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FEDERAL SUBSISTENCE BOARD

WORK SESSION MEETING

BLM STATE OFFICE
Denali Room (4th Floor)
ANCHORAGE, ALASKA

April 16, 2015
8:30 o'clock a.m.

MEMBERS PRESENT:

- Tim Towarak, Chairman
- Charles Brower
- Bud Cribley, Bureau of Land Management
- Geoff Haskett, U.S. Fish and Wildlife Service
- Bert Frost, National Park Service
- Bruce Loudermilk, Bureau of Indian Affairs
- Wayne Owen, U.S. Forest Service

Ken Lord, Solicitor's Office

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

2
3 (Anchorage, Alaska - 4/16/2015)

4
5 (On record)

6
7 CHAIRMAN TOWARAK: Good morning. For
8 your information I'm Tim Towarak and the Chairman of
9 the Board. I'm one of the rural representatives from
10 Unalakleet, Alaska. We've got our agenda in front of
11 us. Our first item on the agenda is to review the
12 agenda. But before we go too much further I'm going to
13 ask the people on the front row to introduce
14 themselves. What we're going to do with -- right after
15 we review the agenda I'd like to make a change, I'm
16 going to ask Commissioner Cotten to be the first person
17 on the agenda to address the Board. I understand that
18 we've got a telephone call coming from the Lt. Governor
19 and we will have it all part of your operation at the
20 beginning of this meeting.

21
22 I think this is the first time we've
23 actually sat down with some of the higher officials of
24 the State of Alaska and we welcome you, Commissioner,
25 and thank you for coming in this morning.

26
27 I think the time will be well spent for
28 us because there's some people that were trying to come
29 in from Bethel to address us on the Kuskokwim special
30 action request and their flight has been delayed and so
31 we've got some time to use up and we're going to try to
32 wait until they get here before we get into the meat of
33 the discussions on the Kuskokwim special actions.

34
35 Are there any other changes that any of
36 the Board members would like to make.

37
38 (No comments)

39
40 CHAIRMAN TOWARAK: If not, then Charlie
41 let's start with you on the left side and introduce
42 everyone on the front table.

43
44 MR. C. BROWER: Thank you, Mr. Chair.
45 Charles Brower. I'm from Barrow, public member. Good
46 morning everyone.

47
48 (In Inupiaq)

49
50 MR. HASKETT: Good morning. Geoff

1 Haskett, U.S. Fish and Wildlife Service.

2

3 MR. PELTOLA: Good morning, all. Gene
4 Peltola, Jr., the Assistant Regional Director for the
5 Office of Subsistence Management.

6

7 MR. LORD: Good morning. My name is
8 Ken Lord. I'm with the Solicitor's Office at the
9 Department of the Interior.

10

11 MR. LOUDERMILK: Good morning. My name
12 is Bruce Loudermilk. I'm the Regional Director for the
13 Bureau of Indian Affairs, Alaska Region.

14

15 MR. CRIBLEY: Good morning. And
16 welcome to BLM's little house here in the courthouse.
17 I appreciate everybody coming in for today's meeting.
18 I'm Bud Cribley, and I'm State Director for the Bureau
19 of Land Management here in Alaska.

20

21 MR. FROST: Good morning. I'm Bert
22 Frost. I'm the Regional Director for the National Park
23 Service here in Alaska.

24

25 MR. OWEN: Good morning. I'm Wayne
26 Owen. I'm the U.S. Forest Service, Alaska region
27 director for wildlife, fisheries and subsistence
28 program. I'm sitting in this morning for the Board
29 member, Beth Pendleton, our Regional Forester.

30

31 CHAIRMAN TOWARAK: Thank you. Are
32 there any agenda changes that any of the Board members
33 would like before we proceed.

34

35 (No comments)

36

37 CHAIRMAN TOWARAK: Not hearing any.
38 Then I'd like to just turn the floor over to
39 Commissioner Sam Cotten and the State.

40

41 COMMISSIONER COTTEN: Thank you, Mr.
42 Chairman. It's a pleasure to get reacquainted with you
43 after many years of working with you. We appreciate
44 the opportunity to come and address the Board here.
45 Mostly we came to listen, learn and hopefully work with
46 you on some of the very important issues that you have
47 in front of you today.

48

49 I'd just like to introduce the folks
50 that are with me this morning, if that's appropriate.

1 CHAIRMAN TOWARAK: Go ahead.
2
3 COMMISSIONER COTTEN: You probably all
4 know Jennifer Yuhas, who leads our delegation as the
5 liaison team leader.
6
7 With me is Jeff Regnart, who is the
8 Director of the Division of CommFish.
9
10 And in the audience with us we also
11 have Glenn Haight, who's our Executive Director for the
12 Board of Fish.
13
14 We have Lisa Olson, who is the Deputy
15 Director for the Division of Subsistence.
16
17 Drew Crawford, who's also a State
18 liaison to the Federal Subsistence Program.
19
20 Dr. Jim Simon, the Northern Division
21 Regional Supervisor for Subsistence.
22
23 Hiroko Ikuta, Subsistence Division,
24 Northern Region.
25
26 Dan Bergstrom, Yukon and Kuskokwim,
27 Commercial Fisheries Management Coordinator.
28
29 Zack Liller, Kuskokwim Commercial Fish
30 Research Coordinator.
31
32 Aaron Potter, who is the Kuskokwim
33 Commercial Fish area manager.
34
35 And then from the Department of Law,
36 and I apologize for lawyering up on you here.....
37
38
39 (No comments)
40
41 COMMISSIONER COTTEN:but Seth
42 Bosang, Cheryl Brooking, and Mike Mitchell from the
43 Department of Law.
44
45 Did I miss anybody.
46
47 MS. YUHAS: Trooper Chastain.
48
49 COMMISSIONER COTTEN: Uh?
50

1 MS. YUHAS: Trooper Chastain.

2

3 COMMISSIONER COTTEN: You're going to
4 have to -- I can't hear you so you're going to have to
5 say who it is.

6

7 MS. YUHAS: And we also have from our
8 Department of Public Safety, Mr. Chastain.

9

10 COMMISSIONER COTTEN: Thank you. So,
11 Mr. Chairman, I would say that when you get to the
12 items on your agenda dealing with the request for the
13 river systems that we were hoping to be able to
14 participate at that point and discuss the State's
15 capabilities and projections so if it would be
16 appropriate we could defer our remarks on that subject
17 until you get to that agenda item.

18

19 And I just wanted to say that there's a
20 lot of folks in this room that were just at the same
21 meeting I was for about the last 10 days, at the North
22 Pacific Fisheries Management Council, and if you hadn't
23 been keeping up with that, the one thing that we
24 addressed at the Council meeting this last meeting was
25 the whole bycatch -- the chinook salmon bycatch issue
26 in the Bering Sea. And in addition to incorporating
27 some additional incentives for the co-ops that harvest
28 pollock in the Bering Sea -- incentives to reduce
29 bycatch, including things like moving some of the fish
30 from the later part of the season to the earlier part
31 of the season when there's less bycatch; requiring
32 excluder devices and a variety of other incentives that
33 we added to the requirements for the co-ops to operate
34 under.

35

36 We also addressed the circumstances
37 that we're in right now, which are periods of low
38 abundance for chinook salmon. So as you may know,
39 there exists right now caps on how many chinook salmon
40 the pollock fishermen are allowed to take during their
41 harvest. We've reduced those caps for times of low
42 abundance. There's two caps. There's a lower cap and
43 a higher cap so the lower cap was reduced 30 percent,
44 and the higher cap was reduced 25 percent. We had
45 actually had hopes to reduce them even further, but
46 that was what we were able to accomplish and so we --
47 we recognize that subsistence is the highest priority
48 for the State of Alaska as far as any harvesting is
49 concerned, and recognize that these reductions in by-
50 caps [sic] may not have an immediate direct impact but

1 it will guard against any spikes or major increases
2 that could have occurred.

3

4 I'll stop there, Mr. Chairman, and,
5 again, I look forward to discussions on the specific
6 issues on your agenda when we get to them.

7

8 CHAIRMAN TOWARAK: Thank you. I'd like
9 to give the Board an opportunity to ask you any
10 questions, if they have any questions. Typically, we
11 don't come prepared to ask a Commissioner any
12 questions, but I'd like to give them the opportunity to
13 do that.

14

15 Geoff, go ahead.

16

17 MR. HASKETT: I don't have a question,
18 but I'd just like to welcome you all here for this
19 meeting. And I think especially on the Kusko issue,
20 it's great that you have so many folks here and get the
21 chance to have a really good discussion about the best
22 ways to go forward on some actions that are serious
23 ones that we need to look at so thank you for being
24 here.

25

26 COMMISSIONER COTTEN: Thank you.

27

28 CHAIRMAN TOWARAK: Go ahead, Wayne.

29

30 MR. OWEN: Thank you, Mr. Chairman.
31 Mr. Cotten, as the Forest Service representative here,
32 I just want to tell you how grateful the Forest Service
33 is for our excellent relationship with ADF&G,
34 especially in Southeast Alaska where we are working
35 hand and glove on a number of really difficult issues
36 and it speaks highly of your Staff and thank you very
37 much for that.

38

39 COMMISSIONER COTTEN: Thank you. Thank
40 you, sir. Appreciate the compliment and I hope we can
41 keep doing a good job.

42

43 CHAIRMAN TOWARAK: Are we still
44 expecting a phone call from Juneau?

45

46 COMMISSIONER COTTEN: Yes, sir. I
47 wasn't sure exactly how that was to be arranged but I
48 know that the Lt. Governor was expected to call at
49 8:30.

50

1 CHAIRMAN TOWARAK: He's probably on
2 Juneau time.
3
4 (Laughter)
5
6 LT. GOVERNOR MALLOTT: I guess I'm still
7 on listen only.
8
9 OPERATOR: Lt. Government, your line is
10 -- Governor, your line is open.
11
12 LT. GOVERNOR MALLOTT: Hello.
13
14 CHAIRMAN TOWARAK: Good morning, Lt.
15 Governor, this is Tim Towarak, welcome to our Board.
16 We're going to give you the floor. Commissioner Cotten
17 just gave his introductory remarks and we will leave
18 you with the microphone. Welcome.
19
20 LT. GOVERNOR MALLOTT: Thank you, Tim,
21 and thank you all for this opportunity. I want to
22 listen in for a little bit if I may but I also want to
23 join Commissioner Cotten in saying that on behalf of
24 the State of Alaska we look forward to working as
25 closely with you as we possibly can and.....
26
27 CHAIRMAN TOWARAK: Lt. Governor, could
28 we ask you to hold on for a second, we're going through
29 some technical difficulties here and you're coming in a
30 little scratchy.
31
32 REPORTER: If he could be off speaker
33 phone.
34
35 LT. GOVERNOR MALLOTT: Is this better,
36 Tim.
37
38 CHAIRMAN TOWARAK: Yeah, they suggested
39 getting a little closer to the receiver.
40
41 LT. GOVERNOR MALLOTT: Okay. I'm
42 speaking into the handset now. Better?
43
44 CHAIRMAN TOWARAK: Okay. That sounds
45 better.
46
47 LT. GOVERNOR MALLOTT: I just wanted to
48 join Commissioner Cotten in this meeting and listen in
49 for a little bit. But I wanted, particularly, to say
50 to you, Mr. Chairman, that I look forward to working

1 with you on behalf of the State of Alaska working with
2 the Subsistence Board in any way that is practical and
3 possible to forge that kind of working relationship
4 between the State of Alaska and your work and to
5 continue to work with you in ways that make subsistence
6 availability to those that are engaged in a subsistence
7 lifestyle and the acquiring of subsistence resources,
8 to make that availability in the best way possible in a
9 way that serves their needs, is responsive to their
10 traditions and their lifestyles, and to the degree that
11 the State of Alaska can strengthen its relationships
12 with you in making that possible I look forward to
13 those opportunities.

14

15 CHAIRMAN TOWARAK: Thank you, Lt.
16 Governor. And we, too, appreciate all the work that
17 the State does in supporting our efforts. We receive a
18 lot of information from all of the biologists
19 throughout the state and we've got Jennifer Yuhas here
20 at every one of our meetings and she's always available
21 to give us -- help us with any additional needs that we
22 have. And we've seen, I think, a good relationship
23 between the Federal government and the State government
24 and we strive for the same efforts that you, in the
25 Governor's office, are looking toward.

26

27 I'm going to open the floor to the
28 Board, if anybody has any comments for the Lt.
29 Governor.

30

31 Geoff, go ahead.

32

33 MR. HASKETT: So, Lt. Governor, this is
34 Geoff Haskett from the Fish and Wildlife Service, and
35 as I stated earlier I think this is unprecedented, the
36 amount of representation from the State at this
37 meeting. Having Sam Cotten here and having you address
38 the group is remarkable, I think. And I think it shows
39 clearly how we all want to work together in ways, and
40 people recognize how difficult it has been dealing
41 with, particularly, chinook, on the Kuskokwim, and I
42 just really welcome you all being here and appreciate
43 it very much and look for some great discussions today.

44

45 So, thank you very much.

46

47 LT. GOVERNOR MALLOTT: Thank you,
48 Geoff. And, you know, to the maximum degree possible
49 that our efforts can be synergistic, I'm certain that
50 Commissioner Cotten will be working with you to achieve

1 those possibilities.

2

3 CHAIRMAN TOWARAK: Go ahead, Charlie.

4

5 MR. C. BROWER: Good morning, Lt.
6 Governor. This is Charles Brower from Barrow. I just
7 wanted to say good morning and good to hear your voice
8 this morning. And, you know, I have bigger fish than
9 the chinook so I should be up there catching them.

10

11 (Laughter)

12

13 MR. C. BROWER: Good morning.

14

15 LT. GOVERNOR MALLOTT: Thank you,
16 Charlie.

17

18 (Laughter)

19

20 CHAIRMAN TOWARAK: Thank you, Lt.
21 Governor, for taking time to address us.

22

23 We're just starting our day today and
24 we've got a full day's work in front of us and we
25 appreciate you having your Staff here and appreciate
26 your call in this morning.

27

28 LT. GOVERNOR MALLOTT: Thank you, Tim.
29 And I look forward to being in touch with you
30 personally and I'll just stay on mute here and listen
31 for a little bit, if that's okay.

32

33 CHAIRMAN TOWARAK: Sure, you're
34 welcome.

35

36 LT. GOVERNOR MALLOTT: Okay, bye-bye.

37

38 CHAIRMAN TOWARAK: With that, I assume
39 that there are no changes on the agenda, we will follow
40 the agenda as is written.

41

42 The first portion of the agenda in
43 every meeting is information exchange, if there's any
44 information from any of the Departments for the rest of
45 the Board. The floor is open for you.

46

47 (No comments)

48

49 CHAIRMAN TOWARAK: Not hearing any then
50 we will proceed on.

1 Our first major agenda topic is a
2 discussion and action related to the Kuskokwim
3 fisheries special action request, and since we've got
4 the Commissioner here and I'd like to rearrange our
5 typical analysis. We normally go through a really
6 outlined process where we start with our analysis from
7 our Staff people and then we end up with No. 6, the
8 Department of Fish and Game. But maybe just as an
9 introductory, I'm going to ask Gene to discuss this
10 agenda topic and what all we expect to review today,
11 and then I'm going to ask you to have your Staff open
12 the floor too.

13
14 MR. PELTOLA: Thank you, Mr. Chair.
15 Gene Peltola, AARD, OSM, and Board members.

16
17 In front of you you have a summary of
18 the Office of Subsistence Management's analysis and
19 recommendation based on the five fisheries special
20 action requests received from communities within the
21 Kuskokwim.

22
23 Within OSM we had our Fisheries
24 Division and also our Anthropology Division take the
25 lead on conducting those analysis. And when we go
26 through those -- we did receive five, but they're kind
27 of bundled together as a group, and as we go through
28 those we'll have our lead from anthropology, lead
29 author on those analysis come forth and bring the
30 formal presentation and then we'll have other members
31 of our Fisheries Division Staff and then actually our
32 liaison to the Board of Game and Board of Fish make
33 part of that presentation. And then once we get
34 through the formal presentation, you know, from OSM
35 then I'll have a kind of wrap up summary towards the
36 end and then it'll be open -- then we'll go through the
37 process of taking public comment and such.

38
39 I should mention that in regard to the
40 Kuskokwim and also some of the requests we received on
41 the Yukon we went through a series of public meetings
42 throughout Western Alaska. We had tribal consultation,
43 we had public hearings. And most recently here with --
44 we had a meeting in Aniak, we had a meeting in St.
45 Mary's, one in Galena and in Ft. Yukon. You know, we
46 went through a similar process this year as we did last
47 year, in a sense that last year we had one request and
48 we had multiple requests from both of the two
49 significant drainages in our state to address, in
50 addition to, if people recall last season we had a

1 series of requests from the middle and upper river
2 section of the Kuskokwim we had to address, we did
3 administrative deferrals on those because of a
4 requirement. We did not have enough time to initiate
5 an analysis to make a recommendation to the Board for
6 their consideration. As the season progressed, the
7 circumstances, which I believe led to those communities
8 making requests had passed, so we kind of indirectly, I
9 should say, addressed those also in our analysis for
10 these requests.

11
12 And I think that's a brief summary of
13 how we propose you go through.

14
15 Mr. Chair, any questions.

16
17 CHAIRMAN TOWARAK: That's the process.
18 And if we could get maybe Pippa up here to give a
19 general discussion of the issues that have been
20 presented and then we'll give the State the floor.

21
22 MS. KENNER: Thank you, Mr. Chair.

23
24 My name is Pippa Kenner and I'm an
25 anthropologist at the Office of Subsistence Management.
26 Hello members of the Board.

27
28 I will begin the presentation of the
29 Staff's analysis of the five special action requests
30 that were submitted concerning salmon in the Kuskokwim
31 River drainage. The analysis is in a tab of your Board
32 book and I believe there are copies at the front desk
33 for others to get. I'll just wait a minute to make
34 sure you're all there.

35
36 (Pause)

37
38 MS. KENNER: First I'm presenting some
39 background to this year's special action request. Last
40 year in April 2014, the board supported a special
41 action request from the Napaskiak Tribal Council and
42 closed Federal public waters in the Kuskokwim River
43 drainage to the harvest of chinook salmon except by
44 residents of the drainage and four coastal communities.
45 In 2014 Staff talked to the Napaskiak Tribal
46 administrator and other tribal administrators, tribal
47 council members and tribal employees about the special
48 action request, including at Akiak, Chuathbaluk, and
49 Bethel incorporating local comments and concerns into
50 the analysis and the development of an allocation

1 strategy. Additionally, in late July 2014, special
2 action requests were submitted by the Kuskokwim Native
3 Association and the tribal councils at each of five
4 villages, Lower Kalskag, Napaimute, Crooked Creek,
5 Aniak and Kalskag. They requested the Board take
6 immediate action to exert Federal jurisdiction to
7 manage the Kuskokwim salmon fishery because coho salmon
8 were needed to meet subsistence needs and the opening
9 of the commercial coho salmon fishery should be
10 delayed. Federal and State managers had assured
11 subsistence users that opportunity would be provided to
12 harvest other species of salmon to compensate for the
13 lack of opportunity to harvest chinook salmon. In 2014
14 the Board deferred action on the six special action
15 requests based on State action that suspended
16 commercial fishing in the Kuskokwim River.

17
18 This year, in February and March, 2015,
19 five separate fishery special action requests were
20 submitted by the Akiak Native Community, the Native
21 Village of Napakiak, Native Village of Akiachak, Native
22 Village of Chuathbaluk and the Native Village of Lower
23 Kalskag. All requested the Federal Subsistence Board
24 close Federal public waters of the Kuskokwim River
25 drainage to the harvest of salmon, except by Federally-
26 qualified subsistence users, further reduce the pool of
27 eligible harvesters based on the ANILCA Section .804
28 analysis that was implemented in 2014 and implement an
29 allocation strategy among eligible users. In addition,
30 four of the requests asked the Board to, for the 2015
31 season, implement an interim co-management system
32 through temporary rules and tribal consultation. This
33 part of the special action request was not addressed in
34 the analysis because it is not in the Board's authority
35 to implement the request. However, the U.S. Fish and
36 Wildlife Service is working on the demonstration
37 project announced by the Secretary of the Department of
38 the Interior in fall 2014.

39
40 Now, I'll go on and present the ANILCA
41 Section .804 portion of the analysis and it begins on
42 Page 8 of the analysis.

43
44 Section .804 of ANILCA requires that
45 the Board respond when the population of a fish or
46 wildlife species in a particular area becomes depressed
47 to a point that the managers are forced by
48 circumstances to choose between otherwise qualified
49 rural residents who wish to fish, hunt or trap.
50 Section .804 of ANILCA requires the Board to make a

1 determination based on three criteria.

2

3 1. Customary and direct dependence
4 upon the populations as a mainstay of
5 livelihood.

6

7 2. Local residency.

8

9 3. The availability of alternative
10 subsistence resources.

11

12 In this case such an analysis is
13 required because the proponents requested it and
14 because of the projected small harvestable surplus of
15 chinook salmon in the Kuskokwim River drainage relative
16 to the large number of subsistence users. There is a
17 high potential for harvest to exceed the harvestable
18 surplus. The ANILCA Section .804 analysis addresses
19 three criteria as they relate to rural residents of the
20 40 communities with a customary and traditional use
21 determination for salmon in the Kuskokwim River
22 drainage.

23

24 The conclusion of the ANILCA Section
25 .804 analysis remains the same as last year.

26

27 Residents of all 28 rural communities
28 that are situated in the Kuskokwim River drainage and
29 additionally Kwigillingok, Kongiganek, Kipnuk and
30 Chefnak have the higher level of customary and direct
31 dependence on salmon from the Kuskokwim River drainage
32 than do others. If the Board supported the special
33 action request residents of the 32 communities would be
34 eligible to take salmon in Refuge waters.

35

36 Now I'm turning the presentation over
37 to George Pappas. He is our State liaison at the
38 Office of Subsistence Management and he'll be
39 presenting biological and management information for
40 the salmon runs in the Kuskokwim River.

41

42 MR. PAPPAS: Good morning, Mr. Chair
43 and Members of the Board.

44

45 Last year when the Federal special
46 action 14-03 was presented to the Federal Board the
47 Fisheries Division presented an in-depth document on
48 the history, how we got to where we are and some of the
49 management options and ideas since it was the first
50 time in the Kusko. I'm not going to go too far into

1 that so I'll delve into the information for 2014, a
2 little brief history, and then some developments for
3 2015. And if you have further questions they can be
4 answered and we also have the in-season manager from
5 last year here to answer questions too how it came
6 together.

7
8 So since 2007 the Kuskokwim River
9 chinook salmon stocks have been in multi-year period of
10 low productivity insufficient to meet needs necessary
11 for escapement and for subsistence -- and to provide
12 for subsistence users sufficient opportunity to
13 harvest. The average Kuskokwim River chinook salmon
14 run size from '76 to 2014 [sic] was about 236,000
15 chinook, and in the last five years it's been about
16 115,000 chinook. Since 2010 the total estimated
17 chinook salmon runs and subsistence harvest have been
18 some of the lowest on record and 2013 deemed the lowest
19 ever documented. Since 2008 many of the in-river
20 tributary escapement goals -- objectives for the
21 chinook salmon have not been met on the Kuskokwim River
22 warranting a very cautious and exceptionally
23 conservative approach to management for the 2015
24 season.

25
26 In January 2013 Alaska Board of
27 Fisheries adopted a new Kuskokwim River Salmon
28 Management Plan, which had a new drainage-wide
29 escapement goal of 65,000 to 120,000 chinook salmon.
30 In 2014 the pre-season run forecast for the Kuskokwim
31 River chinook salmon run was about 94,000 fish ranging
32 from 71,000 to 117,000 fish, and it was predicted that
33 little or no harvestable surplus was available for last
34 year. Due to conservation concerns, multi-year low
35 periods of productivity and low pre-season forecasts,
36 the Federal in-season manager and his Staff finalized a
37 pre-season management plan that closely paralleled the
38 State's draft plan with an emphasis on chinook salmon
39 conservation.

40
41 Because the escapement objectives for
42 the chinook salmon were not achieved in the Kuskokwim
43 River in the previous four years, a cautious and
44 exceptionally conservative management approach was
45 utilized for the 2014 year. In 2014, through the
46 special action -- FSA 14-03, the Yukon Delta National
47 Wildlife Refuge manager, as the Kuskokwim River Federal
48 in-season fisheries manager was given the management
49 authority for the harvest of chinook salmon within the
50 borders of the Refuge, and it went from May 20th to

1 July 18th.

2

3 On May 20th two Federal special actions
4 went into place simultaneously.

5

6 1. Chinook salmon fishing within the
7 Refuge was limited to Federally-
8 qualified subsistence users; and

9

10 2. From the mouth of the Kuskokwim
11 River to Tuluksak, the gillnets were
12 restricted to the use that are no
13 longer than four inch stretch mesh and
14 they had to be set, not drifted. They
15 had to be operated as setnets, not
16 drifted.

17

18 And I'll touch on the four inch mesh,
19 setnet developments at the end of this presentation and
20 some new developments and the regulatory read on the
21 State side.

22

23 On May 27th the gear restriction was
24 extended from Tuluksak to the Refuge border near Aniak.
25 Federal law enforcement efforts began on May 20th and
26 reached their peak -- during the peak of the chinook
27 salmon run. Despite the chinook salmon conservation
28 efforts escapement goals were not achieved in two of
29 the three escapement projects that have goals. Both
30 Federal and State managers actions are summarized in
31 Tables 3 and 4, I believe on Page 28 of the .804
32 analysis.

33

34 During the 2014 salmon season, chinook
35 salmon harvest was closed except through -- by --
36 excuse me -- chinook salmon harvest was closed except
37 through a social and cultural harvest permit. The
38 Refuge and Office of Subsistence Management implemented
39 a social and cultural harvest permit and out of 32
40 communities that qualified for it, 20 communities were
41 issued a permit and ultimately only four villages
42 harvested chinook salmon under this permit resulting in
43 a total take of 82 chinook salmon. And the estimated
44 overall harvest of chinook salmon for last year,
45 incidentally, in other fisheries, in the drainage was
46 about 12,000 fish.

47

48 For 2015. Projected chinook salmon run
49 size for 2015 is 129,500 with a range from 96,000 to
50 163,000 chinook salmon, which is plus or minus 33,500

1 and this projected run size falls within the drainage-
2 wide escapement goal.

3

4 If the Federal Subsistence Board adopts
5 the special actions today as written and provides
6 direction to restrict fisheries impacting 2015 chinook
7 salmon return to the Kuskokwim Federal fisheries
8 regulations will supersede some, but not all of the
9 State fisheries regulations. Adoption of these special
10 actions will not establish a new fisheries management
11 plan in the Federal regulations, therefore, the
12 existing State of Alaska Kuskokwim River Salmon
13 Management Plan will continue to be the guide for
14 management of Federal fisheries that impact the chinook
15 salmon in 2015. If these Federal special actions are
16 adopted, the state of Alaska managed commercial, sport,
17 subsistence and elder fisheries could be closed in
18 waters under Federal subsistence fisheries
19 jurisdiction.

20

21 Managing the various fisheries in
22 Kuskokwim River drainage to meet established drainage-
23 wide chinook salmon escapement goals is accomplished
24 through the use of several tools in-season. The in-
25 season management for the Kuskokwim River chinook
26 salmon is based on run strength indicators that include
27 a catch per unit effort index at the Bethel test
28 fishery, in-season subsistence harvest surveys,
29 commercial harvest rates, the report from weirs, sonars
30 and aerial survey programs once the fish have reached
31 the clearwater tributaries of the drainage. Run
32 strength indicators provide a general description of
33 the run, however, they do not provide estimates of
34 escapement. None of these tools provide enough
35 information to accurately manage the fisheries alone,
36 but, these tools used in combination assist managers in
37 determining the relative abundance of run timing of the
38 salmon returns.

39

40 Due to the projected return of chinook
41 salmon for 2015 and subsequent years of low returns of
42 escapement a highly conservative approach, including
43 placing significant restrictions on the fisheries
44 impacting chinook salmon may be necessary to achieve
45 the drainage-wide goals and the tributary goals.

46

47 Placing significant restrictions on the
48 fisheries could reduce the efficiency or completely
49 eliminate most of the tools use for in-season
50 management, with the exception of the Alaska Department

1 of Fish and Game's Bethel test fishery. In 2014 the
2 Bethel test fishery was not a good indicator of chinook
3 salmon run timing or run strength due to early season
4 subsistence fisheries closures which lasted throughout
5 the chinook salmon fishing season. The Bethel test
6 fishery has not been operated during a subsistence
7 fishery closure except during 2014 and consequently it
8 is unknown if -- if and by how much catch rates were
9 impacted and how that impacted the Bethel test fishery.
10 And, additionally, if there is a closure to the -- if
11 there is a significant restriction and closure this
12 year, the same will be true for the 2015 information
13 and how to compare the Bethel -- Bethel test fishery to
14 historic information.

15

16 Chinook salmon fishing and harvest in
17 the Kuskokwim River is heavily weighted towards the
18 beginning of the run. Due to the lack of information
19 on how a lack of subsistence harvest would affect the
20 run timing and catch rates at the Bethel test fishery,
21 it cannot be specified how the run was relative to
22 other years. But in hindsight, the Bethel test fishery
23 signal indicated that the run was early and escapement
24 projects at the weirs indicated that the run was early
25 to average during 2014.

26

27 If the Board approves some form of the
28 combined special action requests, the Federal manager
29 will have time, area, gear and potential allocation and
30 permitting as management tools. At last year's Board
31 meeting addressing the Kuskokwim, OSM Staff presented a
32 variety of options, but the Board ultimately delegated
33 authority to the in-season managers to make their
34 management decisions.

35

36 Simply summed up for 2015, chinook
37 salmon abundance will be the driver for the Federal
38 subsistence fisheries -- excuse me -- for the Federal
39 subsistence fisheries and how the fisheries are managed
40 if the Board chooses to take action today.

41

42 The current special action requests
43 additionally ask the Board to assume management of all
44 Kuskokwim salmon necessary to ensure conservation and
45 subsistence uses of salmon and to implement an
46 allocation strategy for salmon amongst eligible users.
47 Due to run timing overlaps chinook, chum, coho and
48 sockeye salmon -- management of the chinook salmon runs
49 affect the management and harvest of other species of
50 salmon. Specific times, areas, methods, means and

1 harvest allocations will need to be developed prior to
2 the 2015 season if the Board does take action.

3
4 The end of the directed fishery for
5 chinook salmon and the beginning of the directed
6 fishery for chum and sockeye salmon are not defined in
7 regulation leaving it unclear when Federal management
8 of the salmon run ends. The Federal manager could
9 maintain authority into the timing of chum, sockeye and
10 coho runs until it's clear that the Federal management
11 of the salmon harvest is no longer necessary in order
12 to either protect chinook salmon or other salmon
13 species or to provide for an opportunity for chinook
14 salmon or other salmon species.

15
16 Before concluding my portion of this
17 presentation there's some information the Board should
18 be aware of of issues facing 2014 regarding the use of
19 four inch mesh gillnets in the Federal subsistence
20 fishery and the recently adopted Alaska Board of
21 Fisheries regulations regarding these non-salmon nets.

22
23 In 2014 the Federal Subsistence Board
24 -- excuse me -- the Federal subsistence fisheries in
25 the Kuskokwim were restricted to four inch mesh
26 gillnets operated as setnets. In other words, one end
27 of the net had to be staked, it could not be operated
28 as driftnets. And that was to prevent folks from going
29 out in the middle of the channel and targeting chinook
30 salmon in deeper water, et cetera. The intent was to
31 allow subsistence users to target non-chinook -- or
32 excuse me -- non-salmon species, such as pike, such as
33 whitefish, et cetera, when the other fisheries were
34 closed. During 2014 it became apparent that though
35 some fishermen were using non-salmon nets to target
36 chinook and other salmon by the way the nets were hung
37 and the way the nets were fished. The amount of
38 chinook salmon incidentally harvested -- chinook salmon
39 -- excuse me -- during the chinook salmon closure with
40 this gear type was likely over 10,000 kings. To
41 discourage the use of non-salmon gillnets to target
42 chinook salmon and other species the Alaska Board of
43 Fisheries passed amended proposal 271 recently which
44 restricts the use of four inch mesh subsistence
45 gillnets to be operated only as setnets in the
46 Kuskokwim during times of chinook salmon conservation
47 and this new regulation restricts the use of these four
48 inch mesh nets to being used as a setnet but within 100
49 feet of the ordinary high water mark. So in other
50 words, folks that potentially last year, fishermen that

1 would set out a heavy anchor in the middle of a
2 channel, off an island, off a sand bar, where it's
3 known that chinook salmon can be harvested, that will
4 be significantly reduced in 2015 if that tool is
5 adopted and utilized if a Federal special action is
6 taken in place and the in-season manager does have the
7 authority already to do that on the Federal side.

8
9 So additionally at the March -- late
10 March Kuskokwim River Working Group meeting, the group
11 voted 9-1 to recommend the use of four inch mesh nets
12 with the 100 foot regulation for 12 hours per day, four
13 days per week to target non-salmon. Last year it was
14 open 24/7 using the four inch mesh nets. And with the
15 100 foot rule, with the potential possibility of having
16 a time and area openers instead of 24/7 we should see a
17 significant reduction in chinook salmon incidental
18 harvest in four inch mesh nets for 2015.

19
20 Additionally, the Alaska Board of
21 Fisheries passed Proposal 272 which authorized Fish and
22 Game to restrict the length of gillnets and other
23 allowable gear during times of conservation concerns
24 for chinook salmon. The Federal in-season manager
25 already has this authority to place this restriction
26 and, thus, the current Federal and State tools are
27 nearly identical now.

28
29 The Board of Fisheries also passed
30 Proposal 278 which allows fishwheel operation without a
31 live box as long as the fishwheels are closely attended
32 with the chute to return the chinook salmon to the
33 water unharmed, if possible. And, again, the Federal
34 in-season manager already has the authority and now the
35 Federal and State tools are nearly identical, and I
36 believe within the Refuge in 2014 we had one fishwheel
37 operating.

38
39 And that concludes my presentation.

40
41 Thank you, Mr. Chair, Members of the
42 Board. I'll turn it back over to Pippa unless you have
43 a few questions.

44
45 CHAIRMAN TOWARAK: Thank you. Could we
46 ask you to repeat yourself.....

47
48 (Laughter)

49
50 CHAIRMAN TOWARAK:and do it a

1 little slower.

2

3 (Laughter)

4

5 MR. PAPPAS: I wanted to.....

6

7 CHAIRMAN TOWARAK: We know we were
8 pressured for time today but you did a good job.

9

10 (Laughter)

11

12 CHAIRMAN TOWARAK: Thank you. Are
13 there any questions for the State [sic].

14

15 (No comments)

16

17 CHAIRMAN TOWARAK: With that general
18 introductory of the issue on hand then I'd like to pass
19 the floor over to the State if you have any comments.

20

21 COMMISSIONER COTTEN: Oh, thank you,
22 Mr. Chairman. I will ask Director Regnart to walk
23 through some of the issues that Mr. Pappas just
24 discussed.

25

26 But I would say that the State's going
27 to recommend that you not adopt these special action
28 requests. As we just heard the State has some new
29 tools to deal with some of the issues -- that
30 came up last year. And I just want to say that, you
31 know, as you're well aware, that our State Statutes
32 have a priority for subsistence and it's been in our
33 State Statutes since the late '70s. In fact I was a
34 member of the Legislature when Nels Anderson, from
35 Dillingham, proposed that statute, and I voted for it
36 and so did the Legislature and it's been recognized as
37 the primary priority for salmon harvest in Alaska. Not
38 just salmon, but in this case that's what we're talking
39 about. So that's something I think the State hasn't
40 wavered from and still is in very strong support of.

41

42 So I would ask Mr. Regnart to walk
43 through what the projections are and maybe a little
44 further discussion about how our Department intends to
45 use the new tools that were afforded to us from the
46 Fish Board and I'd just turn it over to Mr. Regnart.

47

48 MR. REGNART: Thank you, Commissioner,
49 and thank you Mr. Chairman.

50

1 And as the Commissioner alluded to, I
2 was just going to run through some of the things that
3 have changed in the last nine months and then walk into
4 this upcoming season on the Kuskokwim River.

5
6 And as Mr. Pappas mentioned, the Board
7 of Fish made several significant changes to regulations
8 and that was in, large part, based on the experience
9 that we had and the Federal managers had and the users
10 had in the 2014 Kuskokwim year.

11
12 And I think the first thing I think
13 would be the whitefish fishery. That was a fishery
14 that was, you know, 24/7 seven days a week last year
15 and we soon learned during that season that it was
16 resulting in quite a few chinook being caught,
17 incidental to what the main purpose of that fishery,
18 which is a four inch mesh gillnet, which is designed to
19 take whitefish and other species, non-salmon. We did a
20 special emergency order closure for that in-season last
21 year, and then requested the Board to take a more
22 permanent solution to that, and so we've got the
23 resulting reg which will limit those setnets to within
24 100 feet of the high water mark and we think that's
25 going to decrease the catch of salmon significantly.
26 Last year the overall catch -- the best estimate we
27 have in the Kuskokwim is about 12,000 kings, the vast
28 majority of those we think were taken in that four inch
29 gear. And so most of those fish wouldn't be taken this
30 upcoming year with that gear type.

31
32 The other action that the Board of Fish
33 did was gave us the ability, in-season, to select a net
34 length that was appropriate for whatever target we were
35 looking for as far as the chinook catch. In the past
36 it was 50 fathoms, in the last four or five years we've
37 had the ability to reduce it to 25 fathoms and now the
38 Board of Fish gave us the ability to just choose a
39 length. And in going into this upcoming season if we
40 were to look at a length of a fishery for a directed
41 chinook, it would probably be something along the order
42 of 10 fathoms, so significantly less. Using that much
43 less gear gives us the ability, even in times of
44 smaller chinook runs to be able to provide a directed
45 chinook fishery. And, truthfully, that's something the
46 State's never had in the past because of the size of
47 the fishery, especially in the Bethel area. When that
48 fishery is open there is hundreds of people who go.
49 And so with 25 fathoms, the number of fish they can
50 take in a pretty short period of time was such that in

1 these small runs the only choice we had was to close it
2 because as the Commissioner mentioned, conservation is
3 our number one goal, and then behind that, of course,
4 is providing subsistence opportunity. So since that
5 harvest could be so significant we just didn't have any
6 abilities, now we do have those abilities. And that,
7 to me, is very significant over where the State was
8 last year.

9
10 And then going into this year, as it
11 was discussed by Mr. Pappas, the total run, we think,
12 is going to be between 96 and 1 -- excuse me -- total
13 run of -- I think 96 to 163,000 total fish, escapement
14 goal of 65 to 120. There is some room in there for
15 potential chinook take, we feel. It's not something
16 that we're going to tell the users is a given at this
17 point in the year. We have told them in a news
18 release, and this might be something that we'd like to
19 enter into the official record, if possible, this news
20 release went out on April 13th, and it speaks to the
21 Board of Fish changes and also to our intent of how we
22 would prosecute a fishery. It's our intent, if these
23 numbers that are in the forecast, come to be realized
24 in-season, that at some point in June, we could very
25 well be giving a directed chinook opportunity in the
26 Kuskokwim River, albeit with less net and just a number
27 of hours, but we feel that that is something that is
28 quite possible, given the new tools we have and the
29 forecast we have. And, again, that's not a guarantee,
30 it's something that we would be assessing in-season
31 like we do in all the salmon runs across the state.
32 But, you know, we hope that this is going to be
33 possible and if it comes to fruition then, you know, we
34 would definitely make sure that that occurs.

35
36 That would also occur working with the
37 Kuskokwim Working Group. And I think all of you know
38 that's a group that's been in existence for many
39 decades on that drainage and they provide insight that
40 otherwise we wouldn't have. And so we'll be working
41 with them as we have in the past talking about these
42 new tools and then when it would be appropriate to
43 actually engage those new tools.

44
45 And I think the last thing I would talk
46 about is the Bethel test fish. This is something that
47 has been run for quite a few years in that drainage.
48 And it has always been run with a pretty significant
49 fishery below it. And so a lot of times what you get
50 in a test fishery is always going to be affected by the

1 fishery below it. Last year was the first year we've
2 had to try to interpret the Bethel test fishery without
3 a fishery below it. We learned quite a bit. So last
4 year we learned quite a bit about how to interpret
5 those catch per unit efforts coming from that project
6 and so this year we'll be able to even use that
7 information, I think, to a greater extent because we've
8 had a year under our belts where we've not had a
9 fishery. So I think the Bethel test fishery for us is
10 going to be even a more useful tool this upcoming year
11 and as I mentioned, with the directed chinook harvest
12 in mind, with the new tools, we feel we're in a much
13 better position to provide access to the resource in a
14 very conservative way and make sure we meet the
15 escapement goals.

16

17 Mr. Chairman.

18

19 CHAIRMAN TOWARAK: Thank you. Are
20 there any questions from the Board for the State.

21

22 Go ahead Mr. Haskett.

23

24 MR. HASKETT: So just a couple of
25 questions and maybe some clarifications.

26

27 So -- and I understand that you said
28 the State intends to do a directed chinook opportunity,
29 you can't guarantee that at this point, but, based upon
30 your press release the other day, I mean you're feeling
31 fairly positive about being able to do that at this
32 point, right?

33

34 MR. REGNART: Through the Chair. Mr.
35 Haskett. That's correct. We do feel that it's likely,
36 I can't say highly likely, but, again, it's -- you
37 know, we'll be waiting for the quartile point in the
38 run, that usually occurs towards the end of the first
39 week or the 10th of June, somewhere in that time
40 period. We've still got a couple weeks where we would
41 be considering any fishery would be called a directed
42 chinook fishery until you get into that last seven to
43 eight days of June where other species start to get
44 involved. So we think in that time period, those 10 to
45 14 days, it's quite possible we will be able to provide
46 that opportunity, directed at chinook.

47

48 MR. HASKETT: So just one followup
49 question. So then -- last year then one of the things,
50 of course, that we dealt with was, you know, making

1 sure that there would be some ability for subsistence
2 users, Federal users, to do the subsistence they needed
3 to do, and I think some of the commercial uses then
4 complicated it, so how's the State looking at, when,
5 you have both the commercial use and subsistence use;
6 how will you be dealing with that.

7
8 MR. REGNART: Through the Chair. Our
9 number 1 priority is subsistence. You know there
10 hasn't been a commercial fishery in I don't know how
11 long on chinook salmon, and even on sockeye, it's been
12 a number of years. Last year it came into play with
13 coho salmon towards the tail end of the Kuskokwim
14 salmon runs in general. So we don't foresee any
15 commercial activity on the first half of the run, which
16 include chinook, chum and sockeye. Coho it would
17 depend. You know, we're going to be very aware of what
18 has happened in the directed chinook fishery in the
19 overall take. If the users on the Kuskokwim haven't
20 had the chance to take numbers that they've become
21 accustomed to and is a reasonable approach to making
22 sure that their needs are being met, well, then chum,
23 sockeye and coho even become more important. And we
24 realize that and, in fact, we stepped out last year and
25 did up and down the river, in-season surveys to see
26 where -- how people were doing meeting their needs and
27 that was very insightful for the State. We learned a
28 lot about that. And so we understand how important
29 those other species are to the subsistence needs being
30 met, especially when we have years of low chinook
31 abundance.

32
33 CHAIRMAN TOWARAK: Any further
34 questions.

35
36 Go ahead, Wayne.

37
38 MR. OWEN: Thank you, Mr. Chair. The
39 State, you may not be able to answer this, but I was
40 wondering if you could clarify for the Board the action
41 recently taken by the North Pacific Fisheries
42 Management Council regarding chinook bycatch, and
43 trying to take some actions to reduce that, as part of
44 their actions. And I know there are State members on
45 that but I don't know if -- it may not be a fair
46 question for you.

47
48 CHAIRMAN TOWARAK: Go ahead,
49 Commissioner.
50

1 COMMISSIONER COTTEN: Yeah, thank you,
2 Mr. Chairman. I briefly mentioned this earlier.

3
4 But the North Pacific Fisheries
5 Management Council, as many of you know, is -- there
6 are 11 voting members on the Council, six of whom are
7 from Alaska, three from Washington, one from Oregon and
8 one that represents the United States National Marine
9 Fisheries Service. We've had the issue of chinook
10 salmon bycatch in front of the Council over several
11 years now. But this year we made a change based on the
12 fact that we're currently in a period of low abundance
13 on chinook salmon so we measure that through a three
14 river index, including the Unalakleet, the Yukon, and
15 the Kuskokwim. And when the projected run, the
16 reconstructed run is expected to be 250,000 fish or
17 lower, then that triggers the period of low abundance,
18 and at that point there'll be reduced bycatch caps in
19 place. Right now the bycatch caps are -- there's two
20 of them, there's what's known as a performance
21 standard, which is 47,591 fish and then an ultimate cap
22 of 60,000. That's the current situation. Under times
23 of low abundance those numbers will be reduced for the
24 lower cap, 30 percent, and for the hard cap it'll be 25
25 percent. So the new numbers are going to be, I think,
26 33,000 and 45,000. So that recognizes a period of low
27 abundance.

28
29 In addition to those cap changes we, as
30 I mentioned earlier, have now a requirement that the
31 co-op's insist on excluder devices being employed by
32 all pollock fishermen with exception of a certain part
33 of the season when there's relatively little chinook
34 salmon present.

35
36 In addition we are -- right now the
37 pollock season is divided between the A season and the
38 B season and we moved some of the B season fish into
39 the A season because that's a period when there's less
40 chinook abundance. And so we felt that that would be a
41 savings as far as chinook salmon were concerned.

42
43 Also chum salmon are going to be
44 benefitted by this as the incentives to the co-ops will
45 include additional requirements for chum salmon
46 conservation.

47
48 So there was a suite of alternatives
49 that we employed. The most visible were the reduction
50 of the caps, but we also -- and had some success

1 working with the co-ops on other ideas that will keep
2 the pressure on them to keep salmon bycatch numbers
3 down.

4

5 MR. OWEN: Thank you, Mr. Chair.

6

7 CHAIRMAN TOWARAK: Any further
8 questions.

9

10 (No comments)

11

12 CHAIRMAN TOWARAK: Go ahead, Jennifer.

13

14 MS. YUHAS: Thank you, Mr. Chairman.

15

16 Simply to summarize, the Commissioner
17 led off by stating that the State's position is that
18 you not adopt these special action requests. We don't
19 find that they meet the threshold for the CFR for
20 special action or are warranted under .804 or .815 of
21 ANILCA, but most importantly this is one region where
22 we possibly have the best example of seamless
23 management and collaboration between two managers with
24 similar but different missions. To provide subsistence
25 harvest opportunities to slightly different users where
26 there's a high level of collaboration and communication
27 and between the tools that this Board gave the Federal
28 in-season manager last year and the tools that the
29 Board of Fish recently gave the State managers, we
30 really think that the status quo is the best
31 alternative before you today.

32

33 CHAIRMAN TOWARAK: Mr. Lord.

34

35 MR. LORD: Mr. Regnart. I've been
36 curious, last year there was a decision made to reduce
37 the escapement goal on the Kuskokwim for chinook down
38 to 85,000 from well over 100,000, but I haven't heard
39 what the rationale for that decision was or what the
40 presumed impacts might be and I'd be curious about
41 that.

42

43 MR. REGNART: Through the Chair.
44 That's a good question. And I've heard that 85,000
45 number.

46

47 We don't have a 85,000 number and what
48 we're managing for, we're managing for an escapement
49 goal draingewide of 65 to 120 and that was set at the
50 last Board of Fish meeting, now, several seasons ago.

1 When we manage salmon runs in the state, we're managing
2 for somewhere in that range. What it tells us is that
3 the productivity is going to be similar given
4 environmental factors, somewhere between 65 and 120 and
5 so we endeavor each and every year to hit within that
6 range. We always are shooting for something greater
7 than the lower bound. We never aim for 65, in this
8 case, we're aiming for something higher. Last year it
9 turned out, I think, that the total run was 130,000
10 fish, best guess, and we harvested less than 15,000 so
11 we probably put 115,000 on the spawning grounds, for
12 example, which is close to the upper end of that range.
13 This next year we'll be managing for, again, somewhere
14 in that range, and we'll deem it a success if we're
15 higher than 65. I can't tell you what that might be.
16 If it is 85, 90, 75, it -- we just know we're going to
17 do everything we can to get above 65, measurably above
18 65, and at the same time if we can provide an
19 opportunity we'll do so.

20

21 MR. LORD: Am I correct, though, that
22 the range was reduced then and, if so, what was the
23 rationale for that.

24

25 MR. REGNART: Through the Chair. At
26 the last Board meeting we went from specific goals at
27 different weird river systems, tributaries to the
28 Kuskokwim to a drainagewide goal, so the measurement
29 matrix was changed in a pretty significant way. So we
30 don't consider it lowering it, we're actually measuring
31 success in a different manner with a drainagewide
32 approach compared to a tributary to tributary approach.

33

34 CHAIRMAN TOWARAK: Thank you. Any
35 further questions from the Board.

36

37 (No comments)

38

39 CHAIRMAN TOWARAK: Thank you very much
40 then for your introduction.

41

42 Tim, did you have a question.

43

44 MR. SMITH: My name is Tim Smith, I'm
45 the Vice Chair of the Seward Peninsula RAC and I'm not
46 sure how you're going to handle this in this meeting
47 but normally we, the RAC Chairs get to ask questions of
48 people.

49

50 CHAIRMAN TOWARAK: Go ahead.

1 MR. SMITH: Mr. Regnart, I'd like to
2 know how you determine the subsistence harvest.

3
4 MR. REGNART: I go through the Chair --
5 through the Chair. Subsistence harvests are done
6 typically by household surveys, interviews and that is
7 done by the Division of Subsistence, so I don't pretend
8 that -- you know, that they assimilate the information.
9 I think in the Kuskokwim Commercial Fisheries Division
10 does a lot of the leg work just because we have people
11 on the ground. In-season we don't have an estimate
12 other than through an attempt like what we did last
13 year, which was, it wasn't an attempt to getting finite
14 catch numbers, but actually just trying to get an
15 impression of how people are doing up and down the
16 river with doing in-person interviews as we moved up
17 and down the drainage. That's not something we
18 typically do. I wouldn't want to speak to whether or
19 not we'd be doing that this year, that was an on -- in
20 the season on the ground call by the managers involved.
21 We could do it again this year, but, typically it's a
22 post-season effort where we summarize what was caught
23 in that subsistence fishery by doing interviews.

24
25 Mr. Chair.

26
27 CHAIRMAN TOWARAK: Go ahead,
28 Commissioner.

29
30 COMMISSIONER COTTEN: Thanks, Mr.
31 Chairman.

32
33 I introduced Lisa Olson earlier, she's
34 the Deputy Director for the Division of Subsistence so
35 if she had anything to add to that I'd like to ask if
36 you could invite her. She may not have anything to add
37 but if so she is available.

38
39 CHAIRMAN TOWARAK: She must have
40 something to add she's coming up.

41
42 (Laughter)

43
44 CHAIRMAN TOWARAK: The floor is yours.

45
46 MS. OLSON: Thank you, Mr. Chair.
47 Through the Chair.

48
49 I think it is a post-season survey
50 conducted by the Division of Commercial Fisheries but

1 if I could further defer to Jim Simon, he would have
2 more particular details if it pleased the Board.

3

4 Thank you.

5

6 DR. SIMON: Thank you, Mr. Chair. For
7 the record my name is Dr. Jim Simon. I'm the regional
8 supervisor for the Division of Subsistence for the
9 Arctic, Yukon and Kuskokwim regions.

10

11 In 1988 the Division of Subsistence
12 worked with the Division of Commercial Fisheries to
13 design a post-season household survey program that
14 greatly increased our confidence in our assessments of
15 subsistence salmon harvest of all species. Prior to
16 that we did what was -- Commercial Fisheries Division
17 did what was basically called fish rack surveys and it
18 was not really a statistical method that we adopted in
19 1988. So from 1988 through 2007 the Division of
20 Subsistence conducted post-season surveys up and down
21 the Kuskokwim River by a stratified sampling approach
22 that focused on usually fishing households and not
23 usually fishing households, so that we could develop
24 annual harvest assessments bounded by 95 percent
25 confidence intervals. The Division of Subsistence
26 stopped doing those post-season surveys for a lack of
27 fiscal resources in 2007 and the Division of Commercial
28 Fisheries took over that program. At that point in
29 time the biometrician for the Arctic, Yukon, Kuskokwim
30 is very skilled and adept and further refined the
31 statistical method and approach into a, I believe, a
32 five strata so that we still have a -- we have more
33 precision in our annual subsistence salmon harvest
34 estimates bounded, again, with 95 percent confidence
35 intervals, and that program continues to date.

36

37 And I'd be happy to answer any
38 additional questions if you have them.

39

40 CHAIRMAN TOWARAK: Any further
41 questions of the Board.

42

43 Go ahead, Mr. Smith.

44

45 MR. SMITH: Yeah, we've been at this
46 for a long time in the Seward Peninsula, you know, and
47 the problem I see is that when you criminalize a
48 behavior or you reward the behavior for, you know,
49 example, people purporting taking fish, thinking that
50 they're going to benefit somehow under subsistence

1 regulations, whether it's Tier II or .804, well, Tier
2 II I guess in the State system, that self reported data
3 becomes problematic. Are there any independent methods
4 of determining the harvest other than just asking
5 people how many fish they took. I just can't see, at
6 least in our area, I don't think that data is reliable
7 anymore because of the situation with Tier II.

8

9 CHAIRMAN TOWARAK: Okay.

10

11 DR. SIMON: Thank you, Mr. Chair. The
12 post-season survey, household survey program, we often
13 are evaluating those harvest estimates for particular
14 communities when we do comprehensive subsistence
15 research, which is looking at all resources, fish,
16 wildlife, plants, berries, et cetera, and there are
17 occasionally differences between -- for example, king
18 salmon harvest, demonst -- developed from the post-
19 season survey efforts compared to our comprehensive
20 survey efforts, but part of that is methodological.
21 Because the Division of Commercial Fisheries maintains
22 confidential household identifiers for individual
23 households and evaluates the salmon harvest for those
24 households based on the prior three years, I believe,
25 in order to identify heavy harvesting households,
26 medium harvesting households, and low harvesting
27 households and no harvesting households. And so we --
28 because we're focusing on specifically salmon fishing
29 households, we tend to have greater reliability and
30 confidence in our post-season subsistence salmon
31 harvest and because when we're doing comprehensive
32 research we're talking to all households, not just
33 salmon fishing households, we end up having -- tend to
34 have larger confidence intervals around our salmon
35 estimates.

36

37 So I'm -- I may need to be reminded if
38 there were other aspects of that question that I did
39 not address.

40

41 Thank you, Mr. Chair.

42

43 CHAIRMAN TOWARAK: Thank you. I think
44 we will consider that enough information for now. We
45 would like to move on. If there are no further
46 questions for either our Staff or the State we will
47 proceed then.

48

49 (No comments)

50

1 CHAIRMAN TOWARAK: Not hearing any,
2 then I want to thank the Commissioner for being here
3 and also Mr. Regnart, and Jennifer you'll always be
4 here.

5
6 (Laughter)

7
8 CHAIRMAN TOWARAK: Thank you. And
9 thank you to the Staff for introduction of the
10 information.

11
12 The next process that we go through is
13 opening the floor to the public testimony and we've got
14 green cards, is our normal process in the back
15 somewhere, for any of you from the public that would
16 like to testify in regards to the special actions on
17 the Kuskokwim River.

18
19 (Pause)

20
21 CHAIRMAN TOWARAK: Okay, I've erred a
22 little bit. We've got a little bit more information
23 that we would like to share with you, and, Gene, that's
24 in regards to allocation strategies, is that it.

25
26 MR. PELTOLA: Yes, Mr. Chair. We.....

27
28 MS. KENNER: Thank you.

29
30 MR. PELTOLA:have Pippa Kenner
31 from OSM, our Anthropology Division, and part of the --
32 a significant portion of the requests received on the
33 Kusko was to potentially identify allocation strategy
34 which may be brought for consideration by the Board and
35 so Pippa will be making that presentation.

36
37 MS. KENNER: I will speak slowly and be
38 quick.

39
40 (Laughter)

41
42 MS. KENNER: Thank you, Mr. Chair.
43 Again, I'm Pippa Kenner with the Office of Subsistence
44 Management.

45
46 There are effects of the proposal that
47 were not covered by George and so I'd like to say that
48 if the Federal Program assumed management of all
49 Kuskokwim salmon, the U.S. Fish and Wildlife Service
50 may not have the existing capacity to fulfill all

1 management responsibilities resulting from the
2 approval.

3

4 Now I'd like to move on to the
5 allocation strategy concerning it.

6

7 The tribes request the Board provide
8 for "equitable opportunity" for subsistence use of
9 chinook salmon. The allocation could be based on the
10 20 year average harvest of chinook salmon. A community
11 would receive that portion or fraction of salmon
12 available. It should be noted that fishers would have
13 to harvest their allocation in Refuge waters. All of
14 the villages are small enough to issue community based
15 permits for the harvest of an allocation of chinook
16 salmon with the exception of Bethel. Bethel, with a
17 population of over 6,000 comprised almost 40 percent of
18 eligible users. In such circumstances regulations
19 specify that if allocation on an area of community
20 basis is not achievable then the Board shall allocate
21 subsistence opportunity on an individual basis through
22 the application of the three criteria in ANILCA Section
23 .804.

24

25 Staff further analyzed the dependence
26 of Bethel residents on chinook salmon and their
27 eligibility to harvest chinook salmon and this is in
28 Appendix C beginning on Page 64. I'm going to briefly
29 cover it.

30

31 The conclusion is that work groups at
32 Bethel area fish camps have the greater customary and
33 direct dependence on chinook salmon than do most other
34 residents of Bethel after consideration of the three
35 criteria in Section .804. It was not possible to
36 identify individuals who have the greater customary and
37 direct dependence on chinook salmon based on the
38 available information, instead harvesting is often one
39 task in a multi-task, multi-household production
40 effort. The entire work group is considered to consist
41 of fishing households that contribute the most to the
42 chinook salmon harvest estimates for Bethel.
43 Therefore, recognizing work groups at fish camps
44 optimizes the pattern of use exemplified by the
45 domestic mode of production that characterizes much of
46 the salmon subsistence economy in Bethel. Further, the
47 domestic mode of production observed in Bethel area
48 fish camp should be the basis for any allocation
49 system. However, while identification of individuals
50 who have greater dependence on chinook salmon was not

1 possible, it can be assumed that some Bethel residents
2 without access to work groups or fish camps are highly
3 dependent on chinook salmon and consider chinook salmon
4 to be irreplaceable, and, therefore, the Federal
5 Program might provide another form of opportunity for
6 residents of Bethel to harvest chinook salmon such as a
7 drawing permit.

8
9 So, very quickly, Bethel allocation,
10 which includes the drawing permit, for instance, if the
11 harvestable surplus was estimated to be 10,000 chinook
12 salmon the allocation for Bethel would be about 3,060
13 chinook salmon. If you took one-fifth of that to give
14 it to people who receive a drawing permit, the
15 allocation to approximately 140 Bethel fish camps would
16 be 17 chinook salmon per fish camp.

17
18 I am going to just briefly cover the
19 conclusion now.

20
21 Okay, the OSM conclusion is to support
22 the special actions with modification to add a permit
23 requirement for residents of Bethel and the regulation
24 would read:

25
26 Unless reopened by the Yukon Delta
27 National Refuge manager, Federal public
28 waters in the Kuskokwim River drainage
29 are closed to the harvest of chinook,
30 chum, sockeye and coho salmon except by
31 Federally-qualified residents of the
32 Kuskokwim River drainage and the
33 villages of Chefornak, Kipnuk,
34 Kwigillingok, Kongiganek and a resident
35 of Bethel must have a Federal permit to
36 harvest chinook salmon.

37
38 Thank you very much, Mr. Chair, and
39 Board members. That's the end of my presentation.

40
41 CHAIRMAN TOWARAK: Thank you. Are
42 there any questions -- Gene.

43
44 MR. PELTOLA: Yes, Mr. Chair. One,
45 Pippa's presentation addressed Bethel in more detail,
46 but within the original .804 conducted last year we
47 identified 32 communities and appropriately based on,
48 you know, the population base she addressed Bethel, I
49 was wondering if you could provide a brief summary on
50 those other 32 communities within the Kuskokwim

1 drainage which were addressed in the .804 and how
2 similar, if it is similar to last year, how those 31
3 communities, an allocation strategy would play into the
4 mix, since you did address Bethel.

5
6 MS. KENNER: Through the Chair. Thank
7 you, Mr. Peltola.

8
9 One community permit per community --
10 excuse me -- there could be one community permit per
11 community that could be supplemented with the
12 distribution of permits to individuals, if necessary.

13
14 MR. PELTOLA: Mr. Chair. And just to
15 reiterate, OSM went through a lot of time and effort
16 making the original recommendation to this body last
17 year with regard to, you know, a potential allocation
18 strategy last year, there's a lot of similarities this
19 year with the exception of Bethel. So we have
20 potentially our recommendation is to provide a permit
21 to those communities, other than Bethel, per se, on a
22 village based allocation. And then the recommendation;
23 how did we come about with that recommendation for a
24 village base, did we utilize harvest survey --
25 historical harvest average, what went into that
26 determination for that permit for a particular
27 community.

28
29 MS. KENNER: Again, thank you, Mr.
30 Chair. Mr. Peltola.

31
32 In looking at the data we realized that
33 a straight 20 year average up to the current times
34 probably wouldn't be satisfactory so what we did is we
35 removed the recent years when the run size was low or
36 regulations prohibited people from harvesting. So we
37 took that 20 year average and calculated the portion
38 and then looked at what that would be if we had a
39 harvestable surplus of 10,000. And in determining how
40 we might distribute that allocation I -- I hope I'm
41 answering your question. You know, it's not the first
42 time this has happened in the state of Alaska, we have
43 best practices, we have many examples of permit use for
44 the harvest of salmon and other resources, and so we
45 would simply be continuing in that process of
46 distributing an allocation of chinook salmon.

47
48 MR. PELTOLA: Mr. Chair, thank you.
49 One other thing I'd like to address is that with regard
50 to the original .804 where we identified those 32

1 communities and in addition to that original allocation
2 strategy which was recommended last year, what type of
3 effort and input did we receive from residents within
4 the drainage. Did you have communication with
5 individuals or?

6

7 MS. KENNER: Thank you, Mr. Peltola.
8 Through the Chair. Oh, yes, I had communication, I had
9 many, many phone calls every day about just this topic
10 and whether people would prefer an allocation system to
11 management strictly through timing and gear. Also I
12 conferred quite a bit with the Orutsaramiut Native
13 Village Council of Bethel about the specific Bethel
14 issue and I talked quite a bit with people at
15 Napaskiak, where, of course, the special action request
16 came from. I was contacted often by Chuathbaluk,
17 Akiak, and a number of communities.

18

19 Thank you.

20

21 CHAIRMAN TOWARAK: Any further
22 questions.

23

24 Go ahead, Mr. Haskett.

25

26 MR. HASKETT: Just a clarification.
27 One of the things that you started out with was, and I
28 don't have the exact words, but that the Fish and
29 Wildlife Service may not have the resources or
30 capabilities to manage those issues in the river
31 without the State being involved; I want to make it
32 clear it's not may not, we do not have the resources or
33 the capabilities without the State's involvement in
34 this.

35

36 CHAIRMAN TOWARAK: Any further
37 questions.

38

39

40 (No comments)

41

42 CHAIRMAN TOWARAK: If not, then thank
43 you very much for the information.

44

45 We will then proceed with the public
46 testimony portion.

47

48

49

50

CHAIRMAN TOWARAK: Okay, I'm -- this

1 little orange card lies to me once in awhile.

2

3 (Laughter)

4

5 CHAIRMAN TOWARAK: But we're going to
6 hear a summary from our director.

7

8 MR. PELTOLA: Thank you, Mr. Chair.

9

10 What the Board has before it today is a
11 decision to act upon or not, five requests from
12 communities along the Kuskokwim drainage with regard to
13 this upcoming season's management of chinook and/or
14 other salmon species in addition to looking at a
15 potential allocation strategy.

16

17 You've just heard a summary of OSM's
18 analysis and recommendations in the supplemental, which
19 is provided to each independent Board members here, you
20 also have the detailed analysis.

21

22 What it comes down to is that the Board
23 has potentially three options, and I don't mean to be
24 insulting anybody by it but there's an option to accept
25 the recommendation, accept with modification or decline
26 it.

27

28 And with that being said we tried to
29 make -- OSM tried to make an approach to what was
30 requested from the proponents along the drainage. With
31 regard to implementation of -- or limitation to
32 Federally-qualified users only, OSM's recommendation is
33 to proceed for that. With regard to chinook, similar,
34 and also other salmon species.

35

36 And I'd like to address a couple of
37 issues which were brought up.

38

39 With regard to other salmon species,
40 earlier on today, or this morning I mentioned that we
41 were trying to address also some of those actions which
42 were requested of the Program during the middle and
43 tail end of last season. That, I think, is -- it's my
44 opinion that that is why we have the other salmon
45 aspect of the request this year, which we did not have
46 necessarily last year in the original request from
47 Napaskiak. If you look at implementation of fisheries
48 along the Kuskokwim, is that, there are different
49 opportunities provided to the different users along the
50 drainage. And when -- if and when the programs, the

1 State or Federal implement those opportunities it may
2 have affect on one or the other so that's why OSM
3 addressed that other salmon species. If you look at
4 the potential utilization or exploitation of the runs
5 with regard to the Kusko outside the subsistence, i.e.,
6 sport and commercial, you know, the State has taken
7 action with regard to sport harvest and they've taken
8 action with regard to commercial. The tools which are
9 utilized and when we, we, meaning the State provides
10 for an opportunity for harvest for commercial purposes,
11 the tool that is utilized or the method of take
12 involves a gillnet. A gillnet is not as selective as
13 other opportunities. And now later on this morning, or
14 later on today you'll hear similar discussions about
15 commercial opportunities on the Yukon. The densities
16 of runs within the Kuskokwim do not necessarily provide
17 for efficient method of harvest as they do on the
18 Yukon, i.e., dipnets and seining, those should be taken
19 into consideration by the Board. So that kind of leads
20 us into why OSM made the recommendation for all salmon
21 on the Kuskokwim.

22

23 With regard to allocation. On the
24 Kuskokwim we have a very efficient and effective
25 subsistence harvest fleet. The tools that have been
26 utilized by the State and Federal Program in regard to
27 in-season management throughout the years have varied
28 somewhat, but in regard to this particular year, this
29 particular run, there may be an opportunity to provide
30 for a directed harvest of chinook, which means that it
31 may be restrictive and limited. The basis of the OSM
32 recommendation is, if that is the case then we should
33 provide for a rural preference.

34

35 Now, the allocation itself, it was
36 requested by proponents along the drainage. And if you
37 look at the tools we've utilized and I mentioned we
38 have a very efficient and effective subsistence harvest
39 fleet. In part of my previous career I was also
40 involved in direct management, at least, the Federal
41 aspect of the program, we know that if we don't closely
42 watch the harvest levels we could potentially adversely
43 affect the current or future runs. So that's where OSM
44 feels that the allocation strategy is crucial in a
45 sense that what we utilize with regard to in-season
46 management and subsistence harvest, we really do not
47 have a handle on the amount of fish we're taking out of
48 a given year's run until towards the tail end at the
49 earliest or after the season occurs. So there is an
50 advantage to having the allocation strategy and the

1 basis of the recommendation coming from OSM. The
2 advantage is that you can have an idea -- all the
3 managers, whether we -- whether we bring it forth --
4 have some idea of what level of harvest we may be able
5 to support or provide and that varies based on in-
6 season management on the strength of the run. If the
7 run progresses such that it comes in at a lower level
8 then you back off on that. If it comes in higher you
9 might be able to add to it. But with the permit
10 system, which is recommended by OSM, you have some
11 percentage of the run -- one other point I'd like to
12 make is in the analysis, our Anthropology Division,
13 Pippa, we utilized the 10,000 figure, that is not meant
14 to be a recommendation, but it's a simple number, it
15 has a one followed by a bunch of zeros for
16 demonstration purposes of the framework of an
17 allocation. We're looking at percentages. With an
18 allocation and a permit system, as recommended, is that
19 you have an idea of what the level of take may occur if
20 a harvest opportunity is provided.

21

22 Now the challenge along the Kuskokwim
23 is and most likely always will be is Bethel, because
24 it's the largest population mass center, along the
25 drainage. And if we have a restricted or a limited
26 harvest opportunity how do you allocate or fairly
27 distribute those fish to members of the villages, let
28 alone within a community.

29

30 We went through extensive effort and
31 consultation with ONC, the tribal entity for the
32 village of Bethel to come up with a strategy. So OSM's
33 recommendation for an allocation is a lot like and
34 pretty much mirrors that of last year's presented to
35 this body, with the exception of Bethel, where we went
36 a step even further based on what we experienced last
37 year.

38

39 There are two components to that
40 allocation strategy, one being the cultural and social
41 permit, which is intended to provide for exposure to
42 the fishery and we're talking a small number of fish to
43 continue the subsistence harvest activity itself in
44 identifying the cultural and social aspects of the
45 harvest. That permit, which was implemented last year,
46 the one segment was implemented last year was never
47 intended to provide for subsistence for sustenance or
48 for members of a community, that was to gain exposure
49 to the activity itself and maintain the culture and
50 social tie.

1 The second aspect of that allocation
2 recommendation is a secondary permit offering which, if
3 there is deemed to be a level or a portion of the run
4 that is available for harvest, then that secondary
5 permit would provide the opportunity for subsistence
6 itself, getting more towards addressing the
7 requirements of members of a community.
8

9 The recommendations we have before the
10 Board here are not meant to be any personal opinion.
11 Not to put one management style or regime against
12 another, but it is intended -- overall, we could
13 summarize it, if there's a limited harvest opportunity
14 to provide for rural preference, and if that does
15 occur, then provide for an allocation strategy which
16 provides fish to different members of the community up
17 and down the river.
18

19 Thank you, Mr. Chair.
20

21 CHAIRMAN TOWARAK: Thank you. Go
22 ahead, Mr. Haskett.
23

24 MR. HASKETT: So just a question, when
25 you started out you said we had three ways forward and
26 I'm not sure that's true. Maybe it is. And so this is
27 a legal question, I guess, to Ken Lord, so it seems to
28 me there's also a possibility, based upon the
29 discussion here, and where we might get to to defer,
30 taking this up again at some future point, if needed;
31 is that a fourth thing or is that part of one of the
32 three?
33

34 MR. LORD: I guess one could consider
35 it a fourth thing, or maybe just delaying the three
36 things that Mr. Peltola was talking about.
37

38 MR. HASKETT: Okay. So before we get
39 to the point, which we're a long ways from there right
40 now to making a motion, I think there's going to be
41 some discussion we're going to need to have about some
42 of that, and then just a question because I'm not sure
43 when this should happen today, I'm kind of lost in
44 where we are a little bit, I know that we have Brian
45 McCaffery here from the Refuge and there's a document,
46 at some point, I want to make part of the record about
47 some of the -- he's representing the in-season manager
48 who can't be here today, about visits the Refuge folks
49 made along the river and some of the findings they
50 made. So at some point I want him to be able to talk

1 about that.

2

3 And I think this will probably come up
4 in part of the public testimony but I'm not sure. I
5 also received last night from Myron Naneng and Sky
6 Starkey, Resolution 15-01, that they did, that I don't
7 know has been before anybody yet, which I think also
8 needs to be part of the record and part of the
9 discussion.

10

11 So I'm just not clear when we do those
12 things.

13

14 CHAIRMAN TOWARAK: Yeah, we're going to
15 -- I've got a better process here -- I'm trying to
16 figure out where we're at along with Mr. Haskett. But
17 we're going to have a summary of the tribal
18 consultations from the native liaison and then we'll
19 ask for the summary of public comments from our
20 regional council coordinators and then we will open the
21 floor for public testimony after that. So, Orville.

22

23 Go ahead, Mr. Haskett.

24

25 MR. HASKETT: So I guess I still would
26 like to, if possible, for Gene to -- he just told me,
27 but to cover for everyone else, just exactly how we're
28 going to cover those two things.

29

30 CHAIRMAN TOWARAK: Go ahead, Gene.

31

32 MR. PELTOLA: Thank you, Mr. Chair. As
33 we go through the discussion about the special actions
34 on the Kusko and also the similar structure on the
35 Yukon later on this morning is that we'll continue on
36 here shortly with a summary of the tribal consultations
37 held by the Federal Program with regard to the four
38 meetings we had, and like I mentioned earlier, St.
39 Mary's, Galena, Ft. Yukon and Aniak. Following up
40 after that, there'll be a summary of public comments.
41 After that we'll open up to floor and public testimony.
42 And then recommendations from Regional Advisory Council
43 Chairs and comments. And then after that we had
44 scheduled the Department to provide comments, and the
45 Chair bumped that up earlier, if they want to make
46 additional comments there's opportunity for that there.
47 Then following that segment we have Committee
48 recommendations and comments from the ISC and the
49 Bureaus just prior to Board discussion, potential Board
50 deliberation or action.

1 So that outlines the following steps
2 here in the next hour or so.

3
4 CHAIRMAN TOWARAK: So we're on the same
5 page.

6
7 Go ahead, Orville.

8
9 MR. LIND: (In Native) Good morning,
10 Mr. Chairman and members of the Board.

11
12 I am honored to be here.

13
14 I would like to say that I am amazed at
15 the task that we were put to have tribal consultations
16 and the public hearings in such a short timeframe and I
17 commend our Federal Program, that we pulled it off and
18 we did get some positive feedback.

19
20 I'm going to go ahead and share, first,
21 the summary of the tribal consultation with Aniak.

22
23 There were representatives from Akiak,
24 Aniak, Chuathbaluk, Lower Kalskag and Kwethluk and they
25 participated in the consultation meeting. Of the five
26 communities attending, four urged the Board to adopt
27 the special action request. Three added support for
28 the OSM recommendation -- recommended modification
29 requiring residents of Bethel to have a Federal permit
30 in order to harvest chinook salmon. Three communities
31 recommended the full season closure through a temporary
32 special action and communities supported both outcomes
33 depending on what was required for the conservation of
34 chinook salmon. One community abstained comment, they
35 had already submitted their special action request and
36 preferred to listen to the discussion. Two communities
37 expressed support for real and meaningful tribal
38 representation in the fisheries management and Federal
39 -- FACA recognized fisheries management process such as
40 the demonstration project for the Kuskokwim River.

41
42 Now, if we're on the same page I'm
43 going to continue to do all the other three summaries;
44 is that correct?

45
46 CHAIRMAN TOWARAK: Yes.

47
48 MR. LIND: Okay. And then we had also
49 a consultation with Galena.

50

1 MR. PELTOLA: Wait, Mr. Chair.....
2
3 (Pause)
4
5 MR. LIND: Mr. Chair. I'm going to go
6 ahead and hold off until we have the discussion after
7 the Yukon fisheries.
8
9 Thank you.
10
11 CHAIRMAN TOWARAK: That covers then,
12 the Kuskokwim tribal consultation process?
13
14 MR. LIND: Yes, Mr. Chair.
15
16 CHAIRMAN TOWARAK: Okay.
17
18 MR. PELTOLA: Then we have the summary
19 of public comments.
20
21 CHAIRMAN TOWARAK: Okay. The next step
22 then will be a summary of the public comments from the
23 regional coordinator.
24
25 MR. JOHNSON: Thank you, Mr. Chair.
26 Members of the Board. Commissioner and State
27 delegates, thank you for joining us this morning. My
28 name is Carl Johnson, I'm the Council Coordination
29 Division Chief for the Office of Subsistence
30 Management.
31
32 You have in your supplemental materials
33 a document entitled Kuskokwim River special action
34 requests public hearing summary. I'm going to provide
35 you the information from that to benefit you in your
36 deliberation.
37
38 A hearing was held in Aniak, which 26
39 people from the public attended and 10 people
40 testified. We generally asked them three questions.
41
42 Should the Board adopt, adopt with
43 modification or reject.
44
45 We inquired as to whether or not the
46 Board should do it through an emergency
47 or temporary special action.
48
49 We also solicited input on allocation
50 strategies.

1 On the first question two people spoke
2 in opposition to the special action request and eight
3 people spoke in favor of either as submitted or with
4 modifications. Modifications that were suggested
5 included modifying the special action request to
6 include the tributaries where weirs are present.
7 Another modification suggested including the entire
8 river, not just Federal public waters. And one person
9 spoke specifically in favor of the OSM modification.
10

11 On the issue of temporary or emergency.
12 Two people spoke in favor of a temporary, one in favor
13 of emergency.
14

15 Regarding allocation, there was support
16 of the village allocation strategy that was utilized
17 last year. Another individual suggested that it should
18 be done in conjunction with tribes. And one person
19 also specifically suggested a limit of 25 to 30 fish
20 per household as part of the allocation strategy.
21

22 Other feedback that was provided
23 including encouragement for the Federal Program to
24 continue to work with State and to consult with tribes
25 prior to any allocation decisions. That there was a
26 need of a unified system of management, not continuing
27 with current dual management strategy. One person
28 noted the action last year allowed people to see
29 chinook salmon at the headwaters where there hadn't
30 been none seen in the recent past. One person spoke in
31 opposition of any commercial openers being allowed on
32 the lower river. And one person also suggested there
33 should be a five to six year moratorium on any chinook
34 salmon fishing followed by staggered closures, starting
35 with the lower river and then opening it up further on.
36

37 And that's what I have for the summary
38 of what we received at the public hearing.
39

40 You also have in your supplemental
41 materials two written comments that have been
42 submitted.
43

44 One by Ivan M. Ivan, the Chief of the
45 Akiak Native Community. He did not specifically speak
46 out in favor of or against the special action request,
47 he's noted that he had concerns about the special
48 action request. And his letter, which is in your
49 supplemental materials, and also includes a few
50 enclosures, focus mostly on the plan for allocation and

1 that there should be, prior to any decisions, fairly
2 thorough consultation on the allocation strategy, and
3 that he also spoke very strongly in favor of the
4 development of the demonstration project for the
5 Kuskokwim River.

6
7 The other written comment we received
8 was from Dan Gillikin, Director of Fisheries for the
9 Kuskokwim Native Association. He explicitly is neutral
10 as to whether or not the special action request should
11 be adopted. His letter focuses primarily on the
12 allocation strategy, if it should be adopted. He has
13 several points and I'll briefly summarize those for
14 you. He noted that only Bethel residents should be
15 required to obtain a permit. He notes that the harvest
16 for communities other than Bethel should be managed
17 using time and area restrictions with the open periods
18 not overlapping with open periods for Bethel
19 permit holders. He noted that Federal managers should
20 adopt the established State's escapement goals. He
21 notes that there should be close collaboration with
22 State managers. He also encouraged the temporary
23 versus emergency special action. And he also believed
24 that the justification in the analysis provided by OSM
25 does not provide sufficient evidence to warrant a sole
26 Federal authority over chum, sockeye and coho salmon
27 fisheries.

28
29 He also notes on the back part of his
30 letter that there are several reasons why this year is
31 different compared to last year, because of the idea
32 that, well, we did this last year so it should be okay
33 this year, he disagrees with that on four points.

34
35 First he notes that there's a higher
36 estimate for the return this year than there was last
37 year. Secondly, it's simply too complex to have a
38 permit system for the whole drainage; it's just not
39 doable. Third, he feels that a Federal -- sole Federal
40 management of the Kuskokwim violates the purpose of the
41 memorandum of understanding with the State and that the
42 Federal government lacks the resources to adequately
43 manage it on its own. And then finally he notes that
44 there should be development of the Federal Advisory
45 Committee Act compliant demonstration project committee
46 before any further Federal action.

47
48 And that is it for public comments on
49 the Kuskokwim special action request.

50

1 Thank you, Mr. Chair.

2

3 CHAIRMAN TOWARAK: Thank you, Carl.

4 Gene.

5

6 MR. PELTOLA: Yeah, Mr. Chair. A
7 couple of things here.

8

9 One is that the written public comments
10 provided to OSM are included in the supplemental
11 packets which are before all the Board members, but
12 also I'd like to point out that with regard to
13 consultation and public meetings there are varying
14 levels of those efforts. We have consultation with
15 regard to OSM, on the record, a recommendation going
16 forth, we have recommendation -- consultation and
17 hearings on the Board's actions and recognizing that it
18 -- with regard to the Yukon Delta National Wildlife
19 Refuge, being the in-season manager, they also
20 conducted meetings throughout the drainage addressing
21 this and similar issues, so if it pleases the Chair and
22 if it's okay with Mr. McCaffery, I'd ask him to come
23 forward and give a summary of those efforts -- outreach
24 efforts in meetings which were held by the Refuge.

25

26 CHAIRMAN TOWARAK: Go ahead.

27

28 MR. MCCAFFERY: Thank you, Mr. Peltola.
29 Good morning, Mr. Chair. Board members. Commissioner
30 Cotten, Director Regnart, Ms. Yuhas. Appreciate this
31 opportunity to share with you what we've been able to
32 accomplish.

33

34 My name is Brian McCaffery. I'm the
35 supervisory wildlife biologist at Yukon Delta Refuge.
36 Last year I was the acting manager so I was the
37 individual to whom you delegated responsibility for
38 managing the chinook fishery, so I have that
39 experience. Our current manager, Neil Lalonde is
40 getting -- I think he's getting married today, which is
41 why he couldn't be here, he's in Hawaii, so.....

42

43 (Laughter)

44

45 MR. MCCAFFERY:I've been asked to
46 be here to present this information to you.

47

48 Perhaps in contrast to some of the
49 other information you've received so far, we've
50 actually gotten quite a bit of evidence that -- along

1 the Kuskokwim that many people are not interested in
2 having an allocation system in place and some have been
3 very explicit about not wanting any kind of allocation.
4 I'd say the primary exception to that is one that Pippa
5 has already alluded to, both in public meetings and in
6 personal discussions, ONC has made it clear that
7 they're interested in some type of allocation in the
8 Bethel area, and have been working to find ways to
9 accomplish that to recognize the most dependent
10 subsistence users in that community. But beyond that,
11 we have found very little support.

12

13 The first evidence for that was last
14 year's social and cultural harvest, where we had 32
15 tribes to which we offered social and cultural harvest
16 permits; 20 of them accepted, ultimately, as mentioned
17 earlier, I believe by George, only four tribes decided
18 to take us up on that offer harvesting a total of 82
19 fish. There were three primary reasons why folks did
20 not take advantage of that. The first one was because
21 the folks up river of the Refuge border, in order to
22 harvest Federal fish, had to come down to the Refuge
23 and for most of them that's quite a hardship because of
24 gas cost and it just wasn't worth it to them.

25

26 Among those tribes who opted not to get
27 a permit the concern they expressed to us was that they
28 were afraid this was the first step towards a regular
29 type of allocation system and they made it clear to us
30 they were not interested in going down that path and
31 were afraid that if they took advantage of this they
32 might get locked into allocations in the future. They
33 didn't want to do that.

34

35 Among those that did get permits, but
36 chose not to use them, that was also one of their
37 explanations, when they thought about it more, that
38 they really didn't want to get involved in allocations.
39 The other one was that they expressed to us it was very
40 challenging for their tribal government to figure out
41 how to distribute that allocation, that limited
42 allocation among their members. They were
43 uncomfortable doing that. And they indicated to us on
44 multiple occasions that that just isn't our way, to
45 divide fish up among users.

46

47 So as a result, as I said, only four of
48 the 32 communities who could have used it took
49 advantage of that.

50

1 Our full time Staff out there in Bethel
2 has made every effort to not only hold our own meetings
3 but attend other public meetings where these issues are
4 discussed over this past winter to get a sense of what
5 community members are thinking. For example, we
6 attended the Board of Fish hearings where they were
7 talking about Tier II and the overwhelming testimony
8 from the public was that people were not interested in
9 Tier II or any kind of allocation system on the
10 Kuskokwim, even the proponent of the Tier II proposal
11 that went to the Board didn't indicate he really wanted
12 to see it but he thought that the Board had a legal
13 requirement to generate at least a model for doing that
14 because we were in a time of limited fish, but he,
15 himself, wasn't a fan of allocation.

16
17 At RAC meetings we heard similar
18 comments.

19
20 At the meetings at the end of March,
21 including the InterAgency meeting and then,
22 particularly the fishermen's forum that was sponsored
23 by Bering Sea Fishermen's Association, there was
24 relatively little support for or even discussion about
25 allocations. We did have several roundtable
26 discussions going simultaneously that were summarized
27 during that fishermen's forum. Allocations were
28 mentioned rarely. The one proposal that somebody did
29 suggest was about either 10 or 20 chinook per household
30 up and down the drainage. That would come to between
31 42,000 and 84,000 fish, which given what we're looking
32 at this year is unsustainable, we believe.

33
34 In addition to those meetings that we
35 attended, we also attended the Kuskokwim River Salmon
36 Management Working Group the day after the fishermen's
37 forum, they had a total of 13 motions that day, none of
38 them dealt with allocations though many of them dealt
39 with the in-season steps that should be taken to manage
40 the fishery. So there was no outpouring of support for
41 allocations there.

42
43 Over the last month we've been doing
44 our own Refuge-specific tribal consultations among many
45 of the villages, we've gotten to about half of the
46 villages so far that are within the Refuge along the
47 Kuskokwim and I'd just like to present to you the
48 results of those so you've got some context for
49 interpreting some of the other information you've
50 heard.

1 We had a tribal consultation in Aniak
2 in March. It was a wide ranging discussion about
3 chinook conservation with the tribal council and they
4 invited other village members to be there as well.
5 Nobody proposed or suggested allocations as a means to
6 promote equitable distribution. They had some other
7 ideas, quite a few of them said we should open the
8 fishery up river until we meet our needs before we even
9 open down river, which would be a radical reversal of
10 how things have gone in the past, but they didn't talk
11 about allocations, they talked about using time, area
12 and gear restrictions to provide a more equitable
13 distribution.

14
15 When we went to Eek, they also were
16 very uncomfortable with an allocation. They didn't
17 formally express that opinion as a tribal council, but
18 the discussion was consistently negative in those
19 discussions.

20
21 When we visited Atmautluak, they
22 definitely didn't want allocations.

23
24 And then we've been able to get to
25 three of the villages that put forward special action
26 requests to the Board. We had a tribal consultation in
27 Lower Kalskag in March. They made no reference to an
28 allocation during our discussions with them except to
29 talk about last year's social and cultural harvest.
30 They were one of the four villages that took advantage
31 of that permit. They successfully caught their permit
32 number of fish and they implemented it in a way that we
33 hoped more tribes would be able to. They had a
34 community potluck to distribute it among members. But
35 that was the only discussion about allocation they had.
36 When we specifically asked them, how would you achieve
37 an equitable distribution, they proposed different
38 types of time, area and gear restrictions. A little
39 bit more creatively than most of us have used before
40 but those were the tools they asked us to use, even
41 though in their special action requests they referred
42 to those as blunt tools. When we asked them how would
43 you do it that's what they offered up.

44
45 When we went to Akiachak, which also
46 proposed a special action request, they explicitly told
47 us that they do not want allocations. And I can't
48 reconcile that with the special action request that was
49 sent forward, but that's what they told us.

50

1 The Village of Napakiak was even more
2 emphatic. They emphatically repudiated the portion of
3 their request asking for an allocation and, in fact,
4 while we were there they passed a resolution formally
5 withdrawing their request to the Federal Subsistence
6 Board for an allocation.

7

8 And then as was just mentioned we also
9 saw the letter from Dan Gillikin from KNA Fisheries
10 Association yesterday in which he indicated that, you
11 know, KNA represents a dozen mid and up river villages,
12 many of which are above the Refuge borders, so we
13 haven't had consultations with them, and as was
14 mentioned, he indicated that KNA is neutral on the
15 special action request.

16

17 So the message that we've been getting
18 when we've been trying to listen to our stakeholders
19 throughout this winter, and even prior to that, last
20 year, is that there is very little support for
21 allocations.

22

23 And so I just wanted to have that
24 opportunity to get that information before you,
25 including a lack of support, at least more recently,
26 from some of those communities that asked for it
27 initially.

28

29 Thank you, Mr. Chairman.

30

31 CHAIRMAN TOWARAK: Thank you. Are
32 there any questions of the Board.

33

34 Go ahead, Mr. Haskett.

35

36 MR. HASKETT: I just wanted to thank
37 Brian, I thought that was an excellent presentation and
38 I very much appreciate all the work that you and other
39 folks on the Refuge do all the time to make sure we're
40 having those kind of visits and talking to people and
41 getting their input.

42

43 As I mentioned before, I believe we
44 have something that covers everything you just did that
45 we could make part of the record as well, if we could
46 give that to you all, we'd like to do that.

47

48 MR. MCCAFFERY: Thank you, Mr. Haskett.
49 Thank you, Mr. Chairman.

50

1 CHAIRMAN TOWARAK: Thank you. With
2 that review -- well, what I'd like to do is declare a
3 15 minute break for everyone so that we.....

4
5 (Laughter)

6
7 CHAIRMAN TOWARAK: And then we will go
8 right into the public hearing after that 15 minute
9 break. So we will reconvene about 20 minutes to 11:00.

10
11 (Off record)

12
13 (On record)

14
15 CHAIRMAN TOWARAK: Thank you. We will
16 reconvene the meeting with our public testimony. We've
17 got people that have filled out cards, and if you'd
18 prefer to testify, we'd ask you to fill the forms out.
19 I think they're in the back somewhere.

20
21 And, Gene, you'll get us going.

22
23 MR. PELTOLA: Okay. First we have
24 Timothy Andrew, Bethel, on Kusk -- right now he has
25 down Yukon-Kusko. We're addressing Kusko issues at
26 this time.

27
28 MR. ANDREW: Good after -- or good
29 morning, Mr. Chair. Timothy Andrew with AVCP Natural
30 Resources.

31
32 AVCP has a total of 33 villages in the
33 Kuskokwim River corridor from the Community of Newtok
34 and soon to be Newertok.....

35
36 (Laughter)

37
38 MR. ANDREW:down to Platinum,
39 Platinum/Goodnews, and as far up the river as Lime
40 Village, leaving four Kuskokwim communities, Upper
41 Kuskokwim communities to the Tanana Chiefs Conference
42 area. And they're very much and largely dependent on
43 salmon of all sorts. Chinook salmon being one of the
44 most important that they depend on, and also the chum
45 salmon, red salmon, the coho, and many of the resident
46 species, including whitefish, lush, pike are the bigger
47 ones, and blackfish amongst others, including sheefish
48 as well.

49
50 And several years ago, in 2012, we had

1 a state of the salmon convention, and at that
2 convention the AVCP delegation, delegates from the
3 villages, of which there was not a -- there was not a
4 quorum at that convention, but, however, in the fall of
5 -- October of 2012, the convention adopted resolutions
6 authorizing AVCP to start the work in developing inter-
7 tribal fisheries commissions for both Yukon/Kuskokwim
8 Rivers. So we have wholeheartedly moved in that
9 direction, and the Kuskokwim Inter-tribal Fisheries
10 Council is developing extremely fast. We fully support
11 the development of the Inter-tribal Fisheries
12 Commission. In fact, it should be a management body
13 that should be very much involved in this process,
14 including with the State of Alaska, and with the
15 Federal management system as well.

16
17 We fully staff the organization. We
18 try to coordinate with the Yukon River Intertribal
19 Fisheries Council as much as possible, along with other
20 Native American inter-tribal fisheries commissions as
21 well. And hopefully we will move forward and try to
22 provide for a more meaningful management system,
23 management structure that involves the stakeholders,
24 the people that have the longest historical data, which
25 is the State of Alaska, and also the Federal management
26 systems as well to try and improve communications, the
27 collaboration all for one thing, primarily to ensure
28 that our stakeholders, our children, our great
29 grandchildren enjoy the same opportunity that we enjoy
30 today as subsistence fishermen.

31
32 So we fully support the Kuskokwim River
33 special action request. We encourage the Federal
34 management system where the Federal management system
35 is involved, and the State management system as well,
36 to incorporate the Kuskokwim Inter-Tribal Fisheries
37 Commissions in all matters, in planning, in allocation
38 issues. I know allocation was something that was hotly
39 debated, or is a pretty hot issue as various Staff with
40 the Federal management system alluded to. But I think
41 with the involvement of the Inter-Tribal Fisheries
42 Commissions, these are stakeholders from our villages
43 from the Upper Kuskokwim to the middle part to the
44 lower part of the Kuskokwim River. And this is 32
45 villages that are going to be participating. And
46 according to the 2010 census, over 90 percent of the
47 people residing in those communities are Alaska Native
48 or Native
49 American. And it could be higher, especially when the
50 classification counts two or more races that they may

1 indicate. That's on the Aniak I believe were the
2 lowest ones in the Koyukon census. I think that was
3 like 65 percent, but still a pretty good majority.

4
5 So whenever you talk about stakeholders
6 in the Kuskokwim River corridor, it's primarily Alaska
7 Natives. And also when you talk about rural residents,
8 it's primarily Alaska Natives. And when you talk
9 about, you know, the people, if they are to come up
10 under Tier II, they are primarily Alaska Natives. We
11 all serve the same people in whatever capacity we hold.
12 Myself as director of Natural Resources for AVCP, your
13 Staff, you the Federal Subsistence Board, the Board of
14 Fisheries and the State system as well. And there
15 should be no reason why, that we should be working
16 together to conserve, to preserve, and move forward
17 this valuable resource that we have -- or the resources
18 that we have on our lands and waters.

19
20 And primarily think about the future
21 escapement for the future generations that will benefit
22 from this cooperative effort, and we really look
23 forward to being part of that.

24
25 But in the end, we do fully support on
26 the Kuskokwim River the Inter-Tribal -- or the special
27 action requests that were submitted.

28
29 And when we get to the Yukon River I
30 have another comment to make at that time, and I'll
31 reserve that for that time.

32
33 And that concludes my testimony, Mr.
34 Chair.

35
36 CHAIRMAN TOWARAK: Thank you, Mr.
37 Andrew. Does anybody have any question for Mr. Andrew.

38
39 (No comments)

40
41 CHAIRMAN TOWARAK: Thank you for your
42 testimony.

43
44 MR. PELTOLA: Okay. Mr. Chair. Next
45 we have William Bill Bechtal on Kusko issue.

46
47 MR. BECHTAL: Mr. Chairman. Board
48 members. Thank you very much for this opportunity to
49 speak before you.

50

1 This is a new venue for me. For those
2 of you who I have not met, I spent 25 years with the
3 Alaska Department of Fish and Game, left that, went to
4 the university to improve my analytical skills. I'm an
5 affiliate professor with the University of Alaska-
6 Fairbanks right now. I spent 10 years working on
7 groundfish stock assessments and over-fishing limits
8 for the North Pacific Fishery Management Council in the
9 Gulf of Alaska. I'm currently in the eighth year of
10 working on the crab plan team, doing the same for crab
11 stocks in the Bering Sea/Aleutian Islands.

12
13 I actually, not really having presented
14 at this body before and not really in the work session,
15 I do have a PowerPoint that is in your packet I handed
16 out.

17
18 MR. PELTOLA: Excuse me. Mr. Chair.
19 What Mr. Bechtal's referring to is the handout that was
20 forwarded on to you about 30, 40 minutes ago.

21
22 MR. BECHTAL: Titled Uncertainty and
23 Risk in Kuskokwim River Chinook Salmon. Okay. And
24 I'll try and refer to the slides so we're all on the
25 same page.

26
27 My purpose today is to address some of
28 the uncertainty issues associated with the Kuskokwim
29 Chinook runs, in particular the stock assessment and
30 the implementation of management strategies. On the
31 second page you see some of my concerns.

32
33 As you're aware, over the past four
34 decades, 2010, '11, -- or 2010, '12, and '13 had the
35 lowest returns on record for the Kuskokwim stocks.
36 This is based on a run reconstruction. 2011 to '14 had
37 the lowest harvest.

38
39 An in particular I would draw your
40 attention to the low returns in 1986 and 2000, which
41 were followed by increases the next year of 64,000 and
42 87,000 fish. And we have not see that in the recent
43 history in the last few years for the Kuskokwim.

44
45 Lack of rapid recovery does suggest
46 continued conservation measures are needed. It is not
47 clear that a subsistence fishery open directed, managed
48 for effort and not for harvest will provide adequate
49 control to ensure escapement of at least the lower end
50 of the escapement goal, which is the target.

1 If we go onto the next page on salmon
2 management in Alaska, the purpose by priority is to
3 ensure an adequate number of spawners to maintain
4 productivity, to provide for customary and traditional
5 harvest, and then to provide for commercial and sport
6 harvest. Management goals can be formal or informal,
7 such as the amount necessary for subsistence that's
8 developed by the Alaska Board of Fisheries, escapement
9 goals that are developed by Alaska Department of Fish
10 and Game, and other goals or management criteria such
11 as are put forward by this and other boards.

12
13 One thing I would say, that in other
14 areas of the State management plans can be extremely
15 prescriptive. If the forecast is at a given particular
16 level, then there are specific regulations that guide
17 how that fishery will be managed. And it's much looser
18 here on the Kuskokwim.

19
20 So harvests in general are managed with
21 incomplete knowledge. Basically we go into the season,
22 we have a pre-season forecast, we have indices in the
23 case of the Kuskokwim Chinook, we have catch per unit
24 effort, and basically the Bethel test fishery. That's
25 pretty much what we have downriver.

26
27 There's also a large dependence on
28 management team experience, and I mention the team,
29 because it really is a team. It's ADF&G, it's the
30 Federal managers working together along with the
31 stakeholders, but it's primarily the teams and their
32 previous experience.

33
34 And so where we are now is pretty much
35 in a new realm. We haven't been here before. We're
36 gradually finding our way.

37
38 On the next page it shows you a general
39 overview of the assessment/management cycle, starting
40 with the forecast, going into the pre-season strategy
41 based on what we assume is the forecast, going into the
42 in-season management strategy. That's actually the
43 implementation of what we've decided in terms of a
44 mechanism to harvest. And then post-season evaluation.
45 And with the post-season evaluation, we wrap it back
46 into the forecast. So there's uncertainty in all of
47 this. We do the best we can. We don't have perfect
48 knowledge again.

49
50 So on the next slide, titled

1 Uncertainty, we really ask a question, how well can we
2 manage the resource, or actually we're talking about
3 managing the harvest of the resource. And I want to
4 address uncertainty which may be expressed maybe as
5 doubt versus confidence, or comfort. And so when you
6 hear statistical numbers, it's often expressed as
7 confidence in terms of how confident you are in the
8 point estimate of that bound.

9

10 But the real bottom line here is what
11 is the risk of being wrong. And so if we're talking
12 about under-harvesting the stock at some point, under-
13 harvesting some part of the run, we're going to forego
14 some harvest. We may end up with a slightly upper end
15 of escapement of our target.

16

17 But if we look at over-harvesting, then
18 we potentially put the stock at risk. And this is
19 especially an issue when the stock's at low sizes now
20 like we have on the Kuskokwim.

21

22 So going on to the next page,
23 Uncertainty in Estimates. So I did want to briefly
24 mention there's uncertainty in sampling, in the models.
25 So the harvest, the escapements, the returns, and the
26 forecast, these are all uncertain estimates. As you
27 can see on the targets on your picture, the accuracy
28 may be expressed as how close to the true estimate is
29 our estimate of what's happening. How close to
30 reality.

31

32 And so on the left, the target there,
33 we actually have something, the shots are all over the
34 board on the target. But it's actually quite accurate,
35 because if you take the average of all those shots,
36 you're going to end up right in the very center of the
37 target.

38

39 The other alternative that we'll want
40 to look at is precision, which is how repeatable is the
41 estimate. So if we change say some of the inputs data
42 slightly, will we still get the same estimate, or how
43 close to the estimate of what we think may be returning
44 in terms of the forecast, or what we think actually
45 came back. So that can be an expression of precision.
46 In reality, we'd love to be both accurate and
47 precision, but in natural resource management it really
48 doesn't happen.

49

50 If you go on to the next page,

1 Uncertainty in the Estimates, this is the point
2 estimates for the run reconstruction going back to 1976
3 through 2014. In addition, I have error bars on there.
4 So a good way to think of this is with the -- the point
5 estimate is what we think is really going to happen,
6 but if we look at the error bars, with 95 percent
7 probability, we think the true estimate is going to be
8 some place within the error bars.

9
10 So one of the things I would point out
11 is that the error bars in general are larger on the
12 upper end of the point estimate than they are in the
13 lower end, so that's basically saying we are less
14 certain on the upper end of what the confidence bound
15 will be, the 95 percent confidence bound. The other
16 thing I would point out is that in general for the
17 larger estimates that you have in here, you have less
18 confidence in where the exact middle point is, where
19 the true value is.

20
21 So if you compare say back in the late
22 70s, early 80s, where there were fairly large
23 estimates, you have really large error bars there. You
24 compare it to the recent four years, five years, you
25 have relatively small error bars, and that's expected
26 with the sampling designs and what we end up with
27 statistically.

28
29 If you look at 2014, however, compare
30 it to the previous four years, you see actually rather
31 large error bars. And so that expresses that in 2014
32 we actually have a little larger uncertainty than in
33 the previous four years.

34
35 Another way to look at this, and this
36 goes on to the next page, so if you take that
37 uncertainty expressed as error bars, that's an
38 expression of the deviation. You can standardize that
39 for the larger and smaller values by dividing by the
40 point estimate. So that takes to -- on the -- what's
41 you're seeing on the next slide is a coefficient of
42 variation, or the CV. So that's basically again
43 standardizing and scaling by the actual estimate.

44
45 One thing I would point out here is if
46 you look at 2014, it has the largest coefficient of
47 variation of anything going back in the entire time
48 series. So this again is taking that deviation, that
49 estimate error, and dividing it by the mean. So we
50 have the largest CV last year than we have going back

1 to 1976.

2

3 So going on to the next slide, it shows
4 the escapement. And you can see the upper goal and the
5 lower goal on the escapement. And you see that in
6 1986, it's marked in red, but, in fact, the escapement
7 goal as presented here was not adopted until 2013.

8

9 So if you go on to the next page, you
10 actually see what you should be looking at in terms of
11 the escapement goal. So basically we have two years of
12 data, and again keeping in mind that this -- we're kind
13 of in a new realm here in terms of where we've been
14 before, so we're still trying to find out way. This
15 escapement goal riverwide is something that's extremely
16 new. It was just developed, so we're still learning
17 our way as we go along.

18

19 If you look at the escapement goal, you
20 do see again, as I mentioned before, in 1986 there was
21 a relatively rapid recovery the next year. 2000, there
22 was a rapid relatively recovery the next year. But in
23 2010 through 2014 we've actually remained relatively
24 low. So it's been an extended recovery period.

25

26 Going on to the next one, the next
27 slide shows the weirs. And you heard this mentioned
28 earlier. On the George River, the Kogrugluk River and
29 the Kwethluk River, we have defined escapement goals at
30 this point. The Tuluksak, we no longer apply that
31 escapement goal. In the Tatlawiksuk, we don't have a
32 goal. But I am showing you here both the long-term
33 average for 20 -- or 2001 to 2010, combined where they
34 are set up, the upper and lower escapement goals. And
35 you see as was mentioned before that on two of these
36 three systems, we have not met -- we did not meet our
37 escapement goal last year. On the other two systems
38 where we don't have a goal at this point, one system,
39 the Tuluksak, came in well -- the Tuluksak came in very
40 low. So it's kind of a marginal result here.

41

42 And one thing I guess I would mention
43 along with this is the weirs are thought of as having
44 better estimates of escapement compared to say aerial
45 surveys. Aerial surveys are an index, they're scaled.
46 The weir, you're actually counting the fish, and
47 there's certainly problems and uncertainty that go with
48 that, because you could have wash-outs, for instance.
49 But anyway, I just point that out.

50

1 The next slide shows uncertainty in
2 management, and I have added harvest on top of the
3 escapement. And I'd point out in 2014 we had a -- we
4 did not have a directed fishery in 2014, and yet we
5 still took 11,800 fish. And certainly there's
6 mechanisms in place to potentially change that, but I
7 find it quite surprising that we took that many fish
8 without a directed fishery.

9
10 Looking at the harvest, if you go on to
11 the next slide, you have the return, and this is the
12 total return of escapement plus the harvest against the
13 harvest rate. And I think also as shown probably on
14 the previous slide that the harvest has been, if you
15 look over time, it's actually fairly stable compared to
16 escapements and the total return, and that's because
17 people need what they need. So they're going to take
18 within reason, you know, what they need for their
19 customary and traditional use. I think that shows up
20 here somewhat on the harvest rate in the sense of when
21 the stock is really high, we've had a low harvest rate;
22 when the stock is really low, we've had a high harvest
23 rate.

24
25 But if you look at the points I've
26 identified in 2010, 2011, and 2013, we have extremely
27 high harvest rates there. Fifty percent in 2013, 56
28 percent in 2010. I think part of this had to do with
29 the uncertainty of what the forecast was and what the
30 return was actually going to be, and part of the
31 difficulty of managing within the Kuskokwim where you
32 don't have real solid indices of what the return's
33 going to be.

34
35 So taking this on to the next slide,
36 and I title this Creating a Manageable Fishery, and
37 again this has to do with uncertainty in the
38 implementation. It shows you the range for the
39 escapement goal of 65,000 to 120,000. It also shows
40 you the range for the amount necessary for subsistence
41 of 67,200 to 109,800. And this is just for Chinook.
42 And these determinations were made in 2013.

43
44 So if you go on to the next slide, I'm
45 actually tacked on the lower bound of both the amount
46 needed for subsistence and the amount needed for
47 escapement. And then to the right side of that I've
48 shown the forecast with the upper and lower bound of
49 what is expected on the forecast. If we come in at the
50 mid point of the forecast, actually we should do fairly

1 well. If we come in at the lower bound, then there's a
2 question as to what we should take for the harvest --
3 what we should deem as the harvestable surplus. We've
4 only got about 30,000 fish to deal with to get to the
5 lower bound. And I put it in this light, because
6 that's basically the way the regulations are specified.
7 Your priority first is to provide for escapement, and
8 then to provide for ANS.

9
10 But if you go to the next slide, I've
11 reversed these, and I put the ANS on the bottom, and
12 that's actually the way management is really
13 implemented, because management decisions have to be
14 made downriver well before you achieve your escapement.
15 And, in fact, the run reconstruction itself is made
16 post-season as more of a how well did we do in this
17 fishery. And so it's the run reconstruction that's
18 used to estimate the riverwide that's compiled later
19 on, well after the season has occurred.

20
21 So I think this causes some uncertainty
22 in -- so following up with the next slide, I guess I'd
23 ask how manageable is the fishery, and again pointing
24 out that in 2014 we took 11,800 fish without having a
25 directed fishery. Now, there are some tools that have
26 been brought on that can reduce the effectiveness of
27 the fishing gear, such as changing the length of the
28 nets, changing where the nets are allowed to fish. But
29 I also know that, you know, we've seen it in the past
30 that if there is an opening, that harvesters can be
31 effective at targeting Chinook with gear, and I'm
32 concerned that if we have a limited opening, that
33 you're going to have a huge amount of effort. In our
34 historical data if you will, our historical experience,
35 looking at the openings we've had early in the year,
36 maybe it wasn't everybody fishing at the time that
37 we're basing our catch per unit effort on to
38 extrapolate this in terms of what we might expect. And
39 I think that if it's known that you're going to have a
40 limited opening, but again you're going to have a huge
41 amount of effort out there.

42
43 The other thing I'd point out is the
44 main run indicator at this point is the Bethel test
45 fishery. And as was -- as also you heard before, we
46 don't really have a time series to base our experience
47 on without a directed fishery in the early part of the
48 season, so that's an uncertainty on how well that can
49 be applied. We're again getting better, but it's
50 uncertain.

1 And so with that, I would ask if you
2 have any questions that I could offer.

3
4 CHAIRMAN TOWARAK: Thank you. Are
5 there any questions of Mr. Bechtal. Go ahead.

6
7 MR. FROST: So on your -- on slide No.
8 11 on your weir counts, you're saying the weir counts
9 are more precise than the averaging; is that correct?

10
11 MR. BECHTAL: Mr. Chairman. Mr. Frost.

12
13 The weir counts are considered more
14 precise, because you're actually going in and blocking
15 off an entire system, and so you're counting the fish
16 through a weir.

17
18 The other main input of escapement is
19 the aerial survey. And so basically a pilot is flying
20 over the stream system. They're trying to catch that
21 at the peak of the run, and so there's historically
22 when the run timing has been, so they're trying to
23 catch that. There's a lot of variability in that every
24 year. If they happen to fly -- and actually I did put
25 in -- I believe they showed up two slides at the very
26 end that show the aerial survey counts. I believe they
27 showed up. So you can see what those are like. In
28 some years you don't -- you simply can't get the aerial
29 survey, because you go to fly that system, it's bad
30 weather. You've had rain that's made the river -- made
31 it difficult to view the fish in the river.

32
33 MR. FROST: So those are the only two
34 measures of escapement that we have are the weir.....

35
36 MR. BECHTAL: That is it. And then the
37 run reconstruction basically compiles all of the
38 available data, so the reconstruction looks at, for
39 instance -- ties in information from the Bethel test
40 fishery, it ties in the weir data, it ties in the
41 aerial survey data, it ties in the harvest, and it
42 tries to come up with a best estimate based on all
43 these data inputs.

44
45 CHAIRMAN TOWARAK: Any further
46 questions.

47
48 (No comments)

49
50 CHAIRMAN TOWARAK: Thank you for your

1 presentation.

2

3 MR. PELTOLA: Okay. Mr. Chair. Next
4 up we have Mike Williams.

5

6 MR. WILLIAMS: Good morning, Chairman
7 Towarak and the rest of the Federal Subsistence Board.
8 My name's Mike Williams. I'm from Akiak Native
9 Community. I've been serving on the tribal council for
10 about 40 years, and also a life-long subsistence hunter
11 and fisherman, and I've been fishing the Kuskokwim
12 River since I was born, and living at fish camps every
13 summer, and taught by my grandfather and grandmother
14 and father and mother, and uncles and aunts. So I have
15 that experience of observing our way of life out there
16 for the last 62 years. It's been quite a while.

17

18 But I've been also serving on the
19 Kuskokwim River Management Group for a long time, over
20 10 years, when my uncle, Joe Nomack, the traditional
21 chief was not healthy enough to serve any more on the
22 Kuskokwim River Management Working Group. So he
23 directed me to be on that, so who can argue with an
24 uncle that directed me. And I think, you know, with
25 that I honored his direction. So it's been very
26 interesting to serve on that, because all of the data,
27 all of the numbers that have been provided every year,
28 I've been involved in looking at that data, and also
29 the comments from my -- from our tribal members and our
30 community members on how they are doing it, and how I'm
31 doing it, and advising the State biologist on what he
32 can do to open or close the fishery. So I've been
33 involved with that.

34

35 And recent times, you know, with the
36 issue of Chinook, and it has been a transition from
37 fishing as early as possible, and directed before the
38 rainy season hits us, and we were taught growing up to
39 get that first pulse to make sure that you catch the
40 drying season. And then, you know, it seems to me that
41 the second pulse seems to be the males and the females,
42 and those females are bigger. And the third pulse
43 seems to be after the 20th of June or somewhere around
44 there, those bigger females seem to be -- you know,
45 we've historically have been catching them.

46

47 But I think the first part of the
48 season, you know, we've been instructed to get what we
49 need to survive for the winter, and then to back off
50 and let a lot of those other kings that are mixed to go

1 through, and then we wait for the chums. And we hit
2 the first chums for dog food and for sustaining our
3 summer. And we get the reds and then that's -- we get
4 what we need. And right before the rainy season starts
5 in July, we try to process that, all of our dried fish.

6
7 And in recent times, in the last couple
8 of years, we've been experiencing closures, especially
9 last year, up until June 25th, and, you know, we
10 basically lived on whitefish and whatever we can, you
11 know, those smaller kings, those jacks that are
12 incidentally caught, and we were not targeting those.
13 But after that opener for chum, we had a small window
14 of opportunity to dry our chum last year. And then the
15 rainy season hit, and we didn't have enough opportunity
16 to get what we need. And I think, you know, what we
17 needed was not adequate. I, for one, fishing for four
18 families. We ran out already. And many of the
19 families are suffering in the Kuskokwim River, but
20 thank God to the pike and the whitefish that showed up
21 early, we've been fishing like had to dry our pike and
22 our whitefish in recent times, and thank God for that
23 other species to sustain us until the salmon hit.

24
25 We've been also thinking about the --
26 you know, we know that in territorial days, the Federal
27 Government was managing the fishery. Then after
28 statehood, then the State of Alaska became involved in
29 managing our fishery in the river. Historically, you
30 know, before that we managed that resource for over
31 10,000 years, and lived -- and made sure that our
32 habitat and that we had enough to survive the harsh
33 winters, and that was our only staple fish, besides
34 moose and other.

35
36 But in the managements by the Federal
37 and State Government, you know, we've lived with that
38 for quite a while, and becoming involved in advisory
39 capacities both in the Federal system and the State
40 system, which I've been involved, and it just really
41 been somewhat, you know, advising the professionals or
42 the managers to give them advice to open or close. But
43 that has been the case.

44
45 And we began looking at the other parts
46 of the United States, specifically the Northwest tribes
47 and when -- after the Bolt decision in the State of
48 Washington with Billy Frank, we observed what they did
49 and how the courts forced the management to take place
50 in a treaty fishery.

1 Again, the State, the Feds have done a
2 lot and with all the resources being spent, especially
3 the State, in recent times, and I've observed that.
4 And the missing link it seems to me has been the tribal
5 governments and the stakeholders in the villages to
6 have meaningful input.

7
8 And we started to have the meetings,
9 because of the concern for the Chinook, and we were hit
10 by that, and our lives are being impacted by that.
11 And, you know, we've had impacts on chum crash before,
12 and we felt it, and we've lived through those times,
13 but I think right now we've been having tribal forums.
14 Last year and the year before that, everybody knows
15 about what the Kuskokwim River did in terms of after
16 seven days of closure, then when they extended that,
17 people were hungry after the long winter, that they
18 went down fishing, and that was an unfortunate
19 situation that the people got into in 2012.

20
21 But anyway, from there we started the
22 involvement of the tribes and also looking at the RAC
23 systems and also the State -- the Kuskokwim River
24 Management Group. But in recent times with the state
25 of the salmon, which Tim Andrew alluded to, we had a
26 salmon summit in Bethel a few years ago, and passed a
27 resolution to start addressing the Yukon River, the
28 Kuskokwim River, because we know what Norton Sound is
29 experiencing as well, and we heard about those. But
30 with those directions, we started in our tribal forums
31 to invite folks from the Northwest Indian Fish
32 Commission and other fish commissions to come and see
33 what they did in terms of how they got into management
34 of their resource. And it has been going on for 40
35 years.

36
37 But in recent times I attended the
38 meeting in the Yukon River last couple of weeks ago in
39 Tanana, and they officially -- the tribes there
40 officially established the Yukon River Fish Commission.
41 And our 32 tribes are going to be meeting on May 5th
42 and 6th in Bethel to formally establish the fish
43 commission.

44
45 But I think I'll go back to Akiak's
46 special action request. Akiak stands by that. And we
47 ask the Federal Subsistence Board honor that.

48
49 And we also had heard from Deputy
50 Secretary Michael Connor during AFN last year, and we

1 were very excited and there was hope lighten up in
2 front of us when he announced that we're going to have
3 a meaningful role in in-season management of our salmon
4 stocks, or our salmon in the Kuskokwim River. And that
5 was the hope that was given to us by the Deputy
6 Secretary, and he reiterated that in the winter meeting
7 with the National Conference of American Indians, and
8 we got that message from him.

9

10 But the meeting -- we just got through
11 meeting with the steering committee of the Kuskokwim
12 River. We just concluded yesterday, and we came up
13 with a resolution, 15-01, which I'm going to read to
14 you, of our action yesterday as a steering committee.
15 And I'll read this and conclude my remarks. Mr.
16 Chairman.

17

18 The resolution of the Kuskokwim River
19 Inter-Tribal Fish Commission steering committee for the
20 Federal management of the 2014 Kuskokwim Chinook
21 fishery.

22

23 Whereas the Federally-recognized tribes
24 of the Yukon -- I mean, Kuskokwim River drainage are
25 fully committed to establishment of the Kuskokwim River
26 Inter-Tribal Fish Commission in order to conserve,
27 rebuild, sustain salmon and other Kuskokwim fish stocks
28 to provide for uses of fish for our tribal members, our
29 future generations, and our way of life; and

30

31 Whereas the tribes throughout the
32 Commission are fully committed to meaningfully tribal
33 -- meaningful tribal co-management of Kuskokwim salmon
34 fisheries with Federal and State agencies; and

35

36 Whereas the steering committee for the
37 Commission is composed of representatives selected by
38 tribes throughout the drainage, and is charged with
39 making recommendations on formally establishing the
40 Commission, the development of a 2015 tribal fishery
41 management plan, and taking interim actions for the
42 Commission; and

43

44 Whereas the five tribes representing
45 the length of the Kuskokwim drainage have submitted
46 special action requests to the Federal Subsistence
47 Board asking for Federal management of the Kuskokwim
48 River salmon fisheries; and

49

50 Whereas the Federal Subsistence Board

1 and the Fish and Wildlife Service have a trust
2 responsibility to the Kuskokwim tribes and is required
3 to engage with tribes on a government-to-government
4 basis, including meaningful pre-season and in-season
5 consultation about how the Kuskokwim subsistence salmon
6 fisheries should be managed; and
7

8 Whereas the Department of the Interior
9 has committed to implementing a demonstration project
10 for the Kuskokwim River for the 2016 season that will
11 incorporate the Kuskokwim tribes into co-management
12 with Federal management agencies for Kuskokwim fish
13 stocks; and
14

15 Whereas a unified tribal/State/Federal
16 co-management system where all parties bring their
17 knowledge and resources to the table is best and only
18 effective way to achieve the goals of conservation,
19 rebuilding, and customary and traditional tribal uses
20 of the Kuskokwim salmon; and
21

22 Whereas steering committee members have
23 met with Federal and State agencies, and the Kuskokwim
24 Working Group members regarding the proposed 2015
25 salmon management for the Kuskokwim, and have heard
26 recommendations for and against the proposed special
27 action requests and developed the following
28 recommendation for action by the Federal Subsistence
29 Board;
30

31 Whereas the 32 Kuskokwim tribes on the
32 Kuskokwim drainage will meet on May 5 and 6 in Bethel
33 to address, among other issues, a formal ratification
34 of the Commission of 2015 tribal Kuskokwim management
35 plan, and an interim plan for tribal involvement with
36 Federal and State agencies in 2015 salmon management;
37 and
38

39 Whereas the steering committee is
40 recommending that at the May meeting the 32 tribes
41 identify three members, one from the lower, middle and
42 upper Kuskokwim, who will represent the Commission
43 during the in-season tribal consultations with
44 Kuskokwim Federal and State managers, and that a
45 biologist with experience on the Kuskokwim be retained
46 to provide capacity to the tribes to engage in the in-
47 season management consultations;
48

49 Now therefore be it resolved that the
50 steering committee strongly recommends the Federal

1 Subsistence Board adopt a modified SAR as follows:

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No. 1. Federal public waters of the Kuskokwim River drainage shall be closed to the harvest of Chinook salmon except by Federally-qualified subsistence users in 32 villages identified in the OSM .804 analysis; and

2. Delegate in-season management authority to the local Federal manager, consult with the Commission, and to determine whether a Chinook harvest can occur, and when and how it should be implemented, including how any harvest should be allocated among 32 eligible villages; and

3. Delegate authority to the local Federal manager after consultation with the Commission representatives to jointly manage with the State all management stocks to ensure the conservation, rebuilding, and customary and traditional tribal uses of the Chinook stocks; and

4. The local Federal manager shall engage in meaningful tribal consultation with those three representatives identified by the Commission regarding all in-season salmon management actions, and shall consult with the Commission as frequently as possible, and no less than once a week; and

5. The local Federal manager shall provide for cultural, social and other customary and traditional tribal uses of the Kuskokwim villages to the fullest degree possible, understanding the need for conserving and rebuilding the Chinook stocks, and shall work with the tribes to implement these fisheries; and

6. State managers and a representative of the Kuskokwim River Salmon

1 management working group shall be
2 encouraged to participate in all
3 Federal/Commission consultations in
4 order to develop a unified management
5 plan for the Chinook and other salmon
6 in 2015.

7
8 Further be it resolved that the Federal
9 agencies clearly understand that this form of
10 management and tribal consultation for 2015 salmon
11 management does not reflect the Commission's position
12 or provide a model for the structure or process for
13 Department of Interior tribal/Federal co-management
14 demonstration project. The Kuskokwim tribes are
15 committed to be engaged in real co-management of the
16 Kuskokwim River fisheries. This compromise for the
17 2015 season is made given the need to do something this
18 season that will advance the conservation and
19 management of the Kuskokwim salmon stocks until 2016
20 when tribal/Federal co-management will be implemented.

21
22 And it was adopted yesterday and signed
23 by myself as a co-chair for the steering committee,
24 also by Bob Aloysius who is the other co-chair of the
25 Commission.

26
27 And that is my testimony, Mr. Chairman.
28 And I will try to answer any questions that you may
29 have. And I'll answer them in Yup'ik.

30
31 (Laughter)

32
33 CHAIRMAN TOWARAK: And I'll interpret
34 it.

35
36 (Laughter)

37
38 MR. WILLIAMS: Thank you. Mr.
39 Chairman.

40
41 CHAIRMAN TOWARAK: If you could give
42 our secretary a copy of your resolution.

43
44 Are there any further questions. Go
45 ahead, Mr. Haskett.

46
47 MR. HASKETT: Thank you for your really
48 good words. I got this last night for the first time.
49 Myron Naneng sent me a copy of it. And I was having a
50 fairly short discussion earlier with Sky about this.

1 And I don't think probably the other Board members have
2 had a chance to see this yet.

3
4 Some of the things that are in here are
5 things that we're deliberating today as decisions this
6 Board will make. I'd like to say that I'm 90 percent
7 there with what's in here. And I know there's been
8 more discussion, but there are things in here that
9 calls for things that we'll deliberate today that's
10 kind of been adopted in here already. And I'm still
11 thinking about how we do that. So I guess what I'd
12 like to say is I think this is a really good document.

13
14 I do have questions about some of the
15 Federal/State/ tribal parts covered in here that I need
16 some time to think about, and I need -- I don't know if
17 the State has seen this yet or not or had -- so they're
18 saying, no, they haven't.

19
20 So one of the things I also know, Mr.
21 Williams, that you sent us a letter recently, too,
22 where you recognize that we may need more time to take
23 a look at some of these, what's in here. So I know
24 we're going to have discussion about this, but very
25 respectfully, like what I want to say is that there's a
26 lot of really, really good thoughts. I agree with 90
27 percent of the resolution, but the devil's always in
28 the details, and there are things that I think we'll
29 have to talk about and will be part of deliberations
30 today.

31
32 MR. WILLIAMS: Yeah. Quyana.

33
34 (In Yup'ik)

35
36 (Laughter)

37
38 MR. WILLIAMS: But I really
39 appreciate.....

40
41 CHAIRMAN TOWARAK: He said, thanks.

42
43 (Laughter)

44
45 MR. HASKETT: I knew that.

46
47 (Laughter)

48
49 MR. WILLIAMS: And I think, you know,
50 with the elders, and we held -- the Yup'ik Nation

1 members had tribal forums last year. We had elders, we
2 had Federal managers there and State managers there
3 with our deliberations, along with Northwest Indian
4 Fish Commission members that we invited that willingly
5 came up on their own. And we had these ongoing
6 discussions all early last year in the spring and went
7 into the summer.

8

9 And we're -- as much as we want to, you
10 know, the people were hurting in terms of trying to put
11 fish on the racks to survive for the winter, but it was
12 tough. And people agreed with that closure and honored
13 those restrictions that were put in place, knowing that
14 we are going to barely make it due to the weather and
15 to -- people were just getting restless. And I just
16 really appreciate your comments in terms of, you know,
17 we put a lot of thought into all of those words that
18 were written into it. And I know that one word will
19 make a big difference. And it makes a huge difference.

20

21 But again I just really appreciate
22 those comments, and I know that as tribes and as the
23 traditional science and knowledge that our people have,
24 we're willing to share that to make sure that -- when
25 we got involved with the moose population in terms of
26 that management of the moose, when the migratory birds
27 were in question, our tribes and our people got
28 involved in the management, and they're healthy right
29 now. And we're hoping to have the same result, and
30 we're all in this together, the Federal, the State and
31 the tribes. And it's about time to change that climate
32 around here.

33

34 Thank you.

35

36 CHAIRMAN TOWARAK: Go ahead.

37

38 MR. HASKETT: So the other thing I
39 wanted to comment on is you mentioned that Deputy
40 Secretary Mike Connor's announcement about working on a
41 demonstration project. And I know later on today we'll
42 be doing a presentation on where we are on that. And
43 I'll tell you ahead of time, I know it's not going to
44 go as far as people want yet. We've already had
45 discussions about concerns people have. But it's not
46 done. I mean, it's still a document, we're trying to
47 figure out what we can do administratively without
48 legislation.

49

50 And so my promise is that we'll

1 continue to work and make sure that people do get
2 enough of a voice on that. We really are scrambling to
3 try and put something together that we can actually
4 implement in 2016.

5
6 And I know your letter also talked
7 about how but we should have some interim steps in 2015
8 to go ahead and implement what we can, and I think
9 that's very, very important, and I agree.

10
11 And again something in this document
12 that I think is going to be really important for us is
13 that -- because we have not done a good enough job in
14 the past making sure that we had true coordination with
15 the people who live on the river, and I think you can
16 see just by the presence of how many folks there are
17 and the level of people here from the State, I think
18 it's really, really important that whenever we put
19 these together, it needs to say tribes, State, Federal,
20 that those three groups, the Federal users on the
21 river, need to be working together to come up with
22 something that's going to work. And we don't have all
23 the answers yet, but I think we're all equally
24 committed to making sure that we get there.

25
26 So again I think you for your
27 presentation, and just some thoughts from me.

28
29 MR. WILLIAMS: Yeah. On the Kuskokwim
30 River, Mr. Chairman, I think it's doable. You know, we
31 have -- you know, I think Yukon is a lot more
32 complicated because of the Canada. But in the
33 Kuskokwim River, I think the tribes and the
34 stakeholders there are ready to help in true co-
35 management efforts. And we're all here in it together,
36 and for the best interest of our people living at home,
37 and also best interest of our salmon, that we need for
38 future uses. And, you know, we're all in it together,
39 and if we do that, then we have more hope in the
40 survival of our stocks.

41
42 And when I heard the news the other day
43 about a person in Teller not being able to catch that
44 Chinook that he's always caught, that he hasn't caught,
45 not even one, Joe Garney made that -- Joe Garney, I
46 heard him in the news that he hasn't gotten a Chinook
47 for some time. And I'm afraid of that time when it
48 comes in the Kuskokwim River that we don't see any
49 Chinook at one time. So we're as leaders and as users
50 and we have again that traditional science and

1 knowledge, that we definitely offer that.

2

3 Thank you very much.

4

5 Mr. Chairman.

6

7 CHAIRMAN TOWARAK: Thank you, Mr.
8 Williams, and I second Geoff's motion that -- I think
9 we're making progress, you know. We don't have all the
10 answers, but it's been my experience with the Federal
11 Subsistence Board that we've made incremental
12 improvements as we're going along. We can't do
13 everything all at once, because in some cases it's
14 awfully hard to move the Federal process. It's harder
15 than I think trying to work with the State, but I think
16 we've -- personally I feel that we've made some
17 improvements, and I hope we continue it.

18

19 With that, did -- yes.

20

21 MS. YUHAS: Thank you, Mr. Chairman. I
22 just wanted to thank Mr. Williams and recognize him
23 before this body, who may not know that he's very
24 involved in the Kuskokwim Salmon Management Working
25 Group, and very diligent, but also always a positive
26 force recognizing that we are all in this together,
27 even when that working group has very difficult
28 discussions. Sometimes it's work, because it's hard
29 work over there. And thank you for bringing that
30 perspective and making those comments about all being
31 in this together.

32

33 MR. WILLIAMS: I'm like a rag. I've
34 been attending those weekly meetings, even two, three
35 times a week, but that -- I'm willing to volunteer my
36 time some more with that working group. And I think
37 we're all just in this together. And let's move
38 forward.

39

40 Thank you.

41

42 CHAIRMAN TOWARAK: Thank you, Mr.
43 Williams. Next.

44

45 MR. PELTOLA: Okay. Mr. Chair. At
46 this time I would request if you check and see if
47 anybody's on line. We've heard interesting testimony
48 from several people. If I can see if we have anybody
49 on line, take a couple comments from there, then come
50 back into the room and I'll feed back and forth to some

1 capacity.

2

3 OPERATOR: We do have Daniel Gillikin
4 on line.

5

6 CHAIRMAN TOWARAK: Go ahead.

7

8 MR. GILLIKIN: Yeah. Thank you, Mr.
9 Chair. This is Dan Gillikin with the Kuskokwim Native
10 Association here in Aniak.

11

12 I just wanted to elaborate on both
13 (Indiscernible - breaking up) and he was absolutely
14 correct in that there wasn't a real desire expressed by
15 people of any of the village organizations up and down
16 the (indiscernible - breaking up) Upper Kuskokwim here
17 last season for an allocation based on permits.

18

19 However, the comment that we do hear
20 routinely up here, and the desire of people up and down
21 the middle and upper river, what they're actually
22 looking for is an equitable harvest opportunity.
23 There's been a change over the period of 20, 25 years
24 on the proportional harvest of Chinook salmon up and
25 down the drainage as Bethel has increased growth in
26 population. So what they're asking for, and what I
27 hear routinely, like I said, is this equitability in at
28 least the opportunity to harvest Chinook salmon.

29

30 I believe that, you know, an allocation
31 based on a permit system is one way to achieve that;
32 however, that's not the only tool in the box so to
33 speak to achieve that. I believe that through time,
34 area, and gear restrictions, and by providing other
35 types of opportunities say that are unique to the
36 middle and upper river, such as fishwheels, also could
37 suffice to meet that equitability request.

38

39 So I just wanted to elaborate a little
40 bit, and thank you everybody for taking careful
41 consideration of these issues.

42

43 CHAIRMAN TOWARAK: Thank you, Dan.
44 Anybody else on line who would like to testify.

45

46 OPERATOR: Anyone else on line who
47 would like to testify, it's star-1.

48

49 CHAIRMAN TOWARAK: Go ahead.

50

1 OPERATOR: Showing no one.
2
3 CHAIRMAN TOWARAK: Okay. Thank you.
4 And then we'll go back to our -- I hate to call them
5 green cards.
6
7 (Laughter)
8
9 MR. PELTOLA: Thank you, Mr. Chair.
10 Next we have James Charles.
11
12 MR. CHARLES: Thank you, Mr. Chairman.
13 Board members. Staff. My name is James Charles from
14 Tuntutuliak.
15
16 Tuntutuliak is on the Kuskokwim, the
17 last village down close to the mouth. Eek and
18 Tuntutuliak is the last villages.
19
20 I have been with working group and
21 salmon -- I am sorry. I don't speak very good in
22 English. I'm Yup'ik and English is my second language,
23 so bear with me when I speak.
24
25 CHAIRMAN TOWARAK: You're doing good.
26
27 MR. CHARLES: Anyway, I live close to
28 the mouth of Kuskokwim. And we want the upriver people
29 all the way to Nicolai to catch fish like us, because I
30 survived eating fish, nothing but fish years ago,
31 because there was no food stamps, no stores, no
32 welfare, nothing. But I survived eating fish. And we
33 call that fish (In Yup'ik). And it's food, (In
34 Yup'ik). And we want everybody to have fish, even
35 upriver people. We can't leave out upriver people even
36 we're from the mouth of Kuskokwim.
37
38 And I like the resolution that the
39 committee made yesterday, because on the first part -
40 one, two, three, four, five, six -- seventh whereas
41 down there, it says all parties bring their knowledge
42 and resources to the table is the best and only
43 effective way to achieve goals of conservation,
44 building, and customary and traditional tribal uses of
45 Kuskokwim salmon. That's -- I really like that,
46 because we can all have say, or everybody can have
47 ideas and to manage the salmon on the river, even
48 Federal, State, people on the river, tribal people. I
49 want everybody's ideas to be effective on rules and
50 regulations we go by now.

1 We did not know of regulations years
2 ago. We fished when fish is on the river. And now we
3 still fish for blackfish. You don't even -- it doesn't
4 even mention on the regulations. Little blackfish, we
5 still fish for them and eat them. Even speckled fish,
6 speckle what do you call them, (In Yup'ik). We
7 survived eating those, too.

8
9 I lost my mom -- I mean, my dad, uncle,
10 grandmother when I was just a little boy. And mom made
11 us survive. She was hunting and fishing for us, for
12 three of us kids, and made us survive. And people gave
13 us fish to eat. And that's what I told you, I survived
14 eating salmon. Eating fish. So that was good. And we
15 are give food to survive.

16
17 Nowadays we go shopping at the grocery
18 stores on food stamps, welfare, and other free stuff
19 that we get from the government. But me, I still
20 haven't got food stamps up to this date. But I
21 survive, because I do what my mom used to tell me years
22 ago. Try hard. Try everything. I'm a fourth-grader
23 in school, and I fly. Tim knows that. I fly a plane
24 and I bought salmon, too, even I'm a fourth-grader. If
25 you try hard, you can get it.

26
27 So the resolution we made yesterday for
28 the people on the river, on the Kuskokwim, I want that
29 to pass, but it's all up to what -- if it's wrong, I
30 want to hear the wrong things in there. But I -- when
31 we find out what we did wrong, we correct them. And as
32 you know, making mistakes, you can learn. Next time
33 you do it better.

34
35 So this is helpful for me and people up
36 and down the Kuskokwim, all the way up to the
37 headwaters. I don't want to leave them out even
38 they're on State waters. We're on Federal waters at
39 the mouth. But I don't want to leave out other people,
40 too, tribes just like me, just like us. We're all one.
41 Even white person, Native person, we're all one to me.

42
43 So that's all the information I want to
44 give to you.

45
46 Thank you.

47
48 CHAIRMAN TOWARAK: Quyana

49
50 (In Yup'ik)

1 MR. CHARLES: Quyana.
2
3 CHAIRMAN TOWARAK: We have one question
4 here.
5
6 MR. HASKETT: No, just a compliment.
7 You said that English is your second language, and
8 you're far more eloquent than any of we are.
9
10 (Laughter)
11
12 MR. HASKETT: So thank you.
13
14 MR. CHARLES: Thank you.
15
16 CHAIRMAN TOWARAK: Do we have.....
17
18 MR. PELTOLA: Yeah, we have three more.
19 Okay. Mr. Chair. Next up we have Mark Leary, Kusko
20 issue.
21
22 CHAIRMAN TOWARAK: While he's coming
23 up, we've only got two more Kuskokwim requests for
24 testimony, so we're going to go through them and then
25 take a break for lunch. (Indiscernible - mic not on).
26
27 You have the floor.
28
29 MR. LEARY: Good morning. Thank you
30 for the opportunity. My name is Mark Leary. I'm here
31 both as a representative of the Kuskokwim Inter-Tribal
32 Fish Commission steering committee, and my tribe, the
33 Native Village of Napaimute. I also sit on the Central
34 Kuskokwim Fish and Game Advisory Committee, and I'm the
35 upriver subsistence representative on the Kuskokwim
36 River Salmon Management working group.
37
38 I have a short written statement, but
39 before I read it, I'd like to give you my thoughts that
40 I've had sitting here for the past hour or so, because
41 this is my first time coming to this kind of meeting.
42 And in the little while I've been in here, I feel like
43 I'm a long, long way from home. I mean, I'm so far
44 away from the river and the people and the fish camps
45 and the fish they depend on.
46
47 And I've been sitting here trying to
48 think when I go home, how am I going to explain this
49 especially to the older people, you know. And I guess
50 the way I would explain it is we went to a big meeting

1 in Anchorage. It was in a big, fancy building. So
2 fancy that there's security when you walk in, you know,
3 like when you go through the airport. And then we go
4 up into a little room full of people, and most of them
5 are wearing ties. And these people listen to a few of
6 us that are here from home, and they look at papers
7 with information, and then they make a decision on how
8 and when and who's going to tell you to fish.

9
10 So this is so far from home right here.
11 It's so far from home. And I really hope you guys make
12 the right decision for us.

13
14 So I know you have five special action
15 requests before you. And I want to name them, even
16 though you know where they came from. You have one
17 from Akiak, from Napakiak, Akiachak, Chuathbaluk, and
18 Lower Kalskag. And, you know, last year about this
19 time you were considering just one, right, from
20 Napaskiak, which you approved. And this gave us our
21 very first experience with Federal management of our
22 subsistence fishery. Our very first experience. And
23 this initial experience was very positive, and that's
24 why you have five before you today. The people liked
25 it. They felt like this is much more of the answer
26 that we'd been looking for. And you would have had way
27 more than five. You would have -- but once the
28 villages start hearing, especially when some of the
29 more active leadership villages like Akiak had
30 submitted, well, then everybody kind of relaxed. This
31 is going to be no problem.

32
33 But I think what's really important
34 about these five special action requests is they come
35 from pretty near the whole, how do you call it, length
36 of the Federal water on the Kuskokwim, all the way from
37 the upper end of the Refuge at Aniak -- I mean, you
38 have one from Chuathbaluk. They're a little above the
39 line, but they like Federal management. And then you
40 have in the middle of the Federal water, Akiak and
41 Akiachak, and then towards the lower end you have from
42 Napakiak.

43
44 And you have Kalskag in there, too.
45 And as you know, Lower Kalskag was very active last
46 summer, you know, during the coho season, really
47 standing up first time loud, saying, we want the Feds
48 to come back, because we haven't gotten our fish. And
49 they're starting -- the State is starting to allow
50 commercial fishing. That could not be accepted, you

1 know. You -- when the people haven't gotten their food
2 yet.

3

4 But, yeah, I think that's very
5 important for you guys to understand, that these five
6 special action requests come from the whole length of
7 that Federal water on the Kuskokwim.

8

9 Oh, another thing about these special
10 action requests. They're focused on conserving and
11 rebuilding the king salmon, you know, on the Kuskokwim,
12 but each one also asks for Federal management of the
13 other salmon on our river. And I know that some people
14 think that's too much to ask. That's too much to ask.
15 But what that is is that's the people's recognition
16 that because they're taking less king salmon, because
17 we're trying to conserve king salmon, we're using the
18 other species more for subsistence. So those species,
19 too, have to be managed conservatively and cautiously
20 so that we don't see them go the way of the king
21 salmon, so that they can continue to supplement our
22 fish needs. And the people trust the U.S. Fish and
23 Wildlife Service to do this. They trust them.

24

25 As a representative of the Kuskokwim
26 River Inter-Tribal Fish Commission steering committee
27 and the Native Village of Napaimute, I respectfully
28 urge you to approve these five special action requests
29 for Federal management in 2015 of fisheries in Federal
30 waters of the Kuskokwim.

31

32 I also urge you to accept the
33 modifications to the special action requests outlined
34 in the resolution that Mike read, 15-01, the very first
35 resolution to come from this newly formed Kuskokwim
36 River Inter-Tribal Fish Commission steering committee.

37

38 That's all I have.

39

40 I appreciate being here.

41

42 CHAIRMAN TOWARAK: Thank you, Mark.

43

44 Does anyone have any questions of Mark.

45 Go ahead.

46

47 MR. PELTOLA: I'd like to make one
48 point, is that for the Board members that participated
49 when we took the Board to the Kuskokwim last year,
50 remember, half the Board started upriver, the other

1 half started downriver, and we met in Aniak. When we
2 arrived in Aniak, Mark is one of the individuals who
3 provided transportation when we took the Board members
4 from Aniak and visited Kalskag. And he came down from
5 the Napaimute, came down to Aniak, and helped transport
6 us down to the village to make the village. So you
7 might recognize him.

8

9 MR. LEARY: That should be worth a
10 couple votes.

11

12 (Laughter)

13

14 CHAIRMAN TOWARAK: I think you know the
15 system more than we do.

16

17 (Laughter)

18

19 CHAIRMAN TOWARAK: Thank you very much.
20 Next.

21

22 MR. PELTOLA: Okay. Next up we have
23 Greg Roczicka from Bethel on Kusko.

24

25 MR. ROCZICKA: Quyana. Mr. Chairman
26 and Board members. For the record Greg Roczicka from
27 Bethel. And I was advised I should give you my Yup'ik
28 name as well. So it's (In Yup'ik). And there's a
29 couple of different dialects for the translation of
30 that. (In Yup'ik) is either a match, the source of
31 ignition, or it's someone who spits very accurately.

32

33 (Laughter)

34

35 MR. ROCZICKA: But anyway, yeah, I've
36 also been involved with the fisheries issues for many
37 years. I was the original staff for the Kuskokwim
38 Salmon Management Working Group and worked with the
39 folks that got it passed through at the State Board of
40 Fisheries and got the directives back in 1988. And
41 I've been working in all the different realms of both
42 Federal and State.

43

44 It's really been awkward kind of over
45 the years in that since we had the McDowell decision,
46 and 1992 came around with the Federal wildlife
47 management followed by, you know, a decade or so later
48 with the implementation of fisheries. And it seems
49 like sometimes we're put into a position like we're
50 trying to play off one management regime against the

1 other, and that as never been our intent in any sense
2 of the word. We're stuck with having to deal with
3 these guys on both sides. And, you know, we have to
4 put in twice the effort just to be heard on either
5 level. And it really gets very fatiguing and
6 frustrating at times.

7

8 I did have actually some prepared
9 letters, but they ended up left in a folder back, so
10 I'm just winging it here off the top of my head.

11

12 To speak directly to the -- one of the
13 main issues on point here as far as the allocation
14 goes, that was something that came out of last year's
15 recommendation, and I work as the director for the
16 Natural Resource Program. I'm also a tribal member of
17 Orutsararmiut Native Council. And we have a
18 subsistence committee just made up. It's five of the
19 seven Council members, the executive board if you will,
20 and also an additional five elders from the community,
21 people who have been very active in subsistence
22 activities all their lives.

23

24 And they got very concerned when they
25 saw this, and what can we do? Bethel is considered the
26 problem, and, granted, to many degrees it is. We have
27 -- last year at the State Board level there was -- not
28 special action, but it was an agenda change request
29 that was put forward to Bethel needs to go Tier II, be
30 concerned with its population level. It's more like 70
31 percent are Native people within that population.

32

33 And we have to look at Title VIII of
34 ANILCA was created specifically in its preamble, it
35 says, to fulfill the obligations left unaddressed by
36 passage of the Alaska Native Claims Settlement Act.
37 You guys wouldn't be sitting here if that direct
38 connection between ANCSA and Title VIII would not
39 exist.

40

41 So how do we protect that customary and
42 traditional patterns of use that we've had and not be
43 equalized out of existence? In addition, that 70
44 percent of the population that are there, when we hear
45 the same concerns even from neighboring villages, that
46 it's Bethel's size. But yet how many of the -- I ask
47 this at a meeting and I really didn't get an answer.
48 How many of your elders, how many of your uncles and
49 aunts and brothers and sisters and fathers and mother
50 and nephews and nieces are part of that Bethel

1 population. A very significant percentage. And I
2 don't believe anybody would think that their cultural
3 and spiritual ties to subsistence activities are any
4 less just because they happen to live in Bethel.

5
6 So back to the allocation, or coming up
7 with something to address that. And this is not a new
8 idea of protecting the fish camp. The fish camp is the
9 core of people's souls and their dependence on the
10 salmon. And it was at our request that we contacted
11 OSM, how can we address this and deal with this.

12
13 And we had actually a similar idea that
14 we put forward to the Board of Fisheries three years
15 ago during their cycle for a special recognition in
16 subsistence harvest for protecting fish camps. The
17 Board was very intrigued by it, but it was how do we
18 get there from here? They couldn't figure out a way.
19 I've actually heard since then, because of the result
20 of a recent supreme court decision at the State level
21 that they might be able to do something along those
22 lines regarding community recognition for subsistence,
23 and perhaps we can come up with something.

24
25 So what we have in place that ended up
26 being part of the recognition, and I really appreciate
27 the Staff that you have here from OSM, it was done
28 through tribal consultation with our committee, and the
29 -- what we have there is to try to address Bethel
30 primarily. It has provision that all Federally-
31 qualified users can participate to some degree, but
32 those that have fish camp have that greater dependence,
33 those that do not utilize the fish camp have
34 alternative resources. And what was put forward is
35 that folks that want to kipper their fish or freeze
36 their fish or can their fish have that alternative
37 resource, for as you've heard so often, the fish camp
38 is reliant on that early drying season for people to be
39 able to not waste. This moving the harvest back to
40 later in the season, I mean, we recognize because of
41 the conservation with kings it needs to go back some
42 degree, but it is utter sacrilege for -- and people say
43 regulations don't make sense to them when you're
44 telling them they have to process their fish in July
45 when you're going to lose no matter how hard you try,
46 you know, at best you're going to lose 20 to 25 percent
47 if not 30 to 50 percent.

48
49 We had a fellow at our committee
50 meeting here yesterday. He was practically in tears

1 even just to say it, but he said he -- what he really
2 wanted to do was to take all those maggot-infested fish
3 that he was forced to catch and try to do his best to
4 put up for the winter, he wanted to send them to the
5 Kuskokwim Working Group, he wanted to send them to Fish
6 and Game, and he wanted to send them to you guys, let
7 you see, you guys, this is what you're telling me to
8 do.

9

10 It's a very great challenge for us.
11 And then what we're dealing with now, we recognize that
12 because of the efficiency that we have and the
13 technology that we have, now we have to be very
14 careful. You know, Mike mentioned about the 10,000
15 years of history. But for 9,940 of those years, people
16 did not have the capability of affecting a run like
17 they can now. And people are coming to grips with
18 that, yet it's still something that's -- it doesn't
19 feel right inside to wait and let the fish go by, but
20 people are beginning to understand a little more. I
21 mean, we try to look now, we've got to look towards the
22 future. We can't look backwards. And while I'll do a
23 little bit of hindsight right now, but in my mind, if
24 it wouldn't have been for the commercial fishery coming
25 in and really over-capitalizing on our king runs with
26 eight-inch mesh gear back in the 1960s and 70s, our
27 population could have probably sustained a lower
28 number.

29

30 And as far as the return, you know, the
31 reduced runs that we're looking at now that we're
32 looking at now may not be at the level they are,
33 because that eight-inch gear took out at least a third
34 of the population. Fifty-pound kings were common
35 through the mid 70s and before. They were common.
36 Seventy, 80-pound is not unheard of. A big fish now, a
37 big fish, is 40. Considered to be 40. I caught one in
38 1993 or '94, boy, that's the biggest king I'd seen in a
39 long time. Took it down to the First National Bank for
40 their biggest fish of the year. Thirty-nine and a half
41 pounds, and I won. It's sad. But again that's
42 hindsight. We need to look forward.

43

44 Well, to go back, one more from the
45 tribal council aspect and my subsistence committee,
46 they would prefer as far as your special actions, they
47 would have preferred that alternative that we leave it
48 closed until there's enough for an opening for
49 everybody, but yet we see this allocation aspect. It
50 has to -- and it doesn't matter what you call it. We

1 call it equitable distribution under one. You call it
2 allocation under the other. It's the same thing. It
3 really is. It makes for a better legal label I suppose
4 under others.

5
6 What we're trying to achieve, and what
7 we've always tried to bring into play, and I mentioned
8 the frustration of the two separate management systems,
9 we need unified management, and you all recognize that.
10 Everybody recognizes that with this dual system. And I
11 think what was put forward in that resolution from the
12 Inter-Tribal Fish Commission does and can achieve that.
13 It might be a challenge of labels, but it should be one
14 unified management, and that I think is what you have a
15 vehicle for here.

16
17 I served two consecutive voluntary
18 sentences on the State Board of Game back in.....

19
20 (Laughter)

21
22 MR. ROCZICKA: And three things that
23 came up out of those hundreds if not thousands of
24 people and thousands and thousands of hours or public
25 testimony that you listen to are passionate from the
26 heart from people, but three things would come out to
27 me. Any time somebody said, you always do this, you
28 never do this, or when we're trying to get something
29 fixed, if legal comes back and says, you can't do this.
30 And there is -- what I did find out from doing that is
31 there is always a way. You do the same thing, you'd
32 call it something else. You use a different chapter,
33 paragraph or verse from the regulatory to put it under
34 to give it a different connotation, but there is always
35 a way. And you guys can achieve for some modification
36 of the options before or the resolution that sits
37 before you, and maybe put the charge to your legal, you
38 find a way to do this. And they ought to be able to
39 come up with one. I know he's a real smart man and got
40 a lot of experience, and I believe he you might even be
41 able to find a way to do it that would fully recognize
42 the -- not usurp the State's management.

43
44 You know, in the 30 years I've been
45 doing this, one thing -- another thing that always
46 comes back is if we could it with the area managers,
47 meaning, you know, Aaron and those guys back there, and
48 Brian or now Neil at the Refuge level, or even at any
49 one of you that sit there, but we could do pretty dang
50 well. It's when it gets to Juneau and when it comes

1 from Washington, D.C. and it gets into turf battles,
2 that's where the problems lie.

3

4 And as much as possible, you said give
5 you the reminder, you guys here are appointed by your
6 respective departments or divisions in the Department
7 of Interior, but when you sit behind this table, you
8 represent the vote for subsistence. You're our vote.
9 You know, we got the recognition of Charlie and his
10 partner from Southeast being a part of it on here, but
11 you guys are the vote for subsistence. And if you can
12 find a way, and like I say, I believe there always is a
13 way, call it an interim plan since everything is in
14 interim stage, and we're looking at full implementation
15 by 2016 if that satisfies anybody's visceral concerns
16 within the bureaucracy.

17

18 So I'd be supportive of some
19 modification, and I believe what you have in front of
20 you with that resolution incorporates both of the
21 alternatives that were laid out to you both from the
22 InterAgency Staff Committee and from the Office of
23 Subsistence Management.

24

25 So I'll conclude with that.

26

27 Thank you.

28

29 CHAIRMAN TOWARAK: Thank you, Greg.

30

31 Have any questions from the Board.

32

33 OPERATOR: If you'd like to ask a
34 question, please press star-1 on your touch tone phone.

35

36 (No comments)

37

38 CHAIRMAN TOWARAK: If not, then thank
39 you very much for -- if you guys in Bethel could teach
40 us how to split the baby like they talk about, you
41 know, we would listen. So we're here to listen. Thank
42 you.

43

44 MR. PELTOLA: Okay. Thank you, Mr.
45 Chair. The last green card we have is John Sky
46 Starkey, Kusko issue.

47

48 MR. STARKEY: Thank you, Chairman
49 Towarak and Federal Board members.

50

1 First of all I'd just really like to
2 thank -- I've been watching you and it's really quite
3 impressive as to the degree of attention that I can see
4 that you're all paying to this issue.

5
6 I want to thank OSM for really putting
7 together a very thoughtful analysis of the special
8 action requests, and the State for being here.

9
10 And then I really want to thank Pat
11 from BIA who came out, Gene came out, and Brian from
12 the Refuge came out over the last two days before this
13 meeting to a meeting that the steering committee for
14 the fish commission had in Bethel. And we took very
15 seriously everything that we heard there from the
16 Federal Staff. We invited the State to be there, too,
17 but we had heard a lot from the State in a very
18 thorough meeting a couple weeks earlier at the working
19 group, so we had gotten a really good chance to
20 interact with the State as well. And people put a lot
21 of thought into the resolution that's before you as a
22 possible way to do what's best for the fishery and the
23 subsistence users.

24
25 I want to -- and I know you're probably
26 all hungry, but I feel like I do really need to go
27 through some things here.

28
29 You know, one of the things that we --
30 you talked about first and early on was the tools that
31 are available, and you did talk about the nets and the
32 other sort of gear-oriented things. But, you know,
33 it's not really accurate that you have -- that the
34 State has the same tools as the Federal managers do.
35 While they have the same nets, you may have fishwheels,
36 you may be able to shorten gear, you may be able to do
37 all those things, but the State cannot provide for a
38 rural priority. The State cannot provide for uses for
39 the 32 communities that have been identified under the
40 special action request and the .804. They simply do
41 not have that tool. The State has to open up that
42 fishery to all Alaskans. The State does not have the
43 tool of being able to issue cultural and social
44 permits. And if they do, I'd like to hear it, but it
45 would be my understanding that they don't. They cannot
46 open them up and limit them to the 32 communities on
47 the river.

48
49 The State does not really have in place
50 an ability to issue community-based permits for an

1 allocation system if that's what people decided was the
2 best thing to do.

3

4 The State does not have the tool to
5 deal with Bethel. And the SAR and the analysis that
6 OSM did has been criticized for the allocation aspect,
7 but Bethel is a reality on the Kuskokwim River. And it
8 is a very, very important key component to how we can
9 make any sense of managing the Chinook resource in this
10 time of shortage and conservation.

11

12 The State does not have a government-
13 to-government relationship with the tribes. They do
14 not have the Federal trust responsibility. They do not
15 have the obligation for consultation.

16

17 We agree that the State is
18 collaborating with the Federal managers on the
19 Kuskokwim in a way that we have not seen before, and
20 that is a very good thing. Many people that I talked
21 to at the Kuskokwim Working Group meeting this year
22 thought it was the best meeting that they'd had in all
23 the time that they'd been meeting. That was because in
24 part there was a Federal presence last year. You may
25 think that you're separating management by asserting
26 the justified Federal presence on the lower river, but
27 in truth you're helping bring management together.
28 There is a very big job left for the State. If you do
29 your job, and you assert the appropriate Federal
30 authority on the lower river in the Refuge, the State
31 continues to have a very big job and role. They have
32 to figure out how they're going to deliver the
33 subsistence priority to the upriver. And the only way
34 that they can sensibly do that is to continue this
35 collaborative and joint approach with the Federal
36 managers. And the only way that the Federal and State
37 managers can possibly do their job is to digest what
38 everybody here has suggested, and that is incorporate
39 the tribes into that decisionmaking process, as well as
40 the working group.

41

42 People on the river are saying, bring
43 us together. And you will be helping bring things
44 together if you abide by your responsibility and do
45 what the SAR asks as modified by that resolution.

46

47 This whole issue of allocation, which
48 has in a sense been used to undermine the SAR and drive
49 a wedge as though there's some reluctance on the part
50 of everybody to deal with this issue, what people want

1 is equitable allocation, an equitable opportunity. For
2 many, many years, 2013 as -- the upper river villages
3 have not been getting an opportunity to fish. And
4 there is great concern that any kind of directed
5 fishery as proposed by the State, will result in the
6 same kind of problem. Will either be short on
7 escapement or will be hurting the upper river villages.

8
9 And so 2013, here's what happened. In
10 2013, the State managers, the Federal presence was not
11 exerted despite the fact that it should have been. So
12 in 2013 the State managers allowed a directed fishery
13 on the Kuskokwim. It resulted in a 50 percent harvest
14 rate, you know, on a steeply declining Chinook stock.
15 Travis Elison, who was the fishery manager, had this to
16 say at the meeting after that season, and this is a
17 very courageous statement.

18
19 He said, I'm Travis Elison. I work for
20 the Department of Fish and Game. I'm the Kuskokwim
21 area management biologist for commercial fisheries.
22 This is a transcript of his statement. First, I'm
23 really here just to listen. This is what I think about
24 every day is what we are going to do next year, and I'd
25 like to apologize for the way 2013 turned out. I've
26 actually never received so many thank you's as a
27 fishery manager as I did this past summer, and we're
28 still getting those thank you's. Those thank you's
29 were because we let people fish. But when I look at
30 the results of escapement, I failed miserably in my job
31 last summer. I apologize for that.

32
33 A very difficult thing for him to do.
34 A very courageous thing for him to do, but it points
35 out the danger of a directed fishery. It points out
36 the danger of letting one manager determine what should
37 happen on a fishery that's this complex, and it also
38 points out the problems with the Federal -- the failure
39 of this board and the Federal government not to step up
40 to the plate and engage fully in that decisionmaking in
41 2013.

42
43 So people are looking for an equitable
44 harvest opportunity. They're looking for something to
45 do with Bethel. Bethel's in front of you. How do they
46 want to do an equitable harvest opportunity? There are
47 many ideas out there. The resolution and all the
48 letters that have come from the region consistently
49 say, bring us to the table. We will help you figure
50 out how to do that.

1 I want to just briefly go into the
2 resolution that was sent in last night. I hope it made
3 it to all of you. I hope it's in your package. I want
4 to point out a couple important provisions which I
5 think could possibly be a little bit not understood.

6
7 So the first one is very -- so I'm on
8 the second page, in the part of the resolution, the now
9 therefore be it resolved, and I want to point out why
10 --what we said specifically and why we said it. We
11 took into consideration the Staff comments and the
12 problems they had endorsing the SAR for all salmon
13 stocks. We took that into consideration. We took into
14 consideration the idea of in-season management by the
15 Federal delegating in-season management.

16
17 The first one, our first point in how
18 we would like to see a motion crafted and a special
19 action request done is Federal public waters of the
20 Kuskokwim River drainage shall be closed to the harvest
21 of Chinook salmon except by Federally-qualified
22 subsistence users in the 32 villages identified in the
23 OSM .804.

24
25 Why is that an important point? We do
26 not believe that it would be appropriate to delegate to
27 the Federal manager the decision as to whether to take
28 this action. It would not be fair to that manager.
29 That manager would be under so much pressure, I don't
30 care, it could be political pressure, it could be many,
31 many different things. It would not be fair. It's
32 this job's Board [sic] to say you will be in charge of
33 the subsistence fishery for Chinook on that river. And
34 that's fair. And that needs to happen.

35
36 And that's, you know -- in October of
37 last year, AFN had a big convention, of course, as they
38 always do, and it was, We Rise as One. And it was a
39 big celebration of winning the Katie John case, which
40 was politicated for the last two decades. And the
41 reason that was celebrated was because it verified at
42 the highest courts that this Board has the authority on
43 Federally-reserved waters to do exactly what people are
44 asking you to do right now, because there is no way,
45 and no one can tell you at all, that there is enough
46 Chinook that will be harvested in the Kuskokwim River
47 this year that will meet all subsistence needs. There
48 will be less than can meet all needs. And the Federal
49 obligation is to provide for the Federal subsistence
50 priority in that situation. And that celebration was

1 for this moment, and it's time to implement it.

2

3 So the first point is a very clear
4 statement that there will be Federal management of the
5 Chinook salmon subsistence fishery in 2015.

6

7 The second statement is one we thought
8 very, very carefully about. And this was in respect to
9 the Staff Committee, and it was in respect to many of
10 the things we heard, and it was in respect to the
11 belief in the Federal managers out in the -- the local
12 people:

13

14 Delegate in-season management authority
15 to the local Federal manager, to consult with the
16 Commission. Did you know that the -- and I'm sure you
17 are aware of it, that there's no responsibility for the
18 Federal manager to consult with the tribes in-season on
19 this critical, critical fishery. So this would make it
20 very clear the in-season manager is to consult with the
21 tribes.

22

23 And to determine whether a Chinook
24 harvest can occur. So the Federal manager determines
25 when it shall occur, how, and how it should be
26 implemented. It does that in consultation.

27

28 And it says to consult with the
29 Commission. And perhaps that will be a hang-up. So we
30 have an Inter-Tribal Fishery Commission that is forming
31 and will be formed May 5th and 6th in Bethel. We've
32 invited a consultation at that point in time which has
33 been accepted.

34

35 What is proposed to you all is we
36 understand in-season management must happen quickly.
37 It must happen with a group of informed people who are
38 committed to staying through the whole process so they
39 understand fully what's going on in-season. It can't
40 be everybody. What we're proposing is that that
41 Commission at that meeting will appoint and delegate
42 consultation authority from the tribes through a formal
43 resolution or whatever it takes to three individuals,
44 one from lower, one from middle, and one from upper,
45 who will be their consultation delegates, and who will
46 engage consistently in consultation with the Federal
47 manager throughout the season. And moreover that they
48 will retain a biologist as an expert to help advise the
49 tribes in that capacity -- in those consultations and
50 provide them with capacity. And if that's a problem

1 and that you need to do something in your motion, then
2 you can acknowledge that it's tribal consultation, that
3 the tribes will develop a system whereby they will
4 appoint limited and minimal representatives to
5 represent them in consultation during the in-season
6 management part of this whole management regime. So
7 that's a very important part we tried to incorporate
8 here.

9
10 Delegate authority to the in-season
11 manager after consultation with the Commission, the
12 tribes, to jointly manage with the State all the salmon
13 stocks to ensure the conservation, rebuilding, and
14 customary and traditional uses of the salmon stocks.
15 So we fell away from requiring Federal managers to
16 manage all the salmon stocks out of respect for the
17 State and wanting them to be involved, out of respect
18 from what we heard at the working group meeting, out of
19 respect from what we heard from a lot of people. But
20 we want it to be joint management. We do not want the
21 Federal agencies to pull back and wait until there's a
22 crisis to engage. We want them to be there. And if
23 you need to build capacity in the Federal management to
24 do that, I hope that you'll be able to do that and
25 really fully step up to the table to jointly manage
26 those other salmon stocks to make sure, just as Mark
27 said, that people are getting what they need, and that
28 all our salmon stocks are taken care of.

29
30 No. 4. The local fishery manager shall
31 engage in meaningful tribal consultation with the three
32 representatives identified by the Commission regarding
33 all in-season management actions, and shall consult
34 with the Commission as frequently as possible, and no
35 less than once a week. This is simply building in a
36 practical and possible way to engage in tribal
37 consultation during the in-season on these really
38 important decisions.

39
40 The local Federal manager shall provide
41 for cultural, social and other customary and
42 traditional tribal uses to the fullest degree possible,
43 but here's the caveat, understanding the need for
44 conserving and rebuilding Chinook stocks. Those are
45 the priority. Those happen first. But if and to the
46 degree possible, there is another incredibly important
47 value that's happening here, and that is, the very
48 survival of a way of life and people's ability to do
49 that. And we wanted to make sure that those harvests
50 be allowed to the degree possible. And that may be

1 through some of the ideas that OSM put out. It would
2 be developed in consultation with the tribes.

3
4 And last, but not least, State managers
5 and a representative of the Kuskokwim River Salmon
6 management working group shall be encouraged to
7 participate in all Federal/tribal consultations in
8 order to develop a unified management plan. So this is
9 new. We want the State at the table during these
10 tribal consultations. We want to hear from them. We
11 want to understand them. We want to pull everybody
12 together.

13
14 So that would conclude my testimony.

15
16 And I thank you very much for the time
17 and for going hungry for a more minutes.

18
19 CHAIRMAN TOWARAK: Thank you. Are
20 there any questions from the Board.

21
22 (No comments)

23
24 CHAIRMAN TOWARAK: Okay. Thank you
25 very much for your clear presentation.

26
27 MR. STARKEY: Thank you, Tim.

28
29 CHAIRMAN TOWARAK: Is there anyone else
30 on line that would like to provide testimony regarding
31 the Kuskokwim special requests.

32
33 (No comments)

34
35 CHAIRMAN TOWARAK: Not hearing.....

36
37 OPERATOR: All participants are on
38 listen only, sir.

39
40 CHAIRMAN TOWARAK: Okay. Thank you
41 very much.

42
43 OPERATOR: Would you like them to press
44 star-1 if they'd like to give a testimony?

45
46 CHAIRMAN TOWARAK: Yes.

47
48 OPERATOR: If you'd like to give a
49 testimony, please press star-1.

50

1 (No comments)
2
3 CHAIRMAN TOWARAK: Not hearing any, I
4 assume that there isn't any requests for public
5 testimony through the teleconference.
6
7 Gene, you had an announcement.
8
9 MR. PELTOLA: Yep. That concludes the
10 public testimony on line and in person with regard to
11 the Kusko action.
12
13 One reminder before we take the break,
14 that you announced with regard to the process. When we
15 return from the lunch break, we still have a couple
16 things to address before the Board goes into discussion
17 and deliberation, and that's also the Regional Advisory
18 Council Chair comments and recommendations, and then
19 the InterAgency Staff Committee, the ISC chair,
20 comments and recommendations.
21
22 CHAIRMAN TOWARAK: Okay. How long a
23 lunch would the Board like. It's a quarter to one.
24 Are we soon enough to be here by.....
25
26 MR. C. BROWER: Three?
27
28 (Laughter)
29
30 CHAIRMAN TOWARAK: Five to four.
31
32 (Laughter)
33
34 CHAIRMAN TOWARAK: Let's reconvene at
35 2:00 o'clock.
36
37 (Off record)
38
39 (On record)
40
41 CHAIRMAN TOWARAK: I'm going to call
42 the Board meeting back to action. I assume that we've
43 got the long distance phone calls on -- lines on.
44
45 (Pause)
46
47 MR. PELTOLA: Now, we have Regional
48 Council Chair's summary by Carl.
49
50 CHAIRMAN TOWARAK: Okay. We concluded

1 the public testimony right before lunch so we're going
2 to go into the Regional Council Chair's summary from
3 Carl and then who do we have?

4

5 MR. PELTOLA: We may have a couple of
6 our Regional Council Chairs on line.

7

8 CHAIRMAN TOWARAK: Okay. I think we
9 might have some regional Chairs on line from the Yukon
10 and they're going to give -- and then we'll have the
11 ISC Staff recommendations, and then back to the State
12 and then we will deliberate.

13

14 (Pause)

15

16 CHAIRMAN TOWARAK: I am turned on.

17

18 (Laughter)

19

20 CHAIRMAN TOWARAK: I will call the
21 meeting back to order.

22

23 OPERATOR: Just so you are aware, the
24 line is currently open into conference.

25

26 CHAIRMAN TOWARAK: Go ahead, Carl.

27

28 MR. JOHNSON: Thank you, Mr. Chair.
29 And, again, for the record, Carl Johnson, Office of
30 Subsistence Management,

31

32 I have just a quick summary of
33 consultation with two of the Subsistence Regional
34 Advisory Council Chairs and then for the Yukon Delta
35 Kuskokwim Subsistence Regional Advisory Council, Vice
36 Chair Greg Roczicka is in the room and I know has some
37 comments on behalf of the Council, and, additionally, I
38 believe that the Chair for the Western Interior Alaska
39 Subsistence Regional Advisory Council, Jack Reakoff, is
40 also on the line and he'll have some additional
41 thoughts.

42

43 First of all, consultation for the YK
44 Delta RAC with Lester Wilde, Sr., the Chair. He was
45 supportive, generally, of adopting the special action
46 request for the Kuskokwim and, additionally, the part
47 where determining eligibility for harvest based on the
48 Section .804 analysis. He didn't have any specific
49 recommendations for allocation but just stressed that
50 it needs to be equitable in the allocation strategy.

1 And then, finally, he expressed a preference for a
2 temporary special action to allow the managers the
3 opportunity to manage the entire season, rather than
4 just a 60 day window.

5
6 Similarly, the Western Interior Council
7 Chairs, Mr. Reakoff, indicated being in favor of the
8 Kuskokwim River special action request, determining
9 eligibility based on the Section .804 analysis, because
10 that's what Title VIII of ANILCA mandates in certain
11 circumstances, such as this. As for allocation, he
12 stressed that if any type of harvest was going to be
13 allowed he stressed emphasis on providing opportunity
14 to provide chinook salmon to the elders. So at a
15 minimum there should be some type of harvest so that
16 elders would have an opportunity to have the salmon.
17 And then, finally, he also stressed preference for the
18 temporary special action to allow the full season to be
19 managed under the special action.

20
21 Thank you, Mr. Chair.

22
23 CHAIRMAN TOWARAK: Thank you. Any
24 questions.

25
26 MR. REAKOFF: Mr. Chair, I'm also on
27 line here. This is Jack Reakoff.

28
29 CHAIRMAN TOWARAK: Okay, Mr. Reakoff,
30 go ahead.

31
32 MR. REAKOFF: I wanted to add that I'm
33 very pleased that the Commissioner of Fish and Game for
34 the State and the State Staff is engaged with this
35 Federal Subsistence Board meeting. I'm happy to hear
36 that the North Pacific Fisheries Management Council
37 made headway in reducing bycatch. But I do not feel
38 that the State of Alaska can fully restrain the Bethel
39 harvest capacity like a special action request with an
40 .804 preference and a permitting system. I feel that
41 the OSM conclusion be adopted with a permit system for
42 Bethel. I would like to see equitable harvest
43 throughout the whole drainage for the subsistence
44 users. And I'm very concerned about the harvest
45 capacity that Bethel would have. I'm concerned about
46 drift gillnet use with six inch gear if managers feel
47 that there is some chinook and more other species to be
48 harvested. There's currently no drop out indices for
49 the use of six inch gear for chinook salmon. Six inch
50 gear kills salmon -- chinook salmon when they fall out

1 of the net. I'm concerned -- the Western Interior's
2 talked about this many times, we've requested an
3 indices to be developed to -- so that managers, under
4 the assumption -- and it's a huge leap of faith, that
5 chinook salmon bounce off six inch net. I'm concerned
6 about fishing six inch gear out in the main channel
7 where chinook are present, if there's very few kings to
8 be harvested anyway.

9

10 I feel that there has to be extreme
11 caution and I feel that the in-season manager, Federal
12 manager, if you adopt the proposal, will work in tandem
13 with the State of Alaska that has to meet the
14 subsistence needs in the State waters.

15

16 Thank you, Mr. Chair.

17

18 CHAIRMAN TOWARAK: Thank you, Mr.

19 Reakoff.

20

21 Go ahead.

22

23 MR. ROCZICKA: Mr. Chairman. Although
24 I would have mentioned it during my earlier testimony
25 but this is something specific to the RAC. For the
26 record Greg Roczicka, I'm the Vice Chair for the YK
27 Delta RAC.

28

29 And regarding this issue of allocation
30 and to what extent it's been addressed, we did not have
31 a meeting this year for various reasons, specifically
32 to these current special actions, however, the one that
33 was put forward last year at the special meeting of the
34 RAC that was called to make their -- give their input
35 regarding that special action, there was also the
36 proposal put forward for a special action by the tribal
37 council of Bethel, Orutsararmiut, that reflected what
38 was taken for the -- implemented as a cultural, social
39 permit. It also had the aspect of limiting
40 participation and a further level for all the harvest
41 to those who were exercising the customary and
42 traditional pattern of use for the smokehouse and the
43 fish camp. And we were looking at that, you know, 10
44 to 12,000 fish, whatever it may be, and broken up
45 equally. I think we -- again, we don't have an actual
46 count of fish camps but there's estimated, at best,
47 maybe 500 fish camps and if you're looking at a 10 to
48 20,000 fish allocation, you know, that might come out
49 to 20 or 25 fish per camp to allow people to get some
50 -- a harvest of king salmon but still keep it at a

1 fairly limited level. But that's where the cultural,
2 social permit came from. The RAC, at that time, did
3 support that proposal. It was never dealt with given
4 it was kind of late in the -- I believe it was put in
5 around the 27th of March and the whole .804 analysis
6 for the entire drainage was underway so it wasn't taken
7 up as a separate, it was also put in as a proposal to
8 the Board but it was rejected because of the -- what I
9 find out now -- or what we found out now, is that the
10 Board doesn't take that level of jurisdiction and
11 that's something that the in-season manager has control
12 over, so it was rejected as a proposal. But it was
13 supported in its entirety and concept by the RAC at the
14 -- in the context of last year's review.

15
16 CHAIRMAN TOWARAK: Okay. Any questions
17 from the Board.

18
19 (No comments)

20
21 CHAIRMAN TOWARAK: Thank you. Does
22 that take care of all of the Chairs.

23
24 MR. PELTOLA: Yes.

25
26 CHAIRMAN TOWARAK: Next then is the ISC
27 recommendations.

28
29 MR. ARDIZZONE: Good afternoon, Board.
30 My name's Chuck Ardizzone for the record. I'm the
31 Chairman of the InterAgency Staff Committee.

32
33 The InterAgency Staff Committee's full
34 recommendation can be found right behind Page 71 of the
35 analysis. I'm just going to keep this short, I'll
36 abbreviate it.

37
38 The InterAgency Staff Committee is
39 fully supportive of the local manager exercising his
40 delegated authority for chinook salmon and endorses the
41 State and Federal managers efforts to provide
42 involvement of local users. The joint Federal and
43 State in-season management may also close fishing
44 periods for other salmon species to protect pulses of
45 chinook salmon. The requested closure to salmon other
46 than chinook salmon for the entire fishing season does
47 not meet the requirements of ANILCA, Sections .804,
48 .815(3) and .816.

49
50 The ISC recommends the special action

1 request be opposed for these reasons.

2

3 CHAIRMAN TOWARAK: Any questions of the
4 ISC recommendation.

5

6

7

(No comments)

8

9

CHAIRMAN TOWARAK: Thank you, Carl.

10

11

MR. PELTOLA: Chuck.

12

13

CHAIRMAN TOWARAK: Sorry.

14

15

(Laughter)

16

17

CHAIRMAN TOWARAK: We will then go back
18 to the State, if you have any closing comments,
19 Commissioner.

20

21

COMMISSIONER COTTEN: Well, thank you,
22 Mr. Chairman. Yes, we'll just say once again thank you
23 for the opportunity here and I know I've appreciated
24 becoming better educated as to this process and
25 appreciated hearing a lot of the public testimony and
26 reading some of the material here. I'd like to, in
27 just a moment, ask Jeff to maybe talk about some of the
28 things that we can do as far as conservation and
29 opportunity and perhaps any other specific management
30 issues that Jeff would like to cover.

31

32

But I'd like to just follow a little
33 bit on the lead of Lt. Governor Mallott's message which
34 is we do want to work together. It's a new
35 administration. A lot of things are getting a fresh
36 look from the State of Alaska. We're interested in
37 cooperation. During my confirmation hearings I got
38 asked several times by legislators if I was in support
39 of co-management and I had to respond that that's a
40 pretty broad definition, it means a lot of different
41 things to a lot of different people, and so we're
42 certainly interested in cooperation. We should, at
43 some point, hopefully sooner rather than later, have at
44 least an informal get together with some of the
45 interested parties, the advocates, the agencies, the
46 State of Alaska, and when I say informal, sometimes if
47 you get too large of a meeting you don't really get to
48 the -- we may end up having to do that as well, but one
49 of my goals would be to get together on a relatively
50 soon basis to discuss some of the specifics that have

1 been proposed and how we can address those. Again,
2 there are some things we can do and we're certainly
3 interested in cooperation and working together.

4

5 So if I could ask Jeff to discuss a
6 couple of management issues.

7

8 MR. REGNART: Through the Chair. Thank
9 you, Commissioner.

10

11 I think we just wanted to add that, you
12 know, the State manages the Kuskokwim River from the
13 mouth up stream and we do that through five separate
14 zones that we've identified, so, again, those five
15 zones go from the mouth clear up stream to past
16 McGrath, and we manage that through cooperation and co-
17 management with the Federal entities within the
18 conservation unit and then along the entire drainage we
19 work with the working group. So if we were to provide
20 an opportunity this upcoming year, as we described in
21 earlier testimony for chinook salmon and it resulted in
22 an opportunity in the lower river we would then roll
23 that opportunity up river and it would change because
24 the fisheries change as you move up river. So what
25 might be a fishery of X amount of hours with this
26 amount of gear in Zone 1 and 2 in the lower river would
27 then -- well, you'd get a commensurate opportunity up
28 river, and as you went up river it would change because
29 the fishing conditions are different. The same thing
30 with restrictions. Those restrictions are also rolled
31 up river commensurate with the potential take.

32

33 So just one of the things we wanted to
34 just make sure that there was an understanding of how
35 we manage from the mouth clear up to the headwaters.

36

37 Mr. Chair.

38

39 CHAIRMAN TOWARAK: Thank you. Does
40 that conclude your comments.

41

42 MR. PELTOLA: Discussion.

43

44 CHAIRMAN TOWARAK: The floor is then
45 open for Board discussion on the.....

46

47 MR. C. BROWER: Mr. Chair.

48

49 CHAIRMAN TOWARAK: Yes.

50

1 MR. C. BROWER: Is it appropriate now
2 to make a motion to the recommendations provided to us?
3
4 CHAIRMAN TOWARAK: Are you going to do
5 that.
6
7 MR. C. BROWER: Uh-huh.
8
9 MR. HASKETT: That'll be interesting.
10
11 MR. C. BROWER: Okay. Mr. Chair.
12 First of all after listening all morning to testimony
13 and recommendations from all the people living on the
14 river, I believe the resolution 15-01, we should
15 support that on behalf of the Kuskokwim River Inter-
16 Tribal Commission Steering Committee so I move to
17 accept Resolution 15-01.
18
19 CHAIRMAN TOWARAK: Is -- is that the
20 proper motion, or.....
21
22 MR. HASKETT: It's not the one I was
23 going to make but it may be a proper motion, so.....
24
25 MR. C. BROWER: That is.
26
27 MR. HASKETT:if it gets a second
28 for it.
29
30 CHAIRMAN TOWARAK: Okay. Yeah, I was
31 waiting for a second.
32
33 MR. CRIBLEY: I'll second the motion.
34
35 CHAIRMAN TOWARAK: Okay. The motion
36 has been moved and seconded, the floor is open for
37 discussion.
38
39 MR. C. BROWER: Mr. Chair.
40
41 CHAIRMAN TOWARAK: Go ahead.
42
43 MR. C. BROWER: Also in light of
44 approving this resolution I think it gives us a working
45 relationship with the Kuskokwim River and the Tribal
46 Fish Commission can be worked on so that's why I'm
47 making this motion to accept the resolution 15-01.
48
49 Thank you.
50

1 CHAIRMAN TOWARAK: I'm going to ask our
2 attorney to clarify our situation.

3
4 MR. LORD: I think the key, Mr. Chair,
5 is to have clarity on the record as to what is being
6 proposed. Mr. Brower, as I understand your motion you
7 are proposing that the Board take action.....

8
9 MR. C. BROWER: To accept the
10 resolution.

11
12 MR. LORD:to acc -- well, you're
13 saying to accept the resolution, do you mean to take
14 action to do what is laid out in the resolution, what
15 is suggested for the Board to do and your motion is
16 to.....

17
18 MR. C. BROWER: Yes.

19
20 MR. LORD:follow those.....

21
22 MR. C. BROWER: Yes.

23
24 MR. LORD:that process that's
25 outlined in that resolution; is that correct?

26
27 MR. C. BROWER: Yes, sir.

28
29 CHAIRMAN TOWARAK: Mr. Haskett.

30
31 MR. HASKETT: So I think what we need
32 to do now is have a discussion about the motion before
33 us. I was prepared to do a different motion, I'm not
34 sure if the right process would be for me to talk about
35 concerns about this motion, the way it's presented, so
36 I'm looking for some guidance on how to move forward.

37
38 (Pause)

39
40 CHAIRMAN TOWARAK: We -- in my view,
41 and correct me if I'm wrong, but we've got a motion and
42 a second on the floor and if you have a motion to amend
43 that motion then that would be proper or the other
44 thing we could do is if we think that's too long of a
45 process and if Mr. Haskett has a shorter process to
46 reach the same goal.....

47
48 MR. HASKETT: Yes.

49
50 CHAIRMAN TOWARAK:then we would

1 have to vote no on the resolution.

2

3 Mr. Haskett.

4

5 MR. HASKETT: So just a question. So
6 it seems to me maybe what we need to do with that
7 motion on the floor is have discussion. I guess I need
8 to cover why I have concerns with the motion the way
9 it's proposed, which would have been different than I
10 would have done it before, but I can do that. So yes?

11

12 CHAIRMAN TOWARAK: Go ahead, you have
13 the floor.

14

15 MR. HASKETT: Okay. So you threw me
16 Charlie, I wasn't expecting to do it quite this way.

17

18 (Laughter)

19

20 MR. C. BROWER: Are you amending the
21 motion or.....

22

23 MR. HASKETT: No, no, I'm going to talk
24 about why I have concern with the motion.....

25

26 MR. C. BROWER: Okay.

27

28 MR. HASKETT:as proposed.
29 Today's been a remarkable morning to me. I think
30 everyone we've heard from has done a really, really
31 good job of explaining where they are in a very
32 difficult, complicated problem on the river. And one
33 of the things that I was really struck by is how many
34 people from the State are here making it clear how they
35 want to work with this Board, how they want to work
36 with Native people, how they believe that there's going
37 to be enough fish to do a directed harvest, recognizing
38 there's still differences of opinion, but we heard from
39 the Lt. Governor from the State, we heard from Sam
40 Cotten, Jeff Regnart, and it's clear to me the State
41 wants to work with us on resolving this. And as I said
42 earlier, Fish and Wildlife Service doesn't have the
43 resources to do this alone.

44

45 I think last year when we Federalized,
46 it did a lot of things. But one of the things that --
47 well, let me also talk about another thing I was struck
48 by, also the resolution we received to take a look at
49 that Sky Starkey explained, I think it's brilliant. I
50 mean I think that the group that came together and did

1 that did a remarkable job of anticipating the kind of
2 questions people would have about it of making sure
3 that we have real and significant input and
4 coordination from Native people on the river. I was
5 prepared to -- I mean 90 percent of that I think is
6 just perfect. I mean one concern I have is that when
7 you have government to government relations it's
8 difficult when one of the governments comes up with a
9 proposal and the other governments involved see it the
10 next day and hadn't have the ability to go ahead and
11 have a discussion about maybe some of the finer points.
12 Where maybe you're 90 percent in agreement with what's
13 on there but there may be some little things that need
14 to be worked out.

15

16 So one of the things that I think would
17 be really important to have the ability to go forward
18 and be able to have those kind of discussions, you
19 know, where I could be involved in it, the Commissioner
20 could be involved in it, you know, Myron Naneng from
21 AVCP, someone from Tanana Chiefs, in the very near
22 future, to talk about some of what's in there and
23 hammer out something that we could all agree to.

24

25 So I think there's some other steps
26 that we can do, that the in-season manager has the
27 ability to do, there's some things that we could do in
28 terms of addressing the motion with some amendments
29 that I think would better serve everyone. So I guess
30 I'm just throwing out, we should have a discussion
31 about the motion on hand. I think it stops short of
32 actually being able to take care of concerns I still
33 have. So I'm hoping we can have a discussion and maybe
34 move on to the ability to make a different motion at
35 some point.

36

37 And I hope that wasn't too convoluted.

38

39 CHAIRMAN TOWARAK: Go ahead.

40

41 MR. LOUDERMILK: And correct me if I'm
42 wrong, you know, I guess I appreciate the comments that
43 Geoff has, this is not only brilliant but it makes
44 sense. You know it's one of those things, as the
45 Bureau of Indian Affairs, we wear a couple of different
46 hats here. Obviously we're advocates for the tribes,
47 we're advocates for Native American people, and Alaska
48 Natives, so I guess with that, you know, as we go
49 forward and we take a look at this, which I believe we
50 need to and I agree with Geoff's comments, I think that

1 Bureau of Indian Affairs should be at the table also.

2

3 MR. HASKETT: Sure.

4

5 MR. C. BROWER: Mr. Chair.

6

7 CHAIRMAN TOWARAK: Go ahead.

8

9 MR. C. BROWER: In light of what's
10 being said here, and if the agencies want to look
11 through the resolution, I believe I don't have any
12 problem with that and I think it would be wise if Sky
13 would come over and explain, you know, I don't -- if we
14 don't approve this, nothing comes out of it and there's
15 no amendment, you know, I think we should look to where
16 it should not take too long to look through this
17 process, at least two to three weeks at the most, I
18 think this idea of this resolution, it pretty well fits
19 with what's happening down there on the river.

20

21 Thank you.

22

23 CHAIRMAN TOWARAK: Go ahead, Mr.

24 Haskett.

25

26 MR. HASKETT: Since no one is asking
27 any other questions, again, I'm going to ask if this is
28 appropriate for me to do this, can I talk in general
29 about what I think another motion might be in the
30 middle of this motion or is that not appropriate to do
31 that.

32

33 MR. C. BROWER: Amend the motion.

34

35 MR. HASKETT: Well, it amends it too
36 much, I think.

37

38 CHAIRMAN TOWARAK: Yeah, we're in
39 discussion mode at this point and if it's part of the
40 discussion I think we should hear what your thoughts
41 are and I'm not sure if, at this moment, if the maker
42 of the motion and the second of the motion agree to
43 amendments, you know, we can go that process. So go
44 ahead and explain what you think you would have done.

45

46 MR. HASKETT: Okay, so this isn't an
47 amendment. Because I think -- I'll just talk about
48 another possible way forward and maybe Charlie can
49 consider whether it's something we can consider
50 instead.

1 So what I believe is that the in-season
2 manager has all the authority in the world, definitely
3 for the next couple of months to go ahead and take care
4 of the concerns that these motions were put together,
5 to address. The one thing it doesn't do is,
6 Federalization, when we do that, it takes care of being
7 able to limit it to only Federally-qualified users
8 along the river, so what I would have been looking at
9 doing was not opposing the motion but asking for a
10 deferral until mid-June sometime when we're going to
11 have a much better idea about the amount of fish,
12 what's going to be able to be harvested, what kind of
13 problems we're looking at and if the in-season manager,
14 through delegation from us, working with the villages,
15 continuing to have discussions, again, at a very high
16 level on the resolution and trying to get to a point
17 where we have something we can agree to there, if those
18 things haven't worked out, then I think the Board
19 should be able to pull together mid-June and look at
20 this identical one and look at exactly what Charlie
21 just proposed, although I'd be looking only at chinook,
22 I wouldn't be looking at the other species, so I think
23 we have a process we could set up where defer it to
24 mid-June, make sure we have some ability for the Board
25 to come together, teleconference or however we need to
26 do it, if we're in a position where that hasn't worked,
27 and I'm very optimistic that we can do a lot of these
28 things, then we'd have the ability to take a look at
29 the motion and say, yes, we're going to go ahead and
30 Federalize.

31
32 But I'm really, really impressed with
33 the fact, again, that you had the Lt. Governor on the
34 phone. I would like the ability to have Fish and
35 Wildlife Service, the State, villages along the river,
36 for us to work together over the next month and a half
37 in a very intense way and be in a better position than
38 I think maybe people are expecting we're going to be at
39 that point, and, again, if we're not then we could take
40 it up then and do what was proposed just now.

41
42
43 CHAIRMAN TOWARAK: Go ahead, Mr. Owen.

44
45 MR. OWEN: Mr. Chair. I share Mr.
46 Haskett's concern about some of the aspects of the
47 resolution, or the special action request in front of
48 us. But maybe more importantly, my recent experience
49 with the Angoon situation, I think, is important here.
50 Where maybe a year or so ago, I think most of us were

1 paper happy but kind of, you know, skeptical about the
2 resolution, and it wasn't until, you know, certain
3 things aligned and everybody was actually faced with a
4 deadline to come up with a solution and people stopped
5 playing cards and started talking to one another. We
6 have the State at the highest levels here, we have
7 actually been engaging with the communities in a
8 meaningful way, both the State and the Federal
9 government in this case. We have put a lot of time in
10 thinking about this and I would go a step farther than
11 Mr. Haskett and I would person -- I'm not willing to
12 make a motion to this effect -- but I would personally
13 be willing to let the in-season managers with their new
14 authority that they've acquired this year run the
15 program this year and then judge them on their action
16 next season, you know, and decide whether, you know, we
17 needed to actually take an action, you know, and not
18 have something hanging over them if they don't perform a
19 certain way, we as a Board will jump in and correct
20 them, I would like to see us, you know, under ideal
21 circumstances give the in-season managers the rope to
22 make something beautiful in terms of their relationship
23 with the community to provide, what I've heard
24 consistently here, is an equitable access to fish for
25 people.

26

(Pause)

27

28
29 CHAIRMAN TOWARAK: Any further
30 discussion by the Board.

31

(Laughter)

32

33
34 CHAIRMAN TOWARAK: My mind is.....

35

(Laughter)

36

37
38 MR. CRIBLEY: Mr. Chair.

39

40
41 CHAIRMAN TOWARAK: Go ahead.

42

43 MR. CRIBLEY: Hopefully to -- well,
44 hopefully I don't muck things up much more, but just
45 for further clarification, is the suggestion -- is it
46 being suggested that we defer taking action right now;
47 is that what Mr. Haskett is suggesting; in lieu of this
48 motion, is to defer action until June and then to
49 readdress the issue and if further action is necessary
50 to address it at that time.

50

1 CHAIRMAN TOWARAK: Go ahead, Mr.
2 Haskett.

3
4 MR. HASKETT: So, yes, I mean so if I
5 was to make a motion, if we get to that point where I'm
6 able to do that, it would be, in fact, that the Board
7 would need to -- we'd probably do it telephonically, in
8 some kind of public way, because I know it'd be
9 impossible to get everybody together, but get together
10 and take a look at are we, in fact, in the right place,
11 have we made the right decisions, should we, in fact,
12 Federalize at that point; we would take all those
13 questions up at that point in mid-June.

14
15 MR. CRIBLEY: I guess as a followup,
16 just from an observation standpoint, in my experience
17 in managing public resources and such, always have
18 strived to try to push the decisions down as far as
19 possible to the people who are actually touching the
20 resource and affected by that resource and you seem to
21 have the most success when there is a good strong
22 collaborative effort -- sincere collaborative effort
23 taking place. It seems like we have all the tools in
24 place for that to happen right now, or to occur, that
25 opportunity and I guess I would concur, support Mr.
26 Haskett's recommendation as far as giving it a chance
27 and see how that works and see if we can defer from
28 having to make decisions from high up and allowing the
29 people who are actually on the ground to deal with
30 their destiny, so to speak.

31
32 MR. C. BROWER: Mr. Chair.

33
34 CHAIRMAN TOWARAK: Go ahead.

35
36 MR. C. BROWER: I'm just wondering why
37 so long of a deferral of three months, when there would
38 be a working relationship with the three entities that,
39 you know, wouldn't two to three weeks -- can't we solve
40 this problem or Haskett, you're thinking three months
41 would be appropriate.

42
43 Thank you.

44
45 CHAIRMAN TOWARAK: Go ahead, Mr.
46 Haskett.

47
48 MR. HASKETT: Well, it's actually only
49 two months between now and mid-June, but Gene was just
50 actually pointing out to me that I probably shouldn't

1 be that specific because actually things could happen
2 earlier. My intent was to pick a date where we would
3 be able to see if the work the in-season manager had
4 done with the Native people, the villages, the process
5 set up for working with the -- you know, the group
6 that's set up in the resolution that we had, that'd be
7 an appropriate amount of time to be able to actually
8 see whether it worked or not. We could call for it
9 earlier if we needed to.

10

11 CHAIRMAN TOWARAK: Go ahead, Gene.

12

13 MR. PELTOLA: Yes, Mr. Chair, I'd just
14 like to clarify the comment I made to Regional Director
15 Haskett is that if the Board considers such an action
16 they may not want to hold to a specific date or general
17 timeframe, as an example, mid-June, because the timing
18 of the run is dependent upon break up, ice out,
19 depending on the flood and when the run comes in and
20 typical in-season management, the first thing you do is
21 look at, whether it's a early run, average run, or a
22 late run, so if you set a specific time, for example,
23 mid-June, it may be too far along in order to make the
24 appropriate decision to effectuate mid-season
25 management decisions.

26

27 MR. C. BROWER: Mr. Chair, one more
28 last comment.

29

30 CHAIRMAN TOWARAK: Go ahead.

31

32 MR. C. BROWER: If the agencies would
33 like some time to look through this, you know, ample
34 time, you know, like two to three weeks I don't have
35 any problem, but I think if you go beyond that like
36 Gene just stated that, you know, it might be an early
37 run, freeze and break up, so two to three weeks, you
38 know, I think that's ample time.

39

40 Thank you.

41

42 MR. OWEN: Mr. Chair.

43

44 CHAIRMAN TOWARAK: Go ahead.

45

46 MR. OWEN: I'd like to call for the
47 question.

48

49 CHAIRMAN TOWARAK: Okay. Question's
50 been called for. Could we have roll call.

1 MR. PELTOLA: Okay, Mr. Chair, the
2 motion before the Board is to accept Resolution 15-01
3 as presented by the Kuskokwim River Inter-Tribal
4 Fishery Commission for Federal management 2015 Kusko
5 chinook as presented and seconded by BLM and we'll go
6 through roll call.
7
8 Public member Brower.
9
10 MR. C. BROWER: Yes.
11
12 MR. PELTOLA: Fish and Wildlife
13 Service.
14
15 MR. HASKETT: No.
16
17 MR. PELTOLA: BIA.
18
19 MR. LOUDERMILK: No.
20
21 MR. PELTOLA: BLM.
22
23 MR. CRIBLEY: No.
24
25 MR. PELTOLA: National Park Service.
26
27 MR. FROST: No.
28
29 MR. PELTOLA: Forest Service.
30
31 MR. OWEN: No.
32
33 MR. PELTOLA: Mr. Chair.
34
35 CHAIRMAN TOWARAK: I'll vote yes.
36 And.....
37
38 MR. PELTOLA: Motion fails, two to
39 five.
40
41 CHAIRMAN TOWARAK: Okay, Mr. Haskett.
42
43 MR. HASKETT: Can I make a new motion.
44
45 CHAIRMAN TOWARAK: Yes. Please.
46
47 (Laughter)
48
49 MR. HASKETT: Okay. I make a motion
50 to approve Special Action FSA 15-08 and I'll provide my

1 justification as to why I intend to ask that this
2 proposal be deferred and considered again, if needed,
3 in mid-June of this year although we may change to a
4 different date than that.

5
6 MR. OWEN: Second.

7
8 CHAIRMAN TOWARAK: You heard the motion
9 and the second.

10
11 MR. LORD: Mr. Chair.

12
13 CHAIRMAN TOWARAK: Go ahead.

14
15 MR. LORD: Just a point of
16 clarification, Mr. Chair. Mr. Haskett, did you mean
17 Proposal 15-08 or were you talking about the Resolution
18 15-01?

19
20 MR. HASKETT: Thank you. Which is the
21 correct one, 15-01.

22
23 (Laughter)

24
25 MR. LORD: Well, the Staff -- that's a
26 resolution that Mr. Starkey presented, and others, the
27 Staff analysis and the proposals are 15-02, 3, 5, 7 and
28 8.

29
30 CHAIRMAN TOWARAK: And that was where
31 my confusion -- is -- and maybe you can straighten me
32 out. Resolution 15-01 is actually a resolution passed
33 by the.....

34
35 MR. PELTOLA: 15-08.

36
37 CHAIRMAN TOWARAK:Kuskokwim --
38 the Federally-recognized tribes of the Kusko River
39 drainage, it's not necessarily our own resolution.

40
41 MR. HASKETT: It's 15-08, isn't that
42 what I said, did I say 15-01?

43
44 MR. C. BROWER: No.

45
46 CHAIRMAN TOWARAK: But what does that
47 do to 15-02, 03, 05 and 07.

48
49 MR. HASKETT: I'm going to have -- and
50 I will have a second motion to go ahead and disregard

1 those afterwards if we get through this.

2

3 CHAIRMAN TOWARAK: Okay, there's a
4 motion on the floor to accept 15.....

5

6 MR. HASKETT: Justification.

7

8 MR. C. BROWER: Is there a motion to
9 approve.

10

11 MR. OWEN: Do you need another second
12 because you got a second.

13

14 CHAIRMAN TOWARAK: Yeah, there was a
15 motion and a second on the floor, we're still under
16 discussion.

17

18 MR. HASKETT: So justification.

19

20 CHAIRMAN TOWARAK: Yes.

21

22 MR. HASKETT: Okay. So I really am
23 trying not to muddle this up but it is complicated.

24

25 So I want to say again that the
26 testimony today from everyone was just awesome, I don't
27 have a better word for it. I mean I think people did a
28 really good job of making sure that they understood the
29 reasons why it's important for the people along the
30 river to be involved, why it's important for the State
31 to be involved. I was very impressed with the fact
32 that Sam Cotten is here, that we heard from the Lt.
33 Governor. I thought that Sky Starkey, and we talked
34 about the resolution they did, I think it's important
35 for us to continue moving forward at the highest levels
36 to make sure that we can get to a place where -- that
37 we agree to this as well.

38

39 Having said that, we appreciate the
40 concerns raised by the proponents of these special
41 action requests, but believe, as I said before, that
42 the Federal in-season manager can work closely with the
43 State to provide subsistence opportunity for the salmon
44 species that can sustain harvest. While the request
45 asks for management of fisheries within the Kuskokwim
46 River drainage, any closure would only affect Federal
47 public waters, not the entire drainage. The Federal
48 in-season manager already has the authority to close
49 and reopen Federal public waters to non-Federally-
50 qualified users and is prepared to do that as requested

1 by the special action and the Board directs the manager
2 to do so when necessary to conserve or continue
3 subsistence uses of chinook salmon.

4

5 These are complicated issues.

6

7 Last year Federal public waters were
8 closed to the harvest of chinook salmon except by 32
9 communities identified in the .804 analysis and limited
10 harvest was provided via social and cultural harvest
11 permits, however, as was stated previously only four of
12 the 20 communities that were issued permits used them
13 to harvest 82 chinook salmon. Beyond the permitted
14 harvest an estimated 12,000 chinook salmon were
15 incidentally harvested in other fisheries so despite
16 these conservation efforts escapement goals were not
17 achieved at two of the three escapement projects.

18

19 I think there's agreement from everyone
20 that there are still conservation concerns with chinook
21 salmon in the Kuskokwim River, however chum, sockeye
22 and coho salmon returns have been reasonably healthy
23 and appear capable of supporting ongoing subsistence
24 and non-subsistence uses. Therefore, closing Federal
25 public waters during the harvest seasons for these
26 salmon species except chinook salmon are not
27 necessarily the conservation of healthy populations or
28 to continue subsistence uses. The State and Federal
29 in-season managers can restrict the harvest of salmon
30 and non-salmon species when an abundance of chinook
31 salmon is available and may be incidentally caught
32 beyond sustainable level.

33

34 However, I think the Board, by
35 deferring this proposal, reserves the right to take
36 action, if needed, to Federalize at a later date if the
37 actions that take place are not enough to protect the
38 Federal users as well as conservation of the species.

39

40 Federal public waters are basically
41 limited to those within the boundaries of the Yukon
42 Delta National Wildlife Refuge. Federal-qualified
43 subsistence users living in middle or up river
44 communities would have to travel down to the Refuge to
45 harvest any allocated chinook salmon. This is likely
46 one reason why there are different levels of support
47 along the river for requested actions, although
48 recognizing, again, it's more complicated than that as
49 well. Also if a harvestable surplus is identified, it
50 would not likely be determined until a season is under

1 way, which is part of the reason why I wanted to get to
2 a later date to be able to determine that and may
3 differ from the pre-season forecasts. Everyone
4 recognizes pre-season forecasts are just that, they're
5 forecasts. We hope they are what they're expecting to
6 be but if they're not we need to be able to take
7 management actions to address that. Thus setting
8 allocation in pre-season could present additional in-
9 season challenges. We'd like to see the Federal and
10 State managers work closely to manage the river in a
11 way that provides harvest opportunity for communities
12 throughout the drainage, not just on Federal public
13 waters, while including people along the river.

14
15 The State recently released a news
16 release discussing their new regulatory management
17 tools they were provided by recent Board of Fisheries
18 actions and that they intend to provide for limited
19 chinook salmon harvest opportunity after the first
20 quarter of the chinook salmon run has passed for
21 escapement.

22
23 Again, if none of this above works for
24 the Board, we retain the ability to take action to
25 still Federalize if we deem it required.

26
27 And that's it.

28
29 There's more but I think I'll stop
30 there.

31
32 CHAIRMAN TOWARAK: Are there any
33 questions.

34
35 MR. FROST: Mr. Chair.

36
37 CHAIRMAN TOWARAK: Go ahead.

38
39 MR. FROST: I have a question, so I'm
40 totally confused with the motion. So can I ask Geoff a
41 question.

42
43 MR. OWEN: Bert, it's printed wrong
44 here, they're all 15s but on the original.....

45
46 MR. FROST: That's the one I got here.

47
48 MR. OWEN: Right. So in the briefing
49 book I have it says it two different ways, it says
50 they're all FSA15, da-da-da-yada-dada, and then, you

1 know, and what the ISC did is they broke it up into --
2 so there's an error in our paperwork.
3
4 MR. FROST: So Page 1.....
5
6 MR. OWEN: Yeah, Page 1.....
7
8 MR. FROST: Where are you at?
9
10 (Pause)
11
12 UNIDENTIFIED VOICE: Hold for a minute.
13
14 MR. OWEN: Yeah.
15
16 CHAIRMAN TOWARAK: We're going to
17 declare a five minute break, four minutes.
18
19 (Off record)
20
21 (On record)
22
23 CHAIRMAN TOWARAK: We are just about
24 ready to reconvene.
25
26 (Pause)
27
28 CHAIRMAN TOWARAK: Okay, it's my
29 understanding where we're at is we're under discussion
30 with a motion on the floor that was approved. The
31 recommendation from the Chair is to vote this down and
32 there will be a new motion made by Mr. Haskett.
33
34 (Pause)
35
36 CHAIRMAN TOWARAK: Okay, we'll give you
37 a couple minutes.
38
39 (Pause)
40
41 CHAIRMAN TOWARAK: If we were doing it
42 Yup'ik we would have been done a long time ago.
43
44 (Laughter)
45
46 UNIDENTIFIED VOICE: Not in Tlingit.
47
48 (Laughter)
49
50 CHAIRMAN TOWARAK: I wish we were doing

1 it in Yup'ik.

2

3 (Laughter)

4

5 CHAIRMAN TOWARAK: Okay, we're ready to
6 reconvene and the process is going to be we're going to
7 call for the question on this and I'm -- the Chair is
8 recommending that we vote this down and Mr. Haskett
9 will have a new motion to make.

10

11 MR. OWEN: Question.

12

13 CHAIRMAN TOWARAK: Question's been
14 called for. All those in favor of the motion say aye.

15

16 (No aye votes)

17

18 CHAIRMAN TOWARAK: Those against the
19 motion say nay.

20

21 IN UNISON: Nay.

22

23 CHAIRMAN TOWARAK: The motion is
24 defeated. The floor is open for action.

25

26 (Laughter)

27

28 CHAIRMAN TOWARAK: Mr. Haskett.

29

30 MR. HASKETT: Can you tell me how to do
31 this in Yup'ik.

32

33 (Laughter)

34

35 CHAIRMAN TOWARAK: I'll do it for you.

36

37 (Laughter)

38

39 MR. HASKETT: Thank you.

40

41 (Laughter)

42

43 MR. HASKETT: So I make a motion to
44 defer Special Actions 15-02, 03, 05, 07 and 08 until
45 needed or required by call of the Chair as suggested by
46 the timing of the run and biological necessity.

47

48 MR. C. BROWER: Is that the motion.

49

50 MR. HASKETT: That's the motion.

1 MR. OWEN: Second.
2
3 CHAIRMAN TOWARAK: You heard the motion
4 and it was seconded. Any further discussion.
5
6 MR. HASKETT: Not from me.
7
8 (Laughter)
9
10 CHAIRMAN TOWARAK: Is there a call for
11 the question.
12
13 MR. OWEN: Question.
14
15 CHAIRMAN TOWARAK: Question's been
16 called for, all those in favor of the motion say aye.
17
18 IN UNISON: Aye.
19
20 CHAIRMAN TOWARAK: Any opposed, say
21 nay.
22
23 (No nay votes)
24
25 CHAIRMAN TOWARAK: Motion passes
26 unanimously.
27
28 Then the next item on the agenda
29 is.....
30
31 MR. PELTOLA: The Yukon.
32
33 CHAIRMAN TOWARAK:is the Yukon
34 and we will go through the same process but since we're
35 experienced in this now it should go a little faster.
36
37 (Laughter)
38
39 CHAIRMAN TOWARAK: We'll ask Pippa for
40 an analysis of the proposal.
41
42 MS. KENNER: Thank you, Mr. Chair.
43 Again, my name is Pippa Kenner and I'm with the Office
44 of Subsistence Management. I'll give you a moment to
45 get to the analysis, it's behind one of your tabs.
46 This is for Federal Special Action 15-01, 4, 6, 9, 10
47 and Federal Special Action 14-7 and 8 on the Yukon
48 River.
49
50 (Pause)

1 MS. KENNER: Members of the Board. I
2 will begin the presentation of the Staff's analysis of
3 the five special action requests that were submitted
4 concerning salmon in Yukon River drainage. First I'd
5 like to point out a correction that needs to be made in
6 the analysis. Page 6 indicates that there was only a
7 summer chum salmon commercial fishery in 2014; that's
8 on Page 6. Under harvest history, the correct harvest
9 tallies are 115,593 fall chum salmon were harvested in
10 the commercial fishery and 104,638 coho salmon were
11 harvested in the commercial fishery in 2014.

12

13 Next, I'm presenting some background to
14 this year's special action request.

15

16 In late June 2014, special action
17 requests were submitted by the Native Village of
18 Marshall and the Iqurmiut Traditional Council at
19 Russian Mission. They requested that the Board adopt
20 an ANILCA Section .804 determination for each of the
21 communities and allow residents some opportunity to
22 harvest chinook salmon. Based on the timing of the
23 requests and the number of communities involved Office
24 of Subsistence Management Staff determined that they
25 did not have the time required to appropriately conduct
26 the ANILCA Section .804 analysis and deferred the
27 request and they are part of the present analysis.

28

29 This year in February and March 2015
30 five separate fisheries special requests were submitted
31 by the Algaaciq Tribal Government that represents the
32 Algaaciq Native Village at St. Mary's, the Holy Cross
33 tribe, the Kaltag Tribal Council, the Marshall
34 Traditional Council representing the Native Village of
35 Marshall and the Anvik Tribal Council all request the
36 Board close the Yukon River drainage to the harvest of
37 salmon except by Federally-qualified users. Further,
38 reduce the pool of eligible harvesters based on an
39 ANILCA Section .804 analysis and implement an
40 allocation strategy between eligible users.

41

42 The special action requests ask the
43 Board to, for the 2015 season, include the Yukon River
44 Inter-Tribal Fish Commission in the demonstration
45 project announced by the Secretary of the Department of
46 the Interior in fall 2014 and, further, asks the Board
47 to implement an interim co-management system through
48 temporary rules or special action. This part of the
49 special action requests were not addressed in the
50 analysis because it is not in the Board's authority to

1 implement the request or direct the development of the
2 demonstration project, however, the U.S. Fish and
3 Wildlife Service is working on the demonstration
4 project for the Kuskokwim River.

5
6 Staff left out the Tanana River from
7 the area covered in the analysis. Few chinook salmon
8 are observed past its confluence with the Salcha River
9 and there are no Federal public lands or waters in the
10 area, or very few.

11
12 Now I'll present the ANILCA Section
13 .804 portion of the analysis and it begins on Page 8.

14
15 So Section .804 of ANILCA requires the
16 Board to respond when the population of a fish or
17 wildlife species in a particular area becomes depressed
18 to the point that managers are forced by circumstance
19 to choose between otherwise qualified rural residents.
20 The analysis is based on three criteria.

- 21
22
23 1. Customary and direct dependence
24 upon the populations as a mainstay of
25 livelihood.
26
27 2. Local residency.
28
29 3. The availability of alternative
30 subsistence resources.

31
32 In this case the conclusion of the
33 ANILCA Section .804 analysis begins on Page 24. And it
34 is that, in the upper Yukon drainage 12 of 42 rural
35 communities have the higher level of customary and
36 direct dependence on salmon in the Yukon River
37 drainage, minus the Tanana River drainage after
38 consideration of the three criteria. In the middle
39 Yukon River drainage 12 of 16 rural communities will be
40 eligible. And in the lower Yukon River drainage 11 of
41 12 rural communities will be eligible.

42
43 Now, I'm turning the presentation over
44 to Gerald Maschmann to present fishery information, the
45 2015 outlook and the management strategy.

46
47 MR. MASCHMANN: Mr. Chairman. My name
48 is Gerald Maschmann and I'm the assistant Federal
49 manager on the Yukon and I work for Fred Bue, who is in
50 Whitehorse right now on the Yukon River Panel. If you

1 could, I believe, turn to Page 72 in your packet. The
2 first thing I'm going to do is just go through this
3 packet. This is a joint packet that was developed by
4 the U.S. Fish and Wildlife Service and the Department
5 of Fish and Game. It was a packet of information that
6 was handed out to the RAC meetings during the winter of
7 2015. So I'm going to go through that briefly and
8 summarize it and then I'm going to talk about the 2015
9 season outlook, and then briefly talk about the 2015
10 management strategies and options that we're
11 considering for the summer, and then I'm going to also
12 summarize at the end with what we've been doing along
13 the lines of cooperative management.

14
15 So to begin with you can turn to Page
16 73 and the handout.

17
18 The top graph on that page shows that
19 chinook salmon commercial harvest have been reduced
20 since 1998 in order to protect the subsistence harvest.
21 The middle graph shows that subsistence harvest have
22 remained steady even with the declining production
23 until 2012 and 2013 when more severe subsistence
24 fishing restrictions had to be implemented in order to
25 safeguard escapement needs. You can see that the
26 severe restrictions implemented on subsistence fishing
27 in 2013 resulted in a total harvest of approximately
28 12,500, which is roughly 75 percent below the average
29 subsistence harvest and even lower still in 2014 to
30 around 14 percent of the average. The bottom graph
31 shows the chinook salmon estimated total run sizes have
32 been declining steadily since 2007. Despite a poor run
33 in 2014 the severe restrictions implemented did result
34 in a fairly good overall drainagewide escapement as you
35 can see by the lower dark portion of the stack bars.

36
37 On Pages 74, 75 and 76 this shows other
38 chinook salmon escapement projects in the Yukon
39 drainage. Some show declining numbers while some have
40 held steady with 2014 having good escapement for most
41 projects.

42
43 On Page 77 it shows the summer chum,
44 fall chum and coho salmon and overall these runs have
45 been doing okay in the recent history.

46
47 On Page 78, I don't know if yours is in
48 black and white or color, but if it's in black and
49 white it might be hard -- is it in color.

50

1 CHAIRMAN TOWARAK: It's in color.

2

3 MR. MASCHMANN: Okay, great, it's in
4 color. The top graph shows the salmon run timing on
5 the Yukon River. You'll notice the red line shows
6 summer chum salmon run timing in abundance and the blue
7 line shows the chinook salmon run timing in abundant.
8 And this is a major challenge for the managers to, you
9 know, allow fishermen to harvest this abundant summer
10 chum while protecting the overlapping chinook salmon
11 runs.

12

13 The bottom of that page shows, you know
14 it gets all pretty complex, however, we do know that
15 the early portions of the run tend to migrate the
16 furthest up river so when we talk about the first pulse
17 protection as a management strategy, those chinook get
18 protected all the way to the border. As you can see
19 from that bottom figure, that map there, it shows that
20 there's overlapping stocks of chinook that are going to
21 different parts of the river and they're going to
22 different -- different sections of the river have
23 different fishing styles and different uses of those
24 fish.

25

26 So for the 2015 chinook salmon season
27 outlook, the Joint Technical Committee just recently
28 posted their outlook for a total Yukon chinook run to
29 range from 18,000 to 140,000 salmon. Typically
30 managers estimate that 50 percent of the Yukon chinook
31 tend to be Canadian origin so this gives managers an
32 estimated Canadian origin chinook salmon run in the
33 range of 59,000 to 70,000 with the average run size
34 from the year 2000 to 2014 was 166 chinook salmon with
35 approximately 83,000 being of Canadian origin.

36

37 Currently models are suggesting at this
38 time that the 2015 chinook salmon run will be similar
39 to the 2014 run. The Yukon Panel is meeting in
40 Whitehorse at this time to discuss the 2015 Canadian
41 escapement goal. This will not be finalized probably
42 until tomorrow, however it's anticipated that the goal
43 will not change from last year's goal of 42,500 to
44 55,000 chinook salmon. It is anticipated that the 2015
45 chinook salmon run could be sufficient to meet most
46 escapement objectives provided conservative management
47 actions are applied to the subsistence fishery.

48

49 The 2015 summer chum salmon run is
50 anticipated to provide for escapements, a normal

1 subsistence harvest and a surplus for commercial
2 harvest. Harvestable surpluses of summer chum have
3 been available for the last 12 years. Depending upon
4 in-season run indicators the harvestable surplus of
5 summer chum could be in the range of 800,000 to 1.4
6 million. As summer chum overlap chinook salmon the
7 actual commercial harvest of summer chum will likely be
8 affected by the potentially weak chinook salmon run
9 which could be harvested incidentally in a summer chum
10 fishery.

11
12 The fall chum salmon run is anticipated
13 to provide for escapements and normal subsistence
14 harvest and a surplus commercial harvest. The 2015
15 fall chum salmon run is forecasted to be between
16 944,000 to 1.2 million fall chum. This is slightly
17 below average for odd number years but well above the
18 300,000 to 600,000 drainagewide escapement goals.

19
20 Little comprehensive escapement
21 information is known for Yukon River coho salmon. They
22 typically return as age four fish and the run overlaps
23 the second half of the fall chum salmon run. Assuming
24 an average survival the 2015 coho salmon run is
25 anticipated to be similar to the 2011 run, which was
26 below average, however a run of this size should meet
27 escapement objectives, provide for a normal subsistence
28 harvest and provide for some commercial harvest
29 opportunity.

30
31 Some management strategies that the
32 managers are considering for 2015.

33
34 Management tools have been developed in
35 recent years through working with the public. Some of
36 these have been formalized into regulations and others
37 have been agreed to. We've agreed to implement based
38 on in-season fisheries status as the season develops.

39
40 If you'd turn to Pages 80 and 81 of
41 your Board packet, this is a list of some of the
42 management options that we provided to the RACs this
43 winter with input from Fish and Game and many, if not
44 all of these have been presented to the public and
45 various groups over the last few years. If you want to
46 go into detail we can, but I'm just going to let you
47 guys look at those.

48
49 For two months -- you know, two months
50 ago the Board of Fish added two new management options

1 during a special meeting that are intended to provide
2 opportunity to harvest summer chum while conserving
3 chinook. One of those created an additional drift
4 fishing in Subdistrict 4A to target summer chum after
5 most of the chinook have passed and the other one
6 relaxed the requirement to man fishwheels after most
7 chinook had passed and gillnet fishermen were allowed
8 to use six inch to target chum.

9
10 So in summary the Yukon is a very large
11 and complex river system. We've got multiple
12 overlapping jurisdictions, State, Federal as well as
13 Canadian waters. We've got a mixed stock fishery.
14 We've got multiple overlapping stocks of chinook,
15 overlapped with other salmon and non-salmon species all
16 mixed together and at all different abundance levels.
17 Many different subsistence users rely on the shared
18 resource in many different ways and harvesting with
19 many different techniques. Chinook salmon production
20 has been down a long time and at this point there are
21 no expectations for a quick recovery. And a lot of
22 work has gone into cooperative management, which
23 includes the State, Federal, Canadians and the fishing
24 public. We've seen a shift in the fishing public from
25 disbelief that there's a problem with the chinook run
26 to acceptance that it's not as good as it used to be.
27 Most of the conservative management tools we use today
28 were developed by the public in the last 10 years.

29
30 In 2009 the Yukon River Panel
31 compromised of primarily fishermen from both sides of
32 the border provided funds for stakeholders in Alaska to
33 meet before the season to work on strategies to
34 conserve salmon in Alaska. Managers worked with the
35 public to come up with actions to conserve chinook,
36 even though they were not required to in regulations,
37 such as first pulse protection and mesh size
38 restrictions. They also agreed to, in 2009, to a
39 special action to limit participation to only
40 Federally-qualified subsistence fishermen.
41 Unfortunately there was a lot of confusion and anguish
42 with that decision that first season, with most of the
43 discomfort -- due to the special action as it only
44 applied to portions of the river and it was an added
45 hardship to people in the village who relied upon
46 others living outside the area to help them obtain
47 their subsistence needs.

48
49 Each year since then the Yukon Panel
50 has funded this pre-season planning meeting, except in

1 2013, because they recognize that success on such a
2 vast system can only be achieved through cooperation.
3 The cost for this meeting has been \$70,000 annually.
4 In 2014 this meeting included the \$70,000 one day
5 Alaska meeting, plus a second day meeting where
6 Canadian fishermen joined the discussion at an added
7 cost of another \$100,000. So in 2014 \$170,000 was
8 funded by the Panel for this meeting.

9
10 We're now at a point where many
11 fishermen are resolving not to fish in an effort to
12 protect the future of chinook salmon.

13
14 Also in conclusion here, most years
15 since then Federal managers have asked the RACs and the
16 pre-season planning meeting participants on numerous
17 occasions how they feel about the special action to
18 limit participation to only Federally-qualified
19 subsistence fishermen and fishermen on the Yukon, for
20 the vast majority, have opposed the action.

21
22 So unless there's any more questions
23 specifically about the chinook runs that's the end of
24 mine.

25
26 CHAIRMAN TOWARAK: Thank you. Are
27 there any questions from the Board.

28
29
30 (No comments)

31
32 MS. KENNER: May I continue, Mr. Chair.

33
34 CHAIRMAN TOWARAK: You're going to do
35 the allocation.....

36
37 MS. KENNER: Yes. Yes.

38
39 CHAIRMAN TOWARAK: Go ahead.

40
41 MS. KENNER: First I was going to go
42 over the effects of the proposal, if the Board adopted
43 it, which begins on Page 24, but instead I'll just
44 point out that the Federal fishery manager in
45 consultation with other fishery managers would open a
46 Federal subsistence chinook salmon fishery only if
47 levels justify harvest only Federally-qualified rural
48 residents of 35 out of 61 rural communities in the
49 customary and traditional use determination for salmon
50 would be eligible and that's about 9,000 people out of

1 an estimated population of over 18,000.

2

3 And if the Federal Program assumed
4 management of all Yukon salmon the U.S. Fish and
5 Wildlife Service would not have the existing capacity
6 to fulfill all management responsibilities resulting
7 from the approval.

8

9 Concerning an allocation strategy the
10 tribes request the Board provide equitable opportunity
11 for subsistence uses of chinook salmon. There could be
12 an allocation based on what we've determined to be a 16
13 year average taking out years when there was very small
14 run or harvest restrictions, prevented harvest. And a
15 community could receive that portion or fraction of the
16 salmon available. One community per -- there would be
17 one community permit per community that could be
18 supplemented with the distribution of permits to
19 individuals if necessary.

20

21 And, finally, the OSM conclusion
22 support Special Action Requests 1, 4, 6, 9 and 10(a)
23 and 14, 7 and 8 that were deferred from last year and
24 the regulation should read:

25

26 Unless reopened by the Federal
27 fisheries manager, Federal public
28 waters in the Yukon River drainage are
29 closed to the harvest of salmon; when
30 reopened by the Federal fisheries
31 manager, Federal public waters in the
32 Yukon River drainage are closed to the
33 harvest of salmon except by Federally-
34 qualified residents that were
35 identified in the ANILCA Section .804
36 determination.

37

38 And there's a list of communities there
39 on the very last page of the analysis if you're
40 interested in seeing that.

41

42 Thank you very much, that's the end of
43 my presentation.

44

45 CHAIRMAN TOWARAK: Any questions of the
46 Staff.

47

48 (No comments)

49

50 CHAIRMAN TOWARAK: Okay, thank you very

1 much for your presentation.

2

3 We're going to get the summary of
4 tribal consultation from Orville.

5

6 MR. LIND: Quyana. Mr. Chairman.
7 Board members.

8

9 We had three more consultations with
10 St. Mary's, Galena and Ft. Yukon. I'm going to go
11 ahead with St. Mary's first.

12

13 There was actually some questions and
14 they also sought clarifications on the type of special
15 actions, emergency and temporary, and one of the
16 questions that they asked if the Board adopts the
17 special action requests it would override any State of
18 Alaska management strategy and, of course, our Staff
19 replied the short answer is yes. And then when will
20 the special action request take effect. The other one
21 is has an allocation strategy been implemented in the
22 Yukon River drainage and how will it be implemented if
23 developed. For example, it could be an equitable
24 allocation based on a 20 year average harvest by
25 community. In summary of that Andreafsky opposed the
26 special action in St. Mary's.

27

28 Going on to Galena. Again, I'm going
29 to share some of the testimony from Mr. Huntington and
30 he said that their people have been fishing on the
31 river since long before ANILCA, and catching fish still
32 remains the way of their life and but ANILCA calls
33 being a subsistence user. He sees no difference
34 between himself and someone who moved to the city to
35 give their kids a proper education and requesting that
36 just let our families from Fairbanks and Anchorage or
37 whatever come back and help us fish. He did also point
38 out that we don't get nearly as half as much as what
39 the pollock fishery is throwing overboard. Also
40 mentioned that if there is going to be an opening don't
41 let it happen toward the end of the season, let it
42 happen at the peak so that there is better quality
43 fish. He also noted that the later in the season less
44 likely people will have enough money to go fishing to
45 some of the further locations due to the cost of
46 gasoline. Lastly he also added that the special action
47 should be modified with the non-Federal close -- user
48 closure applicable only to five villages that submitted
49 the special action request.

50

1 Moving over to the Ft. Yukon
2 consultation. You had Mr. Peter inquire about what
3 management strategies would be put in place if the
4 fisheries special action was supported and how would it
5 be different, the management would be different to meet
6 escapement goals with Canada.

7
8 Mr. Alexander recommended that fishing
9 the first and second pulse of kings and then protection
10 of the third pulse. According to the knowledge of the
11 elders the third pulse is mostly females and it is
12 common sense to protect the females and you don't have
13 to fish the whole pulse.

14
15 And, lastly, Ms. James, joined with the
16 other support of other four villages, supports the
17 Federal action as a tribe in favor of co-management and
18 the .804. And she also requested a project to fish for
19 elders and record the data and that way it would allow
20 some fish for elders and also provide important
21 fisheries data to contribute to the management.

22
23 And that concludes the consultation.

24
25 CHAIRMAN TOWARAK: Thank you. Are
26 there any questions of Orville about tribal
27 consultation.

28
29 (No comments)

30
31 CHAIRMAN TOWARAK: Thank you, Orville.

32
33 MR. LIND: Quyana.

34
35 (Pause)

36
37 CHAIRMAN TOWARAK: Gene.

38
39 MR. PELTOLA: Okay, Mr. Chair. I
40 apologize but I had to run and take a break here
41 shortly. One thing we provided on the Kusko which we
42 did not provide on the Yukon is we gave a short summary
43 with regard to the OSM recommendations on the special
44 actions and I wanted to provide a brief summary on
45 that.

46
47 The OSM recommendations with regard to
48 the special action request are similar to the Kuskokwim
49 in that basically we recommend if there is limited or
50 small harvest opportunity available that it be limited

1 or put -- executed under a limitation to Federally-
2 qualified users only. One of the striking differences
3 between the Yukon and the Kusko is that -- is in the
4 implementation or execution of a commercial opportunity
5 throughout the season. Unlike the Kusko where there's
6 an -- when opportunity is provided gillnets are
7 provided, there are techniques that have been utilized
8 on the Yukon which provide for a more selected
9 opportunity to pull chum from the river and minimize
10 the potential for chinook harvest. That's one
11 opportunity that is present on the Yukon but not
12 necessarily on the Kuskokwim.

13

14 With that being said, the OSM
15 recommendation was general and broad. There are other
16 considerations the Board could take into account when
17 it looks at the prosecution or execution of a
18 commercial fishery which we felt wasn't in the privy of
19 the OSM but should be a consideration of the Board.

20

21 That's all I had, sir.

22

23 CHAIRMAN TOWARAK: Thank you. Any
24 questions.

25

26 (No comments)

27

28 CHAIRMAN TOWARAK: I think I should get
29 a copy of that, I don't have a copy of that.

30

31 MR. PELTOLA: Okay. We go to public
32 comments next.

33

34 CHAIRMAN TOWARAK: A summary of that.

35

36 (Pause)

37

38 CHAIRMAN TOWARAK: Okay. We have a
39 summary of the public comments from Carl.

40

41 MR. JOHNSON: Thank you, Mr. Chair.
42 Carl Johnson, Office of Subsistence Management.

43

44 As Mr. Peltola noted earlier, we
45 conducted three hearings in communities on the Yukon
46 special action requests. You have a summary of these
47 in your supplemental materials, the document is
48 entitled Yukon River Special Action Requests Public
49 Hearings Summary.

50

1 Hearings were held in St. Mary's and
2 Galena on April 10th, Ft. Yukon on April 7th. And due
3 to the overload of the phone line from the St. Mary's
4 call in we had an additional opportunity on April 14th
5 that was telephonic only. At all of these, excluding
6 Federal Staff we had 84 people from the public
7 participating with 53 providing testimony. There were
8 a total of 18 communities represented in all those
9 individuals who either attended in person or
10 telephonically.

11
12 Again, similar to before we asked three
13 general questions; should the Board adopt, adopt with
14 modification or reject. We asked the public for input
15 on whether or not the special actions should be
16 executed either in an emergency or temporary fashion.
17 And we also inquired as to the input on allocation
18 strategy.

19
20 For the first question, nine people
21 spoke specifically in favor of adoption of the special
22 action, 17 spoke in opposition. Additionally, the
23 Yupiit of Andreafski also spoke in opposition and they
24 have submitted a written comment. Other general themes
25 that were provided, the lower Yukon communities, in
26 particular, were opposed to the option, the possibility
27 of closing commercial harvest in the lower river. The
28 middle river communities were opposed because of the
29 prohibition of having family members from non-rural
30 areas come in to help fish in the summer if a non-
31 Federal closure were put into place. There were
32 several modifications that were suggested. One was to
33 simplify modify the special actions to explicitly allow
34 for commercial harvest in the Y1 and Y2 districts. One
35 suggested allowing to explicitly just communities up
36 river of Russian Mission to be provided a subsistence
37 harvest opportunity of chinook salmon. And as noted
38 during the tribal consultation summary, the same
39 modification was suggested during the public hearing
40 that the closure should be applied only to those
41 villages that submitted the special action requests.

42
43 As to the question of whether or not
44 the action should be emergency or temporary there were
45 no recommendations or, you know, specific suggestions
46 one way or the other with the exception of Galena where
47 they suggested emergency would be most appropriate for
48 them given the length of the chinook salmon run in
49 their part of the river.

50

1 Then as to allocations, there was no
2 specific recommendations on allocation at any of the
3 public hearings but during the telephonic opportunity
4 on April 14th there were two specific suggestions
5 provided. One, communities affected by the special
6 action request should be able to provide input on the
7 management strategies. And, then, two, there was a
8 specific suggestion of an allocation of 10 fish per
9 household for those areas where a harvest would be
10 permitted.

11
12 Then there's a variety of other
13 feedbacks that were provided that were not specific to
14 any of those three questions, and you can see them on
15 the back of the handout. And there were a variety of
16 them -- reflecting a variety of different thoughts,
17 several dealing with conservation, you know, just close
18 it for the whole season, conservation is the first
19 priority. Several also stressed favorability and just
20 working with the current system, the current system of
21 State/Federal and community participation is working
22 and we should continue to let it work. And another
23 theme that also popped up that was reflected in the OSM
24 analysis and, that is, the Federal government lacks the
25 Staffing and law enforcement support in order to not
26 only prosecute the Yukon special actions but to do both
27 Yukon and Kuskokwim in the same season.

28
29 And that's it for the summary of what
30 were the public hearings.

31
32 As I noted there were several written
33 comments that we have received.

34
35 One in support, six in opposition, and
36 two that were not specifically substantive on the
37 questions.

38
39 First, an email from Raymond Oney, who
40 is a resident of Alakanuk and he spoke in support of
41 the special action request and specifically an
42 emergency special action request.

43
44 Again, these written materials are in
45 your supplemental handouts.

46
47 We received an email from Randy
48 Esmailka from Galena who also -- he spoke in opposition
49 of the special action request and similar to other
50 people in his community because it would prohibit non-

1 rural residents, who they rely on each summer to help
2 fish, it would prevent them from coming in to help fish
3 in the summertime.

4
5 A letter dated April 14, 2015 from the
6 Yupiit of Andreafski, they are opposed to the special
7 action request. Again, Fish and Wildlife Service is
8 not ready to do exclusive management of the fishery of
9 the Yukon. Special actions are not necessary because
10 the State already imposes emergency openings and
11 closings of fish that provide for adequate escapement.
12 And it would also be economically devastating to the
13 lower river because of the importance of commercial
14 fishing in that area.

15
16 And then finally a general theme as
17 well that there are a variety of partnerships that are
18 in place already that are making the Yukon salmon
19 management successful.

20
21 Nicholas Tucker of Emmonak, a letter
22 dated April 9, 2015, general tone seems opposed to the
23 special action request highlighting the importance of
24 commercial fishing, the need to continue working with
25 the but also recognize the necessary -- that it's
26 necessary to close the harvest of chinook salmon.

27
28 A written comment received at the
29 Galena public hearing on April 10 from Sandy Scotton,
30 four main points. Conservation of the species should
31 be the first priority, which means closure without any
32 harvest. Unlikely that there will be any harvestable
33 surplus at all. The Federal subsistence lacks
34 sufficient capacity to manage an exclusive management
35 of the Yukon River. And then finally having the -- the
36 system right now is complicated enough, if the Federal
37 were to take over it would make things more complicated
38 is the general summary of the fourth point.

39
40 Next public written comment submitted
41 April 10th, 2015 from Martin Moore, Emmonak tribal
42 member. He is opposed and specifically because of the
43 impacts to the commercial fishing on the lower part of
44 the river.

45
46 There was a pamphlet entitled Yukon
47 River subsistence what is and what is not that was
48 submitted in the public meeting in St. Mary's by Elias
49 Kelly but the subject matter doesn't specifically
50 address the special action requests and I'll just let

1 the Board examine that.

2

3 And then finally the Gwichyaa Zhee
4 Gwich'in Tribal Government of Ft. Yukon submitted what
5 I understand from the tribal consultation was intended
6 to be a statement in favor of the special action but,
7 as written, is itself the submission of another special
8 action request.

9

10 And that is it for the public comments.

11

12 Thank you, Mr. Chair.

13

14 CHAIRMAN TOWARAK: Thank you. Any
15 questions.

16

17 (No comments)

18

19 CHAIRMAN TOWARAK: If not the next
20 process then is to have an open floor -- open the floor
21 for public testimony, and Gene will take care of that.

22

23 MR. PELTOLA: And as a reminder if you
24 haven't done so and you wanted to testify that we have
25 green sheets on the front table you could fill them
26 out, leave them with the Staff there and they'll bring
27 them to our attention here.

28

29 The first one on the top of the list
30 Tim Andrew, Yukon comments.

31

32 (No comments)

33

34 MR. PELTOLA: Are you still here Tim.

35

36 (No comments)

37

38 MR. PELTOLA: Okay, not seeing or
39 hearing from Tim, then we'll hold off and try one more
40 time here in a bit.

41

42 Gene Sandone.

43

44 MR. SANDONE: Good afternoon, Chairman
45 Towarak, Members of the Federal Subsistence Board,
46 Federal and State Staff and members of the public. My
47 name is Gene Sandone. I am a retired State of Alaska
48 employee with about 26 years of past service with
49 ADF&G.

50

1 For the last eight years of my State
2 service I served as the AYK CommFish regional
3 supervisor. Since that time I've been associated with
4 Yukon River fisheries and as a private consultant
5 working for Yukon Delta Fisheries Development
6 Association, or known as Yukon Delta or YDFDA. In all
7 I've been associated with Yukon fisheries and issues
8 for over 25 years. Currently I'm working on selective
9 harvest methods for the lower Yukon River fisheries.

10

11 Today I'm representing Kwik'pak
12 Fisheries as their fishery consultant.

13

14 First off I would like to say the Yukon
15 River is far and different a river than the Kuskokwim
16 and the salmon runs are very different also. Also the
17 Yukon village of Emmonak on the Yukon is no Bethel. I
18 believe that Federal regulations regarding these rivers
19 need to be tailored to the specific situation in each
20 river. One size does not fit all.

21

22 The lower Yukon area is one of the most
23 impoverished area in the state of Alaska and in the
24 country. There is little opportunity available besides
25 commercial fishing income, however, fishermen's income
26 has been severely reduced with the closure of the
27 chinook salmon commercial fishery and they are now
28 struggling address restrictions to address chinook
29 salmon conservation concerns to make the commercial
30 summer chum salmon fishery viable. Income derived from
31 these commercial fisheries is necessary for most lower
32 Yukon River residents to live a subsistence lifestyle.
33 In the lower Yukon there is a strong relationship
34 between income earned in the commercial fishery and the
35 subsistence lifestyle activities.

36

37 Kwik'pak, a subsidiary of Yukon Delta
38 Fisheries, the only buyer of fish in the lower Yukon
39 paid out to fishermen approximately \$1.87 million
40 during the summer season to 405 permitholders, that
41 comes out to about \$4,600 per person, per fisherman,
42 and then approximately 1.3 million in the fall season
43 to 441 permitholders, an average of \$3,000 per
44 fisherman. The amount of money made by the average
45 permitholder last year was about \$7,300.

46

47 We believe that commercial fisheries
48 should not be restricted because in the summer season
49 selective harvest gear is used when chinook are present
50 and they're released alive and gillnets are only used

1 when the kings migrate in very, very low numbers. Very
2 few chinook are harvested in this gillnet fishery;
3 they're either taken home for subsistence or they're
4 released but they're not sold. They're prohibited from
5 being sold.

6

7 There are extremely few chinook salmon
8 in the fall fisheries. Fall season runs are large
9 enough and the management is conservative enough to
10 ensure that subsistence fishers get their fish.

11

12 Regarding the special action request,
13 we oppose all Federal special action requests submitted
14 last year and this year for the Yukon River.
15 Specifically we oppose all requests asking for an
16 allocation scheme to distribute chinook salmon surplus
17 among Federally-qualified subsistence users throughout
18 the Alaska portion of the Yukon River drainage. We
19 oppose all requests asking for fishing in Federally-
20 reserved waters to restricted to Federally-qualified
21 subsistence users. We oppose all requests for the
22 Federal government to "take over Yukon salmon fisheries
23 other than chinook to ensure that the management of
24 these fisheries are consistent with the management of
25 the Yukon drainage chinook stocks for the conservation
26 and opportunity for subsistence users." We believe
27 that the Federal "takeover" of Yukon River salmon
28 fisheries is beyond the authority of the Federal
29 Subsistence Board because salmon species other than
30 chinook salmon are not a conservation concern. We
31 believe that "taking over" all Yukon salmon fisheries
32 other than chinook is beyond the authority of the
33 Federal Subsistence Board.

34

35 Additionally, we do not support the
36 Federal Office of Subsistence Management
37 recommendations.

38

39 In the Yukon River there are management
40 plans for each species of salmon. The chum management
41 plans are very prescriptive because Pilot Station Sonar
42 project counts chums well and there are drainagewide
43 escapement goals for each race of chum salmon.
44 Currently with commercial fisheries occurring on these
45 chum salmon runs, both the summer and the fall, there
46 is no problem with subsistence needs being met and
47 escapements generally are exceeding the upper end of
48 the drainagewide escapement goal. Summer chum salmon
49 escapements have been hovering at or above the 2
50 million mark for several years now. Recent BEG,

1 biological escapement goal analysis by ADF&G indicates
2 that escapements have been exceeding the upper end of
3 the escapement goal by about 1 million salmon.
4 Allowing 1.8 to 2 million summer chum salmon to spawn
5 results and recruits from that spawning event coming
6 back in multiple year that are below the replacement
7 point. In other words, return per spawner of these
8 large escapements do not replace themselves.

9
10 The number of chinook salmon in the run
11 during the fall season is extremely low or rare.
12 Management during the fall season allows for a minimum
13 of 600,000 fall chum salmon to pass Yukon sonar to
14 provide for up river subsistence needs and escapement
15 requirements. Fall chum salmon escapements have been
16 within current escapement goal range every year since
17 2001 and have exceeded the upper end of the escapement
18 goal nine times out of the last 14 years. There have
19 been few reports of subsistence fishers not meeting
20 their needs if they fished. Usually requests for
21 additional subsistence opportunity are granted.

22
23 The fall chum salmon escapement into
24 Canada has been within the present interim management
25 escapement goal or IMEG starting in 2002 with the
26 escapement exceeding the high end of the IMEG 11 years
27 out of the 13. I would also note that in 2014 the
28 severe restrictions imposed on the Yukon, along with
29 the voluntary decision not to fish in the river
30 resulted in all escapement goals being met in the Yukon
31 River drainage with the Canadian escapement exceeding
32 the high end of the IMEG or IMEG by over 8,000 fish.

33
34 We note that there will be no directed
35 chinook salmon subsistence harvest in the Alaska
36 portion of the Yukon River drainage. It's very
37 unlikely that we'll be using large mesh gear. A
38 closure to non-Federally-qualified users for chinook
39 would have no impact on other users since there is no
40 harvestable surplus. We believe that there is a
41 general misconception that there'll be more fish to
42 harvest simply by restricting fishing on Federal
43 reserved waters to Federally-qualified subsistence
44 users. A closure to other State users provides no
45 additional chinook salmon to Federally-qualified users.

46
47
48 We do support, in its entire, the
49 InterAgency Staff Committee's analysis and
50 recommendations. We do support in its entirety the

1 letter to the Federal Subsistence Board from the Middle
2 Yukon Advisory Committee. We also support the
3 testimony from St. Mary's meetings to oppose the
4 special actions. We do support the continuation of the
5 Federal and State subsistence fisheries management
6 collaborative partnership in the Yukon. This
7 collaborative partnership has been proven to be
8 successful in providing adequate subsistence
9 opportunity to all rural residents living in all
10 villages along the Yukon River and those other coastal
11 communities which have a traditional determination for
12 salmon. Because of the patchwork scheme of Federally-
13 reserved and State only jurisdiction waters a
14 management scheme where there is not a collaborative
15 partnership between State and Federal governments
16 become a nightmare for the fishermen. Note that any
17 Federal Subsistence Board restriction would only be
18 effective on Federally-reserved waters, about half the
19 river, and may result in more confusing management
20 regimes with possible more restrictive management
21 measures occurring on Federal waters than State.

22

23 In addition to the very good
24 collaborative working partnership between the Federal
25 and State managers there is a good input from the Yukon
26 River Drainage Fisheries Association, drainagewide
27 public teleconferences that occur every week throughout
28 the season and the meeting of the Yukon Advisory Group
29 or YAG made up of the US section of the Yukon Panel, so
30 there is a lot of participation, public participation.

31

32 Because of the low runs of chinook
33 salmon there are very few non-rural residents fishing
34 anywhere within the Alaska portion of the drainage.
35 Additionally, most, if not all of those few non-rural
36 resident fishers have their roots or strong family ties
37 to families living in rural villages, restricting those
38 fishers from fishing may penalize their families, which
39 may actually need help in catching and putting up fish.

40

41

42 Therefore, we believe the Section .815
43 request to restrict subsistence fisheries to Federally-
44 qualified subsistence users on the Yukon will penalize
45 rural residents, particularly the elders because they
46 will not have the help they need, they depend on for
47 putting up fish.

48

49 Note also that the residents of
50 Fairbanks who come and fish on the Yukon mainly fish in

1 State waters.

2

3 Summary and recommendations.

4

5 We believe that there is a lot of
6 cooperation and collaboration between the State and
7 Federal managers. The current management strategy
8 seems to make more sense with the Federal managers
9 working with the State than setting up an .804
10 distribution plan which could possibly fail to provide
11 enough summer chum and other fish to Federal
12 subsistence users. We believe that the .804 action
13 will not accomplish the purposes of users desire and
14 only further complicates the issue without truly
15 conserving the chinook salmon.

16

17 We believe that restricting fishing to
18 Federally-qualified users will penalize rural residents
19 and will not increase the number of chinook salmon to
20 Federally-qualified subsistence users, that is not
21 necessary.

22

23 Therefore we specifically ask the
24 Federal Subsistence Board to take no action on all
25 Yukon special actions.

26

27 Thank you.

28

29 CHAIRMAN TOWARAK: Thank you. Are
30 there any questions.

31

32 (No comments)

33

34 CHAIRMAN TOWARAK: You had pointed out
35 that there is a difference between the Kuskokwim River
36 and the Yukon River, and could you review that with me.

37

38 MR. SANDONE: Well, sure. Well, I
39 guess first off we don't have the population at the
40 mouth of the river on the Yukon that we do in Bethel,
41 and that's one of the primary problems, I believe, with
42 allocating equal opportunity throughout the drainage in
43 the Kuskokwim. I don't think we have that problem.

44

45 We have pulses of king salmon that come
46 in, very, very distinct pulses of king salmon and the
47 management now tries to allow subsistence fishing in
48 the troughs of these pulses.

49

50 Also we have three mouths in the Yukon

1 and when the king run starts to peter out it starts to
2 decrease in the south mouth first but then the north
3 mouth and the middle mouth still contain fish. So Fish
4 and Game has started to segregate certain sections of
5 District 1 to allow fishing with gillnets when there's
6 very, very few chinook in that portion of the river and
7 as the run progresses there's less and less chinook in
8 the other mouths and so they're open. And then finally
9 where the three mouths come together and then in
10 District 2 the harvest takes place, when there's very
11 very few chinook left.

12

13 Also we have selective gear that we can
14 use in the summer chum salmon fishery and that has
15 worked out surprisingly well where we have 50 percent
16 of the harvest overall taken with dipnets and beach
17 seines and in District 2 it's as high as 70 percent, so
18 it's working out very well.

19

20 And then we have -- I guess -- I guess
21 that's about it, Mr. Chairman.

22

23 CHAIRMAN TOWARAK: Thank you. Any
24 further questions.

25

26 (No comments)

27

28 CHAIRMAN TOWARAK: Thank you for your
29 presentation.

30

31 MR. SANDONE: Thank you.

32

33 MR. PELTOLA: Just one general
34 announcement. It was brought to our attention earlier,
35 since we are meeting in a building that is owned and
36 operated by GSA, that at 5:45, if we're not completed
37 by then, which it looks like it may not be, the lights
38 will shut off.

39

40 (Laughter)

41

42 MR. PELTOLA: Yeah, and we're told that
43 they'll be rebooted and come back on two minutes later,
44 so if it goes darkfall we're not trying to run
45 everybody off.

46

47 (Laughter)

48

49 MR. PELTOLA: Next we have Frank
50 Alstrom.

1 MR. ALSTROM: Good afternoon members of
2 the Board. Mr. Chairman. My name is Frank Alstrom. I
3 lived in Alakanuk all my life and I was just listening
4 a while back here, someone up from the tribal office
5 was for this proposal which I might -- I think -- but I
6 commercially fish and I've been fishing on the Yukon
7 over 40 years and I'm hoping you won't take any action
8 on this proposal because we have in place dipnets. If
9 the king run is running and we just want to target
10 chums, we use dipnets or beach seine gear and we're
11 able to take -- if we do catch chinook salmon we're
12 able to take them and release them unharmed back into
13 the water. We -- in fact, in our beach seines they
14 don't come out of the water, we just help them over the
15 net.

16
17 But my recommendation is just take no
18 action.

19
20 Thank you.

21
22 CHAIRMAN TOWARAK: Thank you. Are
23 there any questions.

24
25 (No comments)

26
27 CHAIRMAN TOWARAK: Okay.

28
29 MR. ALSTROM: Mr. Chairman, I'd make
30 one more comment.

31
32 When the chinook salmon peters out
33 towards the end of June and the first week in July we
34 might get reduced gear, we're allowed 5.5 inch with
35 only 30 mesh deep gear, we might try that out for --
36 until Fish and Game knows there is absolutely no
37 chinook salmon in the south mouth, we're able to use
38 deeper and -- deeper, up to six inch gear. But a few
39 years back we were allowed seven -- we had unlimit --
40 unrestricted mesh size nets and they restrict us down
41 to 7.5 inch mesh I think 45 mesh deep, not too sure,
42 but we used them one season, I mean for subsistence and
43 that was the end of it, we don't fish for chinook
44 salmon anymore and -- no gear larger than 7.5 inch --
45 or our gear presently last year and this year, I would
46 imagine we just using gear no larger than six inch
47 probably.

48
49 Thank you.
50

1 CHAIRMAN TOWARAK: Go ahead.
2
3 MR. HASKETT: So I just want to make
4 sure I understood what you were saying. So when you
5 said your recommendation is to take no action, you mean
6 to oppose this.
7
8 MR. ALSTROM: Yeah, I'm really opposed
9 to this.
10
11 MR. HASKETT: Okay, thank you.
12
13 MR. ALSTROM: Yes, thanks.
14
15 CHAIRMAN TOWARAK: Thank you for your
16 testimony.
17
18 MR. PELTOLA: We've gone through a hear
19 in-person testimony we might want to check on line and
20 see if there's anybody -- a person or two who wants to
21 comment on line and then we'll come back to the green
22 list.
23
24 CHAIRMAN TOWARAK: Do we have anyone on
25 line that would like to testify on the Yukon special
26 request proposals.
27
28 (No comments)
29
30 CHAIRMAN TOWARAK: Not hearing any then
31 we will continue with.....
32
33 MR. PELTOLA: Okay, thank you, Mr.
34 Chair. We have a long list here of individuals on one
35 green card but be aware that we only have two seats up
36 at the table. Simon Andrew, Jack Greatfox, Paul
37 Manumik, Jr., Margie Walker, Marvin Deacon, and Martin
38 Alexie. Anybody here.
39
40 MR. DEACON: Good afternoon. My name
41 is -- Mr. Chair, the Board, my name is Marvin Deacon
42 from the village of Grayling, Yukon River Y4. Both
43 Margie and I are from the group but she can introduce
44 herself but she's got something to say too.
45
46 I'd like to say first of all I oppose
47 -- I've been fishing on the river as a commercial
48 fisherman and a subsistence for all my adult life,
49 since I know. We lived in a little village of
50 Holychuck but we moved from our village of Holychuck to

1 Grayling in 1963, but from -- prior to that I used to
2 remember going to fish camp every year fishing for dog
3 food and winter food. My concern is, you know, I
4 believe the State is -- you know, I got nothing against
5 the Federal taking over but I believe it's working -- I
6 mean it is working a little bit, you know, what might
7 -- what really worries me is people that come to
8 Anchorage to get a job or get better education, you
9 know, I'll say this, you know, like my girls come out
10 here and go to school, go to job corps and they
11 eventually find jobs here but then they wouldn't be
12 able to come back and help my wife and I or the rest of
13 the family members fish under this new proposal.

14
15 So with that note I'd like to see it as
16 it is and I oppose.

17
18 Thank you.

19
20 CHAIRMAN TOWARAK: Thank you.

21
22 MS. WALKER: Well, thank you for giving
23 me this opportunity to speak on behalf of my village of
24 Grayling. My name is Margie Walker from Grayling.

25
26 I talked to some of the local
27 villagers, we don't want fishing to be Federally-
28 controlled in our village.

29
30 The work that is being done now is
31 working just fine. I really oppose this on behalf of
32 our village of Grayling.

33
34 Thank you.

35
36 CHAIRMAN TOWARAK: Thank you. If
37 there's no questions we appreciate you coming to the
38 meeting and testifying.

39
40 (No comments)

41
42 MS. WALKER: Thanks.

43
44 MR. DEACON: Thank you.

45
46 CHAIRMAN TOWARAK: Thank you.

47
48 MR. PELTOLA: Next we have Billie
49 Charles.

50

1 MR. CHARLES: (In Yup'ik)

2

3 I'd like to thank my ancestors, our
4 fathers allowing us to be here, you know, it's
5 surviving to this day.

6

7 Mr. Chairman. Members of the Board,
8 thank you.

9

10 I'm Billie Charles, I'm from Emmonak.
11 I've lived there all my life. I'm a commercial
12 fisherman as well as a subsistence user.

13

14 I've served in different capacities in
15 my life. Currently I'm on the AFN Board. But I'm here
16 speaking on my behalf and my experience specific to the
17 lower Yukon. I've been on various committees and
18 boards and that is related to our fishing community.

19

20 My observation all these years in terms
21 of, conservation, has always been a priority, whether
22 it be the State or now just -- or now, just recently,
23 the Feds came in. I enjoy seeing the relationship
24 that's developed and working in harmony. I think
25 that's very important. If you want to study history
26 and culture this is what it's all about. Let's respect
27 the other users. Let's respect the other communities
28 in our region. Let's respect one another in our own
29 communities. And in the same way, let's respect, you
30 know, those people that want to manage the resource I
31 think it's for the best for all of us.

32

33 You know, in (In Yup'ik) traditionally,
34 we had two people working off one another, they were
35 complimenting one another. In bigger picture I see how
36 Fish and Wildlife Service and the State complimenting
37 one another as well. The fish are not going to go to
38 the State waters and stay there until, you know, the
39 Federal rule is lifted.

40

41 I think we need both managers in this
42 case in the river system.

43

44 So with that I oppose the proposal, or
45 the, what do you want to call that, the proposals, I
46 oppose that.

47

48 My son, you know, I'm not going to be
49 biased, I lost a son a month ago he worked for Kwik'pak
50 Fisheries, he was in partnership with the Department of

1 Fish and Game, he really enjoyed -- he wanted to share,
2 you know, his knowledge, this traditional knowledge to
3 the effort of conservation and I'm not bias, this is
4 what I believe, I believe the indigenous models, that's
5 why, you know, I work with the university to try to
6 prove the indigenous ways of prevention and
7 intervention have now evidence through research and I
8 apply this and I respect the people that came from the
9 communities because they have a lot to share but how
10 could they share if, you know, we have two different
11 regimes separated, but I think if we want to accomplish
12 this, both State and the Feds and the tribes need to
13 come together.

14

15 With that, Mr. Chairman, thank you.

16

17 CHAIRMAN TOWARAK: Thank you. Any
18 questions of Mr. Charles.

19

20 (No comments)

21

22 CHAIRMAN TOWARAK: Thank you for coming
23 in today.

24

25 MR. CHARLES: Quyana.

26

27 MR. PELTOLA: Mr. Chair, next we have
28 Nicholas Tucker, Sr.

29

30 MR. TUCKER: Thank you, Mr. Chairman
31 and Board members and the State of Alaska. I'm Nick
32 Tucker from Emmonak Tribe. I'm married and am father
33 of 11 surviving children, 30 grand and great grand
34 children.

35

36 And just to let you know I know what
37 surviving from subsistence especially salmon. My
38 mother died when I was being breast fed and the only
39 thing that they were able to keep me alive was fish
40 broth and I thank my elders and also my step-mothers
41 and my foster mothers.

42

43 I am here to -- on behalf of the elders
44 at home and I hope that I will do them a favor in the
45 way that they made everything possible to let us
46 survive and at the same time with that in mind also I
47 oppose all the special action requests.

48

49 As everyone prior to me, I believe that
50 the current partnership, working relationship with the

1 State of Alaska, Canada and TCC, AVCP is working well.
2 We don't fix something that's not broken, we improve it
3 and I think that's where we are. And we will see -- I
4 think you and I agree that we are not ready to take
5 full management, we don't have the human resource, we
6 don't have the funding and we don't have the -- some of
7 the expertise we would like. One thing is clear
8 though, the State of Alaska has -- it's own unique
9 expertise, so do you, combining the two I think
10 continuing this partnership will make the system work,
11 conserve the resource. It is for conserving the
12 resource that I am here.

13

14 We have gone through so much
15 restrictive, imaginable conservation measures. I think
16 you and the State of Alaska have done well to make it
17 work.

18

19 And if -- I do not think we should even
20 consider allocation. Why. When there is no fish to
21 escape what can you allocate, just very clear. And I
22 believe also that in order for my children's children's
23 and children to have the salmon that made me survive as
24 well as my elders and ancestors, we continue to
25 conserve the salmon working together.

26

27 At the present time the Yukon River
28 system is so diverse, even the village just eight miles
29 south of us has different culture, traditions, beliefs,
30 dances, songs and drum beats, and to the north of us
31 even more so. And I think we can agree with each other
32 that we don't have the necessary tools and Staff or the
33 wide range of knowledge to go into -- other than the
34 partnership that we are in now. I think I do want you
35 to keep this partnership going for future years to
36 come. If we do not have a long range plan and which I
37 think that because this is so sudden, I do not think
38 you have a long range plan, we do need to do it.

39

40 I am particularly touched from the way
41 that I have spoken to you and I wish I could speak it
42 in my language because I would speak piercing your
43 heart, I would be piercing your spirit. But the
44 English language has a limited way of speaking to
45 people. It's just like interpreting from my elders to
46 you, some of the words that they're talking, I can't
47 express it to you. I do not want to lose this small
48 scale, even so -- more meager commercial fishery -- we
49 have heard so many times that commercial fishing, to my
50 tribe and to lower Yukon is so intertwined with our

1 subsistence way of living.

2

3 And I believe in flexibility. I know
4 you do. I believe in creativity, innovation. I believe
5 you do. Those are things that will make things work.
6 Without that, everything else will become stagnant.
7 Commercial fishery is a core of me and the rest of us
8 being a Yup'ik, and everything else attached to it,
9 culturally, spiritually, our entire being,
10 traditionally, customary trade, and protect us socio-
11 economically.

12

13 I have also attached to this testimony
14 a statement on January 9th, 2009 -- 200 -- January
15 15th, 2009, statement by Honorable Lisa Murkowski.
16 It's into the Congressional Record and I believe
17 because of the way we live as Emmonak Tribe on the
18 lower Yukon, I believe that -- I'll just touch on it a
19 little bit because there's 300 pages, I condensed it
20 down to seven and down to Senator Murkowski's
21 statement.

22

23 In the Congressional Record it states,
24 the YK (ph) district is the poorest in the nation and
25 it is certainly the poorest in the state of Alaska.
26 2009 we had food and fuel crises, combination of a cold
27 winter, late fuel coming in and most certainly we did
28 not get commercial fishing. We haven't had that since
29 2007. And even today, I'm very fortunate, I have to
30 buy families, from out of my own pocket, sometimes \$300
31 for their -- so they can eat the next day, I'm very
32 fortunate at 70 years old I'm still working. I have to
33 do it, I have a very large extended family. I'm also
34 very proud that my culture in the way that we are
35 brought up from our subsistence way of life, that I'm
36 able to have children that are getting high education,
37 one of whom is getting her Master's degree and hoping
38 to get her Ph.d. I beg you to be very careful, take
39 things very slow and that's the only way to get things
40 right. Because if we do things in a rush, without
41 getting every available information, we might just
42 disenfranchise those that hurt the most. And I touched
43 on this a little bit a moment ago. Everything that we
44 do in our minds, hearts, souls and body, and Native
45 spirit depends on our subsistence way of life. And
46 keep in mind we have the misunderstood, literally, big
47 time, that when we talk commercial fishing on the lower
48 Yukon, automatically it's for profit, not for us, we
49 cannot go back to days of canoeing when our elders and
50 ancestors had to go only by canoe or from camp to camp,

1 right now because of the strength of the current and
2 the speed and also the distances we have to go now, we
3 have to utilize snowmachines, outboard motors and boats
4 and the gear type that we use; and how was that done,
5 my father, my uncle who is 98 years old now, is so
6 appreciative of commercial fishing in a changing world,
7 we have no choice but to adopt to that and continue our
8 way of life.

9

10 Thank you very much.

11

12 CHAIRMAN TOWARAK: Thank you, Nick, for
13 coming to testify. Are there any questions of the
14 Board.

15

16 (No comments)

17

18 CHAIRMAN TOWARAK: Thank you very much
19 for taking your time.

20

21 MR. TUCKER: I was hoping that you'd
22 ask a lot, you know, it's a life of a Native as we grew
23 up, you know that very well. We're attached to it,
24 we're intertwined with it, both the land, the sea and
25 the air, the waters and the deep respect that the king
26 salmon has for our waters and us too, for the king
27 salmon and the king salmon for us, they're our
28 brothers.

29

30 Thank you, very much.

31

32 MR. HASKETT: Mr. Chair.

33

34 CHAIRMAN TOWARAK: Go ahead, Mr.
35 Haskett.

36

37 MR. HASKETT: So not a question, but
38 you made the comment, if you could speak to us in your
39 own language you would pierce our hearts, actually.....

40

41 MR. TUCKER: I.....

42

43 MR. HASKETT:you pierced our
44 heart speaking in English so.....

45

46 MR. TUCKER: Yeah, (In Yup'ik)

47

48 My English language that I've been
49 taught to be who I am today and I'm a survivor. And
50 you can see that. Even as not as big as I am, as

1 anyone, I've a big heart, energy, alertness, from the
2 wisdom of our elders, who survived out of -- the sacred
3 respect that they had for their subsistence way of
4 life.

5

6 Thank you very much.

7

8 (Applause)

9

10 CHAIRMAN TOWARAK: Thank you, Nick.

11

12 (Applause)

13

14 CHAIRMAN TOWARAK: Nick is also a
15 Vietnam survivor as I am. Move on then to the next.

16

17 MR. PELTOLA: Okay, Mr. Chair, we have
18 Gerald Davis.

19

20 MR. DAVIS: Mr. Chairman and members of
21 the Board. My name is Gerald Davis and I'm general
22 counsel for Yukon Delta Fisheries Development
23 Association.

24

25 YDFDA is six non-profit CDQ groups,
26 (indiscernible) to the Magnuson-Stevens Act. The
27 statutory purpose of the CDQ program is to support
28 economic development in Western Alaska, alleviate
29 poverty and provide economic and social benefits for
30 residents of Western Alaska and to achieve sustainable
31 and diversified local economies in Western Alaska.
32 YDFDA represents six lower communities in the lower
33 Yukon River Delta with a population of over 3,400
34 residents.

35

36 We are opposed to this Board taking
37 action on the special action requests at this time and
38 joining the conclusion of the State of Alaska, the
39 InterAgency Staff Committee recommendation contained in
40 this analysis and the April 9th unanimous vote by the
41 Middle Yukon Fish and Game Advisory Committee opposed
42 to this request. Our primary concern is that these
43 special action requests, if implemented as described in
44 the Staff analysis, will reach a species other than
45 chinook. As we read them, if enacted, these requests
46 will shut down the commercial fisheries operation at
47 the mouth of the Yukon River without any significant
48 gain to the subsistence opportunities for any salmon
49 species up river. This shut down will not only cause
50 severe and economic (indiscernible) to a region that

1 cannot afford it but it will also harm one of the --
2 one of the purposes of this Board, which is to maintain
3 a strong and vital subsistence economy in rural Alaska.

4
5 There are others from our group that
6 will speak to the importance of Kwik'pak Fisheries,
7 YDFDA's wholly owned subsidiary that provides a market
8 for commercially caught chum and coho on the lower
9 Yukon and as an aside, YDFDA provides on an annual
10 basis, an estimated \$10 million economic activity in
11 our region, activity that wouldn't be there without the
12 CDQ program.

13
14 We feel that these special action
15 requests, if implemented in a manner as described in
16 the Staff analysis, would be unsupported by ANILCA and
17 its supporting regulations for two reasons.

18
19 First, while we appreciate the outreach
20 done by the OSM Staff we feel there is not involvement
21 of the RACs in this process. We know that these are
22 SARs and not proposed regulatory amendments, but also
23 understand that preliminary (indiscernible) analysis
24 was done on the Yukon last year, we were only provided
25 the SARs by others and not from this office. The St.
26 Mary's special action request was dated February 6th of
27 this year. However, this item was not discussed at the
28 February 25th, 26th Yukon-Kuskokwim RAC. As far as we
29 can see these requests are not based on any time
30 sensitive circumstances, necessity and regulatory
31 change before the next regular proposed cycle as
32 required under the regulations.

33
34 Mr. Chairman, we only learned about the
35 significance of these requests and how they might
36 affect our organization within the past month and we've
37 been scrambling ever since. This meeting was only
38 announced on March 20th, three weeks ago, and directly
39 conflicts with the long scheduled Yukon River Panel
40 meeting in Whitehorse precluding our executive
41 director, who is a Yukon River Panel member from
42 attending the meeting. The regional meetings about
43 these requests were held just this week. The
44 regulations state that temporary special actions may
45 only be effective after adequate notice and public
46 hearing. We feel that there should have been a more
47 concentrated effort by the Board, or perhaps the
48 proponents of these requests to fully educate the
49 people on the river as to the potential effect of these
50 special action requests.

1 We know there is still significant
2 consternation among the residents of lower Yukon about
3 what an ANILCA .804 and .815 special action requests
4 means and how it might affect the commercial fisheries.
5

6 The second point is that the special
7 action requests seek to impose restrictions that do not
8 meet the standards set forth in ANILCA for either an
9 emergency or temporary action.
10

11 ANILCA's Section .815 states that this
12 Board's actions cannot be taken unless necessary for
13 the conservation of healthy populations of fish and
14 wildlife for the reasons set forth in .816, to continue
15 subsistence uses of such populations or pursuant to
16 other applicable law. In our opinion, these thresholds
17 have not been met.
18

19 The regs of -- as stated in 50 CFR
20 100.19 are more clear in that they state the Board may
21 restrict takings only after determining that the
22 proposed temporary change will not interfere with the
23 conservation of healthy fish and wildlife populations,
24 will not be detrimental to the long term subsistence
25 use of fish and wildlife resources and is not an
26 unnecessary restriction on non-subsistence users. To
27 us, it's clear that before Section .804 and .815
28 actions are taken in regards to a species, there needs
29 to be demonstrated a subsistence harvest concern for
30 that species, which we haven't seen in the meeting
31 materials yet.
32

33 The special action requests and the
34 Staff analysis that I reviewed do not provide any basis
35 for the closure of the commercial fisheries for chum
36 and coho. There have been adequate escapements
37 sufficient for subsistence for summer chum and fall
38 chum on the Yukon. These SARs offer no facts for
39 supporting the contention that states management
40 activities are precluding subsistence harvesters
41 ability to conduct subsistence activities. Nor do
42 these SARs provide a framework for how Federal managers
43 could do it better.
44

45 In conclusion, because there's
46 inadequate inclusion of a public process in these
47 decisions, because there's no basis shown for either an
48 emergency or a temporary action by this Board, these
49 requests should be denied.
50

1 Thank you.

2

3 CHAIRMAN TOWARAK: Thank you. Are
4 there any questions from the Board.

5

6 (No comments)

7

8 CHAIRMAN TOWARAK: Thank you for your
9 presentation.

10

11 MR. DAVIS: I'm glad there are no
12 questions, thank you.

13

14 (Laughter)

15

16 (Applause)

17

18 CHAIRMAN TOWARAK: Thank you.

19

20 MR. PELTOLA: Mr. Chair, next we have
21 Marilyn Charles.

22

23 MS. CHARLES: Good afternoon. My name
24 is Marylin Charles, I'm from Emmonak but I reside here
25 in Anchorage because there are no resources for my
26 daughter, she has special needs and they don't have
27 those resources out there.

28

29 And, you know, if this is passed I
30 would not be able to help my mom when I go out because
31 I work as an employment services coordinator for
32 Kwik'pak. In the last -- in the past two weeks, after
33 learning about this special action requests that
34 communities -- that their population is only 1,700
35 compared to the 3,000, 4,000 people in our YDFDA
36 communities, and the 2,000 people or more that it will
37 affect financially if this was to pass.

38

39 A few people in the teleconference had
40 mentioned that their intention was not to close
41 commercial fishing but to get their chinook, but the
42 ripple effect that it will have on our communities
43 while we're sitting and waiting to open commercial
44 fishing until everybody is satisfied with their
45 subsistence needs, and meeting their subsistence quota
46 -- an elder once said in the teleconference, that the
47 commercial and subsistence fishing are inter-
48 connected, because they need that money to go out and
49 do their subsistence fishing, gathering and hunting.
50 You know, sometimes we see commercial fishermen during

1 the seal hunting, gathering, if a seal pops up they'll
2 go and hunt that seal, catch it and go back to their
3 net or go back to their dipnets, or during the fall
4 season if they see a moose, you know, when it's open --
5 if the moose season is open they'll shoot that moose
6 and go back to fishing.

7

8 I started fishing when I was 10 years
9 old and back then we used to -- I mean it's only been
10 20 years.....

11

12 (Laughter)

13

14 MS. CHARLES:since I started
15 fishing and.....

16

17 (Laughter)

18

19 MS. CHARLES:I've seen so many
20 changes and regulations that the Fish and Game has put
21 on us and every single time that the Fish and Game
22 Board had made changes in these regulations from --
23 someone said that we fished 7.5 gear, to what I thought
24 was impossible, the dipnets and beach seines, I thought
25 that was only for like Bristol Bay and out here in
26 Southcentral Alaska, I didn't think that would work in
27 our communities on the Yukon, the Mighty Yukon, where
28 the current is swift, but little to my knowledge [sic]
29 there comes the big numbers from commercial fishing,
30 you know, so that we can have the kings escape -- we
31 can let them go. And we -- that's -- we are able to
32 fish because we work so closely with Alaska Department
33 of Fish and Game, and I thank you for giving us that
34 opportunity to use these gear -- or this type -- these
35 types of gear so that we can open fishing.

36

37 At Kwik'pak we hire people from Nunam
38 Iqua all the way up to Holy Cross down to Tuluksak, we
39 hire, you know, more than 550 employees every season
40 and a third of that -- a third of our employees are
41 employees that are 14-17, and these kids they need
42 consistency in their lives. We have high turnover
43 rates of teachers in our communities. And they see
44 Kwik'pak coming every year, they see Fish and Game
45 coming every year, and these are familiar faces and
46 they see our people being able to do commercial and
47 subsistence and working together so we could get our
48 needs. And by taking all of that away, just think
49 about the social impact of our people. Crime rates go
50 up. Suicide goes up. Vandalism. Juvenile delinquency.

1 We have Troopers that would stop by, you know, at the
2 Kwik'pak campus to come and thank us for giving our
3 people the opportunity to work. They're the ones that
4 are coming up to us and telling us that all of this
5 crime is reduced because they have the opportunity to
6 earn money.

7
8 We have kids that are earning on
9 average of \$3,500 a season and they use that for -- to
10 put food on the tables for their families. It's hard
11 to see a 14 year old working for food every day, or,
12 you know, them planning on using their wages to pay for
13 school clothes or if they wanted to go to boarding
14 schools, they'll have that money to use on school -- to
15 support them if they wanted. When I was 14 I didn't
16 have the opportunity, I went to Edgumbe and I really
17 wish I had rich parents to give me money and in our
18 communities we don't have a McDonalds, we don't have a
19 Subway for our kids to go work at. And we saw -- or
20 Kwik'pak saw the opportunity to use our kids to do
21 little tasks as being janitors, filing papers,
22 answering the phones, we need to utilize them. And
23 that was -- that was, you know, the best thing we've
24 done for our kids. They have that consistency of us
25 coming out there every single year.

26
27 And this age -- or the employees, from
28 my experience, and from what I've been told by my
29 people, in order to work at the school during the
30 winter you have to be 21 and what do we do with the
31 adults that are between the ages of 18 and 21, they
32 don't have that opportunity because all the jobs are
33 taken at the city council, at the tribal council, at
34 the stores. The full-time employment positions are
35 already taken. What do we do with this group and that
36 -- that group is amongst the highest -- they have the
37 highest suicide rate. And by giving them this
38 opportunity to work, we reduce those rates.

39
40 I was just at home for Christmas and
41 for my brother's funeral and the kids, seeing their
42 anticipation in their eyes asking me when are the
43 applications coming out, they really want to work. We
44 have kids -- if this is passed -- we have kids that are
45 14 who waited since they were seven years old to work
46 -- they waited seven years to be able to come and work
47 for us. We have 10 years olds right now who are really
48 excited about this program and taking that away from
49 them, it's not -- it's -- just taking it away from them
50 crushes them and it's sad to see.

1 We have youth who are both in our youth
2 employment project who work for us, who manage their
3 times between -- we have kids that are permitholders
4 and they're able to go commercial fishing and then next
5 day come and work at Kwik'pak and, you know, they use
6 that money to help their families go do their
7 subsistence gathering.
8

9 Like I said before, we need consistency
10 and having Fish and Game in our community and building
11 relationships with the Fish and Game Department, you
12 know, as my dad said my brother worked really hard to
13 pull the cultural aspect -- and also he was the bridge
14 between Fish and Game and Emmonak -- my people, in my
15 community, he wanted to make sure that our people
16 understand that Fish and Game isn't a bad person -- or
17 isn't a bad company. He wanted our people to work
18 closely with them. And it's been 10 years and, you
19 know, I sure hate to see that swiped away and not as --
20 as good as everything is going right now and seeing the
21 impact that our relationship with the Fish and Game on
22 -- on the lower Yukon River and the -- you know, making
23 sure that we do have these other ways of fishing in
24 order to go commercial fishing or do any subsistence,
25 they already have a program in place. And in every
26 testimony I have been hearing, the Federal government
27 doesn't have the tools right now, you may have later,
28 but right now the Fish and Game have stations in our
29 communities or they have camps and they -- they have
30 people who are in -- from the villages who are employed
31 and making that bridge between -- between the State
32 government and our people so that our people can
33 understand. Changing management wouldn't all of a
34 sudden give more kings to people. Just because we
35 switch from State management to Federal management the
36 kings don't go, poof, there they are, here you go, it's
37 not going to -- it won't work that way.
38

39 We need a -- these are the reasons why
40 I strongly oppose these special action requests from
41 these communities.
42

43 CHAIRMAN TOWARAK: Thank you very much.
44 Any questions.

45 (No comments)

46 CHAIRMAN TOWARAK: Thank you for taking
47 time to come here.
48

49
50

1 MS. CHARLES: Thank you.

2

3 CHAIRMAN TOWARAK: We've got about four
4 or five more people to go and if it's possible we'd
5 like to speed up the process, we've got a lot of other
6 work to do so let's get the next person and I'd like --
7 if you could do it in five minutes it would be great.
8 I'm not going to force you to do five minutes but for
9 those of us that need to finish the rest of the agenda
10 it would be in our interest to speed the process up a
11 little here.

12

13 Next person.

14

15 MR. PELTOLA: Okay, Mr. Chair, one
16 announcement before I go on to the next person on the
17 list here, is that, I did make a statement earlier that
18 we're in a GSA building and the lights will go off at
19 5:45 for hopefully two minutes and come back on, in
20 addition to the front desk security closing down at
21 5:00, the doors lock, and so if you go outside you
22 won't have access or reentry to the building. I just
23 want to pass that on.

24

25 Okay, next we have a comment provided
26 from Martin -- Martin Moore, Sr., and that'll be
27 presented by Nick Tucker, Sr.

28

29 MR. HASKETT: So I have a question,
30 Gene.

31

32 MR. PELTOLA: Yes.

33

34 MR. HASKETT: So does that mean we're
35 locked in here until tomorrow.

36

37 (Laughter)

38

39 MR. PELTOLA: That's a question for the
40 Chair.

41

42 (Laughter)

43

44 CHAIRMAN TOWARAK: I think you can go
45 out but you just can't come back in.

46

47 (Laughter)

48

49 MR. TUCKER: Thank you, Mr. Chairman.
50 This is a testimony from.....

1 CHAIRMAN TOWARAK: There might be some
2 that we ask to go out.

3
4 MR. TUCKER:Mr. Martin Moore wife
5 is very -- had to go up to the hospital, his wife is at
6 the hospital. It's a testimony from Mr. Martin B.
7 Moore, city manager and former State Legislature and he
8 has asked me to summarize it. I will not make my own
9 comments.

10
11 The Yukon Delta relies on salmon for
12 subsistence and our economy. Our grandfathers taught
13 us to never risk our renewable resources, instead
14 divide resources and share alike, take what our family
15 needs and no more. At present the chinook salmon,
16 summer and fall chum and coho are still abundant.
17 Chinook salmon is managed well enough to have 138,000
18 pass Pilot Station Sonar station and 65,000 chinook
19 salmon pass Eagle into Canada. If a war on fishery
20 management schemes give us the reasons -- resource
21 users, it will ultimately destroy our renewable
22 fisheries resources.

23
24 We need to work collectively to address
25 concerns over sustained salmon harvest, Federal, State
26 and tribal management schemes, commercial bycatch
27 concerns and improving chinook runs to historical
28 levels. We need the input of all stakeholders, State,
29 Federal, tribal, subsistence, commercial, CDQ and so
30 forth.

31
32 The Yukon Delta Fisheries Development
33 Association has been a blessing to our region. Through
34 its subsidiary Kwik'pak fishers, they are doing the one
35 thing that makes a difference in our region, providing
36 jobs for our people, most at risk, who have no jobs and
37 the highest unemployment in the nation. Kwik'pak
38 Fishery also provides a market for commercially caught
39 summer and fall chum as well as coho. Without them
40 there would be no other buyer in our region. These
41 Kwik'pak fishermen fish in the Y1 and Y2 areas of the
42 Yukon River but come from all corners of the region.
43 Local jobs are critical. In 2014 Kwik'pak paid over
44 three million to over 507 local fishermen supporting
45 their families and their crew men. Kwik'pak also
46 employed over 566 seasonal workers providing more than
47 three million in wages. Kwik'pak also paid a
48 significant amount to our city for tax revenues.
49 Without this income flowing through our region every
50 year, by last count, over 10 million a year, our

1 economy would be in shambles.

2

3 We need to work together and speak for
4 our region and its resources together to preserve and
5 to promote a strong subsistence fishery and a strong
6 commercial fishery.

7

8 Are we sure that Federal takeover of
9 our salmon fisheries can help us return more salmon,
10 have we forgotten the old days before statehood when
11 Federal management didn't care about Alaska and big
12 Seattle companies wiped out our salmon runs with
13 fishwheels. The State and the U.S. Fish and Wildlife
14 Service don't need any more complications and proposals
15 for consideration.

16

17 But we have many things to be grateful
18 for living in our region, one of the best is the fish
19 resource that we have available to us living on the
20 Yukon Delta. Even though the big runs of chinook
21 salmon are gone for now we see signs that they may be
22 coming back. We are blessed with healthy runs of
23 summer and fall chum, as well as coho. They are not
24 chinook but they can fill the freezer and we can
25 harvest them commercially providing us with some income
26 to support our subsistence way of life; cutting fish,
27 cleaning, carefully smoking it, it is a
28 (indiscernible), it is a different chore and as
29 delicate -- delicate as preparing a festivity, every
30 hour, every day is a persistent sacrifice which is
31 truly a blessing from God. It is a blessing which we
32 cherish at the dinner table.

33

34 And that's to summarize his statement,
35 thank you.

36

37 CHAIRMAN TOWARAK: Thank you very much.
38 And would you -- we have his testimony on record, but
39 if you can afford to give that to our Secretary his
40 comments will be entered.

41

42 The next person.

43

44 MR. PELTOLA: Mr. Chair. We did check
45 earlier on line and no one was available, would you
46 mind checking again and see if anybody else has logged
47 on.

48

49 CHAIRMAN TOWARAK: Yes. Operator, is
50 there anyone on line that would like to testify on the

1 Yukon proposals.

2

3 OPERATOR: Yes, sir, there is. We have
4 Bill Alstrom. Go ahead your line is open, sir.

5

6 MR. ALSTROM: Hello.

7

8 CHAIRMAN TOWARAK: Go ahead.

9

10 MR. ALSTROM: Good afternoon, Mr.
11 Chair, and members of the Board and participants.
12 Hello, my name is Bill Alstrom I'm from the community
13 of St. Mary's/Andreafsky.

14

15 First of all I'd like it to be known
16 that the special action request submitted by the
17 village of St. Mary's was not condoned by our tribal
18 government. There are two tribal governments in St.
19 Mary's. One is the Algaaciq Tribal government which
20 submitted that letter, and the other is the Yupiit of
21 Andreafski Tribal government, of which I belong to.
22 And we did have a meeting the other day and we all were
23 in consensus. My tribal government, Yupiit of
24 Andreafski opposing these special action requests
25 submitted by the other tribal government, Algaaciq.

26

27 I'd like to -- I agree with all the
28 testimony that was given so far opposing these special
29 action requests and I'm really in support of the
30 testimony given by Gene Sandone who gave a view, an
31 explanation of what's going on and all the rest of the
32 testi -- test -- people that testified before me stated
33 all the reasons why these special action requests to
34 the Federal Subsistence Board would do more harm for
35 people down here in the lower river.

36

37 Look what happened last year, last
38 summer did didn't star -- we went out there, we
39 commercial fished, just targeted chum salmon, summer
40 chum salmon, fall chum, and we used like different
41 methods so we couldn't -- could not harm the chinook
42 salmon and we were successful and the whole Yukon River
43 drainage worked together for conservation of the
44 chinook salmon, it really worked. That was a historic
45 moment because of all the cooperation on the whole
46 Yukon River drainage. It goes to show that we, as a
47 people, can do to help conserve the chinook salmon. We
48 could have said no and went out and poached those fish
49 or whatever but we all realized that this chinook
50 salmon is very important for our livelihood. We are

1 resilient people and we survived on the other salmon
2 species.

3
4 The lady that talked, said something
5 about -- from Emmo, I believe, her name was Marilyn,
6 she's right it will have a ripple effect. Because all
7 the -- what little money we make, the commercial
8 fishery in the lower Yukon is a small fishery, I mean
9 the smallest in the state, and what little money we
10 make down here goes to other -- to subsidize other
11 subsistence activities. We all know the price of fuel
12 is really high in this area so are groceries and what
13 have you, they're all very -- connect -- it's really a
14 cash strapped economy down in this area. What little
15 money that's made by the commercial fishery targeting
16 summer chum salmon goes to all subsistence activities
17 in the future. Like for instance the fall moose
18 hunting and gathering of berries and stuff like that.
19 So, you know, what happened last summer, you know,
20 everything went smoothly, and now you come out with
21 these -- come up with these special action requests for
22 different villages, why fix something that's not
23 broken. It worked last year, we proved it.

24
25 And I just want to say, you know, if
26 this happens -- from the first -- when the fish hit the
27 Yukon River at the mouth it takes about 30 to 40 days
28 to each the Canadian border and all that time we can't
29 -- we can't fish for our subsistence needs to satisfy
30 the whole river if it goes under Federal management,
31 we're left out in the cold. And allocation, how do you
32 know allocation's going to work. You got different --
33 you know you got a lot of people that live in the lower
34 villages down here that really depend on the -- depend
35 on the fish for subsistence. In the past we'd never go
36 out -- we never did go out there and fish whatever was
37 allocated to us, whether it be windows or emergency
38 orders opened up for subsistence, we only took what we
39 needed, enough for the winter and that's -- when we're
40 done with them, if there was fish out in the river we
41 went out there and we'd maybe fish a couple hours and
42 we were done for the summer, then we get these windows,
43 you know, that open up for 12 hours and we'd go out
44 there and we see these whole bunch of boats, you know,
45 out fishing, if there's no fish they'd all leave, they
46 go home and there again if there's a big pulse of fish
47 out there, you know, with these restrictive reduced
48 hours everybody goes out there and hammers away. But,
49 you know, we only take what we need and we quit. I
50 don't see nobody -- nobody overfishing trying to catch

1 as many as they could because that's ridiculous. It
2 all depends like what was said before, our drying
3 weather. You got that window of opportunity, where we
4 have good drying weather for our subsistence catch and
5 hopefully that window will stay good while we got them
6 on the racks and in smokehouses.

7
8 So I just wanted to say to the Federal
9 -- to the Board members of the Federal Subsistence
10 Board just leave it the status quo, everything's
11 working fine. These guys that submitted these special
12 action requests, I don't think they realize what
13 they're doing in the long run. Fishery still, you
14 know, we keep ours what it is, laying off the runs,
15 especially on the -- I'm talking about chinook salmon.
16 And we got abundance of summer chum, fall chum and
17 cohos and those will suffice for our subsistence needs.

18
19 Okay, I think I've had enough of my
20 time -- my time's pretty much up, but thank you very
21 much.

22
23 CHAIRMAN TOWARAK: Thank you, Bill.
24 And for your information we have a letter on record
25 from your tribe, the Yupiit of Andreafski signed by
26 Richard Alstrom, your tribal administrator, basically
27 supporting your position on it.

28
29 MR. ALSTROM: Okay, thank you very
30 much.

31
32 CHAIRMAN TOWARAK: So we have the
33 message.

34
35 OPERATOR: And we're showing no further
36 questions from the cue at this time.

37
38 CHAIRMAN TOWARAK: Thank you.

39
40 MR. PELTOLA: Mr. Chair, the next on
41 the list then Stanislaus Shephard.

42
43 MR. SHEPHARD: Thank you, Mr. Chairman.
44 My name is Stanislaus Shephard. I'm from the lower
45 Yukon, Mountain Village. Born and raised with --
46 raised on subsistence.

47
48 The last meeting I attended January 21,
49 22 and 23, testimonies and what I testified I see have
50 been put in place. You guys had on the tribal

1 consultation, instead of the hours of their business
2 you guys worked to get -- I say thank you very much for
3 taking my comment on that and addressing to get more
4 people to be involved in the tribal consultation.

5
6 I'm here on behalf of the Mountain
7 Village Tribe also. I will state other entities when I
8 get down to my -- in support of the SAR put in by the
9 Mountain Village, want to make sure if there is a
10 subsistence fishery that only Federally-qualified rural
11 residents can harvest but do not want Federal agencies
12 to manage other salmon because it may impact necessary
13 commercial opportunity. Recommend that Federal Board
14 make it clear that in-season Federal managers place
15 ANILCA protection if there is a harvest for chinook,
16 like the Kuskokwim, could defer action on SAR until
17 call of the Chair so that the Yukon Tribes, State and
18 Federal agencies can work out a better understanding to
19 -- for this plan in 2015 management.

20
21 I initially serve on the Mt. Village
22 working group, it's local, all volunteer, it's about 10
23 to 12 members, six of them which come from the three
24 entities and I serve also on the Mid-Lower Yukon
25 Advisory Committee as Chairperson, that Lower Yukon
26 Advisory Committee was split up into two because being
27 13, 14 villages, we had only one voice to go testify
28 and then we're trying to get Mt. Village working group
29 to be recognized as an AC member and they just ended up
30 splitting it to Mt. Village to Russian Mission so we do
31 have two voices on the lower Yukon with the State side.

32
33 Also serving on the newly formed Yukon
34 River Inter-Tribal Fish Commission as executive member.

35
36 Thank you.

37
38 If you have any questions.

39
40 CHAIRMAN TOWARAK: Thank you, Stan.
41 Any questions from the Board.

42
43 (No comments)

44
45 CHAIRMAN TOWARAK: Thank you very much.

46
47 MR. SHEPPERD: Thank you.

48
49 MR. PELTOLA: Okay, Mr. Chair, next on
50 the list we have Ben Stevens.

1 MR. STEVENS: Thank you, sir, and Mr.
2 Chairman. Members of the Board. My name is Ben
3 Stevens. I am from Stevens Village, up there north of
4 Fairbanks on the Yukon River.

5
6 I grew up there. I spent most of my
7 summers in fish camp and we did the subsistence thing
8 for up to about seven families, just folks coming in
9 and helping out and they'd go away with their fish for
10 the winter.

11
12 Unfortunately I don't have any profit
13 loss, any of that decreased revenue and equity and
14 stuff to tell you about. But I do have, I think, a ray
15 of light that we can all feel happy about and that
16 comes in the form of the Yukon River Inter-Tribal Fish
17 Commission that I'm helping out. I'm helping out in
18 that capacity as a resource person for the Tanana
19 Chiefs Conference. For them, I'm officially the
20 director of the hunting and fishing task force. It's a
21 task force that they set up a few years ago to help
22 advance the hunting and fishing rights of Alaska
23 Natives within the region.

24
25 So, anyway, what I want to propose to
26 you is that I am looking at a resolution here that came
27 out of last week's meeting of the commission there in
28 Tanana, that is asking you folks to delay your decision
29 and not make a decision today, to allow the folks that
30 we have from the border all the way down to the GASH
31 area, Holy Cross and Grayling, to allow us a little bit
32 more time to figure out the intricacies and the
33 dynamics involved. So if at the end of this, you know,
34 the confusion gets great, I think a similar resolu --
35 motion to the Kuskokwim motion, I think would be a
36 great, great idea. And with that I'll end and hope
37 that you have a question that'll allow me to expand.

38
39 Mr. Chairman.

40
41 CHAIRMAN TOWARAK: Any questions.

42
43 (No comments)

44
45 MR. STEVENS: By the way do you have
46 this resolution, I don't think so, okay, I'll get an
47 email and have it emailed, the signed copy.

48
49 CHAIRMAN TOWARAK: If you'd like, if
50 that copy is available our Secretary could take it and

1 we could enter it into the record.

2

3 MR. STEVENS: Okay. Does it matter
4 that this is a draft version and not the actual
5 signature.

6

7 CHAIRMAN TOWARAK: If you could get the
8 actual one.....

9

10 MR. STEVENS: That's.....

11

12 CHAIRMAN TOWARAK:it'd be.....

13

14 MR. STEVENS:okay, and I'll do
15 that but I will drop this -- if there are no questions.

16

17 (No comments)

18

19 MR. STEVENS: Thank you for your time
20 and all your incredibly difficult hard work.

21

22 MR. PELTOLA: And, Mr. Chair, I just
23 wanted to comment that we believe that a copy of the
24 resolution coming out of the Tanana meeting was put in
25 the supplemental, we're checking to make sure -- ensure
26 that it did, and before our Chair departed, he asked me
27 to go on to the next person on the list and that's Tim
28 Smith.

29

30 MR. SMITH: Good afternoon. My name is
31 Tim Smith and today I'm representing the Nome
32 Fishermen's Association from Nome, and I'm a resident
33 of Nome.

34

35 I bought my first Alaska commercial
36 fishing license on the Yukon River in 1975. I fished
37 out of Marshall with my father-in-law Don Hunter.

38

39 I can kind of see where things are
40 going today. I think there's an awful lot of confusion
41 about the ramifications of these SARs. They're not a
42 conservation measure. They're not intended for
43 conservation. I don't see how it will affect
44 commercial fishing in any way. I think people are
45 really confused as we heard from the testimony. In
46 these days, you know, the people you hear from in a
47 meeting like this are the people who can afford to
48 come, it's really expensive. You know I can't really
49 afford to be here, I spent a bunch of time at the North
50 Pacific Fishery Management Council meeting last week

1 and now I'm here because I think this is a really
2 important issue. I'm kind of reminded of what happened
3 in 2009 at the Council with Amendment 91. You know we
4 had -- person after person after person brought in from
5 coastal villages region fund to testify against a
6 reduced king salmon hard cap and there must have been
7 maybe 200 people that came in because they can afford
8 to, they work for the CDQ, their way was paid by the
9 CDQ program. And today, I don't know for sure, but at
10 least some of the people who testified here were also
11 paid by the CDQ program, well, they're pollock
12 fishermen, they have a -- you know they're the same
13 people that opposed king salmon reductions last week at
14 the Council. There were a lot of CDQ people there too.
15

16 And so the general people, the people
17 that these SARs are intended to benefit don't get to
18 come, they can't afford to. If they -- because they're
19 the most highly qualified subsistence fishermen, they
20 can't attend so you don't hear from them. And when you
21 hold meetings, outreach meetings in villages, there
22 really isn't enough time for people to understand the
23 issues, they don't study, this stuff is difficult for
24 me, you know, and they gave me some letters behind my
25 name at the university, and so it's difficult. And I
26 don't think people fully understand what's happening.
27

28 But under State and Federal law, both,
29 during times of a shortage like this, the most highly
30 qualified people are supposed to get first crack at the
31 resources and that's what these SARs are about.
32

33 I know you're pressed for time but I
34 think there's a benefit maybe in hearing what's
35 happened on the Seward Peninsula. You know, we've been
36 at this a long time and we've learned a lot -- I've
37 learned a lot from this process. You know our chum
38 salmon crashed in 1983, I count fish for a living and I
39 counted -- the area management biologist and I counted
40 138 chum salmon in the Nome River in 1983, and in the
41 Penny River we counted zero chum salmon for four years
42 in a row. And in 2001 our king salmon stocks really
43 crashed, I mean really crashed down to less than 50
44 animals -- or 50 fish in some of the rivers. One thing
45 I learned -- the thing I learned the most is that you
46 don't want to crash a salmon stock, you know, when you
47 do they don't seem to be able to recover. We've done
48 -- we've had restrictions for more than 30 years on the
49 Seward Peninsula, it's not working. In fact things are
50 getting worse, particularly for king salmon.

1 These are kind of the steps that we
2 went through.

3
4 First it was denial. You know, we
5 thought, well, we just missed them somehow, you know,
6 the aerial surveys are no good. But I do aerial
7 surveys and the Seward Peninsula is the ideal place to
8 do aerial surveys. You can count 138 fish in the Nome
9 River and be pretty sure that there aren't thousands of
10 fish that you missed, they're short rivers, they're
11 shallow, they're clear, you can count fish there.

12
13 So then after that we started counting
14 harder. Instead of aerial surveys we started counting
15 using counting towers and then weirs, and we still
16 didn't have any fish. And in 2001 the Department
17 drastically lowered the escapement goals and most local
18 people opposed that and at the same time they used a
19 large correction factor for the aerial survey data so
20 you're counting -- the 138 fish that you see by a
21 factor two to three, which inflates all the counts, and
22 so you have lower escapement goals, higher counts, in
23 reality I think you greatly reduce the escapement and
24 the stocks are not responding very well.

25
26 The other thing is, you know, the
27 managers jaw about how good things are, you know, I
28 hear we're having record runs almost every year of
29 something. There's never a year that we don't have a
30 record year of something and the Department's trying to
31 convince me that humpies are really good to eat, which
32 I'm not really buying since I grew up eating king
33 salmon. And then you predict good things in the
34 future. The trawlers were all saying that the sea is
35 full of -- the Bering Sea is just full of two year old
36 king salmon, they've never seen so many king salmon
37 before in the Bering Sea. And so next year, the year
38 after we're going to be swimming in them in Western
39 Alaska. Well, you can eat up a lot of years doing
40 that, you know, every year, well, it's going to be
41 better next year, and then when it isn't better next
42 year, well, we'll get them next year, and you can use
43 up a lot of time that way.

44
45 I told the Council in my testimony, we
46 should be in a stock rebuilding program. And what that
47 means is you reduce all sources of mortality. But
48 that's not what we're here for today. We're here to
49 decide who gets to take the few subsistence fish that
50 can be made available.

1 In 1998 I was appointed to a
2 subsistence committee by the Alaska Board of Fish and
3 we spent a year meeting on setting up Tier II
4 regulations, that's the State's version of what you're
5 doing here which would limit chum salmon fishing in the
6 Nome area to only the most highly qualified subsistence
7 fishermen. And we spent a year on that. We decided
8 that Tier II was not the way to go. It's just not --
9 it was so divisive. And the elders told us that it
10 would destroy the salmon culture. And so we went to
11 the Board and we asked them to just shut down the
12 fishery completely rather than go to Tier II, it's not
13 a good way to go and they said that they couldn't do
14 that. That the law required them to impose Tier II
15 regulations. And to this day the Nome area is the only
16 place that has a Tier II salmon fishery or any fishery
17 in Alaska and we're still stuck with it. It was a very
18 divisive thing. If you're trying to limit subsistence
19 fishing it's much better to go with the Federal rules
20 in my opinion, the limiting it to rural residents
21 really accomplishes what most people want and it can't
22 be done under State rules.

23
24 We just got down telling the North
25 Pacific Fishery Management Council that every fish
26 counts and I think that this action would convey the
27 message that we really mean it. That every fish does
28 count. That every fish needs to go to the people who
29 live on the rivers. You know I don't live on the
30 Yukon, and if you pass this action I won't be eligible
31 to fish maybe never again, I don't know, I mean I don't
32 see any reason to predict that king salmon fishery
33 stocks are going to greatly increase from here on out
34 but I'm willing to do that and I think other people
35 are.

36
37 We have a FaceBook group that we've
38 aired this on, it's been on our group for a month or
39 so, ever since the action took place -- or ever since
40 the request came out and we have 252 members and many
41 of them are from the Yukon and no one has opposed it
42 until now and so I think that's a fairly good showing
43 of support. I have talked to everybody I know in our
44 family and I can't find -- once they understand it, I
45 can't find a lot of opposition.

46
47 My good friend, Bill Alstrom, I didn't
48 get a chance to talk to him, but, you know, I will
49 after this. And I think if he understood it better he
50 might support it too.

1 I think we need to make dual management
2 work. I just don't see any way that anything's going to
3 go differently. I mean there's no way that Alaska's
4 going to amend its constitution to allow rural
5 preference and that really is the answer. And I don't
6 see anybody willing to do anything with ANILCA either,
7 so, -- I'm very much in favor of this proposal. I
8 think it needs a little more education but I think it
9 will help and I don't see how it will make anything
10 worse except for, you know, it's certainly going to
11 increase the level of complexity. But everybody who
12 hunts and fishes in rural Alaska now deals with an
13 awful lot of regulatory complexity, an awful lot, on
14 everything, and so I don't think this is going to be a
15 great additional burden in that respect.

16
17 I'd be happy to answer any questions.

18
19 And I have some questions I'd like to
20 ask Mr. Lord, but I think maybe a better time to do
21 that would be during the RAC Chair presentation.

22
23 MR. HASKETT: That should be tonight at
24 midnight.

25
26 (Laughter)

27
28 (No comments)

29
30 MR. SMITH: Thank you.

31
32 CHAIRMAN TOWARAK: The next person we
33 have is Chaz Sims.

34
35 MR. SIMS: Thank you, Board members.
36 Mr. Chairman. Excuse me if I'm stuttering sometimes, I
37 mean this is my first time speaking at something like
38 this. So I typed up a little speech this morning about
39 my own opinions about everything that's going on.

40
41 I'm from Holy Cross but I've been
42 living in Anchorage for the past five years because
43 there is no jobs in Holy Cross. And for the past four
44 years I've been working for Kwik'pak Fisheries, YDFDA,
45 and a couple years ago I just received a Y1 fishing
46 permit so I am now a Y1 fisherman. And I look forward
47 every summer, I look forward to going back to Kwik'pak
48 because I love working over there. I love going
49 fishing, hunting, and that's my main reason I want to
50 go over there every summer.

1 And I want to basically -- understand
2 if the Yukon River special acti -- you know, passes,
3 you know, I read about it, and if it passes I won't be
4 able to go to Holy Cross to help my parents at all, you
5 know, they're both old age. My dad's 73, my mom's 63.
6 My dad's a retired tradesman, my mom's still working at
7 the school but she's going to basically retire pretty
8 soon. And every year they're just -- depend on
9 subsistence. And, you know, if I can't do that, if I
10 can't go back and help my family, who's going to help
11 my family. You know, that's all I'm concerned about
12 basically and going back to Emmonak to work for the
13 cannery also.

14
15 So that basically summarizes everything
16 I typed. I just want to make this short and sweet.

17
18 CHAIRMAN TOWARAK: Well, thank you, and
19 welcome to the fish world.

20
21 (Laughter)

22
23 MR. SIMS: Thanks.

24
25 CHAIRMAN TOWARAK: And continue your
26 work. Thank you for your comments.

27
28 MR. SIMS: Thanks.

29
30 CHAIRMAN TOWARAK: Jack Schultze.

31
32 MR. SCHULTZE: Okay. I know
33 everybody's tired, I'll make this really quick. My
34 name is Jack Schultze. I've been involved in
35 commercial fisheries for 42 years, like it or not, and
36 I think I'm one of the very few people that -- I've
37 actually bought fish from the mouth of the Yukon all
38 the way to Whitehorse, back when there was fisheries in
39 Canada.

40
41 But one thing I wanted to point out --
42 oh, I'm also a director on the Alaska Seafood Marketing
43 Institute. I think I've been on the Board nine years,
44 so I do -- I have been around fish and commercial fish,
45 especially. I think I got a lot of experience in
46 Western Alaska, Kuskokwim, Yukon, Norton Sound,
47 Kotzebue, Bristol Bay. But the one thing I -- you know
48 that I wanted to say and believe me I'll try to be
49 quick, I know everybody's tired, and I hope I'm the
50 last one, am I or is there more to go -- okay,

1 anyhow.....

2

3 (Laughter)

4

5 MR. SCHULTZE:the biggest thing
6 here and I hadn't heard anybody else say this, maybe
7 earlier, I wasn't here in the morning, but the
8 Department of Fish and Game is responsible for these
9 salmon runs and to sustain the salmon runs, it's part
10 of the State Constitution, and they do that under
11 really difficult situations. I -- you know, in those
12 years of being in commercial fisheries I've gone round
13 and round with Fish and Game, but they put first -- the
14 fish first, they have to to keep the runs sustainable.
15 And on the Yukon they got an issue with the king run.
16 Everybody wants more kings and there's just not enough
17 kings. And the Department has, you know, done
18 everything to manage that run in-river, they've done
19 everything they possibly could and those fish still
20 aren't returning. At the same time it's hurt everybody
21 on that river, all the way into Canada, and the
22 subsistence, you know, especially. But it's still
23 their job to maintain the run and keep it sustainable
24 and that's what they're trying to do.

25

26 When these special actions came up
27 during the winter, from, you know, dealing with these
28 people on the Yukon all those years ,a lot of people
29 called me and asked me what I thought about them or
30 knew about them because they didn't know about them and
31 they didn't understand them, everybody, you know,
32 because Federal management was going to take over, they
33 naturally assumed it meant they would get more kings
34 for subsistence. All the teleconferences they talked
35 about earlier today, I listened in on all of those and
36 everybody started ordering up kings like, well, let's
37 give 25 to each family and what period they wanted to
38 fish and what pulse on and so the assumption was having
39 Federal management is going to make things better and I
40 don't think it'll make things better as far as the
41 kings go. These special actions ain't going to create
42 more fish.

43

44 You're going to create more problems
45 and harder feelings and, you know, I'm at the mouth of
46 the river for six months out of the year and you got
47 State managers there, you got Federal managers there,
48 every announcement that comes out it has U.S. Fish and
49 Wildlife and the Department of Fish and Game, we
50 already have co-management on the river. And, you

1 subsistence fishery for each community that could be
2 used as a fish counter for the Fish and Game. That's
3 about all I had to say, just a recommendation.

4
5 CHAIRMAN TOWARAK: I was writing your
6 name and I didn't.....

7
8 MR. DEACON: Oh, okay.

9
10 CHAIRMAN TOWARAK:hear what you
11 were saying.

12
13 MR. DEACON: I'm sorry.

14
15 CHAIRMAN TOWARAK: I'm sorry.

16
17 MR. DEACON: Yes, for each community, a
18 community subsistence fishwheel, and could be used, you
19 know, the State Fish and Game to get a more accurate
20 fish count.

21
22 That would help everybody, you know,
23 gas, fishing, because dipping in the Yukon with a
24 little dipnet is, it's a joke.

25
26 CHAIRMAN TOWARAK: Okay, we will put
27 that into our minutes that that's your recommendation.

28
29 MR. DEACON: Okay.

30
31 CHAIRMAN TOWARAK: Thank you very much.

32
33 MR. DEACON: All right, thank you.

34
35 CHAIRMAN TOWARAK: Yeah, thank you for
36 waiting. That concludes our public testimony and we
37 will move on then to the Regional Council Chairs
38 recommendations.

39
40 MR. JOHNSON: Thank you, Mr. Chair.
41 Carl Johnson again. We consulted with the Chairs of
42 the three Yukon Councils, so the Eastern Interior
43 Alaska, Western Interior Alaska and YK Delta
44 Subsistence Regional Advisory Councils, and because
45 people in some communities in the Seward Peninsula
46 region have positive customary and traditional use
47 determinations for salmon on the Yukon, we also
48 consulted with that Council.

49
50 And, similarly, I asked similar

1 questions of them that were asked to the public; first
2 should there be a closure to non-Federally-qualified
3 users. Both the YK Delta and the Seward Peninsula RAC
4 were in support of that, and the Western and Eastern
5 Interior Councils were opposed. And I'll get to the
6 reasons why they were opposed in a moment.

7

8 Both the Seward Peninsula and the YK
9 Delta Council supported an allocation according to a
10 Section .804 determination. What type of allocation
11 method was recommended. Seward Peninsula recommended a
12 lottery, and, again, the YK Delta didn't have a
13 specific recommendation but just sought something that
14 would be equitable for everybody up and down the full
15 reach of the river.

16

17 And then, finally, what type of action
18 should be, Seward Peninsula supported an emergency
19 action, YK Delta supported a temporary action.

20

21 As to why they're opposed, the Eastern
22 Interior RAC Vice Chair Virgil Umphenour noted that the
23 Yukon River is already the most complicated river
24 system to manage as it is. He noted that the State and
25 Federal managers do a good job of working together to
26 manage the harvest in a way that is allowing for the
27 population to recover and also for people to have an
28 opportunity to harvest. There's currently a really good
29 public outreach effort that engages communities,
30 engages the tribes, and he felt that enacting the
31 special actions would just throw a monkey wrench in all
32 of that and it would make it much more complicated and
33 in some cases could even diminish harvest opportunities
34 for subsistence users. The Western Interior Chair,
35 Jack Reakoff, he actually listened in on the
36 teleconferences for all three of the public hearings
37 that were held along the upper, middle and lower
38 reaches of the Yukon River and he heard a lot of what
39 the people were saying, he noted the concerns about
40 commercial fishing and in the case that he is still on
41 the line I won't get into too much detail as to his
42 thoughts on the special action request.

43

44 Thank you, Mr. Chair.

45

46 CHAIRMAN TOWARAK: Are there any
47 questions of Carl.

48

49 MR. REAKOFF: Mr. Chair, this is Jack
50 Reakoff.

1 CHAIRMAN TOWARAK: Okay, Jack, I wasn't
2 sure if you were on, we tried earlier to get the --
3 anybody on the phone and nobody answered, but you have
4 the floor.

5
6 MR. REAKOFF: Well, I was waiting for
7 the Council comments.

8
9 I'm opposed to the special action
10 requests not like the Kuskokwim, which has a much
11 bigger problem with Bethel, and I'm still concerned
12 about that one, but the Yukon, the people of the middle
13 Yukon, in my region, many people were concerned about
14 not having family members coming to help them out for
15 salmon fishing. The State of Alaska, the Board of Fish
16 has worked out a real good methodology to eliminate
17 chinook harvest in the commercial fishery and I think
18 that last year was exemplary of very low chinook
19 mortality with dipnetting and beach seining and so
20 forth. So I feel that losing the commercial chum
21 fishery and commercial coho fishery, it does not
22 benefit the chinook salmon protections so I feel that
23 the Federal Subsistence Board should direct the in-
24 season manager to do all due diligence with the State
25 managers to protect the pulses of chinook salmon,
26 eliminate drift gillnet when chinook are present and be
27 very cautious to meet escapement needs and then provide
28 an equitable allocation of chinook salmon up the river
29 but do not adopt the special action requests.

30
31 Thank you, Mr. Chair.

32
33 CHAIRMAN TOWARAK: Thank you, Mr.
34 Reakoff.

35
36 That concludes the Regional Council
37 Chair's recommendations. We will -- oh, okay, Tim.

38
39 MR. SMITH: Yeah, I polled the RAC
40 members, as many as I could before I came down here and
41 we support this action in solidarity with the
42 proponents. I have some questions for Mr. Lord, is it
43 true that family members wouldn't be able to assist in
44 subsistence fishing if this SAR was passed.

45
46 MR. LORD: On Federal public waters
47 which would be closed to non-subsistence users -- non-
48 Federally-qualified subsistence users, yes, it is true
49 that family members who are not rural Alaskans could
50 not come and help -- could not come and help on the

1 water.

2

3 MR. SMITH: They couldn't serve even as
4 helpers for catching the salmon.

5

6 MR. LORD: That's correct.

7

8 MR. SMITH: But they could process and
9 take care of the catch on shore couldn't they.

10

11 MR. LORD: I don't believe we've ever
12 weighed in on that question one way or the other.
13 We've gone as far to say that they cannot help haul the
14 net in, you know, or stand on the shore and haul the
15 net in because that's still part of the take, but the
16 processing after the take we just haven't weighed in
17 one way or the other.

18

19 MR. SMITH: I think that's probably the
20 major concern I've heard is people thought they would
21 be precluded from doing that, and I didn't -- I've
22 never known of any permit issued in the State of Alaska
23 that would do that, this would be the first one that I
24 know of.

25

26 I have just one more question, I know
27 that time is pressing, but I think this is an important
28 question.

29

30 Commissioner Cotten asked the NOAA
31 general counsel at the Council meeting about
32 responsibility for the Federal trust responsibility,
33 you know, and the laws that cover this issue are the
34 treaties with Canada, ANCSA, ANILCA, the Magnuson-
35 Stevens Act, and the ESA with some of the stocks, I
36 believe and Commissioner Cotten asked the NOAA general
37 counsel, well, who is responsible for carrying out the
38 United States' responsibility to protect -- to imple --
39 to provide the protections in these laws, protections,
40 and the answer was very, very poor, I thought, you
41 know, is the North Pacific Fishery Management Council
42 the one that does these things, that protects
43 subsistence, is it this Board, you know, and I think
44 that's a -- I don't know if you can answer that
45 question but I think it's a very important question.
46 The United States has a trust responsibility here, they
47 need to protect subsistence, they need to protect the
48 king salmon run itself, that's the most important
49 thing, who is required to do that.

50

1 MR. LORD: You're right, that's not a
2 question I can answer here, sorry.

3
4 (Laughter)

5
6 CHAIRMAN TOWARAK: Does the Fish and
7 Game have comments.

8
9 MS. YUHAS: Thank you, Mr. Chairman.
10 Jennifer Yuhas with the Alaska Department of Fish and
11 Game.

12
13 In the interest of time I would simply
14 say that the Department's comments are very similar to
15 those on the Kuskokwim. We understand some of the
16 mechanics are different in the fishery but our
17 rationale is the same for recommending opposition to
18 these proposals.

19
20 And I am unaware as to whether or not
21 your supplemental materials also record a letter from
22 the Middle Yukon AC but it was sent on April 9th, they
23 are also opposed to the special action request. They
24 had a meeting in Kaltag. It was attended by members
25 from Galena, Koyukuk, Kaltag and Nulato with
26 representation from Fish and Game and Fish and Wildlife
27 Service to answer questions. The gist of their
28 rationale was that it was not their intent to exclude
29 their relatives and that they do not believe that
30 residents of larger cities are coming into their
31 communities to fish because of the well documented
32 decline in chinook and they're readily available, other
33 resources, so they believe that the only non-locals who
34 would be coming would be relatives and they would
35 consider it a hinderance to the continuation of
36 subsistence uses to make such widespread closures
37 because they would not be able to pass on their
38 traditions.

39
40 Thank you, Mr. Chairman.

41
42 MR. ARDIZZONE: Staff should be
43 researching that.

44
45 (Lights out)

46
47 CHAIRMAN TOWARAK: Our mics are still
48 on.....

49
50 (Laughter)

1 CHAIRMAN TOWARAK:so we will
2 continue the meeting and if anybody will want to
3 volunteer their cell phones.....
4
5 MR. ARDIZZONE: They're working on it.
6
7 CHAIRMAN TOWARAK: special action
8 requests and they'll get the lights back on.
9
10 MR. ARDIZZONE: I could do the Staff
11 Committee recommendation.
12
13 CHAIRMAN TOWARAK: I know one thing
14 that we could probably take care of is we could do the
15 Board discussions on what we've heard so far and if
16 anyone wants to take the floor to develop some type of
17 a dialogue.
18
19 MR. ARDIZZONE: Mr. Chair, do you want
20 me to do the Staff Committee recommendation.
21
22 CHAIRMAN TOWARAK: Oh, you could do
23 that, yeah.
24
25 Okay, and let's hear the Staff
26 recommendations first.
27
28 MR. ARDIZZONE: Mr. Chair. Chuck
29 Ardizzone, Chair of the Staff Committee.
30
31 I'll keep this brief as well. Our
32 Staff Committee comments were similar to the Kuskokwim
33 comments. Staff Committee doesn't support this for a
34 number of reasons.
35
36 And some of those are, the complexity
37 of the river. The management system, that it's working
38 well. And a lot of the concerns we've heard from the
39 public about other impacts. But that can be found on
40 the page right after 81 of the analysis in the Yukon
41 tab if you wanted to read the full version it's located
42 there.
43
44 (Laughter)
45
46 MR. HASKETT: That doesn't really help,
47 but thank you.
48
49 (Laughter)
50

1 (Pause)

2

3 CHAIRMAN TOWARAK: Go ahead, Mr.
4 Haskett.

5

6 MR. HASKETT: Okay. There's multiple
7 special action requests so I need to make two motions.
8 My first motion will address one of the requests and
9 the second motion will be to take no action on the
10 remaining request based upon the action on the first.

11

12 So I make a motion to approve Special
13 Action 15-01 and I'll provide my justification as to
14 why I intend to oppose this proposal if I get a second.

15

16 MR. OWEN: Second.

17

18 CHAIRMAN TOWARAK: You heard the motion
19 and the second.

20

21 MR. HASKETT: So the conservation
22 concerns with chinook salmon on the Yukon River are
23 sufficient to implement a closure on Federal public
24 waters, however, the Federal in-season manager already
25 has the delegated authority to open and close those
26 waters to subsistence and non-subsistence uses. The
27 other species of salmon, and primarily summer and fall
28 chum and coho salmon should be able to support
29 sustainable harvest so season long closures would not
30 be necessary for the conservation of healthy
31 populations for continued subsistence uses.

32

33 Under existing authorities the State
34 and Federal in-season managers will restrict the
35 harvest of salmon and non-salmon species when an
36 abundance of chinook salmon is available and could be
37 incidentally caught.

38

39 Also from the public testimony today,
40 I'd like to note that much of that testimony was from
41 people on the river who oppose this as well. I was
42 particularly struck by the testimony from Mr. Billie
43 Charles who commented on the relationship with the
44 State of Alaska and the Fish and Wildlife Service as
45 complimenting each other. He said efforts to manage
46 with the State and the tribes and the Feds need to come
47 together so he also opposed. And Nick Tucker, who said
48 it would pierce my heart if he could speak in his own
49 language and I can understand it, but as I said it
50 pierced my heart anyway, I was very taken by what he

1 had to say, and he opposed. And the other moving
2 comments came from people that opposed the actions as
3 well, and so I'm not going to go ahead and mention
4 everyone.

5
6 I do want to say that Federal public
7 waters on the Yukon were last closed to non-Federally-
8 qualified subsistence users in 2009 and since then many
9 of the RACs, some of the RACs and many of the pre-
10 season planning meeting participants have largely been
11 opposed to Federal closures to non-Federally-qualified
12 users.

13
14 So given the complexity of Yukon River
15 fisheries management, including the health of multiple
16 chinook salmon stocks, the size of the area, and the
17 patchwork of jurisdictions, it'd be difficult to
18 equitably provide opportunity for chinook salmon
19 through an ANILCA Section .804 process.

20
21 We appreciate the proponents concerns
22 that current chinook harvest management is
23 insufficient, however, there is much more effort
24 invested to provide harvest opportunity for salmon and
25 non-salmon species that could sustain harvest.
26 Additionally, the current management strategy relies on
27 coordinated efforts among the State of Alaska, Federal
28 agencies, Canada and the public, and I didn't even
29 mention the treaties with Canada, including Federally-
30 qualified subsistence users to afford a meaningful
31 conservation of the chinook salmon stock as a
32 sustainable resource.

33
34 CHAIRMAN TOWARAK: Any further
35 discussion. Mr. Owen -- no, okay.

36
37 (No comments)

38
39 CHAIRMAN TOWARAK: Is there a call for
40 the question.

41
42 MR. C. BROWER: Question.

43
44 MR. OWEN: Question.

45
46 CHAIRMAN TOWARAK: Question's been
47 called for. All those in favor of the motion say aye.

48
49 UNIDENTIFIED VOICE: Aye.

50

1 CHAIRMAN TOWARAK: Any opposed say nay.
2
3 IN UNISON: Nay.
4
5 UNIDENTIFIED VOICE: Nay, sorry.
6
7 CHAIRMAN TOWARAK: Changed their vote
8 to nay, it's unanimously.
9
10 MR. HASKETT: You shocked me.
11
12 (Laughter)
13
14 UNIDENTIFIED VOICE: Nay.
15
16 MR. HASKETT: It's happened before.
17
18 UNIDENTIFIED VOICE: No it didn't,
19 (indiscernible).....
20
21 MR. HASKETT: Okay. Okay.
22
23 (Laughter)
24
25 MR. HASKETT: You're right.
26
27 (Laughter)
28
29 MR. HASKETT: Okay, I have a second
30 motion. So I take it -- is it okay.
31
32 CHAIRMAN TOWARAK: Go ahead.
33
34 MR. HASKETT: I make a motion to take
35 no action on the remaining Yukon River special actions
36 based upon our action on FSA 15-01.
37
38 MR. C. BROWER: Second.
39
40 CHAIRMAN TOWARAK: You heard the motion
41 and the second, any discussion.
42
43
44 (No comments)
45
46 CHAIRMAN TOWARAK: Not hearing any, all
47 those in favor of the motion say aye.
48
49 IN UNISON: Aye.
50

1 CHAIRMAN TOWARAK: Any opposed say nay.

2

3 (No nay votes)

4

5 CHAIRMAN TOWARAK: Motion passes

6 unanimously.

7

8 That concludes the process on the Yukon

9 requests. We will then go on to the Red Sheep, Cane

10 Creek discussion and action on RFR 14-01, I think on

11 the last -- and if it's okay with the Board I'd like to

12 conclude our agenda today so that we don't have to come

13 back tomorrow.

14

15 MR. ARDIZZONE: There's just two

16 updates after this, Tim, I think.

17

18 (Pause)

19

20 CHAIRMAN TOWARAK: Okay. Are we ready

21 to proceed, go ahead.

22

23 (Pause)

24

25 CHAIRMAN TOWARAK: We're going to take

26 a five minute break.

27

28 (Off record)

29

30 (On record)

31

32 CHAIRMAN TOWARAK: We'll call the

33 meeting back to order. And our next item on the agenda

34 was the -- what is it, the discussion on the Red Sheep,

35 Cane Creek issue.

36

37 Mr. Haskett.

38

39 MR. HASKETT: So I would like to make a

40 suggestion and find out if everyone's agreeable with

41 this or not. It's pretty late. This could be a long

42 discussion and I'm afraid we'd be doing ourselves a

43 disservice by starting it now and I think it might be

44 much better, unless the State objects, that -- or

45 anyone else objects, that we should put this on the

46 next agenda meeting and not cover this tonight.

47

48 MR. C. BROWER: Good idea.

49

50 CHAIRMAN TOWARAK: I'm in favor of

1 that.

2

3 (Laughter)

4

5 CHAIRMAN TOWARAK: And we don't have
6 anyone here from the Regional Advisory Council or
7 anyone at -- so if there's no objections to that action
8 we will just postpone or transfer this agenda topic to
9 our next July meeting.

10

11 MS. YUHAS: Thank you, Mr. Chairman.
12 The State has no object -- objection with that action
13 and finds no impact to the forthcoming sheep hunting
14 season considering that your next meeting is in June.

15

16 CHAIRMAN TOWARAK: July.

17

18 MS. YUHAS: This summer.

19

20 CHAIRMAN TOWARAK: Thank you.

21

22 MR. HASKETT: June 15th.

23

24 (Laughter)

25

26 CHAIRMAN TOWARAK: Okay.

27

28 MR. PELTOLA: Mr. Chair. I did want to
29 mention that, yes, our next meeting is mid-summer, also
30 on that agenda for that meeting work session we do have
31 rural, we do have RAC appointments so it's going to be
32 an extended, long meeting, just to prepare everyone.

33

34 (Laughter)

35

36 CHAIRMAN TOWARAK: Okay. Kootznoowoo
37 update.

38

39 MR. WHITFORD: I guess that's on my
40 plate now.

41

42 (Laughter)

43

44 MR. WHITFORD: For the record my name's
45 Tom Whitford. I'm the Subsistence Program Leader for
46 the Forest Service. Since the beginning of the year I
47 replaced Steve Kessler.

48

49 So I know Mr. Owen intended to keep
50 this pretty short. I do have a briefing statement

1 that's a couple pages but I don't think I need to read
2 the whole thing. I'm hoping that everybody was able to
3 review the letter that we're hoping that the Board
4 approves today so we can get that in the mail to the
5 Secretary of Agriculture and the Secretary of the
6 Interior.

7
8 But the bottom line is that at the
9 Board of Fisheries earlier this year they did take some
10 positive action on coming up with a local solution for
11 the ETJ petition by Kootznoowoo and that agreement was
12 brought forth by the Board of Fisheries and is based on
13 an RC, and I forget which one it is, but it's an
14 agreement between Kootznoowoo and the Seiners -- hold
15 on -- the Southeast Seiners Association. And that was
16 presented to the Board and they agreed that it was a
17 local solution as directed by the Secretaries, I think
18 in 2010. And I don't think the copy of that letter is
19 in the packet. But the Board was satisfied that they
20 did come up with a local solution and decided to
21 implement that.

22
23 If there's any questions I could dig
24 them up in the package.

25
26 CHAIRMAN TOWARAK: Are there any
27 questions.

28
29 (No comments)

30
31 CHAIRMAN TOWARAK: And that was the
32 intent right from the beginning was to develop this
33 relationship with the State and find a local solution
34 and I see it's headed in that direction and we're happy
35 for the Angoon folks.

36
37 MR. WHITFORD: That's true. And I
38 think it's probably important to note that at that
39 Board of Fisheries meeting the Board did receive a
40 letter from the Angoon Community Association saying
41 that Mr. Robert Loescher was not representing the
42 Angoon Community Association, but we don't think it
43 impacts this local solution because the Angoon
44 Community Association was not part -- a party of the
45 original petition, or the petition in question.

46
47 CHAIRMAN TOWARAK: We do have that
48 letter.....

49
50 MR. WHITFORD: Yes.

1 CHAIRMAN TOWARAK:it's in our
2 files. Any other comments or questions -- go ahead.
3
4 MR. PELTOLA: Procedurally, Mr. Chair,
5 the question for Tom, what do you propose the Board do
6 now with regard to what has been transpired with regard
7 to Kootznoowoo and the ETJ, you have the letter, what
8 would your recommendation to the Board be to proceed
9 from this point.
10
11 MR. WHITFORD: Recommend that the Board
12 approves the letter as written in your package. And I
13 still need to figure out who that needs to be cc'd to
14 and I'll get that straightened out hopefully in the
15 morning and then -- I'm not sure of the proper
16 procedure to get your signature, Mr. Chairman.
17
18 CHAIRMAN TOWARAK: Pam has my signature
19 on file.
20
21 MR. WHITFORD: Okay. So we'll do that,
22 I'll get the proper group of people to cc that letter
23 to and get it in the mail.
24
25 MR. PELTOLA: Mr. Chair. Normally we'd
26 run it through ISC prior to sending it to Tim for
27 signature but the Board members here, if they review
28 it, and they give their concurrence then we could have
29 it signed off.
30
31 MR. WHITFORD: Yep, we did that.
32
33 MR. PELTOLA: Then we can forward it
34 on.
35
36 MR. WHITFORD: Okay, thank you.
37
38 CHAIRMAN TOWARAK: Okay. So.....
39
40 MR. WHITFORD: So does someone have to
41 call -- recommend that the Board approves the letter.
42
43 MR. PELTOLA: A motion.
44
45 CHAIRMAN TOWARAK: Yeah, a motion to
46 approve the letter to the Secretaries.
47
48 MR. HASKETT: So moved.
49
50 MR. C. BROWER: Second.

1 CHAIRMAN TOWARAK: Moved and seconded
2 that the letter to the Secretary of Agriculture and the
3 Interior be approved, any objections to that motion.

4
5 (No objections)

6
7 CHAIRMAN TOWARAK: The motion passes
8 unanimously.

9
10 MR. WHITFORD: Thank you.

11
12 CHAIRMAN TOWARAK: Go ahead.

13
14 MS. YUHAS: Would you like to receive
15 any comments from the State as we.....

16
17 CHAIRMAN TOWARAK: Sure.

18
19 MS. YUHAS:conclude this three
20 year process.

21
22 CHAIRMAN TOWARAK: Sure.

23
24 (Laughter)

25
26 MS. YUHAS: Thank you for the
27 opportunity, Mr. Chairman.

28
29 We simply wanted to commend the
30 Secretaries wisdom and allowing the process to work
31 itself out over the last three years. There were a few
32 times maybe we were just as nervous as everyone else
33 that we might not get there, but the process did work.
34 The Board of Fisheries opened public process with
35 collaboration in their committees, was validated there.

36
37 And just note for the Board that the
38 Department is still committed to Angoon. We realized,
39 all of us, through the last three years, there's more
40 issues going on there than simply this petition, but
41 there are commitments that Fish and Game made to the
42 community prior to the submission of the petition for
43 genetic stock ID and other issues. There's also
44 economic development issues that, while they aren't
45 residing within the Department of Fish and Game,
46 they're still something that the State is paying
47 attention to and that we are having those discussions
48 with our Commissioner, other Commissioners, the Lt.
49 Governor, but that the State is still committed to
50 Angoon, regardless of whether a petition is on file and

1 whether the issue is simply fish.

2

3 CHAIRMAN TOWARAK: Well, that's good,
4 thank you. Any questions or comments.

5

6 (No comments)

7

8 CHAIRMAN TOWARAK: If -- I haven't read
9 the letter but would this put kind of a 70 percent or
10 90 percent completion and it's just monitoring from now
11 on.

12

13 MR. WHITFORD: I think it's down to
14 monitoring. We're hoping that this finalizes the
15 issue. They know it's not going to happen over night
16 but the parties involved are happy with the proposal
17 because they're thinking that at least 80 percent of
18 the sockeye salmon would be able to get through the
19 purse seiners fleet and make it back to the river.

20

21 CHAIRMAN TOWARAK: I'd like to suggest
22 that we send a letter from our office to the State and
23 also to the seiners in thanking them for their
24 participation and a solution to this whole situation,
25 if you could make a note of that, and also Kootznoowoo.

26

27 Anything further on ETJ, I always want
28 to call it EJT for some reason.

29

30 (Laughter)

31

32 CHAIRMAN TOWARAK: If not then we will --
33 what's next on the agenda.

34

35 MR. PELTOLA: An update Kusko Demo.

36

37 CHAIRMAN TOWARAK: Update on the
38 Kuskokwim Demonstration Project.

39

40 MR. COGSWELL: Mr. Chair. Members of
41 the Board. For the record my name is Stewart Cogswell,
42 I'm the Fisheries Division Chief for the Office of
43 Subsistence Management.

44

45 I have a very brief update on the
46 demonstration project. I have some talking points I'll
47 read and I'll defer any questions to Assistant Regional
48 Director Peltola or Regional Director Haskett for
49 further comments.

50

1 In his address to the Alaska Federation
2 of Natives Convention in October 2014, Deputy Secretary
3 of the Interior Mike Connor, announced plans to develop
4 a meaningful demonstration project that could be
5 implemented administratively to give local people and
6 subsistence users additional input into the
7 decisionmaking process for in-season fisheries
8 management on Federal public waters in the Kuskokwim
9 River drainage.

10
11 A cross multiple (ph) team has been
12 evaluating multiple options to see what can be
13 implemented administratively.

14
15 The determination on how to implement a
16 demonstration project is not complete. Several
17 possible options that were identified have been
18 submitted to the Secretary's office for review and are
19 pending feedback to the region on how to proceed.

20
21 And the last two points are, there will
22 be a public process to evaluate options before any
23 decision is implemented, and the Department is open to
24 any recommendations.

25
26 CHAIRMAN TOWARAK: I'm sorry, Mr.
27 Haskett, go ahead.

28
29 MR. HASKETT: Just a point of
30 clarification. What we sent up to the Secretary's
31 office was just two days ago, essentially a briefing
32 statement, letting them know where we are in the
33 process, letting them know that we don't have complete
34 agreement with people, letting them know there's still
35 a process to go ahead and resolve a number of
36 differences as well. So I want to make sure people are
37 aware of that. And we're setting up meetings, too, to
38 talk to some pretty interested people on this as well,
39 so it's still early in the process at this point.

40
41 CHAIRMAN TOWARAK: Any further
42 discussion. Jennifer.

43
44 MS. YUHAS: Thank you, Mr. Chairman.
45 And we've had several conversations with those folks
46 that are developing this and we're anxiously awaiting
47 some of the details. We fully understand, you know,
48 why it has to go through a process before we can see
49 those. We did find it curious that an EIS is not
50 needed for this process, especially in light of the

1 Staff recommendation that an EIS was needed to change
2 the Board's predator management policy. And so at some
3 juncture, we know that we've heard that it's being
4 fast-tracked, that's about the only justification that
5 we've heard for why this isn't receiving an EIS. It's
6 not the intent at all to slow the process down, we just
7 have been curious as to why that's not applicable.
8 We're not sure -- the meetings that you're talking
9 about, where you'll be going through more of the
10 details to run through the logistics of things, we're
11 also quite curious about how the authorities between
12 the committee that'll be formed, because we're not
13 calling it a RAC, and the RACs will be -- I think some
14 of the RAC Chairmen have also weighed in that they're
15 quite curious of how that will work, whether
16 authorities will be taken from one entity to the other,
17 whether they'll be duplicated, and so we're really
18 looking forward to seeing those details.

19

20 CHAIRMAN TOWARAK: Thank you. Pat, did
21 you have a comment.

22

23 MS. PETRIVELLI: Well, I just wasn't
24 certain about just the idea of -- I know the Federal
25 Board has taken advice and input and endorsed working
26 group recommendations before. They endorsed the
27 Western Arctic Caribou Herd Working Group. They've
28 endorsed the Muskox Cooperatives Working Group. They
29 use working groups and they have the opportunity to do
30 that. And then the FACA training we went to last week
31 said that when there's State government or Inter-Tribal
32 government groups, the Federal agencies can take advice
33 from those committees without using FACA Advisory
34 Committee rules. So in the structuring of this group,
35 I think with the Inter-Tribal Fisheries Commission, I
36 think they were seeing themselves as representatives of
37 tribal governments, which would provide recognition of
38 them as a government to government relationship that
39 could allow them to be that -- I don't think it would
40 be necessary to have an EIS for the Board to use their
41 advice. I think the big sticking point is how to have
42 that relationship with the Regional Advisory Councils.
43 But even with the Regional Advisory Councils, they
44 reviewed like the Musk Ox Cooperative Management Plan
45 -- when they came up with a management plan the RACs
46 reviewed that plan and then the Board adopted the
47 management plan recommendations. So I don't see what
48 difference an inter-tribal fish commission would have
49 than a muskox cooperative group.

50

1 CHAIRMAN TOWARAK: Go ahead, Jennifer.

2

3 MS. YUHAS: Thank you, Mr. Chairman.
4 To the representative from BIA, I was speaking to the
5 demonstration project which has been separate from the
6 Inter-Tribal Fisheries Commission and it has been quite
7 a task to keep track of the differences between the two
8 groups forming.

9

10 MS. PETRIVELLI: Because I had no
11 details about the demonstration thing, I was just
12 trying to think if -- to avoid an EIS, maybe that
13 alternative could be explored. But I don't know -- I
14 mean I guess because I was under the impression is the
15 inter-tribal group was meeting May 5th and 6th, it was
16 kind of paralleling a process, something like that,
17 but I'm not sure and I was thinking that maybe we'd
18 learn what was being considered at this meeting, but I
19 guess we could all wait until May 5th or 6th and know
20 what this demonstration project is going to be like.

21

22 CHAIRMAN TOWARAK: Go ahead, Mr.
23 Haskett.

24

25 MR. HASKETT: Well, just a couple of
26 points. As far as an EIS, I mean we'd have to do an EA
27 to determine whether we need to do an EIS, I don't
28 think we're going to need one but we'll go through a
29 process and identify that.

30

31 Like I said, this is early in the
32 process. What the Secretary's office charged us with
33 doing is coming up with something with existing
34 administrative processes that we could utilize to come
35 up with something that would allow us to better
36 coordinate, do government to government, get real
37 involvement from tribal entities on the Kuskokwim, and
38 it's got a lot of stops between now and the time that
39 we have something final. On the May meeting, we're not
40 going to be presenting here's a final document, what
41 we're going to be talking about is the kind of things
42 that we're looking at doing. But I mean we are trying
43 to fast-track this, and what we sent back to the
44 Secretary is essentially to get a nod from them to say,
45 yes, you're on the right track, no, you're not doing
46 anything close to what we wanted to do, so I guess my
47 promise is is there's lots of coordination to take
48 place with the RACs, with tribal entities, with -- I
49 mean we got a long ways to go on this.

50

1 CHAIRMAN TOWARAK: Any further
2 discussion.

3
4 (No comments)

5
6 CHAIRMAN TOWARAK: Thank you for your
7 update. This comes to the end of the meeting and our
8 next meeting is scheduled for July 12th -- oh, that's
9 right, we had a request from the people from Kenai.....

10
11 MR. PELTOLA: Cooper Landing. Cooper
12 Landing.

13
14 CHAIRMAN TOWARAK: Cooper Landing. Are
15 they still here.

16
17 (No comments)

18
19 CHAIRMAN TOWARAK: They left some
20 letters and we explained to them that the process that
21 they're concerned about is still -- maybe you could
22 summarize it Chuck.

23
24 MR. ARDIZZONE: Yes, Mr. Chair. I
25 talked to many of the Kenai Peninsula individuals that
26 came up and they were just curious about the process,
27 where we are, there were some misconceptions of what
28 happened. I told them that if they have a public
29 meeting, which they're talking about doing, we'd have
30 Staff there to help clarify issues. We did hand out
31 some fliers on how the process works, and what they
32 need to do to submit an RFR. So they seem to be
33 content with that and like I said they were going to
34 reach out and let me know when there's a meeting date
35 and we'll get some Staff there to help clarify things.

36
37 CHAIRMAN TOWARAK: Go ahead, Geoff.

38
39 MR. HASKETT: Just to make sure
40 everybody on the Board knows this because I'm not sure
41 they do. I mean there's a number of reconsideration
42 requests for the decision that people were coming to
43 talk about and there actually will be coming, one from
44 the Fish and Wildlife Service as well, for the Board to
45 do a reconsideration. So there's more coming on this
46 one.

47
48 MR. C. BROWER: And also they want to
49 be on the Board, Federal Board, representation.

50

1 CHAIRMAN TOWARAK: Go ahead.
2
3 MR. JOHNSON: Mr. Chair. I'll speak to
4 the issue that Member Brower was just talking about.
5 Some of the people from the Kenai were concerned about
6 a lack of representation, specifically from the Cooper
7 Landing community and the Southcentral Alaska Regional
8 Advisory Council. So I just had a discussion with them
9 about how the nominations and appointment process works
10 and about how, in recent years, which people have
11 applied from the Cooper Landing region and what the
12 process has been for whether or not they were appointed
13 to the Council. I had good discussions with them
14 generally about the appointments process and that was
15 one of the issues they were concerned about.
16
17 Thank you, Mr. Chair.
18
19 MR. C. BROWER: Thank you.
20
21 CHAIRMAN TOWARAK: Thank you. I assume
22 this concludes our agenda. Is there a motion to
23 adjourn.
24
25 MR. C. BROWER: So moved.
26
27 MR. HASKETT: Second.
28
29 CHAIRMAN TOWARAK: You heard the motion
30 and the second, any objection.
31
32 (No objections)
33
34 (Laughter)
35
36 CHAIRMAN TOWARAK: This meeting is
37 adjourned.
38
39 (Off record)
40
41 (END OF PROCEEDINGS)

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C E R T I F I C A T E

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

I, Salena A. Hile, Notary Public in and for the state of Alaska and reporter of Computer Matrix Court Reporters, LLC, do hereby certify:

THAT the foregoing pages numbered 02 through 187 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD MEETING WORK SESSION taken electronically by our firm on the 16th day of April 2015, in Anchorage, Alaska;

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

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

DATED at Anchorage, Alaska, this 24th day of April 2015.

Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 09/16/18