

FEDERAL SUBSISTENCE BOARD
PUBLIC REGULATORY MEETING

VOLUME V

GORDON WATSON CONFERENCE ROOM
U.S. FISH AND WILDLIFE SERVICE
ANCHORAGE, ALASKA

May 16, 2018
1:00 o'clock p.m.

MEMBERS PRESENT:

Anthony Christianson, Chairman
Charles Brower
Rhonda Pitka
Marlo Draper, Bureau of Land Management
Karen Clark, U.S. Fish and Wildlife Service
Bert Frost, National Park Service
Keith Kahklen, Bureau of Indian Affairs
Wayne Owen, U.S. Forest Service

Ken Lord, Solicitor's Office

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1 CHAIRMAN CHRISTIANSON: Anthony
2 Christianson. I'm the Board Chair.

3
4 MR. LORD: Ken Lord from the
5 Solicitor's Office and this is my chair.

6
7 (Laughter)

8
9 MR. C. BROWER: (In Inupiaq) From
10 Barrow. Charles Brower, public member.

11
12 MR. OWEN: I'm Wayne Owen with the
13 United States Forest Service where I'm the Region
14 Director for wildlife, fisheries and subsistence
15 programs.

16
17 MS. PITKA: Rhonda Pitka, Chief of the
18 Village of Beaver, and public member of the Federal
19 Subsistence Board.

20
21 MS. CLARK: Good afternoon. Karen
22 Clark, Deputy Regional Director for the U.S. Fish and
23 Wildlife Service sitting in for Greg Siekaniec, the
24 Regional Director.

25
26 MS. KLEIN: Good afternoon. My name is
27 Jill Klein. I'm a special assistant to the
28 Commissioner at the Alaska Department of Fish and Game
29 and attend Federal Subsistence Board meetings for the
30 State Liaison. And we'll have other Staff that are
31 either here now with us today as well or may join us
32 throughout the meeting to help out with some of the
33 issues before us today.

34
35 Thank you.

36
37 CHAIRMAN CHRISTIANSON: Thank you,
38 Jill.

39
40 Did we have any Regional Advisory
41 Council Chairs in the audience today.

42
43 (No comments)

44
45 CHAIRMAN CHRISTIANSON: How about on
46 the teleconference.

47
48 (No comments)

49
50

1 CHAIRMAN CHRISTIANSON: The phone line.

2

3 OPERATOR: This is the coordinator,
4 Sir, their lines are currently in listen only mode, do
5 you want me to unmute their lines?

6

7 CHAIRMAN CHRISTIANSON: Yeah, I'm just
8 trying to get a feel for which Regional Advisory
9 Council Chairs might be present.

10

11 OPERATOR: Okay, I can go ahead and
12 open the lines and then I can close them back.

13

14 (Pause)

15

16 OPERATOR: Okay, all the lines are
17 open, Sir.

18

19 MS. ENTSMINGER: Sue Entsminger from
20 Eastern Interior.

21

22 CHAIRMAN CHRISTIANSON: Thank you, Sue.

23

24 MR. KAMEROFF: Nick Kameroff, Aniak.

25

26 CHAIRMAN CHRISTIANSON: Welcome Aniak.

27

28 MR. MORGAN: Walter Morgan, Lower
29 Kalskag.

30

31 CHAIRMAN CHRISTIANSON: Did you say
32 Walter?

33

34 MR. MORGAN: Walter Morgan, Lower
35 Kalskag.

36

37 CHAIRMAN CHRISTIANSON: Welcome Walter.

38

39 MS. PATTON: Mr. Chair and Members of
40 the Board. I just got off the phone with Alissa
41 Rogers, the Chair for the YK Delta Subsistence Regional
42 Advisory Council. She was just getting back from the
43 Kuskokwim Salmon Management Working Group and will be
44 calling in shortly as well.

45

46 Thank you.

47

48 CHAIRMAN CHRISTIANSON: Thank you.

49

50

1 MS. ROGERS: Thank you, Eva. This is
2 Alissa Nadine Rogers, the Yukon Kuskokwim Delta
3 Regional Advisory Council Chair.

4
5 Thank you.

6
7 CHAIRMAN CHRISTIANSON: Thank you.

8
9 PUBLIC: David, Yukon Delta National
10 Wildlife Refuge, Aniak.

11
12 CHAIRMAN CHRISTIANSON: Thank you.
13 That sounds like that's about it, we'll go ahead
14 and.....

15
16 MR. DOOLITTLE: Is there any legal
17 counsel from the U.S. Forest Service.

18
19 MR. OWEN: No.

20
21 CHAIRMAN CHRISTIANSON: No.

22
23 MR. DOOLITTLE: Okay.

24
25 CHAIRMAN CHRISTIANSON: All right,
26 thank you. That concludes the introductions and
27 welcome again everybody to the reconvening of the
28 meeting. And with that we'll review and adopt the
29 agenda.

30
31 MR. C. BROWER: Mr. Chair. So moved to
32 adopt the agenda.

33
34 CHAIRMAN CHRISTIANSON: We have a
35 motion on the floor to adopt the agenda.

36
37 MR. OWEN: Second.

38
39 CHAIRMAN CHRISTIANSON: Motion's been
40 seconded. Any discussion.

41
42 (No comments)

43
44 CHAIRMAN CHRISTIANSON: Hearing none,
45 we'll call for the question.

46
47 MR. C. BROWER: Question.

48
49 CHAIRMAN CHRISTIANSON: Question's been
50

1 called. All those in favor signify by saying aye.

2

3

IN UNISON: Aye.

4

5

6

CHAIRMAN CHRISTIANSON: Opposed, same

7

8

(No opposing votes)

9

10

11

CHAIRMAN CHRISTIANSON: Motion carries
unanimously to approve the agenda as presented.

12

13

14

15

16

17

At this time we'll open up the floor
for information sharing between Federal agencies here.
So if anybody has some pressing news they'd like to
share or information they'd like to share here now is
the time, their opportunity.

18

19

20

21

22

MR. LORD: Mr. Chair. I appreciate the
opportunity to embarrass my good friend, Tom Kron, and
wish him a Happy Birthday, and invite everybody else to
do the same thing.

23

24

25

(Applause)

26

27

28

29

MR. KRON: Thank you.

30

31

32

CHAIRMAN CHRISTIANSON: Thanks, Ken.
Any other information.

33

34

35

36

CHAIRMAN CHRISTIANSON: All right. It
looks like we're ready to get on to Regional Advisory
Council Chairs, discuss topics of concern with the
Board.

37

38

39

40

So at this time if there's any Regional
Advisory Council Chairs, I open the floor to you.

41

42

43

MS. ENTSMINGER: This is Sue.

44

45

46

47

48

CHAIRMAN CHRISTIANSON: Sue you have
the floor.

49

50

MS. ENTSMINGER: Okay, thank you. Sue
Entsminger, Chair of the Eastern Interior Regional
Advisory Council.

1 I wanted to set the record straight.
2 At the last meeting I was not present. We had sent
3 Donald Woodruff from Eagle down to represent the
4 Council, and I don't think he understood the process
5 that well. There was Wildlife Proposal 18-56 that was
6 requesting to open the Arctic Village Sheep Management
7 Area in 25A to non-qualified -- or non-Federally-
8 qualified users and Donald had said -- he took up a
9 personal opinion, which I think changed from the vote
10 at our meeting. At our meeting we actually had a
11 motion to support with an amendment to delete a portion
12 of the Arctic Village Sheep Management Area that is
13 south of Cane Creek. The motion had passed 5/2. And I
14 wanted to say there was a lot of discussion and I think
15 he read into the record at your meeting, the
16 discussion, he had said the vote was 4/3 but it was
17 actually 5/2.
18

19 And there was a lot of discussion at
20 that meeting and it came up that there was -- this is a
21 proposal that comes before the Board and it's just an
22 open or a close for the proposal, and the Eastern
23 Interior has been working with Katya on having hunter
24 safety and ethics and that meeting -- we had a two day
25 meeting a while back and she's got funding to do more
26 of the meetings, and we looked at this area as a
27 perfect opportunity to work with the State because at
28 prior meetings, I believe it was 2012, there was a
29 hunter education orientation requirement before the
30 Board of Game, which passed, that would -- before
31 anyone could hunt in that Red Sheep and Cane Creek
32 drainages, within the Arctic Village Sheep Management
33 Area, that person must possess proof of completion of a
34 Department-approved hunter ethics and orientation
35 course, including land status and trespass information.
36 And I believe this is a perfect opportunity to see
37 something like this occur, to bring the State and
38 Federal more working together.
39

40 And I wanted to clarify the record on
41 that. There was a lot of meetings in the past. The
42 Eastern Interior have met probably three times on
43 proposals like this, and there's been a lot of interest
44 from Arctic Village and I feel like the Council talked
45 it all over and it's better if we meet some of the
46 concerns and have a working group. So, you know, the
47 Council would be really pushing to see a working group
48 because the way it's going now is not really working.
49

50

1 And if you have any questions I might
2 be able to answer them.

3
4 CHAIRMAN CHRISTIANSON: Thank you, Sue,
5 for calling in and clarifying that on the record. I
6 don't see any questions at this time.

7
8 So, thank you.

9
10 MS. ENTSMINGER: You're welcome.

11
12 CHAIRMAN CHRISTIANSON: Any other
13 Council Chairs on line or in our audience that would
14 like to share their topics of concern with the Board.

15
16 (No comments)

17
18 CHAIRMAN CHRISTIANSON: Okay. Hearing
19 none, we'll move on to public comment period on non-
20 agenda items. And this is an opportunity to speak to
21 non-agenda items, and so I think we have white cards
22 back there if you'd like to speak, and we offer this at
23 the beginning of each day that we do meet here. And
24 right now we do have Jackson Williams.

25
26 MR. WILLIAMS: I'm going to introduce
27 when I was -- I'm the Lower Kuskokwim Advisory
28 Committee member also and this testimony I'm going to
29 make is really something that is from my point of view,
30 you know.

31
32 REPORTER: Operator, could I have you
33 mute the teleconference line, we are getting
34 interference in our meeting.

35
36 Thank you.

37
38 MR. WILLIAMS: I'm going to.....

39
40 CHAIRMAN CHRISTIANSON: Pardon me one
41 second, I want to make sure I can clearly hear you and
42 there's something going on on line, Operator, that's
43 kind of disrupting the noise here.

44
45 OPERATOR: One moment, Sir.

46
47 CHAIRMAN CHRISTIANSON: I'm not too
48 sure where it's coming from.

49
50

1 REPORTER: Tony, ask her to mute the
2 lines please.

3
4 CHAIRMAN CHRISTIANSON: So maybe mute
5 everybody on line for the moment, please.

6
7 OPERATOR: Okay. I'll go ahead and
8 mute, Sir.

9
10 CHAIRMAN CHRISTIANSON: Okay, thank
11 you. Sorry about that, you have the floor.

12
13 MR. WILLIAMS: Okay. Maybe you can
14 hear me now better.

15
16 CHAIRMAN CHRISTIANSON: Yes, it was
17 something on the line.

18
19 MR. WILLIAMS: Oh, okay. But, anyway,
20 when I introduce you in quite a bit of meetings I
21 attended, I told the people I'm Action Jackson.

22
23 (Laughter)

24
25 MR. WILLIAMS: And on the really No. 1,
26 and in some of them I had committee meetings with Lower
27 Advisory, I tell myself, I'm a natural biologist
28 because I know that river upside down.

29
30 Very young, when I first started
31 walking, I don't know how old was I, my dad always
32 bring me fishing, never miss. I learned, you know,
33 I'll be -- I'll try to be quick. In the early '60s, I
34 don't know how old was I, maybe 12 or 10 years old,
35 holy cow, that spring, summer we fished and fished and
36 fished, you know what happened, nothing. We never
37 caught not even chinook or silver or not sure what
38 those -- those red salmon. But, anyway, we try go
39 Akiachak, lower from Akiak, maybe 12 miles below and we
40 fish maybe three, four drifts, same thing, nothing but
41 that taught me, some years, some years those fish,
42 they're gone, I mean they're not as, you know, I was
43 surprised that we never catch nothing, that was early
44 '60s. I don't know if the interceptions were going on
45 down below us, Gulf of Alaska. Anyway my point is, you
46 know, from my observation all these years and back in
47 2012, we did exercise our subsistence right, we fished --
48 Akiak did fish. You know, this is God given gift.
49 We're the first Natives in this Alaska and we're
50

1 supposed to have every right to fish in that river.

2

3 One time I'm going to share you, when
4 they had a Fish and Game in Napaskiak, this guy, friend
5 of mine from Kwethluk, tell the Fish and Game like
6 this, there shouldn't be regulation on subsistence.
7 There shouldn't be. And he was right. Our livelihood
8 is with the water and the land. When someone take away
9 those from us.....

10

11 (Teleconference interruption, phones
12 not muted)

13

14 MR. WILLIAMS:you know it's
15 really hard for us people to continue.....

16

17 (Teleconference interruption, phones
18 not muted)

19

20 MR. WILLIAMS: When we are denied of
21 doing that, you know, our way of life changes. I mean
22 really.....

23

24 REPORTER: Operator the phone lines are
25 still open, could you please mute them, we are getting
26 background interference. Thank you.

27

28 MR. WILLIAMS:not good. I'm
29 really having a hard time with my family, my wife, my
30 kids, really frustrating. Not only that, my oldest
31 brother, he had a stroke, one side of his body
32 paralyzed and my dad's sister's still alive, close to
33 90 years old and I never go down to the river to fish
34 and feed them, so sad. How can people treat us like
35 that. You know, I was born to treat, especially the
36 elder's food, and hopefully we'll get somewhere with
37 this meeting.

38

39 I got some more, I can talk all day but
40 I'm trying to limit myself. Thanks for letting me
41 speak and hopefully we'll work out something.

42

43 Thank you.

44

45 CHAIRMAN CHRISTIANSON: Thank you, Mr.
46 Williams for your testimony.

47

48 Any questions.

49

50

1 OPERATOR: And anyone on the phone who
2 would like to ask a question, please press star one,
3 and please record your name when prompted.
4

5 CHAIRMAN CHRISTIANSON: Next we have
6 Chariton Epchook.
7

8 MR. EPCHOOK: Thank you, Chairman. I'm
9 Chariton Epchook. About a couple years ago I attended
10 a RAC meeting at Bethel and I presented a resolution
11 passed by our Kwethluk Incorporated Board of Directors
12 and that resolution requested that there be a five year
13 moratorium on issuing commercial operation permits or
14 licenses so that the chinooks would probably make a
15 comeback after those five years.
16

17 We all know and we all have heard that
18 us Natives, we don't play with our food. And in
19 Yup'ik, (In Yup'ik), it's basically any fish that goes
20 up our rivers and they -- they all have different
21 names. There's a name for chinook, there's a name for
22 all the salmon species that go up the Kwethluk River,
23 but we basically call all salmon and fish that go up
24 (In Yup'ik), meaning food. So I was glad to hear that
25 the RAC back in, I think it was March, they submitted a
26 letter in favor of our resolution and they were going
27 to present it up to higher and we haven't heard back
28 anything regarding that or if there was ever a decision
29 made to put a moratorium on issuing commercial
30 operation permits on the Kwethluk River.
31

32 So that's what I wanted to talk about.
33

34 Thank you.
35

36 CHAIRMAN CHRISTIANSON: Thank you. And
37 I'll see if we can find that out for you.
38

39 (Pause)
40

41 CHAIRMAN CHRISTIANSON: All right,
42 thank you for that.
43

44 Martin Andrew.
45

46 MR. ANDREW: Good afternoon. Thank
47 you, Chairman, Members of the Board, members in the
48 audience.
49

50

1 I wanted to tell you guys what a
2 gentleman -- I was waiting at the airport to come into
3 town the other day and he came up to me and asked where
4 I was going and I told him I was coming here to the
5 Federal Subsistence Board meeting here in town, and he
6 went on to tell me what -- of the story, his relative
7 was working over in Akiachak and had to come in from
8 Akiachak -- between Akiachak and Kwethluk, and we all
9 know that on the Kuskokwim that the Alaska Hovercraft
10 is operating on that river right now and the gentleman
11 asked me to share this story with you and I told him
12 that I would bring it forth to the Board. And he was
13 very -- he didn't really like when -- when his relative
14 was telling him that when he commuted from Kwethluk to
15 Akiachak to go do some work and, of course the
16 Hovercraft runs on a weekly schedule on the Kuskokwim
17 and it just so happened when he was commuting over to
18 the next community of Akiachak, the Hovercraft came
19 around and passed him and in its wake he could see
20 hundreds and hundreds of fingerlings flying -- flying
21 in the air. And right now at this time, our stock of
22 concern is the chinook salmon and between Kwethluk and
23 Akiachak it's about 15 river miles between there, and
24 when that Hovercraft runs on its route, I do believe it
25 impacts -- it has a great impact on the -- on the
26 salmon of stock, which is chinook salmon. And it was
27 just for a small section of the river where the --
28 where the Hovercraft passed and there was hundreds of
29 fingerlings in its wake flying through the air and I
30 just wanted to share that with you guys. And whoever's
31 out there listening in the audience, I would urge
32 tribal organizations to turn in resolutions to the
33 Congressional Delegation to halt the Hovercraft
34 operations because we do have a stock of concern, which
35 is our chinook salmon. And, you know, if they could
36 hold off on that probably for a year, or even five
37 years and see the outcome of the survival rates of the
38 fingerlings.

39
40 And I do believe that gentleman has a
41 real good point because he seen it with his own eyes
42 and I wanted to share that with the Board.

43
44 Thank you very much.

45
46 CHAIRMAN CHRISTIANSON: Thank you for
47 that. Any questions.

48
49 (No comments)

50

1 CHAIRMAN CHRISTIANSON: Thank you for
2 your presentation.

3
4 I'll call one more time for public
5 comment on non-agenda items.

6
7
8 (No comments)

9
10 CHAIRMAN CHRISTIANSON: Hearing none
11 we'll move on to Item 6. Wildlife delegation of
12 authority, revision recommendations and we'll call on
13 Chris McKee.

14
15 MR. MCKEE: Thank you, Mr. Chair. For
16 the record my name is Chris McKee. I'm the Wildlife
17 Division Supervisor at OSM.

18
19 I believe this is supplement No. 5 in
20 your meeting materials booklets and I'll try to be as
21 brief as possible, just a general overview.

22
23 In 2015 I made some administrative
24 revisions to all of the wildlife delegation of
25 authority letters for OSM, mostly to make them as
26 consistent as possible in verbiage. There was quite a
27 bit of difference between many of the letters and I
28 just wanted to try to clean them up and make them as
29 easy to read and be as consistent between them, when
30 possible. So all of the revised letters went through
31 internal OSM review and a also review by the ISC. But
32 since that time, new letters have been developed in
33 association with the most recent wildlife regulatory
34 cycle.

35
36 There has been some discrepancies and
37 some questions in terms of scope that have come to
38 light and so I just wanted to bring a few of those to
39 your attention at this meeting. You can choose to act
40 on them as a whole if you want to, or take them up one
41 by one, each in their own, but these are action items.

42
43 So the following are some scope of
44 delegation revisions and additions that OSM is
45 requesting that the Board consider and take action on
46 at your meeting today.

47
48 So the first one I'm going to bring up
49 refers to restrictions, or closures to non-subsistence
50

1 uses. The following verbiage was included in the scope
2 of delegation section in all of the wildlife delegation
3 of authority letters during the 2015 administrative
4 review. And, I quote, all other proposed changes to
5 codified regulations such as customary and traditional
6 use determinations, adjustments to methods and means of
7 take and then in -- we have this in bold; or closures
8 and restrictions for take by only non-Federally-
9 qualified users shall be directed to the Federal
10 Subsistence Board. This language specifically
11 prohibits Federal managers with delegated authority
12 from the Board from issuing closures that affect only
13 non-Federally-qualified users, with this language in
14 place all actions need to be deferred to the Board for
15 your action.

16
17 Currently fisheries in-season managers
18 with delegated authority from the Board may close and
19 reopen Federal public waters to non-subsistence
20 fishing, but may not specify method and means, permit
21 requirements or harvest and possession limits for State
22 managed fisheries.

23
24 OSM proposes to remove the bolded
25 language that I just mentioned and add the following --
26 I should also note that all the changes that we're
27 talking about are done in track changes in all the
28 letters so you should be able to see that. The first
29 one I'm bringing up should be on Page 4 of the handout,
30 the first letter. So we are proposing to add the
31 following:

32
33 This delegation also permits you to
34 close and reopen Federal public lands to non-
35 subsistence hunting but does not permit you to specify
36 methods and means, permit requirements or harvest and
37 possession limits for State managed hunts.

38
39 This revision would facilitate Federal
40 manager's efforts to implement a step-wise approach to
41 the Federal Subsistence Management prioritization
42 process and it would also increase consistency between
43 wildlife and fisheries delegation of authority letters
44 from the Board.

45
46 So that's the first one.

47
48 I can stop there if you have any
49 questions or I can continue to go on to the other two.

50

1 CHAIRMAN CHRISTIANSON: Any questions.

2

3 (No comments)

4

5 CHAIRMAN CHRISTIANSON: I think we
6 could do it all in one shot there, Chris.

7

8 MR. MCKEE: Okay. So the second
9 letter, I believe, is Page 6 of the handout.

10

11 This one refers to the delegated
12 authority that's given to the Assistant Regional
13 Director for OSM. Currently the ARD of OSM has
14 delegated authority from the Board to issue emergency
15 special actions. The original letter of delegated
16 authority included language stipulating that this
17 ability to issue emergency special actions was
18 contingent upon a Staff analysis of the potential
19 action and I want to make note, with unanimous consent
20 of the InterAgency Staff Committee, however, this
21 language was omitted in subsequent revisions. So OSM
22 is proposing to add the following verbiage in the scope
23 of delegation for this delegated authority letter.

24

25 And I quote:

26

27 And only after Staff analysis of the
28 potential action and unanimous consent of the
29 InterAgency Staff Committee this added verbiage makes
30 it clear that the ARD for OSM can issue emergency
31 special actions for wildlife on Federal public lands if
32 these criteria are met.

33

34 And I should also note that this only
35 applies to wildlife, this does not apply to emergency
36 special actions for fisheries.

37

38 So that was the second one.

39

40 And then, finally, the third letter,
41 which starts on Page 9 is a delegation of authority
42 letter for the Arctic Refuge manager for moose in Units
43 26B remainder and 26C. This delegated authority
44 currently allows the manager to, quote, set or adjust
45 quotas and determine the number of permits to be issued
46 and set season opening and closing dates. And for the
47 past two years the Federal Subsistence hunt -- this
48 hunt has taken place with a harvest quota of two bulls
49 set by the Federal manager, via this delegation of

50

1 authority. OSM proposes adding the verbiage saying,
2 set any needed sex restrictions to the scope of
3 delegation to clarify this authority from the Board.
4 The suggested revision would add this phrase into the
5 scope of delegation. Now, in the past it's just said
6 set the quota, which from a pure reading of it means
7 the number of animals. But the manager has set this
8 specific sex restriction and we've had a rather -- what
9 I would say, a rather liberal reading of what a quota
10 is. And so I would just like this sex restriction
11 verbiage put in there to make it absolutely clear that
12 they can also make these sex restrictions given,
13 depending on what the biology is at the time and, of
14 course, this manager's making these decisions based on
15 recommendations from their Staff and other folks, so I
16 just wanted to make that clear.

17
18 So that one is kind of a more or less a
19 housekeeping but one that I think needs some added
20 clarity.

21
22 So that's it for this presentation and
23 I'd be happy to answer any questions that I can.

24
25 Mr. Chair.

26
27 CHAIRMAN CHRISTIANSON: Thank you,
28 Chris. Any questions for Chris.

29
30 Wayne.

31
32 MR. OWEN: Thank you, Mr. Chair. If I
33 may, Chris, letter number 2 is specific to wildlife, is
34 there a complimentary letter for fisheries or what's
35 the reason for that separation?

36
37 MR. MCKEE: Yeah, so there -- currently
38 the ARD of OSM does not have delegated authority to
39 issue emergency special actions for fisheries, it's
40 just for wildlife at this point. So there is no
41 accompanying letter for fisheries, just for wildlife.

42
43 MR. OWEN: And, Mr. Chair, if I may.
44 Is there a legal reason for that or is it just past
45 practice or?

46
47 MR. LORD: No, it's more of a need to
48 respond quickly to fish -- changes in fisheries, such
49 that the delegations there are to the in-season manager

50

1 rather than to OSM, or to the ARD there.
2
3 MR. OWEN: Thank you very much.
4
5 CHAIRMAN CHRISTIANSON: Any other
6 questions.
7
8 MR. C. BROWER: Mr. Chair.
9
10 CHAIRMAN CHRISTIANSON: Yes.
11
12
13 MR. C. BROWER: Just a question. So
14 you're adjusting the wording to set any needed sex
15 restrictions from the harvest annual quota of two
16 bulls; is that right? I mean that's just a word
17 change.
18
19 MR. MCKEE: It's more a specificity.
20 Right now the delegation of authority says they can
21 determine the quota, which from my read is just the
22 number of animals that could be harvested, whereas the
23 last couple of years of this hunt the Federal manager
24 has set that quota, the harvest limit at two bulls,
25 which is a sex restriction. The current delegation of
26 authority doesn't say anything about bulls, cows or
27 anything else. So this was more or less just a clarity
28 to specifically give them that authority to set those
29 needed set restric -- any needed sex restrictions.
30
31 MR. C. BROWER: Thank you.
32
33 CHAIRMAN CHRISTIANSON: Bert.
34
35 MR. FROST: So, Ken, just to qualify.
36 So the fisheries delegation of authority, back to
37 Wayne's question, has actually got a lower level than
38 the wildlife, is that right? Because wildlife is at
39 OSM.....
40
41 MR. LORD: It's closer to the source of
42 the issue.
43
44 MR. FROST: Closer to the field.
45
46 MR. LORD: Closer to the field I think
47 is a better way to characterize it.
48
49 MR. FROST: Right. Just trying to make
50

1 sure I understand. Okay, thanks.

2

3 MR. MCKEE: I also just want to make
4 clear that if there is [sic] a unanimous consent of the
5 ISC and wildlife emergency special actions then it
6 would go to the Board and that has happened in the past
7 but I also have examples of -- we have several
8 emergency special actions on the Nushagak Peninsula
9 Herd in 20-fiscal year -- regulatory year 2015, I
10 believe, where we had a series of unanimous consent
11 from the ISC and approved emergency special actions
12 that you guys never saw.

13

14 CHAIRMAN CHRISTIANSON: Any other
15 questions for Chris.

16

17 (No comments)

18

19 CHAIRMAN CHRISTIANSON: State.

20

21 OPERATOR: For any questions on the
22 phone please press star one and please record your name
23 when prompted.

24

25 CHAIRMAN CHRISTIANSON: Jill has the
26 floor at the moment, thank you.

27

28 MS. KLEIN: Thank you, Mr. Chair. We
29 have more of a comment, I guess, than a question on the
30 first item, which is adding the authority for the
31 managers to close Federal public lands to non-
32 Federally-qualified users and we'd prefer that that
33 authority remain with the Federal Subsistence Board
34 versus at the local manager level.

35

36 We know that most of the delegation of
37 authority letters do allow a manager to defer to the
38 Board if something is controversial but we find most of
39 those examples recently to be controversial and warrant
40 further discussion at the Federal Board meetings.

41

42 Thank you.

43

44 CHAIRMAN CHRISTIANSON: Thank you. Any
45 questions for Jill or comments.

46

47

48 (No comments)

49

50

1 CHAIRMAN CHRISTIANSON: Thank you. Any
2 other questions for Chris.

3
4 (No comments)

5
6 CHAIRMAN CHRISTIANSON: I open the
7 floor for Board action.

8
9 (Pause)

10
11 CHAIRMAN CHRISTIANSON: What Staff's
12 looking for is for us to make a motion so we could
13 amend these letters.

14
15 MS. CLARK: I'll make a motion. I'd
16 like to make a motion to adopt the modifications
17 suggested by OSM as indicated in supplement five of the
18 Board meeting materials entitled: Proposed Revisions to
19 Wildlife Delegation of Authority Letters April 2018.

20
21 MS. PITKA: I'll second that motion.

22
23 CHAIRMAN CHRISTIANSON: Motion has been
24 made and seconded. Any further discussion.

25
26 (No comments)

27
28 CHAIRMAN CHRISTIANSON: Call for the
29 question.

30
31 MR. FROST: Question.

32
33 CHAIRMAN CHRISTIANSON: All in favor
34 signify by saying aye.

35
36 IN UNISON: Aye.

37
38 CHAIRMAN CHRISTIANSON: Opposed, same
39 sign.

40
41 (No opposing votes)

42
43 CHAIRMAN CHRISTIANSON: The motion
44 carries unanimously to make the changes to the letter
45 of delegation.

46
47 MR. OWEN: For wildlife.

48
49 CHAIRMAN CHRISTIANSON: Thank you,
50

1 Chris.

2

3

(Pause)

4

5

6

CHAIRMAN CHRISTIANSON: That moves us
on to Item No. 7, Fisheries Temporary Special Action
Request 18-01/03.

7

8

9

(Pause)

10

11

MR. DECOSSAS: Good to go.

12

13

14

CHAIRMAN CHRISTIANSON: Yep, the floor
is yours.

15

16

17

18

19

20

21

22

23

MR. DECOSSAS: Hello, Mr. Chair and
members of the Board. My name is Gary Decossas and I'm
the Kuskokwim area fisheries biologist at the Office of
Subsistence Management. I'm here today with
anthropologist, Pippa Kenner, to provide an overview of
the analysis of Fisheries Temporary Special Action 18-
01 and 18-03 related to the Kuskokwim chinook salmon
subsistence fishery.

24

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32

Temporary Fishery Special Action
Request FSA18-01 was submitted by the Yukon Delta
National Wildlife Refuge Manager, who is also the
Federal in-season manager for the Kuskokwim area, so
that request was submitted on February 5th, 2018 and
then there was Temporary Fishery Special Action Request
FSA18-03, which was submitted by the Akiak Tribal
Council on March 28th, 2018.

33

34

35

36

37

You can see these requests on Page 1.
I'm just going to provide a brief summary of the
request.

38

39

40

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50

Both actions request that Refuge
managers -- that Refuge waters be closed to the harvest
of chinook salmon except by the residents of the
Kuskokwim River drainage or one of the four coastal
communities of Kong, Kwig, Chefornek and Kipnuk. The
request from the Refuge manager is for the closure to
begin on June 12th. The request from the Akiak Native
Community is for the closure to begin on May 20th. The
Akiak Native Community is also requesting
implementation of a chinook salmon allocation strategy
similar to what was implemented in 2015.

1 Can you all see the PowerPoint
2 presentation.
3
4 CHAIRMAN CHRISTIANSON: Yes. Well,
5 maybe.....
6
7 MR. DECOSSAS: Good. All right. Cool.
8 I can't see it.
9
10 (Pause)
11
12 MR. DECOSSAS: I'll put this on hold
13 for a second until.....
14
15 (Pause)
16
17 MR. DECOSSAS: Once Chris has the.....
18
19 CHAIRMAN CHRISTIANSON: Let's take a
20 minute, one minute and let them get it up here.
21
22 (Pause)
23
24 MR. DECOSSAS: All right, technical
25 difficulties aside.
26
27 As the Board can see on the PowerPoint
28 presentation it will need to decide the following
29 actions.
30
31 One. Close to all except Federally-
32 qualified subsistence users, this would be an .815
33 closure under ANILCA.
34
35 Two. Close to all except a limited
36 pool of Federally-qualified subsistence users, that
37 would be an .804 closure.
38
39 Three. If the closure to non-
40 subsistence uses was approved, then what would be the
41 closure begin and end dates.
42
43 Four. Should the Refuge manager
44 implement an allocation strategy similar to 2015 during
45 the in-season management process.
46
47 So next I will move on to the requests.
48 I'll summarize why the Refuge manager and the Akiak
49 Native Community requested these special actions. This
50

1 could be found on Page 2 in the analysis.

2

3

MS. KENNER: At the top.

4

5

MR. DECOSSAS: At the top.

6

7

The Refuge manager is requesting this
8 action for the following reasons.

9

10

The preseason forecast for chinook
11 salmon in the Kuskokwim River drainage for 2018 is 140
12 to 193,000 fish. given the forecast there is a
13 possibility that the chinook salmon run in the river
14 may not be large enough to provide for an unrestricted
15 chinook salmon subsistence fishery in 2018. The Refuge
16 manager said in his request that:

17

18

Quote, closing Refuge waters to the
19 harvest of chinook salmon by non-subsistence users is
20 necessary during the 2018 season to provide a rural
21 subsistence priority to provide for the conservation of
22 healthy populations and to continue the subsistence
23 uses of chinook salmon.

24

25

The Akiak Native Community is
26 requesting this action for the following reasons:

27

28

The Akiak Native Community wants Refuge
29 waters closed on May 20 to the harvest of chinook
30 salmon except by residents of the Kuskokwim River
31 drainage and one of the four coastal communities that I
32 mentioned before. Then it wants the Refuge manager to
33 allow more fishing opportunity with gillnets.

34

35

Further, the Akiak Native Community
36 request community allocation similar to what happened
37 in 2015 because it allows for more traditional use of
38 chinook salmon by allowing people to get fish into
39 smokehouses earlier in the season and prevents combat
40 fishing that happens during short-windowed
41 opportunities like 2016 and 2017.

42

43

So now we can move on to the beginning
44 of Page 10, there's a regulatory history provided in
45 the analysis. I'm just going to provide some recent
46 regulatory information for the Board.

47

48

ADF&G regulations now mandate that
49 chinook salmon fisheries in the Kuskokwim River

50

1 drainage be closed by emergency order through June 11
2 every year. This has been placed -- this regulation
3 has been in place since 2016 and has been implemented
4 through a gillnet. Last year in 2017 ADF&G issued
5 emergency orders closing the Kuskokwim River mainstem
6 from the mouth of the Tuluksak River to the use of --
7 from the mouth of the river up to the Tuluksak River to
8 the use of all gillnets effective on May 20 and
9 effective May 25 up to the Refuge boundary near Aniak.
10 So on May 20th essentially the lower half of the Refuge
11 was closed to gillnets and then from the 25th -- and
12 then on the 25th, the other half was closed to
13 gillnets. Additionally, several lower river and middle
14 -- several lower river salmon spawning tributaries and
15 one middle river tributary were closed off on May 20th,
16 restricted, gillnet use.

17
18 Last year effective June 12, 2017, the
19 Refuge manager closed Refuge waters of the Kuskokwim
20 River mainstem and the salmon bearing tributaries
21 within the lower river to the use of all gillnets by
22 all users and chinook salmon caught by other legal
23 methods had to be immediately released.

24
25 Additionally, effective on June 12,
26 2017, the Board closed Refuge waters to the harvest of
27 chinook salmon except by residents of the drainage
28 identified in the .804 analysis.

29
30 The Refuge manager then proceeded to
31 close the chinook salmon subsistence fishery through an
32 .816 closure.

33
34 Subsequently the Refuge manager
35 provided two 12 hour six inch mesh gillnet
36 opportunities for salmon in June as well as one six
37 hour and one 12 hour six inch direct gillnet
38 opportunity in the beginning of July. On July 7th,
39 2017 all Federal restrictions and closures were
40 rescinded.

41
42 This year, in 2018, ADF&G has issued
43 emergency orders closing the Kuskokwim River mainstem
44 from the mouth of the Kuskokwim River up to the
45 Tuluksak River to the use of all gillnets effective May
46 25th, and effective May 30 up to the Refuge boundary at
47 Aniak. These effective dates are five days later than
48 what occurred in 2017. Salmon tributary closures in
49 the lower river also started on May 25 and obviously
50

1 this was also five days later than the previous year.

2

3 ADF&G has closed sportfishing for
4 chinook salmon in the Kuskokwim River drainage similar
5 to what it did in 2017.

6

7 Now that I've described the regulatory
8 -- the recent regulatory history we will move on to the
9 current events section. For these Special Action
10 Requests the Board had two public meetings and two
11 tribal and ANCSA corporation consultations. And I will
12 turn this over to Pippa to explain.

13

14 MS. KENNER: Thanks, Gary. Again, this
15 is Pippa Kenner with the Office of Subsistence
16 Management.

17

18 Okay, so there were two public
19 hearings, these were held by teleconference in
20 Anchorage at the Regional Office. There were -- excuse
21 me, there were two public meetings and they were
22 conducted by teleconference in Bethel, Alaska. There
23 were two tribal consultations and there were two ANCSA
24 corporation consultations and they were each done here
25 at the Regional Office by teleconference.

26

27 So the public hearing for 18-01, the
28 description -- a summary of that meeting begins on Page
29 17 but I'm going to just quickly go over it.

30

31 So the public hearing for FSA18-01,
32 there were 22 individual testifiers and 11 of them
33 represented individuals, Federally-qualified
34 subsistence users, while the remaining 11 commented as
35 part of a rural or tribal organization in the area, and
36 that included the Kuskokwim River InterTribal Fisheries
37 Commission, the Association of Village Council
38 Presidents, or AVCP, the Native Village of Napaimute,
39 Akiak Native Community, the Organized Village of
40 Kwethluk, and the Orutsararmut Native Council
41 representing Bethel.

42

43 There was a public hearing for FSA18-03
44 also. There were 22, again, individual testifiers,
45 half were individual Federally-qualified subsistence
46 users and half represented organizations in the area,
47 including the -- again, the Kuskokwim River InterTribal
48 Fisheries Commission, the Akiak Native Community, the
49 Organized Village of Kwethluk, and the Orutsararmut

50

1 Native Council, and the Kuskokwim Corporation, which
2 represents 10 villages in the middle and upper river.

3
4 For tribal consultation on 18-01, 15
5 tribes participated and an ANCSA corporation. And for
6 tribal consultation on 18-03 29 tribes participated and
7 additionally there was an ANCSA corporation that
8 participated in consultation.

9
10 Okay. To summarize the comments that
11 we received in public hearings and through tribal and
12 ANCSA corporation consultation.

13
14 First of all in this request the Refuge
15 manager requested to close Refuge waters to the harvest
16 of chinook salmon by non-subsistence users effective
17 June 12th and the Akiak Native Community requested May
18 20th, after which Federal subsistence fishing
19 schedules, openings, closures and fishing methods would
20 be determined by the Refuge manager and not by ADF&G
21 emergency order.

22
23 Testimony from the lower river wanted
24 the Refuge manager to provide more opportunity to
25 harvest chinook salmon than would otherwise be provided
26 in order to fill smokehouses as early as possible to
27 avoid rainy weather. Testimony from the lower river
28 wanted the Refuge manager to provide more opportunity
29 to harvest non-salmon fish species also in fisheries
30 that overlap the chinook salmon run and that have been
31 impacted by restrictions on gillnet use in order to
32 protect chinook salmon from harvest. They said,
33 closures to the use of gillnets have begun to early
34 before chinook salmon typically begin to migrate into
35 the lower river in harvestable numbers.

36
37 Testimony from the middle and upper
38 river generally did not support early lower river
39 gillnet fishing because early run chinook salmon have
40 been shown to be headed for middle and upper river
41 tributaries. Since early closures have been in effect,
42 people have observed substantially more chinook salmon
43 migrating into these areas than in the past. But some
44 testimony from the middle and upper river were not
45 opposed to allowing some opportunities for a taste of
46 fish prior to June 12th.

47
48 Now, regarding the allocation portion
49 of FSA18-03, the Refuge manager did not request the
50

1 implementation of an allocation strategy and the Akiak
2 Native Community requested an allocation strategy
3 similar to the one implemented in 2015. So based on
4 comments made during public hearings and tribal and
5 ANCSA corporation consultation -- first of all the
6 Orutsararmiut Native Council said it supported the
7 designated fisherman permit used in 2015. And the
8 Orutsararmiut Native Council is the one who implemented
9 this in Bethel and it was a really large job because a
10 majority of Federally-qualified subsistence users are
11 in Bethel. The group testified that the program had a
12 lot of support among the 150 fish camps in Bethel and
13 the organization viewed it as a success. The permit
14 helped control effort in the chinook salmon subsistence
15 fishery and prevented combat fishing in a time of
16 conservation. Also, the Kuskokwim River InterTribal
17 Fisheries Commission gave testimony, they did not have
18 a position on allocation. I think tribes belonging to
19 the commission had not reached consensus, however, they
20 did testify that the beginning date of the closure to
21 non-Federally-qualified users should begin as soon as
22 the Board takes action.

23
24 Additionally, testimony from the lower
25 river added that communities and tribes could negotiate
26 the allocation of chinook salmon to ensure that
27 subsistence users can harvest some while still being
28 conservative and protecting enough of the run to allow
29 middle and upper river communities to still have ample
30 opportunities for traditional subsistence fishing for
31 chinook salmon. For example, one example they gave was
32 the allocation strategy would prevent the rush to fish
33 or the combat fishing that has developed in the lower
34 river in recent years during to short periods of
35 opportunity.

36
37 Concerning allocation. Some testimony
38 from the lower, middle and upper river supported
39 implementation of an allocation strategy earlier in the
40 season only if allocations were limited to small
41 numbers of chinook salmon. And, finally, some
42 testimony from the lower river did not support the
43 implementation of a chinook salmon allocation strategy
44 if it meant using designated fishers or that people
45 would need a permit to subsistence fish. In 2015 some
46 communities did not participate or could not provide
47 gas for designated fishermen to harvest community
48 allocations of chinook salmon. Also, should the
49 allocation strategy implement a community harvest
50

1 system that provides permits for a limited number of
2 designated fishers, some Federally-qualified users
3 would not have the opportunity to meaningfully
4 participate in the harvest of chinook salmon.
5

6 Now, I'm going to move on to ADF&G
7 comments. They're summarized beginning on Page 23, and
8 the full comments are included in Appendix E.
9

10 Concerning FSA18-01, ADF&G proposed
11 that if the fisheries special action is adopted by the
12 Federal Subsistence Board then the Federal manager turn
13 management back over to ADF&G managers but by July
14 15th.
15

16 Concerning FSA18-03, ADF&G added that
17 the Kuskokwim River Salmon Management Working Group has
18 recently recommended that the front end closure start
19 on May 25th and run through June 11th. That's the
20 closure to the subsistence fishing -- to subsistence
21 fishing with gillnets that the State implements
22 preseason through June 11th.
23

24 With this in mind, if the Board
25 determines a closure of Refuge waters is justified, a
26 start date after the front end closure is prudent.
27

28 The request to return to the allocation
29 system used in 2015 should be discussed among
30 stakeholders due to the local knowledge that's been
31 provided.
32

33 Okay, now I'm moving into a section
34 that's on Page 24, and it's the cultural knowledge and
35 traditional practices section.
36

37 One of the most important pieces of
38 information in this section is a look at the impact of
39 weather on drying and smoking fish. Locally in the
40 Yukon -- in the Kuskokwim River drainage, a cold
41 smoking process is used and when there's high humidity
42 or rainy weather it's almost impossible to dry and
43 smoke fish. This is really important because these
44 salmon are being harvested at levels far beyond what an
45 average person could put in their freezer and the
46 drying and smoking process is really important to the
47 winter food supply. There has been some research
48 recently, people sitting down and documenting the
49 observations and experiences of local users and talking
50

1 about how long it -- it's a one to three week process
2 from beginning to end to get the fish through the
3 process. When it rains people are moving racks of fish
4 in and out of the smokehouse in order to protect it
5 from the rain.

6

7 Okay, I'll turn it over to Gary now.

8

9 MR. DECOSSAS: Okay. So what I'm going
10 to do now is just briefly summarize the chinook salmon
11 biological information that includes harvest, run size
12 and escapement.

13

14 From 1990 to 2009 the annual
15 subsistence harvest for chinook salmon in the drainage
16 has ranged from 67,000 to 110,000 fish. In 2017 the
17 chinook salmon subsistence harvest was around 16,000
18 fish.

19

20 As far as run size is concerned, from
21 2015 to 2017 the run size has remained essentially
22 consistent around the 150 to 170,000 fish, ball park.

23

24 Chinook salmon escapement in 2017 was
25 150,000 fish. For the last three years chinook salmon
26 escapement has exceeded the upper bound of the drainage
27 wide sustainable escapement goal by an average of
28 30,000 fish. The sustainable escapement goal provides
29 escapements that have a 95 percent chance of producing
30 yields greater than 100,000 chinook salmon on average
31 except when escapements are consistently held at
32 120,000 fish. Anything within this range is considered
33 successful. It's important to note that this goal has
34 only been in place since 2013.

35

36 Chinook salmon, the running timing.
37 Chinook salmon typically begin entering the mouth of
38 the Kuskokwim River by the end of May and begin passing
39 Bethel around the beginning of June. By June 1,
40 generally less than one percent of the chinook salmon
41 run has passed Bethel. That's according to the Bethel
42 test fishery which begins operations on June 1. This
43 increases to between six and 19 percent on average by
44 June 12th.

45

46 Now, I'm just going to briefly go over
47 the preseason forecast and how it relates to the
48 sustainable escapement goals, and this allows us to
49 kind of figure out potential allowable harvest for the
50

1 season.

2
3 As of 2018 the current methods used to
4 create the preseason forecast are surprisingly accurate
5 as the total run sizes have fallen in or near the
6 forecast every year since 2014. This result is a
7 product of low returns and extremely low variability in
8 run sizes that have occurred since 2010. The 2018 run
9 forecast for chinook salmon in the Kuskokwim River is
10 140 to 193,000 fish. On Page 41 the Board can see
11 scenarios for potential allowable chinook salmon
12 harvest in 2018, and like I've stated before this is
13 based on the forecast in relation to the sustainable
14 escapement goal. If managing for the lower end of the
15 escapement goal, potential allowable chinook salmon
16 harvest ranges from 61,000 to 128,000 fish anywhere
17 within the preseason forecast. If managing for the
18 middle of the escapement goal, potential allowable
19 chinook salmon harvest ranges from 47,500 to 100,500
20 fish, anywhere within the forecast. And if managing at
21 the upper end of the escapement goal, which is how the
22 fishery has been managed since 2014, potential
23 allowable chinook salmon harvest ranges from 20,000 to
24 87,000 chinook salmon anywhere within the forecast.

25
26 To kind of put this in perspective,
27 chinook salmon harvest during unrestricted times ranged
28 from 67 to 110,000 chinook salmon.

29
30 Based on the preseason forecast, there
31 are scenarios that would allow for more harvest
32 opportunities to be provided as compared to recent
33 years, however, if the chinook salmon subsistence
34 fishery is managed for near the upper end of the
35 sustainable escapement goal like it has been since
36 2014, then there are scenarios in which the chinook
37 salmon run in the Kuskokwim River may not be large
38 enough to provide more harvest opportunities than in
39 recent years, especially at the lower end of the
40 preseason forecast.

41
42 So I've gone over the biological
43 background and I will turn this over to Pippa for a
44 description of the .804 analysis.

45
46 MS. KENNER: Thank you, Gary. Okay, so
47 both of the requests ask for a Section .804 subsistence
48 user prioritization analysis to determine the
49 communities that have the highest customary dependence
50

1 on chinook salmon in the Kuskokwim River drainage.

2

3 This analysis was first conducted in
4 2014 and implemented in 2015. An additional analysis
5 covered the community of Bethel, which is contained in
6 Appendix F of your analysis. And in Bethel it was
7 determined that members of the work groups and between
8 100 and 150 fish camps had the highest customary
9 dependence on chinook salmon. And that and then the
10 conclusion of the region-wide Section .804 analysis was
11 that communi -- residents of the drainage and living in
12 the four coastal communities had the highest dependence
13 of chinook salmon from the Kuskokwim River drainage
14 than other Federally-qualified users.

15

16 Now, if I'm not mistaken, Gary, we're
17 going to go into the alternatives.

18

19 MR. DECOSSAS: Yes.

20

21 MS. KENNER: Thank you. Okay. OSM
22 developed a couple of alternatives for you to consider
23 regarding these two special action requests. It begins
24 on Page 55.

25

26 Alternative one would be to take no
27 action on FSA18-01 and approve FSA18-03 with
28 modification to close Refuge waters to the harvest of
29 chinook salmon except by the residents of the drainage
30 and the four coastal communities beginning May 25th
31 from the mouth up to Tuluksak and beginning May 30th
32 from Tuluksak River up to the Refuge boundary at Aniak.

33

34 Additionally, a chinook salmon
35 allocation strategy would be implemented by Board
36 action. The allocation strategy would include a
37 community harvest system with designated fisher or
38 household permits. Specific permit conditions such as
39 time, area, means and methods, gear type would be
40 defined by the Federal in-season manager in
41 consultation with the InterTribal Fish Commission and
42 affected rural communities. This allocation strategy
43 could also include managing for a harvest goal using
44 means and methods and time and area restrictions.

45

46 So in his request, the Refuge manager
47 sought to close Refuge waters to the harvest of chinook
48 salmon except by a limited pool of users identified in
49 the Section .804 determination on May 20th and --

50

1 excuse me, on June 12th and Akiak Native Community
2 requested the same closure begin on May 20th.
3

4 In alternative one it would implement
5 the closure sequentially up the river as chinook salmon
6 have been shown to migrate into each area and become
7 available for harvest. The beginning date in
8 alternative one, May 25th, was chosen because this is
9 when chinook salmon typically begin to migrate into the
10 lower portions of the river in harvestable numbers.
11

12 Some of the effects of alternative one.
13

14 After May 25th, the Federal in-season
15 manager, the Refuge manager would issue special actions
16 providing more subsistence opportunity than would
17 otherwise be provided. This would allow the Kuskokwim
18 River InterTribal Fish Commission to negotiate early
19 opportunities to harvest salmon while still being
20 conservative. For example, the Federal in-season
21 manager could provide harvest opportunity early during
22 the chinook salmon by alternative means and methods
23 such as gillnet, dipnet or rod and reel, which would
24 allow for the continuation of historical subsistence
25 use patterns, particularly those processing methods
26 that require dry weather conditions that occur in early
27 June. The earlier closure to all but Federally-
28 qualified users will also allow the Federal in-season
29 manager to provide more opportunities for the harvest
30 of non-salmon species of fish such as whitefish and
31 sheefish and will also allow for the harvest of chinook
32 salmon.
33

34 So the Refuge manager requested a
35 closure end date of August 30th and the Akiak Native
36 Community requested a closure through June 30th only.
37

38 Alternative one would allow the Federal
39 in-season manager to rescind the closure to allow
40 fishing for all users when appropriate, which would
41 more clearly reflect the Refuge manager's request and
42 would allow him flexibility to manage the run size as
43 in-season information became available.
44

45 Now, alternative two, another
46 alternative is the same as alternative one, but it
47 would not include implementation of an allocation
48 strategy directed by the Board. Specifically there
49 would be no community harvest or a permit system.
50

1 Now, the effects of alternative two are
2 the same as alternative one with the exception that
3 there would be no allocation strategy. This would mean
4 chinook salmon fishing opportunities including
5 schedules, openings and closures, means and methods
6 would be determined by the Federal in-season manager in
7 consultation with the InterTribal Fish Commission and
8 other fishery managers and decisions would be
9 coordinated with the Office of Subsistence Management
10 to ensure proposed actions will align with Federal
11 subsistence regulations and policy.

12
13 Thank you.

14
15 I'm going to turn it over to Gary now,
16 who will talk about the effects of each of these
17 proposals, if they were adopted -- if they were
18 approved.

19
20 MR. DECOSSAS: Okay. All right. So
21 those were some of the alternatives that were in the
22 analysis. Now, we go into Page 54 to talk about the
23 effects of these two requests, 18-01 submitted by the
24 Refuge manager and 18-03 submitted by the Akiak Native
25 Community.

26
27 If the Refuge manager's request was
28 approved, the Board would close Refuge waters to the
29 harvest of chinook salmon from June 12 through August
30 30, 2018, except by subsistence users identified in the
31 Section .804 subsistence user prioritization analysis,
32 unless superseded by subsequent special actions. This
33 would mean chinook salmon fishing opportunities
34 including schedules, openings, closures and methods
35 would be determined by the Federal in-season manager in
36 consultation with the InterTribal Fish Commission and
37 other fishery managers including State and tribal
38 interests. The Federal in-season manager could issue
39 special actions providing more subsistence opportunity
40 than could otherwise be provided. By taking this
41 action the Board would be supporting the Federal in-
42 season manager's efforts to manage the Federal
43 subsistence fisheries for continued subsistence uses.

44
45 If the Akiak Native Community special
46 action request 18-03 was approved, the Board would
47 close Refuge waters to the harvest of chinook salmon
48 from May 20 through July 21, 2018, except by
49 subsistence users identified in the Section .804
50

1 subsistence user prioritization analysis and fishing
2 under the terms and authority of a community harvest
3 permit unless superseded by subsequent special actions.
4 Allocation would provide more opportunity to harvest
5 chinook salmon than what would otherwise be provided.
6

7 If these special action requests were
8 not approved by the Board, State subsistence and
9 sportfisheries targeting chinook salmon would be closed
10 prior to June 11. Beginning on May 25, subsistence
11 fishing with gillnets in the Kuskokwim River would be
12 closed from the Refuge boundary at the mouth of the
13 river to the ADF&G markers approximately one-half mile
14 up stream of the Tuluksak River mouth. On May 30, this
15 closure would be extended to the Refuge boundary near
16 Aniak. ADF&G would issue an emergency order for at
17 least one fishing period per week with four inch or
18 less mesh set gillnets, the purpose of these
19 opportunities would be to allow subsistence harvest of
20 non-salmon species, while allowing for incidental
21 harvest of chinook salmon. All residents would be
22 eligible to participate in the State subsistence
23 fisheries. However, the Federal in-season manager in
24 consultation with the InterTribal Fish Commission and
25 other fisheries managers could close Refuge waters to
26 the harvest of chinook salmon except by Federally-
27 qualified subsistence users when necessary to conserve
28 healthy populations of chinook salmon or to continue
29 subsistence uses.
30

31 Essentially the in-season manager has
32 emergency delegation -- emergency action authority in
33 the event these requests were not approved by the
34 Board.
35

36 And with that being said.....
37

38 MS. KENNER: We're done.
39

40 MR. DECOSSAS:we're done. Thanks
41 for staying.....
42

43 (Laughter)
44

45 CHAIRMAN CHRISTIANSON: Appreciate.....
46

47 MR. DECOSSAS:upright.
48

49 (Laughter)
50

1 CHAIRMAN CHRISTIANSON: Appreciate your
2 guys diligence in that.

3
4 MR. DOOLITTLE: Way to go guys.

5
6 CHAIRMAN CHRISTIANSON: What we're
7 going to do is take a couple minute break because I
8 need to use the restroom and then we're going to come
9 back from that and open the floor to the public
10 testimony. So just five minutes, a tight five minutes
11 and we'll come back.

12
13 (Off record)

14
15 (On record)

16
17 CHAIRMAN CHRISTIANSON: We're just kind
18 of waiting. Most of the people on the white cards are
19 out side-barring.

20
21 (Pause)

22
23 CHAIRMAN CHRISTIANSON: So we'll go
24 ahead and start.

25
26 We're going to open the floor to the
27 public at this time for the agenda item that we are on,
28 Temporary Special Action, and so we're just trying to
29 track down a lot of the testifiers.

30
31 (Pause)

32
33 CHAIRMAN CHRISTIANSON: All right.
34 Well, we'll go ahead and we'll first call Lisa
35 Ferguson, if you're in here.

36
37 MR. DOOLITTLE: Feyerisen.

38
39 CHAIRMAN CHRISTIANSON: Oh, Feyerisen.

40
41 MS. FEYERISEN: Hi. It's Lisa
42 Feyerisen, not that you have to ever get it right
43 because most boards never do. And I feel like I don't
44 want my -- even though it will be on record, I would
45 kind of like my cousins and stuff from down river
46 because I do have an opposing view of several of them,
47 to hear what I have to say so they know so if we could
48 wait for just a second here.

49
50

1 CHAIRMAN CHRISTIANSON: Yes, I was
2 trying to -- my five minutes was 10.

3
4 MS. FEYERISEN: So we could all
5 practice saying my name.

6
7 IN UNISON: Feyerisen.

8
9 MS. FEYERISEN: Like Meyer, like Fred
10 Meyer, Feyer, and isen, like Eisenhower. Feyerisen,
11 yeah.

12
13 (Laughter)

14
15 MS. FEYERISEN: Yeah, and I used to
16 teach school so I would draw little pictures for the
17 kids and we'd have the first grader say the name but my
18 poor teachers couldn't.

19
20 (Laughter)

21
22 CHAIRMAN CHRISTIANSON: The floor is
23 yours, your cousins are here.

24
25 MS. FEYERISEN: All right, my cousins
26 are here. So I'm Lisa Feyerisen. I live in Crow
27 Village, which is six miles below Aniak. And I'm the
28 Chairman of the Central Kuskokwim Advisory Committee.
29 And I want you to know that a lot of the people sitting
30 behind me are my true, dear -- not only related to me,
31 but they are my true dear friends, even though we may
32 disagree. And there's several points that I want to
33 make.

34
35 But first off I feel real saddened that
36 I hear, and I love Pippa Kenner, but I hear Pippa
37 Kenner say, you know, that the fish will rot if we
38 don't wait until the 12th -- if we don't allow people
39 to start fishing early, because that's not taking into
40 account my husband's ancestors and Danny's ancestors
41 and everybody up and down the river, and Dennis Thomas'
42 ancestors that have fished during the rainy season and
43 preserved their fish efficiently. So, yes, down river
44 is very used to fishing earlier and the way they are
45 used to preserving fish with the rainy season, they do
46 tend to have more rot, so it's a matter of educating
47 them, a matter of us working together to be able to
48 prevent. So if we are making management decisions on
49 people's inability to adjust to the climate, I think
50

1 that's wrong, because we know extreme weather
2 conditions are happening more frequently on the
3 Kuskokwim and we need to adapt our preserving practices
4 accordingly.
5

6 The other thing I want you to know, is
7 there is a huge discrepancy about both of these special
8 actions from the middle river on up, and to pretend
9 otherwise would be ridiculous. To say that we're all
10 in agreement. Whether it's the 33 people from the Fish
11 Commission or anybody else. Walter Morgan and other
12 people are in line from the middle river that can speak
13 to this. But we all sat down two years ago, 30 people
14 from the Kuskokwim at a Board of Fish meeting for the
15 State of Alaska and agreed to the June 12th date. And
16 if you had listened to what Gary said, there's 12 to 15
17 percent of the fish that pass Bethel by that date. So
18 we're talking 85 percent of that run is still going on
19 after that. So by keeping it closed until the -- it
20 was a unanimous consent, we had a subcommittee meeting
21 at the Board of Fish, and Kwethluk was there Akiak was
22 there, there was way more people from down river than
23 middle river, up river, everybody agreed, that if we
24 wanted to rebuild our stock, we needed to adhere to
25 that date. And we're not talking, oh, except for 5,000
26 fish, or except for 7,000, or except for 40,000, we're
27 talking closure, except for the taste fish through four
28 inch mesh nets.
29

30 The other thing that is important to
31 recognize is what Dennis Thomas just said five minutes
32 ago, whatever was happening last year was working,
33 because people up in Crooked Creek saw fish. Usually
34 they would get two or three fish, they didn't get what
35 they would like to get but for the first time they saw
36 fish. So if you go in and touch that front end closure
37 that we worked hard to all agree that that was
38 extremely important, everybody on the river agreed at
39 that meeting that that was extremely important and then
40 the State agreed to implement it, and we want to
41 rebuild our king stocks after years of having worked
42 really hard on conservation, and Nikolai not seeing any
43 fish, and McGrath not seeing any fish, and Stony River
44 not seeing any fish and the people from my area not
45 seeing any fish, you are completely ignoring a portion
46 of the river whose voice you need to hear.
47

48 And, finally, I was sitting before this
49 exact same -- not the exact same people, I think
50

1 Charlie was here, but other people have come and gone
2 since then, and I testified in favor of special action,
3 before the very first special action, and no one
4 thought it was going to happen but I said what's going
5 on in this -- and Tom knows, I had him come up to
6 Chuathbaluk when I was the tribal administrator, what was
7 going on, was not working for the people in the middle
8 river and up river, and so we wanted the Federal
9 government to come in and take over and to correct the
10 injustice that was going on. And they've done a fairly
11 okay job. However, in that time, that (indiscernible)
12 of time, for us to get our needs met through State
13 regulations, we had time to go to the Board of Fish and
14 get different things passed, we have those comforting
15 skeletons, or those comforting framework in place
16 through fisheries regulations that have been passed
17 over the last several years, that everybody's invited
18 to. Unlike the in-season management system which takes
19 place in the river, my son who's from Alakanuk does not
20 have a voice into the InterTribe Council, he is a
21 Native, he is from Alaska, he has been born and raised
22 on the Kuskokwim, he has nobody representing him on the
23 InterTribal. I am a Federally-qualified person, who
24 represents me in the Federally -- in the InterTribal,
25 if I want to go and testify for what I want to see
26 during the in-season, nobody. Now, I can promise you,
27 if my husband, who's Native and from Chuathbaluk, was
28 living with me down in Wisconsin and he could not have
29 a voice in the management of fish and wildlife that we
30 are catching to live on, I would be up there screaming,
31 and the fact that this governing body allows a
32 discriminatory system to take place that doesn't speak
33 about Federally-qualified people managing it during in-
34 season, it only speaks about the InterTribal, in
35 consultation with the Refuge and the Refuge says, you
36 can't -- when I've called them, they have told me,
37 personally, I -- you know, it has to go through the
38 InterTribe, and who represents me in the InterTribe,
39 it's a bogus system. I've talked to Gene about it.
40 I've talked to everybody else about it. They realize
41 it's a system that needs to be fixed, but it's ongoing.

42
43 So I want it on the record that it's
44 completely a corrupt system right now and until you
45 guys can fix it, you need to quit taking over
46 management of the river because my voice isn't being
47 represented. And if it was a Native voice not being
48 represented, everyone would be in an uproar.

49
50

1 Thank you.
2
3 CHAIRMAN CHRISTIANSON: Thanks for your
4 passion.
5
6 Any questions for her.
7
8 (No comments)
9
10 CHAIRMAN CHRISTIANSON: Thank you,
11 Lisa.
12
13 Anna Crary, is that right.
14
15 MS. PELTOLA: Thank you, Mr. Chairman.
16 My name is Mary Peltola. Anna Crary is the Counsel for
17 the InterTribal Fish Commission.
18
19 CHAIRMAN CHRISTIANSON: Okay.
20
21 MS. PELTOLA: Can Mike Williams sit
22 with us as well.
23
24 CHAIRMAN CHRISTIANSON: Sure.
25
26 MS. PELTOLA: He's our Vice Chair for
27 the InterTribal Fish Commission.
28
29 CHAIRMAN CHRISTIANSON: Yep.
30
31 MS. CRARY: Good morning -- or I guess
32 it's not morning, it's afternoon. Thank you for the
33 opportunity to talk and give comments today.
34
35 I am the counsel for the InterTribal
36 Fish Commission and to my right is Mary Peltola, the
37 executive director; to my left is Mike Williams, who is
38 the Vice Chair of the Commission. I'm actually going
39 to pull back and let Mary and Mike, who have both
40 signed up to provide public comment, provide those
41 comments right now and answer questions, and if the
42 Commission -- or sorry, if the Board here would like,
43 you know, additional input from me, I'm more than happy
44 to provide it but I think it's important that you hear
45 from these two users.
46
47 CHAIRMAN CHRISTIANSON: The floor is
48 yours.
49
50

1 MR. WILLIAMS: Thank you, Mr. Chairman,
2 Tony Christianson. My name is Mike Williams, I'm from
3 Akiak and I'm on the Akiak Native Community Tribal
4 Council.
5

6 And we worked hard on the special
7 action request after looking at the special action
8 request by the Refuge manager because we felt that we
9 continued to conserve our fishery, the chinook fishery,
10 and that we need to make sure that the Federally-
11 qualified users have the first shot at our subsistence
12 resource because we depend on that fish, the chinook,
13 to eat and to survive off in time tough times in the
14 winter. But that was the first and foremost because of
15 the conservation concern that Akiak felt, that we need
16 to close the waters from May 20th until June 30th, or
17 July 1. And the thinking behind that was that was that
18 we would conserve that resource when the chinook are
19 running until July 1.
20

21 Last year, or in the last few years of
22 our special actions, we were able to harvest some kings
23 but the abundance of reds and the abundance of chinook
24 has showed up and it has really limited our fishing
25 because of the weather that sets in and we had to limit
26 our fishing and that resulted in the taking of those
27 chinook as I heard -- as you heard the numbers today,
28 from last year. So as a fisherman on the river, you
29 know, we quit fishing when the weather hit and when we
30 set in and caught 200 reds and chums and some chinook
31 and we quit -- everybody quit fishing. So the weather
32 set in and we quit that fishing. So I think it would
33 really help to meet some of our subsistence needs,
34 which we have not met in some recent years on our
35 subsistence needs. And, I, for one, and a lot of
36 families have come short in meeting their subsistence
37 needs in recent times.
38

39 But that is one way that we can
40 conserve chinook, is to limit the pool of eligible
41 harvesters on the river, and that's the Federally-
42 qualified users.
43

44 But I'd like to applaud the
45 Orutsararmiut Council for working that out in Bethel.
46 And I would like to pay tribute to my friend and my
47 colleague, Greg Roczicka, which -- whom we miss,
48 greatly, to come up with these strategies to have no
49 combat fishing, to have our needs -- some of our needs
50

1 met in times of allocation and to have healthy people
2 and healthy fish in the end. But I just wanted to
3 point that out and my working relationship with Greg
4 and spending hours and hours of discussing what kind of
5 strategy would work best.

6
7 But in terms of the allocation system,
8 it is right now -- right now, you know, if it is
9 Federalized, if the action is taken by you and I have
10 no problem in pushing that date back to May 25th, from
11 Akiak Native Community. But I think it would, you
12 know, but our thoughts of July 1 is still there and I
13 have to go back and meet with our tribal council if
14 we're going to make any changes to our special action.

15
16 Right now in terms of the allocation,
17 you know, as we all know, that we have Kuskokwim
18 InterTribal Fish Commission and U.S. Fish and Wildlife
19 Service has entered into a formal agreement, Memorandum
20 of Understanding, and I just like to applaud the U.S.
21 Fish and Wildlife Service for that opportunity after
22 the Deputy Secretary Mike Connors announced years back.
23 But we worked very hard to come up with the MOU, and I
24 think that MOU is very straightforward in establishing
25 that partnership between the tribes and the Kuskokwim
26 River InterTribal Fish Commission. In that light I'd
27 like to say that defining the allocation right now is
28 premature, before the negotiations occur between the
29 tribes of the Kuskokwim River and also the U.S. Fish
30 and Wildlife. In the end if we agree that we would --
31 we would be negotiating with the in-season manager,
32 which is the Refuge manager now, and with our four in-
33 season managers from the Kuskokwim River InterTribal
34 Fish Commission, which we did before and came with an
35 agreement.

36
37 So in terms of the allocation system, I
38 think it would be -- again, premature to take a
39 position on that and the Kuskokwim River InterTribal
40 Fish Commission will not agree to an allocation system
41 unless there is a consensus among the tribes on the
42 river.

43
44 So I think we have a lot of work in
45 front of us and -- but I think the goal is to have the
46 best managed fishery on the Kuskokwim River in terms of
47 rebuilding of the chinook and while we are doing that
48 we will have opportunity for those old women and our
49 elders and the widows and the children that crave for
50

1 the taste of fish early on. And when I travel to the
2 village of Napaskiak, last year along with the Refuge
3 manager, we discussed this in that meeting in Napaskiak
4 with the elders and with the community and it was sad
5 to see our elders, our elderly women crying, because
6 they wanted to have that taste of fish, just like
7 before. But I think we have enough numbers to allow
8 that to happen early on but it would be subject to the
9 Refuge manager and the Kuskokwim River InterTribal Fish
10 Commission to begin that.

11

12 And I just wanted to make those final
13 comments now and I just really appreciate your
14 understanding and the acceptance of our SAR and the
15 need to move forward for the best interest of the whole
16 river. And I'll turn this over to Mary, or executive
17 director of the Kuskokwim River InterTribal Fish
18 Commission, and I'll await any questions that may
19 arise.

20

21 Thank you.

22

23 CHAIRMAN CHRISTIANSON: Thank you,
24 Mike. Mary.

25

26 MS. PELTOLA: Thank you, Mr. Chairman.
27 For the record my name is Peltola, P-E-L-T-O-L-A. I
28 work for the InterTribal -- the Kuskokwim River
29 InterTribal Fish Commission.

30

31 The Fish Commission is built around
32 unity and consensus and we do not want to advocate for
33 a position if there is not consensus among the river in
34 support of that position. And, by consensus, I don't
35 mean a unanimous decision, I just mean that the tribes
36 have had a full discussion and are in agreement on a
37 decision.

38

39 Your first question, should the
40 Kuskokwim be closed to all but Federally-qualified
41 users. We firmly believe that it should be closed to
42 all but Federally-qualified users. Both of the special
43 action requests state this and we agree with the
44 Regional Advisory Council that the river should be
45 closed to everyone but Federally-qualified users.
46 Subsistence needs of Federally-qualified users have not
47 been met for many years, probably since 2010, and there
48 are still conservation concerns that exist.

49

50

1 The second question regarding closure
2 dates. The Fish Commission's position is that the
3 closure should start on May 25th. Our executive
4 council had a motion to that effect and there was a
5 unanimous decision that the front end closure should
6 begin on May 25th and we agree with the Regional
7 Advisory Council on that recommendation as well.

8
9 This start date is important because it
10 allows for in-season flexibility. The in-season
11 management decisions can be negotiated between the Fish
12 Commission and the Fish and Wildlife Service consistent
13 with the MOU that we have together. We don't want to
14 forego any opportunity for subsistence and for
15 conservation. The Fish Commission won't advocate for
16 an opening for chinook before the 12th of June as was
17 set out by the Board of Fish without consensus among
18 its tribal members along the river.

19
20 The second portion of the timing, when
21 should the closure end. The Fish Commission's most
22 comfortable with the July 15th recommendation. Last
23 year was a unique year, I think it was an outlier year,
24 we had the latest chinook run that we've ever seen and
25 chinook were still coming in in kind of sporadic pulses
26 towards the middle of July and we were still catching
27 them towards the end of July. And timing is always a
28 mystery. I wish we had better indicators for timing.
29 Traditional knowledge holders, one of their indicators
30 is migratory birds, but our migratory birds are coming
31 back at different times. Our swans are a little bit
32 late. Some of the earlier birds came on time. So, you
33 know, that's a really -- a challenge that I think --
34 the State's recommendation of July 15th is a good
35 middle ground.

36
37 We feel that July 15th is better for
38 conservation, but that August 30th is too late to the
39 end -- I mean that's basically the end of when the
40 silvers are running, so that's a very, very long
41 stretch of time. And we feel that unless there's an
42 in-season demonstrated need to prolong the Federal
43 management for other species, chums, reds, silvers,
44 that that can be addressed at that time.

45
46 The third question, should the Board
47 adopt an allocation system. So part of the reason we
48 were late in coming back from the break is tribal
49 members and non-tribal members, other Federally-

50

1 qualified users from the Kuskokwim, we were meeting,
2 and we do feel that it's premature to establish an
3 allocation system at this time. But we would like to
4 have the opportunity to weigh in on that. If there is
5 Federal management, if the Board decides today that
6 there should be Federal management, and that that
7 management take place now, in May, the Fish Commission
8 and the in-season managers and the executive council
9 and commissioners are ready and willing to discuss
10 different options for allocation and an ability to
11 harvest during the early part of June.

12
13 And, with that, I'll ask Anna Crary if
14 I missed any salient points.

15
16 (Pause)

17
18 MS. PELTOLA: I just want to make sure
19 that I'm clear on this, it is premature to define or
20 require an allocation system today at this meeting,
21 however, it may be that the InterTribal Fish Commission
22 and the in-season manager may agree on an allocation
23 system that is workable and consistent with
24 conservation and subsistence opportunities.

25
26 The special action request should
27 provide this flexibility and allow for a possible
28 allocation system and after some date go for openings
29 and closings.

30
31 The Fish Commission will not agree to
32 an allocation system unless there is consensus among
33 its members.

34
35 MR. WILLIAMS: Mr. Chairman. I just
36 wanted to say that having fished for 60 years on the
37 river, an observation, has really helped me, and I
38 think in recent times we have seen tough times, but now
39 I think we have an opportunity to have everyone on the
40 table to make sure that our river is taken care of from
41 the mouth to Nikolai, and I think that's the overall
42 goal that we have. And, again, that is our -- our goal
43 is to have the best management of our fishery in
44 Alaska, or in the world, to make sure that we keep our
45 food and we eat our food that we grow up with and we
46 sustain our lives into the future and I just really
47 appreciate this time and thank you for accepting our
48 SAR.

49
50

1 And if you have any more questions
2 please feel free to contact us and our people in Akiak
3 really appreciate you listening to us.
4

5 Thank you.
6

7 CHAIRMAN CHRISTIANSON: Thank you, Mike
8 and Mary. Any questions.
9

10 Karen.
11

12 MS. CLARK: Thank you guys. I am just
13 wondering if you can talk a little bit, or maybe again,
14 maybe I've missed it, a little bit about the May 25th
15 closure and the reason behind it. I under -- I heard
16 the in-season flexibility and that you wouldn't open --
17 you wouldn't want to do any opening without consensus
18 among the tribes, but can you -- and I think you
19 mentioned something about conservation but I'm not sure
20 that I followed that completely, can you help me with
21 that.
22

23 MS. PELTOLA: Yes. I think one of the
24 SARs -- I think 18-01 is asking that Federal management
25 take over on June 12th, and that's in deference to the
26 State Board of Fish's front end closure. And that
27 front end closure really was met with consensus and
28 offered to the Board of Fish at that Board of Fish
29 meeting in Fairbanks a few years back.
30

31 What I'm saying is, the in-season
32 manager, the Refuge manager, working with the Fish
33 Commission and its four in-season managers can use the
34 same principles to make sure that headwaters fish make
35 it up to the headwaters to spawn, but also allow some
36 form of fishing if the run shows that it's strong
37 enough to sustain fishing. And what I've heard many
38 folks from up river say is we don't want unlimited,
39 unrestricted fishing during that early time, we don't
40 want fish on the racks in the lower river, but I have
41 not heard them say, and I could be wrong, and there are
42 many, many different opinions from different
43 individuals and different tribes in the up river, and
44 so I don't want speak for them, but I don't think that
45 there is a hard and fast feeling about zero fishing
46 during that time. And I do think that it's important
47 for the Federal managers to keep in mind the principles
48 that the State's using, but not defer to them entirely
49 and forego managing during that timeframe.
50

1 MR. WILLIAMS: Yeah, thank you for that
2 question. And I think that May 25th, you know, I think
3 with that we would have that flexibility to conserve
4 and also have an opportunity for our people to eat if
5 it allows, if the numbers allow.

6
7 But I think in recent times, you know,
8 we had in the last two years, we had the number of
9 40,000, half of the ANS, and what we are talking in
10 Akiak is that May 25th to June 12th would -- will be
11 open to some form of allocation or limit because of
12 that front end runs that we are all concerned about,
13 and I think that can be done in regards to conserving
14 plus having food to eat during that time for our
15 residents on the river.

16
17 Doi.

18
19 CHAIRMAN CHRISTIANSON: Any other
20 questions for Mike or Mary.

21
22 MS. CLARK: Mr. Chair.

23
24 CHAIRMAN CHRISTIANSON: Okay.

25
26 MS. CLARK: Sorry, I have one more. So
27 the move to the 25th would allow for Federally-
28 qualified users, but not -- so it would be -- it would
29 be not -- not following the State's current guidelines
30 and your -- so your belief is then that following the
31 State guidelines that subsistence needs could not be
32 met, that they would -- that there's a conservation
33 concern that would require us to -- for -- for a
34 Federal management of the river that would then allow
35 for that.

36
37 MR. WILLIAMS: Yeah, during that
38 Federal action, it would require only the Federally-
39 qualified users instead of all residents in the state.

40
41 MS. CLARK: Well, right, I -- I
42 understand that that's -- well, I guess I'm trying to
43 go -- maybe Mary's.....

44
45 MS. PELTOLA: Can you just restate that
46 one more time, please, sorry.

47
48 MS. CLARK: I'm -- yeah, I'm sorry, I'm
49 trying to figure out the question in my head while I'm
50

1 talking, too. So essentially the current regulations,
2 there is fishing allowed up until then, and so your --
3 your take is that having Federal management of the
4 river on the 25th allows for more of a subsistence
5 opportunity, which is -- and for -- for part of the
6 reasons that we have to make the decisions because
7 there's a conservation concern, and then it makes sense
8 for Federal management on May 25th.

9
10 MS. PELTOLA: So what the State has
11 done the last few years is allow for use of four inch
12 whitefish gear on Saturdays, every week on Saturdays,
13 the four inch whitefish gear is really something that's
14 traditionally been used in July. It is not a June gear
15 type. People are using it now in lakes and back
16 streams to catch whitefish but it is not something that
17 is customary on our river and there has been a great
18 deal of push back, a lot of elders are talking about
19 the four inch gear being -- they're called killers,
20 they kill very indiscriminately, there's concern that
21 there are king salmon that are killed in those that
22 aren't able to stay in the net and so they're totally
23 wasted fish.

24
25 What we're talking about is not a -- is
26 not for the in-season manager's to open on Saturdays,
27 the four inch whitefish mesh, we're talking about is
28 potentially if there is a strong run, a limited chance
29 for table fish. And that was the intent of the Fish
30 and Game whitefish net. It was very convoluted when
31 the discussion was taking place at the working group
32 meeting until the time fishermen on the river
33 understood it, there was a lot of confusion and
34 misunderstanding. I think if Fish and Game had said
35 we're doing this for a taste of fish and not for
36 harvesting king salmon, that would have been a lot more
37 clear than the regulations as they were written. As
38 they were written it was talking about setting your net
39 this far from the bank and at this angle and it was
40 very -- it was like ballot language almost.

41
42 So I think if the Commission is
43 involved in that decision it can be explained more
44 clearly to people fishing, that we're not fishing to
45 fill up our racks, we're fishing for a taste of fish
46 and, you know, for fish soup, until June 12 when the
47 river is more unrestricted.

48
49 MR. WILLIAMS: Written with those two
50

1 12 hour four inch openers from what we've done, not
2 very -- there was very few fishing for 12 hours, and 60
3 feet long, 45 mesh, and -- and during that time last
4 year during those two 12 hour openers, we realized 20
5 whitefish and five sheefish and -- and that just didn't
6 -- that allowed some -- some relief but it wasn't --
7 but hardly anybody took that opportunity. And --
8 because what the four inch mesh nets can do to the king
9 salmon.

10

11 MS. CRARY: And then if I may just
12 supplement these two answers here.

13

14 So as I understand your question, you
15 want to know if moving to the closure start date to May
16 25th would provide additional subsistence
17 opportunity, if that is what is needed and the answer is
18 yes.

19

20 Am I understanding that correctly?

21

22 MS. CLARK: Well, it's -- can you help
23 me understand why you think that that's the.....

24

25 MS. CRARY: Yes. So the reason why
26 that's necessary is because there needs to be maximum
27 flexibility to allow for subsistence opportunity on the
28 river. We're talking about fish, you know, we're not
29 talking about a regimented train or bus schedule, even
30 though whenever I take the bus or train it's always
31 late, you know, fish are unpredictable, fish show up,
32 you know, as Mary Peltola was saying, sometimes they
33 show up early, sometimes they show up late. There is
34 additional flexibility for the Commission, for
35 subsistence users, for people who need those fish, to
36 be able to meet their needs if that closure starts on
37 the 25th of May as opposed to the 12th of June, because
38 there's an additional possibility for those users,
39 through the Commission and Fish and Wildlife
40 negotiations to take fish if there is -- you know, if
41 there was opportunity and if the returns show that that
42 is appropriate at that time.

43

44 That flexibility does not exist if the
45 closure date starts on June 12th.

46

47 MS. CLARK: Except that I believe the
48 in-season manager does have the authority to take an
49 action, whether right now there's a decision to close
50

1 on the 12th -- if the in-season manager determines that
2 it makes sense that we see -- we have new information
3 because the fish, we can't tell what's going to happen
4 with the fish but we do watch what's happening with the
5 fish, and in our unified management effort, that those
6 conversations would continue to happen and then --
7 yeah, I guess I still see that -- it doesn't -- I'm --
8 I'm not sure how it provides more flexibility, it
9 actually seems like it's more limiting in some way
10 because you're taking an action without knowing when
11 you could wait to take the action when you do know.
12

13 MS. CRARY: So this Board has the
14 obligation to provide subsistence opportunity to
15 subsistence users. This Board has an opportunity to
16 help people meet those needs by implementing a Federal
17 closure to all but Federally-qualified subsistence
18 users on May 25th as opposed to June 12th, you are
19 providing that opportunity.
20

21 MS. CLARK: Yeah, but.....
22

23 MS. CRARY: You are providing those
24 users an opportunity that they would not be eligible to
25 partake in if management started -- if Federal
26 management started on the 12th of June.
27

28 MR. WILLIAMS: I just wanted to add,
29 you know, with the self-determination and the
30 traditional knowledge that we hold, you know, I think
31 that will help in terms of conserving and also to help
32 feeding our families. So I think we need to have a
33 win/win situation. And I think we'll create a win/win
34 situation instead of winners and losers.
35

36 So I think, you know, I think if you
37 authorize -- if you approve the special action request
38 that will, I think, have more flexibility to have that
39 local knowledge with the three, four in-season managers
40 and the Federal in-season manager, which is the Yukon
41 Delta Wildlife Refuge Manager, together, to make that
42 decision base don information.
43

44 MS. PELTOLA: Thank you. Karen Clark,
45 I guess I would want to ask you how is it that the
46 Federal Subsistence Board would be providing more
47 opportunity to subsistence users if the Federal
48 government and the in-season manager won't even manage
49 us until June 12th?
50

1 MS. CLARK: So I guess -- I don't know
2 that it's appropriate for me to get into this, except I
3 -- I mean I will say -- and this is based on my
4 understanding of the way that in-season management
5 works, and so I could be corrected if that's -- if I'm
6 wrong, and I hope you will correct me, Tom, or Ken.

7
8 But the delegation of authority allows
9 the in-season manager to provide for Federal management
10 of the river at any time. And so we could leave here
11 today and say -- go with -- go with a June 30th date --
12 we could have nothing, we could leave here today with
13 nothing agreed to and the Federal manager could, at any
14 point in time, say May 25th, this is what we're doing
15 May 25th because -- and I guess that's where I think
16 about the Board has delegated that authority to the in-
17 season manager to make that decision and -- so they --
18 so it -- to me, I'm a little confused about how there
19 is more of an option given that that in-season manager
20 can make that -- yeah, the authority is already there.

21
22 MS. PELTOLA: So my followup question
23 would be, if he has the authority why is he asking you
24 guys to have Federal management start on June 12th if
25 he can do it today?

26
27 MS. CLARK: I think there's a --
28 there's a history there that we should probably -- I --
29 we can ask Ken to talk about that too.

30
31 MS. PELTOLA: No, I -- yeah, I'm aware
32 of the history but as a Fish Commission employee, what
33 I'm looking at is an entity that's very young and
34 everything that you're doing, and we're doing is
35 setting precedent for future years. So if year after
36 year we're deferring to the State, we are shirking our
37 responsibility in my opinion.

38
39 CHAIRMAN CHRISTIANSON: Let's just get
40 it back to point here, it almost sounds like we're
41 starting to get away from it, and what we're talking
42 about a date here in time and, you know, Tom here just
43 said the in-season manager is one of the ones asking
44 for this date as well. Just in my understanding of the
45 situation here is, is that the flexibility comes -- is
46 that it moves it back in time so he has a bigger window
47 of opportunity if -- if June 12th is the date, then
48 he's not going to have an opening until June 12th,
49 that's the date, so the in-season manager is asking for
50

1 the Board to assist him in providing an opportunity to
2 the rural user by giving him authority sooner than
3 later. That's the gist of what I'm reading, and so
4 that's the clarification I got here from Tom, is what I
5 think I'm hearing here so, Tom, go ahead.

6
7 I'm going to give the floor to Tom for
8 a second because what we're getting here, is lost, and
9 what I'm feeling is heat, and I don't -- we don't need
10 that, that's not going to fish the fish problem, it's
11 going to cook them.

12
13 (Laughter)

14
15 MR. DOOLITTLE: Well, just to correct a
16 whisper so it's not a message that's passed around a
17 circle and coming out different at the other end.

18
19 Is that, yes, the in-season manager did
20 ask for a Board decision and relative to a conservation
21 concern, which we've all heard, and when there is a
22 conservation concern, one of the priorities and the
23 responsibilities of the Federal Program is to the
24 Federally-qualified user, to provide that opportunity
25 over all other consumptive uses. That's the way it is.

26
27 And, so, that flexibility is possibly
28 there. So, again, with the Board decision, I go back
29 to the decision point, as a reminder, is, do you want
30 to limit to Federally-qualified users, and if you feel
31 the conservation concern is there and it's been asked
32 for by the in-season manager and to where those start
33 dates start and end, which would give the most
34 flexibility for the Partnership to work, seems
35 reasonable, and again we've heard, you know, very
36 compelling testimony from numbers of people, but think
37 about, you know, what our obligations under Title VIII
38 are, specifically are to the Federally-qualified user.

39
40 I'll end there.

41
42 CHAIRMAN CHRISTIANSON: Go ahead,
43 Karen.

44
45 MS. CLARK: I guess I would just like
46 to make sure that I have clarification about the in-
47 season manager role, because I do think that's an
48 important piece here. If the in-season -- the in-
49 season manager did submit this proposal and I think
50

1 that it was in order to start the season off because of
2 what I understand were agreements that maybe now are a
3 little bit different and that's okay, but even if this
4 went into effect on the 25th, he could decide he wanted
5 to do it on the 20th, or if it was on the 12th, he
6 could decide he wanted to do on the 30th, so I don't --
7 this -- while it provides -- he can always provide that
8 opportunity, I guess, is my point. And I think that
9 that's true, so, I just don't want -- I don't want it
10 to sound -- to sound -- I mean I just -- I just want it
11 to be really clear that this is not a decision of -- we
12 couldn't have opportunity at any point in time before
13 whatever date is decided right now in this decision --
14 in this.

15

16 Ken, were you.....

17

18 MR. LORD: Well, it depends how you
19 frame it.

20

21 So this Board has authority -- so he's
22 acting on a delegation of authority from this Board, so
23 if this Board makes a specific decision, the Board can
24 overrule the in-season manager. So you could -- like I
25 said it depends how you frame your decision. You could
26 frame it in a way that gives him that flexibility
27 certainly, but if you say it will not be before a
28 certain date, then he can't roll (ph) the Board on
29 that.

30

31 MS. CLARK: Thank you.

32

33 MR. WILLIAMS: And, lastly, the MOU is
34 there straightforward, that if there is a disagreement
35 then the model kicks in the way we have solved issues
36 before and -- and the Technical Advisory Committee and
37 then -- you know, if we can't resolve there then we go
38 through you. But it's very clear in that MOU of what
39 we agreed to. And I think we have that opportunity to
40 make sure that, you know, that the trust is there and
41 it is protected.

42

43 Thank you.

44

45 CHAIRMAN CHRISTIANSON: Thank you. Any
46 other questions from the Board here.

47

48 MR. FROST: Mr. Chair.

49

50

1 MR. C. BROWER: Mr. Chair.

2
3 CHAIRMAN CHRISTIANSON: Bert, and then
4 Charles.

5
6 MR. FROST: So I just want to make
7 sure, so the in-season manager request is for the June
8 12th date and the community request is for the earlier
9 date, right, and so the -- but even though the Refuge
10 manager could make a decision today based on his --
11 based on current conditions, sort of real time
12 conditions, if we were to pick one date or the other,
13 that's going to restrict him more.

14
15 MR. LORD: But if you cite there will
16 be.....

17
18 REPORTER: Ken, your microphone,
19 please.

20
21 MR. LORD:this date -- if you say
22 it will be this date, then, yes, you're correct. But
23 what I was saying was you could frame it in a way that
24 it gives him flexibility as well, it would be your
25 choice.

26
27 MR. FROST: And so how would you frame
28 that? So why would we even put a date if we want
29 flexibility, I guess, that's my question.

30
31 MR. LORD: Well, you could say it
32 starts on X date unless the in-season manager finds,
33 you know, certain conditions that would justify, you
34 know, an earlier start date, something like that.

35
36 MR. FROST: But doesn't he already have
37 that authority?

38
39 MR. LORD: He does. But he asked the
40 Board for a decision, which is -- he could elevate to
41 the Board whenever he wants to.

42
43 MR. FROST: Oh, he's trying to get to
44 top cover.

45
46 MR. LORD: Yep, top cover, exactly.

47
48 (Laughter)

49
50

1 CHAIRMAN CHRISTIANSON: Go ahead.

2
3 MR. C. BROWER: So all this happening,
4 the in-season request is May 25 to June 30th, but
5 there's a chance to change it from May 25th to July
6 15th, is that what is being said, to extend it to July
7 15th -- or May 25th to July 15th, and at that same
8 time, not to consider the allocation quota yet, you'll
9 leave that until everything is utilized by all three
10 entities. So this has to change -- so when someone
11 makes a motion here, there's a possibility that we
12 could come back and change the date for the in-season
13 manager to follow.

14
15 (Pause)

16
17 MR. C. BROWER: May 25th to June 30th,
18 but there's a request being brought out to amend May
19 25th to July 15th and leave the allocation alone,
20 that's what I'm hearing right now, with what's all
21 being discussed. Somebody correct me.

22
23 And one more, and we can always enhance
24 the Federal in-season manager to comply -- we give it
25 from us to him to follow those or.

26
27 CHAIRMAN CHRISTIANSON: Yeah, I think
28 they're just looking for parameters, like you said a
29 cover sheet.

30
31 Karen, you look like you have something
32 to say.

33
34 MS. CLARK: I just have one more
35 question for -- for Mary. Is the opportunity from May
36 25th, is the interest salmon, is it chinook or any
37 salmon species or,

38
39 MS. PELTOLA: Our chums don't start
40 running until later so it's primarily.....

41
42 MS. CLARK: I'm sorry, I meant any --
43 or other non-salmon species, is it both.

44
45 MS. PELTOLA: Yeah.

46
47 MS. CLARK: Yeah.

48
49 MS. PELTOLA: It is both. We're not

50

1 focused on whitefish during those days, we're focused
2 on salmon but -- but we're happy to eat whatever fish
3 we catch.

4
5 MR. WILLIAMS: Yeah, from -- Mr.
6 Chairman. From my observation the peak of the run of
7 chums is between July 1 and July 4th historically,
8 that's when the boats sink and we get 400 chums in a 10
9 minute drift is how much abundance there have been with
10 chums during that time and there is no commercial
11 fisheries now and whatsoever on the Kuskokwim River,
12 kings, chums, coho, no commercial fisheries whatsoever
13 anymore.

14
15 Thank you.

16
17 CHAIRMAN CHRISTIANSON: Any other
18 additional questions, comments.

19
20
21 (No comments)

22
23 CHAIRMAN CHRISTIANSON: Thank you guys.
24 Appreciate your testimony. Thank you, Mike, Mary.

25
26 Next, we'll call up Philip Peterson.

27
28 MR. PETER: My name is Phillip Peter
29 [sic], I'm from Akiachak Native Community. I'm the
30 Vice Chairman of the Council.

31
32 I want to make a little statement
33 concerning that allocation. When we negotiated with
34 State of Alaska in Fairbanks I was the one, and the
35 rest of the Kuskokwim members were there in the
36 meeting, and we were discussing about that two permits,
37 one permit -- and the other one is the Tier II permit,
38 and when I ask question, my legal question was this
39 what if I remove two permits to accept to -- not accept
40 -- take allocation, you want to take allocation and no
41 one answer my question. Nobody. And in afternoon
42 there were two lawyers, one from the State, one from
43 the Federal government, and when I ask that question
44 again to those two lawyers, they said that it is up to
45 me, the authority is mine, they were pointing at me,
46 the authority is mine and I tell them to remove those
47 permits but when they ask me about the allocation, I
48 did not say anything -- I did not say nothing to them,
49 I did not accept that allocation. It -- if I accept
50

1 it, what I was thinking that if I accept that
2 allocation, how much I want to take king salmon, if I
3 say more, they give me less and I left it to the
4 Kuskokwim villages or representatives, that question.

5

6 And I'm a commercial fisherman, I'm
7 also a subsistence fisherman. When we're talking about
8 limit, I'm not the boss for the limit, the big boss is
9 my wife.

10

11 (Laughter)

12

13 MR. PETER: We all know that. We all
14 know that. The big boss is our wife.

15

16 (Laughter)

17

18 MR. PETER: When my wife tell me to
19 quit fishing, I quit just like that. I put away all my
20 fishing gear -- away. She's the one who take care of
21 the fish, she's the one who cut it, I just hang those
22 fish to the racks, that's all I do. I just watch her,
23 sit there watch her cutting fish. She knows.

24

25 I really don't like allocation because
26 we never reach that allocation. When -- I guess
27 through my elders, through my elders, which they pass
28 away -- passed away, they're all gone, we got only two
29 of them, two old ladies, one is well over 100, the
30 other one is almost -- over 90, two ladies, all them
31 elders are passed away. I tell you the truth, when I
32 used to own dogs I fished 300 kings, over thousand
33 chums, another thousand cohos when I used to own dogs.
34 That's how I work. When the fish opens in my river my
35 grandma used to tell me, don't wait, don't wait. We
36 all know fish swim fast, really fast. My fishing
37 starts always on June 12, middle of the week -- middle
38 of June. Fish for fast as I could until my wife tell
39 me to quit. The rainy season and those flies. On the
40 third week or the last part of the -- those, it's
41 starting to rain, non-stop and also them flies, which I
42 don't like. In July it's really hot. And sometimes we
43 waste a lot of chums, those bugs, they shit and they
44 become warm, no good, no good to eat, no good to eat,
45 we all know that.

46

47 And I will not support that allocation
48 but it's up to you guys to decide.

49

50

1 Thank you very much.
2
3 CHAIRMAN CHRISTIANSON: Thank you,
4 Phillip.
5
6 Richard Long.
7
8 MR. LONG: Thank you, Mr. Chairman and
9 members of the Board.
10
11 I don't have much to say but I'm going
12 to say that I'm in full support of the recent request
13 that was made by Mike and Mary due to the premature
14 status of our fish so I'm here to support the request
15 they just -- they just made to this Board.
16
17 Thank you, Mr. Chair.
18
19 CHAIRMAN CHRISTIANSON: Thank you.
20 Martin Andrew.
21
22 MR. ANDREW: Mr. Chairman. Members of
23 the Board. Members of the audience. Good afternoon,
24 my name is Martin Andrew, I'm from the Organized
25 Village of Kwethluk, Kwethluk IRA Council.
26
27 And we'd like to speak on behalf of
28 FSA18-03 and the tribe supports the language in FSA18-
29 03. But right now I do believe on the allocation
30 number, to allocate numbers of fish to each community
31 and/or through the manager, that would be premature
32 right now to do that and I would have the Kuskokwim
33 InterTribal Fish Commission along with the in-season
34 manager come up with an allocation number for the river
35 and that is what we support.
36
37 And, that's it.
38
39 Thank you.
40
41 CHAIRMAN CHRISTIANSON: Thank you,
42 Martin. Any questions for Martin.
43
44 (No comments)
45
46 CHAIRMAN CHRISTIANSON: Thank you.
47 Appreciate it.
48
49 Chariton Epchook.
50

1 MR. EPCHOOK: Thank you, Mr. Chairman,
2 and Members of the Board. I'm Chariton Epchhook.

3
4 And I'm in agreement and in support of
5 what Mary Peltola and Mike Williams have presented.
6 And what I would like to add is that if we are allowed
7 to fish for a certain period that -- that the
8 Kuskokwoks flew from the mouth of the Kwethluk River
9 all the way up to where the Kuskokwok and Kuskokwim
10 meet again, that area be open, not closed. It would
11 eliminate the combat fishing that we -- we always talk
12 about on the Kuskokwim when we are given a certain
13 amount of period, the Kuskokwim River is -- the only
14 area in our area that's open and we have what, 300,
15 400, 500 boats in one area that are like within 50 feet
16 from each other or less. To avoid that, I am also
17 requesting that if there are openings, that the
18 Kuskokwok Slough be open for our openers.

19
20 And, thank you, Mr. Chairman.

21
22 CHAIRMAN CHRISTIANSON: Thank you.
23 John Andrew. Mr. Andrew.

24
25 MR. ANDREW: Hi, my name is John Andrew
26 from Kwethluk. I represent -- I am representing my
27 tribe in my village. I'm a lifetime fisherman of the
28 Kuskokwim. Right now the Kuskokwim, right where we
29 live the water is really high and murky and a lot of
30 debris coming down from up river, mostly lachs (ph) and
31 sticks coming down and the water too high and too fast.
32 Traditionally we don't go drift on the Kuskokwim in
33 May, only until after the water comes down a little bit
34 we try fishing in the early part of June traditionally
35 we wait after -- the first one -- the first run of
36 chinook or king salmon we try let them go by for up
37 river because we usually, you know, the first runs are
38 usually meant for way up river, up on the Kuskokwim.

39
40 We're talking about the same fish, the
41 chinook on the Kuskokwim, we have one river, why keep
42 us divided. We are allowed -- on State waters we're
43 allowed 10 chinook per household, right now we're
44 trying to talk about allocation, a lot of us long time
45 fishermen on the Kuskokwim, subsistence fishermen, we
46 don't like allocation, that never worked for us, that
47 wasn't our way of life. And when we have a caucus,
48 we'll get together with other fishermen of our area, we
49 never agree with anything, they're always pointing up
50

1 river, down river, middle river, yet, we're the same
2 people that go after the same resource. We used to be
3 told not to fight over our food. In my language,
4 salmon, or any kind of fish is (In Yup'ik), that means
5 food to sustain your life, lifestyle.
6

7 Then when we limit our, our restrict
8 other -- and you're talking about Federally-qualified
9 people that will be allowed, why segregate those people
10 that have to their tribes, that are living in the area
11 for long time, those are the guys that provide the
12 boats and fishing gear to the families they support and
13 I feel bad about them, too.
14

15 And special action -- the first special
16 action, SAR -- so I'll start over -- on -- I'm really
17 messed up now, that first one there that on 01, I think
18 it's the one that Fish and Wildlife proposed, some --
19 most -- some people go for it but the tribes didn't
20 really go for it because we didn't like the idea of
21 being -- we shifted too much to the point that it's
22 hurting them.
23

24 Then on -- back home, when we met with
25 the -- telephonically we met not too long ago, the
26 Yukon Kuskokwim Subsistence Regional Advisory Council,
27 they made a motion to go with that first one, and then
28 a friendly amendment to make the restrictions end -- at
29 the end -- at the end of June, not August. That's
30 something to think about.
31

32 Because I'd like to say more but I
33 heard loud my fellow fishermen that came from my area
34 brought up the issues that they wanted to bring up but
35 they were already on the table.
36

37 Thank you for your time.
38

39 CHAIRMAN CHRISTIANSON: Thank you, Mr.
40 Andrew.
41

42 Trapper John, for the record.
43

44 (Laughter)
45

46 CHAIRMAN CHRISTIANSON: And I just --
47 you know it keeps jogging my mind here, I know
48 allocation isn't cool, I'm a subsistence user myself,
49 but my history on the allocation was so that we could
50

1 provide fresh fish for the first end when it was closed
2 completely, and so the allocation portion of it was so
3 we could bring the spiritual and cultural connection
4 back to the river and provide for elders, families and
5 youth. And so it wasn't a position from the Board
6 where we want to restrict and give minute amounts of
7 fish to people, it was so that we could keep in tact
8 traditions that are longstanding.

9
10 And just so the context of why that's
11 in place, I just wanted that not to get lost, we're not
12 trying to restrict anybody here, in fact, there was a
13 complete restriction and the Board figured out a way
14 through this public process and the testimony and
15 finding why and how important this resource is for our
16 rural users, Native and non-Native, because that's who
17 this law applies to, is the people who choose to live
18 in rural Alaska, receive a priority, and our job is to
19 try to figure out how to extend that priority to the
20 people on the Kuskokwim up and down, understanding
21 there is a difference all along the river and it's nice
22 to hear that everybody wants to make sure that
23 everybody gets a piece of fish.

24
25 And that's what we're here to day, is
26 to try to make sure within the framework of working
27 together and making sure that everybody receives some
28 form of fresh fish in the front end of the year, the
29 allocation wasn't about restricting or dictating to the
30 public, it was about providing that sustenance of life.

31
32 And so I just want to make sure we
33 remember that. And if we do go that route, which I
34 don't know we will, it's because we want to provide
35 that opportunity to the people.

36
37 So I just wanted to put that out there
38 for your guys.

39
40 And that's it for public testimony,
41 unless anybody else here was feeling compelled.

42
43 (No comments)

44
45 CHAIRMAN CHRISTIANSON: If not we'll
46 call on the phone.

47
48
49 (No comments)

50

1 CHAIRMAN CHRISTIANSON: If there's
2 somebody on the phone that wants to speak to this I'll
3 open the floor now to the phone line.

4
5 OPERATOR: Ken Stahlnecker your line is
6 open for comments.

7
8 MR. STAHLNECKER: Mr. Chair, this is
9 Ken Stahlnecker.

10
11 CHAIRMAN CHRISTIANSON: You got the
12 floor Ken.

13
14 MR. STAHLNECKER: Okay. For the record
15 this is Ken Stahlnecker, I'm the Refuge manager for
16 Yukon Delta National Wildlife Refuge and the Federal
17 in-season manager for the Kuskokwim River.

18
19 I wanted to make a couple of comments
20 and some to -- to try to clarify some of the earlier
21 conversation about why the Refuge manager submitted a
22 special action to begin with.

23
24 But first I want to start --
25 unfortunately I'm not there, it's difficult to
26 participate on these calls over the phone, as you all
27 know. So it was a little bit difficult to follow the
28 analysis completely that was done by the Federal
29 Subsistence Board -- or I mean, sorry, the Office of
30 Subsistence Management, particularly as it concluded
31 with two alternatives. And I have to say that when I
32 read that analysis I felt the same way, it's the first
33 time that I've seen alternatives developed by the
34 Office of Subsistence Management. I think one thing
35 that's important to remind ourselves is that just
36 because there are two alternatives presented at the end
37 of the analysis, doesn't mean those are the only two
38 alternatives we should be considering.

39
40 The two stand-alone special action
41 requests, 18-01 and 18-03 are also certainly viable
42 alternatives, as is, I think, almost any combination of
43 those. So it's just -- again, listening on the phone
44 it got a little bit confusing as to what -- are we
45 really narrowing this down to two alternatives and I
46 didn't think that's the case. I think there's almost
47 an unlimited suite of alternatives.

48
49 That said, I do want to clarify a

50

1 little bit about why I, as the Refuge manager,
2 submitted a special action request to the Federal
3 Subsistence Board to begin with.
4

5 And it was not to provide cover. What
6 it was, it was simply an artifact of the timeframe that
7 the decision was made between the InterTribal Fish
8 Commission and the Fish and Wildlife Service to pursue
9 Federal restrictions on the Kuskokwim River. We
10 decided back in December that based on the forecast for
11 the upcoming season; we were looking at a projected run
12 that was similar in nature to the last couple of years.
13 And that under those conditions, if that's what we
14 actually see as a run, there will not be enough -- or
15 it's unlikely that there will be enough chinook,
16 particularly if it's the lower end of that projected
17 run forecast to provide the historic amount of
18 subsistence. So it seemed apparent that Federal
19 restrictions were necessary. The fact that we made
20 that decision back in December, and that the special
21 action request was actually submitted the early part of
22 February, it was advised to me that I pursue that
23 approach because my delegation of authority only
24 extends to emergency special actions and the fact that
25 we made this decision this far in advance didn't
26 constitute an emergency it constituted a temporary
27 special action, therefore it required Board action.
28

29 Now, the fact that, unfortunately, that
30 has not been acted on, until now, here we are in mid-
31 May, we're now in a timeframe where an emergency
32 special action I think would be totally appropriate.
33 So without taking any Board action I could unilaterally
34 go ahead and initiate a closure under an emergency
35 action. I just, again, wanted to kind of set some
36 context and clarify why we went the route we did. It
37 was simply an artifact of the timing of making the
38 decision and the fact that because of that timing it
39 fell into the category of temporary as opposed to
40 emergency and therefore that was not something I had in
41 my authority. Again, the closer we get to the season,
42 I do have that authority to make emergency decisions.
43

44 The other -- the comparisons and
45 contradictions between the two special action requests
46 that the Board has in front of them, clearly the
47 opinions are varied on the various points or elements
48 of each of those special action requests, to the
49 timing. I think the primary intent, initially, of the
50

1 special action 18-03 and its proposing to close -- or
2 to implement Federal restrictions before June 12th, I
3 think the primary purpose of that was to try to provide
4 an early harvest of chinook salmon. And, again, I
5 think we've heard that the opinion on whether that's
6 appropriate or not, is really varied and we haven't
7 seen any in-season data to support a pre-June 12th
8 opener at any level. And, in fact, I think we've heard
9 some impassioned testimony supporting the closure
10 through the 12th because of the benefits that the up
11 river folks have seen from that early season closure.
12

13 So I think if the purpose of
14 implementing those restrictions earlier is solely to
15 provide for that pre-June 12th harvest, I think that's
16 premature. I think I've even heard the Fish Commission
17 comment and say they would not support an opener before
18 the 12th unless there was a consensus.
19

20 So I guess saying all of that, I would
21 concur with the comments that Board Member Clark made
22 earlier that ensure maximum flexibility. I think what
23 we should ask the Board to act on is what we're fairly
24 confident at this point and that is that fishing would
25 likely occur beginning June 12th, therefore, an action
26 to restrict harvest to Federally-qualified users
27 beginning June 12th would likely be an appropriate
28 action by the Board. If, in discussions, that occur
29 prior to June 12th, between the Fish Commission, the
30 State of Alaska, the Fish and Wildlife Service it is
31 determined -- and in addition to that, there is
32 consensus reached up and down the river, that some pre-
33 June 12th harvest could occur, there, again, I always
34 have within my delegated authority then as an emergency
35 action, I have the ability to open up and provide a
36 pre-June 12th opportunity.
37

38 Again, so I think it would be prudent
39 to word that closure or that implementation date so as
40 not to restrict the in-season manager from being able
41 to apply something earlier.
42

43 But I think to take the action now to
44 apply restrictions earlier is simply premature.
45

46 I think to the point of allocations,
47 here, again, I think we've heard a wide variety of
48 comments. I even heard in the analysis a statement to
49 the effect that the allocation system in 2015 had
50

1 discriminated against some Federally-qualified users.
2 I guess I would ask why would we want to take an action
3 through the Board that has the potential to
4 discriminate against some segment of Federally-
5 qualified users. Here, again, I think it's prudent to
6 allow a structure that's already been set up between
7 the Fish and Wildlife Service, the InterTribal Fish
8 Commission, the State of Alaska and their preseason
9 regular and in-season regular meetings to -- if there
10 is a consensus based allocation system that can be
11 developed between now and then and, again, within my
12 emergency authority, I have the ability to implement
13 such an action. But to have the Board dictate that we
14 follow some sort of an allocation system at this point,
15 again, would be premature.

16
17 Back to the timing a little bit. The
18 Special Action 01 did have an ending date of the end of
19 August, there's nothing magical about that date, I'll
20 say that right now. I think it was just a period of
21 time that was suggested that would clearly be broad
22 enough to cover the chinook period. And if you notice
23 in the writing it says through August 30th unless
24 superseded by special action. That's been the practice
25 in the past, is special action rescinding the Federal
26 restrictions has typically occurred at that period
27 towards the end of June, the early part of July. So I
28 guess that's what I saw as occurring again this year.
29 If the Board wanted to, you know, reduce that end date
30 of the closure to something like July 15th, there's no
31 concerns at all over doing anything like that.

32
33 I guess all in all, I still think that
34 the maximum amount of flexibility would be to allow the
35 local structure that's been implemented for these
36 discussions and making these management decisions
37 between Fish and Wildlife Service, InterTribal Fish
38 Commission, State of Alaska remands some of these
39 decisions particularly regarding an allocation system
40 or allowing any kind of harvest before June 12th,
41 remand those decisions to that group to be able to make
42 those, and ask the Board to kind of set the minimal
43 standards here in terms of implementation of
44 restrictions that would occur again, June 12th perhaps
45 through July 15th, and, again, that does not restrict
46 us from, and me, as the in-season manager from
47 implementing an earlier opener if there is consensus
48 and certainly doesn't restrict us from implementing an
49 allocation system if there can be a consensus, you

50

1 know, to how that might occur.

2

3 So those are my comments, thank you for
4 your time.

5

6 CHAIRMAN CHRISTIANSON: Thank you, Ken.
7 Any questions from the Board here for Ken.

8

9 (No comments)

10

11 CHAIRMAN CHRISTIANSON: Hearing no
12 questions, thank you, Ken, for calling in and
13 clarifying.

14

15 With that we open it to the Regional
16 Advisory Council Chair recommendation. On line.

17

18 OPERATOR: We do have some comments
19 over the phone line.

20

21 (Pause)

22

23 OPERATOR: Nicholas Kameroff, your line
24 is open.

25

26 MR. KAMEROFF: Yes, thank you. Through
27 the Chair.

28

29 CHAIRMAN CHRISTIANSON: Yep, you have
30 the floor, Nick.

31

32 MR. KAMEROFF: Members of the Board.
33 Thank you for taking time to hear my testimony, I
34 really appreciate the opportunity to speak with you
35 guys regarding 18-01 and 18-03.

36

37 I fully support and I appreciate, Ken,
38 the Fish and Wildlife director calling in, the Refuge
39 manager calling in to clarify that. You know, as he
40 stated last winter we -- the Commission wanted to get
41 ahead of the ball game, so to speak, knowing the
42 numbers of chinook were not going to be as high as they
43 used to be. We wanted things to be in place so that
44 when it comes to now that we're not doing this deal
45 right now, as we all end up getting caught up on it
46 again.

47

48 Anyhow, be that as it may, I support
49 18-01. I support Akiak's 18-03. However, I do not

50

1 support allocations. We stand for the front end
2 closures, if it really works, we don't want to lose any
3 further kings. I don't want any fishing during that
4 front end closure. That's allowing the headwater fish
5 to reach up to the tributaries. I think I've testified
6 before that the State went to drainage-wide tributary
7 -- or drainage-wide escapement goals, when back in the
8 day they used to count all the various tributaries
9 along the way and that has since gone away and it's now
10 only drainage-wide. But I would appreciate it to be
11 closed to all but Federally-qualified users.
12

13 And as you all may be aware ANS has
14 never been met in many years. Normal ANS is 85,000 to
15 110,000. I think the latest count at the mark and
16 recapture study that was put forth through the working
17 group today was 148,000 chinook escaped and we're
18 expecting the run return for 2018 to be about the same.
19

20 Conservation is a goal that all the
21 people throughout the whole river have bought into and
22 we're trying to rebuild our king salmon to hopefully
23 one day we no longer have restrictions and we could
24 fish like how we used to back in the day, but until
25 that comes up and the salmon stocks are rebuilt, that's
26 unable to happen, so we have to stay on conservation
27 mode and have limited fishing opportunities.
28

29 I don't agree with the RAC's
30 recommendation of closure date of July 1. I agree with
31 the State's 7/15, which would be better because 96
32 percent of the salmon would be passed through lower
33 river as well as mid-river and we'd have opportunity
34 for other fishing as well, reds, chums, and later on,
35 silvers.
36

37 So thank you for your time. I really
38 appreciate this moment and I think I may have pushed
39 star one more than one time trying to get on, thinking
40 I would not get on, so if my name keeps coming up just
41 disregard it.
42

43 Thank you.

44
45 CHAIRMAN CHRISTIANSON: Thank you for
46 that.
47

48 MR. KAMEROFF: Oh, yes, I forgot to
49 mention, I'm speaking on behalf of myself in Aniak as a
50

1 subsistence user.

2

3 CHAIRMAN CHRISTIANSON: Thank you. Any
4 questions.

5

6

7 (No comments)

8

9 CHAIRMAN CHRISTIANSON: All right,
10 Zach, you've got the floor.

11

12 MR. STEVENSON: Thank you, Mr. Chair
13 and members of the Board. My name is Zach Stevenson.
14 I'm the subsistence Council coordinator with the Office
15 of Subsistence Management for the Western Interior and
16 Northwest Arctic regions.

17

18 I'm going to briefly provide some
19 comments from the Western Interior Council Chair, Jack
20 Reakoff, regarding Fisheries Special Action 18-01/03,
21 but before doing so I wanted to provide a brief
22 statement of context.

23

24 The Western Interior Council met on
25 February 20th and 21st of this year in Anchorage at the
26 Dimond Center when they had their annual winter
27 meeting. At that time Fisheries Special Action 18-
28 01/03 had not yet been introduced to the Council and an
29 informational item was presented by the Refuge Manager,
30 Mr. Ken Stahlnecker, so this discussion that we're
31 having today followed the Western Interior Council
32 meeting and their winter meeting and, consequently, Mr.
33 Reakoff is not able to join us this afternoon, he's in
34 transit via the Alaska Marine Highway System from
35 Juneau to Haines in route back to his home in Wiseman,
36 but provides the following comments.

37

38 Mr. Reakoff specifically noted, again,
39 regarding Fisheries Special Action 18-01/03 support for
40 Special Action 18-01, noting that he favors,
41 "protecting the first pulse of salmon" and using "as
42 much closures as we can to promote the recovery of
43 chinook salmon on the Kuskokwim River." Mr. Reakoff
44 added, this approach aligns with testimony delivered by
45 Mr. Raymond L. Collins, Vice Chairman of the Western
46 Interior Subsistence Regional Advisory Council as well
47 as his comments and involvement with the Kuskokwim
48 River InterTribal Fish Commission.

49

50

1 Mr. Reakoff also noted he supports the
2 small, "taste of fish" harvest for elders.

3
4 Lastly, Mr. Reakoff addressed and
5 provided comments on Fisheries Special Action 18-03
6 stating that he, underlined, does not support the start
7 date.

8
9 Thank you, Mr. Chair and Members of the
10 Board.

11
12 CHAIRMAN CHRISTIANSON: Thank you,
13 Zach. Any questions for Zach.

14
15 (No comments)

16
17 CHAIRMAN CHRISTIANSON: Thank you.
18 Eva.

19
20 MS. PATTON: Mr. Chair and Members of
21 the Board. We do have Alissa Rogers, current Chair of
22 the YK Delta Subsistence Regional Advisory Council on
23 teleconference. We may have just lost connection with
24 her.

25
26 (No comments)

27
28 MS. PATTON: If we can just check in
29 and -- if she's not connected right now then I can read
30 the Council's comments into the record.

31
32 CHAIRMAN CHRISTIANSON: Is she
33 available on line.

34
35 REPORTER: I'll check. We're not
36 disconnected. Go ahead, Tony, and ask for her.

37
38 CHAIRMAN CHRISTIANSON: Alissa, are you
39 available on line.

40
41 MS. PATTON: And maybe just a.....

42
43 MS. ROGERS: Hello.

44
45 OPERATOR: I have Alissa's line open,
46 thank you.

47
48 CHAIRMAN CHRISTIANSON: Hello, Alissa,
49 you have the floor.

50

1 MS. ROGERS: Hi, sorry about that.
2 I've been trying to say hello for the past 15 minutes.
3

4 Okay.
5

6 So I thank the Board and I thank
7 everyone for coming to the meeting to discuss these
8 important issues that we have in front of us.
9

10 So as a Yukon Kuskokwim Delta Regional
11 Advisory Council has supported FSA18-01 with
12 modification to Federal public waters to harvest of
13 chinook salmon except by residents of the drainage and
14 villages of Chefornak, Kipnuk, Kwig and Kong on May
15 25th rather than June 12th, to reopen on July 1st
16 rather than August 30th, and to implement a community
17 based allocation strategy similar, but not
18 identical.....
19

20 (Alissa's phone dropped call)
21

22 CHAIRMAN CHRISTIANSON: Operator, I
23 believe we may have lost her.
24

25 OPERATOR: Yes, it does look like her
26 line was disconnected.
27

28 CHAIRMAN CHRISTIANSON: Eva.
29

30 MS. PATTON: Mr. Chair and Council.
31 Madame Chair Alissa Rogers, we just got disconnected
32 from you, so I'll continue to read the Council's
33 recommendation on the record and then when you're able
34 to rejoin us, just jump in Alissa and let us know.
35

36 So, again, the Council's recommendation
37 is on Page 59 of your analysis. And Alissa had gotten
38 really to the end of the Council's recommendation,
39 again, to support Fisheries Special Action 18-01 with a
40 modification to close on May 25th rather than June 12th
41 and to reopen on July 1st rather than August 30th. And
42 to implement a community based allocation strategy
43 similar to the goals of the allocation strategy used in
44 2015 but with the flexibility to use lessons learned to
45 implement a system that will work for all communities.
46

47 And the modified regulation then would
48 read:
49
50

1 Federal public waters in that portion
2 of the Kuskokwim River drainage that are within and
3 adjacent to the exterior boundaries of the Yukon Delta
4 National Wildlife Refuge are closed to the harvest of
5 chinook salmon except by Federally-qualified
6 subsistence users who are residents of the Kuskokwim
7 River drainage and the villages of Chefornek, Kipnuk,
8 Kwigillingok, Kongiganak effective on May 25th, 2018
9 through June 30, 2018.

10

11 Federal subsistence fishing schedules,
12 openings, closures and fishing methods will be
13 determined by the Yukon Delta National Wildlife Refuge
14 manager.

15

16 Additionally, a community based
17 allocation system will be implemented amongst the
18 limited pool of Federally-qualified subsistence users
19 for the purposes of allowing more chinook salmon
20 subsistence fishing opportunity than would otherwise be
21 provided from May 25, 2018 through June 30th. This may
22 include allocating during the early part of the run and
23 shifting to time and area opportunities, if possible,
24 when in-season data become available.

25

26 And the Council's justification.

27

28 The Council confirmed and supported
29 that the Federal in-season manager and the Kuskokwim
30 River InterTribal Fish Commission will be responsible
31 for making management decisions in order to conserve
32 chinook salmon and provide for subsistence uses as
33 proposed in Fisheries Special Action 18-01. However,
34 the Council modified the start date of the closure from
35 June 12th to the earlier start date of May 25th because
36 of the Kuskokwim River Salmon Management Working Group
37 adopted a motion and were in consensus to close the
38 Kuskokwim River drainage to the use of gillnets
39 starting from the mouth of the Kuskokwim River to
40 Tuluksak on May 25th. The Council modified the end
41 date of the closure from August 30th to the earlier
42 date of June 30th to that requested by Akiak Native
43 Community in Fisheries Special Action 18-03.

44

45 (Teleconference interruption)

46

47 REPORTER: Operator, we are getting
48 feedback from open lines, unless the name is Alissa
49 Rogers, could you please put all lines on listen only

50

1 at this point in time.

2

3 MS. ROGERS: Hi, Tina, yes, this is
4 Alissa, I'm back on.

5

6 REPORTER: Okay, very good then.

7

8 MS. PATTON: The Council supported the
9 implementation of an allocation strategy. The Council
10 said the goal of a community based chinook salmon
11 allocation system is to allow more chinook salmon
12 harvesting opportunities by traditional users based on
13 their traditional use of chinook salmon.

14

15 Further the Council said it had
16 listened to many communities testifying in the public
17 meetings and other meeting venues and tribal
18 consultation as well as during other meetings on the
19 Kuskokwim River using a community based allocation
20 strategy including Bethel residents. Bethel is a large
21 community and the Council thought an allocation
22 strategy in Bethel would provide a harvest opportunity
23 without the risk of overharvesting chinook salmon. The
24 Council said they can learn from the feedback -- or
25 everyone can learn from the feedback provided by
26 communities that participated in the 2015 fishery and
27 implement a modified version of that allocation
28 strategy that will work for each community, including
29 something other than the designated fisherman to
30 harvest a community's allocation. Possibilities may
31 include -- the Council didn't prescribe, but the
32 possibilities based on feedback may include household
33 harvest allocation, or allocation during the early part
34 of the run and shifting to time and area opportunities
35 if possible when the in-season data become available.

36

37 Based on the action taken on Fisheries
38 Special Action 18-01 the Council took no action on
39 Fisheries Special Action 18-03.

40

41 CHAIRMAN CHRISTIANSON: And Alissa is
42 back on line.

43

44 MS. PATTON: Wonderful. Thank you.

45

46 CHAIRMAN CHRISTIANSON: Alissa, you can
47 speak a little more to it if you want to.

48

49 MS. ROGERS: I guess at this point

50

1 since she read through the whole thing I would be
2 willing to take questions on -- questions from the
3 Board if they have any in regards to any of what's
4 proposed to you on Page 59.

5
6 CHAIRMAN CHRISTIANSON: Any questions
7 for Alissa.

8
9 Bert.

10
11 MR. FROST: So I've been sitting here
12 listening to this discussion and I guess the question
13 that keeps coming back to me is what's the benefit or
14 what's the difference between the June 12th and the May
15 25th dates. What's -- to the user, to the in-season
16 manager to sort of everybody, what's sort of that --
17 why the difference and what's the benefit, or what's
18 the difference, because I -- anyway.

19
20 CHAIRMAN CHRISTIANSON: I think what
21 the middle of the June date is, is when it opens up to
22 everybody else after that date and so what they're
23 trying to do is open their window up on this side of
24 it.....

25
26 MR. FROST: Is that right?

27
28 CHAIRMAN CHRISTIANSON: No? For
29 Federally-qualified users -- no.

30
31 MS. ROGERS: My understanding of
32 the.....

33
34 CHAIRMAN CHRISTIANSON: It's closed.
35 That's what I mean, it's closed completely and he's
36 looking for an opportunity -- go ahead, Alissa.

37
38 (No comments)

39
40 CHAIRMAN CHRISTIANSON: You have the
41 floor Alissa.

42
43 MS. ROGERS: I'm sorry, I'm trying to
44 get on here. There's been -- okay.

45
46 So to answer your question, in my
47 understanding of this when we were discussing this at
48 our RAC meeting, and trying to work through how to
49 figure this out, we came to the conclusion that May
50

1 25th through June 30th would be an allocation date of
2 chinooks to track and equal distribution between the
3 villages and also start closure of chinook conservation
4 to provide chinook salmon to go up the river and also
5 to give ample opportunity to public to announcing
6 through the Board and through U.S. Fish and Wildlife,
7 through Kuskokwim River InterTribal Fish Commission,
8 through the Fish and Game, through State Fish and Game,
9 through Kuskokwim River Salmon Management Working
10 Group, all these entities that play a part in managing
11 our chinook salmon, to give that opportunity so that
12 people can know ahead of time before -- before coming
13 to -- before hours, or (telephone breaking up) you can
14 go fishing, are you ready yet, you're not, are you
15 going to go fishing. So this, by giving a set date and
16 time we're able to -- I would -- stated here -- I have
17 like three different people state that by giving a date
18 and time and giving them ample opportunity that a set
19 date of May 25th would -- an appropriate date because,
20 one -- let me read back this note here.

21
22 One, it gives equal opportunity for
23 notification.

24
25 Two, it allows people to get fresh fish
26 instead of having to worry about getting all their fish
27 for the rack. It sets a tone for the fishermen on the
28 Kuskokwim River.

29
30 I know we don't know what's going to be
31 coming into this river and our weather is playing a
32 very interesting role this year, we have high waters,
33 cool, warm water temperatures where usually kings are
34 running in compared to previous years, so who knows, we
35 might even have a better year this year but we don't
36 know until it actually happens.

37
38 The date plays a significant role in
39 our subsistence resources because we have people who go
40 out fishing, subsistence fishing and they start fishing
41 towards the end of May and some -- depending on where
42 you live on the river and when the ice goes out, it all
43 depends on when the fishing starts. So when we took an
44 actual amount and then we averaged it out, there was a
45 few dates that were being -- were given to us and we
46 kind of honestly just took it all into consideration
47 and averaged out the best date. We had huge discussion
48 on it and give or take with every single RAC member
49 about the dates because we all feel differently knowing
50

1 that we all start fishing at different times along the
2 river. And not only did we know this, we also knew
3 from other agencies in the area, their determinations
4 of when a good start date would be.

5

6 I hope that answered your question.

7 Does that.

8

9 CHAIRMAN CHRISTIANSON: That was you
10 Bert.

11

12 MR. FROST: I'm not sure but somebody
13 here might be willing to help out.

14

15 CHAIRMAN CHRISTIANSON: You got the
16 floor Gary.

17

18 MR. DECOSSAS: Mr. Chair. Members of
19 the Board. Gary Decossas for the record, OSM fisheries
20 biologist for the Kuskokwim area.

21

22 I just want to help clarify where the
23 25th date came about and the 30th and exactly what's
24 going on with.....

25

26 MR. FROST: I sort of get the back end,
27 what I'm trying to understand is the difference, the
28 two front end dates.

29

30 MR. DECOSSAS: Yes. So this year the
31 State -- ADF&G issued an emergency order a couple weeks
32 ago, maybe a month that closed Refuge waters from the
33 mouth of the Kuskokwim River to just above Tuluksak
34 that restricted all gillnet use by subsistence users.
35 So the lower half of the Refuge, this year, on the
36 25th, will be closed to subsistence gillnets for all
37 users.

38

39 MR. FROST: May 25th.

40

41 MR. DECOSSAS: May 25th, correct. You
42 see Akiak's proposal requested May 20th. Well, that
43 May 20th date, that came from 2017 and 2016 when they
44 implemented this same closure, the ADF&G implemented
45 the same closure back in 2016 and 2017, that closure
46 date was on May 20th. So in 2018, in discussion with
47 the Salmon Management Working Group, when they were
48 coming up with the dates for when they were
49 implementing these gillnet restrictions on the river,

50

1 they chose the 25th this year. So that 25th, all users
2 from the mouth to just above the Tuluksak River cannot
3 fish, subsistence fish with gillnets.

4

5 MR. FROST: Nobody can.

6

7 MR. DECOSSAS: Nobody can, okay. So
8 then five days later on the 30th, on May 30th Refuge
9 waters -- the upper half of Refuge waters, from above
10 Tuluksak to the Refuge boundary near Aniak, that
11 closure for gillnets would be extended. So by May
12 30th, where we're at in the situation for this year, is
13 May 30th Federal public waters in the Kuskokwim River
14 drainage, the mainstem and the salmon bearing
15 tributaries will be closed to subsistence use of
16 gillnets. So by May 30th, no gillnets, all users.

17

18 So in discussion -- in ADF&G's
19 discussion with the Salmon Management Working Group,
20 there was discussion about providing two subsistence
21 oppor -- two 12 hour, four inch set net, subsistence
22 opportunities, for non-salmon species, particularly for
23 non-salmon species. However, in these -- because four
24 inch gillnets, set nets, at that -- have the
25 possibility of harvesting chinook salmon, what needs to
26 be taken into consideration is the State was going to
27 have the first 12 inch oppor -- the first 12 hour four
28 inch set net opportunity on May 30th. All right, so on
29 May 30th the whole river is restricted -- I mean all of
30 Refuge waters are restricted, no gillnets, and then the
31 State would be following up on that May 30th providing
32 a 12 hour four inch set net opportunity.

33

34 Now, based on.....

35

36 MR. FROST: For non-salmon.

37

38 MR. DECOSSAS: For non-salmon. But the
39 possibility exists that four inch gear can harvest,
40 incidentally harvest chinook salmon.

41

42 MR. FROST: Or kill indiscriminately, you
43 may never catch one (no microphone).....

44

45 MR. DECOSSAS: So the question -- so
46 the followup here is the Federal public waters and the
47 Refuge will be closed to all users. When that first
48 opportunity comes about on May 30th, where the State,
49 in theory, would be providing that four inch set net

50

1 opportunity, but the possibility of chinook salmon
2 being harvested, is that that opportunity cannot --
3 cannot be provided by the State because ANILCA, Title
4 VIII says that rural subsistence users, that priority
5 over all other non-consumptive uses. So Federal
6 subsistence users should be the ones that should be the
7 users that have that first shot at harvesting chinook
8 salmon, even though the -- you know, the -- any fish
9 during that time.

10

11 MR. FROST: That's why.....

12

13 MR. DECOSSAS: So that's why you see in
14 our alternatives, OSM's alternatives, we chose this
15 25th, close the lower half of the Refuge on the 25th
16 and then the upper half of the Refuge on the 30th, that
17 way by the 30th all Federal public waters are under the
18 Federal in-season manager's authority. It's limited
19 that way. Then on the 30th, the in-season manager
20 could then provide those opportunities for chinook, and
21 for non-salmon species.

22

23 MR. FROST: Maybe I can get a little
24 bit more, I'm still confused.

25

26 REPORTER: Bert, your mic.

27

28 MR. FROST: I'm getting the evil eye.

29

30 But I'm still confused the difference
31 between whether it's the May 20th or May 25th versus
32 the June 12th. What's the benefit or what's the
33 detriment between those two dates.

34

35 MR. DECOSSAS: I will -- Mr. Chair.
36 Before May 25th there are no restrictions on the river
37 whatsoever.

38

39 MR. FROST: Right now.

40

41 MR. DECOSSAS: Yeah, right now there
42 are no restrictions in the Kuskokwim River for
43 subsistence users. There will be no restrictions to
44 subsistence users until May 25th, and that would only
45 be for communities that are located in between the
46 mouth of the Kuskokwim River to just above Tuluksak.
47 So on the 25th would be the first day in which the
48 lower part of the Refuge, from the mouth to just above
49 Tuluksak, those communities would not be allowed to use

50

1 gillnets.
2
3 MR. FROST: And that's a State closure.
4
5 MR. DECOSSAS: That is a State closure.
6
7 MR. FROST: And so when the Refuge is
8 asking for the June 12th date, what is -- what's -- why
9 is that?
10
11 (No comments)
12
13 MR. FROST: I don't know, am I really
14 dense here.
15
16 MR. DECOSSAS: No. I can't exactly
17 speak for the Refuge on the choice of June 12th. You
18 can go to.....
19
20 MR. FROST: Well, what's the benefit to
21 subsistence users or the lack of benefit for
22 subsistence users for June 12th, or for the State or
23 for -- what's -- how does June 12th -- where does --
24 how does that come into play?
25
26 MR. DECOSSAS: By.....
27
28 MR. FROST: I mean is Ken on the phone.
29
30 MR. DECOSSAS: Well, you can -- yeah.
31
32 (Pause)
33
34 MR. FROST: Ken, are you on the phone?
35 Can I ask Ken a question.
36
37 CHAIRMAN CHRISTIANSON: You have the
38 floor.
39
40 (Laughter)
41
42 MR. STAHLNECKER: Mr. Chair.
43
44 MR. FROST: Ken, are you still on the
45 phone?
46
47 MR. STAHLNECKER: I -- Mr. Chair, can
48 you hear me.
49
50

1 CHAIRMAN CHRISTIANSON: Yep, you have
2 the floor Ken.

3
4 MR. STAHLNECKER: Okay. Thank you.
5 Yes, through the Chair, to Mr. Frost's question.

6
7 The -- I guess the best way that I can
8 envision this, my choice of June 12th was the fact that
9 for the conservation benefit to chinook salmon, the
10 State's closure to all users will go into effect
11 beginning May 25th on the lower part of the Federal
12 public waters of the Kuskokwim River, and, as Gary
13 described, five days later the entirety of the
14 Kuskokwim River within Federal jurisdiction will be
15 closed to all users to the harvest of chinook salmon.
16 And that will occur through June 11th. Therefore, it
17 seemed to make sense to me that beginning June 12th,
18 when that closure could conceivably go away we would
19 initiate a Federal restriction to all but Federally-
20 qualified users and then begin a strategy for
21 Federally-qualified users to begin harvesting chinook
22 on June 12th.

23
24 So that seemed logical to me, and
25 that's why the date of June 12th appeared.

26
27 To me, the primary reason why one would
28 want to see a closure go into effect prior to May -- or
29 to June 12th, you know, say May 25th would be in the
30 event that some folks would want to begin harvesting
31 chinook salmon before that. And, here, again, we've
32 heard a lot of testimony, very mixed testimony to the
33 benefits or the detriment of harvesting chinook salmon
34 before the 12th of May [sic], and I think I even heard
35 it again the Fish Commission say that they would not
36 support that unless there was a consensus. And whether
37 -- and to build that consensus would require some data
38 being available other than our preseason harvest -- or
39 preseason forecast that would indicate that we're in
40 perhaps a very strong run situation, maybe we can begin
41 harvesting before the 12th. To address that, there
42 won't even be in-season data assessment surveys begin
43 in the river until the very end of May.

44
45 So again, to close it beginning May
46 12th -- 25th, under the assumption that maybe we can
47 provide some earlier season harvest opportunity, I
48 think is premature at this point. I think that
49 decision about whether it may be appropriate to provide
50

1 some pre-June 12th fishing opportunity, we need to wait
2 until we begin to see in-season assessment data. We
3 need to make sure that we have a consensus up and down
4 the river and if we meet that, I would then still have,
5 as I mentioned earlier, the ability then under my
6 emergency special action delegated authority, to
7 initiate an opener early. But the 12th was chosen
8 because at this time the State regulation, the chinook
9 fishery is protected through the 11th, and so it seemed
10 to make sense to begin Federal restrictions beginning
11 the next day, the 12th, with the understanding that if
12 the run begins to really shape up strong I still have
13 the authority to initiate a Federal restriction closer
14 -- or earlier than that time period.

15

16 Does that help, Bert.

17

18 MR. FROST: Yes. Thank you very much.
19 And, thank you for calling me out on the top cover.

20

21 (Laughter)

22

23 MR. STAHLNECKER: No worries.

24

25 (Laughter)

26

27 OPERATOR: We do have a comment over
28 the phone line, Mark Leary your line is open.

29

30 CHAIRMAN CHRISTIANSON: Mark.

31

32 MR. LEARY: Yeah, hi, can you hear me
33 okay.

34

35 CHAIRMAN CHRISTIANSON: Yeah, I hear
36 you.

37

38 MR. LEARY: Okay. Thank you for this
39 opportunity. I'm not sure if I have anything more to
40 say after all that but I had intended to be there in
41 person but you guys are moving so fast today, but it's
42 okay, I can picture everybody that's testified there
43 today. You have a good group of Kuskokwim people
44 before you, and, you know, the common thing that binds
45 us is we all need a little bit of fish.

46

47 I have to restate, though, the Native
48 Village of Napaimute's position is that there should be
49 no fishing before June 12th unless it's very minimal,
50

1 you know, anything more than minimal, you know, would
2 be comparable to breaking a peace treaty. A treaty
3 that the people along the river made amongst
4 themselves.

5

6 And that's the message, I'm sure, the
7 Board has been hearing from Kalskag to Nikolai.

8

9 I did want to touch on the weather a
10 little bit because I don't think that's a good
11 justification anymore for the need to fish early.
12 There's no such thing as normal weather anymore and we
13 can't predict or rely on June being nice and dry, you
14 know, we're not having normal freeze-up, we're not
15 having normal winters, we're not having normal break up
16 and the weather pattern that we've been in this spring
17 has been miserable, stormy, cold, wet, and I'm afraid
18 it's going to drag into the summer as well.

19

20 So with all that said, and, in closing,
21 you know, I find it a little bit ironic, you know,
22 we're always talking about conserving for our future
23 generations, and I've been sitting here holding my
24 first born grandchild, rocking him, listening to the
25 testimony until he fell asleep, and he's 18 months old,
26 and when he doesn't want to eat we give him a piece of
27 dry fish and he never refuses that. And some day I'm
28 going to tell him about this day, the story, and I hope
29 that the story ends in the end that we did the right
30 thing because I believe we can, the people all along
31 the river can come together and figure this out.

32

33 Thank you.

34

35 CHAIRMAN CHRISTIANSON: Thank you,
36 Mark.

37

38 Gary.

39

40 MR. DECOSSAS: Thanks, Mr. Chair.

41

42 I just want to make absolutely -- make
43 this clear.

44

45 Federal public waters of the Kuskokwim
46 drainage under State emergency orders would be closed
47 by May 30th of this year. That EO has been issued by
48 the State, was a couple weeks ago.

49

50

1 Any opportunity between, when that
2 closure is enacted on May 30 and June 12, when the
3 closure would be rescinded, any opportunity for fishing
4 in that time period, Title VIII of ANILCA leads us --
5 that rural users, subsistence users shall have the
6 priority over all other users. So any State
7 opportunity that opens up that restricts that gillnet
8 -- that gillnet closure in Federal public waters would
9 then go to all users. That is in clear opposite of
10 what's stated in Title ANILCA -- Title VIII of ANILCA.
11

12 So I just wanted to make -- like
13 absolutely clarify that with the Board, that May 30th
14 Federal public waters will be closed to subsistence
15 gillnet usage under State emergency order, any
16 opportunity provided between when that closure is
17 enacted in Federal public waters and June 12th, Federal
18 priority would have to exist between those two periods.
19

20 MS. CLARK: So I just got more
21 confused. I thought I was good and now I'm not sure
22 that I am. So can you -- I don't -- say it again or --
23 I don't -- do an interpretive dance or something that
24 helps me understand.
25

26 (Laughter)
27

28 MS. CLARK: Am I the only one that's --
29 or maybe.....
30

31 MR. FROST: May I?
32

33 MS. CLARK: Sure.
34

35 (Laughter)
36

37 MR. FROST: This may -- I'm probably
38 not the best person to speak so the 30th, everything is
39 closed, is that right, to everybody, on May 30th --
40 before May 30th it is open to everybody, is that.....
41

42 MR. DECOSSAS: Before May 25th there
43 are no restrictions in the Kuskokwim River for
44 subsistence users.
45

46 MR. FROST: For subsistence users. And
47 then between May 25th and May 30th, what happens?
48

49 MR. DECOSSAS: The lower part of the
50

1 Refuge, from the mouth to Tuluksak is closed to
2 gillnets, subsistence use of gillnets.

3

4 MR. FROST: Right.

5

6 MR. DECOSSAS: And then on the 30th the
7 other half of the Refuge closes to the use of gillnets.

8

9 MR. FROST: Okay. And then between May
10 30th and June 12th, if there are fish, the in-season
11 manager could provide a gillnet opportunity for Federal
12 subsistence users, that's what you're saying, right?

13

14 MS. PITKA: I have one question, is,
15 where are we on the procedure? I believe that we were
16 at Regional Advisory Council recommendations.

17

18 CHAIRMAN CHRISTIANSON: Yes.

19

20 MS. PITKA: Okay. So then.....

21

22 MR. OWEN: We're deep into Board
23 discussion it sounds like.

24

25 MS. PITKA: It sounds like we're in
26 Board discussion, honestly, and I think that we skipped
27 over a couple of people.

28

29 CHAIRMAN CHRISTIANSON: I think we're
30 just having a really good discussion here, sorry,
31 Rhonda, we're not on point -- on your point.

32

33 (Laughter)

34

35 CHAIRMAN CHRISTIANSON: But we keep
36 confusing it, just remember we have two regimes, two
37 management things and they both affect each other,
38 subsistence is the priority. If the State shuts it
39 down here, there's still opportunity and if there is
40 any opportunity after May 30th, the only people who
41 could fish between then and June 1st -- June 12th, is
42 Federally-qualified users, period, that's it, and then
43 after that it's something else, I don't even want to
44 say it -- go ahead.

45

46 MS. HARDIN: Thank you, Mr. Chair. For
47 the record my name is Jennifer Hardin and I'm the
48 subsistence policy coordinator for the Office of
49 Subsistence Management. And I just maybe will muddy

50

1 the waters more, but I will try to -- I don't want to
2 speak for the Kuskokwim River InterTribal Fish
3 Commission or for the Regional Advisory Council or for
4 any of the other partners involved in this process, but
5 I did just want to mention that what I think I've heard
6 today -- in answer to Mr. Frost's question about what's
7 the difference between May 25th and June 12th. I think
8 what I've heard is that if -- if the Federal
9 Subsistence Board or the in-season manager does not
10 close to all but Federally-qualified subsistence users
11 -- and first I want to back up and say, another reason
12 I believe the in-season manager asked for this to come
13 to the Board is because of the Section .804 subsistence
14 user prioritization, which he does not have delegated
15 authority from you to enact, so that's another reason
16 why it came to the Board. If the Board of the in-
17 season manager does not close to all but Federally-
18 qualified subsistence users before June 12th, the State
19 emergency orders would go into effect and as many
20 people have stated here, that would include at least
21 one opening per week for fishing opportunity using four
22 inch gear and that would be open to every -- all State
23 residents, not limited to Federally-qualified
24 subsistence users only but open to everyone who is
25 qualified to fish under State regulations.

26
27 And if I am understanding the comments
28 that we've heard today, the request to have a closure
29 to all but Federally-qualified -- closure to everyone
30 except Federally-qualified subsistence users before
31 June 12th is to ensure that if opportunities are
32 provided to fish they would be -- the priority would go
33 to Federally-qualified subsistence users.

34
35 Thank you, Mr. Chair.

36
37 CHAIRMAN CHRISTIANSON: Thank you for
38 that clarification because that's the main point here,
39 providing that opportunity regardless of the date on
40 the map, or calendar, what is it now map, calendar.

41
42 (Laughter)

43
44 CHAIRMAN CHRISTIANSON: To fish in the
45 river.

46
47 Thank you.

48
49 Where are we Rhonda.

50

1 MS. PITKA: I believe we're on No. 4
2 Alaska Department of Fish and Game comments.

3
4 (Laughter)

5
6 CHAIRMAN CHRISTIANSON: Thank you. You
7 have the floor, Jill.

8
9 MS. KLEIN: Okay. Good afternoon,
10 member -- Chairman Christianson and Members of the
11 Board. Again, for the record my name is Jill Klein
12 with the Alaska Department of Fish and Game, and
13 joining me at the table we have.....

14
15 MR. LINDERMAN: Mr. Chairman. Board
16 members. My name is John Linderman. For the record
17 I'm the AYK regional supervisor for the Alaska
18 Department of Fish and Game, Division of Commercial
19 Fisheries.

20
21 MS. KLEIN: Okay, so the Department of
22 Fish and Game submitted written comments to the Federal
23 Subsistence Board on Fisheries Special Action Request
24 18-01 and 3, and those can be found beginning on Page
25 142 of the OSM analysis, if you do want to look at
26 those.

27
28 So the Department does not have a
29 position supporting or opposing the special actions.
30 We understand the Federal government, through ANILCA,
31 has the ability to restrict, when necessary, the taking
32 of populations of fish and wildlife on public lands for
33 subsistence uses in order to protect the continued
34 viability of those populations or to continue
35 subsistence uses.

36
37 The Department will continue to share
38 data and provide information to the Federal Board in
39 their decisionmaking as well as any recommendations we
40 may have.

41
42 As you heard in the analysis -- should
43 I keep going.

44
45 MR. LINDERMAN: (Nods affirmatively)

46
47 MS. KLEIN: Okay. As you heard in the
48 analysis the Department created a preliminary 2018
49 chinook salmon forecast, it was 140,000 to 190,000

50

1 using an existing run reconstruction model that you may
2 have read about. The Department just finalized in
3 recent weeks revisions to the run reconstruction model
4 and we're in the process of distributing information
5 and details about the model revisions.

6
7 Based on the revised model we have an
8 updated forecast. It would be 116,000 to 150,000
9 chinook salmon using the same forecast methodology.

10
11 A summary of the model revisions and
12 the updated 2018 season forecast were shared this
13 morning with the Kuskokwim River Salmon Management
14 Working Group.

15
16 So based on the updated forecast range,
17 the 2018 chinook salmon run is still forecasted to be
18 similar to the run size in the past three years based
19 on the revised model estimates. It would still be
20 expected to meet drainage-wide escapement goals and
21 provide for subsistence harvest but with a reduced
22 level of surplus fish available for subsistence harvest
23 compared to that earlier preliminary forecast. This
24 information, in conjunction with what was presented in
25 the OSM analysis, it may be warranted to focus on the
26 lower end of that preliminary forecast, the 140,000.
27 So all that information had been shared earlier by Mr.
28 DeCossas.

29
30 As directed by regulation and
31 consistent with the 2018 preseason management strategy,
32 the Department would still recommend at least one
33 subsistence fishing period per week following the front
34 end closure that would end on June 12th. The duration
35 and/or number of fishing periods would be determined
36 based on the revised forecast and status of run
37 assessment in-season.

38
39 At the preseason April meeting of the
40 Kuskokwim River Salmon Management Working Group the
41 working group, as you've heard, has voted on management
42 actions including the front end closure to begin May
43 25th and end on June 11th, and as you've heard it would
44 begin in the lower portion of the Refuge waters and
45 move sequentially up the river into the different
46 sections. The working group also agreed to have
47 subsistence opportunity for non-salmon species. It
48 would be one period per week during the front end
49 closure with 60 foot, four inch set net gear only. And
50

1 as you heard also, the first set net opportunity would
2 be, we think May 30th, and then the second one would be
3 around June 5th or 6th.

4

5 As you've also heard emergency orders
6 have already been issued by the Department and that was
7 to begin the front end closure starting May 25th and
8 also sportfishing closures have been implemented.

9

10 With regard to some of the decision
11 points in the special action we have the additional
12 following comments.

13

14 The Department is directed by the Board
15 of Fisheries to implement the front end closure and it
16 needs to be implemented by the time king salmon are
17 coming into the river. The Department cannot offer
18 salmon harvest opportunity during that front end
19 closure. This decision was made at the AYK Board of
20 Fisheries meeting in 2016, and as you heard there were
21 many stakeholders in attendance who worked out this
22 compromise. There were three proposals that that
23 compromise was based on that were submitted by the
24 Stony Holitna Advisory Committee, the Kuskokwim Native
25 Association and ONC based out of Bethel.

26

27 The State doesn't have a position on
28 the allocation strategy and we've reviewed the pros and
29 cons as outlined by OSM in their analysis. If the
30 allocation is the strategy for fishing earlier than
31 June 12th, then the statement I just made about the
32 Department having to implement the front end closure
33 precludes our ability to take a position on that
34 allocation system prior to June 12th.

35

36 When ratios of sockeye and chum are
37 higher the State would like to offer opportunity to
38 target these species. The Department, as you've heard,
39 would like to resume management by July 15th when
40 approximately 96 percent of chinook salmon have passed
41 Bethel test fishery and that test fishery no longer
42 uses chinook salmon gear to assess the run.

43

44 In conclusion, in our provided comments
45 we did state that the Alaska Department of Fish and
46 Game is capable of and interested in managing and
47 conserving Kuskokwim River salmon and subsistence uses
48 throughout the entire length of the Kuskokwim River.
49 And we do want to continue to coordinate with all

50

1 stakeholders in the region. It is our goal to continue
2 to build our relationship with the Federal managers,
3 the Federal Subsistence Board, the Kuskokwim River
4 InterTribal Fish Commission, and include our
5 partnership with the Kuskokwim River Salmon Management
6 Working Group. So with all these different entities,
7 we hope to continue to build a successful partnership
8 for unified management decisionmaking, and we look
9 forward to a cooperative season this coming summer.

10

11 If you have any questions, we're here
12 to answer them.

13

14 Thank you.

15

16 CHAIRMAN CHRISTIANSON: Thank you,
17 Jill, appreciate it.

18

19 Any questions for the State.

20

21 MS. CLARK: Thanks, Jill. I am
22 wondering about the chan -- if the -- I'm sorry. I
23 have so many questions that I'm trying to figure out
24 which one I'm going to go with.

25

26 If the front end date changed to the
27 25th, what would the impact be to the State, can you
28 describe that?

29

30 MS. KLEIN: Could you say that again.

31

32 MS. CLARK: Do you -- can you describe
33 what -- how and -- how the date change to the 25th from
34 June 12th for Federal management to the 25th, what --
35 how that would impact the State, other than that you're
36 no longer managing but is there -- do you have concerns
37 about that, what is your perspective on that?

38

39 MS. KLEIN: Yeah, I think -- through
40 the Chair. Ms. Clark. I think the point raised in
41 your question is that the Federal government would be
42 superseding the State in taking over management of the
43 Kuskokwim River beginning on May 25th and the State
44 would then still continue to work in partnership with
45 the Refuge manager and other parties and offer our data
46 and information, but we would not be lead the
47 management agency at that time.

48

49 MR. LINDERMAN: Thank you. Through the

50

1 Chair. This is, again, John Linderman, Department of
2 Fish and Game. I would like to add one clarification
3 to Jill's answer, that we would then focus our
4 management in the waters from Aniak up stream from that
5 point forward until such time as the Federal Board of
6 the in-season manager took action to discontinue the
7 Federal special action.

8
9 MR. FROST: But if that were to happen
10 you'd also -- those two set net periods would also not
11 occur?

12
13 MS. KLEIN: Through the Chair. Mr.
14 Frost. That's correct.

15
16 MR. LINDERMAN: That's correct within
17 the conservation unit.

18
19 MR. FROST: Right. Right.

20
21 MR. LINDERMAN: The Federal
22 conservation unit, but we still -- that -- that
23 regulation still applies to the entire drainage.

24
25 MR. FROST: Right.

26
27 MR. LINDERMAN: So we would focus our
28 energies and our management actions from Aniak up
29 stream.

30
31 CHAIRMAN CHRISTIANSON: Thank you,
32 guys.

33
34 OPERATOR: We do have a speaker on the
35 phone line. You may go ahead, please.

36
37 CHAIRMAN CHRISTIANSON: Who is it.

38
39 TIM: Tim from Crooked Creek.

40
41 CHAIRMAN CHRISTIANSON: Tim.

42
43 TIM: Hello, yes.

44
45 CHAIRMAN CHRISTIANSON: Yeah, go ahead.

46
47 TIM: Yeah, I just had a question about
48 the -- you know, what was said about the closure to
49 only Federally-qualified subsistence users, and, you
50

1 know, what about the pollock fisheries out there that
2 are, you know, supposedly taking king salmon as bycatch
3 so, you know, they shouldn't be allowed to get any
4 bycatch either, shouldn't they, and yeah, is that
5 managed through the State of Alaska or is that some
6 other sort of management out in the high seas, I guess
7 it is.

8
9 CHAIRMAN CHRISTIANSON: That'd be a
10 NOAA issue, the bycatch in the Bering Sea.

11
12 TIM: Well, is there any way that we
13 can, you know, make a plea to NOAA that, you know,
14 we're only allowed to harvest any, you know, for our
15 subsistence use, they shouldn't be allowed to, you
16 know, catch any bycatch, you know, from the salmon
17 stock that's coming up the Kuskokwim.

18
19 CHAIRMAN CHRISTIANSON: That's a big
20 issue statewide but, again, I believe that's outside
21 the purview of this Board at this time.

22
23 TIM: Okay. Well, I'd just like to,
24 you know, make our, you know, statement that we are
25 against the opening of the fishing and, you know, State
26 waters or Federal waters for any fish fishing from --
27 you know, before June 12th.

28
29 Thank you.

30
31 CHAIRMAN CHRISTIANSON: Thank you for
32 that.

33
34 TIM: Okay.

35
36 OPERATOR: Ken Stahlnecker, your line
37 is open.

38
39 MR. STAHLNECKER: Mr. Chair, Ken
40 Stahlnecker.

41
42 CHAIRMAN CHRISTIANSON: Go ahead, Ken.

43
44 MR. STAHLNECKER: Thank you, Mr. Chair.
45 Ken Stahlnecker with Fish and Wildlife Service.

46
47 I'm also getting a little confused as
48 to some of the statements made about what would
49 actually happen with the State's four inch mesh
50

1 openers, the two openers between the 25th of May and
2 the 12th of June. It would seem to me that in the even
3 that a closure -- a Federal restriction to chinook
4 salmon, to the harvest of chinook salmon took place on
5 the 25th of May, but the State was offering a four inch
6 opportunity some time after that for fish other than
7 salmon, which clearly is the intent of that regulation,
8 the use of the four inch gear, the orientation of the
9 four inch gear, the period of time, the location and so
10 forth. So the intent is not to harvest chinook salmon,
11 it's to harvest fish other than chinook.

12
13 Why there needs to be a Federal
14 priority on that opportunity. The closure is to
15 chinook salmon only. So I'm -- I guess I'm not
16 understanding why the Office of Subsistence Management
17 is indicating that the State's opener to other species
18 would no longer be valid.

19
20 CHAIRMAN CHRISTIANSON: That was a
21 hypothetical question that was asked if we had moved
22 the date back, how that would affect the State, it
23 wasn't part of a recommendation here.

24
25 MR. STAHLNECKER: Yes, but what the
26 answer to that question was, is that, the State
27 restriction -- or the State's opener would not apply
28 and I'm trying to figure out why it would not.

29
30 (Pause)

31
32 (Laughter)

33
34 (Pause)

35
36 CHAIRMAN CHRISTIANSON: Go ahead, Ken.

37
38 MR. LORD: Well, as we heard in the
39 testimony there would be significant -- well, there
40 would be incidental catch of chinook with that four
41 inch opener, and, because of that it might fall on the
42 -- this Board might decide that a closure is
43 appropriate in order to preserve that incidental catch
44 or to allow for a similar or added opportunity by
45 Federally subsistence users.

46
47 CHAIRMAN CHRISTIANSON: Bert.

48
49 MR. FROST: So, Ken, I think I jumped

50

1 to the conclusion that -- and perhaps erroneously based
2 on your statement, that if it was a May 25th closure,
3 then those -- then the State setnets couldn't happen,
4 but based on what you just said that may have been an
5 erroneous conclusion on my part and so that was me
6 saying that.

7

8 I mean would the State agree with that.

9

10 MR. LINDERMAN: Again, John Linderman
11 here. It's not really a question for us, it's the fact
12 that any time the State provides opportunity any State
13 qualified subsistence user could fish. It is intended
14 to be a non-salmon opportunity. And trying to enforce
15 intent with respect to fishermen, that they are not
16 trying to catch king salmon in that regard is a very
17 difficult thing to do and so it's still recognizing
18 that king salmon could be taken incidental to that
19 activity. But that is perfectly legal for a non-
20 Federally-qualified user under State regulations to
21 harvest those kings. So the question is really in the
22 hands of the Federal system with respect to the rural
23 priority.

24

25 From the State's perspective and the
26 State's regulations that incidental catch of kings is
27 perfectly legal.

28

29 CHAIRMAN CHRISTIANSON: Okay, I'm going
30 to call on the ISC.

31

32 MS. HARDIN: Thank you, Mr. Chair.
33 Again, my name is Jennifer Hardin and I'm the
34 subsistence policy coordinator for the Office of
35 Subsistence Management and the Chair of the InterAgency
36 Staff Committee.

37

38 The InterAgency Staff Committee
39 comments on FSA18-01 and FSA18-03 are located on
40 Page 67 of your analysis.

41

42 The Office of Subsistence Management
43 analysis for Temporary Special Action Request FSA18-01
44 and FSA18-03 is comprehensive and provides an excellent
45 summary of chinook salmon, biological data and historic
46 management actions for the Kuskokwim River drainage.
47 The comments provided by the public, tribes, ANCSA
48 corporations and the Yukon Kuskokwim Delta Regional
49 Advisory Council clearly demonstrate the complexity of

50

1 concerns related to the harvest and conservation of
2 chinook salmon.

3
4 When considering special actions,
5 FSA18-01 and FSA18-03 it is appropriate to reflect on
6 the biological status and history of the Kuskokwim
7 chinook salmon population. Equally important is to
8 consider the in-season management framework that has
9 been established and implemented since 2015 to ensure
10 tribal input is meaningfully considered in the
11 Kuskokwim River fishery management decisions. This
12 cooperative management framework was recognized by the
13 Board when adopting a revised delegation of authority
14 letter in February of this year that added consultation
15 with the Kuskokwim River InterTribal Fish Commission
16 along with representatives of the Regional Advisory
17 Councils, the Office of Subsistence Management, and the
18 Alaska Department of Fish and Game.

19
20 Approval of FSA18-01 as modified by the
21 Council would close chinook salmon fishing except to
22 Federally-qualified subsistence users identified in the
23 Section .804 subsistence user prioritization analysis
24 from May 25th through June 30 in order to conserve
25 chinook salmon and provide for subsistence uses.

26
27 As proposed in FSA18-01 and FSA18-03,
28 the Council recommendation would allow the in-season
29 manager to determine the details of fishing
30 opportunities for fishing schedules, openings, closures
31 and fishing methods. Additionally, the Council
32 modified FSA18-01 to include elements proposed in
33 FSA18-03, to provide for a community based allocation
34 system to allow more chinook salmon harvesting
35 opportunities by Federally-qualified subsistence users
36 based on their traditional uses of chinook salmon. The
37 Council also offered, quote, this may include
38 allocating during early part of the run and shifting to
39 time and area opportunities if possible when in-season
40 data becomes available.

41
42 As detailed in the analysis,
43 conservation measures for chinook salmon were initiated
44 after the 2010 to 2013 period as populations had
45 notably declined. The conservation efforts implemented
46 since 2013 indicate chinook salmon populations are
47 starting to recover. The 2018 preseason forecast
48 indicate that a harvestable surplus at some level is
49 likely available for chinook salmon. It is also noted
50

1 in the analysis and through extensive public testimony
2 that prematurely permitting unlimited harvest of
3 chinook salmon could potentially negatively impact the
4 conservation gains that have been made since 2013. The
5 recent management strategy used since 2015 has been for
6 the in-season manager, along with the Kuskokwim River
7 InterTribal Fish Commission, the Alaska Department of
8 Fish and Game and other stakeholder groups to assess
9 river conditions and run data as it is collected in-
10 season to determine when in-season emergency action
11 should occur to permit or restrict harvest. This may
12 be the most appropriate strategy to assess if the
13 harvest of chinook salmon prior to June 12th is
14 appropriate given the stock remains in a conservation
15 status.

16
17 FSA18-01 submitted by the in-season
18 manager does not limit future development and
19 implementation of emergency special actions to permit
20 the harvest of chinook salmon early in the season, if
21 warranted and agreed upon and does not contain the
22 mandate for a community based allocation strategy.

23
24 Given the ability of the in-season
25 manager to gather in-season run data in the future, and
26 to collaborate with the InterTribal Fish Commission,
27 the Alaska Department of Fish and Game and
28 representatives of the Yukon Kuskokwim Delta and
29 Western Interior Regional Advisory Councils, it might
30 be useful to modify the Council's recommendation to
31 allow the in-season manager the flexibility of
32 providing community based allocations as a possibility
33 rather than mandating the use of community based
34 allocations.

35
36 The Board would be providing a
37 management framework using the dates recommended by the
38 Regional Advisory Council to close the harvest of
39 chinook salmon to all except Federally-qualified
40 subsistence users identified in the Section .804
41 subsistence user prioritization but would also be
42 providing flexibility to the in-season manager about
43 implementing a community based allocation system. This
44 flexibility would provide a tool to the manager, which
45 could be used along with information available from in-
46 season management sources and in consultation with the
47 Kuskokwim River InterTribal Fish Commission, the two
48 affected Regional Advisory Councils and the Alaska
49 Department of Fish and Game as called for in the
50

1 delegation of authority letter.

2

3 These suggestions are being made in
4 light of the varied perspectives offered by residents
5 of the drainage about the community allocation system
6 implemented in 2015. It is hoped that the in-season
7 manager in collaboration with others can continue to
8 work on an approach that addresses the concerns
9 expressed while providing a mechanism for subsistence
10 opportunities earlier in the season without
11 jeopardizing conservation efforts and escapement.

12

13 In closing there is a clear desire by
14 all users to see healthy sustainable chinook salmon
15 population rebuilt and conserved for current and future
16 generations. There is also a strong desire to fish
17 earlier as is customarily done and to increase the
18 harvest of chinook salmon where possible. As reflected
19 in the public and tribal comments there are substantial
20 statements and support for and against these special
21 action requests. These decisions are difficult and
22 complex and require a dedicated team of many experts to
23 evaluate the data and assess the risk of various
24 actions. In-season management data will be a key
25 factor in forming the decisions along with a continual
26 collaborative process and timely communication with
27 affected users.

28

29 Thank you, Mr. Chair.

30

31 CHAIRMAN CHRISTIANSON: Thank you. Any
32 questions for the ISC.

33

34 (No comments)

35

36 CHAIRMAN CHRISTIANSON: Hearing none,
37 Board discussion.

38

39 (Pause)

40

41 CHAIRMAN CHRISTIANSON: I think we
42 heard from Zach and that was it, right. Council Chairs
43 and State liaisons.

44

45 OPERATOR: We do have someone over the
46 phone line.

47

48 CHAIRMAN CHRISTIANSON: Okay.

49

50

1 PUBLIC: Thank you, Mr. Chairman and
2 thank you Board for taking my call so late. I am a co-
3 Chair of the Kuskokwim River Salmon Management Working
4 Group and I'm also co-Chair of the Stony Holitna AC but
5 I am testifying on my own behalf but I do have some
6 experience. I've lived between Red Devil and Sleetmute
7 on the upper, middle part of the Kuskokwim River for 40
8 years and I've fished those entire 40 years so I have
9 some experience fishing.

10

11 Totally can see how confusing this is
12 with two different SARs and two different alternatives
13 that pick up different bits and pieces of the SARs and
14 add some other things. Mostly I would like to get two
15 points across.

16

17 I am totally in support of anything
18 that can be done to give a rural priority and a rural
19 subsistence and if that is the case of being ia
20 Federally-qualified user, which I am, even though I am
21 not in an area of the river that is underneath Federal
22 control at any point, I am completely for that.

23

24 My biggest concern is that the closure
25 between May 25th and June 12th be eroded in any way
26 shape, or form, because I think there's a huge
27 conservation concern. It's not just a general
28 conservation concern for the chinook salmon to get
29 through that lower river at that time, it's very
30 specifically that the fish that tend to pass through
31 the earliest are those kings that spawn in the
32 headwaters of the Kuskokwim. It's a population that
33 has been fairly decimated and in the last several years
34 when we've had that closure, we have seen a huge
35 increase in the fish in the headwaters, the numbers
36 have more than quadrupled. And I feel like that
37 closure needs to be maintained intact, whether it be
38 the State or the Federal government doing it, but it
39 needs to be maintained intact through the 12th to get
40 those early kings through the bulk of the population
41 down river so that they have a chance to reach their
42 spawning areas. I think it'll pay off big time in
43 years to come.

44

45 But several years is not enough time to
46 rebuild that stock, we need a little more time and
47 whatever avenue you choose to make that happen I would
48 very much appreciate whatever plan is put in place that
49 there not be additional openings before June 12th,

50

1 whether it be through community harvest, through the
2 Kuskokwim InterTribal Fish Commission in conjunction
3 with Fish and Wildlife deciding on additional openings
4 or whether the State somehow would do that, but I think
5 they have the ability to because it's in regulation at
6 this point. Please, please find a way to keep those
7 closures in place through -- I didn't mean June 12th, I
8 meant June 11th.

9
10 I feel like there's plenty of time for
11 subsistence opportunity starting on June 12th and
12 certainly perhaps we will have the chance to be more
13 liberal this year so that people can have more than a
14 taste of chinook.

15
16 Thanks for your time, I appreciate it
17 very much.

18
19 CHAIRMAN CHRISTIANSON: Thank you. Any
20 questions.

21
22 (No comments)

23
24 CHAIRMAN CHRISTIANSON: Any additional
25 Board discussion with Council Chairs.

26
27 (No comments)

28
29 CHAIRMAN CHRISTIANSON: Hearing none,
30 then -- go ahead, Karen.

31
32 MS. CLARK: So I guess this is kind of
33 for the Board but also for the Chairs, we heard that
34 the Western Interior did not have an opportunity to
35 take action on the analysis but then we heard that the
36 RAC Chair is in support of 18-01 to protect the first
37 pulse but I'm not sure, process-wise, how all that fits
38 together.

39
40 MR. LORD: So this Board is obligated
41 to give deference to a Regional Advisory Council
42 recommendation when it's the entire Council and it's --
43 when it's a proper meeting that's been noticed under
44 FACA. So the Council's -- the Council Chair's
45 recommendation should be considered as a personal
46 recommendation, it's not something you should give
47 deference to but, of course, he or she is -- was put in
48 that position because he or she has some expertise, and
49 so it's something you want to consider.

50

1 MS. CLARK: So then I guess I'm
2 wondering why the Western Interior RAC wasn't given the
3 same opportunity that the YK Delta RAC was.
4

5 MS. HARDIN: Through the Chair. Ms.
6 Clark. The Western Interior Regional Advisory Council
7 meeting happened right after the FSA18-01 was submitted
8 and about a month before FSA18-03 was submitted. So at
9 the time the -- the regulations require us to get a RAC
10 recommendation if time allows for a regularly scheduled
11 RAC meeting and time did not allow and so it was
12 presented to the Western Interior Regional Advisory
13 Council as an information item and they were notified
14 of the special action request and then our regulations
15 also require, if we aren't going to get a RAC
16 recommendation, to consult with the Chair of the
17 Regional Advisory Council, which we did, with Mr.
18 Reakoff. And the comments you heard were a result of
19 that consultation.
20

21 CHAIRMAN CHRISTIANSON: Thank you.
22 Rhonda, did you have something.
23

24 MS. PITKA: No. We just heard a lot of
25 testimony today and not a lot of it was about the
26 decision points that are in front of us, limited to
27 Federally-qualified users; number 2, limited within
28 Federally-qualified users; and then number 3, start or
29 end dates; and, number 4, implementation of strategy.
30 So I feel like we've heard a lot of -- a lot of
31 discussion and it was good discussion but it didn't
32 really, I guess, pertain to some of those decision
33 points that we need to come to today. So maybe we
34 should talk a little bit about those.
35

36 CHAIRMAN CHRISTIANSON: That's where
37 we're at, Board discussion.
38

39
40 (No comments)
41

42 CHAIRMAN CHRISTIANSON: So we're
43 looking at the -- could we get the regulation up here
44 on the board, Staff.
45

46 (Pause)
47

48 CHAIRMAN CHRISTIANSON: I mean I can
49 see it here on my piece of paper here.
50

1 UNIDENTIFIED VOICE: Working on it.

2

3 CHAIRMAN CHRISTIANSON: Okay, I was
4 just checking to see so everybody has it in front of
5 them.

6

7 (Pause)

8

9 CHAIRMAN CHRISTIANSON: So we have a
10 proposed Federal regulation here that has dates and
11 times on it that says, effective on June 12th through
12 August, and there's another one that's May 20th through
13 June 30th; so there's a couple of alternatives listed.

14

15 UNIDENTIFIED VOICE- (no mic) Which one
16 are you referring to, the.....

17

18 CHAIRMAN CHRISTIANSON: What's that?

19

20 UNIDENTIFIED VOICE: Which one are you
21 referring to, the Regional Advisory Council's
22 recommendation or.....

23

24 CHAIRMAN CHRISTIANSON: Well, you've
25 got proposed.....

26

27 UNIDENTIFIED VOICE: Right. And then
28 you've got a Regional Advisory Council proposal.

29

30 (Pause)

31

32 CHAIRMAN CHRISTIANSON: Just give us a
33 second, I'm trying to find the RAC recommendation here.

34

35 (Pause)

36

37 MR. DECOSSAS: The RAC recommendation
38 is Page 59 of the analysis.

39

40 CHAIRMAN CHRISTIANSON: Page 59, thank
41 you.

42

43 MR. DECOSSAS: Yeah.

44

45 (Pause)

46

47 CHAIRMAN CHRISTIANSON: So on Page 59
48 there's the RAC recommendation. And so I'll read it
49 just so we can have it here on the record is what the
50

1 RAC recommendation is.

2

3 Yeah, that the Federal waters in the
4 portion of the Kuskokwim River drainage that are within
5 adjacent and adjacent to the exterior boundaries of the
6 Yukon Delta National Wildlife Refuge are closed to the
7 harvest of chinook salmon except by Federally-qualified
8 subsistence users who are residents of the Kuskokwim
9 River drainage and the villages of Chefnak, Kipnuk,
10 Kwigillingok, Kongiganak effective on May 25th, 2018
11 through June 30th, 2018.

12

13 Federal subsistence fishing schedules,
14 openings, closures and fishing methods will be
15 determined by the Yukon Delta National Wildlife Refuge
16 manager.

17

18 Additionally, a community based
19 allocation system will be implemented amongst the
20 limited pool of Federally-qualified users for the
21 purpose of allowing more chinook salmon subsistence
22 fishery opportunity than would otherwise be provided
23 from May 25th through June 30th. This may include
24 allocating during the early part of the run and
25 shifting to time and area opportunities, if possible,
26 when in-season data becomes available.

27

28 And so that's there.

29

30 And I think what we heard a lot today
31 about was whether or not the allocation portion of this
32 is relevant or not. And so as I look at it and read it
33 that was a lot of what we heard, is whether it's
34 relevant at this time that we discuss that portion of
35 it and giving deference to -- and in support of this, I
36 would almost recommend maybe we amend it and consider
37 the allocation portion, or do we time, date, stamp that
38 discussion.

39

40 MS. CLARK: I'm ready to make a motion.

41

42 CHAIRMAN CHRISTIANSON: The floor is
43 open. You have dinner to go to.

44

45 (Laughter)

46

47 MR. OWEN: Second.

48

49 MS. CLARK: I haven't even given you my

50

1 motion yet.

2

3 Okay.

4

5 I'd like to make a motion to adopt
6 FSA18-01 as modified by the Yukon Delta RAC with a
7 modification to change the front end closure date to
8 June 12th and the back end to July 15th and delegate
9 the decision to use or not use an allocation system to
10 the in-season manager with delegated authority from the
11 Board in collaboration with the Kuskokwim River
12 InterTribal Fish Commission, the Alaska Department of
13 Fish and Game, Kuskokwim Salmon Working Group, the RACs
14 and other Federally-qualified users.

15

16 I make a motion to take no action on
17 FSA18-03.

18

19 And if I get a second I will provide a
20 justification for this motion.

21

22 MR. FROST: Second.

23

24 MS. CLARK: I would amend the proposed
25 regulation to read:

26

27 Federal public waters in that portion
28 of the Kuskokwim River drainage that are within the
29 adjacent to -- that are within and adjacent to the
30 exterior boundaries of the Yukon Delta National
31 Wildlife Refuge are closed to the harvest of chinook
32 salmon except by Federally-qualified subsistence users
33 who are residents of the Kuskokwim River drainage and
34 the villages of Chefnak, Kipnuk, Kwig and Kong
35 effective on June 12th, 2018 through July 15th, 2018.

36

37 Federal subsistence fishing schedules,
38 openings, closures and fishing methods will be
39 determined by the Yukon Delta National Wildlife Refuge
40 manager.

41

42 Additionally, a community based
43 allocation system may be implemented amongst a limited
44 pool of Federally-qualified subsistence users for the
45 purpose of allowing more chinook salmon subsistence
46 fishing opportunity than would otherwise be provided
47 from June 12th through July 15th. This may include
48 allocating during the early part of the run and
49 shifting to time and area opportunities, if possible,

50

1 when in-season data becomes available.

2
3 This modification provides for the
4 conservation of chinook salmon and also allows for the
5 continuance of subsistence uses. By -- by keeping the
6 river closed to harvest of chinook salmon until June
7 12th unless other new information allows opening
8 earlier it will ensure the protection of the early run
9 of chinook salmon that have been identified as critical
10 to ensuring that a future healthy and sustainable
11 chinook population is rebuilt and available for many
12 generations to come.

13
14 The Federal management of the river
15 from June 12th to July 15th provides for the
16 continuance of subsistence uses by providing a priority
17 to Federally-qualified users to harvest the surplus
18 chinook salmon where -- when appropriate relative to
19 meeting conservation needs. The State allowance of two
20 four inch set gillnet openings prior to June 12th will
21 allow for harvest of non-salmon species and provide an
22 opportunity for fresh fish, while still allowing
23 chinook salmon to migrate up river and with minimal
24 incidental harvest of chinook.

25
26 Lastly, I -- I want to point out the --
27 historically in the last time that we talked about this
28 we had a lot of focus on the Kuskokwim River Inter --
29 or Partnership Project that includes the InterTribal --
30 the Kuskokwim River InterTribal Fish Commission, the
31 Fish and Wildlife Service, Ken Stahlnecker as the in-
32 season manager and the Alaska Department of Fish and
33 Game and at that point in time the decision was made
34 that that's really where we want these decisions to be
35 made, is for folks out on the river to be engaged and
36 helping to determine what needs to happen, and I still
37 think we have that opportunity. That -- speaking to my
38 points earlier about the in-season manager's ability to
39 make those decisions, they do still exist and they can
40 do that, he -- he has done that and will do that in
41 collaboration, cooperation with all of the partners of
42 the Partnership Project.

43
44 I -- I worry that moving outside of
45 that is -- has potential to jeopardize the Partnership
46 if the Partnership isn't given the opportunity to work
47 things out amongst themselves.

48
49 MR. C. BROWER: Are you done? Mr.

50

1 Chair.

2

3

CHAIRMAN CHRISTIANSON: Charlie.

4

5

6

MR. C. BROWER: Just a question. So you made a motion, and it has been seconded and did you make another amending motion to -- on a closure to begin May 25th and end August -- July 15th?

7

8

9

10

11

12

13

MS. CLARK: My -- my motion is for the front end closure of June 12th and -- so it's modifying the dates of the RAC proposal -- or the RAC recommendation, which was modified.

14

15

16

So it would stay with June 12th and go through July 15th, is what my motion covers.

17

18

19

20

21

CHAIRMAN CHRISTIANSON: So we're modifying the RACs recommendation, basically the dates of the -- May 25th would be June 12th, the June -- what is the next date is.....

22

23

24

MR. DOOLITTLE: It's July 15th.

25

26

27

CHAIRMAN CHRISTIANSON:June 30th would then be July 15th?

28

29

30

31

32

MS. CLARK: Yes. And then the only other change would be that the subsistence -- I mean the allocation system may be, instead of will be implemented, based on the Inter -- the -- a decision amongst the partners on the river.

33

34

35

CHAIRMAN CHRISTIANSON: Any Council discussion on that.

36

37

38

39

40

41

42

MR. C. BROWER: Yeah, Mr. Chair. So I could make an amending motion to amend the close date of May 25th recommended by -- recommended by the RAC and on July 15th as recommended by State and in-season managers in -- so I could add another amendment if I want to, right?

43

44

45

46

CHAIRMAN CHRISTIANSON: If you get a second.

47

48

49

MR. C. BROWER: If I get a second.

50

CHAIRMAN CHRISTIANSON: So you want to

1 make a motion to stick to the dates listed by the RAC?

2

3 MS. CLARK: No.

4

5 CHAIRMAN CHRISTIANSON: Is that what
6 you said?

7

8 Say that again, Charlie.

9

10 MR. C. BROWER: I -- I mean I would move
11 to amend closure will begin on May 25th as recommended
12 by RAC and on July 15th as recommended by State and in-
13 house manager to instruct to close earlier than May
14 25th, if needed.

15

16 MR. DOOLITTLE: Tom Doolittle, Deputy
17 Assistant Regional Director.

18

19 So, Charlie, you're suggesting that it
20 remains with the RAC, May 25, 2018, but you're
21 suggesting the amendment is going from -- instead of
22 June 30/July 15, is to be July 15, 2018.

23

24 MR. C. BROWER: July.

25

26 MR. DOOLITTLE: Okay. How about the
27 May part?

28

29 MR. C. BROWER: The May 25 to July
30 15th.

31

32 MR. DOOLITTLE: Right. And then the
33 other part is, additionally, a community based
34 allocation system may be implemented versus will be.

35

36 MR. C. BROWER: Yeah. The allocation
37 system may be during in-season, yeah, thank you.

38

39 MR. DOOLITTLE: Okay.

40

41 CHAIRMAN CHRISTIANSON: So we have an
42 amendment to the original motion to change the date of
43 June 12th to May 25th.

44

45 Can he get a second. He needs to get
46 a second first.

47

48 MS. PITKA: I'll second that. Do we
49 have to vote on that original motion first?

50

1 CHAIRMAN CHRISTIANSON: Nope, we got to
2 vote on the amendments first so right now we have an
3 amendment to the original motion on the floor with a
4 second. Now, we can discuss that amendment.

5
6 The amendment is, like I said, to
7 change the front end date of June 12th to May 23rd.
8 That's the amended by Charlie, seconded by Rhonda --
9 25th, May 25th, sorry.

10
11 (Laughter)

12
13 CHAIRMAN CHRISTIANSON: My mouth is
14 getting dry and we haven't had a break here.

15
16 MR. DOOLITTLE: And the end date as
17 well.

18
19 CHAIRMAN CHRISTIANSON: Oh, the end
20 date as well, I thought he -- what was your end date
21 there?

22
23 MR. DOOLITTLE: July 15th.

24
25 MR. C. BROWER: July 15th.

26
27 CHAIRMAN CHRISTIANSON: July 15th,
28 isn't that what you stated?

29
30 MS. CLARK: I said that.

31
32 CHAIRMAN CHRISTIANSON: Yeah, so
33 they're both in agreement. So the only disagreement
34 between the two is the date of the 23rd -- or the
35 25th.....

36
37 MR. DOOLITTLE: 25th.

38
39 CHAIRMAN CHRISTIANSON:or the
40 25th -- sorry, that's a special day in my head.

41
42 (Laughter)

43
44 CHAIRMAN CHRISTIANSON: 25th and the
45 12th of June.

46
47 MR. DOOLITTLE: Uh-huh.

48
49 CHAIRMAN CHRISTIANSON: Okay.

50

1 MR. DOOLITTLE: That's pretty good.

2

3 CHAIRMAN CHRISTIANSON: Okay, so here
4 we are, we have that, so we can discuss that amendment.

5

6 Any other discussion.

7

8 MR. LORD: Mr. Chair. I'd just like to
9 point out that I heard the State say that if the
10 closure starts at that earlier date, what they're going
11 to do is simply move those two windowed openings up
12 river to State managed waters, so I question whether it
13 really has any impact or not.

14

15 MR. DECOSSAS: Mr. Chair.

16

17 CHAIRMAN CHRISTIANSON: Go ahead.

18

19 MR. DECOSSAS: So just to clarify that.
20 May 30th, that opportunity -- the four inch opportunity
21 the State would be providing, that would be for folks
22 in Refuge waters, to all users. The closure above
23 Aniak, above the Refuge, there's actually two closures.
24 From Aniak to the Holitna River, that doesn't actually
25 occur until June 4th. So that first May 30th
26 opportunity the State would be providing, would be only
27 for folks, subsistence users, all subsistence users and
28 all users in Federal public waters. It's unrestricted
29 above the Refuge -- it's unrestricted until the June
30 4th above the Refuge and then June 9th in the
31 headwater, from the Holitna up.

32

33 MR. LORD: So it would, in fact, impact
34 those two openings that the State is contemplating is
35 what I'm hearing you say?

36

37 MR. DECOSSAS: Yeah.

38

39 MR. LORD: Yeah, okay, thank you for
40 that.

41

42 CHAIRMAN CHRISTIANSON: Bert.

43

44 MR. FROST: But what I heard the State
45 say is that the two opportunities are not for chinook,
46 they're for non-salmon species and so those
47 opportunities would still be in effect within Federal
48 waters even if the date was May 25th because they're
49 fishing -- now they couldn't keep the salmon if they

50

1 caught them because -- so they could -- okay. So that
2 -- those opportunities would still be in place because
3 it's a non-chinook salmon fishery, no matter when the
4 date is, right?

5

6 MR. DECOSSAS: Through the Chair. I
7 should say the issue with.....

8

9 CHAIRMAN CHRISTIANSON: They would --
10 sorry Gary. What I understood just to -- I wanted to
11 answer Bert, what the State said is if we move the date
12 back to the 25th, that opportunity is going to have to
13 be moved somewhere else in the river out of the Refuge
14 waters.

15

16 MS. KENNER: Mr. Chair.

17

18 CHAIRMAN CHRISTIANSON: That was their
19 statement. Go ahead.

20

21 MS. KLEIN: Yeah, so just through the
22 Chair. I think what we heard Mr. Linderman say was
23 that the State would focus its management efforts in
24 State waters but I don't know that we have clarity or
25 certainty over our ability to issue and implement these
26 four inch openers. I feel like there has been some
27 lack of -- there's been good discussion here at the
28 table but not necessarily clarity and I feel like it
29 would warrant further discussion.

30

31 MS. KENNER: Mr. Chair. What's
32 happened, for instance, last year, is when the Board or
33 the Federal in-season manager has closed to non-
34 Federally-qualified users, they haven't moved forward
35 and implemented emergency orders, except for
36 maintaining the gillnet closure in the lower river.

37

38 CHAIRMAN CHRISTIANSON: So we have on
39 the floor an amendment to the motion. Should I try the
40 dates again.

41

42 (Laughter)

43

44 CHAIRMAN CHRISTIANSON: Okay. Well,
45 I'm going to call for the question.

46

47 MR. C. BROWER: Question.

48

49 CHAIRMAN CHRISTIANSON: As soon as

50

1 they're ready we'll do a roll call.

2

3

(Pause)

4

5 MR. LORD: Well, we -- one -- another
6 issue is Bert's point about incidental harvest of
7 chinook. Our closure is to the harvest of chinook,
8 there's no exception for incidental under our
9 regulation so if someone is out fishing under that
10 State opener and they incidentally take a chinook
11 harvest they're vulnerable to being cited by Federal
12 law enforcement.

13

14

Okay.

15

16

MR. C. BROWER: The question has been
17 called hasn't it.

18

19

CHAIRMAN CHRISTIANSON: Roll call on
20 the amendment.

21

22

MR. DOOLITTLE: Okay. This is the
23 first time action today.

24

25

This is on Federally-qualified
26 subsistence users 18-01 and 03, on the amendment.

27

28

On Federal public waters in that
29 portion of the Kuskokwim River drainage that are within
30 and adjacent to the exterior boundaries of the Yukon
31 Delta National Wildlife Refuge are closed to the
32 harvest of chinook salmon except by Federally-qualified
33 subsistence users or residents of the Kuskokwim River
34 drainage and the villages of Chefnak, Kipnuk,
35 Kwigillingok, Kongiganak effective on May 25th, 2018
36 through July 15, 2018.

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38

Federal subsistence fishing schedules,
39 openings, closures and fishing methods will be
40 determined by the Yukon Delta National Wildlife Refuge
41 manager.

42

43

Additionally, a community based
44 allocation system may be implemented amongst the
45 limited pool of Federally-qualified subsistence users
46 for the purposes of -- for the purpose of allowing more
47 chinook salmon subsistence fishing opportunity than
48 otherwise be provided from May 25, 2018 through July
49 15, 2018. This may include allocating during the early

50

1 part of the run and shifting to time and area
2 opportunities, if possible, when in-season data becomes
3 available.

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5 CHAIRMAN CHRISTIANSON: Roll call.

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7 MR. DOOLITTLE: National Park Service,
8 Herbert Frost.

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10 MR. FROST: Oppose.

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12 MR. DOOLITTLE: BLM, Marlo Draper.

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14 MS. DRAPER: Oppose.

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16 MR. DOOLITTLE: Karen Clark, Fish and
17 Wildlife Service.

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19 MS. CLARK: Oppose.

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21 MR. DOOLITTLE: U.S. Forest Service,
22 Wayne Owen.

23
24 MR. OWEN: Oppose.

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26 MR. DOOLITTLE: BIA, Keith Kahklen.

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28 MR. KAHKLEN: For.

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30 MR. DOOLITTLE: Public member, Rhonda
31 Pitka.

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33 MS. PITKA: Support.

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35 MR. DOOLITTLE: Public member, Charlie
36 Brower.

37
38 MR. C. BROWER: Support.

39
40 MR. DOOLITTLE: Chairman Anthony
41 Christianson.

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43 CHAIRMAN CHRISTIANSON: Support, in
44 deference to the RAC.

45
46 MR. DOOLITTLE: Four/four tie, the
47 motion fails.

48
49 CHAIRMAN CHRISTIANSON: So we're back
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1 to the original motion.

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MR. OWEN: Call the question.

4

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CHAIRMAN CHRISTIANSON: Question's been called. Roll call.

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MR. DOOLITTLE: So we go back to the original motion which is June 12th to July 15th.

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MR. DOOLITTLE: Which was June 12th, okay.

13

14

Okay, back to the original motion.

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This one for the vote is:

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Federal public waters in that portion of the Kuskokwim River drainage that are within and adjacent to the exterior boundaries of the Yukon Delta National Wildlife Refuge are closed to the harvest of chinook salmon except by Federally-qualified subsistence users who are residents of the Kuskokwim River drainage and the villages of Chefornak, Kipnuk, Kwigillingok, Kongiganak effective 12 -- June 12th, 2018 through July 15th, 2018.

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Federal subsistence fishing schedules, openings, closures and fishing methods will be determined by the Yukon Delta Wildlife Refuge manager.

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Additionally, a community based allocation system may be implemented amongst the limited pool of Federally-qualified subsistence users for the purpose of allowing more chinook salmon subsistence fishing opportunity than would otherwise be provided from June 12th, 2018 through July 15th, 2018. This may include allocating during the early part of the run and shifting to time and area opportunities, if possible, when in-season data becomes available.

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42

U.S. Forest Service, Wayne Owen.

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MR. OWEN: Oppose.

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MR. DOOLITTLE: BIA, Keith Kahklen.

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MR. KAHKLEN: Oppose.

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1 MR. DOOLITTLE: Karen Clark, Fish and
2 Wildlife Service.
3
4 MS. CLARK: Support.
5
6 MR. DOOLITTLE: Support. BLM, Marlo
7 Draper.
8
9 MS. DRAPER: Support.
10
11 MR. DOOLITTLE: National Park Service,
12 Herbert Frost.
13
14 MR. FROST: Support.
15
16 MR. DOOLITTLE: Public member, Rhonda
17 Pitka.
18
19 MS. PITKA: Support.
20
21 MR. DOOLITTLE: Public member, Charlie
22 Brower.
23
24 MR. C. BROWER: Support.
25
26 MR. DOOLITTLE: Chairman Anthony
27 Christianson.
28
29 CHAIRMAN CHRISTIANSON: Oppose.
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31 MR. DOOLITTLE: Motion passes.
32
33 CHAIRMAN CHRISTIANSON: Thank you,
34 guys. Recess for the day.
35
36 MR. OWEN: Be back at what time?
37
38 CHAIRMAN CHRISTIANSON: I think it
39 states 8:30 a.m., until finished. Thank you all for
40 that tough grind out, I appreciate your time, energy
41 and effort. Have a good one tonight guys, and don't
42 dream about it.
43
44 (Laughter)
45
46 (Off record)
47
48 (PROCEEDINGS TO BE CONTINUED)
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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 ___ through ___ contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD MEETING, VOLUME V, (EXCERPT) taken electronically by our firm on the 16th day of May 2018 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 May 2018.

Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 09/16/18