 reasons.

20

21 CHAIRMAN DEMIENTIEFF: Any other
22 discussion.

23

24 MS. KESSLER: Mr. Chair.

25

26 CHAIRMAN DEMIENTIEFF: Wini.

27

28 MS. KESSLER: I intend to support the
29 motion and I have, I guess, three lines of thinking that
30 compel me to do that.

31

32 Of course, ANILCA requires that we give
33 priority for subsistence over other uses and that the
34 opportunity provided must be a meaningful one for those
35 users to provide for their needs. I do think that we meet
36 that test in the sense of the fishing methods that are
37 allowed, very efficient methods. There's no limit on the
38 numbers that may be taken. Certain methods are, the more
39 efficient methods are only allowed for day blocks but
40 there's other opportunities that are more comparable in
41 terms of being available seven days a week.

42

43 So I do think that that meaningful
44 opportunity priority is available. And as well, in my
45 thinking is that ANILCA clear direction for with respect to
46 not restricting other uses unless certain conditions are
47 met. In some of the discussions we had were the question
48 of whether there was a conservation concern here and the
49 evidence doesn't suggest that. As I read it we are not
50 allowed to restrict the other uses under the conditions

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1 that have been presented to us in total.

2

3 And I think the third factor that compels
4 me to vote this way is the question of whether, in fact,
5 restricting the sport users would allow, would it follow
6 from that that the schedule could be changed and the answer
7 I heard from that was probably not. So the desired effect
8 would not be realized anyway.

9

10 So those are my reasons for my inclination
11 to vote in favor of the motion. Thank you.

12

13 CHAIRMAN DEMIENTIEFF: There is one thing I
14 forgot to mention I should probably back up and mention the
15 other real big motivating factor and that is that I see
16 real slippage in our program. Where we had years of
17 positive gain. I think our cooperative approach and
18 cooperative working relationship with the people that we
19 are here set up to work with, I've just seen a lot of
20 slippage. And in this case the region has worked the
21 affected area, subsistence users have worked very hard to
22 get a very, I consider conservation concerns, they're in a
23 rebuilding mode, from where they were. And I see real
24 slippage in our program by our Board continuing to not have
25 high regard for the very people that we're here established
26 to set up and to send this message out by denying this
27 Special Action request I think widens the divide that we're
28 seeing slippage all over our program. And that, quite
29 frankly, is one of the real concerns that I have about the
30 direction our program is going.

31

32 That doesn't mean I'm not going to continue
33 to due diligence or anything, it's just that that really
34 concerns me. Because we've worked hard to get where we are
35 and I don't want to see us go back.

36

37 MS. GOTTLIEB: Mr. Chair.

38

39 CHAIRMAN DEMIENTIEFF: Yes.

40

41 BETHEL: This is Bethel, we ask that you
42 please speak up we can hardly hear you out here.

43

44 CHAIRMAN DEMIENTIEFF: Go ahead, Judy.

45

46 MS. GOTTLIEB: Mr. Chairman, thank you. I
47 think the Board really should commend the subsistence users
48 for the adjustments and the compliance that they've shown
49 under these reduced schedules, not only here but, of
50 course, on the Yukon River as well. And I do think we do

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1 find ourselves in a little bit situation because it is that
2 we have the good news that escapement and subsistence needs
3 are projected to be met.

4

5 But I certainly agree with you, there's
6 lessons that can be learned particularly for next year and
7 I would ask the Department to think about that for next
8 year in terms of the season dates and I know there's been
9 considerable discussion about it this year. I think that
10 might be something that could go a long ways.

11

12 As the Board knows the Special Action had
13 two parts to it. One was the adjustment of the schedule to
14 be consistent with the subsistence schedule and the other
15 was a full closure. So I guess the motion addresses both
16 but I guess we also might have the option of splitting
17 those out if we care to follow that.

18

19 Thank you.

20

21 CHAIRMAN DEMIENTIEFF: Your motion intended
22 to reject the whole Special Action request; is that
23 correct?

24

25 MR. EDWARDS: Yes, Mr. Chairman.

26

27 CHAIRMAN DEMIENTIEFF: And that does
28 include the second choice that was put out?

29

30 MR. EDWARDS: Yes.

31

32 CHAIRMAN DEMIENTIEFF: Further discussion.

33

34 MR. CESAR: Mr. Chairman, I hear at least
35 my concern and possibly yours and Judy's, you know, and
36 maybe I'm misinterpreting it. I mean I wouldn't mind
37 making an amendment to the motion to split it in half and
38 do away with the full closure and have the sportfishing
39 schedule align itself with the subsistence schedule. I'm
40 not asking that the subsistence schedule be raised. But I
41 don't really necessarily want to do that unless I feel like
42 there's some, you know, some reason to do it. I mean two
43 votes is not, three votes or four votes.

44

45 Thank you.

46

47 CHAIRMAN DEMIENTIEFF: Yeah, basically the
48 motion, if it fails, we would come back with a second
49 motion to see which of the two alternatives that we could
50 advance positively. It would just come back and it'd

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1 basically be in two motions. I mean if you amend, we're
2 just going to confuse things, really, in my estimation.

3

4 MR. EDWARDS: Yeah, maybe I can address it.
5 You know, you asked me the question why I sort of rejected
6 the whole thing and I guess my thinking was that even
7 if we would accept the second portion of it it still
8 doesn't change anything as far as what it might do on
9 behalf of the subsistence users to give them more time. So
10 it's just sort of an optic thing.

11

12 My also guess would be that in the case of
13 the sportfisheries, that, you know, certain plans have
14 probably been made on the assumption that you've chartered,
15 for example, under the guides and all have been sold
16 programs that would include seven days of fishing for king
17 and if you put that restriction, you know, I'm sure that
18 has some implications as a result of it.

19

20 MR. CESAR: Yeah, Mr. Chairman, if I might?

21

22 CHAIRMAN DEMIENTIEFF: Yes.

23

24 MR. CESAR: Yeah, I agree that it would
25 have some financial implication to the sportfishing lodges
26 and some plans of people who have been planning all year to
27 fish I mean there isn't any question about that. And I
28 don't necessarily want to do that but I also want to be
29 sensitive to at least what I interpret my charge to be,
30 which is within the conservation expectations to support
31 the Regional Advisory Councils under these situations. I
32 think it's a call, a judgment call and I don't think I'm
33 prepared to make that motion without some indication that
34 it's meaningful.

35

36 CHAIRMAN DEMIENTIEFF: I'm wondering if
37 that were the alternative, if the State would be able to
38 consider or would even consider an emergency order while
39 we're working out some way to restore some order to close
40 it to that. Would the State even consider that.

41

42 MR. SWANTON: I don't know if I'm at
43 liberty to say whether we would or we wouldn't. I mean
44 we'd pretty much consider anything. I don't know with a
45 little bit of time I could probably give you odds as to
46 whether we'd support it. On face value, I probably right
47 now, I'd probably say no, that we wouldn't support it, we'd
48 certainly consider it.

49

50 CHAIRMAN DEMIENTIEFF: Further discussion.

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1 Are we ready to vote on this matter?

2

3 MR. CESAR: Mr. Chairman, I call for the
4 question.

5

6 CHAIRMAN DEMIENTIEFF: Question. We'll
7 take a roll call vote.

8

9 MR. CESAR: Mr. Boyd, just for me again
10 because I'm really getting slow since I went over 60, so
11 would you please state the motion and give me an indication
12 of what a yea indicates and what a nay indicates.

13

14 Thank you.

15

16 MR. BOYD: As I understand the motion, the
17 motion is to support Staff Committee recommendations which
18 would, in essence, would oppose the proponent or the
19 proposal to further restrict sportfishing. So a vote yes
20 would support the motion to oppose the petitioner. We
21 could have had Yogi Berra do that, too.

22

23 MR. CESAR: Question, please.

24

25 MR. BOYD: I'll call the roll. Mr. Cesar.

26

27 MR. CESAR: No.

28

29 MR. BOYD: Mr. Terland.

30

31 MR. TERLAND: Yes.

32

33 MR. BOYD: Mr. Edwards.

34

35 MR. EDWARDS: Yes.

36

37 MR. BOYD: Dr. Kessler.

38

39 MS. KESSLER: Yes.

40

41 MR. BOYD: Ms. Gottlieb.

42

43 MS. GOTTLIEB: No.

44

45 MR. BOYD: Mr. Chair.

46

47 CHAIRMAN DEMIENTIEFF: No.

48

49 MR. BOYD: We have three yea's and three
50 nay's Mr. Chair.

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1 CHAIRMAN DEMIENTIEFF: Motion fails. At
2 this time I think, you know, we still have a lot of work to
3 do. I think this is a work in progress. You know, we have
4 different agencies and we have to do a lot of work
5 internally. In terms of accepting the Special Action
6 request, the advice coming from the Chair is that we
7 entertain a motion as opposed to the first part of the
8 Special Action request, the alternative approach in the
9 interim, which will allow us, while we're doing more work
10 to line up our sportfishing season with the subsistence
11 season. And I think that might be the way we might be able
12 to send a good message to the subsistence users and at the
13 same time give us some room, the freedom and room to work
14 out a long-term solution.

15

16 Yes.

17

18 MR. CESAR: Mr. Chairman, you know, I'm a
19 little concerned about the process and the outcome of the
20 process we just went through. We voted not to support the
21 Staff Committee recommendation. Does that, in fact,
22 require another vote because if we don't support the Staff
23 Committee recommendation, doesn't it hold that we supported
24 the proponent and it's passed?

25

26 CHAIRMAN DEMIENTIEFF: No, we don't have an
27 action. We have everything before us at this time. We
28 have the Special Action request in front of us at this
29 time.

30

31 MR. CESAR: Well, maybe we should have
32 turned it around and made a motion to support the Special
33 Action request and we wouldn't be in this predicament.

34

35 MR. EDWARDS: We'd still have three to
36 three.

37

38 MR. CESAR: Yeah, that's true. So having
39 heard that, I would like to make a motion to support part
40 two of the proponents request which would, as I understand
41 it, align the sportfishing window to the subsistence window
42 in waters that we have jurisdiction over.

43

44 CHAIRMAN DEMIENTIEFF: There is a motion,
45 is there a second?

46

47 MS. GOTTLIEB: Second.

48

49 CHAIRMAN DEMIENTIEFF: Well, with regard to
50 what my interests are, I think intend to support the motion

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1 for all the same reasons that I spoke for with regard to
2 the prior motion, why I intended not to support the prior
3 motion.

4

5 I do think that this is a good interim
6 step. It sends all the right signals. I think it's a good
7 action to take. And it gives us the freedom and the room
8 to build a long-term solution, you know, to this issue.
9 And we've had to due diligence in the past on other issues
10 and we worked it out. In many cases it took us a few years
11 to do it but we just stayed in there and did diligence and
12 worked out long-term solutions to different issues. And I
13 think this is one of the issues that can we worked out in a
14 long-term solution and I think we can do that fairly
15 quickly.

16

17 MS. GOTTLIEB: Mr. Chairman.

18

19 CHAIRMAN DEMIENTIEFF: Judy.

20

21 MS. GOTTLIEB: I'm glad Mr. Cesar used the
22 term aligned so that my understanding would be on this
23 motion if there were a decision on Thursday that
24 subsistence fishing is open 24 hours, seven days a week,
25 then likewise that would apply to the guided industry.

26

27 MR. CESAR: That would be my intent. I
28 intend to support my motion. I don't know why but I -- for
29 all the same reasons I went through before. And I think
30 for practically speaking it will not have as big an impact
31 because we're reaching the cusp of the run and it will be
32 on the downhill slide.

33

34 MR. EDWARDS: Mr. Chairman.

35

36 CHAIRMAN DEMIENTIEFF: Yes.

37

38 MR. EDWARDS: Earlier on when Mr. Niles was
39 talking about sort of the optics of people sitting on the
40 bank while others fished, I would certainly agree if I was
41 one of those who was sitting on the bank and a bunch of
42 anglers came by me in a boat, that I'd either want to throw
43 rocks at them or question their parenthood or something. I
44 wouldn't like it one bit.

45

46 But, you know, nevertheless, the issue that
47 we're faced with is while there's certainly an issue of
48 optics the reality is, is that we have agreed that we do
49 not have a conservation issue here. We have agreed that
50 subsistence needs are being met. And what we are now about

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1 to do is, in fact, restrict other uses when there is no
2 good reason to do so.

3

4 I'm also a little concerned that we just
5 refer sort of to the sportfishers as simply the guide
6 business when there are a lot of people who are not guided
7 who are going up there on their own to utilize that. So I
8 think it's broader than just sort of this as we kind of
9 quickly referred to this commercialization because there is
10 others.

11

12 So for that purpose I will vote against the
13 motion.

14

15 CHAIRMAN DEMIENTIEFF: Further discussion.

16

17 MR. CESAR: Question.

18

19 CHAIRMAN DEMIENTIEFF: Question's been
20 called for. Tom, do you want to take roll.

21

22 MR. BOYD: Yes, Mr. Chair. Mr. Cesar.

23

24 MR. CESAR: Yes.

25

26 MR. BOYD: Mr. Terland.

27

28 MR. TERLAND: Yes.

29

30 MR. BOYD: Mr. Edwards.

31

32 MR. EDWARDS: Nope.

33

34 MR. BOYD: Dr. Kessler.

35

36 MS. KESSLER: No.

37

38 MR. BOYD: Ms. Gottlieb.

39

40 MS. GOTTLIEB: Yes.

41

42 MR. BOYD: Mr. Chair.

43

44 CHAIRMAN DEMIENTIEFF: Yes.

45

46 MR. BOYD: Four yea's, two nay's, Mr.

47 Chair.

48

49 CHAIRMAN DEMIENTIEFF: Motion carries. Is
50 there no further business -- we are adjourned.

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(END OF PROCEEDINGS)

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1 TRANSCRIBER'S CERTIFICATE

2 I, Salena A. Hile, hereby certify that the
3 foregoing pages numbered 02 through 68 are a true,
4 accurate, and complete transcript of proceedings
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6 recording to the best of my knowledge and ability.

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11 DATE SALENA A. HILE

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