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FEDERAL SUBSISTENCE BOARD MEETING

TELECONFERENCE - ALASKA

Fisheries Special Action Requests
FSA 22-01, 02, 03 and 04

MAY 4, 2022

MEMBERS PRESENT:

- Anthony Christianson, Chairman
- Rhonda Pitka, Public Member
- Charles Brower, Public Member
- Sarah Creachbaum, National Park Service
- Jill Klein, U.S. Fish and Wildlife Service
- Chris McKee, Bureau of Land Management
- 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

(Teleconference - 5/4/2022)

(On record)

OPERATOR: Welcome and thank you for standing by. All participants will be on a listen only mode until the question and answer session. At that time if you'd like to make a comment or question, please press star, one and clearly record your first and last name for your question or comment to be introduced. I'd like to inform all parties that today's call will be recorded. If you have any objection, you may disconnect at this time.

I would now like to turn the call over to your host. Ms. Sue Detwiler, you may begin whenever you're ready.

MS. DETWILER: Thank you, Operator. This is Sue Detwiler, Assistant Regional Director for the Office of Subsistence Management. I first want to start out with Court Reporter Tina. Are you ready?

REPORTER: I am ready. Go ahead.

MS. DETWILER: Thank you. This is Sue Detwiler. This is for the Federal Subsistence Board's meeting today on fisheries Temporary Special Action Request FSA 22-01, 02, 03 and 04. While we're waiting for all the Board members to join I'm just going to start doing a roll call to see who we do have in the room right now.

I will start with National Park Service, Sarah Creachbaum.

MS. CREACHBAUM: Good morning, Sue, and everyone. I'm here.

MS. DETWILER: Good morning, Sarah.

Bureau of Land Management.

MR. MCKEE: Good morning, Sue. This is Chris McKee sitting in for Acting State Director Thomas Heinlein.

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1 MS. DETWILER: Okay. Thank you, Chris.

2

3 Fish and Wildlife Service.

4

5 MS. KLEIN: Good morning, Sue. This is

6 Jill Klein sitting in for Sara Boario, Regional

7 Director of Fish and Wildlife Service.

8

9 MS. DETWILER: Good morning, Jill.

10 Thank you.

11

12 U.S. Forest Service, Dave Schmid.

13

14 MR. SCHMID: Good morning, Sue and all.

15 Dave is here.

16

17 MS. DETWILER: Good morning, Dave.

18

19 Bureau of Indian Affairs, Gene Peltola.

20

21 MR. PELTOLA: Good morning, all. BIA

22 is on.

23

24 MS. DETWILER: Thank you, Gene.

25

26 Public Member Rhonda Pitka.

27

28 (No response)

29

30 MS. DETWILER: Public Member Charlie

31 Brower.

32

33 MR. C. BROWER: Here.

34

35 MS. DETWILER: Good morning, Charlie.

36

37 Chair Anthony Christianson.

38

39 (No response)

40

41 MS. DETWILER: So we have six out of

42 eight. I'll move on with legal counsel from Department

43 of Interior, Regional Solicitor's Office, Ken Lord.

44

45 MR. LORD: Good morning, everyone.

46

47 MS. DETWILER: Good morning. Mike

48 Routhier.

49

50

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1 (No response)

2

3 MS. DETWILER: USDA Office of General
4 Counsel, Jim Ustasiewski.

5

6 MR. USTASIEWSKI: I'm here and Boykin
7 Lucas also in my office. I think he's on, but not as a
8 speaker.

9

10 MS. DETWILER: Okay. Thank you, Jim.

11

12 Moving on to Liaisons to the Board,
13 Alaska Department of Fish and Game Ben Mulligan.

14

15 MR. MULLIGAN: Good morning, Sue. This
16 is Ben.

17

18 MS. DETWILER: Good morning, Ben. Mark
19 Burch.

20

21 MR. BURCH: Good morning. This is
22 Mark.

23

24 MS. DETWILER: Thank you, Mark. Moving
25 on to the Regional Advisory Council Chairs, I'll start
26 with the Chairs who are directly affected by this
27 proposal. Starting with Region 5, Yukon Kuskokwim
28 Delta, Raymond Oney.

29

30 MR. ONEY: Good morning, Sue. Raymond
31 is here.

32

33 MS. DETWILER: Good morning, Ray.
34 Region 6, Western Interior, Jack Reakoff.

35

36 MR. REAKOFF: Good morning. Jack
37 Reakoff on the line.

38

39 MS. DETWILER: Thanks, Jack. Region 7,
40 Seward Peninsula.

41

42 MS. BATES PILCHER: Good morning, Sue.
43 This is Nissa Pilcher, Council Coordinator for the
44 Seward Peninsula Regional Advisory Council to represent
45 them.

46

47 MS. DETWILER: Hi, Nissa. Thank you.
48 Region 9, Eastern Interior. I understand Charlie
49 White, the Vice Chair, is on the line.

50

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1 (No response)

2

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4

MS. DETWILER: Eastern Interior
Regional Council, Charlie Wright, are you online?

5

6

7

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9

MS. MCDAVID: Good morning, Sue. This
is Brooke McDavid, the Council Coordinator for the
Eastern Interior. Charlie should be joining us
shortly.

10

11

12

13

14

MS. DETWILER: Okay. Thank you. Do we
have any other Regional Advisory Council Chairs in
attendance at this time?

15

16

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19

20

(No response)

21

22

23

24

MS. DETWILER: Okay. Sara Taylor from
the Department of Interior, Field Special Assistant for
Alaska office, are you online?

25

26

27

28

CHAIRMAN CHRISTIANSON: Good morning,
Sue. This is Anthony Christianson as well. I'm on
now. Thank you.

29

30

31

MS. PITKA: Hi. This is Rhonda Pitka.
I'm also on.

32

33

34

35

36

37

38

39

MS. DETWILER: Oh, okay. Perfect. We
had just finished the roll call and with Rhonda and
Anthony now joining we have eight out of eight Board
members or their actings. We also have legal counsel
from both USDA and Department of Interior and we also
have three out of the four Regional Advisory Council
members on with the fourth expected soon.

40

41

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48

So for the Regional Councils we have
Raymond Oney. For YKDelta we have Jack Reakoff from
Western Interior. Nissa Pilcher, Council Coordinator
is speaking on behalf of Louis Green, who is not able
to make it today for Seward Peninsula Regional Advisory
Council. And Brooke McDavid, Council Coordinator,
indicated that Charlie Wright for Eastern Interior
should be able to join shortly.

49

50

MR. WRIGHT: This is Charlie Wright.

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1 Good morning. Can you hear me?

2

3 MS. DETWILER: Yes. Thank you. So it
4 looks like we have a quorum, Mr. Chair, so over to you.

5

6 CHAIRMAN CHRISTIANSON: All right. Good
7 morning, everybody. Welcome you all this morning to
8 the Federal Board meeting this morning for a special
9 action. I'd just like to thank the Staff for getting
10 everything ready and all the people who are on the call
11 to deal with the agenda at hand today.

12

13 Today we're here for -- I was looking
14 for the purpose. We'll go ahead and call this meeting
15 to order. Welcome everybody again and once we
16 establish a roll call by Sue we'll go ahead and review
17 and adopt the agenda this morning. I'll just go ahead
18 and open up the floor this morning to do that. So
19 we'll review and adopt the agenda at this time.

20

21 MR. C. BROWER: Good morning, Mr.
22 Chair. Move to approve the agenda.

23

24 CHAIRMAN CHRISTIANSON: Good morning,
25 Charlie. A motion has been made. If we can get a
26 second on the motion, we can go ahead and move forward.

27

28 MR. PELTOLA: Yeah, I second.

29

30 MS. PITKA: Hi. I just wanted to make
31 sure that there was a little bit of time for public
32 comment in there.

33

34 CHAIRMAN CHRISTIANSON: After we got
35 the second -- we do have a motion and a second.
36 There's a discussion going on if there's public
37 comment.

38

39 MR. PELTOLA: Yeah, I posed the second.

40

41 CHAIRMAN CHRISTIANSON: No, we got the
42 second. Under discussion we can go ahead and add. I
43 was going to allow for that. We discussed it yesterday
44 and just for the record here
45 I will be providing a brief opportunity this morning
46 for the public to go ahead and comment.

47

48 I see the sensitivity of the issue and
49 the back and forth and try to wrestle with the

50

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1 complexity of this issue and how many people need to
2 get educated and outreach. I feel we can go ahead and
3 let the public have some moment this morning to go
4 ahead and testify on the record. Just moving forward,
5 as we do, if there is no objection that we add to the
6 agenda this morning, just that opportunity for public
7 testimony as it pertains to these proposals.

8

9 So do we need to make a recommendation
10 here to amend the original motion to add that or is it
11 fine under the understanding that I'll allow public
12 testimony on these proposals and can move forward? So
13 we will be adding it and we will provide it prior to as
14 we go through this and provide the Staff analysis, all
15 the public that we got the feedback from the public and
16 then the consultations and then right prior to that
17 we'll have an opportunity for the public to speak.

18

19 So there's a motion on the floor to
20 accept the agenda, first and seconded, and with the
21 understanding we'll provide public comment today. Any
22 opposition?

23

24 (No comments)

25

26 CHAIRMAN CHRISTIANSON: Hearing no
27 opposition motion carries to accept the agenda as
28 presented with the addition of the opportunity for the
29 public to testify today to this.

30

31 MR. C. BROWER: Mr. Chair.

32

33 CHAIRMAN CHRISTIANSON: Yes, you have
34 the floor, Charlie.

35

36 MR. C. BROWER: Just to make it a
37 formality, I would make an amending motion to include
38 public hearing too. Thank you.

39

40 CHAIRMAN CHRISTIANSON: Thank you,
41 Charlie. We have a motion to amend the motion just for
42 public record to go ahead and add public testimony.
43 We'll go ahead for order of business we'll be placing
44 that probably below the analysis after Pippa Kenner and
45 them presented. Then we have the Regional Council. I
46 think we stick it in there. Public testimony will go
47 in following the analysis.

48

49 Can I get a second to Charlie's motion.

50

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1 MR. PITKA: This is Rhonda. I'll
2 second.

3
4 CHAIRMAN CHRISTIANSON: Thank you. Any
5 opposition to the motion to add the public testimony to
6 the agenda after analysis.

7
8 (No comments)

9
10 MR. PELTOLA: Question.

11
12 CHAIRMAN CHRISTIANSON: The question has
13 been called. Any opposition to the motion to include
14 that.

15
16 (No comments)

17
18 CHAIRMAN CHRISTIANSON: Hearing none,
19 motion carries. We'll have public testimony on this
20 subject. We'll go ahead and move on to the -- yeah, go
21 ahead. Somebody wanted to be recognized?
22 You have the floor.

23
24 MR. C. BROWER: Call for question on
25 the main motion.

26
27 CHAIRMAN CHRISTIANSON: All in favor of
28 the original motion to include -- language to include
29 that public testimony on the main motion signify by
30 saying aye.

31
32 IN UNISON: Aye.

33
34 CHAIRMAN CHRISTIANSON: Thank you.
35 Opposed same sign.

36
37 (No opposing votes)

38
39 CHAIRMAN CHRISTIANSON: Motion carries
40 unanimously. Sorry, guys. I woke up this morning a
41 little bit on the wrong side of the bed. All right.
42 We'll go ahead and move on to the Staff presentation of
43 analysis.

44
45 MS. DETWILER: Yes, Mr. Chair. Pippa
46 Kenner is going to start out with the Staff analysis.

47
48 CHAIRMAN CHRISTIANSON: Thank you.
49 Welcome, Pippa and thank you, Staff. We'll go ahead
50

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1 and move right into the order of business. Thank you.

2

3 MS. KENNER: Good morning, Mr. Chair.
4 Members of the Federal Subsistence Board. Can you hear
5 me?

6

7 CHAIRMAN CHRISTIANSON: We hear you
8 fine. You have the floor.

9

10 MS. KENNER: Wonderful. My name is
11 Pippa Kenner and I'm an anthropologist at the Office of
12 Subsistence Management. With me today is Cory Graham,
13 who is a fisheries biologist at OSM.

14

15 These special actions affect Federal
16 public lands described on maps beginning on Page 4 of
17 the analysis. Fisheries Special Action Request FSA
18 22-01, 02, 03 and 04 were submitted by a resident of
19 Rampart, the Holy Cross Tribe, the Native Village of
20 Eagle and a resident of Huslia.

21

22 All four requests used the same
23 language. They request the Federal Subsistence Board
24 to close Federal public waters in the Yukon River
25 Drainage to the harvest of chinook and summer and fall
26 chum salmon except by Federally qualified subsistence
27 users throughout the 2022 season and to reduce the pool
28 of eligible harvesters based on ANILCA Section 804
29 analysis.

30

31 The relevant regulation is displayed on
32 Page 2 of the analysis. I'll read the existing
33 regulation to you now. For the Yukon River Drainage
34 Federal subsistence fishing schedules opening, closing
35 and fishing methods are the same as those issued for
36 the subsistence taking of fish under Alaska Statute,
37 which is specifically emergency orders, unless
38 superseded by a Federal Special Action.

39

40 Now I'll read the additions proposed in
41 these special action requests. Federal public waters of
42 the Yukon River Drainage are closed to the harvest of
43 chinook and summer and fall chum salmon except by
44 Federally qualified users identified in the Section 804
45 analysis effective on June 1st through September 30th,
46 2022. Federal subsistence fishing schedules, openings,
47 closures and fishing methods will be determined by the
48 Federal in-season manager. There we have what's in the
49 proposal.

50

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1 The proponent's justification is
2 detailed, so to paraphrase proponents say that
3 currently Yukon River salmon fisheries are managed by
4 the State with passage consent by the Federal Fisheries
5 Manager. The State has opened a salmon commercial
6 fishery during years when long-term average harvest
7 amounts of chinook salmon were not achieved.

8
9 Additionally, proponents say State
10 Fisheries Managers have allowed some portions of the
11 Yukon River Drainage to stay open to chinook salmon
12 subsistence harvest while other portions of the
13 drainage have been arbitrarily closed.

14
15 The proponents finish by stating,
16 quote, without Federal management when a sustainable
17 harvest of chinook and chum salmon is available,
18 Federally qualified users will not be ensured the
19 priority and opportunity of customary and traditional
20 uses of Yukon chinook and chum salmon that is required
21 by Title VIII of ANILCA. Our customary and traditional
22 subsistence uses will be compromised by other
23 regulatory regimes that do not prioritize subsistence
24 uses, end quote.

25
26 Okay. Now I'll hand the presentation
27 over to Cory Graham to present the biological
28 background section of the analysis. Cory.

29
30 MR. GRAHAM: Thank you, Pippa. The
31 2021 run sizes of chinook, summer and fall chum and
32 coho salmon were either the lowest on record or among
33 the lowest on record. For chinook salmon run strength
34 has varied throughout the past 20 years with takes
35 around 300,000 to 375,000 fish and valleys below
36 150,000 fish.

37
38 Chinook salmon run sizes were
39 relatively high in 2017 and 2019 before declining in
40 subsequent years. In 2021 the total drainage-wide run
41 size of chinook salmon was approximately 129,000 fish,
42 which was among the lowest on record.

43
44 The run size of summer chum salmon has
45 ranged from approximately 500,000 to over 4 million
46 fish during the previous 20 years and in general run
47 sizes have been good to excellent over this period.
48 However, the 2021 run size was approximately 154,000
49 fish, which was the lowest on record and 93 percent
50

0011

1 smaller than the 1978 to 2020 average of 2.5 million
2 fish.

3

4

5 The drainage-wide run of fall chum
6 salmon has ranged from approximately 250,000 to over 2
7 million fish since the mid-1970s. Fall chum salmon runs
8 have been good to excellent during most years since
9 2003. However, last year's run was poor. The 2021
10 drainage-wide run size was 102,000 fish, which was a
11 record low and approximately 10 percent of the average
12 run size of 1 million fish.

13

14

15 The coho salmon run size index has
16 generally been strong since 1995 ranging from
17 approximately 125,000 fish to around 400,000 fish.
18 However, last year's run was also unusually poor. The
19 2021 run size index was a record low of 45,500 coho
20 salmon.

21

22

23 The poor run sizes resulted in a
24 failure to meet escapement goals in 2021. Chinook
25 salmon have since established escapement goals in the
26 U.S. portion of the drainage and an interim management
27 escapement goal that is assessed using the Eagle sonar.
28 In 2021 none of the escapement goals that were assessed
29 were met and the interim management escapement goal was
30 not achieved for the third consecutive year.

31

32

33 The summer chum salmon have three
34 established escapement goals and none were met in 2021.
35 Escapement of summer chum salmon in all monitored
36 systems was far below historical medians with
37 escapement counts at the East Fork, Andrafsky Weir and
38 the Anvik sonar coming in at less than 10 percent of
39 their escapement goals.

40

41

42 Fall chum salmon have three established
43 escapement goals in the U.S. portion of the drainage.
44 None were met in 2021 and record low escapements were
45 observed in each system. Fall chum salmon also have an
46 interim management escapement goal that is assessed
47 using Eagle sonar. It was not achieved for the second
48 consecutive year.

49

50

51 Coho salmon have one established
52 escapement goal and it has not been met since 2017.
53 The escapement of coho salmon in all monitored systems
54 was far below average in 2021.

55

56

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1 Low run sizes are forecasted for
2 chinook, summer and fall chum and coho salmon in 2022.
3 The drainage-wide chinook salmon forecast is 99-150,000
4 fish. Run sizes less than 150,000 fish tend to not
5 meet goals.

6
7 The Canadian origin chinook salmon
8 forecast is 41-62,000 fish. Run sizes at the low end
9 of the forecast would be among record lows and may not
10 exceed the lower pounds of interim management
11 escapement goal. Run sizes at the upper end of the
12 forecast would fall within the goal, but would be
13 smaller than the recent 10-year average of 64,000
14 chinook salmon.

15
16 The summer chum salmon forecast is
17 160-540,000 fish. Runs of this magnitude would be
18 among the lowest on record and summer chum would need
19 to return near the upper end of the forecast to meet
20 the drainage-wide escapement goal.

21
22 The drainage-wide fall chum salmon
23 forecast is 78-148,000 fish. The point estimate is
24 approximately the same size as last year's record low
25 run of 102,000 fish. The outlook range for Canadian
26 origin fall chum salmon in 2022 is 20,000-37,000 fish.
27 Both forecasts indicate drainage-wide and interim
28 management escapement goals may not be met.

29
30 The outlooks produced for coho salmon
31 are informal and uncertain. In 2022, the coho salmon
32 outlook predicts the low average run. For all species,
33 unless the runs exceed expectations, there may be no
34 harvestable surplus in 2022.

35
36 Management of commercial salmon
37 fisheries in the U.S. portion of the Yukon River
38 Drainage is in accordance with State of Alaska
39 Management Plans. Chinook salmon have not been
40 targeted in Yukon River commercial fisheries since
41 2007. However, they may be caught incidentally in chum
42 salmon commercial fisheries. Incidentally caught
43 chinook salmon may be retained for subsistence uses or
44 sold when authorized by emergency order.

45
46 In 2021, no commercial opportunities
47 were provided for summer or fall chum salmon or coho
48 salmon in the Yukon River due to low run sizes and
49 subsistence fisheries closures.

50

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1 Pippa Kenner will now continue the
2 presentation with the summary of subsistence harvest
3 history.

4
5 MS. KENNER: Thanks, Cory. So
6 community salmon harvest composition typically reflect
7 the salmon species that are most abundant locally,
8 although other factors such as run timing, flesh
9 quality, food preferences and number of dogs also
10 contribute to harvest patterns.

11
12 Even though communities tend to harvest
13 certain species of salmon more than others, the harvest
14 of a mix of salmon species is a drainage-wide pattern
15 and an important fishing strategy particularly in years
16 when certain species have low abundance but others are
17 prevailing.

18
19 Last year, 2021, was a year like no
20 other in memory. No directed salmon subsistence
21 fishing opportunity was provided. Salmon donated by
22 ADF&G test fisheries made up the majority of the salmon
23 that was consumed, an estimated 1,500 chinook salmon,
24 900 summer chum salmon, 700 fall chum salmon and 200
25 coho salmon.

26
27 This is far, far fewer than even the
28 recent five-year average estimated harvest of
29 approximately 30,000 chinook salmon, 70,000 summer chum
30 salmon, 60,000 fall chum salmon and 5,500 coho salmon.
31 This is a difference of about 160,000 fish total.

32
33 So the Office of Subsistence Management
34 held teleconference public hearings on March 29th and
35 31st. Comments in support of the request where that
36 relying on State management is not working. More
37 tribal consultation is needed and creating change in a
38 broken system is necessary to protect subsistence uses
39 for future generations.

40
41 Comments in opposition were that these
42 requests would make the fishery exclusive to those
43 residing in rural Alaska, which would hurt people who
44 have moved away for economic or educational
45 opportunities or because of medical reasons and who
46 depend on salmon for winter. They should not be
47 penalized for their current health or for trying to
48 gain employment or an education outside of the Yukon
49 River Drainage area.

50

1 Additionally, this would be a burden on
2 elderly people that rely on returning family members to
3 help them harvest fish. The request would create
4 animosity between user groups and between Native
5 peoples. The current State and Federal cooperative
6 management process is not causing the decline in salmon
7 runs and would produce better results than the closure
8 proposed in these Special Action Requests.

9
10 The Federal government should reduce
11 bycatch of salmon in other fisheries. In False Pass
12 Area M fisheries are intercepting Yukon salmon and
13 should be restricted. Not Yukon fishers who are
14 struggling with high cost and they're just trying to
15 feed their families.

16
17 We all rely on salmon and the pool of
18 users should not be reduced. Our treaty with Canada
19 stipulates that the state must be in management control
20 of Yukon River fisheries otherwise we could harm our
21 relationship with Canada.

22
23 Finally, the request would cause user
24 confusion because there are no lines on the river
25 delineating Federal from State managed waters and
26 subsistence users might get fined if they make a
27 mistake.

28
29 Now there were some other comments and
30 they primarily concerned the customary and traditional
31 use determination for salmon in the coastal communities
32 of Hooper Bay, Chevak and Scammon Bay, which is for
33 fall chum salmon only.

34
35 The OSM conclusion is to support
36 Special Action Request FSA22-01, 02, 03 and 04 as
37 modified by three Regional Advisory Councils to include
38 coho salmon in the closure. OSM is recommending that
39 no Federally qualified subsistence users be removed
40 from the pool of eligibility primarily because all of
41 these rural communities are situated within or near the
42 Yukon River Drainage, the area under consideration in
43 these Special Action Requests.

44
45 The modified regulation would read
46 Federal public waters of the Yukon River Drainage are
47 closed to the harvest of chinook, summer and fall chum
48 and coho salmon except by Federally qualified
49 subsistence users effective on June 1st, 2022 through
50

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1 September 30th, 2022. Federal subsistence fishing
2 schedules, openings, closures and fishing methods will
3 be determined by the Federal Fisheries Manager.

4
5 We justified this conclusion with the
6 following: Unprecedented low run sizes were observed
7 for salmon in the Yukon River Drainage in 2021
8 resulting in no opportunity for subsistence uses of
9 chinook in fall and summer chum and extreme hardships
10 along the river.

11
12 Based on preseason forecast, it is
13 likely that the 2022 chinook and summer and fall chum
14 salmon runs into the Yukon River will not provide a
15 significant harvestable surplus and the subsistence
16 fisheries will be closed in part if not all of the
17 season.

18
19 The negative impacts of low run sizes
20 and limited harvest have on food security and
21 traditional ways of life for subsistence users justify
22 closure to the harvest of chinook, chum and coho salmon
23 by non-Federally qualified users and uses based on
24 ANILCA Section 815. This closure is necessary for the
25 conservation of healthy populations of Yukon chinook,
26 chum and coho salmon and to continue subsistence uses
27 of these resources.

28
29 Thank you, Mr. Chair. Members of the
30 Council. That's the end of our presentation.

31
32 We're available to answer questions.

33
34 CHAIRMAN CHRISTIANSON: Thank you,
35 Pippa. Any questions from the Board for the Staff on
36 the analysis as presented.

37
38 (No comments)

39
40 CHAIRMAN CHRISTIANSON: All right.
41 Thank you. No questions.....

42
43 MS. PITKA: This is Rhonda.

44
45 CHAIRMAN CHRISTIANSON: Yes, you have
46 the floor, Rhonda.

47
48 MS. PITKA: Yeah, so under local
49 residency it says that the communities of Scammon Bay,
50

0016

1 Hooper Bay and Chevak don't have C&T on this river; is
2 that correct?

3

4 MS. KENNER: That's right.

5

6 MS. PITKA: And what are the steps that
7 OSM has taken to make sure that they are covered
8 because they are living within a part of the drainage,
9 right?

10

11 MS. KENNER: That's right. For the
12 record, this is Pippa Kenner. Thanks for the
13 questions, Rhonda. So we've done several ways of
14 outreaching to these communities. A lot of it by the
15 Federal in-season manager and contacting Regional
16 Advisory Council members who live in this region. My
17 understanding is -- I've been told that these proposals
18 are expected to arrive at OSM for this fisheries
19 regulatory cycle.

20

21 Thank you.

22

23 MS. PITKA: Thank you for that. I
24 appreciate it.

25

26 CHAIRMAN CHRISTIANSON: Do any Board
27 have questions for Staff.

28

29 MR. PELTOLA: Mr. Chair, BIA.

30

31 CHAIRMAN CHRISTIANSON: Yes, Gene, you
32 have the floor.

33

34 MR. PELTOLA: Thank you, Mr. Chair. I
35 was wondering if OSM Staff could refresh the Board's
36 memory with regard to the delegation of authority. I'm
37 not necessarily asking that all the delegation be read,
38 but those areas which identify the authorities granted
39 by the Board to the Federal in-season manager and what
40 is required with regard to any type of outreach between
41 other managing parties.

42

43 Thank you, Mr. Chair.

44

45 MS. KENNER: Thank you, Member Peltola.
46 Through the Chair. I'm bringing up the letter now.

47

48 REPORTER: Pippa, before you start this
49 is Tina. Could I have you speak up just a little bit.

50

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1 MS. KENNER: Yes, Tina. Thank you.

2

3 REPORTER: I'd appreciate that, thanks.

4

5 MS. KENNER: I'm reading through it now
6 to find the applicable part. Okay. It's in the
7 section Scope of Delegation. It's important to know
8 that the regulatory authority hereby delegated is
9 limited to the issuance of Emergency Special Actions.
10 Such an emergency action may not exceed 60 days and may
11 not be extended.

12

13 The delegation permits you to open or
14 close Federal Subsistence Fishing periods or areas
15 provided under codified regulations. It also permits
16 you to specify method and means to specify permit
17 requirements and to set harvest and possession limits
18 for Federal subsistence fisheries.

19

20 This delegation also permits you to
21 close and reopen Federal public waters to
22 non-subsistence fishing, but does not permit you to
23 specify method and means, permit requirements or
24 harvest and possession limits for State managed
25 fisheries.

26

27 This delegation may be exercised only
28 when it is necessary to conserve healthy populations of
29 fish or to ensure the continuation of subsistence uses.

30

31 All other proposed changed to codified
32 regulations such as customary and traditional use
33 determinations or request for special actions greater
34 than 60 days shall be directed to the Board.

35

36 I would like to ask Member Peltola if I
37 answered his question or would you like to hear more
38 about consultations that the Federal in-season manager
39 is directed to have.

40

41 MR. PELTOLA: Yes to the latter, Mr.
42 Chair. I was wondering, Pippa, if you'd be -- can you
43 also identify what FT the delegation of authority is
44 specifically assigned to by the Board.

45

46 MS. KENNER: Okay. I'll answer that
47 first. I believe it is addressed to the Subsistence
48 Fisheries Branch Chief. I'm just trying to abbreviate
49 the rest of my response. Okay. You will provide

50

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1 subsistence users in the region a local point of
2 contact about Federal subsistence fishery issues and
3 regulations and facilitate a local liaison with State
4 managers and other user groups.

5

6 For in-season management decisions and
7 special actions consultation is not always possible,
8 but to the extent practicable two-way communication
9 will take place before decisions are implemented. You
10 will also establish meaningful and timely opportunities
11 for government-to-government consultation related to
12 pre-season and post-season management actions as
13 established in the Board's government-to-government
14 tribal consultation policy.

15

16 That is the end of my summary of those
17 contents of the delegation of authority letter.

18

19 MR. PELTOLA: Thank you. I appreciate
20 it. Mr. Chair, one additional follow-up. Anywhere in
21 the delegation of authority letter, Pippa, does it ask
22 or request the Federal in-season manager exercising the
23 delegated authority to have Emergency Special Actions
24 and such reviewed by OSM and/or the Solicitor's Office?

25

26 MS. KENNER: I do not see that. Can
27 one of our Staff members help me if they do see that in
28 the letter of delegation.

29

30 MS. KLEIN: Mr. Chair, this is Jill.
31 Can Mr. Peltola repeat the question.

32

33 MR. PELTOLA: Yeah. Thank you, Jill,
34 for the request for clarification. I was inquiring as
35 to whether delegation of authority letter from the
36 Board to the Federal in-season manager if it identified
37 a requirement or a request that all in-season action,
38 i.e. when an in-season manager cuts an Emergency
39 Special Action or with regard to in-season management
40 is there a requirement to have that reviewed by OSM
41 and/or the Solicitor's Office?

42

43 MS. KENNER: There is some language
44 about notification, but not review.

45

46 MR. PELTOLA: Okay. Thank you much.
47 Appreciate it.

48

49 MS. KLEIN: Mr. Chair. This is Jill

50

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1 Klein again. If I could also just clarify some of the
2 language. It's in the beginning of the delegation of
3 authority letter and it says it's the intent of the
4 Board that the Federal Subsistence Fisheries management
5 by Federal officials be coordinated prior to
6 implementation with the Regional Advisory Council
7 representatives, the Office of Subsistence Management
8 and the Alaska Department of Fish and Game to the
9 extent possible.

10

11 MR. PELTOLA: Thank you, Jill. That's
12 what I was looking for. Appreciate it.

13

14 CHAIRMAN CHRISTIANSON: Thank you,
15 Staff. Thank you for those questions. Any other Board
16 would like to ask a question on the analysis from the
17 Staff on this agenda item.

18

19 MS. PITKA: Yes, this is Rhonda.

20

21 CHAIRMAN CHRISTIANSON: You have the
22 floor, Rhonda.

23

24 MS. PITKA: So seeing as how the run
25 has been -- well, in the last I think three years.
26 This would be going into the third year with no
27 harvest. Is there very much likelihood that there will
28 be harvest this year? I mean, if so -- if there's
29 already going to be no harvest, like what is the effect
30 of this proposal? Thank you.

31

32 MS. KENNER: Thank you for the.....

33

34 MR. GRAHAM: Mr. Chair. Through the
35 Chair. This is Cory Graham with OSM. Thank you for
36 your question. So the forecasts are very poor this
37 year. The forecast for I think both fall and summer
38 chum are below their escapement goals. The forecast is
39 also poor for chinook salmon. Whether that will lead
40 to harvest opportunity I would probably need to defer
41 that to the Federal In-Season Manager, Holly Carroll.

42

43 MS. KENNER: This is Pippa Kenner.
44 Before Holly Carroll comes on I was just going to
45 continue replaying by saying if this Special Action
46 Request is adopted as modified -- is approved as
47 modified, non-Federally qualified users and uses would
48 not be able to target salmon on the Federal public
49 waters of the Yukon River Drainage and that includes
50

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1 commercial and sport fisheries.

2

3 Thank you.

4

5 MS. CARROLL: Hi, this is Holly Carroll
6 with Fish and Wildlife Service, the Federal In-Season
7 Manager. Would you like me to respond to Board Member
8 Pitka?

9

10 CHAIRMAN CHRISTIANSON: Yes, please.

11 Thank you.

12

13 MS. CARROLL: Okay. Thanks for that
14 question, Rhonda. Yes, our forecasts are indicating
15 that there could be basically no harvestable surplus
16 for salmon this summer for any type of salmon fishing
17 for subsistence users and there's definitely not a
18 projected harvest for any other type of uses beyond
19 that either.

20

21 Even to allow a subsistence harvest we
22 would need to see each of the species' forecast come in
23 at the higher end. For chinook at the top end of the
24 projected run we would see some harvestable surplus,
25 but the harvestable surplus that is projected is very
26 small. You know, it could be as small as 3,000 fish.

27

28 In fact that surplus I just want to
29 point out is smaller than the large amount of
30 uncertainty on our in-season projections. So like the
31 last couple years we will have to take a very
32 conservative approach. So it could be that it is just
33 closed like last year, so it would not feel different
34 in that respect to answer your question.

35

36 MS. PITKA: Thank you. I appreciate
37 that.

38

39 CHAIRMAN CHRISTIANSON: Thank you. Any
40 other questions from the Board.

41

42 (No comments)

43

44 CHAIRMAN CHRISTIANSON: All right. I
45 just want to thank Staff for your readiness and ability
46 to answer those questions. Thank you for that. We'll
47 go ahead and -- I believe there is no questions from
48 the Board for the Staff and the analysis. This is the
49 opportunity where we would go ahead and open up the
50

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1 floor for public testimony.

2

3

OPERATOR: As a reminder, if you'd like
4 to make public testimony, please press star, one and
5 clearly record your first and last name to be
6 introduced. Again that is star, one. Thank you.

7

8

Our first comment comes from John
9 Lamont. Your line is now open.

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MR. LAMONT: Good morning, members of
the Subsistence Board and Mr. Chair. My name is John
Lamont. I've been a Yukon River salmon user, fisher,
for over 50 years on the Yukon. I disagree with OSM's
recommendation. Going back to the Constitution of the
United States under Judicial Legislative Branch, the
State of Alaska was garnished the power to manage and
regulate the State lands and waters and all waters of
the Yukon River Drainage are State waters. The only
Federal waters are beyond the three miles.

After listening to public comments on
March 29th and 31st, I don't see why the OSM provided
the recommendation they did. The public comments the
majority stated that they did not want to see this in
place. Our users, our people, our indigenous people
one between the other.

Lastly, the State of Alaska has done a
great job in managing the fishery resource and their --
as you heard, their plans were to close down usage of
salmon on the Yukon or the drainage this year should
the runs come in below the expectations.

If this was implemented, it would
definitely place hardship on our people if the run --
that live in other areas of their home village due to
medical, educational and other reasons to come back
home, would they be able to harvest the resource even
if the run comes back amazingly high, higher than
expected and we'd be stuck with this regulation in
place. Therefore I totally disagree with the Office of
Subsistence Management's recommendation.

Thank you, Mr. Chairman, members of the
Board and Staff.

CHAIRMAN CHRISTIANSON: Thank you for
taking the time to call in and present your view. Is

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1 there any questions?

2

3

(No comments)

4

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CHAIRMAN CHRISTIANSON: I appreciate
6 you taking the time. Operator, is there another one in
7 the queue? Thank you.

8

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OPERATOR: Our next comment comes from
10 Ben Stevens. Your line is now open.

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MR. STEVENS: Thank you very kindly.
Again, my name is Ben Stevens. I am Koyukon from
Stevens Village, which is north of Fairbanks on the
Yukon River. I grew up hunting and fishing. I
currently work at the Tanana Chiefs. Under that
umbrella is why I'm calling.

I'm calling on behalf of the Yukon
River Inter-Tribal Fish Commission and I'm letting you
know that per this series of SARs the executive
committee of the Yukon River Inter-Tribal Fish
Commission has not had the opportunity to fully flesh
this issue out and formulate a consensus decision.

So that is my message this moment.
Thank you, Mr. Chairman and members of the Board for
this opportunity and for your service to the people and
the resources.

CHAIRMAN CHRISTIANSON: Thank you, Ben.
Any questions for Ben. Appreciate you taking the time
to call in today.

(No comments)

CHAIRMAN CHRISTIANSON: All right.
Hearing none. We'll go ahead and move on. Operator,
is there anyone else online who would like to be
recognized at this time?

OPERATOR: As a reminder, if you'd like
to make a public testimony, please press star, one.
Again, that is star, one. Our next comment comes from
Darrell Vent. Your line is now open.

MR. VENT: Yeah, this is Darrell. Good
morning. I'm from Huslia. I'm here -- can you guys
hear me?

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1 (Pause)

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REPORTER: Yes. I can hear you,
Darrell.

CHAIRMAN CHRISTIANSON: You have the
floor.

MR. VENT: I'm currently on the Western
Interior Regional Advisory Council for the Federal
Subsistence Board and also sit on a state board. We're
having a real crisis here with our management of our
food sources. Up in the Interior there we rely heavily
on the chum salmon.

Once the kings crashed we've been hit
pretty hard on the chum. Now we don't have no more
fishing on the chums here last year. There was nothing
that we could do about it. Our people are really
hurting for food. We rely heavily on salmon during the
summer months for a food source to get us through the
winter. Once it crashed we realized that, you know,
the way the State is managing, I don't know if it's
called management, but from what I'm seeing is that
there's no more fish out there for us to rely on. It's
all up and down the Yukon River.

It's something I think that we really
have to consider some kind of special action in order
to make sure out people get their food needs met.
Right now we are way under the level and depending more
on food products from stores and that's not very
helpful to our people. It's not healthy. We're not
able to rely on our subsistence use, which was the
Federal Subsistence Board's obligation to the tribes.
We have not met our needs. So I'm really worried that
we're going to be cut off from more of our food sources
as of right now.

Back in 1972 they put the Pipeline
through. We had a migration pattern of the Central
Caribou Herd. We lost that migration pattern. We
don't have any caribou entering our area anymore. Now
we don't have no chum salmon, which we rely on for our
food sources. It's getting harder and harder for our
people to live in the villages because we don't have
the food source.

So I'm concerned that if we don't do

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1 anything about it and let these go the way it's been
2 going for the past 20 years, 30 years, that we're not
3 going to be able to live out there in the villages.
4 It's something that, you know, as a person from the
5 village -- I'm a tribal member of the Huslia Tribal and
6 it's not good seeing people being unhealthy. We're
7 really relying on this management.

8
9 If we don't make any recommendations,
10 we're not going to be able to live the lifestyle that
11 we have lived for ages. We took care of our foods.
12 Now we see what's happening to it. There's no respect
13 for our food no more.

14
15 Thank you for letting me speak.

16
17 CHAIRMAN CHRISTIANSON: Thank you. Any
18 questions. I appreciate you taking the time to call in
19 and share your perspective. I know the frustration out
20 there to not have an opportunity has got to be
21 mounting. I just appreciate the tribal citizens buy-in
22 to the program. So thank you for calling in today.

23
24 Any questions from the Board.

25
26 (No comments)

27
28 CHAIRMAN CHRISTIANSON: Hearing none.
29 Operator, is there anyone else online who would like to
30 be recognized at this time. Now is your opportunity.

31
32 OPERATOR: Our next comment comes from
33 Karma Ulvi. Your line is now open.

34
35 MS. ULVI: This is Karma, can you hear
36 me? Hello, this is Karma, can you hear me?

37
38 CHAIRMAN CHRISTIANSON: Yes, Karma, you
39 have the floor. Thank you. We can hear you.

40
41 MS. ULVI: Oh, thank you so much. My
42 name is Karma Ulvi, U-L-V-I. I'm the First Chief of
43 the Native Village of Eagle. I'm Han Kutchin
44 Athabaskan. Thank you so much for hearing us out
45 today.

46
47 So I just wanted to stress the
48 importance for those of us who live in the village and
49 rely heavily on the salmon. With the salmon declines
50

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1 in the past few years has really been detrimental to
2 our people especially with the prices going up. You
3 know, it's like the main staple of food for us out
4 there and we heavily rely on it to keep our people
5 healthy, the wellness aspect, the spiritual aspect,
6 showing our children and keeping our culture alive.

7

8 With the declines in the chinook and
9 the chum it -- and I deeply respect people that have
10 moved away to go to school or have medical problems and
11 I think doesn't cut people out totally. I think it does
12 make it to where they can still fish with people there
13 in the villages and stuff, but we really need to keep
14 some sort of protection for the fish for the people
15 that live in rural Alaska and solely depend on this
16 food.

17

18 So I'm in full support of this as one
19 of the villages that did put in a letter and I strongly
20 hope that this goes through and that we're able to let
21 the people on the river eat their subsistence foods and
22 culture foods and that kind of stuff.

23

24 Thank you so much for hearing me out
25 today. Real quick also I just wanted to add that per
26 ANILCA these were laws that were written to protect
27 subsistence for us living out in rural Alaska. While
28 commercial fishing and bycatch and all that is
29 happening, all we're asking is really to feed our
30 people. So I strongly hope that you consider.

31

32 Thank you.

33

34 CHAIRMAN CHRISTIANSON: Thank you,
35 Karma, for taking the time to call today. Any
36 questions from the Board.

37

38 MS. PITKA: I have a question for
39 Karma.

40

41 CHAIRMAN CHRISTIANSON: Go ahead. You
42 have the floor, Rhonda.

43

44 MS. PITKA: Karma said something about
45 non-Federally qualified users being allowed to fish
46 with Federally qualified users and I'm not sure that's
47 true. Can somebody please clear that up. Thank you.

48

49 MR. LORD: Mr. Chair, this is Ken. I

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1 can answer that.

2

3 CHAIRMAN CHRISTIANSON: Yes, go ahead,
4 Ken. You have the floor. Thank you.

5

6 MR. LORD: Non-Federally qualified
7 users can come assist with the harvest in terms of
8 processing. I should rephrase this. Can assist with
9 processing and all those things that take place after
10 the fish is caught. However, they cannot participate
11 in the actual harvest of the fish.

12

13 MS. PITKA: Thank you for that.

14

15 MR. PELTOLA: Mr. Chair, BIA.

16

17 CHAIRMAN CHRISTIANSON: You have the
18 floor, Gene.

19

20 MR. PELTOLA: Thank you, Mr. Chair. To
21 further elaborate what Ken has presented, when I was
22 Assistant Regional Director of the Office of
23 Subsistence Management several years ago an inquiry
24 from another management agency came in. We worked with
25 the Solicitor's Office and came up with a response.

26

27 I personally am in a similar situation.
28 When I first moved to Anchorage nine years ago, prior
29 to moving I was a Federally qualified user. When I
30 moved to Anchorage, I was not. I have family that
31 still fishes and provides for 26 immediate and friends
32 of the family with regard to harvest of fish and other
33 natural or wild food sources.

34

35 So I as a non-Federally qualified user
36 can go back to Bethel. I can run the boat with a
37 certain limitation. I'll get back to this in a bit. I
38 can run the boat, go get wood, I can chop wood, I can
39 pack water, I can cut the strips, I can smoke the fish,
40 all those activities. In addition to I could run a
41 boat with the exception of manipulating the boat when
42 it's drifting or picking a net. So I couldn't be
43 involved in the take. I just wanted to provide that
44 additional information as well.

45

46 Thank you, Mr. Chair.

47

48 CHAIRMAN CHRISTIANSON: Thank you,
49 Gene. I appreciate that. Operator, can you ask

50

0027

1 somebody to mute their line. I can hear some feedback
2 coming. Thank you.

3

4 All right. Thank you, Gene, for that
5 perspective. Any other questions or comments.
6 Operator, is there anyone else online who would like to
7 be recognized at this time for public comments. Thank
8 you.

9

10 OPERATOR: We currently have one in the
11 queue. Mr. Jack Wholecheese, your line is now open.
12 You may ask your question or make a comment. Thank
13 you.

14

15 MR. WHOLECHEESE: Hello?

16

17 CHAIRMAN CHRISTIANSON: Hello, Jack.
18 You have the floor.

19

20 MR. WHOLECHEESE: Okay. Hey, you know,
21 I'm 72 years old and I'm on the Koyukuk River Advisory
22 Committee. Can you hear me?

23

24 CHAIRMAN CHRISTIANSON: I can hear you
25 loud and clear. You have the floor.

26

27 MR. WHOLECHEESE: Okay. You know, last
28 year when the Commissioner was flying around he stopped
29 in Huslia and the people on the Koyukuk River they
30 depend on the spring chum salmon and mostly the fall
31 chum salmon to put away because we don't catch that
32 many kings up this way. We rely heavily on the fall
33 and the spring chums. Also our sheefish.

34

35 When they made that regulation on that
36 four-inch mesh and if you see a sheefish up there,
37 they're big. So when you try the sheefish in a
38 four-inch mesh, which you don't, they bounce off.
39 We're catching the (indiscernible) with a four-inch
40 mesh. So I asked the Commissioner could you make it
41 six-inch mesh and they gave us one week on the Koyukuk
42 River to utilize the six-inch mesh. People didn't
43 catch hardly any chums or anything, but they caught a
44 lot of sheefish because the Koyukuk River people rely
45 on the fish for winter.

46

47 I don't know how we're being punished
48 up there on the Koyukuk River when we don't use our
49 regular six-inch mesh because we don't catch that many

50

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1 kings. I'm sure by the time we were done all the
2 spring chum went by and it was closed, so we didn't
3 have an opportunity to fish for the fall chum.

4
5 So the spring chum are our livelihood
6 up there. I'm a fisherman. I'm 72 years old and I go
7 out and I try to catch what I could, but I couldn't
8 last year. I put in a six-inch mesh and I caught some
9 whitefish and that's what we needed right there. And
10 we catch mostly pike up this way when the chums aren't
11 running. We catch a lot of pike.

12
13 My Great Uncle Steven Attla he used to
14 filet the fish, the pike. He'd cook it. So you know
15 we utilize all the fish that we catch up this way. All
16 these restrictions that they're putting on the
17 subsistence users and not putting on the trawlers and
18 the commercial fishermen.

19
20 People that's got money here in town or
21 any kind of income will either go to Fairbanks or go to
22 Kenai or down Chitina to try to get their fish. That's
23 how much we depend on the fish. I'm lucky I've got a
24 friend that fishes in Kenai and saves me filet fish
25 because he knows as an elder I need the fish.

26
27 That's my testimony of what I wanted to
28 tell you about the Koyukuk River. Thank you for being
29 so gracious and listening. I want to say I'm on the
30 Koyukuk River Advisory Committee and we had somebody
31 testify on behalf of the Koyukuk River people. We
32 don't do it just for one person. We do it for the
33 whole river.

34
35 It would be good if you'd give us
36 enough to eat this summer. Thank you.

37
38 CHAIRMAN CHRISTIANSON: Thank you for
39 taking the time to call in and your perspective is very
40 important to our discussion today. We're providing the
41 best we can for an opportunity, but we'll see how we
42 can get through this together. Thank you for calling
43 in. Any questions from the Board.

44
45 (No comments)

46
47 CHAIRMAN CHRISTIANSON: I appreciate
48 you taking the time to call in and give us your
49 perspective. Thank you.

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0029

1 Operator, is there anybody else in the
2 queue who would like to be recognized at this time?
3 Thank you.

4
5 OPERATOR: As a reminder, if you'd like
6 to make a public testimony, please press star, one.
7 Again that is star, one. There are currently no
8 further participants in the queue.

9
10 CHAIRMAN CHRISTIANSON: We'll go ahead
11 and move on after the public testimony there. We
12 appreciate everyone who has taken the call this morning
13 and their time. I just wanted to provide that
14 opportunity because I think it's really important for
15 us as the Board to hear the local perspective because
16 it goes up and down the river.

17
18 As we heard today there's various
19 viewpoints on how this affects everybody's life, but
20 what we do know is there's limited to no activity and
21 it's drastically impacting the social life on the
22 river. So we'll definitely, you know, continue to try
23 to resolve this and work towards a common goal here.

24
25 With that I'd just like to thank all
26 the people that called in and we'll go ahead and move
27 on to our Regional Advisory Council recommendations.
28 We have a couple on this one from the Yukon, to the
29 Western, to the Eastern and the Seward. So we'll go
30 ahead and call on the Yukon Kuskokwim Delta Board Chair
31 to give your presentation.

32
33 Thank you.

34
35 MR. ONEY: Yes, good morning, Mr.
36 Chairman, can you hear me.

37
38 CHAIRMAN CHRISTIANSON: Yes, you have
39 the floor, thank you.

40
41 MR. ONEY: Thank you, Mr. Chairman.
42 For the record my name is Raymond Oney. I am the Yukon
43 Kuskokwim Delta Regional Advisory Council Chair.

44
45 The Yukon Kuskokwim Delta Subsistence
46 Regional Advisory Council supports FSA22-01, 02, and 03
47 with modification to allow the area of the Black River
48 drainage situated south of the mouth of the Yukon River
49 to remain open to the harvest of chinook and summer and
50

0030

1 fall chum salmon by non-qualified -- Federally-
2 qualified users.

3
4 The Council discussed that the Yukon
5 River has been experiencing low chinook salmon runs for
6 the last 20 years and now the chum salmon run have
7 declined at an alarming rate. The Council supports
8 continuing conservation efforts to help the chinook and
9 chum salmon stocks rebound. Everyone needs to be at
10 the table to help conserve these fish.

11
12 The Council stressed that people can't
13 just keep fishing until the salmon are fished out.

14
15 However, subsistence communities have
16 been suffering for the lack of salmon so if there are
17 enough salmon to allow some harvest then the Federally-
18 qualified subsistence users would have priority under
19 Federal management.

20
21 This special action request is just for
22 the 2022 fishing season which would allow opportunity
23 to evaluate the effects.

24
25 The Council is concerned that the
26 coastal communities of Chevak, Scammon Bay and Hooper
27 Bay do not currently have a customary and traditional
28 use determination for Yukon River chinook and summer
29 chum salmon. The Council understands that the Office
30 of Subsistence Management will assist these communities
31 in submitting a proposal to address this. In the
32 meantime for the 2022, under this special action
33 request, the Council requests that the Black River area
34 be omitted from Federal management so that these
35 communities would not be excluded from this traditional
36 salmon harvest area if there were to be a salmon
37 fishing opportunity under Federal management.

38
39 The Council took action on these
40 special action requests before FSA22-04 was received.

41
42 The modified regulation should read,
43 and it's on Page 55 of the analysis.

44
45 50 CFR 100.27(e) (3), Subsistence taking
46 of fish Yukon Northern area.

47
48 (ii) For the Yukon River drainage,
49 Federal subsistence fishing -- Federal openings,
50

0031

1 closures, closings and fishing methods are the same as
2 being issued for the subsistence taking of fish under
3 Alaska Statute AS 16.05.060 emergency orders unless
4 superseded by a Federal action, Federal special action.

5

6 Federal public waters of the Yukon
7 River drainage, except the Black River drainage are
8 closed to the harvest of chinook and summer and fall
9 chum salmon except by Federally-qualified subsistence
10 users identified in the Section .804 analysis effective
11 on June 1, 2022 through September 30, 2022. Federal
12 subsistence fishing schedules, openings, closures and
13 fishing methods will be determined by the Federal
14 fisheries managers.

15

16 Mr. Chairman, that concludes my public
17 testimony in regards to these special action requests.

18

19 Thank you.

20

21 CHAIRMAN CHRISTIANSON: Thank you.
22 Appreciate you taking the time to call in today and
23 giving us your testimony, and also the history. So any
24 questions from the Board.

25

26 (No comments)

27

28 CHAIRMAN CHRISTIANSON: Thank you.
29 Operator, at this time is there anyone else that would
30 like to be recognized at this time in the cue.

31

32 MS. DETWILER: Mr. Chair, I believe the
33 next -- the next Council Chair to speak would be Jack
34 Reakoff.

35

36 CHAIRMAN CHRISTIANSON: Yeah, sorry,
37 Council Chair, I get stuck -- thank you for that, Sue.

38

39 MR. REAKOFF: Good morning, Mr.
40 Chairman. Federal Subsistence Board members. For the
41 record my name is Jack Reakoff. I'm the Chair of the
42 Western Interior Regional Advisory Council.

43

44 Western Interior Regional Advisory
45 Council reviewed FSA22-01 with modification to add coho
46 salmon in the closure to harvest -- in addition to the
47 harvest of chinook and fall chum also, and summer and
48 fall chum, by non-Federally-qualified users. The
49 Council took no action on the other proposals because

50

0032

1 they weren't received in time for our meeting, which
2 was FSA22-03, 03, and 04.

3

4

5 Members who have seen the benefit of
6 the Federal management on the Kuskokwim River and
7 something needs to be done to provide as much
8 opportunity for the Federally-qualified subsistence
9 users. The Council discussed concerns about limiting
10 family participation when some family members who might
11 be residing in urban centers are not -- no longer
12 Federally-qualified as subsistence users, come and
13 assist. It is unclear -- the Council took testimony
14 from the public regarding participation on the
15 Kuskokwim River, we were trying to clarify the level of
16 participation with currently non-Federally-qualified
17 users that may be family members. There's a lot of
18 problems associated with the salmon decline. As the
19 Chair of the Koyukuk River Advisory Committee, we have
20 several Committee members commenting about the brown
21 bears, grizzlies, walking up and down the beaches,
22 salmon didn't come back to many of the salmon spawning
23 river drainages on the Koyukuk River and others
24 associated Interior river drainages and so these bears
25 are killing a lot more moose, which is a direct
26 competition with the subsistence users and black bears,
27 and so there was a lot of testimony from people about
28 the black bear decline from brown bear predation and
29 it's pushed a lot of the subsistence use to whitefish
30 and sheefish and there's concerns about those stocks
31 holding up against a lot of additional harvest that's
32 being deflected away from the salmon.

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33 So we feel that a subsistence priority
34 for rural residents on the Federal public waters is
35 necessary at this time.

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37 Thank you, Mr. Chair.

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39 CHAIRMAN CHRISTIANSON: Thank you,
40 Jack. Appreciate the perspective that some opportunity
41 is definitely needed.

42

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43 Thank you.

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45 Next, we'll move on to the next
46 Regional Advisory Council Chair. Thank you.

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48 MS. DETWILER: That would be Eastern
49 Interior, Charlie Wright.

49

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0033

1 MR. WRIGHT: Thank you, Sue. Thank
2 you, Mr. Chair and Board members. Can you hear me?

3
4 REPORTER: Yes.

5
6 MR. WRIGHT: Hello.

7
8 CHAIRMAN CHRISTIANSON: Yes, you have
9 the floor.

10
11 MR. WRIGHT: Okay. For the record,
12 this is Charlie Wright, Vice Chair of the Eastern
13 Interior Regional Advisory Council.

14
15 The Eastern Interior Council voted to
16 support FSA22-1, 2, 3, and 4 as modified by Yukon
17 Kuskokwim Delta and Western Interior Councils. The
18 Council supports this special action request due to
19 ongoing concerns about Yukon River salmon abundance.
20 Low run sizes have resulted in fishing restrictions in
21 recent years and in 2021 a complete closure of the
22 subsistence salmon fishery on the Yukon River. This
23 has created extreme hardship for rural residents of the
24 region to meet their subsistence needs.

25
26 The special action request will help
27 ensure a subsistence priority if there is a harvestable
28 surplus for salmon.

29
30 The Council also supports the effort of
31 this special action request to bring attention to the
32 current issues surrounding Yukon River salmon
33 management and to try to bring about change.

34
35 The Council supports the modifications
36 suggested by other Regional Advisory Councils to
37 include coho salmon since it is also an important
38 subsistence salmon species and to exclude the Black
39 River because that drainage is used for subsistence
40 salmon fishing by coastal community residents who do
41 not yet have a customary and traditional use
42 determination for chinook and summer chum salmon.

43
44 That concludes the position and
45 justification provided by the Eastern Interior Council.

46
47 At this time, I would like to add a few
48 additional comments for myself, if I may.

49
50

0034

1 CHAIRMAN CHRISTIANSON: Yes, you have
2 the floor.

3
4 MR. WRIGHT: Thank you, very much. I
5 am the submitter of Federal Special Action 22-01. I
6 have submitted this Federal action for two reasons.

7
8 To ask the Federal Subsistence Board to
9 uphold the conservation mandates of ANILCA;

10
11 To ask the Federal Subsistence Board to
12 uphold the provisions of ANILCA to provide a
13 subsistence priority during times of restrictions for
14 rural communities who have no reasonable access to
15 other resources.

16
17 There's elders and children and people
18 -- some villages have no store. Some villages in the
19 areas have lack of moose now, the numbers are down on
20 the river corridor in some places, including my own
21 village, and my village does not have a store. This
22 past winter, due to Covid and other problems, the food
23 sources coming over the border slowed down and a lot of
24 the communities in the Lower River and Interior had no
25 food on their shelves. With the lack of moose and fish
26 and food from the city, things got real tough for
27 people. I just wanted to add that note.

28
29 In my special action request I wrote:
30 The current Yukon River Salmon Management system
31 wherein the State manages the chinook and chum salmon
32 fisheries with no passive consent, but no direct
33 intervention by the Federal in-season managers for well
34 over a decade. It's not working and has repeatedly
35 failed to uphold the provisions of ANILCA.

36
37 The OSM analysis you have in front of
38 you acknowledges that there has been not a single
39 direct Federal action on Yukon River salmon since 2009,
40 and OSM acknowledges that. Federally-qualified
41 subsistence use of Yukon salmon are generally managed
42 by State issued emergency orders. The practice of the
43 Federal Subsistence Management Program to hand over
44 their duty to uphold ANILCA to the State of Alaska,
45 which does not have a rural subsistence priority, has
46 systematically failed Federally-qualified subsistence
47 users. At the root, these four special action requests
48 are simply asking the Federal Subsistence Board to
49 follow Federal law and doing your job of conserving our
50

0035

1 salmon while providing as much subsistence opportunity
2 as possible.

3
4 Some recent examples of conservation
5 and subsistence management failures, in 2019, Federal
6 in-season managers and ADF&G allowed Yukon River
7 commercial fishermen to sell several thousand chinook
8 salmon they harvested while targeting chum salmon.

9
10 In 2019 the State of Alaska failed to
11 meet the Yukon River chinook salmon border passage
12 goal.

13
14 In 2019 the State of Alaska allowed the
15 collective harvest of 50 percent of Canadian chinook
16 run.

17
18 An example of the massive mismanagement
19 of a very declined run essential for subsistence by
20 ADF&G.

21
22 The State of Alaska also failed to meet
23 the Yukon River chinook border passage goal in 2008,
24 '10, '12, '13, while allowing commercial harvest of
25 chinook salmon in 2008 and '10.

26
27 I know that commercial is important to
28 the villages on the coast and I don't really like to
29 take that away from anybody and I wish there was more
30 salmon for everybody.

31
32 And the problem we are addressing today
33 is that in every one of these cases the Federal in-
34 season simply reviewed and then rubber-stamped these
35 ADF&G actions. ANILCA is the law of the land and Katie
36 John fought to make sure that these subsistence
37 protections under ANILCA applied to fisheries in
38 Federal waters. In these special action requests we
39 are not asking you what is most beneficial for you or
40 your family or people in urban areas that have other
41 resources, we're asking you to uphold ANILCA to ensure
42 that when it's necessary to restrict harvest for
43 conservation in Federal waters, that subsistence uses
44 remain the priority. Please remember that ANILCA
45 subsistence priorities is intended for rural
46 communities who have no reasonable access to other
47 resources. The only way to ensure this is for the
48 Federal Subsistence Board to assume management of Yukon
49 chinook, summer, fall chum, coho throughout the 2022
50

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1 season by closing Federal public waters of Yukon River
2 drainage to the harvest of chinook, chum salmon and
3 coho except by Federally-qualified users in '22.

4
5 I really feel for all the people
6 affected by the way fishing has ended up on the Yukon.
7 There hasn't been any fishing in the past year and
8 there won't be again this year. So the people in the
9 cities and off the river corridor will not be fishing
10 again this year or the people living on the river. To
11 me, it's about the law, and the law needs to be
12 followed and ANILCA has not been upheld and followed
13 for years.

14
15 Living our way of life keeps us
16 healthy, it's mental, physical, and spiritual to the
17 people of the river. I do all my advocating for
18 conservation and well-being of the people I serve and
19 would like all to think and operate in this manner.
20 Think of the elders and people who have no other source
21 or opportunity. Over 60 villages are affected by our
22 actions. I really don't want to see no more sustainable
23 management if the run comes in good again.

24
25 I really appreciate your time in
26 listening to me today, Mr. Chair and Board members.

27
28 That's all I have, thank you.

29
30 CHAIRMAN CHRISTIANSON: I just
31 appreciate you taking the time to call in, both as a
32 Regional Advisory Council and a long time person
33 connected to the resource like that, and I just value
34 all those perspectives especially why we're here. We
35 come with compassion and love for not only the resource
36 and our people, but how do we find harmony between all
37 of us and so appreciate you giving us your perspective
38 today.

39
40 Thank you.

41
42 MR. WRIGHT: Thank you.

43
44 CHAIRMAN CHRISTIANSON: Yes. Any other
45 questions from the Board, if not, we'll move on to the
46 next Regional Advisory Council Chair.

47
48 MS. PILCHER: Good afternoon, Board
49 members. For the record my name is Nissa Pilcher,
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0037

1 Council Coordinator for the Seward Peninsula
2 Subsistence Regional Advisory Council.

3
4 The Council supports FSA22-01, 02, 03
5 and 04 as modified by both the Yukon Kuskokwim Delta
6 and the Western Interior Alaska Councils.

7
8 This Council supported the requester as
9 well as the other Council modifications.

10
11 Thank you, and that concludes the
12 testimony for the Seward Peninsula Regional Advisory
13 Council.

14
15 CHAIRMAN CHRISTIANSON: Thank you, very
16 much. Any questions from the Board.

17
18 (No comments)

19
20 CHAIRMAN CHRISTIANSON: Hearing none,
21 we'll go ahead and move on. Is there any other
22 Regional Advisory Councils that need to be recognized.

23
24 (No comments)

25
26 CHAIRMAN CHRISTIANSON: All right, that
27 concludes our Regional Advisory Council
28 recommendations. We'll go ahead and move on to the
29 Tribal Alaska Native Corporation comments. We'll call
30 on Orville Lind at this time, you have the floor.

31
32 MR. LIND: Good morning, Mr. Chair and
33 Board members. My name is Orville Lind, Native Liaison
34 for the Office of Subsistence Management. Can you hear
35 me well.

36
37 CHAIRMAN CHRISTIANSON: Yes, Orville,
38 you have the floor, and thank you.

39
40 MR. LIND: Thank you, Mr. Chair. We
41 held a consultation for tribal and ANCSA Corporations
42 on April 5th, and it was very well attended. There
43 were some really great discussions back and forth.
44 Again, this was an opportunity for the tribes to
45 consult directly to the Federal Subsistence Board and
46 their representatives or delegates and for the Federal
47 Subsistence Management Staff. After the overview of
48 the special action request we conducted -- or allowed
49 question and answer period and, again, a lot of great
50

0038

1 discussions came out of that.

2

3

4 I will now provide you with the summary
5 for both tribal and ANCSA consultations and address
6 some of the main concerns and comments that the tribes
7 shared with the Board during that consultation.

7

8 Beginning with a Nulato resident,
9 stated that the chinook salmon is a major part of their
10 daily subsistence and traditional uses. And they had a
11 very difficult winter, and not only in Nulato but the
12 entire Yukon drainage, and they cannot foresee having
13 endured that kind of life situation again. Addressing
14 the Board, to please keep in mind as you folks are
15 putting your heads together that we are talking about
16 traditional lifestyles. It is something that they are
17 gifted and they respect it dearly. Mentioned that,
18 please don't change the way of living to compliment
19 high seas fishing or other things that interfere with
20 the king salmon runs. And they did say that they think
21 they are in full support but she was going to find out.

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An Eagle resident stated that something
has to change, the State management has not been
working well. They have not harvested fish for a few
years. It is hurting their traditional ways and it's
really difficult and tough on the people. Empty
smokehouses is changing the way of life having to go to
stores and buying un-traditional foods. If salmon
aren't there we don't take them, and they said we don't
let -- we let them increase and come back. Please
don't take away our way of life. And Eagle indicated
they are in support of the proposal.

A Hooper Bay resident said that they
are not commercial fishermen and they are subsistence
fishers only. Another resident also said that they set
their subsistence nets during high tides only in the
bay because low tides, the gull tend to eat the fish.
Hooper Bay indicated they are in support of the special
action.

The Chair of the Yukon River
InterTribal Fish Commission as a fisherman from the
Yukon River, his community, of course is Rampart,
Alaska, wanted to say that, they understand the intent
of the special action request but is concerned that it
miss-aligns with tribal stewardship. Also indicated
that, you know, stating that they recognized the

1 responsibility and authority to exercise tribal rights
2 as stewards to their traditional territories and
3 resources. Since time immemorial we have properly
4 cared for the fisheries and the Yukon River and its
5 tributaries but for the past 100 years, Canadian --
6 State of Alaska have managed with no deference to
7 tribal governments. The special action request will
8 continue to leave all Yukon River salmon management
9 decisions in the hands of the Federal government and
10 the State government in waters to which Federal
11 subsistence jurisdiction, again, does not apply in
12 State -- the special action request will also continue
13 to leave the fate of tribal governments and communities
14 and their people at the fate of someone else's control.
15 The special action request does not address high
16 subsistence use areas of non-Federally-qualified users
17 as demonstrated by years of harvest from Canada just
18 above the Yukon River and just above the Yukon River
19 bridge. That they believe also that the government
20 should be working with the tribes and the Fish
21 Commissions, Steward tribal governments, tribal co-
22 management of fisheries on the Yukon River. The tribes
23 are united, especially with the Fish Commissions. They
24 have the capacity and they are based on tribal
25 sovereignty. They also stated that further work on the
26 special action requests, tribal consultation and
27 government -- government is with the Fish Commission
28 and that they are working towards co-management and
29 tribal governments are continually left out. Their
30 decisionmaking powers are very much diminished in many
31 of these systems.

32
33 There was a representative from the Sea
34 Lion Corporation, that the exclusion of Hooper Bay for
35 not having customary and traditional use of salmon is
36 not a real good thing for the village of Hooper Bay.
37 They were being excluded from something that they have
38 historically used for food as a subsistence resource,
39 even prior to statehood and prior to the establishment
40 of Wildlife Refuges. They say that within the three
41 mile limit that's supposed to be -- or could be managed
42 by the State of Alaska, however, he thinks that their
43 subsistence purposes -- that are not being fair to the
44 people there at the village. If the Federal management
45 of the Yukon River ends up being implemented because of
46 Hooper Bay's -- the weather -- meaning that if there is
47 northwest winds prominent for awhile on the coast the
48 salmon do not run into Hooper Bay. It's like a
49 stomping ground before they head up to the Yukon. If
50

0040

1 we are not included as custom -- as customary and
2 traditional users of this salmon, under State
3 management, could probably end up being treated like
4 criminals. Continued to state that tagging studies that
5 were done back in the 1980s, they tried to identify
6 some stocks that may be heading through the Yukon or
7 the Kuskokwim River. And they are fished commercially
8 down in Area M. They caught some tags there on the
9 Kuskokwim and the Yukon and the State said they're not
10 scientifically conclusive studies so they threw it out
11 as having any impacts on commercial fishing on the
12 Aleutian Islands. One of the things that they would
13 request is that might be that the subsistence
14 management and the Federal Subsistence Board should do,
15 is ask the State of Alaska how much chums is harvested
16 by the commercial fisheries that are down there that
17 may be bound for the Yukon and Kuskokwim Rivers because
18 it does impact the return of chum salmon that are
19 headed in that direction. One other concern is that
20 the State of Alaska is also going to have an impact on
21 chum salmon rivers is the proposed Ambler Road that's
22 going to go up and impact -- or go across the Koyukuk
23 River near Aleknagik -- Allakaket -- and about 300,000
24 chum salmon have been counted there in that stream
25 before so it's going to have a potential impact on chum
26 salmon that are going to be returning to that river
27 system. So they are going to request -- are requesting
28 is that the deliberation of some of these discussions,
29 that they should ask for more information on how State
30 is being allowed to harvest the chum salmon in the
31 commercial fisheries.

32
33 And in summary of all of this, the
34 majority of the consultation was spent in great
35 discussions, conversations, they were sharing
36 information and asking and answering questions of each
37 other. And, as always, these consultations are very
38 helpful to our Federal Board members and
39 representatives who can speak directly with each other.
40 And we certainly appreciate the folks that have been
41 calling in in the past consultations because some of
42 these proposals and special actions are really
43 impacting on how they harvest subsistence foods.

44
45 With that said, Mr. Chair, that
46 concludes the tribal and ANCSA Corporation comments.
47 I'm here for any questions.

48
49 CHAIRMAN CHRISTIANSON: Thank you,
50

0041

1 Orville. And we'll go ahead, any questions for Orville
2 on the tribal, Native comments.

3
4 (No comments)

5
6 CHAIRMAN CHRISTIANSON: All right, no
7 questions. We'll go ahead and call on the Alaska
8 Department of Fish and Game comments. Mr. Mulligan,
9 you have the floor.

10
11 MR. MULLIGAN: Thank you. Mr. Chair,
12 appreciate that. For the record this is Ben Mulligan
13 at the Alaska Department of Fish and Game.

14
15 The Department has reviewed Fisheries
16 Special Actions 22-01, 2, 3 and 4, and opposes these
17 proposals.

18
19 Alaska Department of Fish and Game and
20 the U.S. Fish and Wildlife Service fisheries managers
21 have cooperatively managed the chinook, summer chum,
22 and fall chum salmon runs in the Yukon River by
23 focusing on the common mandate to manage salmon fishing
24 to meet escapement goals. Both entities work to
25 prioritize subsistence fishing as mandated by our
26 respective laws and regulations. Prior to the fishing
27 season, the Department and the Fish and Wildlife
28 Service fishery managers meet with fishermen to discuss
29 preferred pre-season management options based on the
30 outlooks and recent performance of the salmon runs.
31 These meetings are crucial to gain public trust along
32 the entire Yukon River and understanding of the complex
33 salmon management regime. Once the salmon season
34 begins management meetings often occur daily. Yukon
35 River salmon fisheries management is driven by U.S.
36 obligations to achieve annual border escapement and
37 harvest sharing objectives for Canadian origin stocks
38 as defined under the Yukon River Salmon Agreement.
39 Although only a portion of total annual Yukon River
40 chinook and fall chum salmon runs are Canadian origin,
41 annual timing and abundance of these runs as they
42 migrate through the Alaska portion of the drainage
43 fully overlaps and mixes with Alaskan origin Yukon
44 River chinook, summer chum, pink, fall chum and coho
45 salmon runs. As a result, it is not possible to
46 explicitly manage for Canadian origin transboundary
47 stocks. They must be managed simultaneously with
48 overlapping Alaska origin stocks. As the responsible
49 management entity for the United States, it is Alaska
50

0042

1 Department of Fish and Game's responsibility to manage
2 the Yukon River salmon fisheries to achieve annual
3 Canadian border escapement and harvest sharing
4 objectives for Canadian origin stocks.

5

6 Because of the overlapping and mixed
7 nature of Alaskan origin stocks, the authority and
8 responsibility extends to management over all of the
9 Yukon River salmon stocks.

10

11 If this special action request is
12 approved, Fish and Wildlife Service in-season managers
13 would still need to seek approval for any management
14 actions they recommend as they would impact the Alaska
15 Department of Fish and Game's duties under the Pacific
16 Salmon Treaty as the responsible management entity to
17 manage for the objectives for Canadian origin stocks.

18

19 As well as its obligations under the
20 Pacific Salmon Treaty, the State of Alaska has a
21 Constitutional mandate to manage for sustainable salmon
22 runs and provide for reasonable subsistence opportunity
23 when there is a harvestable surplus. The Yukon River
24 Chinook Salmon Management Plan includes regulatory
25 closures during the first pulse of chinook salmon when
26 the pre-season forecast indicates insufficient
27 abundance to meet escapement goal objectives and
28 subsistence harvest needs. If in-season run assessment
29 information indicates sufficient abundance of chinook,
30 summer chum or fall chum salmon to meet escapement
31 objectives, subsistence salmon fishing opportunity will
32 be provided on an expected harvestable surpluses.
33 Yukon River subsistence salmon fisheries would open
34 based on schedules implemented chronologically
35 consistent with migratory timing as the salmon runs
36 progress through the system. Subsistence fishing
37 periods may be altered if it is determined that pre-
38 season or in-season run assessment indicates it is
39 necessary for conservation purposes. If the chinook or
40 chum salmon runs are projected to meet escapement goals
41 within a district, subdistrict, or portion of a
42 district or subdistrict, subsistence fishing may be
43 open. During times of chinook or chum salmon
44 conservation fishing openings may have gear
45 limitations, including reduced gillnet mesh size and
46 length and selective gear types such as live release
47 fishwheels, dipnets, beach seines and hook and line.
48 These gear types allow for a subsistence harvest of
49 non-salmon or pink, sockeye and coho salmon while

50

0043

1 conserving chinook and chum salmon.

2

3

4 If this Federal special action is
5 implemented in the 2022 fishing season there are
6 anticipated negative impacts to subsistence fishing in
7 the Yukon River. The last special -- the last Federal
8 special action on the Yukon River in 2009 during a low
9 run of chinook salmon and only Federally-qualified
10 users were able to participate in that fishery, during
11 this action managers heard frustrations from fishermen,
12 in particularly, elders due to the exclusion of family
13 or friends living in non-rural areas from assisting
14 with fishing activities in rural areas. Subsistence
15 fishing along the Yukon River is often a group effort
16 with multiple generations working together to
17 accomplish fishing tasks. It also excluded stand-alone
18 or urban families that previously lived in rurally
19 qualified areas from participating in Federal waters
20 creating a loss of traditional and cultural subsistence
21 salmon fishing activities. If approved, this 2022
22 Federal special action will likely lead to similar
23 issues from the past causing division among fishing
24 groups and the users along the Yukon River and
25 unnecessary management complexity. This may also cause
26 an increase in enforcement complexity as well and
27 subsistence fishermen may end up being confused on
28 where or when they can fish within State or Federal
29 waters.

29

30 Thank you, Mr. Chair. That's the
31 Department's comments.

32

33 CHAIRMAN CHRISTIANSON: Thank you, Mr.
34 Mulligan. Any questions from the Board for the State.

35

36 (No comments)

37

38 CHAIRMAN CHRISTIANSON: All right,
39 hearing none, thank you, Mr. Mulligan. We'll move on
40 to the InterAgency Staff Committee comments. We'll
41 call on Ms. Robbin LaVine.

42

43 MS. LAVINE: Thank you, Mr. Chair.
44 Members of the Board. For the record this is Robbin
45 LaVine, Subsistence Policy Coordinator for the Office
46 of Subsistence Management and the ISC -- InterAgency
47 Staff Committee Chair.

48

49 The InterAgency Staff Committee

50

0044

1 acknowledges the importance of concerns raised by the
2 many voices along the Yukon River which includes the
3 proponents of Fisheries Special Action 22-01, 22-02,
4 22-04 and 22-04, the Regional Advisory Councils, those
5 that participated in the public hearings and the tribes
6 and corporations that participated in consultation.

7
8 Significant changes have occurred since
9 the Federal Subsistence Board last acted on similar
10 special action requests in 2015. The 2021 Yukon River
11 drainage-wide run sizes of chinook, summer chum and
12 fall chum salmon are some of the lowest on record
13 resulting in a closure to subsistence salmon fishing
14 throughout the river last season. This had devastating
15 effects on families that rely on Yukon River salmon for
16 subsistence. It is clear that there was support from
17 all four Regional Advisory Councils with customary and
18 traditional use determinations for salmon to close
19 Federal public waters of the Yukon River drainage to
20 the harvest of chinook and summer and fall chum salmon
21 except by Federally-qualified subsistence users from
22 June 1st through September 30th, 2022.

23
24 It is also clear from other rural
25 residents of the Yukon River who testified at public
26 hearings, tribal consultations, and at Regional
27 Advisory Council meetings that there are concerns as
28 well as opposition to this proposed action.

29
30 The Yukon River requires intensive in-
31 season salmon management due to varying run sizes and
32 timing, the complexity and interaction of the fisheries
33 and difficulties in accurately accessing in-season run
34 strength. Uncertainty has periodically led to inequity
35 of harvest wherein some portions of the Yukon River
36 drainage were open when harvestable surpluses were
37 projected while others were closed once new data
38 indicated escapement goals might not be met. For the
39 most part, however, cooperative Federal and State
40 managers have worked together with Yukon River fishing
41 families to promote fairness and equity in subsistence
42 fishing along the entire Yukon River drainage,
43 something rural residents from the Yukon River have
44 repeatedly requested.

45
46 The 2022 outlook is poor for chinook,
47 summer chum and fall salmon -- fall chum and coho
48 salmon with subsistence closures and restrictions
49 expected.

50

1 Sportfishing, personal use, and
2 commercial fisheries are also expected to be closed for
3 salmon all season.

4
5 In-season assessment indicators and
6 management confidence will determine if subsistence
7 fishing for salmon will remain closed, or conversely,
8 if confidence is high and escapement is likely to be
9 met subsistence fishing opportunities with selective
10 gear may be allowed.

11
12 Regardless, if Federal public waters
13 are closed to non-Federally-qualified users by either
14 the Board, through this special temporary special
15 action request, or by the Federal in-season manager
16 through delegated authority to issue emergency special
17 actions to open or close subsistence fishing periods or
18 areas provided under codified regulation, management of
19 State waters would be unaffected. The patchwork nature
20 of land ownership along the Yukon River is what led to
21 coordinated management and consensus-based
22 decisionmaking over the past 20 years. Parallel in-
23 season management actions and joint news releases have
24 minimized duplication of effort that may have resulted
25 through separate implementation of Federal and State
26 management actions along the Yukon River.

27
28 There are many compounding factors that
29 are contributing to low salmon returns. Failure to meet
30 summer chum and fall chum salmon escapement and harvest
31 goals the past two seasons has been due to record low
32 runs. Even though salmon harvest by Federally-
33 qualified users is small when compared to the overall
34 harvest by rural Yukon River residents and their family
35 members, the Board may consider actions to ensure the
36 conservation and continued viability of healthy salmon
37 populations, and, when possible, to ensure the
38 continued subsistence uses of Yukon River salmon.

39
40 If the Board decides to implement a
41 closure, it may be prudent for Board members to focus
42 on how best to address the concerns identified by the
43 proponents of the special action request, as well as
44 the effects of the special action request on fishing
45 families, traditional subsistence practices,
46 established management protocols and communications,
47 plus the lack of clarity around how jurisdictional
48 issues of Federal and State waters will affect
49 fisheries and enforcement of those fisheries.

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Thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Thank you, Robbin. Any questions for Staff.

MR. PELTOLA: Mr. Chair, BIA.

CHAIRMAN CHRISTIANSON: Yes, Gene, you have the floor.

MR. PELTOLA: Thank you, Mr. Chair. I'd like clarification on a couple statements in the summary of the closing paragraph. So the ISC comment says, it may be prudent for Board members to focus on how best to address the concerns identified by the proponents of the special action request. What, specifically, did the ISC have in mind when they made that statement, and the second question is at the closing end of that paragraph, I was wondering if I could get a clarification on what the ISC meant by, to quote, "plus the lack of clarity around how jurisdictional issues of Federal and State waters will affect fisheries and enforcement of those fisheries."

Thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Thank you. Any other questions for the Staff.

MR. PELTOLA: Mr. Chair, I was wondering if I could get a response from the ISC for clarification of what their intent was.

CHAIRMAN CHRISTIANSON: Yes, yes, from the Staff, thank you.

MR. PELTOLA: No, thank you.

MS. LAVINE: Thank you, Mr. Chair. Through the Chair. Mr. Peltola, this comment was produced by and reviewed by the entire ISC. And I may request some assistance in response from my fellow ISC members, and if you will pause I -- I hope one of them will speak up.

Thank you, Mr. Chair.

MS. KLEIN: Mr. Chair, this is Jill

0047

1 Klein with Fish and Wildlife Service.

2

3 CHAIRMAN CHRISTIANSON: Yes, Jill, you
4 have the floor. Thank you for taking this up.

5

6 MS. KLEIN: Thank you. So, Gene, so
7 your first question regarding the intent of the
8 proponents. When we looked at the OSM analysis and
9 the -- in the discussion section on Page 1, there are
10 three statements that are raised by the proponents of
11 the special action regarding the current management, be
12 it Federal and State management and the issues around
13 other uses of commercial fishing and subsistence
14 harvest over time. The number 2, was in reference to
15 the escapement goals, and certain years that they were
16 not met. And then No. 3 is talking about the inequity
17 of harvest within the drainage. And so those are
18 important issues that were raised by the proponent and
19 there have been some questions and some discussion thus
20 far in the meeting today but if there's anything else
21 around those issues that the Board feels like it's
22 important to discuss, we were recommending, that we
23 talk about that as needed in our decisionmaking as well
24 as the potential impacts, you know, that we may have
25 heard from people who testified at public hearings or
26 tribal consultations and you addressed the issue
27 regarding what a non-Federally-qualified subsistence
28 user, you know, may or may not do in closed Federal
29 public waters.

30

31 So does that answer the first part of
32 your question?

33

34 MR. PELTOLA: Yes, thank you.

35

36 MS. KLEIN: And then around the second
37 part regarding jurisdiction and enforcement due to a
38 patchwork nature of the Yukon River and how we have
39 multiple jurisdictions, we've also been working
40 internally trying to look at maps and boundaries and
41 also wanting to make sure that it will be clear to
42 people on the Yukon River who fish, where they would be
43 fishing, if it would be in Federal or State waters and
44 under what regulations they would be fishing and making
45 sure that we have proper communications in place to
46 notify the public about who can and cannot fish and
47 where they may or may not fish and that enforcement is
48 also aware of all that information and -- and what will
49 be -- how will enforcement act this season.

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0048

1 So we -- we wanted to raise that issue.
2 And I would just remind you that the Federal in-season
3 manager is on the call if we do have any questions on
4 any of these topics.

5
6 CHAIRMAN CHRISTIANSON: Thank you,
7 Jill. Did that answer your question Gene, and the
8 floor is open if there's any additional questions from
9 the Board for Staff.

10
11 MR. PELTOLA: Yes, it addresses
12 clarification for me and I do appreciate it.....

13
14 (Cell phone ringing)

15
16 MR. PELTOLA:Jill from the Fish
17 and Wildlife.

18
19 Sorry about that, my phone, it wasn't
20 on vibrate.

21
22 CHAIRMAN CHRISTIANSON: Thank you. The
23 floor is still open for questions. That was the ISC
24 recommendation.

25
26 (No comments)

27
28 CHAIRMAN CHRISTIANSON: All right.
29 Then.....

30
31 MS. LAVINE: Mr. Chair, this is Robbin.

32
33 CHAIRMAN CHRISTIANSON: Yes, Robbin,
34 you have the floor.

35
36 MS. LAVINE: I would just like to
37 clarify that when the Regional Advisory Councils have
38 an opportunity to provide recommendations, the ISC
39 provides a comment.

40
41 Thank you, Mr. Chair.

42
43 CHAIRMAN CHRISTIANSON: Thank you. Is
44 there any further Board questions or discussion. If
45 there is no other Board discussion we will open the
46 floor at this time for a motion.

47
48 MS. KLEIN: Mr. Chair, this is Jill
49 Klein. I do have a question, if possible, for the in-
50

0049

1 season manager and just wanting to share a little bit
2 more information perhaps.....

3

4 CHAIRMAN CHRISTIANSON: Yes, Jill, you
5 have the floor.

6

7 MS. KLEIN:before you move for a
8 motion.

9

10 CHAIRMAN CHRISTIANSON: Yeah, we can do
11 that, Jill. I think the more we put on the record the
12 better, it's just such a complex issue and trying to
13 get the education out there is important, so, thank
14 you.

15

16 MS. KLEIN: All right, thank you. So
17 for the Federal manager, and with Gene raising kind of
18 that -- those questions that he just raised about what
19 additionally we might talk about, I wanted to refer to
20 a comment by the proponent about the current management
21 system not working and to ask -- and regarding the
22 failure to meet escapement goals, and ask the Federal
23 manager how we would define management that -- that is
24 working. You know, and what that means.

25

26 MS. CARROLL: Thanks very much. This
27 is Holly Carroll, U.S. Fish and Wildlife Service,
28 Federal In-Season Manager. Would you like me to
29 respond to the question?

30

31 CHAIRMAN CHRISTIANSON: Yes, please,
32 thank you, Holly. I appreciate you taking the time.

33

34 MS. CARROLL: Thanks, Mr. Chair. So,
35 yeah, I recognize those comments and I -- I understand
36 and I'd like to try to explain, you know, from a
37 manager's standpoint, which I recognize is not the same
38 as for the users, but management success would be
39 meeting all escapement goals when run sizes are large
40 enough and making all harvestable surplus available to
41 subsistence users and fishing opportunities that are
42 equitable throughout the Yukon drainage. So, that's --
43 you know, that's the gold star of management success.

44

45 But for chinook salmon we've actually
46 met the border escapement goal 12 of the 21 years we've
47 had the Yukon River Salmon Agreement in place. So
48 while that's just over 57 percent success, many of the
49 years when goals weren't met it was a result of run
50

0050

1 sizes too small to ever meet the goals even with zero
2 harvest. So those years include 2012, 2013, 2020, and
3 2021. So, you know, to just explain, no management
4 actions we could have taken would've allowed us to meet
5 goals with runs of that size. But the proponent also
6 brought up some great examples of when we failed to
7 meet goals for other reasons. So in the years of 2007,
8 2008 and '09, we didn't have as rigorous of in-season
9 run projects using genetics and we also had other
10 issues determining run strength. So truly overharvest
11 occurred essentially. We had subsistence fishing less
12 restrictive in those years and we were still commercial
13 fishing for chinook. So the harvest in those years --
14 but for comparison -- the harvest in those years were
15 double the harvest we see today but our overall run
16 sizes were also double. And so after these failures
17 directed commercial fishing for chinook salmon was
18 curtailed in 2010. We reduced the maximum mesh size
19 for commercial fishing to six inch, and for subsistence
20 fishing to 7.5 inch and the chinook salmon was named a
21 stock of concern in 2013.

22

23 So management is constantly being
24 refined.

25

26 But the problem we're having in recent
27 years, like in 2019 and 2020, is that, we thought there
28 were more fish in the river and we allowed subsistence
29 fishing. So in those two years, 2019 and 2020, we
30 actually saw the best subsistence chinook harvest in
31 recent years. We saw 52,000 fish harvested in 2019 and
32 23,000 fish harvested in 2020. The reason we failed to
33 meet the border goals is that our assessment was off by
34 tens of thousands of fish that did not appear at the
35 border so that is a problem we continue to grapple with
36 and it's called management, or assessment uncertainty.

37

38

39 I bring that up because we still have
40 that problem and we will going forward. But we do have
41 the best research management Staff from U.S. Fish and
42 Wildlife, Fish and Game and other organizations that
43 work as a part of the Joint Technical Committee and
44 they are constantly working to improve and address
45 these uncertainties.

46

47 So all this is to say that, you know,
48 changing from one management entity as the lead at this
49 time may not affect our success at meeting escapement

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0051

1 goals, or providing additional harvest in any given
2 year, it really is related to our lack of precision
3 that's the heart of the issue.

4

5 So I just -- I thought it was important
6 to clarify that so there's no undue expectations for
7 this coming season.

8

9 CHAIRMAN CHRISTIANSON: Thank you for
10 that. Any questions from the Board.

11

12 MR. PELTOLA: Mr. Chair, BIA.

13

14 CHAIRMAN CHRISTIANSON: Yes, Gene, you
15 have the floor.

16

17 MR. PELTOLA: Thank you, Mr. Chair. I
18 just wanted to make one clarification statement. With
19 the closing, although, comment from our Federal in-
20 season manager, I do agree -- I do agree that we
21 shouldn't establish, you know, expectations the Program
22 cannot provide, although the premise of these special
23 actions is that the special actions have requested
24 Federal management. The big difference being that if
25 there is a harvest opportunity that the rural priority
26 for the Federally-qualified subsistence user in Federal
27 waters is achieved. And I think that's -- that's what
28 the basis of the asks, at least as I read through it,
29 that have been identified that they are.

30

31 Thank you, Mr. Chair.

32

33 CHAIRMAN CHRISTIANSON: Thank you,
34 Gene, for that. Any other questions or comments from
35 the Board for Staff or ISC before we move to a motion.

36

37 (No comments)

38

39 CHAIRMAN CHRISTIANSON: The floor is
40 open for a motion.

41

42 MS. KLEIN: Mr. Chair, this is Jill
43 Klein.

44

45 CHAIRMAN CHRISTIANSON: Yes, Jill,
46 thank you, you have the floor.

47

48 MS. KLEIN: Okay, thank you. So, Mr.
49 Chair, I move to approve Temporary Fisheries Special

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0052

1 Action Request FSA22-01 with the OSM modification plus
2 a geographic description modification as follows:

3

4

5 Federal public waters for the Yukon
6 Northern Area on the Yukon River drainage are closed to
7 the harvest of chinook, summer and fall chum and coho
8 salmon except by Federal-qualified subsistence users
9 effective on June 1, 2022 through September 30, 2022.
10 Federal subsistence fishing schedules, openings,
11 closures and fishing methods will be determined by the
12 Federal in-season fisheries manager.

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And if I get a second I will explain
why I intend to vote in support of my motion.

MR. BROWER: Second by Public Brower.

MS. KLEIN: Thank you. So as we've
heard the salmon runs on the Yukon River have recently
been some of the worst on record and there have been
closures and restrictions the past four years. The
2022 run and harvest outlook for Yukon River salmon is
poor for all species of salmon to include chinook, fall
and summer chum salmon and coho salmon and closures for
salmon will be necessary until in-season assessments
may indicate otherwise. The Federal in-season who has
delegated authority from the Board may open and issue
emergency special actions during the season to open,
close or change gear types as needed for reasons of
conservation or to continue subsistence uses by
Federally-qualified subsistence users. Yukon River
residents that customarily and traditionally rely on
Yukon River salmon for subsistence uses have not been
able to continue those uses because of the low salmon
returns. And, again, the Federal Subsistence Board may
consider actions such as those proposed in these
fisheries special actions to conserve fish and wildlife
on Federal lands and waters and to ensure a subsistence
priority for Federally-qualified subsistence users.

We have listened to the public
testimony and the tribal consultation and we do want to
say thank you to all those that have shared their
comments with us in this process.

We acknowledge the concerns we have
heard expressed by rural Yukon River residents
regarding the impacts of the Board closing Federal
public waters. This has only been done two other times

0053

1 in the past 20 years. We do not take this decision
2 lightly. We do value the Yukon River voices we have
3 heard that recognize the importance of everyone working
4 together in a coordinated nature and how that is
5 beneficial to the intensive management that is required
6 for Yukon River salmon fisheries. There are many
7 compounding factors affecting salmon declines and also
8 affecting Yukon River residents. This is a difficult
9 situation for people who rely on Yukon River salmon to
10 meet their subsistence needs for some time now and it
11 is also a tough decision for us to make but we are
12 supporting this in deference to the Western Interior,
13 Eastern Interior Federal Regional Advisory Councils and
14 to support conservation of the salmon populations and
15 continuation of subsistence uses of those populations.

16
17 We also recognize the efforts of the
18 Yukon Kuskokwim Delta Regional Advisory Council to
19 further modify the Office of Subsistence Management's
20 modification to accommodate the fishing families of
21 Hooper Bay, Scammon Bay and Chevak. We also appreciate
22 the efforts of the Federal in-season manager and OSM to
23 work with them, and we look forward to receiving a
24 proposal which if passed by the Board, will allow them
25 to fish in the Federal public waters of the Yukon River
26 drainage for chinook and summer chum salmon.

27
28 And, finally, because there is a need
29 to conserve all salmon stocks that may be headed for
30 the Yukon River drainage, restrictions applied to the
31 Yukon drainage are usually applied to the Yukon
32 Northern area which includes all waters of Alaska
33 between the latitude of Point Romanof and the latitude
34 of the western most point of Naskonat Peninsula,
35 including those waters draining into the Bering Sea.
36 We have included this geographic area in our
37 modification for clarification when the Federal in-
38 season manager may issue emergency special actions
39 during the season.

40
41 That is all for now, thank you, Mr.
42 Chair.

43
44 CHAIRMAN CHRISTIANSON: Thank you,
45 Jill. That opens up the floor for Board discussion,
46 comments, deliberation.

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48 (No comments)

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0054

1 CHAIRMAN CHRISTIANSON: Call for the
2 question.

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4 MR. BROWER: Question.

5
6 CHAIRMAN CHRISTIANSON: Thank you.
7 Roll call, please, Sue.

8
9 MS. DETWILER: Okay. Starting with the
10 maker of the motion, Jill Klein, Fish and Wildlife
11 Service.

12
13 MS. KLEIN: Support.

14
15 MS. DETWILER: Thank you.

16
17 Sara Creachbaum, National Park Service.

18
19 MS. CREACHBAUM: The National Park
20 supports the motion as modified in deference to the
21 RACs and based on justification provided by the United
22 States Fish and Wildlife Service. Thank you.

23
24 MS. DETWILER: Thank you.

25
26 Bureau of Land Management, Chris McKee.

27
28 MR. MCKEE: BLM supports for the
29 reasons articulated by the Fish and Wildlife Service
30 and in deference to the Western and Eastern Interior
31 Regional Advisory Councils.

32
33 MS. DETWILER: Thank you.

34
35 Dave Schmid, U.S. Forest Service.

36
37 MR. SCHMID: Yeah, thank you. The
38 Forest Service also supports the motion as modified
39 with the justification provided by Fish and Wildlife
40 Service and especially in difference to the Regional
41 Advisory Councils. Thank you.

42
43 MS. DETWILER: Thank you.

44
45 Bureau of Indian Affairs, Gene Peltola.

46
47 MR. PELTOLA: BIA supports in deference
48 to the Western Interior and Eastern Interior Regional
49 Advisory Councils.

50

0055

1 MS. DETWILER: Thank you.

2

3 Public Member Rhonda Pitka.

4

5 MS. PITKA: I support as modified based
6 on the justification put forward by the Eastern
7 Interior Regional Advisory Council.....

8

9 MS. DETWILER: Thank you.

10

11 MS. PITKA:and the other Regional
12 Advisory Councils. Thank you very much.

13

14 MS. DETWILER: Okay, got that, thank
15 you, Rhonda.

16

17 Public Member Charlie Brower.

18

19 MR. BROWER: I support.

20

21 MS. DETWILER: Thank you.

22

23 Finally, Chair Christianson.

24

25 CHAIRMAN CHRISTIANSON: I support as
26 specified. Thank you, very much.

27

28 MS. DETWILER: Thank you. Motion
29 passes unanimously.

30

31 CHAIRMAN CHRISTIANSON: With that, I
32 think that concludes the business today. I just want
33 to thank everyone, all the Staff, and all the people
34 that called in today to publicly testify for this to
35 give us a real insight to both, you know, along the
36 river and how this impacts our lives both as users and
37 as managers and just hope we could continue to hope for
38 a good return and that we can find a solution to this
39 problem going forward. It's going to take a lot of
40 commitment and all the user groups coming together to
41 come up with a balance in these conservative stocks
42 that we have. And so thank you guys for all your work
43 today and, with that, I'll go ahead and open up the
44 floor for a motion to adjourn.

45

46 MS. KLEIN: Mr. Chair, this is Jill.
47 Before we adjourn I just wanted to clarify if I need to
48 make.....

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0056

1 CHAIRMAN CHRISTIANSON: Yes.

2

3 MS. KLEIN:a motion or take
4 action on the remaining special actions, to take no
5 action.

6

7 CHAIRMAN CHRISTIANSON: I will go ahead
8 and leave that answer to, Sue, I believe we -- that was
9 the main proposal in the way that we addressed it, I
10 think we did it all in one lump there, Jill.

11

12 MS. DETWILER: Yes, actually I do
13 believe Jill is right, that's a good catch. I had only
14 taken down that the main motion was to adopt -- was to
15 approve FSA22-01 with OSM modification so that leaves
16 the remaining special actions in this bundle
17 unaddressed.

18

19 MR. PELTOLA: And, Mr. Chair, BIA.
20 Might we want to consider take no action on the .804 as
21 requested by the proponent based on the recommendation
22 from OSM in the analysis of 01.

23

24 CHAIRMAN CHRISTIANSON: Thank you for
25 that clarification Gene. And so is there any
26 opposition to no action or do we need to get a motion
27 on the table here so we could have it clarified for the
28 record -- so let's just make a motion of no action on
29 those three proposals for the record. If we could get
30 a motion on the floor and seconded to clear it up.

31

32 MS. KLEIN: Okay, Mr. Chair, this is
33 Jill. So the motion would be to take no action on
34 Fisheries Special Action 22-02, 03 and 04 and to take
35 no action on the request for the .804 analysis due to
36 the recommendation in the analysis from the Office of
37 Subsistence Management.

38

39 CHAIRMAN CHRISTIANSON: Thank you so
40 much for that Jill. Any second.

41

42 MR. PELTOLA: Second, BIA.

43

44 CHAIRMAN CHRISTIANSON: Thank you,
45 Gene. Any further discussion on the motion.

46

47 (No comments)

48

49 CHAIRMAN CHRISTIANSON: Any opposition

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0057

1 to the motion for no action presented.

2

3 (No opposition)

4

5 CHAIRMAN CHRISTIANSON: Hearing no
6 opposition, the motion carries unanimously. Appreciate
7 that. Thank you for the process there and
8 clarification. And, again, thank you all for your work
9 today and if there are no further comments or questions
10 we'll go ahead and open the floor for adjournment.

11

12 MR. BROWER: I so move, Mr. Chair.

13

14 MR. SCHMID: I'll second, Forest
15 Service.

16

17 CHAIRMAN CHRISTIANSON: Motion's been
18 made and seconded. Hearing no opposition everybody
19 have a good day. God Bless you all and be safe in your
20 travels.

21

22 (No opposition)

23

24 (Off record)

25

26 (END OF PROCEEDINGS)

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