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FEDERAL SUBSISTENCE BOARD

REGULATORY MEETING

VOLUME III

Egan Convention Center  
ANCHORAGE, ALASKA

April 17, 2019

(EXCERPT)

MEMBERS PRESENT:

- Anthony Christianson, Chairman
- Charles Brower
- Rhonda Pitka
- Chad Padgett, Bureau of Land Management
- Greg Siekaniec, U.S. Fish and Wildlife Service
- Bert Frost, National Park Service
- Gene Peltola, Bureau of Indian Affairs
- David Schmid, U.S. Forest Service

Ken Lord, Solicitor's Office

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P R O C E E D I N G S

(Anchorage, Alaska - 4/17/2019)

(On record)

(Public testimony to be transcribed at  
a later date)

(On record)

CHAIRMAN CHRISTIANSON: We're going to start back up here this morning. I know I stated the public testimony was over, but I got one more blue card. You guys are fine sitting there. We'll just have them come up. It's one of the students and we want to make sure they all have their opportunity to speak here today. It's been rather pleasant this morning to have all that engagement and actually have a full room. Like I said, a few years ago it was pretty empty in here.

We'll call up Jolie Murray. We've got your card. Come on up.

MS. MURRAY: Hi. My name is Jolie Murray. I'm from Beaver. I am the youth representative to Tanana Chiefs Conference as well as a policy fellow for the National Indian Health Board.

With trespassing on ANCSA land we're expected to mark the land with signs every 30 to 50 feet. My village alone has over 92,000 acres. We're supposed to mark it for people who aren't supposed to be there who may be nonrural residents, non-Alaska Native or non-Alaskan in general, yet our hunters are expected to fend for themselves to figure out all the different lands with the Federal, State and private lands. They're not held to the same standards as we are.

What I want to know is why we're expected to provide all this information for people who aren't supposed to be there or are accidentally there when the State and Federal lands don't have to do anything. Like I'm given a globe and expected to find my way from right here to my hotel. It's the equivalent of that.

1                   The man who was talking earlier, I  
2 think his name was Tom, shouldn't have to give up his  
3 moose because he was 10 feet off. Like why isn't there  
4 a little bit of leeway when we're not given detailed  
5 maps. That's what I want to know.

6  
7                   Thank you.

8  
9                   CHAIRMAN CHRISTIANSON: Thank you,  
10 Jolie. I don't know if anyone has feedback for Jolie  
11 as she asks about the maps and questions I think about  
12 to simplify the process and educating yourself in your  
13 community on the regulations and who can hunt where. I  
14 believe part of that is in our register. We post the  
15 book every year in regulation.

16  
17                  Chad.

18  
19                  MR. PADGETT: Thank you, Mr. Chair.  
20 Just to address that a little bit on the signage. We  
21 try to put out as detailed maps as we can get, but  
22 nothing is ever perfect. At least for the BLM lands we  
23 try to make sure that those maps are available and that  
24 they're online and accessible. So we put those out, we  
25 publish a lot of different types of information.

26  
27                  Signage is difficult. Most of that  
28 comes down to budgets. So you will see some signage on  
29 Federal lands, but as you know it's pretty difficult to  
30 put a sign up everywhere. That is a requirement right  
31 now. It's actually something we're looking at on  
32 signage for ANCSA lands. I'd love to talk to you more  
33 offline about that.

34  
35                  Thank you.

36  
37                  MS. MURRAY: Thank you.

38  
39                  CHAIRMAN CHRISTIANSON: Thank you.  
40 Appreciate it.

41  
42                  MS. PITKA: Thank you, Jolie, for your  
43 testimony. I appreciate all the TCC emerging leaders  
44 being present here today. The testimony from our young  
45 leadership is really effective. Most of these are  
46 students that attend either University of Alaska  
47 Fairbanks or UAA. I really appreciate you taking time  
48 out of your very busy schedule to come here.

49  
50                  Thank you.

1 MS. MURRAY: Thank you. Sorry.  
2 Another emerging leader just handed me a note saying  
3 they forgot to mention the price rise in hunting. It's  
4 a lot harder for families to go hunting now because of  
5 the financial burden.

6  
7 Thank you.

8  
9 CHAIRMAN CHRISTIANSON: Thank you for  
10 that, Jolie. I thought the same thing when I bought my  
11 hunting permit. So appreciate that comment. I believe  
12 there is a program though that it's five dollars if you  
13 have some form of assistance or something like that.  
14 So you might want to look into the program.

15  
16 I would ask Ben that question.

17  
18 MR. MULLIGAN: Through the Chair. At  
19 least for State hunting licenses there is a low income  
20 license and then there's some exceptions. Later, when  
21 I'm able to step away, I can look those up real fast  
22 and we can look at them.

23  
24 CHAIRMAN CHRISTIANSON: Thank you, Ben.  
25 I knew there was a program for reducing the price on  
26 those permits that are now \$40.

27  
28 MR. DOOLITTLE: Yeah, when you get to  
29 be my age it's free.

30  
31 MS. MURRAY: Thank you.

32  
33 CHAIRMAN CHRISTIANSON: All right.  
34 That concludes the public testimony this morning. That  
35 brings us back to the non-consensus agenda. We are on  
36 the Bristol Bay area because we finished up yesterday  
37 with the Kusko. That brings us to FP19-11, revise  
38 subsistence regulations to allow hook and line fishing  
39 in extended regulation to Sixmile Lake.

40  
41 MR. AYERS: All right. Good morning,  
42 Mr. Chair and members of the Board and Council Chairs  
43 that are here with us today. This is Scott Ayers for  
44 the record. I'm the fisheries biologist at OSM.

45  
46 Proposal FP19-11 was submitted by the  
47 Bristol Bay Native Association on behalf of the  
48 Nondalton Tribal Council and requested two separate  
49 changes to the current regulations for the take of  
50 salmon without a permit in the Lake Clark area and its

1 tributaries. These regulations currently allow  
2 snagging (by handline or rod and reel), spear, bow and  
3 arrow, or capture by bare hand in Lake Clark and it's  
4 tributaries.

5  
6 The first requested change is to add  
7 the area of Sixmile Lake and its tributaries to the  
8 regulation. The second requested change is to add the  
9 gear type rod and reel to the approved methods.

10  
11 The proponents notes that the waters of  
12 Sixmile Lake are within and adjacent to the exterior  
13 boundaries of Lake Clark National Park and Preserve,  
14 and the regulations should extend to them. They also  
15 identify that rod and reel is currently only allowed  
16 for snagging salmon, which is defined as hooking or  
17 attempting to hook a fish elsewhere than in the mouth.

18  
19  
20 The proponent further clarified that  
21 past interactions between law enforcement and  
22 subsistence fishers on Sixmile Lake led to local  
23 concerns regarding legal harvest methods and was part  
24 of the reason for submission of this proposal.

25  
26 The fishery for salmon without a permit  
27 in Lake Clark area was established by Board action on  
28 Proposal FP07-06 during the 2007 regulatory cycle at  
29 their January 2007 meeting. At the same meeting the  
30 Board took up Proposal FP07-07 which requested that  
31 beach seines be added as a legal gear type for use in  
32 Lake Clark and its tributaries.

33  
34 The discussion on this proposal moved  
35 towards whether or not Sixmile Lake and all of its  
36 tributaries could be included, however concerns were  
37 raised about whether all of these waters were  
38 considered Federal public waters for subsistence  
39 purposes as some were not within the boundary of Lake  
40 Clark National Park and Preserve. The Board moved  
41 forward on the proposal without including Sixmile Lake  
42 with the intent of bringing up the topic again at a  
43 future meeting following clarification of on  
44 jurisdiction.

45  
46 During its May 2007 meeting, the  
47 Solicitor's Office notified the Board that there was  
48 Federal jurisdiction for Sixmile Lake as it is adjacent  
49 to the Park boundary. However, the Board took no  
50 further action on adding these waters to the beach

1 seine regulations at that time.

2

3                   During the 2008 regulatory cycle, the  
4 Board adopted proposal FP08-12 to add fyke net and lead  
5 as gear types that could be used to target fish other  
6 than rainbow trout with a limited scope of the  
7 tributaries of Lake Clark and the tributaries of  
8 Sixmile Lake within and adjacent to Lake Clark National  
9 Park and Preserve.

10

11                   Next slide, please. Gillnets have  
12 become the dominate gear type for catching salmon in  
13 this area. In a 2008 study, gillnets were used by 69  
14 percent of households in Nondalton for subsistence, but  
15 rod and reel has been and continues to be highly  
16 utilized in the Kvichak watershed. In the same study  
17 year, rod and reel was used by 28 percent of households  
18 when harvesting salmon in the area.

19

20                   If adopted, Proposal FP19-11 would  
21 extend the additional capture methods and means into  
22 Sixmile Lake and its tributaries which would benefit  
23 Federally qualified subsistence users that harvest  
24 salmon in this area.

25

26                   The addition of rod and reel as an  
27 approved gear type for salmon will allow Federally  
28 qualified subsistence users to target salmon species by  
29 this method and may increase the harvest of these  
30 species through means other than set gillnet.  
31 Currently, State subsistence regulations allow for the  
32 use of gillnets and beach seines for salmon in Sixmile  
33 Lake.

34

35                   The OSM conclusion is to support  
36 Proposal FP19-11 with modification to specify limits  
37 for the Sixmile Lake tributaries to within and adjacent  
38 to the exterior boundaries of Lake Clark National Park  
39 and Preserve, unless otherwise prohibited.

40

41                   I'd be happy to answer any questions  
42 that the Board has at this time.

43

44                   Thank you.

45

46                   CHAIRMAN CHRISTIANSON: Thank you,  
47 Scott.

48

49                   Any questions for Staff.

50

1 (No comments)

2

3 CHAIRMAN CHRISTIANSON: Hearing none.  
4 We'll move on to summary of public comment.

5

6 MS. WESSELS: Thank you, Mr. Chairman.  
7 Members of the Board. For the record, my name is Katya  
8 Wessels and I'm Acting Council Coordination Division  
9 Chief. We received one written public comment for  
10 Proposal 19-11. This comment is in support that came  
11 from the Lake Clark National Park Subsistence Resource  
12 Commission.

13

14 It's a very short comment. I'll read  
15 it into the record: The Lake Clark National Park  
16 Subsistence Resource Commission supports FP19-11 with  
17 the suggested modifications to specify limits for the  
18 Sixmile Lake tributaries to within and adjacent to the  
19 exterior boundaries of Lake Clark National Park and  
20 Preserve unless otherwise prohibited.

21

22 This proposal will also address the  
23 current prohibition on Federally qualified residents of  
24 Nondalton and other nearby communities keeping a salmon  
25 without a permit that was caught in the mouth with a  
26 rod and reel instead of snagging elsewhere on the body.

27

28 Thank you.

29

30 CHAIRMAN CHRISTIANSON: Thank you,  
31 Katya.

32

33 Any questions.

34

35 (No comments)

36

37 CHAIRMAN CHRISTIANSON: Hearing none.  
38 We'll move on to open the floor to public testimony on  
39 FP19-11. If there's anybody online, please follow the  
40 operator's instruction if you'd like to testify.

41

42 OPERATOR: As a quick reminder, if you  
43 would like to address the Board, please press 5  
44 followed by 1.

45

46 (No comments)

47

48 CHAIRMAN CHRISTIANSON: Hearing or  
49 seeing none. We'll move on to Regional Council  
50 recommendation.

1 MS. CHYTHLOOK: Bristol Bay Subsistence  
2 Regional Advisory Council supports FP19-11 as modified  
3 by OSM. The council stated this regulation is needed  
4 to continue subsistence practices. The regulation will  
5 provide additional opportunity for Federally qualified  
6 users of Nondalton and other communities with customary  
7 and traditional use of salmon in the area of Lake  
8 Iliamna.

9  
10 Thank you, Mr. Chair.

11  
12 CHAIRMAN CHRISTIANSON: Thank you,  
13 Molly.

14  
15 Any questions for Molly.

16  
17 (No comments)

18  
19 CHAIRMAN CHRISTIANSON: Hearing or  
20 seeing none. We'll move on to tribal, Alaska Native  
21 corp. comments.

22  
23 MR. LIND: Thank you, Mr. Chair. Board  
24 members. During the consultation held on June 12th  
25 there were no comments made by any tribes or  
26 corporation members.

27  
28 Thank you.

29  
30 CHAIRMAN CHRISTIANSON: Thank you.

31  
32 Alaska Department of Fish and Game.

33  
34 MR. MULLIGAN: Thank you, Mr. Chair.  
35 The Alaska Department of Fish and Game did not take a  
36 position on the proposal, but did recommend taking no  
37 action. One of our main concerns was the possible  
38 complication for enforcement and then the further  
39 separation from State and Federal regulations and  
40 confusing users.

41  
42 I was hoping to give you more  
43 information. We did have at the Dillingham Board of  
44 Fish meeting a proposal come up very much like this  
45 one, Proposal 21, and given the concerns heard by the  
46 Board they formed a committee to look at this further,  
47 but unfortunately as of now the committee did not meet  
48 and flesh out any of those concerns. So, as I say,  
49 unfortunately we could not give you more information  
50 about what that discussion would have been and some of



1 the things they were looking at.

2

3 CHAIRMAN CHRISTIANSON: Thank you.

4

5 Any questions for the State.

6

7 (No comments)

8

9 CHAIRMAN CHRISTIANSON: Hearing or  
10 seeing none. We'll move on to the Interagency Staff  
11 Committee.

12

13 Jennifer.

14

15 MS. HARDIN: Thank you, Mr. Chair. For  
16 the record my name is Jennifer Hardin. I'm the  
17 subsistence policy coordinator for OSM and the Chair of  
18 the Interagency Staff Committee.

19

20 The Interagency Staff Committee found  
21 the Staff analysis of Fisheries Proposal FP19-11 to be  
22 a thorough and accurate evaluation of the proposal in  
23 that it provides sufficient basis for the Regional  
24 Advisory Council recommendation and Federal Subsistence  
25 Board action. The Interagency Staff Committee supports  
26 FP19-11 as modified by OSM.

27

28 Thank you, Mr. Chair.

29

30 CHAIRMAN CHRISTIANSON: Thank you,  
31 Jennifer.

32

33 Any questions.

34

35 MR. PELTOLA: Yes, Mr. Chair. I have a  
36 question for either the ISC or OSM. As I understand  
37 the original proposal which is identified, there is a  
38 potential for the proposal to affect more than just  
39 Federal lands, correct? And with the modification  
40 recommended by OSM, that concern has been alleviated,  
41 correct?

42

43 MR. AYERS: Yes, that's correct.

44

45 MR. PELTOLA: Thank you.

46

47 CHAIRMAN CHRISTIANSON: Thank you.

48

49 Any other discussion.

50

1 (No comments)  
2  
3 CHAIRMAN CHRISTIANSON: Questions.  
4  
5 (No comments)  
6  
7 CHAIRMAN CHRISTIANSON: Thank you.  
8 Board discussion with Council Chair, State Liaison.  
9  
10 (No comments)  
11  
12 CHAIRMAN CHRISTIANSON: All right. We  
13 move on to Board action.  
14  
15 MR. FROST: Mr. Chair. I move to adopt  
16 FP19-11 as modified by the Office of Subsistence  
17 Management on Page 489 in the Board book. After a  
18 second I will speak to my motion.  
19  
20 MR. PELTOLA: Second.  
21  
22 MR. BROWER: Second.  
23  
24 CHAIRMAN CHRISTIANSON: Seconded by Mr.  
25 Brower.  
26  
27 MR. FROST: Competing.  
28  
29 (Laughter)  
30  
31 CHAIRMAN CHRISTIANSON: What was that?  
32  
33 MR. FROST: We got a second and a  
34 third.  
35  
36 CHAIRMAN CHRISTIANSON: Oh, it was from  
37 Gene. Those Native guys, you know.  
38  
39 (Laughter)  
40  
41 MR. FROST: All right. Ready? I  
42 intend to vote in favor of the motion. The motion is  
43 consistent with the latest recommendation of the  
44 Bristol Bay RAC and the Lake Clark National Park SRC.  
45 This motion provides additional opportunity for  
46 Federally qualified subsistence users of Nondalton and  
47 other communities with a customary and traditional use  
48 of salmon in this area.  
49  
50 Extending these gear allowances to

1 Sixmile Lake is reasonable given there is already  
2 existing Federal regulations for Sixmile Lake  
3 tributaries for the use of fyke nets and leads.

4  
5 The motion limits the fishery to  
6 Sixmile Lake and those tributaries within and adjacent  
7 to the exterior boundaries of Lake Clark National Park  
8 and Preserve unless otherwise prohibited and Lake Clark  
9 and its tributaries. Adding rod and reel will allow a  
10 practice that has been and is currently used by  
11 residents of this area for the harvest of fish.

12  
13 Finally, adding rod and reel as an  
14 allowed gear type is reasonable as it is already an  
15 approved method for snagging salmon in Lake Clark and  
16 its tributaries. There are no identified concerns  
17 related to the harvest of salmon by rod and reel for  
18 these locations.

19  
20 Thanks.

21  
22 CHAIRMAN CHRISTIANSON: Thank you.

23  
24 Any further discussion.

25  
26 (No comments)

27  
28 CHAIRMAN CHRISTIANSON: Okay. Call for  
29 the question.

30  
31 MR. SIEKANIEC: Question.

32  
33 CHAIRMAN CHRISTIANSON: The question  
34 has been called. Do roll call.

35  
36 MR. DOOLITTLE: Thank you, Mr. Chair.  
37 This is to adopt Fishery Proposal 19-11 as modified by  
38 OSM, which is on Page 489 in the Board book, to specify  
39 the limits for the Sixmile Lake tributaries to within  
40 and adjacent to the exterior boundaries of Lake Clark  
41 National Park and Preserve, unless otherwise  
42 prohibited.

43  
44 The modified regulation should read in  
45 Part (C): You may also take salmon without a permit in  
46 Sixmile Lake and its tributaries within and adjacent to  
47 the exterior boundaries of Lake Clark National Park and  
48 Preserve unless otherwise prohibited, and Lake Clark  
49 and its tributaries, by snagging (by handline or rod  
50 and reel), using a spear, bow and arrow, rod and reel,

1 or capturing by bare hand.  
2  
3 We'll start off with National Park  
4 Service. Herbert Frost.  
5  
6 MR. FROST: I support.  
7  
8 MR. DOOLITTLE: Bureau of Land  
9 Management, Chad Padgett.  
10  
11 MR. PADGETT: I support.  
12  
13 MR. DOOLITTLE: U.S. Fish and Wildlife  
14 Service, Greg Siekaniec.  
15  
16 MR. SIEKANIEC: I support.  
17  
18 MR. DOOLITTLE: U.S. Forest Service,  
19 David Schmid.  
20  
21 MR. SCHMID: I support.  
22  
23 MR. DOOLITTLE: Bureau of Indian  
24 Affairs, Gene Peltola.  
25  
26 MR. PELTOLA: Bureau of Indian Affairs  
27 votes to adopt FP19-11 in recognition and deference  
28 provided to the Regional Advisory Councils with regard  
29 to take issues in addition to specific support for the  
30 Bristol Bay Regional Advisory Council.  
31  
32 MR. DOOLITTLE: Thank you, Mr. Peltola.  
33  
34 Public Member Rhonda Pitka.  
35  
36 MS. PITKA: I support in deference to  
37 the Regional Advisory Council.  
38  
39 MR. DOOLITTLE: Public Member Charlie  
40 Brower.  
41  
42 MR. BROWER: I support as stated.  
43  
44 MR. DOOLITTLE: Chairman Anthony  
45 Christianson.  
46  
47 CHAIRMAN CHRISTIANSON: I support.  
48  
49 MR. DOOLITTLE: Unanimous. Motion  
50 passes.

1 CHAIRMAN CHRISTIANSON: That brings us  
2 to FP19-13 Add current permit conditions to  
3 regulations.

4  
5 MR. PEARSON: Good morning, Mr. Chair.  
6 Council members. My name is David Pearson. I'm a  
7 fisheries biologist with the U.S. Forest Service,  
8 Chugach National Forest. I will be presenting the  
9 Staff analysis of Fisheries Proposal 19-13, which is  
10 located on Page 497 of your Board book.

11  
12 Proposal FP19-13 was submitted by the  
13 United States Forest Service, Cordova Ranger District  
14 and requests that the conditions of the Federal  
15 subsistence permit for the Prince William Sound Area be  
16 adopted into Federal subsistence management  
17 regulations. Conditions of the permit include the  
18 seasons, harvest limits, and methods and means of  
19 harvest for this fishery. These conditions have  
20 remained unchanged since 2006.

21  
22 Adopting this proposal will not change  
23 the subsistence opportunities for rural users. What  
24 would change is where the information concerning the  
25 subsistence fishery would be available. Currently, the  
26 only place to find most of the information is  
27 physically on the back of the permit.

28  
29 Adopting the conditions of the permit  
30 into regulation will allow the information to be  
31 published in the Subsistence Management Regulations for  
32 the Harvest of Fish and Shellfish on Federal Public  
33 Lands and Waters in Alaska. Furthermore, moving the  
34 conditions of the permit into regulation would provide  
35 the rural users the opportunity to propose changes to  
36 these regulations through the normal proposal process.

37  
38 OSM concluded to support FP19-13 as  
39 modified. The modification clarified the geographical  
40 area where these regulations would apply. FP19-13  
41 codifies the existing permit stipulations and will make  
42 the regulations more readily available to qualified  
43 rural residents.

44  
45 Thank you for your time and I'll be  
46 happy to answer any questions.

47  
48 CHAIRMAN CHRISTIANSON: Thank you.

49  
50 Any questions for Staff.

1 (No comments)

2

3 CHAIRMAN CHRISTIANSON: Hearing none.  
4 We'll move on to summary of public comment.

5

6 MS. PERRY: Thank you, Mr. Chair.  
7 Members of the Board. For the record, my name is  
8 DeAnna Perry. I'm the coordinator for the Southcentral  
9 Subsistence Regional Advisory Council. Two written  
10 public comments were received on this proposal and can  
11 be found in your meeting books starting on Page 518.

12

13 One comment received from the Ahtna  
14 Subsistence Committee. The summary of this comment is  
15 to support the proposal with modification to add the  
16 words, "except for the Copper River drainage upstream  
17 of Haley Creek" to clearly specify where the proposed  
18 regulatory language applies.

19

20 The regulatory language in the current  
21 management regulations is confusing and unclear. The  
22 conditions on the permit should be included in the  
23 regulations. Subsistence users should be able to read  
24 and understand the regulations in the regulatory  
25 booklet before they apply for a permit.

26

27 Another comment in support was received  
28 from the Wrangell-St. Elias National Park Subsistence  
29 Resource Commission. The commission supported the  
30 proposal as modified by OSM because adding the current  
31 fish permit conditions will clarify the rules for  
32 subsistence users. The modification is important to  
33 clarify that the conditions would apply specifically to  
34 the Chugach National Forest portion of Prince William  
35 Sound area.

36

37 Those were the only written comments  
38 received on this proposal.

39

40 Thank you.

41

42 CHAIRMAN CHRISTIANSON: Thank you,  
43 DeAnna.

44

45 Any questions.

46

47 (No comments)

48

49 CHAIRMAN CHRISTIANSON: Hearing or  
50 seeing none. We'll open the floor to public testimony

1 on 19-13.

2

3 (No comments)

4

5 CHAIRMAN CHRISTIANSON: Offer online as  
6 well.

7

8 OPERATOR: As a quick reminder, if you  
9 would like to address the Board please press star  
10 followed by 1.

11

12 (No comments)

13

14 CHAIRMAN CHRISTIANSON: Hearing or  
15 seeing none. We'll move on to Regional Council  
16 recommendation.

17

18 MR. ENCELEWSKI: Mr. Chair. I'll start  
19 with Southcentral. Our Council supports FP19-13 as  
20 modified by OSM requesting conditions for the Federal  
21 subsistence permit for the Prince William Sound Area be  
22 placed in Federal subsistence management regulations  
23 for the Prince William Sound Area with modifications to  
24 specify the geographic area where these regulations  
25 apply.

26

27 The justification from our Council was  
28 the Council supports the proposal with modifications.  
29 This was a reasonable proposal that would benefit  
30 subsistence users by making the regulations more user  
31 friendly. The Council stated that this regulation is a  
32 housecleaning/administrative proposal to clarify  
33 current coho regulations.

34

35 Those were the actions of the Council.

36

37 Thank you.

38

39 CHAIRMAN CHRISTIANSON: Thank you,  
40 Greg.

41

42 Any questions for Greg.

43

44 (No comments)

45

46 CHAIRMAN CHRISTIANSON: Hearing or  
47 seeing none. We'll move on to tribal, Alaska Native  
48 corp. comments.

49

50 MR. LIND: Thank you, Mr. Chair. Board

1 members. During the consultation held there were no  
2 comments or questions on FP19-13.

3

4 Thank you.

5

6 CHAIRMAN CHRISTIANSON: Thank you.

7

8 Department of Fish and Game.

9

10 MR. MULLIGAN: Thank you, Mr. Chair.

11 The Alaska Department of Fish and Game supports this  
12 proposal with one requested modification as it pertains  
13 to cutthroat trout and bringing the Federal regulations  
14 inline with the State regulations. As you know, this  
15 is the northern and westernmost range of cutthroat  
16 trout. In the regulations developed on the State side  
17 were developed in trying to make sure that we keep a  
18 healthy population.

19

20 So the regulations that we have is  
21 cutthroat trout may be taken only from June 15th to  
22 April 14th to protect the spawning season; bag and  
23 possession limit of two fish, and with a size limit of  
24 at least 11 inches in length but not more than 16  
25 inches in length.

26

27 In regards to the length, 11 inches  
28 gives that trout population -- as we identified it at  
29 that length, it gives them at least one season of  
30 reproduction because they reach sexual  
31 maturity around that size.

32

33 We also try to save the larger  
34 population because they're more fecund. They have more  
35 eggs and can provide more young into the environment.

36

37 Thank you.

38

39 CHAIRMAN CHRISTIANSON: Thank you. Any  
40 questions for the State.

41

42 Dave.

43

44 MR. SCHMID: Not actually through the  
45 State, but to the RAC. I was at that RAC meeting and I  
46 recall that the RAC did discuss this extensively on the  
47 State's request. Can you share the outcome of that  
48 discussion?

49

50 MR. ENCELEWSKI: I wish I could, but it



1 was quite a lengthy discussion. I didn't think we had  
2 a problem with it, but I'm not sure where it was.  
3 DeAnna, could you enlighten me, please.

4  
5 MS. PERRY: Through the Chair. The  
6 Southcentral RAC supported the modification. They  
7 requested that the subsistence permit for the Prince  
8 William Sound area be placed in regulation and that was  
9 to specify the geographic area. So most of the  
10 conversation was about specifically delineating the  
11 geographic area.

12  
13 MR. SCHMID: Okay. Mr. Chair. Back to  
14 the State. My recollection at that meeting is that the  
15 request from the State was discussed relative to  
16 cutthroat trout and at the conclusion of that  
17 discussion they decided not to include that as part of  
18 the recommendation.

19  
20 MR. ENCELEWSKI: I would tend to agree  
21 with you or it would be in this report.

22  
23 Thank you.

24  
25 MR. SCHMID: Thank you, Mr. Chair.

26  
27 CHAIRMAN CHRISTIANSON: Thank you. Any  
28 other questions, comments.

29  
30 Staff.

31  
32 MR. PEARSON: It was the intent of the  
33 Forest Service to put these regulations on the books.  
34 That way subsistence users could then perhaps alter  
35 these through the normal process. So the concept was  
36 let's get these on the books and then if there was an  
37 issue with anything, we could then pick those up in the  
38 next cycle.

39  
40 CHAIRMAN CHRISTIANSON: Thank you. Any  
41 other discussion, questions.

42  
43 MR. BROWER: Mr. Chair.

44  
45 CHAIRMAN CHRISTIANSON: Greg and then  
46 Charlie.

47  
48 MR. SIEKANIEC: Thank you, Mr. Chair.  
49 Does that mean there's going to be a monitoring aspect  
50 of this, like on subsistence reporting and such that

1 you would have an idea of like the amount of harvest  
2 that's taking place?

3

4 MR. PEARSON: Our permit already  
5 includes harvest reporting, so we do keep the harvest  
6 report of all the species, dates and species.

7

8 MR. SIEKANIEC: Does that also include  
9 then a timing report? Because I think I heard from the  
10 State that timing is an issue here because of spawning  
11 window of cutthroat trout exhibit.

12

13 MR. PEARSON: To change a season wasn't  
14 a part of the public process, so it was out of scope  
15 for this proposal. Again, the idea was put this on the  
16 books and then for the next fishery cycles if there was  
17 anything that needed to be changed, proposals could go  
18 in then.

19

20 CHAIRMAN CHRISTIANSON: Mr. Brower.

21

22 MR. BROWER: Just a question. I  
23 noticed that the fish has to be at least 11 to 16  
24 inches. In some cases the enforcement people are  
25 pretty strict about the length size. Do they round it  
26 up to the nearest inch or do they get fined for 1/16th  
27 short or 1/16th over? Just a curiosity.

28

29 MR. MULLIGAN: Through the Chair. You  
30 know, I'd like to say that we give our enforcement the  
31 capability of some leeway when enforcing all Fish and  
32 Wildlife regulations given that there is going to be  
33 those cases, but I can't answer definitely. We do  
34 leave it up, in our case, to the troopers. For you  
35 guys, I don't know how your law enforcement would  
36 perceive that.

37

38 MR. BROWER: Thank you.

39

40 MR. PEARSON: Through the Chair. The  
41 current proposal does not have any size limits for  
42 cutthroat trout. The State does, but this proposal  
43 does not, which is the current practice.

44

45 MR. PELTOLA: So my understanding as  
46 presented in the summary is that this is more or less  
47 an administrative proposal as opposed to a direct take  
48 issue. The intent was to get the regulation to reflect  
49 the administrative change and if there are any changes  
50 to be made via regulation in regard to take, those

1 would go through the normal fisheries process, correct?

2

3 MR. PEARSON: Affirmative.

4

5 CHAIRMAN CHRISTIANSON: Any more  
6 questions.

7

8 (No comments)

9

10 CHAIRMAN CHRISTIANSON: I think we were  
11 on the State. Yeah, we'll move on to Interagency Staff  
12 Committee.

13

14 MS. HARDIN: Thank you, Mr. Chair. The  
15 Interagency Staff Committee found the Staff analysis of  
16 FP19-13 to be a thorough and accurate evaluation of the  
17 proposal in that it provides sufficient basis for the  
18 Regional Advisory Council recommendation and Federal  
19 Subsistence Board action. The Interagency Staff  
20 Committee supports FP19-13 as modified by the Office of  
21 Subsistence Management.

22

23 Thank you, Mr. Chair.

24

25 CHAIRMAN CHRISTIANSON: Thank you.  
26 That moves us on to Board discussion with Council  
27 Chairs, State liaison. I think we've done that. So  
28 we'll go ahead and open up the floor for Federal Board  
29 action.

30

31 MR. SCHMID: Mr. Chair. I move to  
32 adopt FP19-13 as modified by OSM to specify the  
33 geographic area where these regulations apply. This  
34 modification was also supported by the Southcentral  
35 Alaska Subsistence Regional Advisory Council. The  
36 modification is on Page 512-513 of the Board book and  
37 that modification is on the screen as well in front of  
38 us.

39

40 If I get a second to my motion, I'll  
41 explain why.

42

43 MR. BROWER: Second.

44

45 CHAIRMAN CHRISTIANSON: We have a  
46 motion on the floor that's been seconded.

47

48 Dave.

49

50 MR. SCHMID: Thank you, Mr. Chair.

1 This proposal will make regulations more readily  
2 available to Federally qualified subsistence users and  
3 will not change seasons, harvest limits and harvest  
4 methods and means that have been in practice for over  
5 12 years for subsistence fishing under Permit FFPW01.  
6

7 This proposal does not impact any other  
8 proposals for fisheries within the Prince William Sound  
9 area. Codifying these permit conditions provides  
10 greater transparency and notice to the public regarding  
11 Federal subsistence opportunities in the Prince William  
12 Sound area as is done for other areas in the State.  
13

14 CHAIRMAN CHRISTIANSON: Thank you.

15  
16 Any further discussion by the Board.

17  
18 (No comments)

19  
20 CHAIRMAN CHRISTIANSON: Deliberation.

21  
22 (No comments)

23  
24 CHAIRMAN CHRISTIANSON: Call for the  
25 question.

26  
27 MS. PITKA: Question.

28  
29 CHAIRMAN CHRISTIANSON: The question  
30 has been called. Do roll call, Tom.

31  
32 MR. DOOLITTLE: This is Fishery  
33 Proposal 19-13. Adopt as modified by OSM to the  
34 specific geographic region where these regulations  
35 apply. The modified regulation should read: In Prince  
36 William Sound Area within Chugach National Forest and  
37 in the Copper River drainage downstream of Haley Creek  
38 you may accumulate Federal subsistence fishing harvest  
39 limits with harvest limits under State of Alaska sport  
40 fishing regulations provided that accumulation of  
41 fishing harvest limits does not occur during the same  
42 day.

43  
44 (A) Salmon harvest is not allowed in  
45 Eyak Lake and its tributaries, Copper River and its  
46 tributaries and Eyak River upstream from the Copper  
47 River Highway bridge.

48  
49 (B) You must record on your subsistence  
50 permit the number of subsistence fish taken. You must

1 record all harvested fish prior to leaving the fishing  
2 site, and return the permit by the due date marked on  
3 the permit.

4

5 (C) You must remove both lobes of the  
6 caudal (tail) fin from subsistence-caught salmon before  
7 leaving the fishing site.

8

9 (D) You may take salmon by rod and reel,  
10 dip net, spear and gaff year round.

11

12 (E) For a household with 1 person, 15  
13 salmon (other than pink) may be taken. 5 Cutthroat  
14 Trout with only 2 over 20 inches may be taken. Pink  
15 Salmon: See the conditions of the permit.

16

17 (F) For a household with 2 persons, 30  
18 salmon (other than pink) may be taken, plus an  
19 additional 10 salmon for each additional persons in a  
20 household over 2. 5 Cutthroat Trout with only 2 over 20  
21 inches per each household member with a maximum  
22 household limit of 30 cutthroat trout. Pink Salmon: See  
23 the conditions of the permit.

24

25 (G) You may take Dolly Varden, Arctic  
26 Char, Whitefish and Grayling with rod and reel, and  
27 spear year round and with a gill net from January 1  
28 April 1. The maximum incidental gill net harvest of  
29 trout is 10.

30

31 (H) You may take Cutthroat Trout with  
32 Rod and reel, and spear from June 15 to April 14th and  
33 with a gill net from January 1 to April 1.

34

35 (I) You may not retain  
36 Rainbow/Steelhead trout for subsistence unless taken  
37 incidentally in a subsistence gillnet fishery.  
38 Rainbow/Steelhead trout must be immediately released  
39 from a dip net without harm.

40

41 Now I know I can pass my pilot's  
42 reading test.

43

44 (Laughter)

45

46 MR. GREEN: You're supposed to be doing  
47 it with one eye.

48

49 MR. DOOLITTLE: That's right.

50

1 MR. SIEKANIEC: Mr. Chair. It seems  
2 like -- I want to make sure I'm following this  
3 straight. Tom, when you read it, you included the  
4 language of the Prince William Sound area within  
5 Chugach National Forest and in the Copper River  
6 drainage downstream of Haley Creek. Isn't that the  
7 language to be stricken?  
8  
9 MR. DOOLITTLE: Yes. It says in Prince  
10 William Sound.....  
11  
12 MR. SIEKANIEC: No, that's got a line  
13 through it.  
14  
15 MR. DOOLITTLE: Yeah, I got the line  
16 through it. It says in Haley Creek Chugach National  
17 Forest portion of the Prince William Sound Area you  
18 must possess a Federal subsistence fishing permit to  
19 take salmon, trout, whitefish, Grayling, Dolly Varden,  
20 or char. Permits are available from the Cordova Ranger  
21 District.  
22  
23 So you are correct, Mr. Siekaniec, that  
24 Prince William Sound Area within Chugach National  
25 Forest and in the Copper River drainage downstream of  
26 Haley Creek has been stricken from the record.  
27  
28 MR. SIEKANIEC: Okay.  
29  
30 MR. DOOLITTLE: Thank you, sir.  
31  
32 CHAIRMAN CHRISTIANSON: Thank you for  
33 that. Now we'll do roll call now that we have the  
34 motion straightened out.  
35  
36 MR. DOOLITTLE: National Park Service.  
37 Herbert Frost.  
38  
39 MR. FROST: Support.  
40  
41 MR. DOOLITTLE: Bureau of Land  
42 Management, Chad Padgett.  
43  
44 MR. PADGETT: I'll support, although I  
45 want to point out one thing with the -- I'd like to see  
46 the RAC take up the conservation concerns that the  
47 State's listed.  
48  
49 MR. DOOLITTLE: U.S. Fish and Wildlife  
50 Service, Greg Siekaniec.

1 MR. SIEKANIEC: I will support and I  
2 also want to echo that my familiarity with cutthroat  
3 trout is they can be fairly easily overharvested  
4 without given proper conservation concerns.

5  
6 MR. DOOLITTLE: Bureau of Indian  
7 Affairs, Gene Peltola.

8  
9 MR. PELTOLA: BIA votes to adopt  
10 FP19-13 in support of the Southcentral Regional  
11 Advisory Council and in addition to the justification  
12 articulated in the Forest Service motion.

13  
14 MR. DOOLITTLE: Public Member Rhonda  
15 Pitka.

16  
17 MS. PITKA: I support FP19-13 in  
18 deference to the Regional Advisory Council's  
19 justification that it's a reasonable proposal that  
20 would benefit subsistence users.

21  
22 Thank you.

23  
24 MR. DOOLITTLE: Public Member Charlie  
25 Brower.

26  
27 MR. BROWER: I support FP19-13 with  
28 modification as stated.

29  
30 MR. DOOLITTLE: Thank you, Mr. Brower.

31  
32 Chairman Anthony Christianson.

33  
34 CHAIRMAN CHRISTIANSON: I support.

35  
36 MR. DOOLITTLE: Motion passes  
37 unanimously.

38  
39 CHAIRMAN CHRISTIANSON: That brings us  
40 to FP19-16, clarify gear usage for Upper Copper River  
41 District subsistence salmon fishing permits. We will  
42 hear from Staff.

43  
44 MS. LAVINE: Good morning, Mr. Chair.  
45 Members of the Council. My name is Robbin LaVine and  
46 I'm an anthropologist at the Office of Subsistence  
47 Management. My colleague, Scott Ayers, is a clan list  
48 on this analysis.

49  
50 Fisheries Proposal 19-16 begins on Page

1 523 of your Board book. It was submitted by  
2 Wrangell-St. Elias National Park and Preserve and it  
3 requests revisions to the regulations that pertain to  
4 the use of multiple types of gear for subsistence  
5 salmon harvest in the Upper Copper River District.

6  
7 Existing language allows one unit of  
8 gear to be operated at any one time. The requested  
9 change is to allow one unit of gear per person to be  
10 operated at any one time.

11  
12 The proponent notes that gear types  
13 allowed in the Upper Copper River District subsistence  
14 fisheries consist of fish wheel, dipnet, and rod and  
15 reel. They state that changing this regulation from  
16 "unit of gear" to "unit of gear per person" would allow  
17 multiple individuals under a single Federal subsistence  
18 fishing permit to fish at the same time using their own  
19 type of gear. This has been the practice over the  
20 years and the proponent wants the regulation adjusted  
21 to ensure that it is being conducted legally.

22  
23 This regulation was added during the  
24 2002 regulatory cycle through Board action on proposal  
25 FP02-17b from the Wrangell-St. Elias National Park  
26 Subsistence Resource Commission, which requested, among  
27 other things, that more than one gear type could be  
28 specified on subsistence salmon permits for the  
29 Glennallen Subdistrict. The Board adopted the proposal  
30 with modification as recommended by the Southcentral  
31 Council to stipulate that only one unit of gear be  
32 operated at a time, among other things.

33  
34 If adopted, Fisheries Proposal FP19-16  
35 would allow any number of household members listed on a  
36 subsistence salmon permit to harvest fish concurrently.  
37 As Federal subsistence management  
38 regulations already prohibit the operation of multiple  
39 fishwheels by a single permit holder, this change would  
40 not apply in that sense.

41  
42 However, one household member could be  
43 harvesting from a fishwheel while another is using a  
44 rod and reel or a dip net. In other instances, multiple  
45 household members listed on a single permit would be  
46 able to harvest by dip net or rod and reel at one time.

47  
48 The proposed change would benefit  
49 Federally qualified subsistence users and would allow a  
50 household the opportunity to potentially harvest their



1 limit of fish in less time should they choose to do so.  
2 This change should not cause an issue with enforcement  
3 as Federally qualified subsistence users are already  
4 required to have permits in possession and readily  
5 available for inspection while fishing or transporting  
6 subsistence-taken fish.

7  
8 This change presents no conservation or  
9 regulatory issues.

10  
11 The OSM conclusion is to support  
12 Proposal FP19-16.

13  
14 Thank you.

15  
16 CHAIRMAN CHRISTIANSON: Thank you,  
17 Robbin.

18  
19 Any questions for Staff.

20  
21 (No comments)

22  
23 CHAIRMAN CHRISTIANSON: Hearing none.  
24 We'll move on to summary of public comments.

25  
26 MS. PERRY: Thank you, Mr. Chair.  
27 Members of the Board. Again, I'm DeAnna Perry,  
28 Coordinator for the Southcentral Council. Two written  
29 public comments were received on this proposal. They  
30 can be found in your meeting books on Page 540.

31  
32 One comment received from the Ahtna  
33 Subsistence Committee is in opposition of this proposal  
34 to change the regulatory language for the Prince  
35 William Sound area in the current regulations to allow  
36 the use of "one unit of gear per person." This  
37 proposal is not supported because opportunity to  
38 harvest fish is not taken away by keeping regulations  
39 in place. Household members who fish together can take  
40 turns using one gear type to catch their household  
41 limit.

42  
43 Another comment in support was received  
44 from Wrangell-St. Elias National Park Subsistence  
45 Resource Commission. The Commission supported the  
46 proposal because it clarifies the regulations and  
47 provides for subsistence opportunity. Federal  
48 subsistence regulations should not be more restrictive  
49 than State regulations and additionally any additional  
50 harvest is likely to be small.

1                   Those were the only written comments  
2 received on this proposal.

3  
4                   Thank you.

5  
6                   CHAIRMAN CHRISTIANSON: Thank you,  
7 DeAnna.

8  
9                   Any questions for her.

10  
11                   (No comments)

12  
13                   CHAIRMAN CHRISTIANSON: Hearing or  
14 seeing none. Thank you. Move to open the floor to  
15 public testimony. I believe we have a card from Gloria  
16 Stickwan. Come on up.

17  
18                   MS. STICKWAN: Good morning. My name  
19 is Gloria Stickwan. I'm here to give testimony on  
20 WP16-19, a proposal submitted by Wrangell-St. Elias to  
21 allow only one unit of gear per person to operate at  
22 any one time. The C&T committee did not approve this  
23 proposal because they didn't think that two gears to be  
24 used at the same time -- they didn't approve that.

25  
26                   They were mostly concerned last year  
27 because I believe there was a shortage of salmon. The  
28 personal use was restricted, closed, you know,  
29 subsistence fisheries. Chitina was - action was taken  
30 on all the fisheries. Even commercial was closed. All  
31 of them were restricted or closed. That brought a  
32 concern to -- when this proposal was discussed, I think  
33 that permeated their thinking about this proposal as  
34 being liberalizing to allow more dipnetters to be  
35 dipnetting from a boat on the Copper River.

36  
37                   The other impact they saw, we have seen  
38 and testified over the years is the impact of the  
39 personal use fishers from the urban areas coming and  
40 fishing and overharvesting. When there's  
41 a shortage that raises an alarm among our people. When  
42 we hear that there may be a closure, that concerns them  
43 and I think that is what they were concerned about  
44 mostly.

45  
46                   This is not a conservation concern, I  
47 understand that, but, still, that's what I think  
48 brought on just the fear of opening up more opportunity  
49 to have people fishing from a boat, people from  
50 Anchorage being able to subsistence fish with a dipnet

1 and coming to Glennallen subdistrict and they can  
2 dipnet in the Glennallen subdistrict under a State  
3 permit using a boat and catching fish.

4  
5 They're just afraid because we heard  
6 again that there's going to be another low run on the  
7 Copper River for sockeyes this summer. They're saying  
8 that. They have a good handle -- I understand Fish and  
9 Game has a good handle on the sockeye run. They don't  
10 have a good handle of what's going to return for the  
11 chinook, but they do on the sockeye.

12  
13 When you hear those kind of things,  
14 Fish and Game meets with us and I think -- I'm very  
15 thankful Fish and Game came and met with the Ahtna  
16 people. I am very grateful that Mr. Bobowski came and  
17 talked to the Ahtna people. Dave Sarafin, Barbara  
18 Cellarius, all came and met with the Ahtna people. I'm  
19 very grateful that they did because that helped to open  
20 communication.

21  
22 I would encourage to continue to meet  
23 with the Ahtna people when you know there's a concern.  
24 Talk to them. We are concerned as much as the Federal,  
25 even more so, about the low shortage of runs. We will  
26 do what we can. I think we will because it's our  
27 livelihood. I think this fear of low runs is what  
28 opposed this proposal is my opinion.

29  
30 The other thing is I heard, you know,  
31 it was a Federal agency that wrote this proposal. You  
32 know, some people think that it should come from the  
33 public, not from a Federal agency if there's going to  
34 be one. I know it was a clarification between the two  
35 regulation booklets, what is in Federal CFR and what's  
36 in the regulations. There was confusing language in  
37 that and they were trying to clear that up.

38  
39 They should come and talk with us and  
40 consult with us if they're going to write proposals  
41 like this and we can sit down and talk and maybe work  
42 things out. That's why they're just totally opposed to  
43 having two gears being used because they're opposed to  
44 it. They don't see fishing from a boat as customary  
45 and traditional.

46  
47 When we used dipnets hundreds of years  
48 ago, we used a platform. We did not go in a boat to  
49 fish. That's not our way. That's not our customary  
50 and traditional use. Our way of fishing is with a

1 dipnet. We use a platform along the river. It was  
2 situated along the river on the bank and we fished from  
3 that with a dipnet from that. To us that's customary  
4 and traditional way of dipnetting, not from a boat. We  
5 don't see it that way. Although other Native people  
6 have, we haven't. It's not our way and so we are  
7 opposed to that.

8  
9 We just see this low concern of -- this  
10 is liberalizing people being able to use fishwheel, rod  
11 and reel, as long as they have their permit in hand and  
12 a dipnet to go fishing. They liberalizing that as long  
13 as they keep within their limits and as long as they  
14 have the permit in hand they're allowing this to  
15 happen.

16  
17 Ahtna is opposed to that, but that's --  
18 I'm just telling you what -- trying to convey to you  
19 what I heard and what I understood them to say and what  
20 their position is. They'll never approve of dipnetting  
21 from a boat. They were just opposed to three permits,  
22 a family of four using a dipnet and using a rod and  
23 reel.

24  
25 That's all I have to say.

26  
27 CHAIRMAN CHRISTIANSON: Thank you,  
28 Gloria. I don't know if anybody here has any questions  
29 for you, but as I look at it and what I've heard from  
30 the testimony in the last couple of days is that  
31 there's a lot of competition on the Copper River for  
32 those fish and we all know it's a coveted species. We  
33 did see some pictures that reflected the competition  
34 and the combat fishing style and stuff.

35  
36 I mean as I look at the proposal I,  
37 myself, was in support of it because of that additional  
38 competition that the subsistence users are having. I  
39 can understand your position and I appreciate that. As  
40 I'm trying to look at it, I thought it was an  
41 additional tool for the subsistence users to meet their  
42 needs, whether they had these other activities to make  
43 sure they got their fish.

44  
45 So if there is something different --  
46 this is new information to me, you know, because I want  
47 to support the subsistence user. So that kind of  
48 conflicts with my train of thought.

49  
50 MS. STICKWAN: What I'm trying to say

1 is they were concerned about overharvesting of fish.  
2 The people in the State could come up to the Glennallen  
3 district and use a dipnet under State and they're just  
4 concerned about overharvesting of fish. That's their  
5 main concern is overharvesting of fish. It has nothing  
6 to do with this proposal. I know that. I'm trying to  
7 say that.

8  
9 They are concerned about overharvesting  
10 of fish and it's just another opportunity for them to  
11 use two gear types. A rod and reel and a fishwheel.  
12 That was what they're opposed to and they're opposed to  
13 fishing from a boat.

14  
15 CHAIRMAN CHRISTIANSON: Okay.

16  
17 MS. STICKWAN: I'm not trying to argue  
18 that this is -- I know this is going to be better for  
19 the Federal, but this is what they were saying.

20  
21 CHAIRMAN CHRISTIANSON: Yeah, I agree.

22  
23 MS. STICKWAN: This is what their  
24 thoughts are, the way they were thinking. That's my  
25 understanding.

26  
27 CHAIRMAN CHRISTIANSON: Okay. Thank  
28 you, Gloria. I was just trying to clarify my thought  
29 process here and how we're trying to get through this.

30  
31 MS. STICKWAN: I know and I'm just  
32 trying to tell you what the C&T Committee and how they  
33 looked at this proposal and what their thoughts were on  
34 it. It has nothing to do with what the proposal -- I  
35 know that it doesn't address what you're saying. I  
36 understand what you're saying. It's giving more  
37 opportunity for the Federal users and I understand  
38 that. But, still, that's what the concern was and  
39 because Federal -- you know, why can't they just keep  
40 it the way it is, is what they want to say.

41  
42 Karen had something to say.

43  
44 MR. LINNELL: Thank you, Mr. Chair.  
45 Just because the State has liberalized the fishing on  
46 the Copper River so much doesn't mean that the Feds do.  
47 Do what's right. Keep it -- when it's  
48 over-liberalized, you end up with overharvest. So we  
49 don't need to keep up with what the State is doing.  
50 Let's manage for the fishery and manage correctly.

1                   We're working on proposals to -- for  
2 the Board of Fish to temper down a little bit the  
3 impact that we're getting and we tried that. We  
4 submitted proposals to the Board of Fish to limit  
5 dipnetting from boats except for we had some members  
6 say that's what we do on the Yukon. That's not what we  
7 do on the Copper River and that's not a customary and  
8 traditional use on the Copper River.

9  
10                   They were using fish finders. We put  
11 in a proposal to stop that and that didn't fly because  
12 they said they were using it to watch for rocks. I'm  
13 sorry, but if you're on the river and the type of river  
14 that we have, if you don't watch ahead of you, you're  
15 already on top of the rocks. So that's an issue.

16  
17                   So, for us, the management and looking  
18 at this, we don't need to keep liberalizing because the  
19 State's liberalizing. We need to manage for the  
20 resource and manage correctly and not over-liberalize  
21 it to where we're trying to keep up with the State. We  
22 should be setting a standard here. That's the way that  
23 we're looking at this and put a standard so that the  
24 State would have to try to match our standard, your  
25 standard on this river.

26  
27                   Thank you, Mr. Chair.

28  
29                   MS. STICKWAN: This is going to be an  
30 enforcement problem for enforcement personnel on the  
31 Copper River as well. They're going to have to be out  
32 there looking at permits for Federal and State to see  
33 whether they're complying with different regulations.  
34 We have very little enforcement out there to begin  
35 with.

36  
37                   The other thing is this is just another  
38 new regulation that Ahtna people are going to have to  
39 be informed about. They're already confused about  
40 regulations and where the boundaries are and all the  
41 regulations they have to read and understand. It's  
42 just going to be one more thing for them to learn.

43  
44                   CHAIRMAN CHRISTIANSON: Thank you.

45  
46                   Any other Board questions or  
47 discussion.

48  
49                   MR. PADGETT: Mr. Chair. Thank you.  
50 So are you saying -- I'm trying to get this straight in

1 my head. Are you saying there is a conservation  
2 concern in your mind?

3

4 MS. STICKWAN: I'm talking about the  
5 C&T Committee. This is not my mind speaking. This is  
6 what I heard and understand the C&T Committee say.  
7 They are concerned about overharvest. Because there  
8 was a shortage last year the fisheries were restricted.  
9 That had a huge impact upon this discussion. It's  
10 going to be restricted again this year. There's  
11 forecast, very close 30 percent or less or something  
12 like that. Whatever language for biologists.

13

14 They're pretty sure within -- their  
15 ranges of accuracy is accurate for sockeye. They know  
16 that there is going to be a low shortage this year. I  
17 understand 100,000 less than last year. So when you  
18 hear these things, it concerns them. I'm sure you  
19 understand what I'm trying to say. When they heard  
20 this proposal, it raised flags for them. It's just  
21 more people harvesting.

22

23 Even though they're catching their --  
24 they say it's a low -- there's 79 percent, you know,  
25 1,000 or something like that fish caught. It's low to  
26 you guys. To us it's -- during times of shortage they  
27 look at these numbers and last year the Wrangell-St.  
28 Elias in-season manager was calling and talking to the  
29 -- I understand, from what I hear, talking to the State  
30 manager on a weekly basis about personal use, you know,  
31 the fisheries on the Copper River. They were in  
32 contact with each other, talking to each other week by  
33 week because of the low run.

34

35 When you have low runs like that, it  
36 concerns the Ahtna people and the Ahtna people are not  
37 going to sit back and do nothing. Katie John is a good  
38 example of what happens.

39

40 CHAIRMAN CHRISTIANSON: Thank you,  
41 Gloria.

42

43 Gene.

44

45 MR. PELTOLA: Thank you, Mr. Chair. I  
46 think this question would be for Dave. So when a  
47 subsistence salmon fishing permit is issued, is it  
48 issued just for a gear type? Say a fishwheel or rod  
49 and reel currently.

50

1 MR. SARAFIN: This is Dave Sarafin, the  
2 Fisheries Program Manager at Wrangell-St. Elias. To  
3 answer your question it is not -- they do not have to  
4 select one gear type. They have the option of using  
5 fishwheel, dipnet or rod and reel.

6  
7 MR. PELTOLA: A follow up to that first  
8 question. Does the permit put a limit on the amount of  
9 fish could be utilized with that gear type, as  
10 utilized?

11  
12 MR. SARAFIN: It is just an annual  
13 harvest limit associated with the permit based on one  
14 person versus two or more in the household, but it's  
15 not associated with any gear type.

16  
17 MR. PELTOLA: So via the change in the  
18 regulation with regard to the Federal permit and the  
19 Federally qualified user, if fish are present, it might  
20 provide for a more efficient harvest of those fish  
21 authorized on an annual limit.

22  
23 And then understand the concerns. The  
24 concerns seem to be not within the Federal program per  
25 se, but the concerns -- and maybe it's not directed to  
26 you specifically, but from what I'm hearing is the  
27 concerns that the harvest which already occurs  
28 compounded with additional harvest elsewhere in the  
29 drainage.

30  
31 MR. SARAFIN: Most of the harvest is  
32 through non-Federal fisheries and I think that imposes  
33 a lot of concern. So I'm sensing the express concerns  
34 relate to any change in the Federal regulations that  
35 may increase the harvest on a stock of concern.

36  
37 MS. STICKWAN: That's exactly what they  
38 were trying to say and that's what I was trying to  
39 point out to you. That was the Ahtna people's concern.

40  
41 MR. FROST: So I think I understand  
42 what you're saying, Gloria, but making sure that I  
43 understand. Dave, you said there is a harvest limit on  
44 each permit. So there is a -- regardless of whether  
45 there's a lot of salmon or there's less salmon there is  
46 a limit about how much each permit can take, is that  
47 correct?

48  
49 MR. SARAFIN: Yes, that's correct.  
50 When there's less fish, there's be more effort to try



1 to get your fish.

2

3 MR. FROST: I'm getting there. I'm  
4 getting there. So from what I understand this proposal  
5 does is it allows the Federal subsistence user an  
6 additional option to more efficiently catch what their  
7 harvest limit is by allowing individuals to use --  
8 individuals on a permit to use more than one unit.

9

10 MR. SARAFIN: Yes, it would allow more  
11 than one unit to be used at one time under one permit.

12

13 MR. FROST: Right. So the harvest is  
14 going to remain the same no matter if it's high or low.  
15 If it's low, that's unfortunate, but if it's low it's  
16 going to be harder to get fish theoretically. By  
17 allowing multiple people on a permit different types of  
18 units to take the fish, it will allow them to get their  
19 harvest limit, in theory, easier and sooner.

20

21 MR. SARAFIN: Yes. It would be a more  
22 efficient use of their time in trying to get their  
23 subsistence needs met. No necessarily fulfilling the  
24 whole harvest limit, but what that family felt they  
25 needed for their subsistence needs.

26

27 MR. FROST: I'm not trying to dismiss  
28 your comments, Gloria. I understand that there is a  
29 concern on overharvest because of the State side of the  
30 conversation. I'm just trying to tease out what we're  
31 trying to do here on the Federal side. So I appreciate  
32 both you and Karen bringing these concerns out in the  
33 public so we can have this conversation.

34

35 CHAIRMAN CHRISTIANSON: Greg.

36

37 MR. SIEKANIEC: Thank you, Mr. Chair.  
38 I appreciate all the clarity we're trying to put around  
39 this. I think I've heard the concern over the  
40 overharvest. So if I'm understanding it right, and  
41 help me, you're concerned that the limits will be  
42 exceeded that are actually authorized via the permit  
43 because of having....

44

45 MS. STICKWAN: I think there may have  
46 been confusion about, you know, understanding the  
47 proposal, but they were just really concerned about  
48 overharvesting.

49

50 MR. SIEKANIEC: Overharvesting.

1 MS. STICKWAN: And just one more option  
2 of having -- using a fishwheel and a dipnet at the same  
3 time was a concern for them. They saw that as  
4 potentially -- because who's enforcing Copper River?  
5 One person maybe. Two people at the same time. Who is  
6 checking their bag limits. You know, there's very  
7 little enforcement down there. Even for fishwheel  
8 users.

9  
10 I mean you don't see enforcement down  
11 there. You see them down at Chitina mostly. But  
12 there's very little enforcement, so who's checking the  
13 bag limits? Who's checking to make sure that they're  
14 catching the harvest. We believe they -- Ahtna people  
15 believe they are overharvesting because I've seen  
16 people fish on Tazlina on the Copper River and they  
17 have these trailers going by my house, freezer  
18 trailers.

19  
20 Two of them I saw go by during the  
21 fishing season and they were parked down by their  
22 fishwheel using a State permit and you know they're  
23 catching -- they're filling up this trailer that's  
24 about five feet wide and they just have it parked down  
25 there and they're fishing and you know they're catching  
26 -- how many fish are they catching?

27  
28 Who's checking it?

29  
30 Nobody is and that's the concern of the  
31 Ahtna people and that's what I'm trying to tell you.  
32 They're concerned about that and I know it has nothing  
33 to do with this proposal. I understand that  
34 completely. But I'm trying to convey to you what their  
35 message is to you. They're concerned about overharvest  
36 in allowing three ways to fish under a permit. As long  
37 as you keep your permit in hand, as long as you keep  
38 your daily log of what you're catching and you have it  
39 in your possession, your permit.

40  
41 They're just concerned about it.

42  
43 MR. SIEKANIEC: Thank you.

44  
45 CHAIRMAN CHRISTIANSON: Any other  
46 questions for Gloria, Karen.

47  
48 (No comments)

49  
50 CHAIRMAN CHRISTIANSON: Thank you,

1 guys. I think you guys provided some additional  
2 insight to make our job even better. So I appreciate  
3 that.

4

5 I was going to pose a question on what  
6 are the number of permits that are issued to the  
7 Federal users in that area? I think that would be a  
8 question for the area biologist.

9

10 MR. SARAFIN: I'm sorry, Chair.

11

12 CHAIRMAN CHRISTIANSON: I seen you in a  
13 conversation, but I was just in my mind trying to  
14 figure the number of permits your office is issuing for  
15 the Federally qualified user in that area. Is it 2000,  
16 500?

17

18 MR. SARAFIN: Last year we issued I  
19 think in the order of 335 to the Glennallen subdistrict  
20 and maybe 135 or so to the Chitina subdistrict. So  
21 some families get both subdistricts, so that's not the  
22 actual family that got a permit count, so it's maybe  
23 400 I would guess.

24

25 CHAIRMAN CHRISTIANSON: Okay. Thank  
26 you.

27

28 Scott.

29

30 MR. AYERS: I would just like to point  
31 in the analysis on Page 530 and 531 at least for the  
32 Chitina subdistrict there's a listing of permits issued  
33 both for Federal and State users and then also in the  
34 Glennallen subdistrict on the next two pages, so  
35 there's a little bit of opportunity for clarification  
36 on that comment.

37

38 CHAIRMAN CHRISTIANSON: Boy, the State  
39 issues quite a few permits on that fishery.

40

41 MR. AYERS: I'm sorry. I was giving  
42 you the Federal.....

43

44 CHAIRMAN CHRISTIANSON: No, I mean I  
45 did look at the Federal permits, but then I look over  
46 there and it's like whew. I'm just glad you guys  
47 pointed that out to that degree.

48

49 Thank you.

50

1 Any other questions. Any other  
2 comments. Anybody online that wants to testify to  
3 FP19-16. We're in the public testimony process.

4  
5 OPERATOR: As a quick reminder, if you  
6 would like to address the Board please press star  
7 followed by 1.

8  
9 (No comments)

10  
11 CHAIRMAN CHRISTIANSON: Hearing none.  
12 That concludes the public testimony for this one.  
13 We'll move on to the Regional Council recommendation.

14  
15 MR. ENCELEWSKI: Mr. Chair, members of  
16 the Board, Council Southcentral RAC. The Council  
17 supported FP19-16 clarifying gear uses for the upper  
18 Copper River district salmon fishing permits.

19  
20 The justification was the Council  
21 supported the proposal which provides additional  
22 concurrent fishing opportunities and will liberalize  
23 fishing methods. The Council stated the proposal  
24 requires additional discussion to clarify the intent of  
25 the proposed regulations, which may lead to  
26 misunderstandings among fishing methods allowed under  
27 one fishwheel permit. One Council member voted in  
28 opposition stating that the proposal provided no clear  
29 intent and may lead to errors by fishers in the upper  
30 Copper River.

31  
32 This proposal presents no conservation  
33 concerns and is helpful to law enforcement. The  
34 Council suggested the presentation and analysis to the  
35 Federal Subsistence Board provide some examples of a  
36 permit holder and family and their opportunities to  
37 fish given this change.

38  
39 Those were the actions taken by the  
40 Council. Thank you. I will add a little more if you  
41 want to. I do understand Gloria's position. She's  
42 also the vice chair and I know that we discussed it.  
43 The concern was brought out by the Council over and  
44 over of the potential overfishing on the State side and  
45 especially from boats. But we felt this gave an  
46 opportunity to Federal subsistence users to use other  
47 -- get their fish sooner, so it was supported.

48  
49 I'm only the messenger.  
50

1 Don't -- thank you.  
2  
3 (Laughter)  
4  
5 CHAIRMAN CHRISTIANSON: Thank you,  
6 Greg, for that insight.  
7  
8 Any questions or discussion for Greg.  
9  
10 (No comments)  
11  
12 CHAIRMAN CHRISTIANSON: Hearing and  
13 seeing none. We'll move on to tribal, Alaska Native  
14 corp comments. Oh, one more. Sorry. Eastern  
15 Interior.  
16  
17 MS. PERRY: Mr. Chair, members of the  
18 Board. The Chair for Eastern Interior, Andrew Firmin,  
19 is not available and Coordinator Katya Wessels asked me  
20 to go ahead and read this into the record so that we're  
21 not playing musical chairs.  
22  
23 Eastern Interior Alaska Subsistence  
24 Regional Advisory Council supported this proposal. The  
25 Council noted that allowing this proposal would give  
26 people the opportunity to pass down knowledge of gear  
27 types from one generation to the next, and it would be  
28 a liberalization of regulations, not a restriction.  
29 The Council also stated that there is no conservation  
30 concern, as the practice is currently utilized. The  
31 proposal would be beneficial to subsistence users and  
32 not cause any restriction to other users.  
33  
34 That concludes the comment from the  
35 Council. However, I would like to bring to the  
36 attention of the Board and Mr. Chair, Susan Entsminger  
37 is on the line who would like to also testify regarding  
38 this proposal.  
39  
40 Thank you.  
41  
42 CHAIRMAN CHRISTIANSON: All right,  
43 Susan, you have the floor online.  
44  
45 OPERATOR: Susan, your line is now  
46 open.  
47  
48 MS. ENTSMINGER: Okay. Can you hear  
49 me?  
50

1 CHAIRMAN CHRISTIANSON: Yes, we can  
2 hear you fine, Susan. Go ahead.

3  
4 MS. ENTSMINGER: There might have been  
5 a miscommunication. I am here for questions only. Our  
6 position was read into the record already. I currently  
7 serve on the subsistence resource commission and the  
8 Chair for the Eastern Interior RAC. So if there's any  
9 questions you can ask them.

10  
11 CHAIRMAN CHRISTIANSON: Thank you for  
12 making yourself available. Anybody have any questions  
13 for Susan?

14  
15 (No comments)

16  
17 CHAIRMAN CHRISTIANSON: Hearing or  
18 seeing none. Thank you for being available, Susan. I  
19 appreciate it.

20  
21 MS. ENTSMINGER: You're welcome. Thank  
22 you.

23  
24 CHAIRMAN CHRISTIANSON: All right. Now  
25 we'll move on to tribal, Alaska Native corp comments.

26  
27 MR. LIND: Thank you, Mr. Chair. Board  
28 members. During the consultation on FP19-16 we had a  
29 couple comments. Again, Gloria Stickwan did say that  
30 some of these proposals are very confusing to them.  
31 After Mr. Ayers gave an overview of the proposal, there  
32 was Chief Gary Harrison from Chitina replied that they  
33 should be allowed to have as many fishwheels as they  
34 need and he continued toward the end of the  
35 consultation. He stated that the governments should  
36 pay more attention to the tribes because subsistence  
37 rights should be above and beyond all users.

38  
39 That's all I have, Mr. Chair.

40  
41 CHAIRMAN CHRISTIANSON: Thank you.

42  
43 Any questions.

44  
45 (No comments)

46  
47 CHAIRMAN CHRISTIANSON: Hearing and  
48 seeing none. We'll move on to Alaska Department of  
49 Fish and Game comments.

50

1 MR. MULLIGAN: Thank you, Mr. Chair.  
2 Given the comments that we've heard surrounding this  
3 proposal, if you give us the latitude, I do have Mark  
4 Somerville, our area fisheries biologist headquartered  
5 out of Glennallen available online and maybe he could  
6 give some highlights of what happened last season and  
7 some of the actions that we had to take on that fishery  
8 and what we're looking at for this season. Of course,  
9 totally up to you.

10  
11 CHAIRMAN CHRISTIANSON: I think that's  
12 all relevant information. So if he would like to chime  
13 in.

14  
15 MR. MULLIGAN: Star 1, Mark.

16  
17 CHAIRMAN CHRISTIANSON: Operator, is  
18 Mark online?

19  
20 OPERATOR: He has not pressed star 1  
21 yet. I have a Mark Somerville within the conference.  
22 I can just open up his line if you would like.

23  
24 CHAIRMAN CHRISTIANSON: Yes, please.  
25 He has the floor now. Thank you.

26  
27 MR. SOMERVILLE: How do I open it?

28  
29 MR. MULLIGAN: Mark, you're online.

30  
31 MR. SOMERVILLE: Okay, good. So, let's  
32 see, I think the question was giving you an update from  
33 last year. Last year's harvest was the lowest on  
34 record. We had to keep the fishery closed. The  
35 personal use fishery was closed multiple times.  
36 Commercial fisheries were closed and subsistence was  
37 actually closed for two periods during a two-week  
38 period.

39  
40 This coming season our forecast for  
41 sockeye is about 400,000 less than last year. Last  
42 year's forecast, not last year's return. Then there's  
43 enough variability in that that provides us concern as  
44 to whether or not we'll actually meet that forecast  
45 number or not. So that kind of gives a summary there.

46  
47 Does the Board have any specific  
48 questions for me with regards to that?

49  
50 CHAIRMAN CHRISTIANSON: Any questions.

1 (No comments)

2

3 CHAIRMAN CHRISTIANSON: No. Thank you.

4

5 MR. SOMERVILLE: All right. And then  
6 as far as the proposal goes for changing Federal  
7 regulations, the concern from the Department is that --  
8 we don't have a concern with users using multiple  
9 dipnets, a dipnet for each permit holder that aligns  
10 with State regulations and there's no concern with  
11 that. Our concern is with the use of multiple gear  
12 types in the same day.

13

14 The reason for that mostly stems from  
15 enforcement issues. Currently there's zero Federal  
16 enforcement on the Copper River and in any of the  
17 fisheries. From the State side we have two wildlife  
18 troopers and two fishery biologists that do enforcement  
19 in three major State fisheries and wind up getting  
20 called for questions and so on on Federal fisheries.  
21 Mostly being people reporting some sort of activity  
22 they feel is illegal. We wind up investigating it and  
23 it winds up being a Federal permit holder. Not doing  
24 something illegal perhaps, but just doing their normal  
25 Federal fishery.

26

27 By having the use of multiple gear  
28 types, especially using a fishwheel and dipnets in  
29 multiple locations on the Copper River, provides just  
30 more opportunity for either abuse of the system or  
31 attracting people to come and abuse the system. It  
32 makes it difficult for enforcement to figure out what's  
33 going on.

34

35 As far as the idea of this use of  
36 multiple gear types allowing people to reach their  
37 subsistence limits in a quicker fashion. Based on what  
38 we see in the Copper River, fishwheels are three times  
39 as effective in capturing fish than dipnets. So  
40 average capture per permit is around 94 fish per permit  
41 holder for a fishwheel. Then it's down around 30 for a  
42 dipnet permit.

43

44 What we also see on the Copper River is  
45 that use of different gear types generally people would  
46 prefer to get most of their fish from a fishwheel, but  
47 generally use dipnets to target king salmon near the  
48 mouth of either the Gulkana or Klutina Rivers. At  
49 least that's what we've seen in the fishery over the  
50 years.



1                   That concludes my testimony.

2

3                   CHAIRMAN CHRISTIANSON: Any questions  
4 for Mark or comments.

5

6                   (No comments)

7

8                   CHAIRMAN CHRISTIANSON: I guess I have  
9 one. If we're looking at another season here with a  
10 potentially low escapement and restrictions were in  
11 place last year, what timeframe does that look like  
12 this year? What's the threshold, what's the timeline  
13 that we start to look like that's restrictive in the  
14 event that we have to take some action or is that  
15 something that is inside of our authority on that  
16 river?

17

18                   MR. SOMERVILLE: So basically looking  
19 at the Copper River run I mean we'll start to see  
20 commercial fisheries beginning the week of May 12th and  
21 usually by the 1st of June we'll have some sort of  
22 indication as to whether or not we're looking at a weak  
23 run or some sort of concern. The count at the sonar  
24 would be down at that point. The first actions in that  
25 would be restrictions in the State commercial fishery.

26

27                   Then if we don't see recovery on the  
28 sonar as we travel into June, then we'd probably see  
29 restrictions on the State side in the personal use  
30 fishery. As we develop and look where we're going to  
31 fall in the run, then the final stage, then we'd  
32 probably take some sort of action in the sport fishery,  
33 although that's really a minor component of the overall  
34 harvest.

35

36                   Then finally we would look at perhaps  
37 actions within the State subsistence fishery. I  
38 believe last year that occurred sometime in July. Just  
39 looking at how the run develops I doubt we'll take --  
40 we would have justification to take action in the State  
41 subsistence fishery until sometime in July.

42

43                   CHAIRMAN CHRISTIANSON: Okay. Thank  
44 you. I just wanted for my mind to find out what the  
45 timelines would look like if we're hearing from  
46 multiple testifiers here that there is a conservation  
47 concern on that river and needs aren't being met. I  
48 think the proposal here as far as to try to alleviate  
49 some of the competition out there by providing an  
50 additional method for the subsistence users, but we're

1 hearing also from the users that that might also create  
2 a problem.

3

4                   But when I look at the permit  
5 information here, it's a minimal amount of people  
6 applying for a Federal permit and the amount they're  
7 harvesting in relation to the other fisheries is  
8 minuscule. So I can understand and appreciate where  
9 the testifiers are coming forward with those concerns  
10 as we are very conscious people on our lands and  
11 resources as far as Native people go. They're always  
12 willing to go the extra mile. But I'm also a believer  
13 in providing any means or methods to meet that demand  
14 especially with the lopsided fishery I see happening  
15 here just based on the permit and who uses it.

16

17                   What's kind of disheartening to me in  
18 what I heard here is just the basic distrust that's  
19 happening between the users. We've got one side here  
20 stating there's freezer vans parking along the river  
21 stuffing them full and then I hear the State guy get on  
22 here and there's an enforcement issue because there's  
23 no law enforcement out there and the perception is that  
24 the subsistence user is the person who may or may not  
25 be taking more than they should, yet they're the  
26 priority regardless if there's speculation on who's  
27 doing what. I just have a little heartburn over that  
28 comment myself based on just the information I see  
29 presented to us in the book.

30

31                   It's a similar dilemma as we had  
32 yesterday where we had working groups and relationships  
33 with commissions and we have Regional Advisory Councils  
34 and we hear different opinions or observations that are  
35 happening out there and that's for us to formulate a  
36 plan to do that, but I would hope we could find some  
37 process on the Copper River that starts to build trust  
38 between users sooner than later because we already have  
39 these issues in other drainages. It sounds like we're  
40 kind of heading that way with the Copper River.

41

42                   So I just wanted to get that on the  
43 record and I hope that we can find common ground to  
44 first allow for these fisheries and continue to  
45 hopefully have a robust run, but time of conservation  
46 everybody buys in and does their part. Again, trust is  
47 a big issue. I want to lean on obviously the side of  
48 the subsistence user here and just speak that I know  
49 they're very conscious-minded people.

50

1 Thank you.  
2  
3 Any other discussion by the Board here.  
4  
5 Gene.  
6  
7 MR. PELTOLA: I have a question for Dave  
8 or anybody else who wants to chime in. I looked  
9 through the map on 8528 and that's down below the  
10 Chitina. Spatially, along the drainage, where's the  
11 Federal subsistence harvest located?  
12  
13 MR. SARAFIN: It mostly occurs  
14 associated with accessibility from the road, so there's  
15 down in the Chitina area, the bridge both above and  
16 below Chitina subdistrict and Glennallen subdistrict,  
17 but that's the barrier line. There's Copper Center  
18 area and up at the Slana area and some other areas in  
19 between, Gakona, Chistochina. There's a few access  
20 points. I don't have a breakdown with me. I think  
21 Mark Somerville may have ANS amounts and tracking the  
22 amounts for the three river sections that we go by for  
23 Harvest.  
24  
25 MR. PELTOLA: So we've been discussing  
26 this particular segment of the river. How far up is  
27 this from the mouth? An approximation would be fine.  
28  
29 MR. SARAFIN: Well, could I give you  
30 swimming time of salmon?  
31  
32 (Laughter)  
33  
34 MR. PELTOLA: Actually that would  
35 suffice as well.  
36  
37 MR. SARAFIN: Roughly two weeks travel  
38 time probably is often used to get to the Chitina  
39 subdistrict for the people timing out when to go based  
40 on sonar counts a week and a half to two weeks for  
41 that. The sonar is near the mouth but not right at the  
42 mouth. I would be totally ballparking a guess if it's  
43 100 miles or something to get to the lower boundary of  
44 the district.  
45  
46 MR. PELTOLA: Okay. Thank you.  
47  
48 CHAIRMAN CHRISTIANSON: Chad.  
49  
50 MR. PADGETT: Thank you, Mr. Chair.

1 This question is for Ben. Ben, could you tell us if we  
2 were to adopt this, would it place pressure on the  
3 State to follow suit for more efficient harvest?

4

5 MR. MULLIGAN: Through the Chair, Mr.  
6 Padgett. I would defer to Mr. Somerville because he  
7 understands the fishery more, but that would --  
8 changing gear type would be up to the Board of Fish and  
9 putting in a possible proposal. I'm trying to think  
10 when that cycle would come up. Like I said, I'd defer  
11 to Mr. Somerville on this one if he's still available.

12

13 MR. SOMERVILLE: Yes, I'm still  
14 available. Two things. One, as far as whether or not  
15 we would see a proposal to liberalize the fishery would  
16 possibly be a proposal within the Glennallen  
17 subdistrict subsistence fishery and looking at  
18 deficiencies in there. Currently right now the State  
19 limits people either to use of a fishwheel or to use of  
20 dipnets. So it would be possible to have proposals to  
21 change that to allow multiple gear types within the  
22 State fishery at the same time. In other words,  
23 dipnets and fishwheels at the same time.

24

25 I don't know at this time whether or  
26 not the Department would support those changes. The  
27 fishery, as far as efficiency goes, is plenty of  
28 fishing for the users at this point. There's no  
29 problem with people getting their limits and things  
30 like that or the number of fish they need.

31

32 I'd also like to have an opportunity to  
33 rebut a little bit the comments there by the board  
34 member and I'd like to apologize if in some way I  
35 presented a mistrust with the Federal subsistence  
36 users. That was not my intent. We don't have a  
37 mistrust of Federal subsistence users and my comments  
38 as far as potential illegal activity goes to all the  
39 fisheries and enforcement just becomes more confusing  
40 and just opens up all the fisheries, all the users and  
41 so there's not -- on the Department side we have no  
42 mistrust of the Federal subsistence users at all.  
43 They're the same people that are operating within the  
44 State subsistence fishery. Just people getting a  
45 different permit to access that same fishery.

46

47 Thank you.

48

49 CHAIRMAN CHRISTIANSON: Thank you,  
50 Mark. I appreciate that. I just wanted to make sure

1 we all have the same spirit in mind to provide all the  
2 users with access and make sure people get their needs  
3 met understanding that even the personal use fishery  
4 are people who are sustaining a way of life.

5

6 So thank you.

7

8 MR. SOMERVILLE: Thank you.

9

10 CHAIRMAN CHRISTIANSON: Ben.

11

12 MR. MULLIGAN: Mr. Chair. Just to  
13 follow up on Mr. Padgett. The next Board cycle for  
14 that area would come in 2020-2021 cycle so that would  
15 be the soonest we'd see proposals to modify that  
16 fishery on the State side.

17

18 MR. PADGETT: Thank you. The reason I  
19 bring that up, what my concern is, as we try to align  
20 and work together, if we're taking an action and we're  
21 looking at liberalizing something, it could have an  
22 effect on the State and that's where my concern comes  
23 from.

24

25 CHAIRMAN CHRISTIANSON: Go ahead.

26

27 MR. SARAFIN: This is Dave Sarafin  
28 again. I would like to point out the roots of this  
29 proposal came from finding a difference in what's  
30 actually here saying you can only use one unit at a  
31 time, unit of gear, and the publicly distributed  
32 regulations from which the fishery has been pursued  
33 that says you can use one type of gear at a time. So  
34 presently it's been under this interpretation that the  
35 Federal users would have been using more than one  
36 dipnet or rod and reel at any one time. So that was  
37 that I was trying to find the proper understanding of  
38 how I should be informing the public here on what the  
39 regulation is on that.

40

41 CHAIRMAN CHRISTIANSON: That's a good  
42 point you make. I mean how many fishwheels do they  
43 get.

44

45 MR. SARAFIN: There is a provision  
46 already in the books that it's only one fishwheel at  
47 any one time.

48

49 CHAIRMAN CHRISTIANSON: But not for the  
50 dipnet is basically what you're saying?

1 MR. SARAFIN: Well, it says one unit of  
2 gear at any one time is in the CFR, so one dipnet or  
3 one fishwheel, however it's written as type in the  
4 distributed book. So they'd be able to use multiple if  
5 they follow this, multiple dipnets, but if they  
6 followed the CFR it would be only one dipnet.

7  
8 CHAIRMAN CHRISTIANSON: I thought we  
9 almost had this cleaned up. I appreciate that though.  
10 I think that's what we're trying to clarify here and  
11 what the intent is of our regulation, so thank you.

12  
13 MR. SARAFIN: Sure. You could ask Greg  
14 about how good I am at confusing things.

15  
16 CHAIRMAN CHRISTIANSON: Greg.

17  
18 MR. SIEKANIEC: Thank you, Mr. Chair.  
19 So now I think I lost that one. Two Greg's here. Now  
20 they're both confused? No, just me. Just me.

21  
22 (Laughter)

23  
24 MR. SIEKANIEC: In the booklet people  
25 operate off of like -- if they're going to go dipnet  
26 fishing and they have a permit and they have a group of  
27 four people associated with that permit, they can run  
28 four dipnets.

29  
30 MR. SARAFIN: Correct. From the  
31 booklet.

32  
33 MR. SIEKANIEC: Okay. But if you go  
34 back to the CFR, that could be interpreted as only one  
35 net allowed for that group of four.

36  
37 MR. SARAFIN: Yes. It states one unit  
38 of gear at any one time.

39  
40 MR. SIEKANIEC: And the State's  
41 recommendation is that we stay with that one unit of  
42 gear at any one time.

43  
44 MR. BURCH: For the record, this is  
45 Mark Burch with the Alaska Department of Fish and Game.  
46 I think you can say that we're a bit confused too  
47 exactly where we stand when it comes to the dipnets. I  
48 don't know if Mark is still on the line. I think he  
49 may have signed off. The last I talked with him we  
50 agreed that we were confused about that as well.

1 MR. SIEKANIEC: Thank you, Mark.  
2  
3 CHAIRMAN CHRISTIANSON: Bert.  
4  
5 MR. FROST: If I may, Dave, you can  
6 completely correct me because I'm not the expert here.  
7 From what I understand we're trying to align the  
8 regulation book with the CFR. Is that a correct  
9 statement, Dave?  
10  
11 MR. SARAFIN: That's correct. Then  
12 also add the clarification.  
13  
14 MR. FROST: Yes. So there's a  
15 disconnect between the regulatory printed book and the  
16 CFR. So this action would align that, then it would  
17 clarify that within a permit, if it's a family permit,  
18 that an individual may use only one unit type at a  
19 time. So one person -- so if you had like four people  
20 on a family permit, one person could be operating a  
21 fishwheel, one person could be using a dipnet and one  
22 person could be operating a rod and reel, is that  
23 correct?  
24  
25 MR. SARAFIN: If the proposed language  
26 was adopted, that would be correct, but you would have  
27 to keep in mind other provisions that state the permit  
28 has to be there or you have to immediately record it on  
29 a permit. So it would have to be with you.  
30  
31 MR. FROST: You have to be close to  
32 each other.  
33  
34 MR. SARAFIN: (Nods affirmatively).  
35  
36 MR. FROST: But you could have a  
37 fishwheel, you could have somebody above the fishwheel  
38 fishing with a dipnet, you could have somebody below  
39 the fishwheel with a rod and reel. So the permit is  
40 all right there and you just have to record the fish as  
41 soon as you get it. But you could be using -- on a  
42 household permit, three different individuals could be  
43 using three different types of units. We're just  
44 trying to align the regulatory book with the CFR.  
45  
46 MR. SARAFIN: That part's correct, yes.  
47  
48 CHAIRMAN CHRISTIANSON: Dave here, then  
49 I'll go to Staff.  
50

1 MR. SCHMID: Yeah, that was exactly,  
2 Bert, it was the fishwheel operators that were looking  
3 for more opportunity just as you described it so that  
4 it would align with the regulations, it would clean it  
5 up and it would allow a family to be using multiple  
6 gear within approximate of each other.

7  
8 CHAIRMAN CHRISTIANSON: Jennifer.

9  
10 MS. HARDIN: Thank you, Mr. Chair.  
11 Jennifer Hardin, subsistence policy coordinator for  
12 OSM. I just want to clarify that the regulation that  
13 is in the CFR is the regulation, so that is what's  
14 being discussed for revision right now and then we will  
15 clean up -- these guides that we're referencing, these  
16 are for the public to help them and any kind of change  
17 that you all make to the regulation will be be  
18 duplicated in the summary book.

19  
20 I understand there's a disconnect now,  
21 but what you're discussing to potentially change is the  
22 CFR. That's the regulation that exists. If we have a  
23 mistake in an existing summary booklet, if they don't  
24 line up now, that may be the case, but if you'd make  
25 this change, the summary book will be revised as well.

26  
27 My suggestion would be to maybe  
28 concentrate on the CFR at this point and whether or not  
29 you want to make a change to the existing regulations.

30  
31 Thank you.

32  
33 MR. FROST: So I think you confused him  
34 Jennifer, so let me try here. Currently the CFR and  
35 the regulatory book do not align and Jennifer's point  
36 was what we're debating here is we're only changing the  
37 CFR and regardless of whether we pass this motion or we  
38 oppose this motion the commitment, what I'm hearing  
39 from OSM, is that the regulatory book will be aligned  
40 with the CFR no matter what action we take.

41  
42 But the action we take today if we were  
43 to pass the motion would be more in alignment with what  
44 the current regulatory book says today as opposed to --  
45 so that's sort of irregardless. There's a  
46 reconciliation that has to go on regardless of whether  
47 we pass or not.

48  
49 Did I say that right?

50



1 MS. HARDIN: Through the Chair. Thank  
2 you, Mr. Frost, for making it clear. What I was trying  
3 to communicate is that should you fail to adopt a  
4 change to the CFR, we can still correct the summary  
5 book. That's an outreach tool that we use for the  
6 public and we will correct that. So everything will  
7 line up following whatever action occurs today.

8

9 CHAIRMAN CHRISTIANSON: Greg.

10

11 MR. SIEKANIEC: Thank you, Mr. Chair.  
12 I'm not sure, but I don't think too many people are  
13 carrying around a copy of the CFR and fully  
14 understanding this now, if we can get that corrected  
15 and allow the summary book to allow the public to have  
16 in their hands what it is that they are already  
17 interpreting or expecting, we're probably on the right  
18 path.

19

20 Thank you, Bert, for clearing that up.

21

22 CHAIRMAN CHRISTIANSON: Karen, I think  
23 you have something. You came up to the table.

24

25 MS. LINNELL: Yes, sir. Thank you, Mr.  
26 Chair. It's our concern that if you liberalize this to  
27 allow multiple gear types at the same time, that the  
28 State will mirror that. And already Mr. Somerville and  
29 the State recognize -- and the Park as well, that there  
30 isn't the enforcement necessary to ensure that we're  
31 following the regulations. It's not just the Federal  
32 subsistence users that we're looking at.

33

34 So, for me, it's like let's correct the  
35 Handy Dandy reg book rather than modify what you folks  
36 have already adopted. That's our concern.

37

38 Thank you, Mr. Chair.

39

40 CHAIRMAN CHRISTIANSON: Thank you for  
41 that. I don't know if this is going to lead into a  
42 longer discussion because I can hear my stomach  
43 growling, but so can you get both the personal State  
44 permit and a Federal permit or do you have to pick and  
45 choose? Do you double bag out or what is that process  
46 there? Because I can see myself getting both permits,  
47 fishing under both regs, getting twice as much fish,  
48 because I would. I mean that's just a question to  
49 Staff here.

50

1                   Is there a stipulation on the permit  
2 that says if you're Federally fishing, you're not State  
3 fishing or do you carry both and pull out the card that  
4 works for you when the enforcement officer pulls up to  
5 you and it's probably going to be a State guy at this  
6 moment because there's no Fed? Just a question.

7  
8                   MR. SARAFIN: This is Dave Sarafin.  
9 You cannot combine limits. There's a provision that  
10 the State and Federal limits would not combine.  
11 Typically the Federal regulations have been more  
12 lenient. They're allowing more uses. You can use the  
13 multiple gear types under the permit where the State  
14 you have to select one. So if people are Federally  
15 qualified, they tend to get the Federal permit when  
16 they can.

17  
18                   CHAIRMAN CHRISTIANSON: Thank you. I  
19 just wanted that clarification.

20  
21                   Go ahead, Don.

22  
23                   MR. HERNANDEZ: Thank you, Mr. Chair.  
24 I just have kind of an enforcement question. Should  
25 this proposal be adopted, is there good enough outreach  
26 do you feel in your permitting process with the public  
27 so that they would be able to understand that should  
28 they be out there with a family with essentially one  
29 permit that the reporting requirements -- I mean that  
30 they have to be able to demonstrate that they are  
31 operating as a family with multiple pieces of gear so  
32 if enforcement came around they would have to be able  
33 to show somehow that they were all operating their gear  
34 as a group. Would there be enough outreach to the  
35 public that they would be able to understand that?

36  
37                   MR. SARAFIN: Well, pending the outcome  
38 of the Board's decision what I do when we do permit --  
39 when we issue the permits, we have an informational  
40 sheet with some key points that are commonly  
41 misunderstood that get handed out along with this just  
42 to clarify that. We have plans also on the outcome, we  
43 have discussions with OSM developing language to try to  
44 clearly spell it out, some of the confusion that is  
45 related to this issue.

46  
47                   MR. HERNANDEZ: Thank you. That's good  
48 to hear. I think it's an important aspect to this  
49 proposal.

50

1 CHAIRMAN CHRISTIANSON: Go ahead,  
2 Karen.

3  
4 MS. LINNELL: Thank you, Mr. Chair.  
5 Just for -- my chair reminded me. Sometimes folks get  
6 a Federal permit when they're not really qualified  
7 because they have a summer home that they keep power to  
8 year-round. So that's a concern that we have as well.  
9 It happens quite often in the Chitina area so much so  
10 that the Chitina folks often can't get a mailbox and  
11 they use general delivery. So there's a bit of abuse  
12 in the system that happens. Much like on the State  
13 where you have folks that get their permanent hunting  
14 license and move down south and then they come back and  
15 are able to hunt as Alaska citizens. Just something to  
16 consider as well.

17  
18 Thank you, Mr. Chair.

19  
20 CHAIRMAN CHRISTIANSON: Thank you. Ken  
21 wants to respond to that one.

22  
23 MR. LORD: Karen, I get calls from law  
24 enforcement all the time trying to figure out whether  
25 people are truly residents or just faking it as you  
26 say. So this would be another issue like Rhonda raised  
27 yesterday where reporting would be very helpful in  
28 trying to sort that problem out.

29  
30 MS. LINNELL: Thank you, Mr. Lord.

31  
32 CHAIRMAN CHRISTIANSON: Any other  
33 discussion. I always said if you get a Permanent Fund,  
34 you should get fishing and hunting access and then  
35 determine it on an 804 analysis who gets that access  
36 and how you do it. Take it out of our Permanent Fund  
37 because the price keeps going up.

38  
39 I think we've had enough discussion on  
40 this one. Thank you. That's good clarity. I mean I  
41 think there was a lot of good feedback there. I hope  
42 that helps the Board make the decision on this one.  
43 With that we move on to the Interagency Staff Committee  
44 and their recommendation.

45  
46 MS. HARDIN: Thank you, Mr. Chair. The  
47 Interagency Staff Committee found the staff analysis to  
48 be a thorough and accurate evaluation of the proposal  
49 and that it provides sufficient basis for the Regional  
50 Advisory Council recommendation and Federal Subsistence

1 Board action. The Interagency Staff Committee supports  
2 Fisheries Proposal FP19-16.

3

4 Thank you, Mr. Chair.

5

6 CHAIRMAN CHRISTIANSON: Thank you,  
7 Jennifer.

8

9 Any questions for the ISC.

10

11 (No comments)

12

13 CHAIRMAN CHRISTIANSON: Hearing and  
14 seeing none. We'll move on to the Board discussion.  
15 The Council Chairs or the State Liaison. I think we've  
16 had a lot of general discussion.

17

18 Further discussion.

19

20 (No comments)

21

22 CHAIRMAN CHRISTIANSON: Any further  
23 discussion.

24

25 (No comments)

26

27 CHAIRMAN CHRISTIANSON: Okay. With  
28 that we'll open up the floor.

29

30 Gene.

31

32 MR. PELTOLA: I was really trying to  
33 get myself to a point where I could be supportive of  
34 the concerns expressed by residents who reside out  
35 there via Gloria's presentation. In a sense that to  
36 limit methods and means for Federally qualified users,  
37 when I ran the numbers, the Federally qualified  
38 subsistence harvest is 1 percent of the harvest, which  
39 was presented to us in the two pages that we referred  
40 to.

41

42 We have Regional Advisory Council  
43 support. There's a lot of other issues on the  
44 drainage, but it's hard to try to -- I really tried to  
45 get to a point where I could be very supportive, but in  
46 my mind -- so what I'm hearing is there's more or less  
47 an artificial cap, so to speak by the number of permits  
48 which are issued for subsistence users. So that is not  
49 a conservation concern. It's also not a conservation  
50 concern based on the number of fish that a Federally

1 qualified user takes.

2

3                   Based on the guidance we have as a  
4 Board, I mean I'd love to be able to support. I'm  
5 having a hard time getting there. I just wanted to  
6 make that general comment. There's a lot of other  
7 issues going on on the drainage that I think we could  
8 -- the program could benefit from further collaboration  
9 from the two harvest systems.

10

11                   CHAIRMAN CHRISTIANSON: Thank you,  
12 Gene.

13

14                   Any other Board discussion.

15

16                   (No comments)

17

18                   CHAIRMAN CHRISTIANSON: Hearing none.  
19 I'll open up the floor for a motion.

20

21                   Bert.

22

23                   MR. FROST: So I move that we adopt  
24 FP19-16 and after a second I will speak to my motion.

25

26                   MR. BROWER: Second.

27

28                   CHAIRMAN CHRISTIANSON: Bert.

29

30                   MR. FROST: I intend to vote in favor  
31 of the motion. As we've stated, there are no  
32 conservation concerns with adopting the proposal as the  
33 overall harvest limits would not change. This would  
34 provide additional harvest opportunity for Federally  
35 qualified subsistence users.

36

37                   The proposal was supported both by the  
38 Southcentral RAC and the Eastern Interior RAC and the  
39 Eastern Interior RAC as well as the Wrangell-St. Elias  
40 National Park Subsistence Resource Commission.

41

42                   During the fall 2018 meeting of the  
43 Southcentral RAC questions arose regarding the use of  
44 dipnet or rod and reel at another location while a  
45 fishwheel was being operated by the permitted  
46 household, as well as whether a permitted household  
47 would be able to operate more than one fishwheel at a  
48 time.

49

50                   I believe that these questions could be

1 clarified in the public regulation book and commit the  
2 NPS staff to working with OSM staff to develop such  
3 language. I would go on and say that I hear the  
4 conservation concern that has been expressed during the  
5 public comment period and I'll commit the Park Service  
6 to continue to work with the State to try and resolve  
7 some of those issues, but I think that's outside the  
8 scope of this proposal right now.

9

10 CHAIRMAN CHRISTIANSON: Can I get a  
11 second on that, please.

12

13 MR. FROST: The second already  
14 happened.

15

16 CHAIRMAN CHRISTIANSON: Oh, the second  
17 happened. Sorry. I was listening so hard I missed the  
18 second. All right. The motion has been made and  
19 seconded and the justification for the motion has been  
20 presented.

21

22 Any other discussion by the Board here.

23

24 (No comments)

25

26 CHAIRMAN CHRISTIANSON: Call for the  
27 question.

28

29 MR. SIEKANIEC: Question.

30

31 CHAIRMAN CHRISTIANSON: The question has  
32 been called. Roll call, Tom, please. Read into the  
33 record.

34

35 MR. DOOLITTLE: This is to adopt as  
36 presented FP19-16. National Park Service. Herbert  
37 Frost.

38

39 MR. FROST: Support.

40

41 MR. DOOLITTLE: U.S. Forest Service,  
42 David Schmid.

43

44 MR. SCHMID: I support.

45

46 MR. DOOLITTLE: U.S. Fish and Wildlife  
47 Service, Greg Siekaniec.

48

49 MR. SIEKANIEC: I support because this  
50 will align with the summary of regulations and is also

1 in support of the Southcentral and Eastern Interior  
2 RACs as well as Subsistence Resource Commission.

3

4 I do want to go on record though of a  
5 concern of the overall conservation for the entire  
6 river needs to be a continued area of focus and  
7 discussion with both Federal and State entities. The  
8 enforcement does rise a little bit to my interest of  
9 whether there's something we need to do on the river  
10 from an enforcement standpoint.

11

12 MR. DOOLITTLE: Bureau of Land  
13 Management, Chad Padgett.

14

15 MR. PADGETT: Well I'm really on the  
16 fence on this one. I'm going to clarify a couple  
17 things just in my own head, so bear with me. I really  
18 support what the RAC has said. I also support the more  
19 efficient harvest by the subsistence users. I want to  
20 put that out there first. I would love to defer to the  
21 RAC. However I'm going to oppose this mainly because I  
22 am concerned about what it could impose upon the State  
23 side and we could end up creating more of a concern  
24 with more efficient use on the State side if that makes  
25 sense.

26

27 MR. DOOLITTLE: Thank you for that, Mr.  
28 Padgett.

29

30 Bureau of Indian Affairs, Gene Peltola.

31

32 MR. PELTOLA: I'd request that you come  
33 back to me just before the Chair.

34

35 MR. DOOLITTLE: I can do that.

36

37 Public Member Rhonda Pitka.

38

39 MS. PITKA: I vote to support FP19-16  
40 in deference to the RAC recommendation and also with  
41 the knowledge that the Federal subsistence take is  
42 minimal compared to the State take. I would also like  
43 to echo Mr. Siekaniec's conservation concern as part of  
44 a larger conversation that we need to have for this  
45 particular river. Thank you.

46

47 MR. DOOLITTLE: Thank you, Rhonda.

48

49 Public Member Charlie Brower.

50

1 MR. BROWER: I support as stated.

2

3 Thank you.

4

5 MR. DOOLITTLE: Bureau of Indian  
6 Affairs. Gene Peltola.

7

8 MR. PELTOLA: I vote in support of  
9 FP19-16 with a little explanation. The support of the  
10 Southcentral and Eastern Interior RAC. It's not the  
11 direct take issue, it's a methods and means issue. I  
12 really wanted to be supportive of the local's concerns  
13 of overharvest, but we were presented the numbers.  
14 It's one percent of the harvest, so the conservation  
15 should come elsewhere if subsistence and priority  
16 consumptive use and try to provide for rural priority.  
17 I think it would set a bad precedence if we deny  
18 subsistence opportunity based on expectation for other  
19 user groups.

20

21 MR. DOOLITTLE: Thank you, Gene.

22

23 Chairman Anthony Christianson.

24

25 CHAIRMAN CHRISTIANSON: I support the  
26 proposal in deference to the RAC.

27

28 MR. DOOLITTLE: Thank you. Seven ayes,  
29 one nay. Motion passes.

30

31 CHAIRMAN CHRISTIANSON: I thank  
32 everybody for that this morning. We are going to take  
33 a lunch break. I'm looking at it now. I'm going to  
34 say 1 hour and 20 minutes since we cut the last two  
35 days short. Let's take a good lunch break and come  
36 back and work. 2:00, stretch out, have some lunch and  
37 enjoy it today.

38

39 (Off record)

40

41 (On record)

42

43 CHAIRMAN CHRISTIANSON: Good afternoon.  
44 We're going to get started. When we ended we were on  
45 our final proposal to consider here on the  
46 non-consensus agenda item. Southeast FP19-19.

47

48 MR. DOOLITTLE: Sorry to interrupt the  
49 process right now, but I think one of the most  
50 important parts of engagement is really to make sure on



1 our next breaks to look at the posters to our right  
2 about the ANSEP program and the Summer Bridge program.  
3 Again, the engagement of the Fish and Wildlife Service  
4 and the agencies relative to fostering young leaders  
5 and also something that the Federal Subsistence Program  
6 and all of our partners have been involved with for a  
7 number of years. Please take that time and Staff would  
8 be available to explain any aspects of those projects.

9

10 If I didn't do that, Karen Hyer, who  
11 helps facilitate our ANSEP program would drill me with  
12 her piercing eyes to make sure that we brought that up  
13 as well as the people that participated in the program.  
14 So please do take a look.

15

16 CHAIRMAN CHRISTIANSON: I also want to  
17 make sure those online when we do get to the part where  
18 we have public testimony that the operator makes you  
19 aware of the process to chime in here.

20

21 All right. We'll start with FP19-19,  
22 close Federal waters of Neva Creek, Neva Lake and South  
23 Creek to the harvest of sockeye salmon by non-Federally  
24 qualified users.

25

26 We'll call on Staff to present.

27

28 MR. SUMINSKI: Good afternoon everyone.  
29 My name is Terry Suminski. I work for the Forest  
30 Service as the Fisheries Program Manager for the  
31 Tongass National Forest.

32

33 The analysis can be found on Page 545  
34 of your books. Proposal FP19-19 submitted by Calvin  
35 Casipit of Gustavus, requests that the Federal public  
36 waters of Neva Lake, Neva Creek, and South Creek be  
37 closed to the harvest of Sockeye Salmon by  
38 non-Federally qualified users.

39

40 The proponent states that over the past  
41 few years the subsistence harvest limit for sockeye has  
42 been reduced from 40 to 10 salmon, at the same time  
43 sport harvest and use by nonresidents and unguided  
44 charter boat renters from urban areas in the lower 48,  
45 have continued uncontrolled and unabated. When  
46 contacted by telephone, the proponent further stated  
47 that the combination of reduced limits, low abundance  
48 and harvest by non-Federally qualified users prevents  
49 subsistence users at Neva Creek from meeting their  
50 needs and that it needs to be a meaningful preference

1 for Federally qualified subsistence users.

2

3                   The Neva Creek watershed is located  
4 near the community of Excursion Inlet across Icy  
5 Straits from Hoonah. Neva Lake drains into Neva Creek,  
6 which flows into South Creek before emptying into the  
7 marine waters of Excursion Inlet as shown on Page 549  
8 and on the screen up there.

9

10                   A Fisheries Resource Monitoring Program  
11 weir project estimated the annual escapement of sockeye  
12 salmon into Neva Lake from 2002 to 2005 and from 2008  
13 to 2018. Sockeye salmon escapements have trended  
14 downward over the years of escapement monitoring with  
15 some indication of improvement in the last few years.

16

17                   The positive trend appears to be  
18 continuing based on a preliminary weir count for 2018  
19 for approximately 5,000 sockeye. Residents of Icy  
20 Strait communities primarily Hoonah, Gustavus and  
21 Excursion Inlet and Angoon are the principal Federally  
22 qualified subsistence users of Neva Lake sockeye salmon  
23 as well as non-Federally qualified residents of the  
24 Juneau area.

25

26                   Most subsistence fishing in Neva is  
27 done under the State permit system so harvest reports  
28 from State permits were used to analyze the proposed  
29 regulation.

30

31                   The permit holders community of  
32 residence and gear type are recorded on the State  
33 permits, but not whether salmon were harvested in fresh  
34 or marine waters. However, since some gear types are  
35 typically used in marine waters, such as beach seines  
36 and gillnets and some are only used in freshwater such  
37 as gaffs, dipnets and spears, the water type can be  
38 inferred in most cases.

39

40                   Table 2 in the Staff analysis lists the  
41 harvest of sockeye salmon by residents of the  
42 community. Over the past 10 years about 43 percent of  
43 the harvest of Neva sockeye was by non-Federally  
44 qualified users from the Juneau area. Figure 4 depicts  
45 the inferred location whether saltwater or freshwater  
46 of harvest by qualified and non-qualified users.

47

48                   From 2008 to 2017 an average of 74  
49 sockeye salmon were harvested annually in freshwater by  
50 non-Federally qualified users out of a total annual

1 harvest of 438 sockeye salmon. The reported harvest of  
2 sockeye salmon by all users has declined sharply since  
3 2015 along with sockeye salmon returns to the system  
4 and reduced harvest limits.

5  
6 The Alaska Department of Fish and Game  
7 estimates sport catch from an annual statewide mail  
8 survey. In recent years an average of less than one  
9 surveyed angler reported fishing at Neva or South  
10 Creeks, which does not provide enough data to make a  
11 statistically valid estimate of effort or catch.

12  
13 Charter boat operators and fishing  
14 guides are required to record all salmon caught in the  
15 ADF&G saltwater log books. However, anglers from the  
16 lodge in Excursion Inlet are unguided, so the number of  
17 sockeye salmon caught by clients would be estimated  
18 from the statewide harvest survey. Guided freshwater  
19 effort and harvest is low and the general area is low.

20  
21 Anthropological studies have found some  
22 indication of user conflict regarding salmon fishing in  
23 Neva Lake/South Creek area. One study conducted by  
24 Ratner and Dizard in 2006 several respondents noted  
25 avoidance of the Neva Creek area because of competition  
26 among users.

27  
28 Contentions have also been documented  
29 regarding monitoring and enforcement. Ratner and  
30 Dizard also noted that some Hoonah residents felt that  
31 their subsistence harvest are monitored and restricted  
32 much more closely than non-resident clients of the  
33 Excursion Inlet lodges.

34  
35 The Federal Subsistence Board closure  
36 policy states that the Board will not restrict the  
37 taking of fish and wildlife by users in Federal public  
38 lands other than National Parks and Monuments unless  
39 necessary for the conservation of healthy populations  
40 of fish and wildlife resources or to continue  
41 subsistence users of those populations or for public  
42 safety or administrative purposes or pursuant to other  
43 applicable law.

44  
45 In this case the combination of low  
46 abundance, reduced harvest limits and perceived user  
47 conflict may be discouraging subsistence use of Neva  
48 Lake sockeye salmon. The proposed regulation would  
49 likely have only a modest effect on the abundance of  
50 sockeye salmon available to users, but it would provide

1 primary access to Federally qualified subsistence users  
2 and help reduce user conflicts in the area.

3  
4 The OSM conclusion is to support  
5 Proposal FP19-19.

6  
7 Thank you and I'd be happy to entertain  
8 any questions.

9  
10 CHAIRMAN CHRISTIANSON: Thank you,  
11 Terry.

12  
13 Any questions for Staff.

14  
15 (No comments)

16  
17 CHAIRMAN CHRISTIANSON: Hearing none.  
18 Thank you for that. Summary of public comment.

19  
20 MS. PERRY: Thank you, Mr. Chair.  
21 Members of the Board. Again, for the record, this is  
22 DeAnna Perry, Coordinator for the Southeast Subsistence  
23 Regional Advisory Council. There were no public  
24 comments received on this proposal.

25  
26 Thank you.

27  
28 CHAIRMAN CHRISTIANSON: Thank you. At  
29 this time we'll open the floor to the public. I  
30 believe we do have one online. I'll ask the operator  
31 to -- specifically we were looking for Cal Casipit.

32  
33 OPERATOR: The line is now open.

34  
35 MR. CASIPIT: For the record my name is  
36 Calvin Casipit. I'm the proponent of this Fisheries  
37 Proposal 19-19. The Staff did a really good job with  
38 the Staff analysis in summarizing the concerns and  
39 stuff that I had. I testified at the Regional Advisory  
40 Council meeting as well and I noticed that one comment  
41 from Fish and Game -- I'm just going to make this real  
42 quick because I know you're short of time.

43  
44 There was a comment made orally at the  
45 Southeast Regional Advisory Council meeting that I  
46 should go through the State Board of Fish process. I  
47 just wanted to make sure that the Federal Subsistence  
48 Board knew that in the case for Icy Straits where I am  
49 here that process doesn't work too well because our Icy  
50 Straits Advisory Committee hasn't met in over five

1 years. At least five years that they haven't met and  
2 basically been non-functional for at least five years.  
3 So in their comments to the Council they were  
4 suggesting I go through a process that doesn't quite  
5 work.

6  
7 The other thing -- I know they take  
8 proposals from individuals, but they sure are better  
9 when they come from an advisory council. We just don't  
10 have one for the Icy Straits. So, yeah, they said that  
11 orally, but it's in writing now in their comments to  
12 the Board and I just wanted to make sure you guys knew  
13 that.

14  
15 There's a reason I'm going to the Board  
16 to ask for this, okay.

17  
18 So that concludes my testimony.

19  
20 Thanks.

21  
22 CHAIRMAN CHRISTIANSON: Thank you, Cal.  
23 Any questions, comments for Cal.

24  
25 (No comments)

26  
27 CHAIRMAN CHRISTIANSON: I appreciate  
28 you calling in with that information. Thank you, Cal.  
29 Anybody else online that would like to testify.

30  
31 (No comments)

32  
33 CHAIRMAN CHRISTIANSON: Hearing none.  
34 Anyone in the public, the floor is open.

35  
36 (No comments)

37  
38 CHAIRMAN CHRISTIANSON: Hearing and  
39 seeing none. We'll move on to Regional Council  
40 recommendation.

41  
42 MR. HERNANDEZ: Thank you, Mr. Chair.  
43 Members of the Board. Our Council's comments for this  
44 proposal are on Page 561 of the meeting book. For the  
45 record, my name is Don Hernandez, the Chair of the  
46 Council. The Council unanimously supported FP19-19,  
47 which is closing harvest of sockeye salmon for  
48 non-Federally qualified users in the Federal public  
49 waters of Neva Lake, Neva Creek and South Creek.

50

1                   The justification was as follows: The  
2 Council identified a conservation concern based on  
3 information presented. In reviewing the analysis  
4 provided, escapements looked to be down and it looks as  
5 though the 2016 harvest bag limit cannot be filled.  
6 The Council discussed undocumented take from unguided  
7 sport fish survey and Council members shared firsthand  
8 knowledge and experience.

9  
10                   It is believed that there is a very  
11 high amount of non-Federally qualified sport fishing  
12 that goes on in fresh waters. It is known to exist,  
13 but is poorly documented. However, anecdotal evidence  
14 suggests a fair impact on subsistence users. The  
15 analysis shows documented user conflict.

16  
17                   The Council's recommendation on this  
18 proposal is supported by the available evidence and  
19 also by information and testimony from a Council member  
20 with lifelong experience with Neva Creek. The Council  
21 values this traditional ecological knowledge and along  
22 with the biological knowledge of this area the Council  
23 adopts this proposal to help ensure primary access to  
24 this resource is by Federally qualified subsistence  
25 users and may also help to reduce user conflicts.

26  
27                   The Council does not believe that  
28 restricting the take of sockeye by non-Federally  
29 qualified users is an unnecessary restriction. Those  
30 were the actions taken by the Council on this proposal.

31  
32                   Thank you.

33  
34                   CHAIRMAN CHRISTIANSON: Thank you, Don.

35  
36                   Any questions for the Chair.

37  
38                   (No comments)

39  
40                   CHAIRMAN CHRISTIANSON: Hearing and  
41 seeing none. Thank you.

42  
43                   Tribal, Alaska Native corp comments.

44  
45                   MR. LIND: Thank you, Mr. Chair.  
46 Orville Lind, Native Liaison for the Office of  
47 Subsistence Management. During the consultation  
48 session there were no comments or questions on FP19-19.

49  
50                   Thank you, Mr. Chair.

1 CHAIRMAN CHRISTIANSON: Thank you.  
2 We'll move to Alaska Department of Fish and Game  
3 comments.

4  
5 MR. MULLIGAN: Thank you, Mr. Chair.  
6 Alaska Department of Fish and Game opposes this  
7 proposal. At this time we don't believe there's a  
8 conservation concern for the run and also, as you can  
9 see from the data that we do have available that this  
10 is a heavily used system by sport fishermen in State  
11 subsistence as you can see from angler days and the  
12 guided record there as far as how many folks are going  
13 over there.

14  
15 Thank you.

16  
17 CHAIRMAN CHRISTIANSON: Thank you.

18  
19 Any questions, discussion for the  
20 State.

21  
22 (No comments)

23  
24 CHAIRMAN CHRISTIANSON: Hearing and  
25 seeing none. Thank you. Interagency Staff Committee  
26 comments for Fisheries Proposal FP19-19 begin on Page  
27 561 of your meeting materials. The Interagency Staff  
28 Committee found the staff analysis to be a thorough and  
29 accurate evaluation of the proposal and that it  
30 provides sufficient basis for the Regional Advisory  
31 Council recommendation and Federal Subsistence Board  
32 action on the proposal.

33  
34 The Interagency Staff Committee  
35 supports Fisheries Proposal FP19-19, but suggests  
36 additional outreach efforts to ensure that the public  
37 is informed that the intent of the closure is to allow  
38 harvest of sockeye salmon on Neva Lake, Neva Creek, and  
39 South Creek by Federally qualified subsistence users  
40 only. If this proposal is adopted, all sockeye salmon  
41 incidentally caught by other users fishing in these  
42 areas must be released alive. Due to the popularity of  
43 these areas by all user groups, the ISC  
44 recommends the public be widely informed of this change  
45 well in advance of the upcoming fishing season.

46  
47 Thank you, Mr. Chair.

48  
49 CHAIRMAN CHRISTIANSON: Thank you. Any  
50 questions for the ISC.

1 (No comments)

2

3 CHAIRMAN CHRISTIANSON: Hearing none.  
4 Board discussion with Council Chair and State Liaison.

5

6 (No comments)

7

8 CHAIRMAN CHRISTIANSON: That was a good  
9 lunch. It got quiet up here. All right. We'll move on  
10 to Federal Subsistence Board action.

11

12 MR. SCHMID: Yes, Mr. Chair. I move to  
13 adopt Proposal FP19-19 as submitted by Calvin Casipit  
14 of Gustavus. This proposal is shown on Page 546 of the  
15 Board book. Following a second I'll explain why I  
16 support this proposal.

17

18 MR. BROWER: Second.

19

20 CHAIRMAN CHRISTIANSON: There's a  
21 second.

22

23 Go Dave.

24

25 MR. SCHMID: The proposed regulation  
26 would provide Federally qualified subsistence users a  
27 subsistence priority to this resource in Federal public  
28 waters of Neva Lake, Neva Creek and South Creek. This  
29 proposal is supported by the Southeast Subsistence  
30 Regional Advisory Council. The lower abundance of  
31 sockeye salmon and an important subsistence fishing  
32 site combined with the reduced harvest limits has made  
33 it more difficult for subsistence users to meet their  
34 needs for sockeye salmon.

35

36 Under ANILCA Section 815 in the Board's  
37 implementation policy the Board may restrict the taking  
38 of fish and wildlife by non-Federally qualified  
39 subsistence users on Federal public lands if necessary  
40 to protect the continued subsistence uses of those  
41 populations or for the conservation of healthy  
42 populations of fish and wildlife.

43

44 The proposal would also help reduce the  
45 user conflicts in a location with documented unreported  
46 harvest and enforcement issues. The low abundance of  
47 sockeye salmon, the resulting reduced harvest limits  
48 and the perception of user conflict are the primary  
49 reasons for the decline in subsistence use of this  
50 resource.



1                   Due to the popularity of these areas by  
2 all user groups I would also recommend that the public  
3 be widely informed of this change well in advance of  
4 the upcoming fishing season if the Board chooses to  
5 adopt this proposal.

6  
7                   Thank you.

8  
9                   CHAIRMAN CHRISTIANSON: Thank you,  
10 Dave.

11  
12                   Questions.

13  
14                   (No comments)

15  
16                   CHAIRMAN CHRISTIANSON: Discussion.

17  
18                   (No comments)

19  
20                   CHAIRMAN CHRISTIANSON: Hearing and  
21 seeing none, call for the question.

22  
23                   MR. BROWER: Question.

24  
25                   CHAIRMAN CHRISTIANSON: The question  
26 has been called. Tom, will you please read that into  
27 the record and roll call.

28  
29                   MR. DOOLITTLE: This is to adopt Fishery  
30 Proposal 19-19.

31  
32                   We'll start with Public Member Rhonda  
33 Pitka.

34  
35                   MS. PITKA: I vote in support of FP19-19  
36 for the reasons that were outlined by the Regional  
37 Advisory Council citing the conservation concern, the  
38 lower abundance of sockeye salmon and the documented  
39 user conflict.

40  
41                   Thank you.

42  
43                   MR. DOOLITTLE: Thank you, Rhonda.

44  
45                   Public Member Charlie Brower.

46  
47                   MR. BROWER: I support.

48  
49                   MR. DOOLITTLE: National Park Service,  
50 Herbert Frost.

1 MR. FROST: I support for the reasons  
2 that have been previously outlined.  
3  
4 MR. DOOLITTLE: Bureau of Land  
5 Management, Chad Padgett.  
6  
7 MR. PADGETT: I support for stated  
8 reasons.  
9  
10 MR. DOOLITTLE: U.S. Fish and Wildlife  
11 Service, Greg Siekaniec.  
12  
13 MR. SIEKANIEC: I support FP19-19 in  
14 deference to the Southeast Regional Advisory Council  
15 and the idea that it would reduce harvest conflicts  
16 among users.  
17  
18 MR. DOOLITTLE: U.S. Forest Service,  
19 David Schmid.  
20  
21 MR. SCHMID: Yes, I support for the  
22 reasons I just stated.  
23  
24 Thank you.  
25  
26 MR. DOOLITTLE: Bureau of Indian  
27 Affairs, Gene Peltola.  
28  
29 MR. PELTOLA: I vote to adopt FP19-19  
30 in support of the Southeast Regional Advisory Council  
31 in addition to preserving the priority consumptive use.  
32  
33 MR. DOOLITTLE: Thank you, Gene.  
34  
35 Last but not least, Chairman Anthony  
36 Christianson.  
37  
38 CHAIRMAN CHRISTIANSON: I support in  
39 deference to the RAC.  
40  
41 MR. DOOLITTLE: Motion passes  
42 unanimously.  
43  
44 CHAIRMAN CHRISTIANSON: Thank you,  
45 Staff. You did a wonderful job in your presentations  
46 to us. I'll give Staff a couple minutes to go over the  
47 consensus agenda items.  
48  
49 (Pause)  
50

1                   CHAIRMAN CHRISTIANSON: Yeah, we're  
2 just getting our consensus agenda items in line because  
3 we adopted some things that we have to add to the list  
4 and then we have to do some action after that so we  
5 just want to make sure that we get it appropriate for  
6 the record.

7  
8                   Here we are. It's time to present the  
9 consensus agenda that's in the book.

10  
11                  Go ahead, Staff.

12  
13                  MR. RISDAHL: Thank you, Mr. Chairman.  
14 Members of the Board. For the record, my name is Greg  
15 Risdahl, the Fisheries Division Leader for OSM. The  
16 following are brief summaries of the fisheries  
17 proposals on the consensus agenda as well as the  
18 recommendation for each proposal and what page each  
19 proposal occurs in your Board book.

20  
21                  Again, the Board retains final  
22 authority for removal of proposals from the consensus  
23 agenda. The Board will take final action on the  
24 fisheries proposals on the consensus agenda shortly.  
25 These proposals begin on Page III of your Board book.

26  
27                  FP19-02 Modify closures prior to Yukon  
28 River commercial season openers. The recommendation is  
29 to oppose. That's found on Page 1 of your Board book.

30  
31                  FP19-03/04 Modify closures prior to,  
32 during and after Yukon River commercial openings. The  
33 recommendation is to oppose. That begins on Page 29 in  
34 your Board book.

35  
36                  FP19-05 Remove fin clipping  
37 restrictions on Yukon River subsistence caught fish.  
38 The recommendation is to support as modified by OSM.  
39 That proposal begins on Page 61 of your Board book.

40  
41                  FP19-06 Adds protections to the first  
42 pulse of Yukon River fish. The recommendation is to  
43 oppose. That proposal begins on Page 83 of your Board  
44 book.

45  
46                  FP19-07 Makes dipnets legal gear for  
47 harvest of salmon in the Yukon River. The  
48 recommendation for that proposal is to support as  
49 modified by OSM and begins on Page 105 of your Board  
50 book.

1 FP17-05 was taken off the consensus  
2 agenda and you dealt with that yesterday.

3  
4 FP19-08 Specifies restrictions to  
5 subsistence gillnet use in the Kuskokwim River from  
6 June 1 to July 25th. The recommendation is to oppose  
7 and that begins on Page 165 of your Board book.

8  
9 FP19-12 Revise the Kasilof River  
10 experimental community gillnet fishery. The  
11 recommendation is to support as modified by OSM. That  
12 begins on Page 245 of your Board book.

13  
14 FP19-15 Move the requirements to check  
15 a fishwheel from the owner to operators. The  
16 recommendation is to support that proposal and it  
17 begins on Page 271 of your Board book.

18  
19 FP19-17 Revises customary and  
20 traditional use determinations for all fish for the  
21 Yakutat and Southeastern Alaska areas. The  
22 recommendation is to support this proposal and it  
23 begins on Page 291 of your Board book.

24  
25 The last fish proposal on the consensus  
26 agenda is FP19-18. It revises gillnet restrictions in  
27 the Stikine River subsistence fishery. The  
28 recommendation is to support as modified by OSM. It  
29 begins on Page 331 of your Board book.

30  
31 Thank you.

32  
33 CHAIRMAN CHRISTIANSON: Thank you for  
34 the presentation.

35  
36 Go ahead, Robbin.

37  
38 MS. LAVINE: I believe at this point in  
39 time we are looking for the Board to adopt this  
40 consensus agenda. As long as -- I think we first open  
41 public testimony or have we proceeded beyond that?

42  
43 MR. DOOLITTLE: What we can do right  
44 here with this -- Orville, were there any tribal  
45 consultation or any comments relative to the tribes?

46  
47 MR. LIND: There was only one request  
48 for 19-08, just asking for a brief overview of the  
49 19-08 and that was it.

50

1 Thank you, Mr. Chair.  
2  
3 MR. DOOLITTLE: Then we can move on to  
4 Board discussion.  
5  
6 CHAIRMAN CHRISTIANSON: The floor is  
7 open. Discussion, deliberation or a motion.  
8  
9 Go ahead, Gene.  
10  
11 MR. PELTOLA: Mr. Chair. Lacking any  
12 discussion or deliberation, I'd like to make a motion  
13 to accept the consensus agenda as presented.  
14  
15 MR. FROST: Second.  
16  
17 CHAIRMAN CHRISTIANSON: Any further  
18 discussion, deliberation.  
19  
20 (No comments)  
21  
22 CHAIRMAN CHRISTIANSON: Call for the  
23 question.  
24  
25 MR. BROWER: Question.  
26  
27 CHAIRMAN CHRISTIANSON: The question  
28 has been called. All in favor -- oh, okay. Let's read  
29 it in.  
30  
31 MR. DOOLITTLE: Again this is to adopt  
32 the consensus agenda and I'd like to have a roll call  
33 vote on this, please. National Park Service, Herbert  
34 Frost.  
35  
36 MR. FROST: Support.  
37  
38 MR. DOOLITTLE: Bureau of Land  
39 Management, Chad Padgett.  
40  
41 MR. PADGETT: Support.  
42  
43 MR. DOOLITTLE: U.S. Fish and Wildlife  
44 Service, Greg Siekaniec.  
45  
46 MR. SIEKANIEC: I support.  
47  
48 MR. DOOLITTLE: U.S. Forest Service,  
49 David Schmid.  
50

1 MR. SCHMID: I support.  
2  
3 MR. DOOLITTLE: Bureau of Indian  
4 Affairs, Gene Peltola.  
5  
6 MR. PELTOLA: Support.  
7  
8 MR. DOOLITTLE: Public Member, Rhonda  
9 Pitka.  
10  
11 MS. PITKA: Support.  
12  
13 MR. DOOLITTLE: Public Member, Charlie  
14 Brower.  
15  
16 MR. BROWER: Support.  
17  
18 MR. DOOLITTLE: Chairman Anthony  
19 Christianson.  
20  
21 CHAIRMAN CHRISTIANSON: I support.  
22  
23 MR. DOOLITTLE: The consensus agenda has  
24 been passed. Motion passed.  
25  
26 Thank you.  
27  
28 CHAIRMAN CHRISTIANSON: Take five to  
29 ten minutes to allow Staff to get this in order so we  
30 can move on to the next stage.  
31  
32 (Off record)  
33  
34 (On record)  
35  
36 CHAIRMAN CHRISTIANSON: Theo.  
37  
38 MR. MATUSKOWITZ: Mr. Chair. Members  
39 of the Board. I'm Theo Matuskowitz, regulations  
40 specialist for Subsistence Management. At this time  
41 the Staff would like to recommend that you take action  
42 on companion temporary special actions addressing the  
43 proposals, both consensus and non-consensus agenda  
44 items that you have previously adopted.  
45  
46 This action is needed based on the  
47 lapse in funding that we recently went through and the  
48 entire cycle being pushed back quite a few months. The  
49 intent is to implement the regulations that you have  
50 passed immediately. Based on the timeline that it

1 would take to publish these new regulations in the  
2 Federal Register it would have a negative effect on  
3 subsistence users since the new regs would not be in  
4 effect until it's published. So by doing a special  
5 action, once, again, they would be in place  
6 immediately.

7  
8 The special actions would end upon  
9 publication of the fish final rule in the Federal  
10 Register. The analysis that was used in the fish  
11 proposals themselves is the same analysis that apply to  
12 these special actions. You are, of course, since these  
13 are temporary special actions, we are required to have  
14 a public hearing and I would recommend that you use  
15 your green cards that at your table and it covers the  
16 process that we're going to go through.

17  
18 So at this time I will go ahead and  
19 turn it over to Scott and Jennifer.

20  
21 MR. AYERS: Mr. Chair. Members of the  
22 Board. We have a new activity for the group. So as  
23 Theo said, we have companion special actions for both  
24 the non-consensus and consensus agenda, and, again this  
25 is for immediate implementation of all of the proposals  
26 that were just adopted.

27  
28 This will be action only on proposals  
29 where there was Board action in the affirmative for  
30 change, as if there was no action then there would be  
31 no change to the regulations and no need for this.

32  
33 So the first set of -- what you see on  
34 the screen in front of you is the original proposal  
35 with the top column there:

36  
37 FP19-01 Yukon River subsistence gillnet  
38 use and depth restrictions in 4B and 4C and the  
39 companion special action number is FSA19-04.

40  
41 Okay. And so this first table provides  
42 all of the companion special actions No. 4 through No.  
43 9 for the items on the non-consensus agenda.

44  
45 Go to the next slide please.

46  
47 And this table provides all of the  
48 companion special actions for those items that were on  
49 the consensus agenda. So, again, numbers 9 -- pardon  
50 me, No. 10 through No. 14.

1 Next slide please.  
2  
3 Okay, I got this. There we go process  
4 slide, thank you.  
5  
6 So as it says on your green cards, we  
7 will do a public hearing on the group where folks can  
8 speak to any of the companion special actions that they  
9 wish to do.  
10  
11 The next step would be the Regional  
12 Advisory Chair input on the proposals, on the temporary  
13 special actions.  
14  
15 Tribal or Alaska Native Corporation  
16 consultation.  
17  
18 Comments from the Alaska Department of  
19 Fish and Game.  
20  
21 InterAgency Staff Committee.  
22  
23 And then following that there will be  
24 Board action.  
25  
26 We will take this up as a group for the  
27 full process but once we get to Board action there will  
28 be motions for each independent temporary special  
29 action.  
30  
31 Please let me know if there are any  
32 questions.  
33  
34 CHAIRMAN CHRISTIANSON: Any questions  
35 for Staff.  
36  
37 (No comments)  
38  
39 CHAIRMAN CHRISTIANSON: So just for  
40 clarification again we're going to go through the  
41 public process for all companion temporary special  
42 actions so when we do open it up here for the public  
43 hearing, that will be your opportunity to speak to all  
44 of, how many?  
45  
46 MR. DOOLITTLE: 14.  
47  
48 CHAIRMAN CHRISTIANSON: 14 of them.  
49 And so that's how our public process will be held  
50 today. Just so we have clarity to the public. Now is



1 your opportunity to speak to the work that we've  
2 already adopted as a Board here this week. But as  
3 Staff presented to us, the time that this would get  
4 posted in the Register is beyond the window that many  
5 of these regulations are required to be, so this is  
6 your opportunity to speak and then after, when we go  
7 into the Board deliberation we'll do it motion by  
8 motion per.

9

10 So I just needed to say that out loud  
11 for myself so here we go.

12

13 MR. DOOLITTLE: Okay. This is  
14 officially the first part of this segment for the 14  
15 proposals relative to a public hearing.

16

17 If there's no one that comes up, again,  
18 we'll give sufficient time for people on the phone, in  
19 the audience, if there are any further comments on  
20 these previously approved proposals. So at this time  
21 the public hearing is now open.

22

23 CHAIRMAN CHRISTIANSON: And operator  
24 please advise those on line on the process to chime in.

25

26 OPERATOR: Thank you. As a reminder to  
27 address the Board, please press star one.

28

(Pause)

29

(No comments)

30

31 CHAIRMAN CHRISTIANSON: We're just  
32 allowing time for the public. So if it seems like it's  
33 a pause here we're just making sure people have ample  
34 opportunity to.

35

(Pause)

36

37 CHAIRMAN CHRISTIANSON: And really  
38 hearing none or seeing none, we'll move on to the  
39 second part of it is to consultation with the Regional  
40 Advisory Council.

41

Tom.

42

43 MR. DOOLITTLE: Yeah, just to make it  
44 official that now the public hearing process is  
45 officially over. Thank you for the patronization of  
46 that particular part of this exercise because it's

1 really an important, you know, part of the whole entire  
2 process to make sure that we have our diligence to be  
3 able enforce this properly.

4

5 Thank you.

6

7 CHAIRMAN CHRISTIANSON: All right,  
8 we'll move on to consultation with the Regional  
9 Advisory Council Chairs on any of the proposals,  
10 special actions, before us today. This is your  
11 opportunity to speak.

12

13 (No comments)

14

15 CHAIRMAN CHRISTIANSON: Hearing and  
16 seeing none we'll move on to consultation with tribal  
17 or Alaska Native Corp.

18

19 Orville.

20

21 MR. LIND: Not seeing any, Mr.

22 Chairman.

23

24 CHAIRMAN CHRISTIANSON: All right.  
25 Consultation with the Alaska Department of Fish and  
26 Game.

27

28 MR. MULLIGAN: Mr. Chair. We've  
29 already read our comments for the proposals that are  
30 reflected in these special actions so no more comments.

31

32 CHAIRMAN CHRISTIANSON: Thank you,  
33 appreciate that.

34

35 InterAgency Staff Committee.

36

37 MS. HARDIN: Thank you, Mr. Chair.  
38 Similarly, the InterAgency Staff Committee comments  
39 related to each of these regulatory proposals was  
40 already read into the record.

41

42 Thank you.

43

44 CHAIRMAN CHRISTIANSON: Thank you.  
45 With that we open up the Board for action.

46

47 MR. PELTOLA: Mr. Chair. I'd like to  
48 make a motion.

49

50 CHAIRMAN CHRISTIANSON: Gene.

1 MR. PELTOLA: As a reminder, this  
2 motion and any subsequent Federal Subsistence Board  
3 action will serve as a bridge prior to the  
4 implementation that the Board approved 2019-2020 [sic]  
5 fisheries regulations.

6  
7 So I move to adopt Fisheries Special  
8 Action 19-04, following a second I'll provide my  
9 rationale.

10  
11 MR. BROWER: Second.

12  
13 CHAIRMAN CHRISTIANSON: Second.

14  
15 MR. PELTOLA: Thank you. I intend to  
16 vote in support of this fisheries special action based  
17 on the OSM analysis provided in the Board book for the  
18 accompanying appropriate fisheries proposal, along with  
19 this Board and Regional Advisory Council  
20 recommendations.

21  
22 CHAIRMAN CHRISTIANSON: Thank you.

23  
24 Any discussion.

25  
26 (No comments)

27  
28 CHAIRMAN CHRISTIANSON: Call for the  
29 question.

30  
31 MS. PITKA: Question.

32  
33 CHAIRMAN CHRISTIANSON: Question's been  
34 called, roll call.

35  
36 MR. DOOLITTLE: This is for non-  
37 consensus companion temporary special action FSA19-04  
38 to approve.

39  
40 Public Member Rhonda Pitka.

41  
42 MS. PITKA: Approve.

43  
44 MR. DOOLITTLE: Public Member Charlie  
45 Brower.

46  
47 MR. BROWER: Support.

48  
49 MR. DOOLITTLE: National Park Service,  
50 Herbert Frost.

1 MR. FROST: Support.  
2  
3 MR. DOOLITTLE: Bureau of Land  
4 Management, Chad Padgett.  
5  
6 MR. SHARP: BLM supports.  
7  
8 MR. DOOLITTLE: U.S. Fish and Wildlife  
9 Service, Greg Siekaniec.  
10  
11 MR. SIEKANIEC: I support.  
12  
13 MR. DOOLITTLE: U.S. Forest Service,  
14 David Schmid.  
15  
16 MR. SCHMID: I support.  
17  
18 MR. DOOLITTLE: And Bureau of Indian  
19 Affairs, Gene Peltola.  
20  
21 MR. PELTOLA: Support.  
22  
23 MR. DOOLITTLE: Last but not least,  
24 Chairman Anthony Christianson.  
25  
26 CHAIRMAN CHRISTIANSON: I support.  
27  
28 MR. DOOLITTLE: Okay. Motion is  
29 approved.  
30  
31 CHAIRMAN CHRISTIANSON: Okay, we'll  
32 move to the next one.  
33  
34 MR. FROST: Can I make a point of  
35 order, I don't know if this is right or wrong, but can  
36 we mix up the voting so that Rhonda and I aren't always  
37 the first ones to vote.  
38  
39 (Laughter)  
40  
41 MR. FROST: I mean I understand Tony  
42 has to be the last but everybody needs the opportunity  
43 to go first.  
44  
45 (Laughter)  
46  
47 MR. FROST: Are you all right with that  
48 Rhonda.  
49  
50 MS. PITKA: I don't mind voting first.

1 (Laughter)  
2  
3 MR. FROST: I just think we should  
4 treat everybody equally.  
5  
6 MS. PITKA: I'm okay with it.  
7  
8 (Laughter)  
9  
10 MR. SIEKANIEC: And now what do you  
11 think Bert.  
12  
13 (Laughter)  
14  
15 MR. FROST: I still think everybody  
16 ought to have the opportunity to go first.  
17  
18 (Laughter)  
19  
20 CHAIRMAN CHRISTIANSON: I think that's  
21 a good one.  
22  
23 MR. DOOLITTLE: Well, considering we  
24 have 13 more to go, Board Member Frost, I would be glad  
25 to accommodate that.  
26  
27 MR. FROST: Well, I think we should do  
28 it continuously not just for this exercise.  
29  
30 (Laughter)  
31  
32 MR. FROST: This should be a standing  
33 operating procedure.  
34  
35 MR. DOOLITTLE: I'll put it into a  
36 random generator, Sir.  
37  
38 MR. FROST: There you go.  
39  
40 (Laughter)  
41  
42 MR. DOOLITTLE: Thank you, Sir.  
43  
44 CHAIRMAN CHRISTIANSON: What are we  
45 doing now?  
46  
47 MR. DOOLITTLE: Do FS19-05.  
48  
49 CHAIRMAN CHRISTIANSON: 9-05, we'll  
50 entertain a motion.

1 MR. PELTOLA: Yes, Mr. Chair, I'd like  
2 to move to adopt fisheries special action FSA19-05,  
3 following a second I'll provide my rationale.  
4  
5 MS. PITKA: Second.  
6  
7 MR. BROWER: Second.  
8  
9 MR. PELTOLA: Okay, Mr. Chair. I'll be  
10 voting in support of this fisheries special action  
11 based on the OSM analysis provided in the Board book  
12 for the accompanying fisheries proposal along with this  
13 Board and Regional Advisory Council recommendation.  
14  
15 CHAIRMAN CHRISTIANSON: Any further  
16 discussion.  
17  
18 (No comments)  
19  
20 CHAIRMAN CHRISTIANSON: Hearing and  
21 seeing none, call for the question.  
22  
23 MR. SCHMID: Question.  
24  
25 CHAIRMAN CHRISTIANSON: Question's been  
26 called. Roll call, not starting with Bert.  
27  
28 (Laughter)  
29  
30 MR. DOOLITTLE: Absolutely. U.S.  
31 Forest Service, David Schmid.  
32  
33 MR. SCHMID: I support.  
34  
35 MR. DOOLITTLE: Bureau of Indian  
36 Affairs, Gene Peltola.  
37  
38 MR. PELTOLA: Support.  
39  
40 MR. DOOLITTLE: Bureau of Land  
41 Management, Chad Padgett.  
42  
43 MR. SHARP: BLM supports.  
44  
45 MR. DOOLITTLE: Public Member Rhonda  
46 Pitka.  
47  
48 MS. PITKA: I support.  
49  
50 MR. DOOLITTLE: National Park Service,

1 Herbert Frost.  
2  
3 MR. FROST: I support.  
4  
5 MR. DOOLITTLE: U.S. Fish and Wildlife  
6 Service, Greg Siekaniec.  
7  
8 MR. SIEKANIEC: I support.  
9  
10 MR. DOOLITTLE: Public Member Charlie  
11 Brower.  
12  
13 MR. BROWER: Support.  
14  
15 MR. DOOLITTLE: And Chairman Anthony  
16 Christianson.  
17  
18 CHAIRMAN CHRISTIANSON: I support.  
19  
20 MR. DOOLITTLE: Okay, the motion is  
21 approved.  
22  
23 CHAIRMAN CHRISTIANSON: All right,  
24 we'll move on. Thank you guys for that one, we'll move  
25 on to the next one. We're enjoying ourselves too much.  
26  
27 MR. PELTOLA: Mr. Chair. I move to  
28 adopt fisheries special action 19-06, following a  
29 second I'll provide rationale.  
30  
31 MR. BROWER: Second.  
32  
33 MR. PELTOLA: I'll be voting in support  
34 of this fisheries special action based on the OSM  
35 analysis provided in the Board book for the  
36 accompanying fisheries proposal along with this Board  
37 and Regional Advisory Council recommendation.  
38  
39 CHAIRMAN CHRISTIANSON: Open for  
40 discussion.  
41  
42 (No comments)  
43  
44 CHAIRMAN CHRISTIANSON: Hearing and  
45 seeing none, we'll call for the question.  
46  
47 MR. SIEKANIEC: Question.  
48  
49 CHAIRMAN CHRISTIANSON: Question's been  
50 called. Tom.

1 MR. DOOLITTLE: Yeah, and considering  
2 that it's unanimous I think that we could probably  
3 shorten up the process and then we wouldn't have to go  
4 through the laborious motions of individual roll call  
5 but that would even make it more smoothly.

6  
7 CHAIRMAN CHRISTIANSON: Yeah, we can do  
8 that on the next one.

9  
10 MR. DOOLITTLE: And on the next one we  
11 can do that. And then also as part of the request of  
12 Mr. Brower, I'm going to actually ask Charlie Brower if  
13 he would vote first on FSA19-06 to approve.

14  
15 MR. BROWER: Move to support.

16  
17 MR. DOOLITTLE: It would actually be  
18 07, correct, yeah, 07.

19  
20 Public Member Rhonda Pitka.

21  
22 MR. FROST: It's 06, supporting.

23  
24 MS. PITKA: It says 06 on the Board.

25  
26 CHAIRMAN CHRISTIANSON: It is 06.

27  
28 MS. PITKA: But I support it.

29  
30 MR. DOOLITTLE: It is 06, excuse me.

31  
32 CHAIRMAN CHRISTIANSON: So it is 06,  
33 just let the record reflect that we're on 06 and we're  
34 doing roll call.

35  
36 Okay, BLM, Chad Padgett.

37  
38 MR. SHARP: The BLM supports.

39  
40 MR. DOOLITTLE: U.S. Fish and Wildlife  
41 Service, Greg Siekaniec.

42  
43 MR. SIEKANIEC: Support.

44  
45 MR. DOOLITTLE: National Park Service,  
46 Herbert Frost.

47  
48 MR. FROST: Support.

49  
50 MR. DOOLITTLE: U.S. Forest Service,



1 David Schmid.  
2  
3 MR. SCHMID: I support.  
4  
5 MR. DOOLITTLE: Bureau of Indian  
6 Affairs, Gene Peltola.  
7  
8 MR. PELTOLA: Support.  
9  
10 MR. DOOLITTLE: Public Member Rhonda  
11 Pitka.  
12  
13 MS. PITKA: I already voted but I still  
14 support it.  
15  
16 MR. DOOLITTLE: Okay. Sorry about  
17 that. Chairman Anthony Christianson.  
18  
19 CHAIRMAN CHRISTIANSON: I support.  
20  
21 MR. DOOLITTLE: Okay, motion approved.  
22  
23 CHAIRMAN CHRISTIANSON: You're doing a  
24 good job. We'll move on to the next one.  
25  
26 MR. PELTOLA: Mr. Chair. I move to  
27 adopt fisheries special action 19-07, following a  
28 second I'll provide rationale.  
29  
30 MR. BROWER: Second.  
31  
32 MR. PELTOLA: Mr. Chair. I'll be  
33 voting in support of this fisheries special action  
34 based on the OSM analysis provided in the Board book  
35 for the accompanying fisheries proposal along with this  
36 Board and Regional Advisory Council recommendation.  
37  
38 CHAIRMAN CHRISTIANSON: There's a  
39 motion on the floor, any discussion.  
40  
41 (No comment)  
42  
43 CHAIRMAN CHRISTIANSON: Hearing  
44 none, all in favor signify by saying aye.  
45  
46 IN UNISON: Aye.  
47  
48 CHAIRMAN CHRISTIANSON: Opposed same  
49 sign.  
50

1 (No opposing votes)  
2  
3 CHAIRMAN CHRISTIANSON: Motion carries  
4 unanimously.  
5  
6 MR. SIEKANIEC: Bert had to go first.  
7  
8 (Laughter)  
9  
10 MR. FROST: I'm never going to live  
11 this one down.  
12  
13 (Laughter)  
14  
15 MR. FROST: But I got my point across.  
16  
17 MR. DOOLITTLE: You did.  
18  
19 (Laughter)  
20  
21 CHAIRMAN CHRISTIANSON: All right,  
22 we'll move on to the next one.  
23  
24 MR. DOOLITTLE: 08.  
25  
26 MR. PELTOLA: Mr. Chair. I move to  
27 adopt fisheries special action FSA19-08, following a  
28 second I'll provide rationale.  
29  
30 MR. BROWER: Second.  
31  
32 MR. PELTOLA: Mr. Chair. I'll be  
33 voting in support of this fisheries special action  
34 based on the OSM analysis provided in the Board book  
35 for the accompanying fisheries proposal along with this  
36 Board and Regional Advisory Council recommendation.  
37  
38 CHAIRMAN CHRISTIANSON: Thank you. Any  
39 further discussion.  
40  
41 (No comments)  
42  
43 CHAIRMAN CHRISTIANSON: Hearing none,  
44 call for the question.  
45  
46 MR. SIEKANIEC: Question.  
47  
48 CHAIRMAN CHRISTIANSON: Question's been  
49 called all in favor signify by saying aye.  
50

1 IN UNISON: Aye.  
2  
3 CHAIRMAN CHRISTIANSON: Opposed same  
4 sign.  
5  
6 (No opposing votes)  
7  
8 CHAIRMAN CHRISTIANSON: Motion carries  
9 unanimously. Floor's open.  
10  
11 MR. PELTOLA: Mr. Chair. I'd like to  
12 move to adopt fisheries special action 19-09, following  
13 a second I'll provide rationale.  
14  
15 MR. SIEKANIEC: Second.  
16  
17 MR. PELTOLA: Mr. Chair. I'll be  
18 voting in support of this fisheries special action  
19 based on the OSM analysis provided in the Board book  
20 for the accompanying fisheries proposal along with this  
21 Board and Regional Advisory Council recommendation.  
22  
23 CHAIRMAN CHRISTIANSON: Thank you. Any  
24 further discussion.  
25  
26 MR. SCHMID: Question.  
27  
28 CHAIRMAN CHRISTIANSON: Question's been  
29 called all in favor signify by saying aye.  
30  
31 IN UNISON: Aye.  
32  
33 CHAIRMAN CHRISTIANSON: Opposed same  
34 sign.  
35  
36 (No opposing votes)  
37  
38 CHAIRMAN CHRISTIANSON: Motion carries  
39 unanimously, including my vote.  
40  
41 The floor is open for a motion.  
42  
43 MR. PELTOLA: Mr. Chair. I'd like to  
44 move to adopt fisheries special action 19-10 and  
45 following a second I'll provide rationale.  
46  
47 MS. PITKA: I'll second that.  
48  
49 MR. PELTOLA: Mr. Chair. I'll be  
50 voting in support of this fisheries special action

1 based on the OSM analysis provided in the Board book  
2 for the accompanying fisheries proposal along with this  
3 Board and Regional Advisory Council recommendation.

4  
5 CHAIRMAN CHRISTIANSON: Any other  
6 discussion or deliberation.

7  
8 MR. SIEKANIEC: Question.

9  
10 CHAIRMAN CHRISTIANSON: Question's been  
11 called all in favor signify by saying aye.

12  
13 IN UNISON: Aye.

14  
15 CHAIRMAN CHRISTIANSON: Opposed same  
16 sign.

17  
18 (No opposing votes)

19  
20 CHAIRMAN CHRISTIANSON: Motion carries  
21 unanimously. That brings us to 12 -- 11.

22  
23  
24  
25 MR. PELTOLA: Mr. Chair. I move to  
26 adopt fisheries special action 19-11, following a  
27 second I'll provide rationale.

28  
29 MR. BROWER: I'll second that.

30  
31 MR. PELTOLA: Mr. Chair. I'll be  
32 voting in support of this fisheries special action  
33 based on the OSM analysis provided in the Board book  
34 for the accompanying fisheries proposal along with this  
35 Board and Regional Advisory Council recommendation.

36  
37 CHAIRMAN CHRISTIANSON: Thank you.  
38 Discussion.

39  
40 MR. SIEKANIEC: Question.

41  
42 CHAIRMAN CHRISTIANSON: Question's been  
43 called all in favor signify by saying aye.

44  
45 IN UNISON: Aye.

46  
47 CHAIRMAN CHRISTIANSON: Opposed same  
48 sign.

49  
50 (No opposing votes)

1                   CHAIRMAN CHRISTIANSON: Motion carries  
2 unanimously. Floor is open, 12.  
3  
4                   MR. PELTOLA: Mr. Chair. I move to  
5 adopt fisheries special action 19-12, following a  
6 second I'll provide rationale.  
7  
8                   MS. PITKA: Second.  
9  
10                  MR. SIEKANIEC: Second.  
11  
12                  MR. PELTOLA: Thank you. Mr. Chair.  
13 I'll be voting in support of this fisheries special  
14 action based on the OSM analysis provided in the Board  
15 book for the accompanying fisheries proposal along with  
16 this Board and Regional Advisory Council  
17 recommendation.  
18  
19                  CHAIRMAN CHRISTIANSON: Thank you.  
20  
21                  Question.  
22  
23                  MR. SIEKANIEC: Question.  
24  
25                  CHAIRMAN CHRISTIANSON: Question's been  
26 called all in favor for the motion signify by saying  
27 aye.  
28  
29                  IN UNISON: Aye.  
30  
31                  CHAIRMAN CHRISTIANSON: Opposed same  
32 sign.  
33  
34                  (No opposing votes)  
35  
36                  CHAIRMAN CHRISTIANSON: Motion carries  
37 unanimously. Thank you.  
38  
39                  Floor's open.  
40  
41  
42                  MR. PELTOLA: Mr. Chair. I move to  
43 adopt fisheries special action 19-13, following a  
44 second I'll provide rationale.  
45  
46                  MR. SCHMID: Second.  
47  
48                  MR. PELTOLA: Mr. Chair. I'll be  
49 voting in support of this fisheries special action  
50 based on the OSM analysis provided in the Board book

1 for the accompanying fisheries proposal along with this  
2 Board and Regional Advisory Council recommendation.

3

4 MR. SIEKANIEC: Question.

5

6 CHAIRMAN CHRISTIANSON: Question's been  
7 called all in favor for the motion signify by saying  
8 aye.

9

10 IN UNISON: Aye.

11

12 CHAIRMAN CHRISTIANSON: Opposed same  
13 sign.

14

15 (No opposing votes)

16

17 CHAIRMAN CHRISTIANSON: Motion carries  
18 unanimously. The floor is open for the last, 14.

19

20 MR. PELTOLA: Mr. Chair. I move to  
21 adopt fisheries special action 19-14, following a  
22 second I'll provide rationale.

23

24 MR. BROWER: Second.

25

26 MR. SIEKANIEC: Second.

27

28 MR. PELTOLA: Mr. Chair. I'll be  
29 voting in support of this fisheries special action  
30 based on the OSM analysis provided in the Board book  
31 for the accompanying fisheries proposal along with this  
32 Board and Regional Advisory Council recommendation.

33

34 MR. SIEKANIEC: Question.

35

36 CHAIRMAN CHRISTIANSON: Question's been  
37 called all in favor of the motion signify by saying  
38 aye.

39

40 IN UNISON: Aye.

41

42 CHAIRMAN CHRISTIANSON: Opposed same  
43 sign.

44

45 (No opposing votes)

46

47 CHAIRMAN CHRISTIANSON: Motion carries  
48 unanimously. Thank you all for that. Good job Staff  
49 getting us through that. Scott.

50

1 MR. AYERS: Yeah, I just wanted to take  
2 a moment to thank all the members of the Board for  
3 walking through that fun new activity and for insuring  
4 that all these regulations will be implemented  
5 immediately for the benefit of the users.

6  
7 Thanks.

8  
9 CHAIRMAN CHRISTIANSON: Yep, thank you  
10 guys for having that ready to do that.

11  
12 We figured it out on the fly.

13  
14 (Laughter)

15  
16 CHAIRMAN CHRISTIANSON: All right, is  
17 the Staff ready for the threshold analysis.

18  
19 Thank you.

20  
21 Staff, floor is yours, thank you, non-  
22 rural proposal threshold determination, RP19-01 Moose  
23 Pass.

24  
25 MS. LAVINE: Thank you, Mr. Chair.  
26 Good afternoon Mr. Chair, Members of the Board. For  
27 the record my name is Robbin LaVine and I'm an  
28 anthropologist for the Office of Subsistence  
29 Management. I also wanted to recognize our Pathways  
30 Anthropologist, Christine Brummer. She was not able to  
31 be with us this afternoon but she has worked closely  
32 with me on this issue.

33  
34 Today I'm going to present you with a  
35 brief overview of our new 2021 rural determination  
36 regulatory cycle, where we are at in the cycle  
37 timeline.

38  
39 And this would be next slide, actually.  
40 Thank you.

41  
42 The current proposal, RP19-01 and the  
43 OSM conclusion on the threshold requirements. This is  
44 an action item. All of the materials you will find  
45 beginning on Page 569 of your Board books. You should  
46 also find a threshold requirements assessment, that was  
47 a handout and that should have been left at your seats  
48 at the table and there are copies outside at the sign-  
49 in desk, the reception desk here.

50

1 I'll give you a moment to make sure  
2 you're locating all your materials. And it should say  
3 the non-rural RP19-01 Moose Pass threshold requirements  
4 assessment, it's a one page document.

5  
6 (Pause)

7  
8 MS. LAVINE: Yep, okay. So in January  
9 of 2017, you the Board adopted a new policy on non-  
10 rural determinations that was developed with input from  
11 all 10 Regional Advisory Councils. The policy begins  
12 on Page 575 of your Board book, the proposal begins on  
13 Page 570.

14  
15 Next slide.

16  
17 The policy outlines a four year process  
18 that begins current with every other fisheries  
19 regulatory cycle. The 2021 process timeline is  
20 provided for you on this slide. Like any other  
21 regulatory cycle there is a call for proposals,  
22 proposal verification, analysis and review. But the  
23 non-rural regulatory cycle differs from other cycles in  
24 the following ways.

25  
26 A proposal must meet threshold  
27 requirements to be considered by the Board.

28  
29 If a proposal meets threshold  
30 requirements we will hold public hearings to accept  
31 comments to the Board on the proposed action and tribal  
32 consultations may be requested.

33  
34 The analysis and review period, as you  
35 will see, will last approximately -- oops, back, back,  
36 wait -- did I knock it, yep.

37  
38 So the analysis and review period will  
39 last approximately 18 months and the full cycle will  
40 last four years. Please note that should we be  
41 directed to proceed with an analysis, a final Board  
42 decision will take place in January of 2021.

43  
44 As with other regulatory cycles, the  
45 Regional Advisory Councils affected by the proposal  
46 will be briefed on its progress and Council comments  
47 are requested on multiple occasions throughout the  
48 process.

49  
50 Slide four.



1                   And next slide. There we go.

2

3                   The proposal before you was submitted  
4 by Jeffrey Bryden of Moose Pass and is a request to  
5 rescind the non-rural determination for Moose Pass,  
6 which would ultimately recognize Moose Pass as rural  
7 and change its regulatory status from a non-rural to a  
8 rural community.

9

10                  Now, before considering such a request  
11 you must first determine if the proposal meets the  
12 following threshold requirements for rescinding a non-  
13 rural determination, and they're found at the bottom of  
14 Page 579 in your Board book. Those threshold  
15 requirements are presented for you on the slide, but  
16 for those listening on line I will read them on the  
17 record.

18

19                  First the proposal is based upon  
20 information not previously considered by the Board.

21

22                  Second the proposal demonstrates that  
23 the information used and interpreted by the Board in  
24 designated the community as non-rural has changed since  
25 the original determination was made.

26

27                  Three, the proposal provides  
28 substantive rationale and supporting evidence for  
29 determining the non-rural status of a community or area  
30 that takes into consideration the unique qualities of  
31 the region.

32

33                  Four the proposal provides substantive  
34 information that supports the provided rationale that a  
35 community or area is rural instead of non-rural.

36

37                  It is important to remember that we are  
38 not here to determine whether Moose Pass is rural or  
39 non-rural today. We are here to determine whether the  
40 proposal meets these threshold requirements.

41

42                  I'll leave the threshold requirements  
43 on the screen while I read the proposal to you. It's  
44 in your Board book, again, copies are outside and for  
45 those listening on line I will read it on the record.

46

47                  Jeffrey Bryden requests that Moose  
48 Pass, Alaska be considered a rural community. I feel  
49 we're improperly aggregated into the greater Seward  
50 area in order to make the area of Seward non-rural.

1 The community of Moose Pass is a separate community and  
2 has maintained its separate culture. Under the new  
3 determination rules I feel Moose Pass would qualify as  
4 rural. I request that the area to be considered is  
5 from Mile 25 Falls Creek to Mile 37 of the Seward  
6 Highway. I don't request any additional area be  
7 considered for this proposal south of Mile 25.

8  
9 Mile 25 is a natural break, with Falls  
10 Creek being a distinguishing landmark. It is also the  
11 break the U.S. Postal Service uses. South of Mile 25  
12 is Seward Post 99664. North of Falls Creek is Moose  
13 Pass 99631. Mile 25 is also the break for electrical  
14 service. South of Mile 25 the electrical service is  
15 Seward Electrical. North of Mile 25 is Chugach  
16 Electrical Service.

17  
18 Mile 37 is also a natural break point  
19 as no one lives north of Mile 37 on the Seward Highway  
20 and it's already considered Federally-rural at the  
21 start of the Sterling Highway. The Y at Mile 37 is a  
22 distinguishing land mark.

23  
24 The rationale for change is the Board  
25 changed the rules for what makes a community rural.  
26 Moose Pass should not have been aggregated together  
27 with several other distinct communities to begin with  
28 in order to make the port community of Seward non-  
29 rural. Moose Pass is an older Alaskan community that  
30 has kept its separate rural culture. Our residents  
31 still hunt, fish and harvest berries, mushrooms and  
32 wood from the local Federal lands. We have our own  
33 churches, community club organization, fire department,  
34 Post Office, businesses and school. Like a lot of  
35 rural areas, we have families that homeschool and send  
36 their older kids to better high schools that than can  
37 be provided in the local area. The Chugach National  
38 Forest lands surround the community.

39  
40 It's impossible to travel north or  
41 south on the Seward Highways and not be in Federal  
42 lands currently open for rural subsistence activities.  
43 Rural residents from other communities have, in the  
44 past, harvested animals, berries and firewood from the  
45 lands surrounding our community.

46  
47 The facts that make Moose Pass a rural  
48 area, most of the residents live closer to the rural  
49 community of Cooper Landing than Seward. We, as a  
50 community, generally shop in the urban area of

1 Anchorage where there is no sales tax or the internet.  
2 These are the same places as rural residents of Hope,  
3 Cooper Landing or any other Alaska rural community shop  
4 for the majority of their goods.

5  
6 A lot of our community works in the  
7 summer tourist related business or have home based  
8 businesses. Like other rural communities we also have  
9 members who work remote North Slope, government and  
10 fishing jobs. These individuals have chosen to make  
11 their permanent home here, but like other -- sorry,  
12 hang on -- but like other rural areas, lack of good  
13 paying jobs requires them to work outside the area.

14  
15 As stated before we have our own  
16 churches, community club, fire department, Post Office  
17 and school.

18  
19 A lot of our residents harvest a good  
20 portion of their own fish, game, edible berries,  
21 mushrooms and firewood from the local Federal lands.  
22 Having lived in the area for 25 years I've witnessed  
23 changes to the area. The majority of the area proposed  
24 for Moose Pass rural Federal lands surround  
25 determination. As a result the community has not grown  
26 in size and the population is stable. The rural feel  
27 and cultural that made me choose to live in Moose Pass  
28 is still very much alive in the area. As the local  
29 land agency, the Seward District of Chugach National  
30 Forest opens more of its land to subsistence  
31 harvesting, including the lands around our community as  
32 we -- we, as a community would like to partake in the  
33 harvest of our local resources.

34  
35 Currently, a non-rural policy does not  
36 require a threshold analysis as is used in our request  
37 for reconsideration process. However, Staff has  
38 reviewed the proposal and we've conducted a threshold  
39 requirements assessment, which you should have, with  
40 the following conclusions.

41  
42 Next slide please.

43  
44 Threshold requirement 1.

45  
46 The Board adopted the new policy on  
47 non-rural determinations in January of 2017. This is  
48 the first proposal from Moose Pass for Board  
49 consideration under the new policy.

50

1                   The OSM conclusion is this threshold  
2 was met.

3  
4                   Next slide.

5  
6                   For threshold requirement 2.

7  
8                   Under the former rural determination  
9 process the community of Moose Pass met the  
10 requirements for aggregation and was grouped and  
11 assessed with Seward. However, the Board has not yet  
12 considered Moose Pass as an independent community.

13  
14                   The OSM conclusion is this threshold  
15 was met.

16  
17                   For threshold requirement 3.

18  
19                   The proponent provided a clear  
20 rationale for why Moose Pass should be considered rural  
21 and identified the unique qualities of the region that  
22 apply to its rural nature. Specifically the proponent  
23 provided rationale that Moose Pass is a distinct  
24 community from Seward with its own identity, community  
25 characteristics and subsistence practices.

26  
27                   The OSM conclusion is this threshold  
28 was met.

29  
30                   For threshold requirement 4.

31  
32                   The proponent also provided substantive  
33 information beyond personal opinion for why Moose Pass  
34 should be considered rural. The information given  
35 included community boundaries, demographics, services  
36 and subsistence harvest practices.

37  
38                   The OSM conclusion for threshold  
39 requirement 4 is this threshold was met.

40  
41                   Next slide.

42  
43                   The Southcentral Regional Advisory  
44 Council reviewed the proposal at their fall 2018  
45 meeting and was briefed on the threshold requirements.  
46 The following comments were prepared.

47  
48                   The Council moved to accept the  
49 proposal and for OSM to proceed with an analysis of the  
50 rural character of Moose Pass finding that the proposal

1 met the threshold requirements for a recommendation to  
2 the Federal Subsistence Board. The Council requested  
3 that the Office of Subsistence Management work closely  
4 with the proponent and residents of Moose Pass so that  
5 they may participate when the Board meets.

6

7

Next slide.

8

9

The InterAgency Staff Committee  
10 reviewed the proposal and was briefed on the threshold  
11 requirements, considered Council comments and prepared  
12 their following comments.

13

14

The InterAgency Staff Committee  
15 supports moving forward with a full non-rural  
16 determination analysis of non-rural Proposal RP19-01  
17 submitted by Jeffrey Bryden requesting that Moose Pass  
18 be considered a rural community. The ISC believes that  
19 the proposal has met all non-rural determination  
20 threshold requirements based on the following:

21

22

The Moose Pass community has not been  
23 previously considered by the Federal Subsistence Board  
24 as a distinct community. Moose Pass was  
25 aggregated into the Seward non-rural area in 1990. The  
26 Moose Pass non-rural proposal provides rationale and  
27 supporting evidence for the Moose Pass community to be  
28 considered for rural status. The proposal provides new  
29 information not previously considered by the Board to  
30 support a potential change to rural status.

31

32

The ISC recommends that the Federal  
33 Subsistence Board direct OSM Staff to modify the non-  
34 rural determination policy to include a formal  
35 threshold analysis completed by the Office of  
36 Subsistence Management for each validated non-rural  
37 proposal submitted.

38

39

At this time we are finished with our  
40 presentation and are happy to answer any questions as  
41 you deliberate on this action item.

42

43

Thank you, very much.

44

45

CHAIRMAN CHRISTIANSON: Thank you for  
46 that presentation, appreciate that.

47

48

Any questions for Robbin here, from the

49 Board.

50

1 Bert.

2

3 MR. FROST: So this is more on the  
4 process and not so much Moose Pass, so why does it take  
5 four years for this process to play out, why can't it  
6 be done in two years or 18 months, I mean that just  
7 seems like a really long time.

8

9 MS. LAVINE: Through the Chair. Thank  
10 you, Mr. Frost. I believe that a big part of the  
11 reasoning that this process takes as long as it does is  
12 to insure public participation, public hearings in the  
13 area and the areas that would be impacted and the Board  
14 will rely strongly upon the guidance of the Regional  
15 Advisory Council and in order to do that we need to  
16 have multiple touch points and opportunities for  
17 information and guidance to be provided.

18

19 MR. FROST: Do we need to have eight  
20 Advisory Council meetings, I mean I appreciate what you  
21 said, but, again, to me, it just seems like four years  
22 is -- for a community that's maybe waited a long time  
23 already it just seems -- and it's all about process,  
24 it's not about trying to get the issue resolved and it  
25 just seems like we could streamline the process a  
26 little bit to make it a little more reasonable.

27

28 I don't know. This is just my own  
29 personal opinion, I don't know what anybody else thinks  
30 but it just seems like four years is way too long.

31

32 MR. BROWER: Mr. Chair.

33

34 CHAIRMAN CHRISTIANSON: Charlie.

35

36 MR. BROWER: Can we go back to that  
37 timeframe that he's talking about, I have the same  
38 concern.

39

40 CHAIRMAN CHRISTIANSON: Yeah, and I'm  
41 just trying to job my memory, I remember we had a long  
42 discussion about this as we developed this timeline and  
43 process and I knew a lot of it had to deal with us  
44 making determinations going back to the RAC and then  
45 coming back to us and then that's where the four year  
46 came in was because of that process to allow the cycles  
47 to play out and allowing everybody to have a chance at  
48 it. And then I think the last one took like seven to  
49 10 years to process, which I believe was Saxman, and so  
50 in context to that it might be faster than before.

1                   So did you have something.

2

3                   MR. BROWER: So what I'm getting at,  
4 Mr. Chair, is we're meeting now for information that's  
5 been gathered since 2018, so next comes 2021 and in  
6 January we finally determine whether it's rural or not,  
7 is that how it's coming along, to that point.

8

9                   CHAIRMAN CHRISTIANSON: Go ahead.

10

11                  MS. LAVINE: Through the Chair. Thank  
12 you, Mr. Brower.

13

14                  So as I said this regulatory -- or this  
15 non-rural determination cycle is structured just a  
16 little differently. We go through verification but  
17 then we do the threshold analysis, and we need to go to  
18 the Council in order to insure the threshold  
19 requirements are met. At that point we have not  
20 started an analysis to actually look into whether or  
21 not this community, or any community that is forwarded  
22 through the proposal process should be considered, we  
23 don't start that until the threshold requirements are  
24 assessed to have been met, and then the Board gives us  
25 direction. So part of that is also insuring that we  
26 are not beginning to conduct work that is not required  
27 by the process.

28

29                  MR. BROWER: Thank you.

30

31                  CHAIRMAN CHRISTIANSON: Ken.

32

33                  MR. LORD: I'd just remind the Board  
34 that in the non-rural policy that it adopted in January  
35 of 2017 it did set out a process schedule that was a  
36 three year long process schedule, and I think in this  
37 case it's stretched to four years just because of the  
38 way the Board meetings are scheduled.

39

40                  MR. BROWER: Thank you.

41

42                  MS. HARDIN: Thank you. Through the  
43 Chair. If I might just add on to what Mr. Lord stated  
44 and provide a little bit more information to Dr. Frost.

45

46                  I want to remind you about the -- when  
47 you were developing the policy you all were very  
48 concerned, based on comments that you received from the  
49 public and from your Regional Advisory Councils, that  
50 you wanted to make sure the Regional Advisory Councils

1 had ample opportunity to help provide input into the  
2 unique characteristics of each individual region before  
3 we start to analyze proposals that are found to meet  
4 the threshold. So we take -- that's one of the reasons  
5 we take these proposals to the affected Regional  
6 Advisory Council before you make your threshold  
7 determination.

8

9                   And then another concern that you all  
10 discussed was making sure, because this does provide  
11 the basis, the foundation for the priority, the Federal  
12 subsistence priority, making sure that you provided  
13 ample opportunity for their to be public hearings, very  
14 -- as extensive as necessary, tribal consultation and  
15 consultation with Alaska Native Corporations and taking  
16 every opportunity to get public input before we  
17 completed a full analysis of the proposal.

18

19                   And then as Mr. Lord mentioned,  
20 originally we had this on a three year cycle but in  
21 order to not be flip-flopping between Board meetings  
22 and cycles, fisheries and wildlife cycles, the  
23 recommendation was to make it a four year cycle so that  
24 you would make your decision in January and then the  
25 new call for proposals would come out along with the  
26 fishery call for proposals to change the regulatory --  
27 to change the fisheries regulations.

28

29                   CHAIRMAN CHRISTIANSON: Thank you. Any  
30 more questions on timeline.

31

(No comments)

32

CHAIRMAN CHRISTIANSON: Process.

33

34

(No comments)

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

                  And so on this one, after the  
presentation, what they're looking to the Board for is  
for us to accept that the threshold analysis have been  
met and so they can actually start the timeline and do  
the analysis, and so for us, they're looking for a  
motion from the Board to proceed.

                  So at this time I would entertain that  
the floor is open for a motion to give Staff the



1 direction to proceed with the non-rural determination  
2 for Moose Pass.  
3  
4 MR. BROWER: So moved, Mr. Chair.  
5  
6 CHAIRMAN CHRISTIANSON: There's been a  
7 motion made.  
8  
9 MR. FROST: Second.  
10  
11 CHAIRMAN CHRISTIANSON: Second. Any  
12 further discussion or deliberation by the Board.  
13  
14 (No comments)  
15  
16 CHAIRMAN CHRISTIANSON: Call for the  
17 question.  
18  
19 MR. SIEKANIEC: Question.  
20  
21 CHAIRMAN CHRISTIANSON: Question's been  
22 called, will you read it into the record and do roll  
23 call, please, Tom.  
24  
25 MR. DOOLITTLE: Yes. This is on the  
26 threshold requirements and approval to move forward  
27 with the analysis.  
28  
29 And I'll start with Bureau of Indian  
30 Affairs, Gene Peltola.  
31  
32 MR. PELTOLA: Vote in the affirmative.  
33  
34 MR. DOOLITTLE: U.S. Forest Service,  
35 David Schmid.  
36  
37 MR. SCHMID: I also vote in the  
38 affirmative.  
39  
40 MR. DOOLITTLE: Public Member Rhonda  
41 Pitka.  
42  
43 MS. PITKA: I vote to support that the  
44 threshold has been met and that the OSM Staff work with  
45 the community to develop a full proposal.  
46  
47 Thank you.  
48  
49 MR. DOOLITTLE: Thank you, Rhonda.  
50

1 Public Member Charlie Brower.  
2  
3 MR. BROWER: I support.  
4  
5 MR. DOOLITTLE: Bureau of Land  
6 Management, Chad Padgett.  
7  
8 MR. PADGETT: Support.  
9  
10 MR. DOOLITTLE: U.S. Fish and Wildlife  
11 Service, Greg Siekaniec.  
12  
13 MR. SIEKANIEC: I support and agree  
14 that the initial threshold has been established and  
15 that we should move to the next step.  
16  
17 MR. DOOLITTLE: National Park Service,  
18 Herbert Frost.  
19  
20 MR. FROST: I support.  
21  
22 MR. DOOLITTLE: And Chairman Anthony  
23 Christianson.  
24  
25 CHAIRMAN CHRISTIANSON: I support.  
26  
27 MR. DOOLITTLE: The motion is approved.  
28  
29 CHAIRMAN CHRISTIANSON: Let's take  
30 five, a five minute break here, please, and we'll move  
31 on to the next agenda item, which I believe is a  
32 fishery temporary action request, just so the Staff's  
33 aware. But we're going to take a few minute break.  
34  
35 (Off record)  
36  
37 (On record)  
38  
39 CHAIRMAN CHRISTIANSON: All right,  
40 we're back from our five minute recess. And now we'll  
41 turn it over for fisheries special action FSA19-02  
42 Akiak Native Community.  
43  
44 Staff.  
45  
46 MR. HARRIS: Good afternoon. This  
47 analysis temporary special action 19-02 can be found on  
48 supplement four on the Board book if everybody wants to  
49 turn there.  
50

1 CHAIRMAN CHRISTIANSON: Which page is  
2 that.

3  
4 MR. HARRIS: It's supplement four.

5  
6 Hello, Mr. Chair. Members of the Board.  
7 My name is Frank Harris. I'm a fish biologist at the  
8 Office of Subsistence Management. I'm here today with  
9 Pippa Kenner, an anthropologist with OSM. And we're  
10 going to provide the overview of the analysis of  
11 Fisheries Temporary Special Action 19-02 related to the  
12 Kuskokwim chinook salmon subsistence fishery.

13  
14 Temporary special action request FSA19-  
15 02 was submitted by the Akiak Tribal Council on March  
16 1st, 2019 and requests the following:

17  
18 Close the Federal public waters of the  
19 Kuskokwim River drainage to the harvest of chinook  
20 salmon except by Federally-qualified subsistence users  
21 possessing a community harvest permit between June 1,  
22 2019 and July 1, 2019.

23  
24 No. 2. Reduce the pool of eligible  
25 harvesters within the Kuskokwim River drainage based on  
26 the Alaska National Interest Lands Conservation Act,  
27 ANILCA, Section .804 user prioritization, that was  
28 implemented in 2017.

29  
30 No. 3. Conduct tribal consultation  
31 about developing an appropriate chinook salmon harvest  
32 allocation strategy with the Federally-recognized  
33 tribes named in the 2014 Office of Subsistence  
34 Management .804 analysis.

35  
36 No. 4. Allow fishing under a community  
37 allocation system with harvest reported to community  
38 harvest monitors.

39  
40 The proponent states Kuskokwim chinook  
41 salmon subsistence harvest have declined precipitously  
42 over the recent decade and a poor run size and harvest  
43 are projected for 2019. Therefore, to insure the  
44 continued opportunity to subsistence uses and to insure  
45 the continued viability of Kuskokwim chinook salmon  
46 stocks, the Board should close Federal public waters to  
47 the harvest of chinook salmon by non-Federally-  
48 qualified users and further reduce eligibility in the  
49 fishery by closing to all but a prioritized pool of  
50 Federally-qualified subsistence users.

1                   The proponent states failure to first  
2 restrict the chinook salmon harvest to Federally-  
3 qualified subsistence users forgoes the Board's  
4 additional responsibility to restrict within  
5 subsistence uses -- within subsistence users in order  
6 to fulfill its duties and responsibilities as set forth  
7 in ANILCA, Title VIII.

8  
9                   The proponent also states that chinook  
10 salmon community allocations in 2015 strengthened  
11 relationships and trust between tribal communities, the  
12 Yukon Delta National Wildlife Refuge and the Kuskokwim  
13 River InterTribal Fisheries Commission due to frequent  
14 communication and consultation.

15  
16                   In 2015 only designated fishermen could  
17 use gillnets to harvest a community's allocation of  
18 chinook salmon. This year the harvestable surplus is  
19 much higher and any harvest of chinook salmon should be  
20 reported to community harvest monitors instead.

21  
22                   Pippa.

23  
24                   MS. KENNER: Okay, so a public hearing  
25 was held on March 28th in Bethel. And about seven  
26 people and organizations testified. And individuals  
27 were from the lower Kuskokwim drainage communities.  
28 And all testifiers generally supported FSA19-02, except  
29 there was disagreement on the part of the request to  
30 allow fishing under a community allocation system,  
31 saying the alternative windowed subsistence  
32 opportunities create combat fishing where everyone goes  
33 to the same fishing sites and harvests as many chinook  
34 salmon as possible preventing fish from reaching  
35 spawning grounds and the other side was a dislike of  
36 the designated fishing permits that were issued through  
37 the allocation.

38  
39                   Tribal consultation with members of the  
40 Federal Subsistence Board occurred on March 28th in  
41 Bethel.

42  
43                   I've gotten lost, just a minute please.

44  
45                   (Pause)

46  
47                   MS. KENNER: Here we go. And  
48 representatives of the Orutsaramiut Native Council  
49 representing the Bethel Tribe attended the  
50 teleconference meeting. The Orutsaramiut Native

1 Council representative supported FSA19-02 and  
2 allocating chinook salmon to communities in the ANILCA,  
3 Section .804 subsistence user prioritization and did  
4 not support short openings otherwise provided.

5  
6           During the ANCSA corporation  
7 consultation that happened later, Akiak and Aniak  
8 tribes called in stating their support for the special  
9 action. And during ANCSA corporation consultation that  
10 occurred the same day, in the afternoon, no ANCSA  
11 corporations called in for the consultation period, but  
12 during the tribal consultation, Kwethluk Incorporated  
13 called in and does not support allocating chinook  
14 salmon because in his community they tried allocation  
15 in 2015 and it did not work well. He didn't talk about  
16 if it was the designated fisher part of it or the  
17 allocation part of it.

18  
19           MR. HARRIS: Next we'll discuss, very  
20 briefly, the biological background. This begins on  
21 Page 27 for those who are interested.

22  
23           The sustainable escapement goal for  
24 Kuskokwim River chinook salmon was set in 2013 by ADF&G  
25 with a range of 65,000 to 120,000 chinook salmon. The  
26 goal has been met every year since 2014 and has ranged  
27 from 37,000 chinook in 2013 to approximately 117,000 in  
28 2017. Total run sizes have been slowly increasing  
29 since a low of 79,000 in 2012. Since 2015 the total  
30 run size has remained fairly consistent ranging from  
31 125,000 in 2015 to a preliminary estimated run size of  
32 141,000 in 2018. The 2019 preseason forecast for  
33 chinook salmon in the Kuskokwim River drainage is  
34 115,000 to 150,000 chinook salmon, which is very  
35 similar to the revised forecast of 116,000 to 150,000  
36 in 2018. It is important to note that the preliminary  
37 estimated total run size from 2018 was around 141,000  
38 chinook salmon. Given the forecast and recent return  
39 histories it is likely that the chinook salmon return  
40 to the Kuskokwim River will not be large enough to  
41 provide for an unrestricted chinook salmon subsistence  
42 fishery in 2019.

43  
44           Now, we will discuss run timing a  
45 little, in particular, chinook passage between June 1st  
46 and June 12th.

47  
48           From 1984 to 2018 the median cumulative  
49 proportion of chinook salmon passing the Bethel test  
50 fishery by June 12th was approximately 13 percent.

1 With most values falling between six and 19 percent.  
2 The minimum cumulative proportion was zero percent,  
3 while the maximum was 39 percent. Also from 1984 to  
4 2017 the average date at which proportion is of chinook  
5 salmon is equal to that of chum salmon plus sockeye  
6 salmon at the Bethel test fishery or basically a one to  
7 one ratio is June 13th. This is shown on Figure 4 on  
8 Page 62.

9

10 MS. KENNER: Thank you, Frank. This is  
11 Pippa.

12

13 The Akiak Native Community requested an  
14 analysis of what communities have the highest customary  
15 direct dependence on chinook salmon in Refuge waters.  
16 Based on three criteria in Section .804 of ANILCA and  
17 in Federal regulations, the three criteria are the  
18 following:

19

20 1. Customary and direct dependence  
21 upon chinook salmon as the mainstay of livelihood.

22

23 2. Local residency.

24

25 3. The availability of alternative  
26 resources.

27

28 The communities we determined to have  
29 the highest customary direct dependence include all  
30 residents and communities of the Kuskokwim drainage and  
31 additionally the four coastal communities of  
32 Kwigillingok, Kongiganek, Chefornek and Kipnuk.

33

34 I'm going to go on to the effects of  
35 the proposal.

36

37 So if this special action request is  
38 approved, the Board would close Refuge waters to the  
39 harvest of chinook salmon from June 1st through July  
40 1st, except by subsistence users identified in this  
41 Section .804 subsistence user prioritization and  
42 fishing under the terms and authority of a community  
43 harvest permit.

44

45 If this special action request was not  
46 approved by the Board, then State subsistence and sport  
47 fisheries targeting chinook salmon would be closed  
48 prior to June 11th. State regulations now mandate that  
49 chinook salmon fisheries be closed through June 11th  
50 every year. The Kuskokwim Salmon Management Working

1 Group, who, for the past several years recommended the  
2 start date of this front end closure has not met to  
3 recommend those dates for the closure at this time.

4

5           So if the proposal was not adopted,  
6 before June 12th, ADF&G would issue an emergency order  
7 for at least one fishing period per week with four inch  
8 or less mesh set gillnets for the purpose of allowing  
9 the harvest of non-salmon fishes. All Alaska resident  
10 would be eligible to participate.

11

12           If the Board did not approve this  
13 request, the Federal in-season manager could close  
14 Refuge waters to the harvest of chinook salmon except  
15 by subsistence users through his delegated authority  
16 from the Board. This would mean chinook salmon fishing  
17 opportunities including schedules, openings, closures  
18 and methods would be determined by the Refuge manager  
19 in consultation with the Kuskokwim InterTribal  
20 Fisheries Commission and other fishery managers  
21 including State and tribal interests.

22

23           Thanks.

24

25           Frank.

26

27           MR. HARRIS: The OSM's preliminary  
28 conclusion is to approve Temporary Special Action  
29 FSA19-02 with modification to include the in-season  
30 manager will collaborate with Federally-qualified  
31 subsistence users as identified in the Section .804  
32 subsistence user prioritization analysis to provide  
33 chinook salmon harvest opportunities through a mutually  
34 agreed upon allocation system.

35

36           The justification for this preliminary  
37 conclusion is the preseason forecast is for an  
38 estimated 115,000 to 150,000 chinook salmon for the  
39 2019 season. As the escapement goal range is 65,000 to  
40 120,000 chinook salmon, there is a possible harvest  
41 range between zero and 85,000 fish depending on the  
42 target escapement set by the Federal in-season manager.  
43 Harvest opportunity for Federally-qualified subsistence  
44 users will likely need to be restricted during the 2019  
45 season to conserve healthy populations of chinook  
46 salmon in the Kuskokwim River drainage.

47

48           Managers have addressed similar chinook  
49 salmon concerns over the past five years by providing  
50 only limited harvest opportunities that have negatively

1 impacted Federally-qualified subsistence users and the  
2 continuation of subsistence uses.

3  
4 Historically, subsistence users would  
5 participate in an unrestricted fishery. The average  
6 annual harvest of chinook salmon from 1990 to 2009 was  
7 around 86,000 fish. From 2010 on returns have fallen  
8 below historical run sizes and more rigorous  
9 restrictions on harvest have been implemented. While  
10 the 2018 harvest estimates have not yet been finalized,  
11 the 2013 to 2017 average has been limited to around  
12 24,000 chinook salmon.

13  
14 Approving this temporary special action  
15 with modification will reduce the pool of eligible  
16 users of chinook salmon to only Federally-qualified  
17 subsistence users identified in a Section .804  
18 subsistence user prioritization. These are communities  
19 that have been shown to have the highest customary  
20 direct dependence on chinook salmon in the Kuskokwim  
21 River drainage. Harvest opportunity would be based on  
22 a harvest allocation system that focuses on accepted  
23 harvestable surplus of chinook salmon and would reflect  
24 a mutually agreed upon allocation approach developed  
25 through consultation with Federally-qualified  
26 subsistence users, the Kuskokwim River InterTribal  
27 Fisheries Commission and other managers.

28  
29 Yesterday, the Akiak Native Community  
30 sent a letter to the Board to amend and clarify  
31 Temporary Special Action Request, FSA19-02, and I  
32 believe all of you have received a copy of that  
33 probably yesterday afternoon.

34  
35 That is all we have for the briefing  
36 here, thank you very much.

37  
38 We will now answer any questions you  
39 may have.

40  
41 CHAIRMAN CHRISTIANSON: Thank you,  
42 Staff, for that thorough analysis, appreciate the  
43 presentation.

44  
45 Any questions from the Board to the  
46 Staff based on the information they presented.

47  
48 Greg.

49  
50 MR. SIEKANIEC: Thank you, Mr. Chair.



1 Frank, so the letter that was provided yesterday is a  
2 modification in it, have you done an analysis of what  
3 that modification is and what that would mean in  
4 comparison to the language that you presented to us  
5 already?

6

7 MR. HARRIS: It says amended and  
8 clarify, basically bullet point number 4 of their  
9 letter states that to allow community members named in  
10 a 2014 OSM Section .804 analysis to harvest chinook  
11 salmon on the Kuskokwim River drainage under a  
12 community allocation system with harvest reported to  
13 the Yukon Delta National Wildlife Refuge Staff by  
14 community based monitors.

15

16 So it's a small amendment but.....

17

18 MS. KENNER: It was determined to be  
19 non -- it didn't change the proposal.

20

21 MR. HARRIS: Yeah, it has not really  
22 changed the proposal.

23

24 MR. SIEKANIEC: Thank you, Mr. Chair.  
25 Can I ask one more.

26

27 CHAIRMAN CHRISTIANSON: Yes.

28

29 MR. SIEKANIEC: Pippa, I think you were  
30 talking about, if the Board does not approve this,  
31 there's the management by the State from that window  
32 all the way up to June 11th, and yesterday I believe we  
33 passed a six inch mesh opportunity or shall not -- can  
34 you explain to me how that relates to this if we were  
35 to not pass this.

36

37 MS. KENNER: Okay. So the practical --  
38 so I'm not talking about how -- I'm not talking  
39 specifically and technically how those regulations  
40 work, I'm talking about the effects on fish and  
41 subsistence users. It would -- at this point I  
42 predict, from what's happened in the past, it wouldn't  
43 have a large effect.

44

45 The Alaska Department of Fish and Game  
46 has been closing the lower river on the 25th and then  
47 the upper river on about -- 25th of May, and then the  
48 upper river, Tuluksak and above on around June 1, so  
49 there would be that five, six days that the -- unless  
50 the Federal manager acted, the river would (ph) remain

1 open to the use of gillnets until June 1 in all areas  
2 of the river.

3

4 MR. SIEKANIEC: Yeah, thank you, I'm  
5 not sure I completely understand then the application  
6 of the six inch mesh would be in that window, up until  
7 the June 1st date, I think is what it said.

8

9 MR. DECOSSAS: (Shakes head  
10 affirmatively)

11

12 MR. SIEKANIEC: Okay, Gary's saying,  
13 yeah, I got it, all right.

14

15 MS. KENNER: Yeah.

16

17 But, again, this is Pippa again, we  
18 don't know when that closure date's going to be yet, we  
19 haven't been told. But in the past those have been the  
20 dates.

21

22 MR. SIEKANIEC: That actually raises  
23 maybe one more question. I think we heard some  
24 testimony over the course of the last two days on how  
25 fluid dates seem to be -- need to be viewed now because  
26 of the extent of environmental change, and, you know,  
27 it just starts to feel awkward to me that, as a Board  
28 member, we would start sort of dictating the dates when  
29 the flexibility is actually probably needed more in the  
30 field, again, with the collaboration that's taking  
31 place, because of the difference that you're seeing in  
32 -- whether it would be run timing and various things,  
33 so that -- I'm just pointing that out. I'm trying to  
34 figure out the balance between people that are now  
35 coming in and testifying and saying, you know, because  
36 of all this environmental change you really need to  
37 have more flexibility here, how that fits with, you  
38 know, this consideration.

39

40 CHAIRMAN CHRISTIANSON: Thank you. Any  
41 other question. Comments.

42

43 Gene.

44

45 MR. PELTOLA: Yes. This is either for  
46 OSM, the in-season manager, State, it doesn't really  
47 matter. So following the lines if the Board was not to  
48 adopt this proposal as presented, we would follow  
49 through with this Board of Fish regulation which was  
50 passed a couple years ago so the in-season manager of

1 the State end would close the fishery, which, Pippa,  
2 you referred to, as, recent history has been May 25th.  
3 The State has stipulated they'd provide one opportunity  
4 for other salmon species, correct.

5

6 MS. KENNER: (Nods affirmatively)

7

8 MR. PELTOLA: So there is -- although  
9 there may be a lower probability of occurring, there's  
10 still a potential, depending on run timing where a  
11 chinook could be incidentally caught, correct.

12

13 MS. KENNER: (Nods affirmatively)

14

15 MR. PELTOLA: So with that chinook  
16 being incidentally caught, if we were to recognize that  
17 traditional May 25th to June 11th period, that could be  
18 retained by any State qualified subsistence user,  
19 correct?

20

21 MS. KENNER: Thanks for that  
22 clarification for me. Through the Chair. Mr. Peltola.  
23 So currently what would happen is that the State  
24 regulations and the Federal regulations would be  
25 working concurrently. They would both apply to Federal  
26 public waters. And if Federal public waters weren't  
27 closed to the harvest of chinook salmon by non-  
28 subsistence users, it would mean that when the State  
29 implemented its closure and its opportunities,  
30 subsistence fishers through that period would be able  
31 to use up to six inch mesh regardless of what the State  
32 did because we now have that in regulation.

33

34 MR. PELTOLA: And the point I'm getting  
35 at, is that, during that opportunity which may be  
36 provided if the to be announced date to the 11th is  
37 recognized and a chinook is incidentally caught it  
38 could be retained by any State qualified user. One of  
39 the major tenants of the Federal Subsistence Program is  
40 to provide for rural priority, priority consumptive  
41 use, we have before us a proposal to have a Federal  
42 management regime on the river, which we already have  
43 the in-season manager saying that we are going to  
44 initiate at some point this year, and it doesn't seem  
45 proper to me if concern is strong enough now where  
46 we've already made the commitment to, or it's not  
47 concern -- or is not a concern enough where to  
48 potentially allow a process where the rural priority is  
49 not recognized.

50

1 MS. KENNER: Thank you, Mr. Peltola.  
2 Through the Chair. So, yes, the State regulations  
3 would be in effect on Federal public waters, Federally-  
4 qualified users could decide to fish under Federal  
5 regulations or State regulations, whichever was fit  
6 their needs and was less restrictive, however, all  
7 State -- the Federal public waters would be open to the  
8 harvest of fish by all State residents during the  
9 State's openings.

10

11 CHAIRMAN CHRISTIANSON: Go ahead.

12

13 MR. BORN: This is Ray Born, Federal  
14 in-season manager. Maybe to clarify that a little bit,  
15 so a State closure, from whatever date it starts to  
16 June 11th allows for one four inch opportunity during  
17 that timeframe. The scientific analysis indicates that  
18 very, very few chinook come in, there is an opportunity  
19 for a few to come in, but the four inch net now, and  
20 I'll let the State verify this, is a setnet at the  
21 bank, so that definitely reduces the risk to chinook  
22 that run more into the middle of the river. So the  
23 opportunity to catch a chinook is possible, but a run  
24 of 130,000, a chinook probably is not a significant  
25 number, or even a few chinook. So from a conservation  
26 concern, that's a minimal conservation concern, but it  
27 is still a possibility.

28

29 Thank you.

30

31 MR. PELTOLA: And I know it depends a  
32 lot about net placement. I think the Program realizes  
33 that when we talked about the net on the Kenai.

34

35 So I could go home to Bethel, I could  
36 go up stream past Shwabe on the first point on the west  
37 bank, set a four inch net, 50 foot, and I could catch  
38 all the kings I want. And during that State  
39 opportunity that would be legal for me, as a non-  
40 Federally-qualified user to retain those. And the  
41 point I was getting at, is that, a couple days later I  
42 wouldn't be able to retain those. I understand that  
43 the forecast is, you know, 130, but if the  
44 justification for a Federal management regime exists  
45 now because we've already said, via the in-season  
46 management, that at some point we are going to have a  
47 Federal management regime. It does not seem  
48 appropriate nor justified for a non-Federally-qualified  
49 user, such as myself, to be able to harvest a chinook,  
50 albeit the probability may be lower early on in the

1 season when we have already said we're going to have a  
2 Federal management regime and then limit it later on.

3

4 MR. BORN: Thank you, Mr. Peltola.  
5 Just a couple of things to point out.

6

7 We don't know what the dates are that  
8 will be set by the working group for that front end  
9 closure so that's kind of a factor we still don't know  
10 about.

11

12 We also don't know how the State's  
13 going to do the four inch opportunity with the passage  
14 of FP19-09 for the June 1 stays open until -- six inch  
15 mesh. And I agree, but this is going to be kind of an  
16 on the ground choices as we get closer in, so at some  
17 point we'll need to do a Federal closure, I agree with  
18 that. I'm just not sure what that date is and I will  
19 need more consultation with all the stakeholders out  
20 there to figure that out.

21

22 Thank you.

23

24 CHAIRMAN CHRISTIANSON: Any more  
25 questions for the Staff.

26

27 (No comments)

28

29 CHAIRMAN CHRISTIANSON: Board  
30 discussion.

31

32 MR. DOOLITTLE: You need to do  
33 InterAgency Staff Committee.

34

35 CHAIRMAN CHRISTIANSON: Yes, I --  
36 what's that, Rhonda, go ahead.

37

38 MS. PITKA: So the four inch mesh  
39 closure, we discussed that earlier and we heard a lot  
40 of testimony and a lot of evidence that says that you  
41 can't get the sheefish that people prize the most in  
42 that area with those four inch mesh nets, is there  
43 another opportunity for that somewhere else or is the  
44 run such that, that would preclude anyone being able to  
45 fish the sheefish?

46

47 MR. BORN: I think I'll pass that to  
48 the State because that's their closure, let them talk  
49 about that.

50

1 MR. TIERNAN: Yeah, through the Chair.  
2 Ms. Pitka. Aaron Tiernan, ADF&G, Kuskokwim River  
3 manager for the record.

4  
5 So the four inch opportunity, Ray was  
6 correct, with that it is a setnet and it has to be  
7 within 100 feet of the ordinary high water mark and the  
8 net can only be 60 feet long. You know it's not 50  
9 fathoms, it's not 25 fathoms. It's a setnet with a  
10 bank orientation stipulation. That came about through  
11 public input at the Board of Fishery, because of the  
12 front end closure, after that was implemented, we  
13 didn't have guidance, the State didn't have guidance on  
14 how to go about offering a little bit of opportunity  
15 for stakeholders to get out and get some fresh fish.  
16 So they heard lots of commentary from public members  
17 asking for some sort of an out so they can go get some  
18 fresh fish. So through public input, and stakeholder  
19 input, that four inch opportunity was put -- they gave  
20 us the guidance then to offer at least one four inch  
21 opportunity per week during the front end closure  
22 because it was stated earlier, we look to the working  
23 group to choose the start date of the front end  
24 closure. So one year I think they started it May 15th  
25 or May 20th, so we had three weeks, four weeks of  
26 closure there before June 12th so we had at least an  
27 opportunity a week but now as the run sizes have  
28 gradually started to increase we've pushed that start  
29 date back to allow subsistence users an opportunity to  
30 harvest some of those sheefish towards the latter part  
31 of May. And as Pippa stated, yes, it was May 25th and  
32 then we stepped that up the river, so different  
33 sections of the river open up later, and that's to give  
34 folks, as you go further up river, more opportunity to  
35 harvest sheefish, whitefish, pike, lush, whatever it  
36 may be because there's hardly any fish up by McGrath  
37 come June 5 -- or salmon, sorry -- excuse me.

38  
39 So that's kind of how that came to be.

40  
41 As far as other opportunities, there's  
42 the non-salmon tributaries that we spoke about  
43 yesterday as well. Those have remained opened during  
44 those front end closure times to allow folks an  
45 opportunity to harvest whitefish as well.

46  
47 MS. PITKA: Thank you.

48  
49 CHAIRMAN CHRISTIANSON: Thank you. Any  
50 more questions.

3 MR. PELTOLA: So I'm referring to the  
4 correspondence that has been going back and forth the  
5 last week or so.

6  
7 So going through the Fish and Wildlife  
8 Service objective for the 2019 season stipulates, based  
9 on the strategy -- following conservation objectives of  
10 three subsistence -- objectives -- you're going to  
11 insure enough escapement and maintain stock  
12 productivity, maintain diverse salmon populations and  
13 going to your last statement here, it says early  
14 discussions indicate that providing limited windowed  
15 opportunities for the harvest of chinook salmon  
16 currently appears to be the best and most feasible  
17 framework for meeting our conservation and subsistence  
18 objectives.

19  
20 What other harvest opportunities or  
21 what other designs of harvest opportunity have you  
22 considered other than the 12 hour opportunity?

23  
24 MR. DECOSAS: Through the Chair. This  
25 is Gary DeCossas the fisheries biologist at Yukon Delta  
26 National Wildlife Refuge. Thanks for the question,  
27 Gene.

28  
29 We haven't -- the Refuge Staff, as we  
30 kind of talked about our objectives for this season, we  
31 felt that and we have that section in that letter that  
32 also discusses the allocation question which is kind of  
33 what you're trying to get at with this, and we feel  
34 that the -- for meeting our objectives, that those  
35 windowed opportunities hits all of those bars and  
36 there's certainty in the process because it's been like  
37 that for the last three years. The allocation systems,  
38 as we have in our letter, you know, we feel like they  
39 needs to be certain criteria in place in order for us  
40 to -- as Refuge Staff, feel comfortable implementing an  
41 allocation system. And it -- yeah, so that's the  
42 discussion. What happens in the second part of.....

43  
44 MR. PELTOLA: Could you further  
45 elaborate, define for me, who is we, is that Refuge  
46 Staff or is that meetings with the public, does it  
47 involve the State, whoever it may be?

48  
49 MR. BORN: Thank you, Mr. Peltola, for  
50 that question. I can be very specific on that.

1                   That talks about the Refuge Staff,  
2 which includes myself, Gary DeCossas, Spencer Reardon,  
3 Aaron Moses, as well as Chris Tulik, that's my in-  
4 season management team. But it also includes the  
5 InterTribal Fisheries Commission. Those three  
6 preseason meetings we've had with them, that's been our  
7 ongoing discussion.

8  
9                   And now that preseason meetings  
10 included the InterTribal Fisheries Commission,  
11 Kuskokwim River Salmon Management work group member, a  
12 member from the YK RAC and a member from the Western  
13 Interior RAC. So all those pieces have been included  
14 in those discussions.

15  
16                   Thank you.

17  
18                   MR. PELTOLA: Okay, thank you. I just  
19 didn't know who you were talking about when you said,  
20 we.

21  
22                   So here at this meeting we have heard  
23 testimony from mainly Akiak, and there has been -- I've  
24 personally heard discussions about, for a lack of a  
25 better descriptor, combat fishing, I've observed it  
26 personally, I've been sitting in a boat, not fishing,  
27 but observing when these have occurred. Now, one of  
28 the -- I mean one of the requirements of subsistence,  
29 and I think I said it earlier on, of subsistence  
30 management, and I think mentioned it early on in this  
31 meeting, is that, it's not always about the numbers.  
32 And if you read Title VIII of ANILCA, specifically  
33 .801, and so I don't mess it up:

34  
35                   Is the continuation of the opportunity  
36 for subsistence use by rural residents of Alaska,  
37 including both Native and non-Natives on the public  
38 lands and by the Alaska Natives on Native lands is  
39 essential to the Native physical, economic, traditional  
40 and cultural are two terms we've heard in the last  
41 couple days, existence, and to non-Native the physical,  
42 economic, traditional and social existence.

43  
44                   So the three key descriptors in there  
45 are traditional, cultural and social. And we've heard  
46 testimony this week that the windowed opportunities  
47 does not reflect traditional harvest.

48  
49                   Part of the letter that you had written  
50 was that you feel that the windowed opportunities is



1 the best means of delivering subsistence. But I think  
2 it's been very clear that those windowed opportunities  
3 are lacking in providing some of those key factors,  
4 which subsistence management is designed to preserve.  
5 And I can't speak on behalf of Akiak but I would think  
6 that that's why they wanted -- actually I think Mike  
7 Williams, from Akiak, testified that they want to get  
8 back to -- and I paraphrase, because it was a day or  
9 two ago, they want to get back to a more traditional  
10 harvest, but we all understand that in times of reduced  
11 runs that we can't all take everything we want to take.  
12 But going back to my original point, is that, I feel  
13 that's why they put in that allocation strategy in  
14 their aspect. And I think that, and by going through  
15 and reading the ISC recommendation, as long as this  
16 body passes the .804, there's nothing that precludes  
17 the in-season manager from having a discussion to  
18 consider other allocation strategies rather than firmly  
19 set on the 12 hour opportunity, which, I feel, based on  
20 testimony provided does not reflect the cultural,  
21 social and traditional aspects of subsistence harvest.  
22 It was -- some of the pressure I've seen during those  
23 opportunities there's a higher density of boats than a  
24 commercial period that I've observed in the past, and I  
25 used to run a tender when I was a kid. I'd go down and  
26 by (indiscernible) and buy kings, I'd go up by Tuluksak  
27 and buy silvers, and then chums is in between the river  
28 wherever the harvest demand was.

29

30 So I think by being hard set on that 12  
31 hour opportunity it is doing a disservice to the  
32 program and, in addition, to the subsistence user.

33

34 MS. KENNER: Thank you, Mr. Chair. I'd  
35 like to flush that out a little bit too. I think that  
36 these issues about the allocation system get combined  
37 with the issue of the designated fisher. And we can  
38 look at this issue in terms of how harvest is reported  
39 and enumerated. So one of the reasons why those 12  
40 hour windowed openings are convenient is because the  
41 Refuge has developed a strategy along with the  
42 InterTribal Fisheries Commission and others in the  
43 communities to have an immediate survey conducted  
44 during -- immediately after those openings in certain  
45 communities, about five, six, seven communities and  
46 then they extrapolate and they estimate what the  
47 harvest was, so they can compare it against the  
48 harvestable surplus to see how many openings there  
49 should be.

50

1                   The other side of that is when you have  
2 an allocation system -- one of the purposes of that  
3 system is for there to be a lot of self compliance and  
4 enforcement through tribes, villages and the cities,  
5 through the community, and that people would self  
6 report their harvest, either to harvest monitors that  
7 are in the community, going around, finding out what  
8 people are harvesting, sitting at the dock, talking to  
9 people as they come in, could be on a piece of a paper  
10 or a permit, you could be collecting that information  
11 in real time in-season, which is what happened in 2015,  
12 so embedded in this discussion about the allocation,  
13 windowed openings versus allocation is this issue about  
14 how do we collect the in-season information.

15

16                   Thank you, Mr. Chair.

17

18                   CHAIRMAN CHRISTIANSON: I have Greg and  
19 then I'll come back to you, Gene.

20

21                   MR. SIEKANIEC: Thank you, Pippa. And,  
22 Gene, I think you made some great points and in  
23 particular on the ties to your culture and the desire  
24 to be on the river, and I think we also heard some  
25 testimony that was provided on the designated fisher  
26 and the idea that a designated fisher really makes you  
27 lose your cultural tie to the river and the opportunity  
28 to be out there because you're just handing it to these  
29 very specific individuals. And, Gene, I think you  
30 asked a great question on the .804 prioritization and  
31 then the opportunity for the collective collaboration  
32 to give consideration to additional methods, you know,  
33 whether it be an allocation system or whether it be  
34 openings and stuff, for that dialogue and that thing to  
35 continue, you know, again I think you're starting --  
36 those were great points you made, and I appreciate  
37 that.

38

39                   Thanks.

40

41                   MR. PELTOLA: Thank you, Mr. Chair. If  
42 you look at the Akiak, the clarification letter, they  
43 specifically state they don't ask for designated  
44 fisher. I completely understand that. I'd rather go  
45 out and fish, when I legally can and catch fish for  
46 myself and my family directly as opposed to having to  
47 rely on someone. Although cultural norm is that you  
48 share. And that's a given. But I understand the  
49 opposition to designated fishermen or fisher person, to  
50 be politically correct.

1                   Nowhere in the Akiak's, especially  
2 based on their clarification, have they asked for that.

3  
4                   There are several other allocation  
5 strategies which could be considered, which would  
6 provide for that cultural, social, traditional aspect  
7 for the Federally-qualified user, Native and non-Native  
8 alike.

9  
10                  Secondly, early on in the week when we  
11 were talking about natural resource success stories, I  
12 attested that in my personal opinion, the greatest  
13 success story of the Fish and Wildlife Service in  
14 Alaska was the Hooper Bay Agreement, which evolved into  
15 the Goose Management Plan. Chief Ivan Ivan attested  
16 that, yes, because that was based on trust. And if  
17 we're saying that we have to have better reporting,  
18 there's already diminished trust there, because we're  
19 saying that the system we have in place may not account  
20 for all the fish and granted someone may not report, or  
21 underreport, I totally understand that. But if you  
22 look at the Hooper Agreement, that was mainly designed  
23 -- they call them cackling cackling geese now, but they  
24 used to be cackling Canada geese, in the early '80s  
25 that bird population was down to 24,000, which is a lot  
26 less than what we're talking about in the forecasted  
27 run today, the success of that program was based on  
28 trust.

29  
30                  CHAIRMAN CHRISTIANSON: Pippa.

31  
32                  MS. KENNER: Thank you, Mr. Peltola.  
33 Through the Chair. And, along with that I think it's  
34 important to bring out what's been happening in this --  
35 what people have been telling us through public, tribal  
36 and ANCSA corporation consultation, is that, the  
37 Kuskokwim River InterTribal Fisheries Commission has  
38 been working with the Bering Sea Fishermen's  
39 Association to conduct, to send out monitors to a group  
40 of villages to do this harvest assessment, this harvest  
41 monitoring. And so with the InterTribal Fisheries  
42 Commission is saying, is they support an allocation  
43 system.

44  
45                  The issue that members are having is  
46 around using delegated fishers but they support the  
47 allocation and using these monitors, their monitors to  
48 help them do that.

49  
50                  The other big thing that you need to

1 consider is that the Orutsaramiut Native Council, the  
2 Bethel Tribe is also supporting this, in conjunction  
3 with the InterTribal Fisheries Commission. They speak  
4 to both. And a lot of the responsibility for making  
5 any allocation system work, work falls on the Bethel  
6 Tribe because of the large proportion of the fishermen  
7 and fish that are taken by Bethel residents. So  
8 they're on board. They had a very busy summer, but a  
9 very satisfying summer when it was implemented in 2015  
10 and they have said they would help implement it again.

11  
12 So I just wanted to make sure I bring  
13 out those points because they kind of go together with  
14 what's happening with this proposal.

15  
16 MR. SIEKANIEC: Thank you, Mr. Chair.  
17 Thank you, Pippa. I must have misunderstood. I  
18 thought when we heard from the director of the Kenai  
19 River InterTribal Fisheries Commission -- I'm sorry,  
20 Kuskokwim -- yeah, I'm trying to think and look at  
21 something on my notes at the same time, it doesn't  
22 work, that they were not ready to say that they  
23 supported an allocation system, that they wanted to  
24 abstain from providing that level of support, but they  
25 did provide comment on that they really did like the  
26 seven members that they had on the observation program  
27 for monitoring. So I thought I heard something a  
28 little bit different and I don't know if.....

29  
30 MR. BORN: Yeah, the recorded document  
31 from the preseason meeting that we had with the  
32 InterTribal Fisheries Commission indicates they're not  
33 ready to take a position on the allocation, so just to  
34 clarify the allocation question. So the villages we  
35 visited, and there's been eight of them to date, the  
36 one or two you've talked about have said allocation  
37 they're interested in, the other six have said no to  
38 allocation. Additionally, during the preseason meeting  
39 we had -- Unit 6, which represents six of the lower  
40 villages said no to permits and no to allocation. So  
41 the Akiak presentation is great for them, but we have  
42 33 villages to consider in this whole river management  
43 system that we're working on.

44  
45 So part of the reason the InterTribal  
46 Fisheries Commission can't come to consensus on that is  
47 they don't have agreement to the allocation process.  
48 However, I agree that allocation is something we can  
49 discuss during our meetings with the InterTribal  
50 Fisheries Commission.

1 Thank you.

2

3 CHAIRMAN CHRISTIANSON: Pippa.

4

5 MS. KENNER: Thank you, Mr. Chair. And  
6 I believe the first question was to both of us, so to  
7 Mr. Siekaniec, through the Chair.

8

9 So at the tribal consultation, at the  
10 public meeting, the InterTribal Fisheries Commission  
11 representative indicated that they weren't clear on  
12 allocation. At this meeting I thought she made very  
13 clear that allocation wasn't the issue, it's the  
14 designated fisherman that was the issue. And when  
15 we're doing these consultations in the communities,  
16 when we say allocation, people are thinking we're  
17 saying designated fishermen, so I just wanted to bring  
18 that up for you to be aware of, that these are two  
19 different things, and they basically involve, how do we  
20 enumerate the harvest that's going on in-season; that's  
21 the problem.

22

23 CHAIRMAN CHRISTIANSON: I think I'm  
24 going to call on Anna.

25

26 MR. BORN: Thank you.

27

28 MS. CRARY: Thank you, Mr. Chair. My  
29 name is Anna Crary. I am an attorney who works for the  
30 law firm Landye, Bennett, Blumstein. I also serve as  
31 the attorney to the Kuskokwim InterTribal Fisheries  
32 Commission. Ms. Peltola, the executive director, had  
33 to step out and she asked me to sit in here in lieu of  
34 her in the event that she was called upon to answer any  
35 questions for the Board relating to this special  
36 action.

37

38 So it is my understanding after  
39 involvement with the Commission's discussions about  
40 this special action request, that the Commission has  
41 not reached a position that would support allocation,  
42 as allocation is described in these special action  
43 requests.

44

45 I think that we may be confusing the  
46 term allocation, which seems to have incorporated a  
47 couple of different meanings throughout the course of  
48 this discussion here. It's my understanding that when  
49 the term allocation was used -- well, I can't speak to  
50 Akiak's proposal, but when the term was involved in the

1 Commission's discussion, that, allocation was  
2 understood as saying this community gets X number of  
3 fish, this community is allocated this number of fish.  
4 And that was the sense in which allocation was being  
5 understood.

6  
7                   At this point in time the Commission  
8 doesn't have enough information or is not taking a  
9 position as to whether it supports that.

10  
11                   As far as the harvest survey  
12 information, however, is concerned, I don't know if the  
13 -- I don't believe that the Commission considers that  
14 program to be, you know, I can see how it could be  
15 construed as an allocative program, but when the  
16 Commission discusses allocation, I don't believe that  
17 it considers that community harvest program and that  
18 data, that is very important, and that is very helpful  
19 for making real-time in-season decisions, is  
20 information that is -- that falls underneath the  
21 umbrella of, you know, allocation, per se.

22  
23                   So I just want to clarify that for the  
24 Board today. And then if there are any other  
25 additional questions, Jim Simon, can also help to fill  
26 in and hopefully clarify as necessary.

27  
28                   CHAIRMAN CHRISTIANSON: Gene.

29  
30                   MR. PELTOLA: I just want to say thank  
31 you for the clarification, Anna and Pippa, because I  
32 wasn't present for the discussion, I was relying on  
33 comments from Staff.

34  
35                   MS. KENNER: And it's been pointed out,  
36 this is Pippa, again. It's been pointed out to me that  
37 Mary Matthias with ONC is on the teleconference if we  
38 wanted to ask her questions too. She's available.

39  
40                   CHAIRMAN CHRISTIANSON: Greg.

41  
42                   MR. SIEKANIEC: I just want to say  
43 thank you very much. That helps with the understanding  
44 a lot, Anna, appreciate it.

45  
46                   MR. DOOLITTLE: Can we go to  
47 InterAgency Staff Committee, please, and then we can  
48 get back into discussion.

49  
50                   CHAIRMAN CHRISTIANSON: Okay. We can

1 move on to number 2, InterAgency Staff Committee  
2 recommendation.

3

4 MS. HARDIN: Thank you. Mr. Chair. For  
5 the record my name is Jennifer Hardin. I'm the Chair  
6 of the InterAgency Staff Committee.

7

8 The InterAgency Staff Committee  
9 recommendation for Fisheries Temporary Special Action  
10 Request FSA19-02 is located on Page 161 of the OSM  
11 Staff analysis, so that's in supplement four, Page 161.

12

13 The InterAgency Staff Committee  
14 supports FSA19-02 with modification to remove the  
15 language requiring implementation of a community based  
16 allocation system. Instead the InterAgency Staff  
17 Committee recommends that the authority for developing  
18 and implementing a chinook salmon harvest allocation  
19 system be added to the delegated authority of the  
20 Federal in-season manager should the collaborative  
21 process called for in the in-season manager's  
22 delegation of authority letter result in agreement that  
23 allocation of chinook salmon is warranted.

24

25 The modified regulation would read.

26

27 Federal public waters in that portion  
28 of the Kuskokwim River drainage that are within and  
29 adjacent to the exterior boundaries of the Yukon Delta  
30 National Wildlife Refuge are closed to the harvest of  
31 chinook salmon except by Federally-qualified  
32 subsistence users identified in the ANILCA Section .804  
33 subsistence user prioritization, which includes  
34 residents of the Kuskokwim River drainage and the  
35 villages of Chefornak, Kipnuk, Kwigillingok, Kongiganek  
36 effective June 1, 2019 through July 1, 2019. Federal  
37 subsistence fishing schedules, openings, closures,  
38 fishing methods and allocation strategies will be  
39 determined by the Yukon Delta National Wildlife Refuge  
40 manager.

41

42 Approval of FSA19-02 as modified by the  
43 InterAgency Staff Committee would close chinook salmon  
44 fishing except by Federally-qualified subsistence users  
45 identified in the Section .804 subsistence user  
46 prioritization analysis from June 1 through July 1 in  
47 order to conserve chinook salmon and provide  
48 opportunity for subsistence uses. The modification of  
49 FSA19-02 would allow the in-season manager to determine  
50 and implement allocation strategies, if necessary, in

1 addition to the authority to determine fishing  
2 schedules, openings, closures and fishing methods  
3 provided in the delegation of authority letter from the  
4 Federal Subsistence Board.

5  
6                   Because the in-season manager is able  
7 to gather in-season run data and also collaborate with  
8 the Kuskokwim River InterTribal Fish Commission, the  
9 Alaska Department of Fish and Game and representatives  
10 of the Yukon Kuskokwim Delta and Western Interior  
11 Alaska Regional Advisory Councils, it would be more  
12 efficient for the in-season manager to have the  
13 flexibility to consider, develop and implement a  
14 mutually agreed upon allocation system as necessary  
15 rather than mandating the use of community based  
16 allocations.

17  
18                   Approving FSA19-02, as modified by the  
19 InterAgency Staff Committee would provide a management  
20 framework using the dates requested in FSA19-02 to  
21 close the harvest of chinook salmon to all except  
22 Federally-qualified subsistence users identified in the  
23 ANILCA Section .804 subsistence user prioritization and  
24 also provide flexibility to the in-season manager  
25 regarding decisions related to the possible allocation  
26 of chinook salmon.

27  
28                   This proposed modification is being  
29 made in light of the very perspectives offered by  
30 residents of the drainage about the community  
31 allocation system implemented in 2015. It is hoped  
32 that the in-season manager in collaboration with others  
33 will continue to work on an approach that addresses the  
34 concerns expressed while providing a mechanism for  
35 subsistence opportunities earlier in the season without  
36 jeopardizing conservation efforts and escapement.

37  
38                   It's important to note that in ANILCA  
39 Section .804 to all but Federally-qualified subsistence  
40 users that initiates on June 1 is a departure from the  
41 later closure dates that have been adopted in the  
42 recent years. The effects of enacting this closure  
43 period are unknown since specific management actions  
44 have not yet been identified. As detailed in the  
45 analysis, conservation measures for the chinook salmon  
46 were initiated after the 2010-2013 period as  
47 populations had notably declined. The conservation  
48 efforts implemented since 2013 indicate that chinook  
49 salmon populations are starting to recover. The 2019  
50 preseason forecast indicate that a harvestable surplus



1 similar to 2018 levels is likely available for chinook  
2 salmon. It is also noted in the analysis and through  
3 public testimony that prematurely permitting unlimited  
4 harvest of chinook salmon could potentially negatively  
5 affect the conservation gains that have been made since  
6 2013.

7  
8                   The recent management strategy used  
9 since 2015 has been for the in-season manager along  
10 with the Kuskokwim River InterTribal Fish Commission,  
11 the Alaska Department of Fish and Game and other  
12 stakeholder groups to assess river conditions and run  
13 data as it is collected in-season to determine when in-  
14 season emergency actions should occur to provide  
15 harvest opportunities.

16  
17                   The modified InterAgency Staff  
18 Committee recommendation does not seek to alter this  
19 approach as the specific details and timing of actual  
20 harvest opportunities and strategies would continue to  
21 be defined and announced by the Federal in-season  
22 manager through delegation of authority from this  
23 Board.

24  
25                   In closing, there is a clear desire by  
26 all users to see healthy sustainable chinook salmon  
27 populations rebuilt and conserved for current and  
28 future generations. There is also a strong desire to  
29 fish earlier as has been the customary practice and to  
30 increase the harvest of chinook salmon where possible.  
31 As reflected in public and tribal comments, there are  
32 substantial statements in support of and against the  
33 allocation portion of the special action request.  
34 These decisions are difficult and complex and require a  
35 dedicated team of many experts to evaluate the data and  
36 assess the risk of various actions. In-season  
37 management data will be a key factor in forming the  
38 decisions along with the continual collaborative  
39 process and timely communication with affected users.

40  
41                   Thank you, Mr. Chair.

42  
43                   OPERATOR: This is the operator, you  
44 have two questions on the phone.

45  
46                   CHAIRMAN CHRISTIANSON: Thank you.

47  
48                   OPERATOR: This is your operator, you  
49 have two questions on the phone.

50

1 CHAIRMAN CHRISTIANSON: Yes, I hear  
2 you, is that Mary on the line?  
3  
4 OPERATOR: Yes.  
5  
6 CHAIRMAN CHRISTIANSON: Yes, we'll take  
7 her questions at this time.  
8  
9 Thank you.  
10  
11 OPERATOR: Mary your line is open.  
12  
13 MS. MATTHIAS: Hi, this is Mary  
14 Matthias.  
15  
16 CHAIRMAN CHRISTIANSON: Hello, you have  
17 the floor.  
18  
19 MS. MATTHIAS: Okay. I am representing  
20 Orutsaramiut Native Council here in Bethel. And I was  
21 supposed to make a comment on the fisheries temporary  
22 special action request, FSA19-02.  
23  
24 CHAIRMAN CHRISTIANSON: Yes, this would  
25 be the time now.  
26  
27 MS. MATTHIAS: Okay. ONC continues to  
28 support the closure of Federal public waters of the  
29 Kuskokwim River drainage to the harvest of chinook  
30 salmon except by Federally-qualified subsistence users  
31 between June 1st -- June 1, 2019 and July 1, 2019 and  
32 to reduce the pool of eligible harvesters based on the  
33 Alaska National Interest Lands Conservation Act,  
34 Section .804, subsistence user prioritization that was  
35 implemented in 2017.  
36  
37 And, lastly, ONC is requesting to  
38 withdraw its recommendation in regards to the community  
39 allocation system and is no longer in support of  
40 Akiak's special action request, FSA19-02 for their  
41 community allocation system.  
42  
43 And that concludes my statement.  
44  
45 Thank you.  
46  
47 CHAIRMAN CHRISTIANSON: Thank you,  
48 Mary. Is there any Board discussion with Mary.  
49  
50 MS. PITKA: Can you repeat that last

1 part, I did not hear that properly.  
2  
3 CHAIRMAN CHRISTIANSON: Mary, you have  
4 a request to repeat that last part from Member Pitka.  
5  
6 OPERATOR: Mary, press star one for  
7 your question please.  
8  
9 (No comments)  
10  
11 OPERATOR: Mary, please press star one  
12 for your question.  
13  
14 (No comments)  
15  
16 MS. PITKA: Mary, are you still on the  
17 line. What I'm confused about is I thought that I  
18 heard you say that you withdrew support for allocation  
19 and then you said something about supporting it again  
20 -- I have no idea what you just said so can you please  
21 repeat that part.  
22  
23 MS. MATTHIAS: I will repeat it.  
24  
25 Lastly, ONC is requesting to withdraw  
26 its recommendation in regards to the community  
27 allocation system and is no longer in support of  
28 Akiak's special action request for the community  
29 allocation system.  
30  
31 MS. PITKA: But you do support the  
32 other portions of the special action request, correct?  
33  
34 MS. MATTHIAS: The first one, yes.  
35  
36 MS. PITKA: Okay, thank you.  
37  
38 CHAIRMAN CHRISTIANSON: Thank you,  
39 Mary.  
40  
41 OPERATOR: You have one more question on  
42 the line.  
43  
44 CHAIRMAN CHRISTIANSON: Okay. On line,  
45 you have it.  
46  
47 OPERATOR: Nicholas your line is open.  
48  
49 MR. KAMEROFF: Thank you. Through the  
50 Chair and Members of the Board, thank you for this

1 opportunity. I'm Nicholas Kameroff the Aniak Tribe.

2

3 We are in support of Federalizing the  
4 Kuskokwim River from June 1 to July 1st due to the  
5 conservation concerns of the Kuskokwim king salmon  
6 stocks that we're trying to rebuild and have been  
7 consistently since 2013. We work with the InterTribal  
8 Fish Commission, Federal Fish and Wildlife, some  
9 partners, State of Alaska and other agencies and groups  
10 that we sit down and work with throughout the season.

11

12 I know details have yet to be hammered  
13 out such as time, area, fishing, net sizes, stuff like  
14 that, but the allocation part and designated fishermen  
15 is not what we're out for, but those concerns will be  
16 addressed later on as the Fish Commission and the Fish  
17 and Wildlife Service get together and hammer out the  
18 details but we do support Federalizing the Kuskokwim  
19 River and look forward to, you know, trying to get some  
20 fish for our consumption and winter use.

21

22 Short and sweet.

23

24 And another thing to point out is ANS  
25 has not been met for a number of years and though we're  
26 not ever meeting it, hopefully eventually as time goes  
27 on and conservation rebuilds the stock, perhaps that  
28 may come about again. But until that day happens we  
29 have to work together with all user groups, other  
30 tribes, and all the people who have bought into the  
31 conservation efforts so that we have a chance for our  
32 children's children to have a chance to fish for these  
33 same fish and species as we have done customarily and  
34 traditionally.

35

36 And we support working with the  
37 InterTribal Fish Commission and the Fish and Wildlife  
38 Service along with all the partners involved, the  
39 Bering Sea Fishermen's Association, I think the Native  
40 Village of Napiamiut and they hire people up from Aniak  
41 area throughout up to Red Devil, I believe, who reach  
42 out and get adequate or get fishing numbers from all  
43 users throughout the whole river so you have people  
44 monitoring catch from the lower river all the way up to  
45 Nuk -- let's see, as far as Red Devil, Sleetmute area.

46

47 And I'd just like to also point out  
48 that traditionally -- and in the past years, fishermen  
49 don't take that much salmon from Kalskag all the way to  
50 the headwaters, we take less than 10 percent -- if

1 there's an 85,000 catch or 86,000 catch, back -- from  
2 back in the day, our catch would be near 2,000. I do  
3 realize the people, the populations have been growing  
4 but the number of fish camps that are out there, the  
5 traditional fishermen, families, there is not as much  
6 in operation, they're kind of like going away slowly,  
7 but there's a few families who do customarily and  
8 traditionally fish for their winter consumption. And  
9 just for everybody's information, during those fishing  
10 openings whether the Service and the InterTribal Fish  
11 Commission work together, they are able to track how  
12 much fish that are caught in a particular 12 hour  
13 opening or six hour opening or whatever it is we  
14 decide, or they decide, so it's really important to  
15 keep it open -- or keep -- not open, but Federalize the  
16 river for all Federally-qualified users, be it Native  
17 or non-Native who live out in rural Alaska and that  
18 they gather fish for their customary and traditional  
19 uses.

20

21 Thank you.

22

23 CHAIRMAN CHRISTIANSON: Thank you. Any  
24 questions.

25

26 OPERATOR: No other questions at this  
27 time.

28

29 CHAIRMAN CHRISTIANSON: Okay, thank  
30 you. I think that concludes our on line testimony  
31 thank you for calling in.

32

33 Gene.

34

35 MR. PELTOLA: I actually have a  
36 question for Dr. Hardin.

37

38 Under the InterAgency Staff Committee  
39 recommendation, was it second line down towards the end  
40 it said instead the ISC recommends that the authority  
41 for developing and implementing a chinook salmon  
42 harvest allocation system be added to the delegation of  
43 authority to the Federal in-season manager, was that  
44 put in there in the absence of an .804, if the Board  
45 fails to accept the .804? Because my understanding is  
46 if an .804 is accepted that authority lies with the in-  
47 season manager.

48

49 MS. HARDIN: Thank you. Through the  
50 Chair. Mr. Peltola. You are correct, if an .804 is

1 adopted you've essentially provided that ability to  
2 allocate within the confines of Title VIII -- the  
3 allocation system would need to align with the  
4 requirements of Title VIII and specifically Title VIII  
5 and Section .804.

6

7 MR. PELTOLA: And, Mr. Chair, a  
8 followup for clarification.

9

10 So on the modified regulation would  
11 read, aspect in bold, the paragraph, going through,  
12 going on down, the last sentence says:

13

14 The Federal subsistence fishing  
15 schedule, openings, closures, fishing methods and  
16 allocation strategies will be determined by the Yukon  
17 Delta National Wildlife Refuge manager.

18

19 That already incorporates -- that would  
20 already be incorporated and allowed if the .804 is  
21 accepted by the Board and so there wouldn't be a need  
22 to modify our delegation of authority anyway (ph).

23

24 MS. HARDIN: Through the Chair. You're  
25 correct, Mr. Peltola. We just wanted to make sure that  
26 we emphasized the importance of allocation being tied  
27 to that Section .804 subsistence user prioritization  
28 and being defined within the confines of Title VIII of  
29 ANILCA.

30

31 MR. PELTOLA: One more point of  
32 clarification, Mr. Chair.

33

34 When I talk about allocation I don't  
35 necessarily mean with a designated fisher. When I talk  
36 about allocation it means a strategy, a -- how you're  
37 going to provide the opportunity for harvest. And when  
38 I say allocation I want it to be understood, it's in  
39 general terms, not specifically advocating for one type  
40 of opportunity over another and that's the -- in such  
41 that, people understand when I talk about allocation,  
42 it's not showing a particular preference.

43

44 CHAIRMAN CHRISTIANSON: Any further  
45 questions for the ISC. Board discussion.

46

47 OPERATOR: No on line questions at this  
48 time.

49

50 CHAIRMAN CHRISTIANSON: What's that.

1 OPERATOR: Was that somebody on line.  
2  
3 MR. FROST: No, she said there was no  
4 one.  
5  
6 CHAIRMAN CHRISTIANSON: Thank you.  
7 Thank you, we're moving on to Board discussion. Hey,  
8 let's talk about it now.  
9  
10 (Laughter)  
11  
12 CHAIRMAN CHRISTIANSON: Well, it sounds  
13 like we're going to get through this one real quick now  
14 -- well, that brings us to number 4, Board action on  
15 FSA19-02, the Kuskokwim chinook salmon -- the floor is  
16 open.  
17  
18 MR. SIEKANIEC: Mr. Chair.  
19  
20 CHAIRMAN CHRISTIANSON: Greg.  
21  
22 MR. SIEKANIEC: Thank you, Mr. Chair.  
23 Greg Siekaniec with U.S. Fish and Wildlife Service.  
24  
25 I would like to move to approve FSA19-  
26 02 with modification, to include a closure to all but  
27 Federally-qualified subsistence users identified in the  
28 .804 subsistence user prioritization with beginning and  
29 ending dates of this closure to be determined by the  
30 Federal in-season manager. Removing the closure dates  
31 and requirement to implement an allocation system will  
32 allow the collaborative decisionmaking framework in the  
33 memorandum of understanding between the Fish and  
34 Wildlife Service and the Kuskokwim River InterTribal  
35 Fish Commission and outlined in the delegation of  
36 authority letter to identify important closure dates  
37 and determine if an allocation system is desired.  
38  
39 The following modified regulation would  
40 read:  
41  
42 Unless reopened by special action,  
43 Federal public waters in that portion of the Kuskokwim  
44 River drainage that are within and adjacent to the  
45 exterior boundaries of the Yukon Delta National  
46 Wildlife Refuge are closed to the harvest of chinook  
47 salmon except by Federally-qualified subsistence users  
48 identified in the ANILCA Section .804 subsistence user  
49 prioritization which includes residents of the  
50 Kuskokwim River drainage and the villages of Chefornak,

1 Kipnuk, Kwigillingok and Kongiganek effective dates to  
2 be determined by the Federal in-season manager.  
3 Federal subsistence fishing schedules, openings,  
4 closures and fishing methods will be determined by the  
5 Yukon Delta National Wildlife Refuge in-season manager.

6  
7 If I get a second, I will provide  
8 further justification.

9  
10 MR. BROWER: Second.

11  
12 MR. SIEKANIEC: Thank you. I believe  
13 this modification supports the desires by the Fish and  
14 Wildlife Service, Akiak and the Kuskokwim River  
15 InterTribal Fish Commission and many others to have  
16 Federal management of the river and to further narrow  
17 the pool of Federally-qualified users eligible to  
18 harvest chinook salmon via an .804 prioritization.  
19 Given the 2019 season has a similar preseason forecast  
20 as 2018, it is clear that harvest of chinook salmon  
21 should be, again, restricted to those identified in an  
22 .804 prioritization when harvest of chinook is allowed.

23  
24 I agree with the ISC recommendation  
25 that requiring implementation of a community based  
26 allocation system is not necessary. It would be more  
27 efficient for the in-season manager to have the  
28 flexibility to consider develop and implement mutually  
29 agreed upon allocation systems as necessary in  
30 consideration of in-season run and harvest data.

31  
32 This type of decision is also indicated  
33 by the ISC -- excuse me -- should be made using the  
34 collaborative decision process as you've heard from me  
35 many times making this process with the tribal --  
36 InterTribal Fish Commission, the Alaska Department of  
37 Fish and Game and representatives of the Yukon Delta  
38 and the Western Interior Regional Advisory Councils.

39  
40 As of yesterday the in-season manager  
41 and the Kuskokwim River InterTribal Fish Commission  
42 now have a regulation that allows fishing with six inch  
43 nets until June 1. There have already been three  
44 meetings this year to discuss the 2019 season. A  
45 management plan meeting for next week, and I believe a  
46 followup meeting with the working group in early May.  
47 The collaborative decisionmaking group should have the  
48 opportunity to discuss this new regulation relative to  
49 when they believe closures should occur.

50



1                   Again, as I have indicated many times,  
2 I believe this process of allowing the collaborative to  
3 fully engage and continue to build upon the successful  
4 river management that we've seen since 2016 in support  
5 of the memorandum of understanding that we've  
6 developed.

7  
8                   So, again, as I reflect on all this, I  
9 still believe decisions back to this working group is  
10 where we are best situated and the expectation these  
11 groups work together as we defined in our letter of  
12 delegation of authority.

13  
14                   And I could go on but I will stop with  
15 that because I'm sure others are interested in this.

16  
17                   Thank you, Mr. Chair.

18  
19                   CHAIRMAN CHRISTIANSON: Thank you,  
20 Greg. Gene.

21  
22                   MR. PELTOLA: Yes, Mr. Chair. Might I  
23 make a request of the OSM Staff before the Board takes  
24 any further action on the motion -- that we actually  
25 have the motion put up before us on the screen to look  
26 at, exactly how it's written.

27  
28                   MR. DOOLITTLE: Yeah, one question just  
29 for clarification. If we look at the ISC  
30 recommendation, it seemed like what you described --  
31 the Fish and Wildlife Service described, it seemed like  
32 everything except for that the in-season manager and  
33 the collaborative, it was essentially the effective  
34 date of June 1, 2019 through July 1 was what was  
35 recommended to be stricken, but my question is, it  
36 seemed like there was support, from what I heard, for  
37 the .804, there was support also for the Federal  
38 subsistence fishing schedules, and openings, closings,  
39 and allocation strategies will be determined by the  
40 Yukon Delta Refuge manager, so that seemed to be  
41 consistent. So that might be considered to kind of  
42 condense that down, is -- to take a look at that.

43  
44                   Anyways, that's just a recommendation.

45  
46                   (Pause)

47  
48                   MR. SIEKANIEC: So I believe Jennifer  
49 has it because we were working directly with Staff in  
50 order to put it.....

1 MS. DAMBERG: She has it.

2

3 MR. SIEKANIEC: Okay, so I think  
4 Jennifer's putting it up. Okay. So we did that Tom.

5

6 MR. DOOLITTLE: Thank you.

7

8 CHAIRMAN CHRISTIANSON: Yes, we'll give  
9 Staff a minute here to get that language up on the  
10 board.

11

12 (Pause)

13

14 CHAIRMAN CHRISTIANSON: Okay, we're  
15 back and we have the language on the board and Gene has  
16 a question.

17

18 MR. PELTOLA: Yeah, Greg, and my  
19 question comes about from some of the discussion the  
20 Board has had with regard to special actions in the  
21 past with regard to .804.

22

23 By your verbiage in here, identified in  
24 ANILCA, Section .804, subsistence user prioritization,  
25 does that mean that you accept the .804 as presented by  
26 the Office of Subsistence Management in the analysis.

27

28 MR. SIEKANIEC: Yes.

29

30 MR. PELTOLA: Okay. And the reason I  
31 asked that is in the past when we got direction to  
32 explicitly accept .804 as opposed to implying that we  
33 accept .804.

34

35 MR. SIEKANIEC: Excuse me, to accept  
36 .804.

37

38 MR. PELTOLA: Okay, thanks.

39

40 If I may, Mr. Chair.

41

42 There's very little difference between  
43 this -- your proposal and that which is presented by  
44 the ISC, especially after we had clarification about,  
45 you know, not needing, since we potentially will accept  
46 the .804 about modifying the in-season manager's  
47 delegation of authority. The only challenge I have  
48 with this, I understand your talk about collaboration  
49 and making decisions at the local level, but from the  
50 testimony we received everybody's asking for a Federal

1 management regime on the Kusko. And if we were not to  
2 put a firm date in then it gets into the situation  
3 which I raised earlier, is that, if the State of Alaska  
4 offers opportunity with four inch mesh, which is  
5 intended to not target chinook, if a chinook is  
6 harvested, it can be retained and the whole reason  
7 we're here is about -- talking about chinook is because  
8 we predict we're not going to have enough chinook to go  
9 around, so by modifying that could potentially allow  
10 for a scenario that a Federally-qualified user a few  
11 days later may not be able to retain a chinook when a  
12 non-Federally-qualified user would be able to.

13

14 So I'd like to make a motion to modify  
15 the proposal to replace the -- where is it now -- the  
16 effective dates to be determined by the Federal in-  
17 season manager and replace it with the original  
18 verbiage of the ISC recommendation, June 1st, 2019  
19 through July 1st, 2019, for the concerns I expressed  
20 earlier.

21

22 MS. PITKA: Was that a motion to amend?

23

24 MR. PELTOLA: That was a motion to  
25 amend, yeah.

26

27 MS. PITKA: Okay.

28

29 MR. PELTOLA: I'm sorry, a motion to  
30 amend it and I think I said a motion to modify.

31

32 CHAIRMAN CHRISTIANSON: Okay. We have  
33 a motion on the floor to approve as stated with the  
34 language there with a second, and under discussion we  
35 have a motion to amend, to reinstate the date, did we  
36 get a second on that.

37

38 MS. PITKA: I will second that.

39

40 CHAIRMAN CHRISTIANSON: We have a  
41 second on that motion. We'll open that back for  
42 discussion now. The discussion now is on the  
43 amendment, which is to put that date back into the  
44 language presented by the original motion maker.

45

46 Discussion.

47

48 MR. SIEKANIEC: Thank you, Mr. Chair.  
49 I guess I'm not following the full concern around that.  
50 By change -- after we've had several successful years

1 without that language being in there from the first on,  
2 and I guess I'd like to hear, possibly, from the in-  
3 season manager if he has any thoughts on what does that  
4 do to the working group collaboration, bringing  
5 everyone together to have the opportunity to decide  
6 when you would have your openings.

7

8                   Is that all right, Mr. Chair.

9

10                   MR. BORN: Thank you, Mr. Siekaniec.  
11 Yeah, by making it a hard closure date that takes away  
12 from the flexibility from the in-season manager to make  
13 a collaborative decision on those closures.

14

15                   But it also will compel us to do the  
16 closure of that date, which we may actually go earlier  
17 if we have a really early run or will we have some  
18 flexibility in that, I understand that, but if we have  
19 a late run there is no point in closing it early so  
20 people cannot fish when there's no chinook in the  
21 river.

22

23                   So, again, I'd like to maintain that  
24 flexibility for the in-season management team to do  
25 that and we have a good team that talks about that  
26 stuff a lot.

27

28                   Thank you.

29

30                   MR. PELTOLA: May I.

31

32                   CHAIRMAN CHRISTIANSON: Gene.

33

34                   MR. PELTOLA: Yes, thank you, Mr.  
35 Chair. And as the in-season manager you have the  
36 flexibility to modify those via delegation of authority  
37 if a situation arises as such.

38

39                   CHAIRMAN CHRISTIANSON: Greg.

40

41                   MR. SIEKANIEC: Thank you, Mr. Chair.  
42 So I guess I'm trying to figure out, will this, in any  
43 way, take away the opportunity for people to fish --  
44 for residents of the river to fish for, you know, their  
45 non-salmon interests if we put these dates of June 1  
46 through July 1 in place because what I've heard is in  
47 the past we've given these, you know, once a week four  
48 inch mesh net or whatever, opportunities, for non-  
49 salmon species, will this action in any way take away  
50 from that opportunity?

1 MR. BORN: This is Ray Born, the in-  
2 season manager. That could reduce the opportunity for  
3 the people to get that taste of fish early in the  
4 season that they're looking for but, again, there's  
5 some opportunity to do that as Mr. Peltola pointed out,  
6 as the in-season manager, I have some flexibility in  
7 that. I would hope that that flexibility include when  
8 that closure actually starts versus mandating 1 June.

9

10 Thank you.

11

12 CHAIRMAN CHRISTIANSON: Were you  
13 finished, Greg.

14

15 MR. SIEKANIEC: Yes, thank you.

16

17 CHAIRMAN CHRISTIANSON: Gene.

18

19 MR. PELTOLA: Mr. Chair. I believe  
20 that is an incorrect statement. The closure dates, as  
21 modified via the modification or amendment only limits  
22 the fishery to Federally-qualified users. The in-  
23 season manager still has to close those waters to the  
24 take of any fish. So they would remain open and in no  
25 way hinder a Federally-qualified user in any capacity  
26 or manner.

27

28 MR. SIEKANIEC: Mr. Chair.

29

30 CHAIRMAN CHRISTIANSON: Greg.

31

32 MR. SIEKANIEC: Thank you. Again, I'm  
33 just looking for the clarity here. So we're talking  
34 about an .804 subsistence user prioritization for  
35 chinook salmon so beginning on June 1, with the  
36 amendment, what does that do to the State providing for  
37 these opportunities then up until such time as -- for  
38 all fish -- so if I heard you -- Gene, what I thought I  
39 heard you say was the -- all other fish other than  
40 chinook are still going to be an option for the State  
41 to put in place what it is they believe to provide the  
42 opportunities for users to get fish other than chinook.

43

44 MR. PELTOLA: So the way.....

45

46 MR. SIEKANIEC: It's still there.....

47

48 MR. PELTOLA: By going through the  
49 reading it says, basically Federal waters in that  
50 portion of the Kuskokwim River are within, you know,

1 blah, blah...not blah, blah, blah, sorry, are closed  
2 to the harvest of chinook salmon to all but, basically  
3 Federally-qualified subsistence users. Now, if and I'm  
4 not a lawyer and Ken could correct me, but the harvest  
5 of chinook is purely limited to Federally-qualified  
6 users. The harvest of sheefish, whitefish, burbot, you  
7 name it, is still available to Federally-qualified  
8 users. Now, the question would be getting to the legal  
9 one, would then, can someone set a four inch net  
10 knowing that there -- albeit small, but still be a  
11 possibility of harvesting a chinook, and for that I'd  
12 like to the solicitor for guidance.

13

14 MR. LORD: And you're assuming that  
15 person is not a Federally-qualified user, correct?

16

17 MR. PELTOLA: Because that was the  
18 question that was addressed to me.

19

20 MR. LORD: So if that person is a  
21 Federally-qualified user and they incidentally catch or  
22 accidentally catch a chinook, I don't see that as being  
23 a problem. If the State still has an open fishery, you  
24 know, for whitefish or whatever and someone  
25 incidentally catches one that would violate this.

26

27 If the State -- if someone is a non-  
28 rural Alaska resident who's fishing under State  
29 regulations and going after whitefish and incidentally  
30 catches a chinook or accidentally catches one, under  
31 this that would be a violation.

32

33 MR. PELTOLA: And getting to that is  
34 why I entered the modification in a sense that if we --  
35 absent of -- the limitation to Federally-qualified  
36 users, a State user can retain that chinook when little  
37 -- a short period of time after that a Federally-  
38 qualified user could not, depending on when this  
39 closed, and that's why I made the motion to amend to  
40 put the dates back in.

41

42 CHAIRMAN CHRISTIANSON: The floor is  
43 still open for discussion.

44

45 MR. SIEKANIEC: Mr. Chair.

46

47 CHAIRMAN CHRISTIANSON: Greg. And then  
48 I see hands coming up over here.

49

50 MR. SIEKANIEC: Well, I'm just still

1 trying to figure out, if, as a Board, we would be  
2 putting in a unnecessary restriction that would in some  
3 way limit the opportunities for non-Federally-qualified  
4 users in pursuit of anything other than chinook, all  
5 other species.

6

7 MR. PELTOLA: I completely understand  
8 that because the reverse rationale is the same reason  
9 why, in the past some have argued for just the  
10 opposite, is that there were not very many  
11 opportunities provided to target non-chinook species  
12 when we were not under Federal management, but under  
13 State management. Did I get that right -- no, let's  
14 see, I can't think right now.

15

16 MR. SIEKANIEC: Welcome to my world.

17

18 (Laughter)

19

20 CHAIRMAN CHRISTIANSON: I think we had  
21 some hands up over here so if we went this way -- down  
22 that way.

23

24 MS. HARDIN: Through the Chair. I'm  
25 sorry, Mr. Chair, was asking about Federally-qualified  
26 subsistence user opportunity to fish for other species,  
27 but he just clarified that he was speaking about non-  
28 Federally-qualified so I don't have a quest -- I don't  
29 have a statement.

30

31 CHAIRMAN CHRISTIANSON: Okay. I was  
32 just making sure.

33

34 Rhonda.

35

36 MS. PITKA: Not wanting to stifle  
37 discussion, I'd like to call question on the motion to  
38 amend.

39

40 CHAIRMAN CHRISTIANSON: Well, I  
41 understand, I think we're still engaged in the  
42 conversation Rhonda, so I think.....

43

44 MS. PITKA: Oh, sorry. I just feel  
45 like we've had this discussion several times before.  
46 We've had it in our August work session. We've had it  
47 in other times. I feel like we can come to a decision  
48 is all that I'm saying, sorry.

49

50 CHAIRMAN CHRISTIANSON: I agree.

1 MS.PITKA: If you feel like we need to  
2 discuss it more.  
3  
4 CHAIRMAN CHRISTIANSON: Well, yeah,  
5 just recollecting the last time we discussed it it took  
6 us two days, so I apologize.  
7  
8 MS. PITKA: That's why I'm calling the  
9 question, Sir.  
10  
11 CHAIRMAN CHRISTIANSON: Yes, I  
12 appreciate that part, Rhonda.  
13  
14 MR. SIEKANIEC: I believe we're on Day  
15 3.  
16  
17 CHAIRMAN CHRISTIANSON: Yeah, I mean  
18 just specific to.....  
19  
20 MS. PITKA: This is Day 3, year 4.  
21  
22 (Laughter)  
23  
24 CHAIRMAN CHRISTIANSON: .....this and  
25 the dates -- yeah, the first, the 12, the 25th. I  
26 understand.  
27  
28 Bert.  
29  
30 MR. FROST: Can I make an observation  
31 and please correct me.  
32  
33 But it seems to me that whether there's  
34 a date in there or not, the in-season manager still has  
35 the ability to shut it down or open it up whenever he  
36 wants, and so as long as he has that ability to do  
37 that, it seems like we're discussing irrelevancy, but  
38 that may be too flippant, and I apologize for that. I  
39 don't mean to offend anybody.  
40  
41 But if we have empowered the in-season  
42 manager to open and close the chinook fishery, as  
43 needed, I don't even -- I don't know what we're talking  
44 about, just an observation.  
45  
46 CHAIRMAN CHRISTIANSON: Greg.  
47  
48 MR. SIEKANIEC: Thanks for the.....  
49  
50 MS. PITKA: Thank you.



1 MR. SIEKANIEC: Thanks for that Bert. I  
2 would tend to agree with that, that's why I was asking  
3 my questions just simply around -- does this, in some  
4 inadvertently way, limit what we're trying to  
5 accomplish for other opportunities for fishing.

6  
7 So I appreciate that perspective.

8  
9 CHAIRMAN CHRISTIANSON: Gene.

10  
11 MR. PELTOLA: One thing I think I  
12 recall is that in times in the past the State may have  
13 continued to provide opportunity for other than chinook  
14 and at times have decided not to. I don't recall. For  
15 some reason that's in my mind.

16  
17 Aaron, do you recall.

18  
19 MR. TIERNAN: Through the Chair. Mr.  
20 Peltola. I don't -- speaking to the four inch, that  
21 has not occurred -- in the past the U.S. Fish and  
22 Wildlife Service in-season and that team has -- the  
23 actions haven't been put in place until June 12th, but  
24 as far as we -- as the season moved on into chum and  
25 sockeye, yes, that is the case.

26  
27 MR. PELTOLA: And the point I was  
28 trying to make is that deferred action via the Federal  
29 Program until June 12th, prior to that we're under the  
30 -- potentially under the one opportunity per week  
31 offered by the State of Alaska, and that fishing  
32 opportunity with four inch mesh, if a chinook salmon --  
33 if I go out and set a net on June 11th and I catch a  
34 chinook as a non-Federally-qualified user, and I use  
35 myself as an example, because it's easy, if I go and  
36 set a four inch -- it happens to be the one week  
37 opportunity on June 11th, I catch a chinook, I can  
38 retain it, but the next day -- and on that chinook I  
39 retain, the Federally-qualified user is not -- does not  
40 have a priority for that resource which we are  
41 considering action because of chinook conservation, but  
42 the next day then it's a rural priority after the  
43 Refuge manager has taken action. So the reason why I  
44 put the date -- wanted to see the dates back in, is  
45 that, because we're here talking about chinook  
46 conservation, potential for reduced returns, if there's  
47 opportunity to retain a chinook, I feel it should be  
48 retained for the Federally-qualified user.

49  
50 CHAIRMAN CHRISTIANSON: Charlie.

1 MR. BROWER: Mr. Chair. Question on  
2 the amendment.

3  
4 CHAIRMAN CHRISTIANSON: Nobody said  
5 anything on that one so it's got a question on it,  
6 we're going to roll call vote on the motion to amend to  
7 include the closure dates of June 1, '19 to July 1,  
8 2019, and this is a vote to amend the original motion.

9  
10 You got to pass the amendment and then  
11 you can amend the motion and then vote back on the  
12 amended motion and so there we are.

13  
14 The floor is open now, Tom, will you  
15 please do roll call.

16  
17 MR. DOOLITTLE: Alrighty. This is to  
18 look at the amendment in Fisheries Special Action 19-  
19 02, and the motion is to amend to include closure dates  
20 June 1, 2019 through July 1, 2019 to an original motion  
21 that is stated to say:

22  
23 Unless reopened by the Federal special  
24 action, Federal public waters in that portion of the  
25 Kuskokwim River drainage that are within and adjacent  
26 to the exterior boundaries of the Yukon Delta National  
27 Wildlife Refuge are closed to the harvest of chinook  
28 salmon except by Federally-qualified subsistence users  
29 identified in ANILCA Section .804 subsistence user  
30 prioritization which includes residents of the  
31 Kuskokwim River drainage and the villages of Chefornek,  
32 Kipnuk, Kwigillingok and Kongiganek effective dates to  
33 be determined by the Federal in-season manager.  
34 Federal subsistence fishing schedules, openings,  
35 closures and fishing methods will be determined by the  
36 Yukon Delta National Wildlife Refuge in-season manager.

37  
38 And we'll start with U.S. Forest  
39 Service, David Schmid.

40  
41 MR. SCHMID: Yes, I'm going to support  
42 the amendment here and that's based on my understanding  
43 that the in-season manager has all the latitude to open  
44 and close that fishery and that was the recommendation  
45 by the ISC.

46  
47 Thank you.

48  
49 MR. DOOLITTLE: Bureau of Land  
50 Management, Chad Padgett.

1 MR. PADGETT: I'll support based on the  
2 same.  
3  
4 MR. DOOLITTLE: Bureau of Indian  
5 Affairs, Gene Peltola.  
6  
7 MR. PELTOLA: Support.  
8  
9 MR. DOOLITTLE: Public Member Rhonda  
10 Pitka.  
11  
12 MS. PITKA: I support the amendment.  
13  
14 MR. DOOLITTLE: Public Member Charlie  
15 Brower.  
16  
17 MR. BROWER: I support the amendment.  
18  
19 MR. DOOLITTLE: National Park Service,  
20 Herbert Frost.  
21  
22 MR. FROST: I'm going to oppose the  
23 amendment based on the same rationale, that the Federal  
24 in-season manager has the ability to open and close  
25 things regardless if the date is there or not.  
26  
27 MR. DOOLITTLE: U.S. Fish and Wildlife  
28 Service, Greg Siekaniec.  
29  
30 MR. SIEKANIEC: Thank you. I will also  
31 oppose because I don't believe this Board action would  
32 actually add anything to the opportunity for the --  
33 that isn't already there for the in-season manager.  
34  
35 MR. DOOLITTLE: Thank you, Greg. Last  
36 but not least, Chairman Anthony Christianson.  
37  
38 CHAIRMAN CHRISTIANSON: I support.  
39  
40 MR. DOOLITTLE: The motion passes, six  
41 yeas, two nays.  
42  
43 CHAIRMAN CHRISTIANSON: Okay. That  
44 brings us back to the original motion with the  
45 amendment, would be to include the dates of June 1st,  
46 2019 to July 1st, 2019 as effective dates.  
47  
48 MR. BROWER: Mr. Chair.  
49  
50 CHAIRMAN CHRISTIANSON: Yep.

1 MR. BROWER: Question on the main  
2 motion.

3  
4 CHAIRMAN CHRISTIANSON: We have a  
5 question called on the main motion which has been  
6 amended to include the language shown on the board.

7  
8 Roll call.

9  
10 Maybe for the record, do we need to  
11 read it in there, I guess.

12  
13 MR. DOOLITTLE: This is the vote on the  
14 main motion for Fisheries Special Action 19-02.

15  
16 The motion says:

17  
18 Unless reopened by the Federal special  
19 action, Federal public waters in that portion of the  
20 Kuskokwim River drainage that are within and adjacent  
21 to the exterior boundaries of the Yukon Delta National  
22 Wildlife Refuge are closed to the harvest of chinook  
23 salmon except by Federally-qualified subsistence users  
24 identified in the ANILCA Section .804 subsistence user  
25 prioritization which includes residents of the  
26 Kuskokwim River drainage and the villages of Chefornak,  
27 Kipnuk, Kwigillingok and Kongiganek effective dates  
28 June 1, 2019 to July 1, 2019. Federal subsistence  
29 fishing schedules, openings, closures and fishing  
30 methods will be determined by the Yukon Delta National  
31 Wildlife Refuge in-season manager.

32  
33 Public Member Rhonda Pitka.

34  
35 MS. PITKA: I support the main motion,  
36 FSA19-02 with modification.

37  
38 With justification that closing the  
39 chinook salmon fishing to Federally-qualified  
40 subsistence users will help conserve salmon and still  
41 give harvest opportunity for the Federally-qualified  
42 subsistence users.

43  
44 Thank you.

45  
46 MR. DOOLITTLE: Public Member Charlie  
47 Brower.

48  
49 (No comments)

50

1 MR. DOOLITTLE: Charlie.  
2  
3 MR. BROWER: Are you calling me?  
4  
5 (Laughter)  
6  
7 MR. DOOLITTLE: Yes, Sir.  
8  
9 MR. BROWER: I support approval of  
10 FSA19-02 with modification.  
11  
12 MR. DOOLITTLE: Thank you, Charlie.  
13 U.S. Fish and Wildlife Service, Greg Siekaniec.  
14  
15 MR. SIEKANIEC: Thank you, Tom. U.S.  
16 Fish and Wildlife Service supports FSA19-02 with  
17 modification and amendment. I believe the .804  
18 prioritization is appropriate given the preseason  
19 forecast for chinook and my understanding that this  
20 does not limit fisheries options between the in-season  
21 manager and the collective -- in the area.  
22  
23 MR. DOOLITTLE: Thank you, Greg.  
24  
25 Bureau of Land Management, Chad  
26 Padgett.  
27  
28 MR. PADGETT: I support.  
29  
30 MR. DOOLITTLE: National Park Service,  
31 Herbert Frost.  
32  
33 MR. FROST: I support, and I won't say  
34 anything else.  
35  
36 (Laughter)  
37  
38 MR. DOOLITTLE: Alrighty. U.S. Forest  
39 Service, David Schmid.  
40  
41 MR. SCHMID: Yes, I support FSA19-02 as  
42 modified and also continue to endorse the collaborative  
43 effort that's moving forward there in the area.  
44  
45 Thank you.  
46  
47 MR. DOOLITTLE: Thank you, Sir.  
48  
49 Bureau of Indian Affairs, Gene Peltola.  
50

1 MR. PELTOLA: Vote to support the  
2 proposal as amended. I feel that it preserves the  
3 rural preference in addition to endorse the continued  
4 collaborative effort between the in-season manager and  
5 parties involved in the Kusko.

6  
7 MR. DOOLITTLE: Thank you, Sir.

8  
9 Chairman Anthony Christianson.

10  
11 CHAIRMAN CHRISTIANSON: I support.

12  
13 MR. DOOLITTLE: Motion passes  
14 unanimously.

15  
16 (Pause)

17  
18 CHAIRMAN CHRISTIANSON: Okay, we're  
19 looking at the agenda here and I know there's some  
20 people who came in specifically for Berners Bay moose.  
21 And part of the number 11, the schedule of upcoming  
22 Board meetings, I think we could take care of that  
23 business at a later date. If there is no disagreement  
24 here from the Board we'll jump right into the.....

25  
26 MS. PITKA: I agree to that.

27  
28 CHAIRMAN CHRISTIANSON: .....next order  
29 of business which is to -- so if the Staff wants to get  
30 ready to do request for reconsideration on RFR18-02  
31 Berners Bay moose, and we'd also invite up our  
32 counterparts to join us and we'll take care of that and  
33 respect people's time and energy.

34  
35 We'll take a quick five, just a quick  
36 -- yeah, five, quick, quick please. So be mindful on  
37 this break because Rhonda does have to leave in 30  
38 minutes so really a true five minute break.

39  
40 (Off record)

41  
42 (On record)

43  
44 MS. PITKA: Tony.

45  
46 CHAIRMAN CHRISTIANSON: Go ahead.

47  
48 MS. PITKA: Before I have to leave.

49  
50 CHAIRMAN CHRISTIANSON: Yes, Rhonda,

1 you have the floor.

2

3 MS. PITKA: Yes. I would just like to  
4 say thank you to all the Staff members who made the  
5 analysis and the preparation for this meeting so  
6 seamless. I appreciate all of the OSM analysis and how  
7 thorough it's been. And I appreciate all of the tribal  
8 consultation. I would like to ask that we consider  
9 having a tribal consultation at the BIA Provider's  
10 Conference in December so we can get more robust tribal  
11 comment. Having the tribal consultation during June  
12 puts a burden on tribes and we often don't get those  
13 comments. And I'd also like to show my support for the  
14 Joint Council meeting that I heard several Councils  
15 submit a request for.

16

17 Thank you.

18

19 I'll unfortunately have to be leaving  
20 at 6:30 so I apologize in advance. I really am  
21 interested in this particular reconsideration.

22

23 Thank you.

24

25 CHAIRMAN CHRISTIANSON: Thank you,  
26 Rhonda. And we appreciate your energy and effort all  
27 week as well and hope you have a safe travels home and  
28 appreciate your willingness to stick it out all day.

29

30 And with that we'll open up the floor  
31 for Staff to brief us on Berners Bay moose.

32

33 MS. WORKER: Thank you, Mr. Chair. My  
34 name is Suzanne Worker. I'm a wildlife biologist at  
35 the Office of Subsistence Management and Tom Evans and  
36 I did the analysis for this request for  
37 reconsideration. I'll be presenting the analysis with  
38 Tom as my back up.

39

40 So this is the request to reconsider  
41 Wildlife Proposal 18-11, which is for moose in Unit 1C  
42 Berners Bay. This analysis is in supplement five if  
43 you would like to reference it.

44

45 In 2018 the Federal Subsistence Board  
46 considered Wildlife Proposal WP18-11, which requested  
47 one of three outcomes. It requested that Federally-  
48 qualified subsistence users be provided a Federal  
49 subsistence priority for moose in Unit 1C Berners Bay  
50 or that Federal public lands be closed to the harvest

1 of moose by all users, or that it be clearly stated why  
2 a Federal subsistence priority for moose should not be  
3 provided to rural residents.

4  
5                   So up to that point moose hunting in  
6 Berners Bay had been allowed solely by State drawing  
7 permit. This Board adopted WP18-11 with modification  
8 to allow the harvest of one bull moose per household by  
9 Federal drawing permit, and when you made that  
10 decision, you stipulated that a household receiving a  
11 State permit may not receive a Federal permit, that the  
12 Federal harvest allocation would be 25 percent of the  
13 available bull -- moose permits, that the U.S. Forest  
14 Service Juneau Office in consultation with the Alaska  
15 Department of Fish and Game would announce the annual  
16 harvest quota and that implementation would be delayed  
17 until 2019 given that the winners of the 2018 State  
18 draw hunt had already been announced.

19  
20                   So that happened in April 2018 with  
21 support of the Southeast Regional Advisory Council.  
22 And then on July 30th Territorial Sportsmen  
23 Incorporated, or TSI submitted a request for  
24 reconsideration of the Board's action on WP18-11.

25  
26                   As outlined in 36 CFR.242 and 50 CFR  
27 100, the Board will accept such a request only if it  
28 meets one or more of the following criteria.

29  
30                   The request must either provide  
31 information not previously considered by the Board.

32  
33                   Demonstrate that existing information  
34 used by the Board was incorrect.

35  
36                   Demonstrate that the Board's  
37 interpretation of information, applicable law, or  
38 regulation was in error or contrary to existing law.

39  
40                   So what I'm presenting to you now is a  
41 threshold analysis for this request. And this analysis  
42 simply seeks to determine whether the request submitted  
43 by TSI meets any of these criteria and rises to the  
44 level of reconsideration.

45  
46                   Before I get into the specifics of the  
47 request that TSI made, I want to quickly review the  
48 moose situation in Berners Bay.

49  
50                   The Berners Bay drainage is a small



1 drainage, it's compromised of about 97 percent Federal  
2 public lands, and it's isolated by mountains and water  
3 and so that resulted in a moose population that is  
4 essentially closed. There's very few animals moving in  
5 and very few animals moving out.

6  
7 A combination of bull only and bull/cow  
8 hunts are used to maintain the appropriate population  
9 metrics on this population with the number and type of  
10 permits available each year directly dependent on the  
11 most recent estimates of composition and population  
12 size.

13  
14 So between 1990 and 2016 an average of  
15 just nine permits were issued annually, and, again,  
16 those were State draw permits. The total number of  
17 applications has ranged from about 500 to 1,800  
18 applicants annually so there's quite a heavy demand for  
19 really very, very few permits. By far the majority of  
20 applicants for these permits are residents of Juneau  
21 but Federally-qualified subsistence users have  
22 consistently applied as well, since that's been their  
23 only avenue for legal harvest of this population.

24  
25 Notably, the number of Federally-  
26 qualified users applying for the draw consistently  
27 outnumber the number of permits available for all  
28 users.

29  
30 So that's what's going on with the  
31 moose population.

32  
33 With regard to the request submitted by  
34 TSI, we've identified two distinct claims. Both claims  
35 fall under the third criterion that the Board's  
36 interpretation of information, applicable law, or  
37 regulation is in error or contrary to existing law.

38  
39 The first claim, which we've identified  
40 in the analysis is claim 3.1 is that restriction of  
41 non-Federally-qualified users is not justified because  
42 there is no conservation concern for the Berners Bay  
43 moose population. It's true that this moose population  
44 appears to be doing fine, however, the fact that the  
45 population has persisted isn't, in itself, evidence  
46 that there is no conservation concern. Rather, the  
47 fact that this population requires such an intensive  
48 harvest management approach in order to persist is  
49 evidence that there is a chronic conservation concern.

50

1                   Section .815 subparagraph 3 of ANILCA  
2 states:

3  
4                   That nothing in this title shall be  
5 construed as authorizing a restriction on the taking of  
6 fish and wildlife for non-subsistence uses on public  
7 lands, other than National Parks and Park Monuments,  
8 unless necessary for the conservation of healthy  
9 populations of fish and wildlife for reasons set forth  
10 in Section .816 to continue subsistence uses of such  
11 populations or pursuant to other applicable law.

12  
13                   It's clear that restricting harvest is  
14 required to insure the conservation of this population  
15 so consequently there does not appear to be merit to  
16 TSI's first claim.

17  
18                   The second claim which we've identified  
19 as claim 3.2 is that restriction of non-Federally-  
20 qualified users is not justified because there is no  
21 customary and traditional use of Berners Bay moose by  
22 rural users.

23  
24                   In their request, TSI states that  
25 exclusion of non-Federally-qualified hunters can occur  
26 only if there is a conservation issue or if it is  
27 necessary to preserve existing customary and  
28 traditional uses. However, in this statement, the  
29 term, customary and traditional uses appears to be  
30 conflated with the term, continuation of subsistence  
31 uses. But I will address both terms, and I'll start  
32 with continuation of subsistence uses.

33  
34                   Section .804 of ANILCA establishes that  
35 subsistence is the priority consumptive use of Federal  
36 public lands. Section .804 begins:

37  
38                   Except as otherwise provided in this  
39 Act and other Federal laws that taking on public lands  
40 of fish and wildlife for non-wasteful subsistence uses  
41 shall be accorded priority over the taking on such  
42 lands of fish and wildlife for other purposes.

43  
44                   The standard for restricting non-  
45 subsistence use is outlined in Section .815,  
46 Subparagraph 3 of ANILCA, which I read into the record  
47 a moment ago.

48  
49                   Section .815 identifies several  
50 conditions under which non-subsistence use can be

1 restricted. Among them is continuation of subsistence  
2 uses. Collectively, Sections .804 and .815 of ANILCA  
3 provide a basis for restricting non-subsistence use for  
4 the purposes of insuring continuation of subsistence  
5 use.

6  
7 In light of the fact that subsistence  
8 users have had to rely on a State administered hunt  
9 where permit available is regularly out-paced by  
10 subsistence demand, such restriction is warranted.  
11 With regard to customary and traditional uses, the  
12 Board determines which wildlife populations have been  
13 customarily and traditionally used for subsistence.  
14 Rural residents of Units 1 through 5 do have a  
15 customary and traditional use for determination in Unit  
16 1C and that makes them eligible for a subsistence  
17 priority as outlined in Section .804.

18  
19 The small number of Federally-qualified  
20 subsistence users who receive a State draw permit is a  
21 function of the volume of applicants rather than  
22 evidence that they do not use or would not use the  
23 resource if they were provided additional opportunity.

24  
25 The fact that there has never been a  
26 Federal subsistence hunt in Berners Bay does not  
27 eliminate the need to prioritize Federal subsistence  
28 uses over other consumptive uses on Federal public  
29 lands as required by Section .804 of ANILCA.  
30 Consequently there does not appear merit to TSI's  
31 second claim.

32  
33 To summarize, no new relevant  
34 information was presented for the Board's  
35 consideration. None of the information the Board  
36 relied upon was shown to be factually incorrect. And  
37 there was no demonstration that the Board's  
38 interpretation of information, applicable law or  
39 regulation was in error or contrary to existing law.

40  
41 Rather, Sections .804 and .815 of  
42 ANILCA do provide a basis for restricting non-  
43 subsistence use for the purposes of insuring the  
44 conservation of a healthy population and insuring  
45 conservation of subsistence uses and rural residents of  
46 Units 1 through 5 do have a customary and traditional  
47 use for moose in Berners Bay.

48  
49 Consequently, the OSM conclusion is to  
50 oppose the request to reconsider WP18-11 on the basis

1 that TSI's claims failed to reach the threshold for  
2 reconsideration as required under Federal subsistence  
3 regulation.

4

5 Thank you, Mr. Chair.

6

7 That's all I have as far as the  
8 analysis goes and Jennifer has the ISC recommendation.

9

10 Thank you.

11

12 CHAIRMAN CHRISTIANSON: Thank you,  
13 Suzanne. Any questions for Suzanne based on her  
14 analysis presentation.

15

16 (No comments)

17

18 CHAIRMAN CHRISTIANSON: Thank you.  
19 That was pretty thorough, appreciate that.

20

21 Oh, Bert.

22

23 MR. FROST: Has there been a -- since  
24 we passed the original proposal, has there been a hunt  
25 with the Federal -- under the new regs?

26

27 MS. WORKER: Thanks for that question,  
28 Mr. Frost. Through the Chair. There has not. When  
29 the Board passed it, they opted to wait until 2019 to  
30 implement the regulation since the 2018 draw winners  
31 had already been announced, and so that hunt will be  
32 occurring in the fall.

33

34 MR. BERT: So we don't know what a hunt  
35 would look like because it hasn't happened yet under  
36 the Federal -- with the proposal in place?

37

38 MS. WORKER: That's true, it hasn't  
39 happened in Unit 1C Berners Bay. There is a very  
40 similar hunt in Unit 6C, I believe, where it's a  
41 State/Federal draw and a Federal -- there's a Federal  
42 allocation for those permits. So I think the  
43 assumption is it will be implemented similarly.

44

45 MR. FROST: Thank you.

46

47 CHAIRMAN CHRISTIANSON: Any other  
48 questions of Staff.

49

50 (No comments)

1                   CHAIRMAN CHRISTIANSON: Thank you.  
2    ISC.

3  
4                   MS. HARDIN: Thank you, Mr. Chair. The  
5    InterAgency Staff Committee recommendation for Request  
6    for Reconsideration RFR19-02 begins on Page 8 of the  
7    OSM Staff analysis and supplement five of your meeting  
8    materials.

9  
10                  The InterAgency Staff Committee opposes  
11   the request to reconsider WP18-11. The InterAgency  
12   Staff Committee found the threshold analysis for  
13   Request for Reconsideration RFR18-02 to be a thorough  
14   evaluation of the request and that it provides  
15   sufficient information for Board action on this  
16   request.

17  
18                  According to the regulations under  
19   Subpart B, 100.20 the Board will accept a request for  
20   consideration only if it is based upon information not  
21   previously considered by the Board, demonstrates that  
22   the existing information used by the Board is  
23   incorrect, or demonstrates that the Board's  
24   interpretation of information, applicable law or  
25   regulation is in error or contrary to existing law.

26  
27                  The ISC concurs with the conclusions  
28   presented in the RFR18-02 threshold analysis and just  
29   stated by Suzanne Worker. The claims of Territorial  
30   Sportsmen Inc., appear to be without merit, none of the  
31   claims in RFR18-02 meet the threshold for  
32   reconsideration of the Board's decision on Wildlife  
33   Proposal WP18-11.

34  
35                  Thank you.

36  
37                  CHAIRMAN CHRISTIANSON: Thank you. I'm  
38   just looking at food for process here and I know that  
39   -- oh, go ahead.

40  
41                  MR. PADGETT: Thank you, Mr. Chair.  
42   Sorry I just have a point of clarification.

43  
44                  I was just going through the Section  
45   100.2(e) for request for reconsideration, it says the  
46   Board shall transmit a copy of such request to any  
47   appropriate Regional Council and Alaska Department of  
48   Fish and Game. Is there anything -- did we get any  
49   feedback on the request?

50

1 MS. HARDIN: Through the Chair. Mr.  
2 Padgett. We did notify the Regional Advisory Council,  
3 the affected Regional Advisory Council and the State of  
4 Alaska of the request. They were not asked to provide  
5 comment or recommend on the threshold analysis because  
6 it's an administrative action of the Board.

7

8 MR. PADGETT: Thank you.

9

10 CHAIRMAN CHRISTIANSON: At this time  
11 I'm going to entertain the State. I know that they did  
12 come here to speak to this proposal, in specific, I  
13 wasn't sure about the Unit 2 one, but for Berners Bay,  
14 so I'm going to entertain the State.

15

16 MR. SCOTT: Thank you, Mr. Chairman.  
17 Members of the Board. For the record my name is Ryan  
18 Scott, I'm the Assistant Director for the Division of  
19 Wildlife Conservation in Juneau.

20

21 Recognizing that this is a little bit  
22 different, the State and myself, particularly, are very  
23 thankful to have a few minutes just to make a few  
24 comments.

25

26 As you might imagine we disagree with  
27 the OSM analysis of this and had concerns from the very  
28 beginning. We've been before this body as well as the  
29 Southeast RAC many times discussing Berners Bay and  
30 other moose hunts and we've reached some very good  
31 conclusions on those and I'd point out Unit 5A in the  
32 Yakutat area where the State and the Federal  
33 Subsistence Board walked hand in hand down the road to  
34 get that off the ground and running.

35

36 I think that it's important to  
37 recognize that just because a moose population is small  
38 and that we regulate it through a certain mechanism it  
39 shouldn't be necessarily construed as a conservation  
40 concern. When those moose were put there it was  
41 recognized right off the bat that there weren't going  
42 to be very many there probably ever. And using tools  
43 that are available, we manage for a small number of  
44 moose. But that doesn't equate to a conservation  
45 concern.

46

47 Some things to add to support to that.

48

49 Recent aerial survey data suggests that  
50 moose numbers increased a little bit. Significantly,

1 not really. Upwards of 140 is the midpoint, ranging  
2 somewhere between 120 and 160 moose. We're not sure if  
3 that's where the habitat will take us and keep us quite  
4 yet, we want to see what it's going to do as we go down  
5 the road a little bit. Bull to cow ratios are squarely  
6 within management objectives, a little bit higher than  
7 the minimum at 26 bulls to 100 cows. If we saw it  
8 higher we'd offer more permits and that happens. We  
9 adjust it as we go. Calf numbers look pretty solid.  
10 About 40 calves per 100 cows. It doesn't mean that  
11 we're growing real quickly but it does provide for some  
12 growth. So biologically there is zero conservation  
13 concern with that moose population.

14  
15 I'd also like to point out that if you  
16 look through Southeast Alaska and I don't believe,  
17 that, potentially, this data was given enough credence,  
18 Federally-qualified users throughout the region harvest  
19 roughly 74, 75 percent of the moose in Southeast  
20 Alaska. When we go back and we tally, and I apologize  
21 I don't have it right in front of me, if we look at the  
22 list of moose hunts available to people in Southeast  
23 Alaska, be it Federally-qualified, non-Federally-  
24 qualified and even non-residents of Alaska, in  
25 totality, Federally-qualified hunters take the majority  
26 of moose in the region. To make that connection back  
27 to Berners Bay, Federally-qualified hunters in Units 1  
28 through 5 have a positive customary and traditional  
29 finding for moose in Unit 1C and other areas of  
30 Southeast Alaska.

31  
32 I would encourage you to consider this  
33 request for reconsideration, recognizing that this  
34 Board may not, and potentially -- and forgive me my  
35 ignorance of the process, may not be able to take  
36 action on Berners Bay moose, this proposal, or actions  
37 requested by Territorial Sportsmen, Inc., but it will  
38 keep the conversation going and it is a conversation  
39 that's generated a lot of concern in a lot of different  
40 places. In Juneau for sure. As we heard from the  
41 Staff analysis, that is the majority of the applicants  
42 for the animals, but other places as well, as to how we  
43 go about and manage this small population.

44  
45 I guess I'll conclude with, we have  
46 lots of examples of working cooperatively to manage  
47 wildlife populations in Southeast Alaska. This one  
48 came in and it kind of offset some of the balance that  
49 we'd seen previously.

50

1 Thank you.

2

3 And I'm happy to entertain any  
4 questions.

5

6 CHAIRMAN CHRISTIANSON: Thank you,  
7 Ryan. I appreciate you coming and providing us with  
8 some insight to the management and the population and  
9 stuff. I didn't know at this time if the Southeast  
10 Chair wanted to add anything or are you fine with the  
11 position that was stated last year when we dealt with  
12 this. Not to put any pressure on you Don.

13

14 MR. HERNANDEZ: Thank you, Mr.  
15 Chairman. Well, I guess I should note that, you know,  
16 the Council has not had a chance to review this  
17 threshold analysis, so this is -- I think I'm the only  
18 one who's seen it here at this meeting, so the full  
19 Council, you know, has not looked at this.

20

21 So as the original proposal goes, you  
22 know, the Council did oppose the original proposal on  
23 this. It was a very split decision. And we did feel  
24 that this was proposed by Mr. Casipit, again, from  
25 Gustavus and we did feel that his proposal, you know,  
26 had merits but we didn't really have a workable -- at  
27 that time we didn't have a workable way to kind of  
28 accommodate non-subsistence and subsistence users both,  
29 because we didn't want to just close it to non-  
30 Federally-qualified, we didn't feel that was justified.  
31 So we asked for a little more research on, you know,  
32 alternatives that could be put forward to the Board to  
33 resolve this question. And the OSM Staff did find this  
34 example in Unit 6D where there is kind of a split  
35 Federal/State draw permit system with an allocation  
36 specified for the subsistence users. So I mean that  
37 was what was presented to you, it didn't come from the  
38 Council, it essentially came from Staff for you to  
39 consider.

40

41 So that's kind of how we got to where  
42 we are, you know, I think in keeping with what Mr.  
43 Scott said, we didn't want to -- the Council's  
44 intention was never to have, you know, something that  
45 would shut out the non-subsistence users, we didn't  
46 feel that was justified in this situation. So, you  
47 know, we looked for a compromise, so that's how it got  
48 to the Board in that form.

49

50 CHAIRMAN CHRISTIANSON: Yeah, and that



1 was kind of what I was looking for, was, I know there  
2 was some compromise involved and when we got it and  
3 voted on it, it was 25 percent of the permits be made  
4 available to the qualified user, just to recognize that  
5 use, and so I know you stated, Mr. Scott, that a lot of  
6 good things happen when we work together collectively,  
7 and so I'm trying to figure out how -- it's not going  
8 to work if we just make sure that part of that is  
9 maintained for them, I mean we're talking I think what  
10 was it 12 moose, so we were even struggling with how do  
11 you split up the 2.5 moose to the subsistence user.  
12 I'm trying to jog my memory here.

13  
14 And so just looking at that, the  
15 construct of how we came to what we ended up  
16 supporting, you know, it didn't seem like it was going  
17 to drastically take away about two animals maybe from  
18 that draw permit and make sure they were available to  
19 the subsistence user who would -- basically there's a  
20 lot of communities that would apply, I mean with their  
21 stuff.

22  
23 But, Don.

24  
25 MR. HERNANDEZ: Yeah, if I could maybe  
26 add one other thing that's maybe relevant, it's not in  
27 the analysis but, you know, for that Unit 1C area, a  
28 lot of the rural residents happen to live in an area  
29 that does not have a lot of Federal lands that is open  
30 to moose hunting. Probably, I think a lot of the  
31 applications for the Berners Bay came, for instance,  
32 from Haines, which is also very close to Berners Bay  
33 and just about all the moose hunting in Haines is on  
34 State lands, not Federal lands, so they have to hunt  
35 under State regulations. And also Mr. Casipit lives in  
36 Gustavus, which in that particular area where most of  
37 the moose are found and available for hunting is also  
38 on State lands, so they don't have that opportunity for  
39 a subsistence hunt. That was kind of a factor as well.

40  
41 You know, Berners Bay offered a place  
42 where there was all Federal land and, you know, there  
43 could be a subsistence priority available to people  
44 that live in the area that don't have a chance for a  
45 subsistence priority.

46  
47 So that was part of the discussions,  
48 our deliberations.

49  
50 CHAIRMAN CHRISTIANSON: Thank you, Don.

1 And then I would just offer the State, if there was any  
2 other feedback based on that.

3

4 MR. SCOTT: Thank you, Mr. Chairman.  
5 Again, for the record, Ryan Scott with the Division of  
6 Wildlife Conservation.

7

8 Mr. Hernandez is right, there's a lot  
9 of State land in the two places that were pointed out,  
10 the Gustavus Forelands as well as Haines. Gustavus  
11 operates on a registration permit hunt, anybody can  
12 walk in to the counter and pick it up and go harvest.  
13 People in Gustavus are Federally-qualified and they  
14 live there and they utilize the resource there.

15

16 The State of Alaska actually offers the  
17 priority to Haines residents, Haines, Skagway and  
18 Klukwan, they're also all Federally-qualified. The  
19 State provides the priority through a Tier II moose  
20 hunt season where that -- back in, I believe, the early  
21 1990s, they went to a Tier II system and there's a  
22 scoring system there and 95 percent of the permits, we  
23 offer 250 permits for that particular hunt in 1D and 95  
24 percent of them go to Haines, Klukwan, and Skagway  
25 residents. I actually can't remember the last time  
26 someone who didn't live -- there's a handful of people  
27 who qualify based on experience in those areas that  
28 live in Juneau, Sitka and a couple other small  
29 communities, but I can't remember the last time  
30 somebody not from Haines, Skagway or Klukwan harvested  
31 all the moose that were available, you know, in the  
32 quota.

33

34 So I don't disagree with Mr. Hernandez,  
35 that is one of the few places that has Federal ground.  
36 But I think also just provided, you know, a couple  
37 other examples of where rural residents are afforded  
38 additional moose hunt opportunity. And actually I  
39 would go so far as to say in some of those places  
40 they're afforded all the opportunity.

41

42 Thank you.

43

44 CHAIRMAN CHRISTIANSON: Thank you,  
45 Ryan.

46

47 Okay, I think we've talked about it,  
48 we've heard it.

49

50 Any further discussion or question here

1 by the Board.

2

3 (No comments)

4

5 CHAIRMAN CHRISTIANSON: Hearing none,  
6 brings us to Board action.

7

8 MR. SCHMID: Mr. Chair.

9

10 CHAIRMAN CHRISTIANSON: Dave.

11

12 MR. SCHMID: Yes, Mr. Chair. I move to  
13 accept the request to reconsider WP18-11 through RFR18-  
14 02 which was submitted by the Territorial Sportsmen,  
15 Inc., the RFR as shown in the supplemental materials  
16 for the Board book. Following a second I will explain  
17 why I intend to oppose my motion.

18

19 MR. FROST: Second.

20

21 CHAIRMAN CHRISTIANSON: Go ahead, Dave.

22

23 MR. SCHMID: Thank you. Let me begin  
24 also in offering -- I respect and understand, I think  
25 it is a small herd, it's been very well managed as far  
26 as I can -- as I understand, but the reason I oppose to  
27 reconsider WP18-11 for the reasons clearly outlined in  
28 the OSM threshold analysis and by the InterAgency Staff  
29 Committee recommendation.

30

31 Again, just to restate, no new relevant  
32 information was presented by the Territorial Sportsmen,  
33 Inc., for the Board's consideration. None of the  
34 information the Board relied on was shown to be  
35 factually incorrect. And, again, there was no  
36 demonstration that the Board's interpretation of  
37 information, applicable law or regulation was in error  
38 or contrary to existing law.

39

40 Territorial Sportsmen, Inc., claims  
41 individually and collectively fail to reach the  
42 threshold for reconsideration as required under Federal  
43 Subsistence regulations 36 CFR 242.20 and 50 CFR  
44 100.20.

45

46 CHAIRMAN CHRISTIANSON: Thank you.

47

48 Any discussion.

49

50 (No comments)

1 CHAIRMAN CHRISTIANSON: Board  
2 deliberation.  
3  
4 Chad.  
5  
6 MR. PADGETT: Thank you, Mr. Chair. I  
7 just want to, again, make a clarifying point. The RAC  
8 has not taken a formal action on the request for  
9 reconsideration.....  
10  
11 MR. HERNANDEZ: (Shakes head  
12 negatively)  
13  
14 MR. PADGETT: .....correct, and the  
15 State has not either; is that correct?  
16  
17 MR. SCOTT: That is correct.  
18  
19 CHAIRMAN CHRISTIANSON: Jennifer.  
20  
21 MR. HARDIN: Thank you. Through the  
22 Chair. And Mr. Lord will correct me if I'm wrong.  
23  
24 I should have stated this previously,  
25 the regulation when you are reading that the Board  
26 shall consider any Regional Council and ADF&G  
27 recommendation in making a final decision, the final  
28 decision refers to once the Board has accepted a  
29 request for reconsideration for full analysis.  
30  
31 So if the Board was to accept this  
32 RFR18-02 for full analysis, we would then analyze the  
33 -- we do a full analysis, that would go to the Regional  
34 Advisory Council and the Alaska Department of Fish and  
35 Game for their comments and recommendations.  
36  
37 MR. PADGETT: Okay, thank you.  
38  
39 (Microphone ding)  
40  
41 MS. PITKA: Time to go.  
42  
43 CHAIRMAN CHRISTIANSON: No, that was me  
44 hitting the wrong button, sorry.  
45  
46 (Laughter)  
47  
48 CHAIRMAN CHRISTIANSON: Hearing no more  
49 discussion.  
50

1 MR. BROWER: Question.  
2  
3 CHAIRMAN CHRISTIANSON: Question's been  
4 called. Tom read it into the record, roll call,  
5 please.  
6  
7 MR. DOOLITTLE: Okay. Look at request  
8 for reconsideration, the previous proposal 18-02 with  
9 the motion to accept the request to reconsider WP18-11.  
10  
11 Eugene Peltola.  
12  
13 MR. PELTOLA: Let me see if I got my  
14 verbiage correct. Oppose the request to reconsider  
15 FP18-11 for the previously stipulated justifications  
16 provided by the motion maker.  
17  
18 MR. DOOLITTLE: U.S. Forest Service,  
19 David Schmid.  
20  
21 MR. SCHMID: Yes, I also oppose as I  
22 stated earlier.  
23  
24 MR. DOOLITTLE: Public Member Rhonda  
25 Pitka.  
26  
27 MS. PITKA: I oppose because the claim  
28 does not appear to have merit as stated in the  
29 justification provided by the U.S. Fish and Wildlife --  
30 U.S. Forest Service -- I apologize.  
31  
32 Thank you.  
33  
34 MR. DOOLITTLE: You support.  
35  
36 CHAIRMAN CHRISTIANSON: Oppose.  
37  
38 MS. PITKA: I oppose.  
39  
40 MR. DOOLITTLE: Thank you. Charlie  
41 Brower.  
42  
43 MR. BROWER: I oppose as stated.  
44  
45 MR. DOOLITTLE: Bureau of Land  
46 Management, Chad Padgett.  
47  
48 MR. PADGETT: I oppose, as stated.  
49  
50 MR. DOOLITTLE: National Park Service,

1 Herbert Frost.

2

3 MR. FROST: I oppose, as stated.

4

5 MR. DOOLITTLE: U.S. Fish and Wildlife  
6 Service, Greg Siekaniec.

7

8 MR. SIEKANIEC: I oppose WP18-11 as  
9 stated and as analyzed by the ISC as well then brought  
10 forth by the Forest Service.

11

12 MR. DOOLITTLE: Chairman Anthony  
13 Christianson.

14

15 CHAIRMAN CHRISTIANSON: Oppose.

16

17 MR. DOOLITTLE: Motion fails.

18

19 CHAIRMAN CHRISTIANSON: Thank you all.  
20 Appreciate that. Thank you guys for coming and sharing  
21 with us your information, appreciate that additional  
22 insight.

23

24 We will recess until tomorrow morning  
25 at 8:30.

26

27 (Off record)

28

29 (PROCEEDINGS TO BE CONTINUED)

