

1 FEDERAL SUBSISTENCE BOARD
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3 PUBLIC REGULATORY MEETING
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5 ON
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7 YUKON PROPOSALS FP09-12 AND FP09-13
8
9 VOLUME I
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11 COAST INTERNATIONAL INN
12 ANCHORAGE, ALASKA
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14 APRIL 13, 2010
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16 MEMBERS PRESENT:
17
18 Mike Fleagle, Chairman
19 Gary Edwards, U.S. Fish and Wildlife Service
20 Julia Dougan, Bureau of Land Management
21 Sue Masica, National Park Service
22 Wini Kessler, U.S. Forest Service
23 Kristin K'eit, Bureau of Indian Affairs
24
25
26
27 Jack Reakoff - Western Interior RAC
28 Virgil Umphenour - Eastern Interior RAC
29 Lester Wilde - Yukon-Kuskokwim Delta RAC
30
31 Jon Hilsinger, State of Alaska Representative
32
33 Keith Goltz, Solicitor's Office
34 Ken Lord, Solicitor's Office
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44 Recorded and transcribed by:
45
46 Computer Matrix Court Reporters, LLC
47 135 Christensen Drive, Suite 2
48 Anchorage, AK 99501
49 907-243-0668
50 sahile@gci.net

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P R O C E E D I N G S

(Anchorage, Alaska - 4/13/2010)

(On record)

CHAIRMAN FLEAGLE: Good morning. We're going to call this meeting to order. I'd like to welcome everybody here to blustery Anchorage. I understand the weather's not been good in other places of the state as well, which has affected some travel and attendance at this meeting. But I'm glad to see we have a lot of interested folks here.

This is a special meeting established for taking up the deferred Yukon River proposals and a lot of information has been sent to Board members and, et cetera, in advance, so we look like we're ready to roll.

But, first, I would like to open with a -- I don't need a roll call, we're all present so we do have a quorum established, but I would like to start with introductions and I'll start with the newest Board member to my left, please.

MS. DOUGAN: Good morning. I'm Julia Doogan, acting State Director for the Bureau of Land Management.

CHAIRMAN FLEAGLE: Great, welcome.

MS. K'EIT: I'm Kristin K'eit, Division Director for Environmental and Cultural Resources for BIA.

MS. MASICA: I'm Sue Masica. I'm the Regional Director for the National Park Service.

MR. GOLTZ: Keith Goltz, Solicitor's Office.

CHAIRMAN FLEAGLE: I'm Michael Fleagle, the Chairman.

MR. EDWARDS: Gary Edwards, Deputy Regional Director, Fish and Wildlife Service.

DR. KESSLER: Wini Kessler. I'm the Regional Director for the Forest Service.

1 MR. HILSINGER: Good morning. I'm Jon
2 Hilsinger with the Alaska Department of Fish and Game
3 representing the Commissioner.
4
5 CHAIRMAN FLEAGLE: Good morning. Let's
6 start with our RAC representatives.
7
8 MR. UMPHENOUR: I'm Virgil Umphenour
9 from the Eastern Interior RAC.
10
11 MR. REAKOFF: And I'm Jack Reakoff,
12 Western Interior RAC Chair.
13
14 CHAIRMAN FLEAGLE: Good morning. And
15 we have Lester Wilde on phone, on speaker phone?
16
17 MR. WILDE: Yes, this is Lester Wilde,
18 I'm on the phone.
19
20 CHAIRMAN FLEAGLE: Great. Welcome.
21 And we have our usual cast of support Staff in the back
22 and I'll just have you guys stand up and announce your
23 names.
24
25 MR. SHARP: Dan Sharp with the Bureau
26 of Land Management.
27
28 DR. CHEN: Good morning. My name is
29 Glenn Chen with the Bureau of Indian Affairs.
30
31 MS. SWANTON: I'm Nancy Swanton with
32 the National Park Service.
33
34 MR. LORD: Ken Lord with the
35 Solicitor's Office.
36
37 MR. BERG: Good morning. Jerry Berg
38 with Fish and Wildlife Service.
39
40 MR. KESSLER: Good morning. Steve
41 Kessler with the Forest Service.
42
43 CHAIRMAN FLEAGLE: Thank you you guys.
44 And, now, Pete Probasco, our Director, can you go ahead
45 and introduce yourself and your Staff that are
46 presenting today, please.
47
48 MR. PROBASCO: Thank you, Mr. Chair.
49 My name's Pete Probasco and I'm with the Office of
50 Subsistence Management. And I have numerous Staff that

1 will assist you throughout the meeting and I'll have
2 them introduce theirselves as appropriate when they
3 come on the agenda. Good morning Weaver.

4

5 MR. IVANOFF: Good morning.

6

7 CHAIRMAN FLEAGLE: We were just doing
8 introductions so as soon as you sit down if you'd turn
9 your mic on and introduce yourself, please.

10

11 MR. IVANOFF: My name is Ralph Ivanoff.
12 People know me as Weaver, I'm the Chair for the Seward
13 Peninsula Regional Advisory Council.

14

15 CHAIRMAN FLEAGLE: Good, thank you.
16 Welcome Weaver.

17

18 All right, with that we're going to go
19 ahead and move on with the agenda. And, oh, maybe we
20 should ask those that are on the phone to identify
21 themselves. I know we've had Lester Wilde, are there
22 any others that have joined us by teleconference?

23

24 UNIDENTIFIED VOICE: Good morning.
25 Mountain Village here, Harry Wilde, Paul
26 (Indiscernible).

27

28 CHAIRMAN FLEAGLE: Good morning,
29 welcome.

30

31 (Pause)

32

33 CHAIRMAN FLEAGLE: All right. And I'd
34 also like to make one more introduction. We do have
35 with us, Pat Pourchot of the Department of Interior.
36 There he is raising his hand in the middle. Welcome to
37 the meeting Pat.

38

39 And with that we're going to go ahead
40 and move on. Corrections, additions to the agenda,
41 Pete, have you got any -- oh, good call, we do have
42 other representatives of the Department of Fish and
43 Game with us, and can I have you folks introduce
44 yourselves, please.

45

46 MS. CUNNING: Tina Cunning.

47

48 MR. LINDERMAN: John Linderman.

49

50 MR. MITCHELL: Mike Mitchell, Alaska

1 Department of Law.

2

3 CHAIRMAN FLEAGLE: Great, welcome.

4 Thank you.

5

6 So we do, now, go to the corrections,
7 additions to the agenda portion, Pete, from OSM, do you
8 have any?

9

10 MR. PROBASCO: Mr. Chair. I have no
11 additions to the agenda. I will bring up a topic under
12 other business addressing what we would like to do this
13 summer regarding a possible field trip.

14

15 Mr. Chair.

16

17 CHAIRMAN FLEAGLE: All right, make note
18 that we do have one item in the parking lot for other
19 business. Any other Board members.

20

21 (No comments)

22

23 CHAIRMAN FLEAGLE: Hearing none, let's
24 go ahead and move on. Item 3, information sharing.
25 Dr. Kessler.

26

27 DR. KESSLER: Mr. Chair. I have a few
28 items.

29

30 First, it's a sad one, I'll note the
31 passing of Dick Stokes, who was a long time valued
32 member of the Southeast Regional Advisory Council;
33 he'll be truly missed. His memorial is scheduled for
34 this Friday at 5:30 p.m.

35

36 Second, I'll just note that the
37 proposed budget, President's budget for fiscal year
38 '11, we continue to have concerns that have
39 implications for the Fisheries Resource Monitoring
40 Program. I don't need to go into detail there but just
41 to note those concerns with the proposed budget, as a
42 head's up.

43

44 Our new Regional Forester, Beth
45 Pendleton is on board. It's her intention to
46 personally engage in the Subsistence Management
47 Program. Next month, however, when we have our big
48 wildlife meeting, she will have to be in Washington,
49 D.C., for a meeting that she can't really not attend,
50 so I will be sitting in her place for the wildlife

1 meeting and, in fact, I guess it's sort of my swan's
2 song since I'll be retiring the week following.

3

4 Thank you.

5

6 CHAIRMAN FLEAGLE: I want to thank you
7 for that head's up and we're glad that you can join us
8 for this.

9

10 Others.

11

12 MR. PROBASCO: Mr. Chair.

13

14 CHAIRMAN FLEAGLE: Pete, go ahead.

15

16 MR. PROBASCO: Thank you, Mr. Chair.

17 And this briefing here that I'll give you, OSM is
18 seeking guidance on how the Board would like to
19 proceed, as we continue down the path of finalizing
20 regulations/rules related to the chinook salmon bycatch
21 at the North Pacific Fishery Management Council.

22

23 As you recall, we've been very involved
24 in sending letters throughout the process on this issue
25 and we're nearing the end of that process with the
26 final proposed rule and the final decision. We've had
27 a couple of our RACs write letters that you soon will
28 receive from their winter meetings which encourage us
29 to continue to be involved so let me just go through
30 this briefing real quick.

31

32 The final Bering Sea Chinook Salmon
33 Bycatch Environmental Impact Statement was released to
34 the public in December 2009. On February 2010 the
35 Federal Subsistence Board sent a comment letter on the
36 EIS on behalf of the program and recommending a hard
37 cap of 29,323 chinook. On February 18th, 2010
38 Amendment 91 of the Fishery Management Plan was
39 published with the public comment period ending just
40 recently on April 19th, 2010. On March 23rd, 2010, the
41 proposed rule was published and the public comment
42 period is through May 7th of 2010; and that's where I'm
43 asking for direction on how the Board would like to
44 proceed.

45

46 Keep in mind that respondents do not
47 need to submit -- the comments that we provided before
48 on Amendment 91 and the Proposed Rule will move forward
49 to reflect the comments on the final decision.

50

1 In addition to that, I know that the
2 Secretary's office is working on a briefing document to
3 the Secretary, however, I don't believe the Secretary
4 has seen that yet and I'm not sure what action the
5 Secretary will take, but through Mr. Pourchot's office,
6 he encouraged that the Board look at this and consider
7 forwarding additional comments.

8

9 CHAIRMAN FLEAGLE: Pete. By Secretary,
10 you mean the Interior Secretary, correct?

11

12 MR. PROBASCO: Thank you, Mr. Chair,
13 yeah, that's correct, Secretary of Interior.

14

15 And the path that this is on, the
16 Record of Decision will occur somewhere the latter part
17 of May, June 2010 with the new regulations taking
18 effect this coming January 2011.

19

20 So, Mr. Chair, if the Board were to
21 provide additional comments, what we would use as basis
22 is the previous comments that we have developed, unless
23 you decide differently, continue recommending the hard
24 cap of 29,323.

25

26 Mr. Chair.

27

28 CHAIRMAN FLEAGLE: All right, thank
29 you, Pete, appreciate that synopsis of the issue. I
30 would propose that we add that to our other business
31 line item and have a thorough discussion of it there.

32

33 MR. PROBASCO: That's fine.

34

35 CHAIRMAN FLEAGLE: Any objection.

36

37 (No objections)

38

39 CHAIRMAN FLEAGLE: Are there any other
40 information sharing items, requests.

41

42 (No comments)

43

44 CHAIRMAN FLEAGLE: All right, it looks
45 like we covered that. And we do have a public comment
46 period on the agenda next for non-agenda items and
47 members of the public wishing to provide testimony on
48 non-agenda items should fill out a card requesting that
49 they want to testify and turn it into the Staff outside
50 at the table and fill out the form. And I don't think

1 we have anybody interested in any non-agenda items.
2
3 MR. PROBASCO: Mr. Chair. At this time
4 we have no people signed up for public comment period
5 on non-agenda items.
6
7 Mr. Chair.
8
9 But you haven't made that announcement
10 yet either.
11
12 CHAIRMAN FLEAGLE: Right. It kind of
13 puts us in a hard spot here.
14
15 All right. If anybody wants to testify
16 on items that do not pertain to the proposals here this
17 is your opportunity and I'll give you a couple minutes
18 to run out and fill out a card. If I don't see any
19 interest we'll go ahead and move on.
20
21 MR. H. WILDE: Mr. Chairman.
22
23 CHAIRMAN FLEAGLE: Yes, sir.
24
25 MR. H. WILDE: Mr. Chairman.
26
27 CHAIRMAN FLEAGLE: Yes, is this Lester?
28
29 MR. PROBASCO: Harry.
30
31 CHAIRMAN FLEAGLE: Harry Wilde.
32
33 MR. H. WILDE: Do you hear me?
34
35 CHAIRMAN FLEAGLE: Yes, sir, do you
36 hear me?
37
38 MR. H. WILDE: Yeah, Mr. Chairman, my
39 name is Harry Wilde. I'm Yukon-Kuskokwim Delta
40 Regional Advisory Council. I am also a member of
41 Federal subsistence charter service since 1993.
42
43 Mr. Chairman. Salmon is the food that
44 our people in Lower Yukon heavily depend on and the
45 small income provides the little commercial money we
46 get from the king salmon used to get more subsistence
47 food for the family for the winter.
48
49 The Lower Yukon fishermen have been
50 subsistence fishing salmon since the time of their

1 ancestors. The two fisheries proposals from Western
2 area, from Eastern Interior include Proposal FP0-12,
3 salmon gillnet size 7.5 mesh proposal FP0-13 salmon
4 gillnet 35 mesh. Lower Yukon fishermen and
5 fisherwomens do not support these two proposals. No
6 money to buy nets. We have hard time even when we
7 trying to get the subsistence food. What little money
8 that we get we use it for the gas and oil and get more
9 subsistence food for the winter for our family. Those
10 nets and the fishwheels have been taken away in Lower
11 Yukon River, some areas change to set net eddies are
12 hard to find.

13

14 Thank you, Mr. Chairman and Federal
15 Subsistence Board for your time.

16

17 CHAIRMAN FLEAGLE: All right, thank
18 you, Harry. We'll take those comments into
19 consideration on the proposals when they come up. We
20 appreciate hearing from you.

21

22 Is there anybody in the audience that
23 wants to comment on any non-agenda items?

24

25 (No comments)

26

27 CHAIRMAN FLEAGLE: We have a card,
28 let's see.

29

30 (Pause)

31

32 CHAIRMAN FLEAGLE: All right, we do
33 have a comment, a testifier that wants to speak that is
34 on the fisheries issue but not the proposals
35 themselves, so we're going to go ahead and accept this.

36

37 Gene Sandone.

38

39 Welcome, go ahead.

40

41 MR. SANDONE: Thank you, Mr. Chair.
42 Good morning, Mr. Chair. Good morning Board members,
43 RAC Chairs and OSM Staff and ADF&G Staff. My name is
44 Gene Sandone. I represent Yukon Delta Fisheries
45 Development Association. Previously to my going into
46 private business I worked for the Department of Fish
47 and Game for 26 years. Most of that time has been
48 spent in the YK and particularly in the Yukon River. I
49 served as the Yukon River research biologist from 1988
50 through 1996. The regional research supervisor in 2001

1 -- in 2000, pardon me, and then the regional supervisor
2 from 2001 to 2008, so all in total I've had 16 years
3 experience in Yukon River management and research
4 issues.

5
6 I wanted to talk to you a little bit
7 about first pulse protection. I know you received
8 resolutions concerning this. And as I understand it
9 the resolutions call for a closure on the first pulse
10 of chinook salmon that go up the Yukon River from the
11 mouth all the way to the border into Canada.

12
13 This is a huge pulse of chinook. It
14 encompasses somewhere between a third and a half of the
15 run. It is vitally important to the subsistence users
16 along the river. If the first pulse is totally
17 protected, basically you would eliminate all commercial
18 fisheries. You would hamstring the subsistence fishery
19 by not allowing the people to take the fish when the
20 drying time is most appropriate. Also you would shift
21 the harvest from the very first pulse and have no
22 harvest on that first pulse to the other stocks in the
23 drainage. The Canadian origin salmon make up almost
24 entirely the first pulse, anyway the majority, from 60
25 percent; in some years, even higher to 70 percent. So
26 in other words -- and the Canadian origin salmon
27 compose about 50 percent of the run. So if you don't
28 harvest those fish you're going to shift the harvest
29 onto Alaskan stocks and you may overharvest those
30 stocks.

31
32 Additionally, the resolution, I
33 believe, calls for first pulse protection no matter
34 what the run size. I think this is inappropriate
35 because we -- first off, we don't have a lot of data on
36 the Canadian spawning grounds. We have a lot of
37 emotion about it but not a lot of data. We have people
38 saying that they catch in their subsistence harvest
39 only small fish. Well, subsistence harvest are shore-
40 based fishwheels and gillnets and smaller fish tend to
41 travel closer to the shore, so I don't think this is an
42 adequate representation. Recently the Department put
43 in Eagle sonar and is conducting a test fishing
44 operation at the Eagle sonar and this is probably the
45 best data that you can get on age class composition. I
46 also note that the age class composition of the six
47 year olds has not changed over time, it has remained
48 relatively stable. Also Kate Myer gave a presentation
49 at the Yukon Panel meeting that looked at ocean
50 conditions and she's correlated those ocean conditions

1 with length at age and age at maturity. A colder ocean
2 results in older aged fish and larger at age fish
3 coming back to the river. Warmer, you have smaller
4 fish coming back and smaller at age.

5
6 So if you -- depending upon the run
7 size, I think -- I think the management agencies are
8 doing a good job in managing the fishery commensurate
9 with the run size. When you have adequate run size to
10 satisfy escapement and subsistence needs, then I
11 believe that first pulse protection is not needed. You
12 have windows of management. The Lower River is on two
13 36 hour periods a week, the Upper River have staggered
14 openings also to allow portions of the run to
15 escapement. And as I said there's very limited data in
16 the Canadian portion of the river. I did put a
17 proposal in to the USR&E and it was funded to take a
18 look at the age class composition of the little salmon
19 (ph) this year. So there are some new data that is
20 going to be available on the age class composition of
21 the escapement and I think that is very important.

22
23 But closing the first pulse no matter
24 what the run size, I think, is poor management. It's
25 going to put the harvest on the Alaskan stocks,
26 possibly overharvest the Alaskan stocks and if you
27 don't need to hamstring both the subsistence and the
28 commercial fisheries because of run size I don't think
29 it's necessary. When the run size is low, however,
30 then I think it's important to manage your subsistence
31 fishery so that you achieve escapement goals.

32
33 Thank you, Mr. Chair.

34
35 CHAIRMAN FLEAGLE: Thank you.
36 Appreciate those comments. Are there any questions
37 from Board members.

38
39 (No comments)

40
41 CHAIRMAN FLEAGLE: RAC Chairs. Jack.

42
43 MR. REAKOFF: Mr. Chairman. I have
44 comments on that issue.

45
46 The Western and Eastern Interior
47 Councils met together in Fairbanks and developed the
48 resolution to protect the first pulse. When I went
49 home and thought about the issue I refined my comments
50 on that. At that meeting I stated that I was concerned

1 that full protection of the first pulse without
2 consideration of its size is not the direction that I
3 felt that resolution should go to. I do feel, and I
4 submitted a letter to the Panel, the Yukon Panel, the
5 other day that the protection of the first pulse's
6 escapement goal, the 42,500 to 55,000, now, that the
7 Panel has set, should be protected.

8
9 What Mr. Sandone is not stating is I
10 live on the Upper Koyukuk River, I watch the chinook
11 salmon spawn, I live on a spawning ground. Large
12 female chinook salmon dominate the best spawning areas
13 and so what protection of the first pulse -- full
14 protection and protection of the best component of that
15 run provides the largest fish -- develop the largest
16 beds, the deepest and strongest beds, they have more
17 fat content, they stay over that bed longer and they
18 protect it from grayling and other predators; they're a
19 better, more viable stock, they produce more eggs, and,
20 so what I'm saying is what we need to do is protect
21 this escapement goal, fully protect it. If you run it
22 through a gauntlet of windows, what happens on the
23 Yukon River because it's such a long drainage, the fish
24 -- it starts to blur. There's fish that travel at
25 different rates and pretty soon the fish are moving
26 through different districts and with large mesh gear
27 we're straining off all of the better fish and by the
28 time they get to Tanana there's very few large fish.
29 The rapids, there's very few large fish left in the run
30 going to Canada.

31
32 And so what I would like to see, and I
33 wrote to the Panel, is that the Department and the
34 managers calculate where that escapement goal is as it
35 passes through Pilot Station and track that escapement
36 goal and protect it all the way into Canada so that we
37 have large fish reaching the spawning grounds and
38 having viable returns.

39
40 And I will -- I didn't bring multiple
41 copies for the Board but I'll have the Staff print this
42 off, I got it on a jump drive and I'll give this to the
43 Board, my letter to the Panel.

44
45 And those would be my comments to Mr.
46 Sandone, is that we need to protect the first pulse, we
47 don't need to go overboard, and we need to protect that
48 first pulse escapement goal that the Panel has set.

49
50 Thank you.

1 CHAIRMAN FLEAGLE: Thank you.
2 Response, Gene.

3
4 MR. SANDONE: Thank you. I didn't
5 expect to be able to respond to that.

6
7 The Canadian component is mainly in the
8 first pulse but it extends throughout the whole run.
9 It starts very high and it just tapers off. The Middle
10 River pulse or the Tanana River pulse is scattered throughout
11 the run and the Lower River fish come in at the tail
12 end, after the -- primarily after the mid point. It's
13 very difficult to manage Yukon River fisheries and
14 there's no doubt. We had issues last year with Pilot
15 Station but all in whole I think the Department is
16 doing a very good job. Since 2001, we've had two very
17 high escapements into Canada, 2001 and 2003, which
18 produced poorly, not very well at all.

19
20 And as far as the large fish you're
21 going to address that today in one of your proposals,
22 that is going to consider 7.5 mesh and you will all
23 see, I believe, today, from Dr. Howard, regarding the
24 impact that that mesh size reduction will have in
25 allowing large fish to escape the fisheries. There is
26 over 50 percent reduction in -- I believe there's over
27 a 50 percent reduction in the harvest of fish that are
28 larger than 36 inches by the reduction from the 8.5
29 inch to the 7.5 inch mesh, so that is significant, and
30 I believe a lot of these fish will be able to spawn.

31
32 And, also, I just want to point out
33 that although Mr. Reakoff does live on a spawning area
34 there are very little data available. I believe that
35 OSM Staff did one study that looked at it and didn't
36 find much of a difference from previous years to now as
37 far as the fish on the spawning grounds and Canada
38 needs to step up to the plate and go into the spawning
39 areas and determine what is on the grounds. The
40 exploitation rate has been drastically reduced since
41 1998, 2001 there was no commercial fishery, a huge
42 escapement went on the grounds unmolested basically.
43 2003 another huge escapement over 80,000 fish went on
44 the grounds. So since 2001 the escapement goal, I
45 believe, has not been achieved only three years. Other
46 years it's been achieved, and last year I think they
47 put 65,000 fish on the grounds.

48
49 We need to put -- we need to have the
50 escapement mimic the run or the brood year return. We

1 need to put six and seven year olds on the escapement
2 goal in proportion to where they come in. And I think
3 with the management strategies, with the reduced mesh
4 size and also keeping the windows in place, when
5 appropriate, and also reducing the time or even
6 possibly even pulling a period when the run will not
7 allow for escapement and subsistence needs, I believe
8 is sound management for the Yukon chinook.

9

10 CHAIRMAN FLEAGLE: Great, thank you. I
11 appreciate that response.

12

13 And we're going to go ahead and get
14 into the details of that, what you spoke about, the
15 biology and the studies and percentages, mesh, all that
16 stuff is going to be addressed in the proposals so if
17 we could just address the management issue without
18 diving too far into the details of what we're going to
19 be doing under Proposal 12, I'd appreciate that, but I
20 do appreciate the discourse and dialogue that we're
21 having. And we do have another testifier signed up for
22 non-agenda. But before you go, Gene, I do have a --
23 Virgil has his hand up. Virgil.

24

25 MR. UMPHENOUR: Thank you, Mr. Chair.
26 I was at the same meeting and participated in writing
27 this resolution and there's two key components in it,
28 and we can address that later.

29

30 But the two key components is we wanted
31 to maintain the genetic integrity throughout the run is
32 what we need to do and there's only one way to do it
33 and something Mr. Sandone just said is the loophole.
34 Windows, when necessary. We need windows all the time,
35 not when someone deems that it's necessary because what
36 happens, and I can say this as being a participant in
37 the management of Yukon River fisheries for over 20
38 years, and that is that what ends up happening is that
39 no one is perfect, no human being is perfect and so
40 people are going to make mistakes. People are
41 susceptible, especially managers, when they have to
42 live where the fishermen are during the fishing season,
43 tremendous pressure gets put on them to open the
44 fisheries. And so some managers demonstrate more moral
45 courage towards their mission than others. The ones
46 that succumb allow fishing. We need windows that are
47 not flexible. We need windows all the time. And I
48 have documents here with me that indicate that, they're
49 weir project documents. And all the weir projects in
50 the Yukon River are run by the Federal government.

1 They're either run by Fish and Wildlife Service or BLM,
2 runs all of them. And that tells the true story of
3 what's getting on the spawning grounds and whether
4 we're maintaining genetic integrity.

5
6 There's only been two years since
7 statehood that we've had true windows in the Yukon
8 River. That was in 2001 and 2009. And you can see the
9 difference if you look at what got on the spawning
10 grounds, what went through the weir projects as to what
11 the difference is between windows and no windows or
12 when they deviate from the windows, especially at the
13 first part of the run.

14
15 That's all I have to say on this. I'll
16 address more of it later.

17
18 Thank you, Mr. Chair.

19
20 CHAIRMAN FLEAGLE: All right, thank
21 you, Virgil, for your comments.

22
23 Gary.

24
25 MR. EDWARDS: Now, aren't we going to
26 -- under Item 6, are we not going to cover all of this
27 in more detail when we talk about future management
28 strategies and stuff?

29
30 CHAIRMAN FLEAGLE: Yes.

31
32 MR. EDWARDS: Okay, so I'm not going to
33 weigh in at this point.

34
35 CHAIRMAN FLEAGLE: Okay. Yeah, I just
36 wanted to have an opportunity for exchange with the
37 testifier. Go ahead, Gene.

38
39 MR. SANDONE: I just want to point out,
40 when I was regional supervisor I did an analysis on the
41 escapement goal in Canada and my analysis was accepted
42 by the JTC Subcommittee and the escapement, it's a long
43 story, but the mark recapture project that the
44 Canadians were doing provided bait information, period.
45 And so we went back and we looked at how to somehow get
46 an escapement from 1982 through the present based upon
47 aerial surveys indices and what's passing the border by
48 verified means, like the mark/recapture, radiotelemetry
49 and also the sonar, and I came up with an escapement
50 from 1982 to 2007. And the 2001 escapement, as Mr.

1 Umphenour indicated, was a very good escapement both in
2 terms of numbers and in terms of quality of the fish,
3 but the return per spawner off that escapement was not
4 good. It was just a little bit better than two return
5 per spawners. The escapement off the 2003 or the
6 return off the 2003 escapement, which was a record
7 escapement of over 80,000 fish was barely over one. So
8 even though those escapements were huge and provided
9 enough eggs in the gravel they did not produce well.
10 And also the 2000 escapement, which was the poorest on
11 record returned a return per spawner of, I believe over
12 four.

13

14 So I just want to point out that having
15 huge escapements of a large number of large females is
16 not the answer. You need to get them on the grounds
17 but you need an appropriate escapement goal.

18

19 CHAIRMAN FLEAGLE: Thank you.

20

21 MR. SANDONE: Thank you.

22

23 CHAIRMAN FLEAGLE: All right, thank
24 you, I appreciate the comments. And we're going to go
25 ahead and tie up this discussion at this point,
26 appreciate all the interchange we've had. We do have a
27 couple more people interested in testifying on non-
28 agenda items. And one thing I'd like to point out,
29 and, Gene, did this but I wanted to point out when we
30 started we intended to have a limit on testimony time
31 just so that we encourage us to keep it on track and
32 we're going to establish that at five minutes. And so
33 when you come up, please state your name for the
34 record, push the button on the microphone first so that
35 it's on, state your name for the record and begin your
36 testimony, and we'll let you know when you get to your
37 five minute allotment and we'll work with that.

38

39 So we appreciate your support and we're
40 going to go ahead and call the next person.

41

42 Nick Tucker.

43

44 Go ahead.

45

46 MR. TUCKER: Good morning, Mr.

47 Chairman. Board members. Nicholas Tucker from

48 Emmonak, Alaska.

49

50 I wasn't turning in a comment but I was

1 troubled and very disturbed when the former commenter
2 was here. I felt at disadvantage because we come from
3 a very improvised region of Alaska, that we would be
4 free to give you comments but not rebuttal to make sure
5 that you are not giving an opinion at that point.

6
7 I would also ask that you expect
8 anywhere from RAC Council members and from me and those
9 that testify and love you, expect truth from us, check
10 out the integrity of what we are saying to you. The
11 reason I'm saying this is that this would be part of my
12 comment as well later on. We had a humanitarian crises
13 in 2008 on account of failed commercial fisheries. I
14 want to be very clear, what you do and what any member
15 of any capacity that approaches you, you should
16 certainly expect them to look you in the eye and tell
17 you the truth. Look at the integrity of the
18 terminology that's given to you, windows, escapement
19 because every time you mention those words you use them
20 or implement them or think about what you're going to
21 do, you are going to affect the very people that are
22 under the Third World conditions in my region.

23
24 It hurts.

25
26 Ten thousand years of -- last 100 years
27 attrition, those are facts. So I'm asking you from
28 here after, that any time that you get testimonies from
29 out of our region, they're too far away and proposals,
30 look at those proposals, examine those proposals
31 because they're going to hurt my wife, they're going to
32 hurt my children, my grandchildren and my neighbor and
33 our elders. And one 81 year old, maybe some of you
34 were there in Emmonak when Commissioner Denby Lloyd was
35 there, he told the Commissioner at the fish dock, at
36 the dock, if I don't get my king salmon I feel like a
37 seagull, if I don't get my salmon I'm going to go
38 hungry; that was an 81 year old elder that told us
39 that. These issues are more than serious as you sit
40 there and those people out of our region are getting us
41 hurt down there, they're more than -- than you can ever
42 recognize because they're with -- our Native spirit,
43 with our Native rights, with our Native thoughts and
44 hearts and everything that we do here behind paperwork
45 and computers, there is tears and cries and hurts
46 behind every single one of those that we're going to
47 have to go through. So I'm not kidding, I'm asking
48 you, that when you -- hereafter, because it's affecting
49 my region so bad, please expect truth and examine that
50 information given to you.

1 Some of these things are true, you can
2 get escapement -- or what I'm trying to say is that you
3 may try for a high escapement but then you're going to
4 have a problem with over escapement; those are facts,
5 and I think you and I know that.

6
7 I don't care where it comes from,
8 please, expect truth from us and that is where we're
9 coming from on the Lower Yukon.

10
11 I thank you very much, Mr. Chairman.

12
13 CHAIRMAN FLEAGLE: Thank you, Nicholas,
14 I appreciate your comments. And I wanted to respond to
15 a couple of issues you raised.

16
17 First, it's our practice that when
18 somebody comes up to testify we allow Board members to
19 ask questions and when a Board member, or a RAC Chair
20 person or somebody that's involved in the process here
21 to ask a question and to talk, to have that opportunity
22 to respond to the questioner so I would offer you that
23 opportunity as well as everybody else that testifies
24 here. It's the same respect given to all.

25
26 And, second, you asked us to respect
27 you and look to you for truth and integrity and it's my
28 goal to always do that. Not only for you, but for
29 every other person that comes before this process, and
30 that's our guarantee is that you will get the time and
31 the respect that you deserve and you will be heard.

32
33 Now, this all adds into the greater
34 picture of the discussion we're going to have later and
35 obviously when you have people that are on two
36 different sides of an issue we may not have a solution
37 that satisfies everybody but we're going to do the best
38 we can to make sure that everybody has a fair process,
39 a fair part of the process.

40
41 And I appreciate your comments, I just
42 want to assure you that we do take your testimony very
43 seriously and it will be considered.

44
45 Board members. Questions. Discussion.

46
47 MR. TUCKER: Thank you very much.

48
49 CHAIRMAN FLEAGLE: Thank you. Pete, do
50 we have somebody more?

1 MR. PROBASCO: Yes, Mr. Chair. We have
2 Mr. Francis Thompson from St. Mary's.

3
4 CHAIRMAN FLEAGLE: Francis Thompson,
5 non-agenda item.

6
7 MR. THOMPSON: Good morning, Mr. Chair.
8 Members of the Council. My name's Francis Thompson,
9 I'm from St. Mary's. I'm currently on the -- I'm a
10 panel member for the US/Canada Salmon Agreement.

11
12 My topic is customary trade. During
13 the Panel meeting discussions we had talked about
14 writing a letter to the Federal Subsistence Board, I
15 don't know if you got it, about suspending customary
16 trade for the season.

17
18 I have always opposed and have asked
19 for regulations on customary trade. On the Lower River
20 20,000 -- approximately 20,000, 25,000 fish have been
21 harvested for subsistence and statewide about 50,000,
22 and they've estimated about 34-40 percent of the
23 subsistence harvest from District 3 down; and we've
24 stayed away from customary trade because of commercial
25 fishery. And we haven't had a commercial fishery
26 recently, last couple years, for targeting chinook.
27 We've had chum fisheries. And in 2007 there was a --
28 or '08, one of the two, there was approximately 130,000
29 fish passed the Pilot Station sonar, so that indicates
30 that there's fish moving up the river beyond Districts
31 1, 2 and 3. And above District -- around Districts 4,
32 5 and 6 fishwheel is one of the main uses to harvest
33 the salmon for subsistence and if they do have a
34 commercial fishery that's what they use and most
35 recently those gillnets that were okay'd to use in
36 Districts 4. And above Tanana River, the component of
37 the run is mostly Canadian bound origin and we have
38 fishwheel operators, subsistence users beyond the
39 Tanana, I don't know how many, it would be interesting
40 to find out. And you've regulated and the State has
41 regulated the subsistence users and the commercial
42 fishermen and we have these proposals coming up, mesh
43 size restrictions, and, yet, nothing's been considered
44 to regulate the other use types.

45
46 I have very little to look forward to.
47 And since, you know, there's very little being done
48 about the customary trade, people on teleconference,
49 when we do talk to them, they say this is the way I pay
50 my bills, customary trade. And years I've been opposed

1 to this, the customary trade, but it's starting to look
2 good.

3
4 If I can make -- if somebody can make
5 10 to \$60,000 selling strips, even 5,000 or 18,000,
6 that -- during a commercial fishery if I made 5,000 or
7 2,000 and maybe something 50-something kings and trying
8 to do it legally I don't know it's sure sounding, look
9 good, you know, catching 500 to 1,000 kings and selling
10 them, putting them on the market. So what I'm -- I've
11 always opposed it, I've said do away with it, that's
12 what a lot of people on the Lower River are probably
13 going to get into and it's going to start to be a
14 management concern. So I don't know it's a double-
15 edged sword here and we need to depend on our managers,
16 on how they manage the resource. This is starting to
17 be an up river, down river battle. I hate to say this
18 but when you tell a kid something, you know, don't do
19 this, don't do that, they always end up doing it. So
20 what I'm going to say is don't touch customary trade
21 because I want to get into it.

22
23 Thank you.

24
25 CHAIRMAN FLEAGLE: Well, I appreciate
26 the honesty. And I just want to clarify for people
27 that may not understand, customary trade -- by
28 customary trade you're referring to.....

29
30 MR. THOMPSON: Sale for cash. I'm
31 sorry, I should have been specific.

32
33 CHAIRMAN FLEAGLE: The sale for cash,
34 where people catch fish and dry it and sell it for cash
35 under subsistence regulations, yes.

36
37 All right, questions. Gary.

38
39 MR. EDWARDS: Yeah, Mr. Chairman. I'm
40 just going to ask the same question, so under barter,
41 which is involving not cash then, that's not an issue
42 that you're bringing to the table?

43
44 MR. THOMPSON: I'm not bringing the
45 issue of barter to the table, sir.

46
47 CHAIRMAN FLEAGLE: Other questions.
48 Jack.

49
50 MR. REAKOFF: Mr. Chair. The Western

1 Interior Council, in our joint meeting, customary trade
2 is, within the region especially, is how the fish, the
3 C&T users of our region, it's disseminated through
4 customary trade to other parts of the area within the
5 region. And so completely eliminating customary trade
6 would eliminate a tremendous use of that resource.
7 There's people that catch fish and they sell them --
8 they don't make a lot of money, what the abuse is, is
9 what's causing the problem. These fish coming into
10 AFN, pickup loads of fish and a significant commercial
11 enterprise, that's the issue; that's highlighting this
12 issue. Reality is there's a lot of people that have
13 traded fish up into the upper drainage and I live in
14 Wiseman, way in the head of the Koyukuk River, and I
15 knew old-timers that always bought fish from the Yukon
16 River, they'd buy bundled dried chums and they'd get
17 some salmon strips, that's how they got their fish
18 because the fish don't really swim up there and when
19 they get there they're in real poor condition. So
20 totally eliminating customary trade would be throwing
21 the baby out with the bath water.

22
23 What needs to be discussed is the
24 abuses of customary trade.

25
26 Thank you.

27
28 CHAIRMAN FLEAGLE: Thank you. And I
29 know I've had this discussion with some OSM Staff, too,
30 and it appears that there are some, like you say,
31 possible abuses, but I'm just curious as to why there
32 isn't any enforcement of this and I don't know who to
33 ask that to, but it's kind of a conjecture question and
34 a discussion I've had -- I mean, yeah, I agree, Jack,
35 you know, driving up to AFN Convention and seeing a lot
36 of fish for sale out there is not probably in the best
37 use or the best use of the resource.

38
39 Polly.

40
41 DR. WHEELER: Thank you, Mr. Chair.
42 You will have plenty of opportunity to discuss the
43 issue of customary trade, we received three proposals,
44 Federal fisheries proposals addressing customary trade
45 in the Yukon River region. Those are going to be
46 analyzed this summer. They'll be before the Regional
47 Advisory Councils next fall. The Federal Board will
48 have the opportunity to take action on those at their
49 January 2011, January 19 through 21st, 2011, so there
50 will be lots of opportunity. I encourage people -- I

1 actually spoke to YRDFA last week about customary
2 trade, we had several, you know, presentations about
3 it, encourage people to get involved in the Federal
4 process. I have some proposal books here, you can go
5 on line and get the Federal fisheries proposals, but
6 there are three proposals within the Yukon River
7 regions addressing customary trade or limitations
8 thereof, so there will be plenty of opportunity through
9 the public process to weigh in on customary trade.

10

11 Mr. Chair.

12

13 CHAIRMAN FLEAGLE: Okay, great, well,
14 we can save that discussion for then. Appreciate that,
15 Polly.

16

17 Virgil.

18

19 MR. UMPHENOUR: There's no definition
20 of what constitutes substantial commercial enterprise
21 and that's why enforcement, or that's what they tell
22 me, is why they do nothing, both the State and Federal
23 enforcement officers.

24

25 Thank you, Mr. Chair.

26

27 CHAIRMAN FLEAGLE: Weaver.

28

29 MR. IVANOFF: Yes, thank you, Mr.
30 Chair. Francis, good to see you again.

31

32 MR. THOMPSON: Weaver.

33

34 MR. IVANOFF: Just listening to you --
35 well, customary trade is a real essential part of, I
36 think, what's happening both on the Seward Peninsula
37 and on the Yukon. My feeling from your testimony on
38 customary trade is that you would like to restrict
39 customary trade to cash sales on species that are in
40 critical condition such as the chinook and I think
41 that's what you're targeting on and when it's in that
42 kind of light, when there is a critical issue, as
43 chinook escapement and there's a danger of the species
44 not sustaining itself, then that kind of a restriction
45 is what, I think, he's talking about and it bears a lot
46 more discussion.

47

48 I think it's -- I'm happy to see him
49 bring it up today because I think the public has to
50 weigh in on this. The people up and down the Yukon as

1 well as Seward Penn, and other places in the state of
2 Alaska will have to start really taking a look at this
3 issue in fine detail.

4

5 Thank you, Mr. Chair.

6

7 MR. THOMPSON: Mr. Chair, if I may.

8

9 CHAIRMAN FLEAGLE: All right.

10

11 MR. THOMPSON: In 2007 or '08 when they
12 counted 130,000 past the Pilot Station sonar and they
13 did their counts above in the escapement grounds,
14 approximately 30,000 kind of vanished in the air after
15 the subsistence harvest surveys were done and
16 escapement studies were done in streams, estimates of
17 spawning chinook in the streams, 30,000 was kind of
18 floating somewhere.

19

20 CHAIRMAN FLEAGLE: Well, appreciate
21 your testimony Francis and thanks for raising the
22 issue, the concern. It sounds like we'll have ample
23 opportunity to thoroughly flush it out in the next
24 year.

25

26 Thank you.

27

28 MR. THOMPSON: Thank you.

29

30 CHAIRMAN FLEAGLE: Pete, do we have any
31 others.

32

33 MR. PROBASCO: Thank you, Mr. Chair. I
34 have one more and that's Mr. Billie Charles from
35 Emmonak.

36

37 CHAIRMAN FLEAGLE: Welcome.

38

39 MR. CHARLES: Thank you, Mr. Chairman.
40 Members of the Board. My name is Billie Charles. I'm
41 from a village on the Lower Yukon River, Emmonak. I'm
42 a lifetime user of all species of fish for subsistence
43 and I do some commercial when the opportunity arises.

44

45 I didn't know Mr. Thompson was going to
46 address this issue and I was concerned about the issue
47 as well. In thinking about the customary trade, I
48 think I'm looking for a vehicle that'll enable, you
49 know, this arena, along with the State, ways of
50 addressing that issue, maybe by area and specific to

1 species like Mr. Ivanoff just stated, might be a way to
2 try to curtail abuse of customary trade.

3

4 It is a big concern.

5

6 And the other thing that I want to
7 address that's not on the agenda is when in times of
8 shortage like this, we need to look at other gear types
9 as well. I believe those people using the setnet gear,
10 especially on the Lower River have carried a lot of
11 burden in conservation. I'd like to see, you know,
12 other gear types also restricted as well.

13

14 I had a lot to say about the customary
15 trade, trading for cash is the biggest concern, but I'm
16 happy to hear, you know, in the very near future we're
17 going to be addressing this.

18

19 And I'll just make this short, Mr.

20 Chairman.

21

22 CHAIRMAN FLEAGLE: All right, thank
23 you. Appreciate the testimony.

24

25 Questions.

26

27 (No comments)

28

29 CHAIRMAN FLEAGLE: Thanks. Pete, do we
30 have any others.

31

32 MR. PROBASCO: Mr. Chair. That's it
33 for non-agenda items.

34

35 CHAIRMAN FLEAGLE: All right. That
36 concludes testimony on non-agenda items. Let's stand
37 down for a 10 minute break and gather our wind for the
38 next session.

39

40 (Off record)

41

42 (On record)

43

44 CHAIRMAN FLEAGLE: Order. Order in the
45 court.

46

47 (Pause)

48

49 CHAIRMAN FLEAGLE: All right, welcome
50 back. We're back on record. Do we have our telephonic

1 participants still with us?

2

3 (No comments)

4

5 CHAIRMAN FLEAGLE: Lester?

6

7 (No comments)

8

9 CHAIRMAN FLEAGLE: All right, we'll

10 keep an ear open and check back in with our phone

11 participants.

12

13 Item No. 5 on the agenda is where we do

14 take up action on the deferred Yukon proposals, and,

15 leading out, we have Pete Probasco with a process

16 overview.

17

18 Pete.

19

20 MR. PROBASCO: Thank you, Mr. Chair.

21 The Staff and I thought it would be good that we just

22 briefly recap where we've been and where we're going

23 and so this addresses Proposals 12 and 13 that we will

24 soon be addressing.

25

26 As you recall the Eastern Interior

27 Regional Advisory Council submitted proposals FP09-12

28 and 13 on gillnet mesh size and net depth and those

29 would have normally deliberated at your Federal

30 Subsistence Board meeting in January 2009. You

31 initially deferred action on these proposals to April

32 of 2009 to allow for inclusion of additional

33 information and Staff analysis and for consideration by

34 affected Councils at the winter 2009 meetings. And

35 then at the January 2009 meeting the Board decided to

36 further defer consideration until this meeting, April

37 2010 in order to allow the Board of Fisheries, the

38 State Board of Fisheries an opportunity to act on

39 regulatory proposals on this issue first, which they

40 did in January of this year.

41

42 We also thought it'd be helpful as we

43 take this up for the Federal Board to first hear an

44 ADF&G Staff report on the information that has been

45 presented to the Board of Fisheries before its

46 deliberation on these issues. And just as a reminder

47 this approach was also used for the affected Councils

48 at their meetings this past winter and was found to be

49 very helpful.

50

1 We'll follow up then with our
2 presentation, OSM Staff, and subsequent consideration
3 steps for each proposal separately, so we're going to
4 do 12 first, followed by 13, which will include Council
5 recommendations and then the normal opportunity for
6 ADF&G's comments. Questions that you may have of the
7 State following their presentation should focus on the
8 information presented and actions by the Alaska Board
9 of Fisheries. Please hold questions concerning the
10 proposals to the Federal Program and state comments on
11 those proposals until after Mr. Rich Cannon has done
12 his presentation. I think that'll allow it to flow
13 much more easily.

14
15 And with that, Mr. Chair, it's yours.

16
17 CHAIRMAN FLEAGLE: All right, thank
18 you. And I'd like to turn to Jon Hilsinger for
19 introductions and a lead in for your Staff, please.

20
21 MR. HILSINGER: Thank you, Mr.
22 Chairman. Dr. Katie Howard will present the results of
23 her work on the mesh size -- three year mesh size study
24 and she'll be assisted by Dani Evenson.

25
26 Thank you.

27
28 CHAIRMAN FLEAGLE: All right, thank
29 you. Welcome to the table, Dr. Katie Howard, you may
30 proceed with your report.

31
32 Okay, Pete's pointing out we do have a
33 copy of the report on the table.

34
35 Thank you, go ahead.

36
37 DR. HOWARD: Good morning, thank you.
38 As Mr. Hilsinger just pointed out my name is Dr. Katie
39 Howard. Dani Evenson is helping with advancing the
40 slides and she'll be joining me at the table afterwards
41 to answer any questions. Thank you for having me. I'm
42 the Yukon area research biologist for chinook and
43 summer chum for the Alaska Department of Fish and Game.

44
45 As most of you know the Alaska Board of
46 Fisheries recently passed regulations to restrict
47 maximum mesh size for subsistence and commercial
48 gillnets to no greater than 7.5 inches. That will go
49 into effect in 2011. There were no changes made to the
50 depth of gillnets. And the presentation I'm about to

1 give will provide the same information that was
2 presented to the Department by -- by the Department to
3 the Alaska Board of Fisheries in January as well as to
4 the Western Interior, Eastern Interior and YK-Delta
5 RACs.

6
7 The Department presented data related
8 to the Alaska State Board of Fisheries Proposals 89 and
9 90 which sought to reduce the mesh size and depth of
10 gillnets on the Yukon River. These proposals are
11 similar to Federal Proposals FP-12 and 13.

12
13 I will first discuss the studies
14 presented to the Board, the gillnet selectivity study
15 and the Lower Yukon mesh size study. In the second
16 half of the presentation I will present various
17 management options the Department brought before the
18 Board, which could increase the numbers of larger fish
19 and females on the spawning grounds and thereby help to
20 address the chinook size issue.

21
22 First I will discuss the net
23 selectivity models created by Dr. Jeff Bromaghin in
24 2005. When discussing the selectivity of a gear, this
25 refers to the degree to which that gear targets fish
26 with certain characteristics such as size. Most
27 fishing gear is, at least somewhat selective; net
28 selectivity models allow us to understand what biases
29 certain gears have for certain fish characteristics.
30 In this case we're looking at gillnet mesh size as it
31 relates to chinook salmon size. That larger mesh
32 gillnets catch larger fish is fairly intuitive and has
33 been confirmed many times.

34
35 Net selectivity for Yukon River chinook
36 salmon was modeled with data from the Pilot Station
37 Test Fishery which uses a broad array of mesh sizes.
38 It is important to emphasize here that the age, sex and
39 length distributions of chinook salmon from the Yukon
40 are unique. So these data are really only applicable
41 to guiding actions for Yukon based fisheries and could
42 be problematic if used out of this context.

43
44 This is the first in a series of a
45 slides that depict the selectivity curves currently
46 modeled for Pilot Station Test Fishery with curves for
47 6.5, 7.5 and 8.5 inch mesh being shown. The way to
48 interpret these curves is that the peak shows the
49 length of fish the mesh is most efficient at catching.
50 For example, the 8.5 inch mesh net is most effective at

1 catching fish approximately 830 millimeters or about 33
2 inches mid-eye to fork length. The way the curve
3 decreases above and below the peak reflects the degree
4 to which the catchability decreases as size deviates
5 from the optimum.

6

7 This graph shows the length
8 distributions of chinook salmon in grey. So this
9 represents the theoretical lengths of fish in the
10 river. The solid line is the same selectivity curve
11 for the 7.5 inch mesh nets that I showed on the
12 previous slide; the dotted line is the selectivity of
13 the 8.5 inch mesh net, which is roughly representative
14 of the net sizes currently fished in the unrestricted
15 mesh size fishery. It's obvious here that the 8.5 inch
16 mesh net is most selective on the largest individuals.
17 The peak selectivity or efficiency of the 8.5 inch mesh
18 net is on larger fish than the most abundant size
19 classes present in the river. Also note that to the
20 right of the peak, even though the selectivity drops
21 off a little it still remains higher on the larger size
22 fish. Meanwhile the 7.5 inch mesh net selectivity, the
23 solid line, is slightly more selective on larger
24 individuals but overall it more closely resembles the
25 length distribution of the population.

26

27 With this graph we are looking at the
28 estimated escapement of chinook undergoing 50 percent
29 exploitation from 7.5 inch mesh nets, the dotted line;
30 and 8.5 inch nets, the solid line. So given the net
31 selectivity on the previous graph these lines represent
32 what would then reach the spawning grounds after
33 experiencing that kind of harvest. The 7.5 inch nets
34 produce a broader distribution of lengths for
35 escapement whereas the 8.5 inch net escapements are
36 much more skewed and are disproportionately represented
37 by smaller length individuals.

38

39 An additional piece of information from
40 Bromaghin's 2005 study is the catch per unit effort or
41 efficiency of the gear. This plot illustrates catch
42 per unit or CPUE on the Y axis and mesh size is shown
43 on the X axis. This 7.5 inch actually has greater CPUE
44 than the 8.5 inch and the CPUE for the 6.5 inch net is
45 not much less.

46

47 The way to think about this is that the
48 8.5 inch net targets slightly larger chinook salmon but
49 the smaller chinooks are a little more abundant so
50 catches are higher.

1 Next I would like to give an overview
2 of the Lower Yukon mesh size study.

3
4 This study located here near the
5 village of Emmonak was a cooperative effort between the
6 Alaska Department of Fish and Game and the Yukon Delta
7 Fisheries Development Association. The purpose of this
8 study was to better understand what the fishery would
9 target if mesh size restrictions were to be enacted. A
10 test fishery was conducted with the help of local
11 fishermen to specifically look at harvest with 7, 7.5,
12 and 8 inch stretch mesh gillnets from 2007 to 2009. To
13 put this study in perspective I will also provide data
14 from the District 1 restricted, which is less than 6
15 inch mesh size and unrestricted commercial harvest. So
16 on this map of the Lower Yukon Delta, everything
17 downstream of this white line is in District 1.
18 Because there has been little commercial fishery
19 harvest in the last three years I will also include
20 data from the Lower Yukon Test Fishery or LYTF, these
21 locations are shown here in blue. This fishery also
22 uses 8.5 inch mesh set gillnets and these data are
23 lumped with the unrestricted commercial fishery data.
24 Only those data from commercial fisheries and the LYTF
25 data sets that were collected at times corresponding to
26 the mesh size study were included.

27
28 So, in particular, we are interested in
29 the effects of mesh size on how well each mesh size
30 target chinook salmon versus other species. We are
31 also interested in the degree to which mesh sizes
32 target older individuals, the degree to which mesh
33 sizes target females and the relative size of the fish
34 caught in each mesh size. This study collected a total
35 of 1,132 chinook salmon and 1,337 chum salmon using 7,
36 7.5 and 8 inch mesh gillnets.

37
38 I've grouped the results to correspond
39 to each of the four primary objectives and first we'll
40 look at how well each mesh size targets chinook salmon.
41 This chart shows the chinook to chum ratio from the
42 mesh size study and additional information from
43 commercial fisheries. In orange, on the left, are the
44 restricted commercial fishery catches, in blues are 7
45 inch mesh catches by year, yellows are 7.5 inch mesh
46 catches, reds are 8 inch mesh catches and green is the
47 unrestricted or chinook directed commercial fishery
48 catches. And averages for each are shown in white.

49
50 The chinook to chum ratio can vary

1 substantially within a season and among seasons,
2 depending on the relative abundance of chum and chinook
3 as well as the timing of the salmon runs. When we're
4 looking at this graph and thinking about catch
5 composition what we're really looking at is whether or
6 not the ratio is exceeding one. In other words,
7 whether or not we're consistently catching more chinook
8 than we are chum salmon.

9
10 So the 7.5, 8 and -- 8 inch and
11 unrestricted mesh sizes are the ones where we typically
12 get more chinook than chum salmon in the catch.
13 Obviously if we're talking about a chinook directed
14 fishery this is important to know. Among the 7, 7.5
15 and 8 inch mesh sizes in this study, on average about
16 40 percent of the 7 inch mesh catch is chinook or about
17 60 percent of the 7.5 inch and 8 inch mesh catch is
18 chinook. This is a significant difference in catch
19 between the 7 inch and the larger mesh sizes.

20
21 Next, I'd like to discuss the age
22 composition of the catch.

23
24 This bar graph shows harvest by age.
25 Mesh size is along the X axis, percentage is on the Y
26 axis ranging from zero to 100 percent. The middle
27 three bars are the mesh size study data and the outer
28 bars are restricted and unrestricted mesh nets. Age 7
29 fish are shown in peach, age 6 in blue, 5 in green and
30 4 in orange. You can see that the percentage of age 6,
31 and to a lesser extent, the age 7 fish generally
32 increases with mesh size, while age 5 and age 4 tend to
33 decrease with mesh size. This pattern is supported
34 statistically with chi square test, all statistics will
35 be presented in the upper right-hand corner during this
36 presentation.

37
38 I'd now like to talk about the degree
39 to which mesh sizes target female chinook.

40
41 As with the previous graph this bar
42 graph shows mesh size along the X axis, percentage is
43 on the Y axis ranging from zero to 100 percent. The
44 middle three bars are the mesh size study data and the
45 outer bars are restricted and unrestricted mesh nets
46 respectively. Males are shown in blue and females in
47 red. This general pattern of increased percentage of
48 females with increased mesh size is supported
49 statistically for all data sets using chi square but
50 this pattern is primarily driven by the chum directed

1 or restricted mesh size.

2

3 Finally I'd like to discuss the chinook
4 size as it corresponds to mesh size.

5

6 This is a box plot of length shown on
7 the Y axis for each of the mesh size study nets on the
8 X axis. For these box plots different colored boxes
9 indicate statistically significant differences among
10 the mesh sizes used. So chinook salmon length is
11 significantly different between the 8 inch mesh and the
12 smaller mesh nets in the mesh size study. For
13 reference these yellow boxes represent the average
14 chinook salmon length for restricted and unrestricted
15 meshes.

16

17 Several studies have shown declines for
18 large size class chinook greater than 900 millimeters
19 or approximately 35 inches over time. Therefore, we
20 looked at how well each mesh size targets this large
21 size class. On the Y axis are the different mesh size
22 category and on the X axis is percentage. A reduction
23 in mesh size to 8 inch or less would likely cut the
24 degree to which the fishery targets this largest size
25 class by half or more.

26

27 Chinook salmon weight shows a
28 significant difference among each mesh size with
29 average weight increasing with increased mesh size.
30 For reference this yellow box represents the average
31 chinook salmon weight for unrestricted meshes.

32

33 The overall purpose of this study was
34 to examine what changes would occur in terms of fish
35 caught should mesh size restrictions be enacted.

36

37 So to summarize those findings, 7 inch
38 mesh nets do not effectively target chinook salmon.
39 Age composition from 8 inch nets would be fairly
40 equivalent to the current fishery whereas 7 and 7.5
41 inch nets would target younger individuals. The
42 proportion of females caught in 8 inch nets is fairly
43 equivalent to the current fishery but 7 and 7.5 inch
44 nets would likely target slightly fewer females. 8
45 inch nets catch smaller chinook salmon in terms of
46 length, and both 7 and 7.5 inch nets target even
47 smaller length chinook. All three mesh sizes harvest
48 far fewer of this largest size class than the current
49 fishery. And finally chinook salmon targeted in the 8
50 inch nets weigh less than the current fishery and

1 weight differences are more pronounced in the 7.5 inch
2 nets and most pronounced in the 7 inch nets.

3
4 Together these two studies highlighted
5 here indicate that as mesh size increases the harvest
6 tends to catch more older fish, larger fish and
7 females. Mesh sizes equal to or smaller than 7 inches
8 fail to harvest more chinook than chum and therefore
9 could afford no protection to chum stocks in the event
10 of a poor chum run.

11
12 Modeling data suggests that mesh sizes
13 of approximately 7.5 inches likely target the most
14 abundant size classes whereas larger meshes
15 disproportionately target larger and less abundant size
16 classes. 8 inch or smaller mesh sizes reduce the
17 harvest of the largest size class chinook and
18 unrestricted mesh size disproportionately targets
19 larger and older fish.

20
21 The trends in chinook salmon size noted
22 by Yukon fishermen and others and the volatility of the
23 Yukon chinook runs are concerning. Whether these
24 changes observed have resulted from environmental or
25 fishery induced selective pressures or a combination of
26 both cannot be determined with any certainty.

27
28 Few management options are available to
29 counteract these trends.

30
31 What we can influence is how many fish
32 are harvested and how they are harvested in an effort
33 to improve freshwater production.

34
35 For all the options I will present the
36 overall objective is to reduce exploitation on the
37 largest and oldest component of the chinook salmon run
38 and to achieve escapements that are more representative
39 of the age and size class structure of the overall run.
40 Large and old chinook salmon are particularly important
41 contributors to freshwater productivity.

42
43 So I will present provided to the Board
44 of Fisheries that were identified as having the
45 potential to achieve these objectives.

46
47 Decreasing exploitation rate.

48
49 Restricting mesh size.

50

1 Restricting mesh depth.

2

3 And I will also briefly touch upon
4 other gear type restrictions that merit consideration.

5

6 Any of these options could provide for
7 spawning escapement that are more representative of the
8 age and size class structure of the overall run and any
9 of these options could improve freshwater productivity
10 and yield if more larger and older individuals and
11 females do indeed reach the spawning grounds.

12

13 One way to achieve more larger and
14 older fish reaching the spawning grounds is simply to
15 harvest less. Under this option the harvest rate would
16 be reduced beyond whatever conservation measures are
17 necessary to reach escapement. This would achieve more
18 individuals on the spawning grounds including larger
19 and older fish. Current gear regulations could be
20 maintained with this option. When run abundance is
21 poor to below average the commercial fishery would be
22 closed and the subsistence fishing schedule may have to
23 be reduced. If there is a surplus of chinook salmon
24 beyond subsistence uses, chinook salmon directed
25 commercial periods would be reduced in time and area
26 and/or delayed.

27

28 This option would be effective in
29 increasing escapements including larger and older fish.

30

31 All fishermen in the Yukon River
32 mainstem would share the conservation efforts.

33

34 Additionally there would be no direct
35 cost incurred by fishermen as they would be able to use
36 existing gear.

37

38 Commercial and possibly subsistence
39 fishing opportunities would be reduced and commercial
40 fishery value would be effected.

41

42 In years of low abundance there would
43 be disruptions to subsistence fishing harvest patterns
44 and it could result in reduced harvest, depending on
45 the stock composition of individual runs.

46

47 Ultimately this fishing strategy will
48 often result in higher escapements at or above existing
49 escapement thresholds, thus, there will be foregone
50 harvest of fish.

1 In the second option, gillnet mesh size
2 restrictions would be adopted between 7.5 and 8 inches,
3 which is based on the best available data on Yukon
4 River chinook. Currently older and larger individuals
5 are disproportionately harvested in the unrestricted
6 mesh size fishery and this option would make the
7 harvest less selective for these individuals. A mesh
8 size reduction could be adopted only for the commercial
9 fishery as a lower use priority or for both commercial
10 and subsistence fisheries.

11
12 A reduction in maximum mesh size would
13 decrease the exploitation rate on larger and older
14 chinook salmon caught in gillnets and should increase
15 the escapement of these fish while minimizing chum
16 harvest. It is less likely that this option would
17 affect fishing opportunity in terms of reduced harvest
18 time therefore it is less likely that there will be
19 foregone harvest. Additionally, overall length
20 distributions of the harvest would likely better
21 reflect the length distributions of the run and,
22 therefore, escapements would likely be more
23 representative of the run. Evidence from Pilot Station
24 net selectivity models suggest that gear with
25 selectivity that matches the most abundant lengths of
26 fish in the run garners a slightly higher CPUE. This
27 suggests potential for fishermen to catch the same
28 numbers of chinook with less effort. Gear changed to a
29 smaller mesh size would come at a significant cost to
30 subsistence and commercial fishermen, many of whom
31 would need to buy new nets. The cost of replacing nets
32 or hanging new webbing could range between \$500 and
33 \$1,800 per net. Many fishermen would likely need to
34 replace two or more shackles of gear.

35
36 Additionally, larger fish are more
37 desirable in both commercial and subsistence fisheries.
38 If mesh size is reduced in the subsistence fishery
39 fishermen may fish longer to catch more fish thus
40 increasing the overall subsistence harvest. As larger
41 fish are economically more valuable short-term economic
42 gain by commercial fishermen could be affected by
43 having fewer large fish to sell.

44
45 Fishermen have also raised concerns
46 that smaller mesh nets would result in increased
47 chinook dropouts. The degree to which dropouts occur
48 is unknown and is extraordinarily difficult to
49 quantify. The Chinook Technical Committee of the
50 Pacific Salmon Commission provides some estimates for

1 chinook dropouts but also emphasizes the uncertainty of
2 these estimates. These range from two to eight
3 percent. We do not know, however, how mesh size change
4 would alter dropout rates.

5
6 Any action that alters the nature of
7 the gillnet fishery may reallocate harvest opportunity
8 to other gear types.

9
10 The efficacy of Options A and B to
11 reduce exploitation on the oldest and largest
12 components of the run can be compared using a simple
13 model. In this modeling exercise we investigated a
14 hypothetical run. Here I will present just one
15 example, a run size of 200,000 fish but it should be
16 noted that the patterns I will present hold true
17 regardless of run size. The harvest response is
18 examined under four different exploitation rates, 30
19 percent, 40 percent, 50 percent and 60 percent using
20 7.5 and 8 inch and unrestricted mesh sizes.

21
22 I want to emphasize that these are
23 hypothetical scenarios to illustrate the tradeoffs
24 between these options.

25
26 This graph illustrates some aspects of
27 the tradeoffs between these options. This is the
28 hypothetical scenario of 200,000 chinook run. On the X
29 axis are those four exploitation rate treatments, on
30 the Y axis is the harvest of large chinook. These are
31 chinook greater than 900 millimeters.

32
33 So the more large chinook that are
34 harvested the fewer will be available for escapement to
35 the spawning grounds.

36
37 Scenarios using 7.5 inch mesh gears are
38 shown by bars with orange diagonal stripes, 8 inch are
39 shown with bars with green dots and unrestricted mesh
40 size are shown with blue horizontal stripes.

41
42 In this scenario we assume a
43 subsistence harvest of 50,000 fish which is typical in
44 most years on the Yukon River, and any surplus above
45 that contributes to the commercial harvest, therefore,
46 at 30 percent exploitation on a 200,000 fish run there
47 is a total harvest of 60,000 fish; 50,000 of these
48 would be for subsistence harvest and result in a
49 commercial fishery of 10,000 fish. Here we see a
50 decrease in exploitation rate decreases the harvest of

1 large chinook. We also see that fewer large chinook
2 are harvested by the smaller mesh sizes compared to the
3 harvest with an unrestricted mesh size fishery. Even
4 when the exploitation rate for these smaller mesh size
5 fisheries are doubled that is the harvest of large
6 chinook in the restricted mesh size at 60 percent
7 exploitation is less than the harvest of unrestricted
8 mesh size at 30 percent. This means that because mesh
9 size reductions address exploitation of the large
10 individuals specifically, greater exploitation rates
11 could be used and still achieve the objective.

12
13 So, in summary, what we find is that
14 both methods can be useful for decreasing the harvest
15 of larger chinook salmon and exploitation rate would
16 need to be reduced substantially to achieve the same
17 magnitude of large chinook savings as would be possible
18 with the mesh size restrictions.

19
20 The next option is to reduce depth of
21 commercial and subsistence gillnets larger than 6 inch
22 stretch mesh to no more than 35 meshes in depth.

23
24 It is local traditional knowledge that
25 larger chinook travel deeper in the water column,
26 however, there have been no quantitative studies that
27 we are aware of documenting fish size caught by mesh
28 depth.

29
30 Under current regulations gillnet depth
31 is unrestricted in a subsistence fishery. Commercial
32 gillnets greater than 6 inches may not be more than 45
33 meshes deep through Districts 1 through 3. For the
34 commercial fishery in Districts 4 through 6, gillnets
35 greater than 6 inches may not be more than 60 meshes
36 deep.

37
38 This option could harvest -- could
39 reduce the harvest of larger fish and reducing depth of
40 gillnet gear is less expensive than changing gillnet
41 mesh size. However, we do not have any quantitative
42 data to demonstrate how effective reducing gillnet
43 depth will be for increasing the numbers of larger and
44 older individuals on the spawning grounds.

45
46 A decrease in depth of gillnets may
47 require fishermen to expend more effort to harvest
48 salmon needed for subsistence needs.

49
50 There will be some cost in time or

1 money to reduce depth of existing gillnet gear.

2

3 And, again, any action that alters the
4 nature of the gillnet fishery may reallocate harvest
5 opportunity to other gear types.

6

7 Because Options A through C may result
8 in reallocation of harvest from gillnet fisheries to
9 other gear types or other fisheries. Other actions,
10 such as the modification of fishwheel chutes and a size
11 limit on chinook salmon harvested in the sportfishery
12 merits consideration. There was discussion regarding
13 fishwheels at the State Board of Fisheries meetings.

14

15 Unfortunately we do not have adequate
16 data on these other gear types and fisheries to
17 determine the effectiveness of such changes.

18

19 In summary, various data have shown
20 declines in the size and age of Yukon River chinook
21 salmon. There are few options available to address
22 these trends because many of the potential factors
23 influencing these patterns are beyond the control of
24 in-river management.

25

26 Prosecuting the fishery in a manner
27 that can increase the number of larger and older
28 individuals on the spawning grounds should increase
29 freshwater production, which is our best available
30 remedy to counteract these trends. The options
31 presented here all have the potential for attaining
32 this objective, but because the fisheries and fish
33 populations are dynamic, it is impossible to predict
34 with any certainty the success of any action when it
35 translates to the actual fishery.

36

37 And, finally, I'd like to end by
38 acknowledging various contributors involved in the
39 presented work.

40

41 Thank you.

42

43 CHAIRMAN FLEAGLE: Thank you. Are
44 there any questions for Dr. Howard's report. Jon
45 Hilsinger, first, go ahead.

46

47 MR. HILSINGER: Thank you, Mr.
48 Chairman. I just thought that it might help the Board
49 perhaps if Dr. Howard could clarify how the change in
50 mesh size that the Board adopted also affects the

1 depths of the nets.

2

3 CHAIRMAN FLEAGLE: Are you prepared to
4 do that?

5

6 DR. HOWARD: Yes.

7

8 CHAIRMAN FLEAGLE: Please.

9

10 DR. HOWARD: Thank you, Mr. Chairman.
11 So the change -- since there was no change to the mesh
12 depth in the restrictions, based on the change in the
13 mesh size alone because it's based on the number of
14 meshes, that would reduce the actual depths of those
15 nets by about three feet.....

16

17 MS. EVENSON: Three and a half.

18

19 DR. HOWARD: Three and a half feet,
20 excuse me.

21

22 CHAIRMAN FLEAGLE: Okay, thank you.
23 Gary.

24

25 MR. L. WILDE: Mr. Chairman.

26

27 CHAIRMAN FLEAGLE: I heard a request
28 from on line, I'll go ahead and note you and put you in
29 order. I do have two requests before you, Gary, and
30 then Virgil.

31

32 MR. EDWARDS: Mr. Chairman. It's my
33 understanding that OSM will give theirs next and I
34 guess I would just ask that after they complete both
35 them and the State so maybe we're not asking the same
36 questions; when we get all the information we could
37 just kind of ask them -- let them both respond.

38

39 MR. L. WILDE: Mr. Chairman.

40

41 CHAIRMAN FLEAGLE: Yes, sir, I agree,
42 and this was laid out in the outline before we started
43 this. Questions should relate to the State's
44 presentation and the State's study, the data that was
45 presented in this report.

46

47 And I do hear you on line, and I do
48 have you in the que so -- oh, we have a dead
49 microphone. I have a kill button here but I haven't
50 used it yet.

1 MR. PROBASCO: I'm good.

2

3 CHAIRMAN FLEAGLE: Can we just take a
4 couple seconds and see if we can get Jack's microphone
5 working.

6

7 MR. PROBASCO: Try the next one to you,
8 Jack.

9

10 CHAIRMAN FLEAGLE: Yeah, it's probably,
11 whatever, the link between them.

12

13 While we're doing technical repairs I
14 have a request too. In zoom mode, the two televisions
15 on the left up here are in zoom mode, and maybe when we
16 get an opportunity we can put them down. We don't see
17 the stuff in the periphery.

18

19 Anyway we do have the microphone
20 working now.

21

22 And so I want to acknowledge that I do
23 hear you, I think it's Lester speaking up on line, and
24 I do hear you and I do have you in the que. I do have
25 somebody else in line before you, though, and we're
26 going to go ahead.

27

28 Virgil.

29

30 MR. UMPHENOUR: Thank you, Mr. Chair.
31 The issue of the depth of the nets was addressed by the
32 Board of Fisheries in January of 2004. During delib --
33 the Fairbanks Advisory Committee at that meeting
34 submitted an amendment to a proposal to reduce the
35 depth of the gillnets, if they're larger than 6 inch
36 mesh, to no more than 35 meshes. The Board did discuss
37 that extensively in deliberations in 2004 but Jill
38 Klein, the executive director of Yukon River Drainage
39 Fisheries Association promised the Board that they
40 would do a study to determine what the effects would
41 be, whether or not it would save larger king salmon.
42 That study was never done.

43

44 And so my question is why didn't the
45 Department, because they had both proposals before
46 them, just like this Board does today, why didn't they,
47 at the same time address the issue of depth beings it
48 probably wouldn't have cost very much more money?

49

50 Mr. Chair.

1 CHAIRMAN FLEAGLE: Thank you, Virgil.
2 Dani.
3
4 MS. EVENSON: Mr. Chair. Mr.
5 Umphenour. The Department would like to have -- would
6 have liked to have addressed the issue of depth but
7 it's very complicated and difficult to get at. Fish
8 tend to swim at different depths for different parts of
9 the river and so it's a challenging thing to get our
10 hands on. So we couldn't come up with scientifically
11 defensible approach to actually studying that. And we
12 were also concerned that if we do study -- if you do
13 shorten the depth of nets, for some areas, that
14 fishermen are going to fish in other areas and we know
15 that fish swim a little bit higher in the water column
16 over sand bars, for example, or they porpoise and they
17 come up and so that we had some concerns for the
18 ethicacy of that as well.
19
20 So we haven't been -- since we have
21 been unable to address that we have no idea of how
22 effective a measure such as that would be.
23
24 Thank you.
25
26 CHAIRMAN FLEAGLE: Thank you. Virgil,
27 go ahead.
28
29 MR. UMPHENOUR: As a follow up, does
30 the Department have any plans to address this issue in
31 the future?
32
33 MR. EVENSON: Mr. Chair. Mr.
34 Umphenour. No, not at this time.
35
36 MR. UMPHENOUR: Thank you. That's all
37 I have, Mr. Chair.
38
39 CHAIRMAN FLEAGLE: Okay. Other
40 questions.
41
42 (No comments)
43
44 CHAIRMAN FLEAGLE: Okay. I'll turn to
45 on line, I believe that was Virgil trying to weigh in,
46 go ahead.
47
48 (No comments)
49
50 CHAIRMAN FLEAGLE: I'm sorry, Lester. I

1 got the name written here and I just said it wrong.

2

3 MR. L. WILDE: Are you addressing me,
4 Mr. Chairman, this is Lester Wilde?

5

6 CHAIRMAN FLEAGLE: Yes, sir, you wished
7 to speak, go ahead.

8

9 MR. L. WILDE: Yeah, I just had a
10 couple questions. I couldn't hear the lady that was
11 making the presentation on the mesh size and I was just
12 wondering if there was a record of checks and weight of
13 the largest fish caught in each of the studies of the
14 mesh sizes overall.

15

16 Mr. Chairman.

17

18 CHAIRMAN FLEAGLE: Would you like to
19 address that, Dr. Howard.

20

21 DR. HOWARD: Yes, Mr. Chair. Mr.
22 Wilde. So I'm sorry that you couldn't hear the
23 presentation. But there was length information, weight
24 information and girth data taken. I didn't present the
25 girth data today. But there was that information for
26 the different mesh sizes.

27

28 MR. L. WILDE: Okay, thank you.

29

30 CHAIRMAN FLEAGLE: Okay, thank you.
31 Other questions.

32

33 Jack.

34

35 MR. REAKOFF: Thank you, Mr. Chairman.
36 My question is, was there a calculation as the fish
37 progress up the drainage, their girth declines and so
38 they're catchability would actually increase, and if
39 these protected windows, as these fish move into the
40 protection sort of overlaps, was there a calculation
41 made as the fish girth declines up drainage, the
42 catchability of the various gear types or just strictly
43 for the Lower River was the main calculation? Was
44 there any projection for up system catchability?

45

46 DR. HOWARD: Mr. Chair. Mr. Reakoff.
47 So the study was conducted in the Lower River and the
48 focus was on the Lower River because the mesh sizes
49 were all conducted within that same area.

50

1 I'm not sure if I completely understand
2 your question, could you maybe rephrase that?

3
4 MR. REAKOFF: What I'm stating is that
5 the selectivity showed that larger fish were basically
6 saved with 7.5 inch gear size, but as the fish progress
7 up the drainage they're catchability actually
8 increases, as they become smaller, they might not fall
9 out of the net nearly as easy if you have a certain
10 number of fish that would bump off of the net and so
11 their girth is actually declining as they move up the
12 drainage and so that -- I was just wondering if you had
13 made any kind of calculation on girth reduction as they
14 move up system.

15
16 DR. HOWARD: Through the Chair. Yeah,
17 we don't have data on girth reduction as the fish move
18 up river. And just to note the way the study was
19 designed, all of those mesh sizes were fished the same
20 way, the same time period, day after day so they should
21 be very comparable among them because they were all
22 fished in the same conditions. If that helps clarify.

23
24 MR. REAKOFF: Okay, thank you.

25
26 CHAIRMAN FLEAGLE: Other questions.

27
28 Weaver.

29
30 MR. IVANOFF: Yes, thank you, Mr.
31 Chair. Was there any evidence of larger fish more
32 prominent in the first pulse as compared to the other
33 pulses of salmon that were -- of the chinook that were
34 traveling up through the Yukon River? And the other
35 question is, how long was your study, was it right at
36 the beginning of the run and then throughout the
37 season?

38
39 CHAIRMAN FLEAGLE: Dani.

40
41 MS. EVENSON: Mr. Chair. Mr. Ivanoff.
42 So the first part of your question was asking do we see
43 larger fish during the first pulse relative to the rest
44 of the run was your question, as I understand it. And
45 typically we see -- in the onset of the run we see
46 small fish that are predominately male, then as the
47 first pulse comes in we see an increase in both larger
48 fish and female fish which actually continues on
49 throughout the meat of the run, pretty much from
50 quarter point to quarter point.

1 The mesh size study was run over three
2 years, 2007, 2008 and 2009 as mentioned by Dr. Howard
3 and we tried to run that study from quarter point to
4 quarter point of the run so we were capturing the bulk
5 of the run.

6
7 The study is incredibly expensive
8 everyday that we went out so we wanted to get the
9 highest probability of catching fish for the study.
10 The study was suspended partially in 2008 when the run
11 didn't developed as planned and we felt that it was
12 important to conserve fish wherever we could and that
13 having enough fish for the spawning grounds and for
14 subsistence far outweighed us doing research, although
15 it is worth noting that all these fish did go to
16 subsistence in Emmonak and the surrounding communities.

17
18 MR. IVANOFF: Also, Mr. Chair, yeah,
19 could you explain quarter point to quarter point?

20
21 MS. EVENSON: Mr. Chair. Mr. Ivanoff.
22 I apologize, it's a term we use often.

23
24 Quarter point is the point at which 25
25 percent of the fish have come in through the run and so
26 we -- when we manage fisheries and research them we
27 look at those percentiles, so when 25 percent have come
28 through it's the first quarter point. When 50 percent
29 have come through we call it the mid-point. And when
30 three-quarters of the run have come through we call it
31 the three-quarter point. So what you're talking about
32 is the middle 50 percent of the run is when we tried to
33 run the study. And there were times when we didn't
34 catch as many fish as we liked and we actually ran it
35 even longer than that.

36
37 Thank you.

38
39 CHAIRMAN FLEAGLE: So along the lines
40 of Weaver's question, though, the first question,
41 outside of your study, your mesh net study and your
42 test fisheries, have there been any evidence that the
43 larger -- the first run has more larger salmon in it
44 from just the other data that's been gathered?

45
46 MS. EVENSON: Mr. Chair. No, not that
47 I'm aware of. We see larger fish throughout the bulk
48 of the run but they do increase as the run progresses
49 from the first pulse through the third pulse so we see
50 -- we don't see a big difference but I don't know that

1 we have looked into first pulse specifically.

2

3 CHAIRMAN FLEAGLE: Thank you. Virgil.

4

5 MR. UMPHENOUR: Thank you. I should
6 have asked this a while ago. During the study, did you
7 attempt to document where, in the gillnet, as far as
8 how deep it goes, the various sizes the fish were? In
9 other words, did you find larger or smaller fish higher
10 in the water column higher in the net or lower in the
11 net?

12

13 DR. HOWARD: Through the Chair. We did
14 not try to do that. That would have been a nice
15 addition but we're fairly time limited to try to get
16 multiple drifts in with each mesh size net and to do it
17 consistently throughout so there was just a lot going
18 on on the boat with our fishermen and our technicians
19 to be able to do that in addition to tagging the fish
20 and collecting all the data necessary to then bring the
21 fish back to the dock, and then also do the age, sex
22 and length analysis.

23

24 So, unfortunately, no.

25

26 MR. UMPHENOUR: Thank you. Mr. Chair.

27

28 CHAIRMAN FLEAGLE: Further questions.

29 Jack.

30

31 MR. REAKOFF: I would just like to
32 state that it's a known fact that the Canadian
33 component or the far reached component of the chinook
34 run is very fat and highly desirable fish and so their
35 girth and their size at the Lower River is very large
36 and so as the -- there must be a variation between the
37 later stocks or the Lower River stocks, the Tanana and
38 the Lower River drainage stocks, those must be smaller
39 fish because they don't -- so the reality is large mesh
40 gear actually select for the Canadian stocks at a
41 higher rate is what that would do.

42

43 And so I would -- that's why when Dani
44 first presented this at our RAC meeting in Galena in
45 2007 I said that there's actually points on the fish
46 where the fish are caught and those should be
47 calculated as -- incorporated into the study, these
48 catch points I called them, and I sent her a diagram
49 about that. And so the reality is larger mesh fish
50 catch the fatter fish at a higher rate, the bigger

1 fatter fish. As they move up the drainage they're
2 getting thinner. And I just wanted to point that out,
3 that there must be a variation between the various
4 stocks as they enter the river.

5
6 MS. EVENSON: Mr. Chair, if I may
7 respond to Mr. Reakoff. Yeah, I should qualify my
8 statements I made earlier about the size of the fish
9 and age of the fish -- and I'm sorry, and the
10 proportion of female fish coming in, that's looking at
11 the Lower Yukon test fishery data, which is with an 8.5
12 inch set net and the Y1 commercial harvest data from
13 the unrestricted fishery. But we do see an increase in
14 the proportion of females and large fish as the run
15 progresses.

16
17 Genetically looking at the composition
18 of those pulses we see, as Mr. Sandone pointed out
19 earlier, we do see somewhere in 60 to 70 percent of the
20 first pulse is Canadian origin fish but we all -- those
21 are certain stocks of the Canadian component and the
22 Canadian component of the run is made up of several
23 really distinct stock groupings and we see several
24 stocks that also move in on the second pulse, like the
25 big salmon grouping there and the pelli grouping. We
26 also see the Tanana fish move in heavily on the second
27 and third pulse of the run, and those are also large
28 fish. And so we do see that throughout the run so
29 that's something to keep in mind.

30
31 As for the catch points I will defer to
32 Dr. Howard to respond to that component of the question
33 because we did receive your request and attempt to use
34 that.

35
36 DR. HOWARD: Through the Chair, thank
37 you. We did attempt to use the catch points. It was a
38 really great idea, unfortunately with sort of the
39 logistics of the study we ended up discovering that
40 there were a lot of false signatures of where the net
41 marks ended up on the fish that there were some -- just
42 the way the fish were taken out of the net, that
43 afterwards you couldn't necessarily tell if it was
44 caught more forward or more backwards on the fish and
45 unfortunately there was so much noise in that data that
46 it didn't give us anything really conclusive, which is
47 unfortunate.

48
49 But thank you for that addition.
50

1 CHAIRMAN FLEAGLE: Thank you. That
2 raises an interesting point, though, the question about
3 how much weight loss a salmon incurs as it moves up
4 stream and I wonder, has that ever tried to be
5 quantified through some of these tag and recapture
6 studies in other river systems, obviously not in your
7 Lower Yukon test fishery, but does anybody know if this
8 has ever been tried to be quantified; is there a
9 significant weight loss per mile or per 100 mile as the
10 fish move forward? I mean, you know, anecdotally it
11 appears that there would be. Has it ever attempted to
12 be quantified? Anybody got an answer?

13

14 MS. EVENSON: Mr. Chair.

15

16 CHAIRMAN FLEAGLE: Dani.

17

18 MS. EVENSON: I don't have that
19 information in front of me but I do know that there was
20 one study out of UAF where they showed that fish
21 actually stayed at the same weight because they replace
22 the fat with water and in some cases they actually
23 increased in weight because water is heavier than fat.
24 So there have been some studies showing that. I don't
25 know of any specific radiotelemetry. The problem with
26 radiotelemetry studies is, you know, you can't really
27 weigh the fish when you put the tag in it because you
28 want to handle it for as short of period as possible
29 and get it out, back in the water, and so -- and I --
30 but there you have it.

31

32 CHAIRMAN FLEAGLE: Thank you.

33

34 MR. EDWARDS: Mr. Chairman.

35

36 CHAIRMAN FLEAGLE: Gary.

37

38 MR. EDWARDS: And also for some species
39 of salmon the bodies would actually -- kind of like
40 with sockeyes and all, they actually expand that way
41 and so they're actually a larger body mass trying to
42 get through a net as opposed to when they first enter
43 the river. So it would vary, it seems to me, from
44 species to species, also.

45

46 CHAIRMAN FLEAGLE: Just interesting
47 piece of the discussion.

48

49 Virgil.

50

1 MR. UMPHENOUR: There have been
2 analysis done of the oil content of the salmon at the
3 mouth and they have been done from salmon caught in
4 District 5. That has been done. And I know YRDFA did
5 that, and so whether they have that data here or not, I
6 know they did it on fall chums and I think they did it
7 on the chinook as well. But I think there's some data
8 available on that part of it.

9
10 CHAIRMAN FLEAGLE: Which may or may not
11 relate to size though, so, yeah, I think that -- well,
12 all right, are there any other questions for the
13 report.

14
15 (No comments)

16
17 CHAIRMAN FLEAGLE: All right, hearing
18 none, thank you.

19
20 Okay, we do have a procedure for
21 considering these proposals, and we do have.....

22
23 MR. PROBASCO: We do have Staff
24 reports, Proposal 12, we just had ADF&G.....

25
26 CHAIRMAN FLEAGLE: Right.

27
28 MR. PROBASCO:and now we go to
29 Rich Cannon.

30
31 CHAIRMAN FLEAGLE: Right. Right. I'm
32 ahead of you, Pete.

33
34 (Laughter)

35
36 CHAIRMAN FLEAGLE: What we do is we
37 have a procedure for addressing these proposals and the
38 first proposal up for addressing -- for being addressed
39 is FP09-12, and we lead off with OSM Staff
40 presentation, and Dr. Polly Wheeler, I'd like to have
41 you lead into the Staff for introduction, et cetera,
42 please.

43
44 DR. WHEELER: Thank you, Mr. Chair.
45 I'm Polly Wheeler with the Office of Subsistence
46 Management. I'm the Deputy Assistant Regional
47 Director. And giving the presentation today is going
48 to be Rich Cannon, sitting to my right. He's a
49 fisheries biologist with the Fisheries Division within
50 Office of Subsistence Management and on his right is

1 Larry Buklis, who's the Chief of the Fisheries Division
2 within Office of Subsistence Management.

3

4

Mr. Chair.

5

6

CHAIRMAN FLEAGLE: Great, thank you.

7 And before we move into that presentation I just want
8 to point out, we will be reviewing written public
9 comments next after this presentation and then we'll be
10 taking oral testimony. And if you wish to testify on
11 this proposal and you're in the audience, please fill
12 out a green card, and give it to Staff so that it can
13 be brought up here and it'll be placed in the que and
14 we're asking that testifiers limit their testimony to
15 five minutes. And with that -- we've already got a
16 handful but I'm sure that there's going to probably be
17 more, please get your cards in so that we can put you
18 in the que.

19

20

With that, Rich Cannon. Thank you.

21 Welcome.

22

23

MR. CANNON: Thank you, Mr. Chairman

24 and Board members. For the record my name is Richard
25 Cannon. I am the OSM Yukon River fisheries biologist
26 and I will be referring to sections of the Staff
27 analysis, which is before you for Fisheries Proposals
28 09-12 and 13.

29

30

I'm going to say a few words about the
31 two proposals and their history as a lead in to
32 presenting the biological information.

33

34

The two proposals submitted by the
35 Eastern Interior Advisory Council would change gillnet
36 specifications reducing mesh size and depth for
37 commercial and subsistence fisheries in Federal public
38 waters of the Yukon River. Such proposals have a long
39 history of consideration and debate before the Federal
40 Subsistence Board as well as the State Board of
41 Fisheries.

42

43

The purpose for both proposals is to
44 address growing concerns about declining size and
45 productivity of Yukon River chinook salmon.

46

47

For the Federal process it's important
48 to note that most commercial fishing and over half of
49 the subsistence harvest takes place in Federal public
50 waters of the Yukon River. This complex history is

1 summarized in the draft analysis. It is also important
2 to note that a river-wide consensus about the scope of
3 these concerns or solutions has not yet emerged.

4
5 Proposals on this issue were last
6 considered by the Federal Board in December 2007.
7 Neither of the proposals were adopted at that time.
8 Both proposals were resubmitted by the Eastern Council
9 in 2008. The request was based on emerging new
10 information.

11
12 Proposal 12 would reduce the maximum
13 gillnet and mesh size to 7.5 inches and Proposal 13
14 would reduce depth of gillnets greater than 6 inches to
15 35 meshes deep for commercial and subsistence chinook
16 salmon fisheries in Federal public waters of the Yukon
17 River.

18
19 In the summer of 2008 the Federal Board
20 deferred consideration of these proposals until the
21 spring of 2009 to allow for important new research to
22 be incorporated into the analysis.

23
24 The Federal Board met in January 2009
25 and agreed to requests made by the Alaska Department of
26 Fish and Game to further defer consideration of these
27 proposals until after the Alaska Board of Fisheries
28 consider the issue of gear selectivity during its
29 January 2010 meeting. The Council had submitted
30 proposals to the Board of Fisheries to reduce maximum
31 gillnet mesh size to 6 inches and a maximum depth to 35
32 meshes.

33
34 I will present the Staff analysis for
35 Proposal 12 first. After your deliberations and
36 discussions on that proposal I will present the Staff
37 analysis for Proposal 13.

38
39 The Staff analysis for Proposal 12
40 updates the regulatory background, harvest and stock
41 status information for Yukon River chinook salmon since
42 the Board took up this issue in December 2007. The
43 analysis also provides new information from studies
44 that recently had been completed, some additional
45 analysis of available data and updates on published
46 studies and summaries of recent actions by the Alaska
47 Board of Fisheries. The Council's proposal would be
48 phased in over a three year period for subsistence
49 users and one year for commercial users to reduce the
50 economic burden and match the useful life of most nets,

1 which the Council identified as three to four years. A
2 summary of the recent Board of Fisheries action is
3 presented on Page 6 of the analysis. The State Board
4 was given basically the same information by the ADF&G
5 Staff and a special presentation by Dr. Jeff Bromaghin
6 with USGS that is provided in this analysis.

7
8 After extensive public testimony from
9 stakeholders, Yukon River Advisory Committees and
10 Regional Councils, the State Board reduced the maximum
11 mesh size of gillnets for the Yukon River subsistence
12 and commercial fisheries to 7.5 inch mesh. A one year
13 phase in period was given Yukon River fishermen to make
14 this change in gillnet mesh size and this would begin
15 in 2011. In addition the State Board adopted
16 regulatory language directing State managers to use
17 emergency order authority, when necessary, for
18 conservation to establish fisheries closures intended
19 to pass pulses of chinook salmon through Alaskan
20 fisheries to Upper River spawning areas with little or
21 no harvest. The intent is to protect the first pulse
22 of chinook salmon known to contain a high percentage of
23 Upper River spawning fish.

24
25 Fishermen from all areas of the river
26 testified during the State Board's committee process
27 that this rolling closure protecting the first pulse as
28 it migrated up river seemed to be effective in 2009.

29
30 Upper River fishermen reported seeing
31 larger numbers and larger size fish.

32
33 The biological background of this
34 analysis begins on Page 11. The analysis provides a
35 summary of historic catches, exploitation levels,
36 escapement and fecundity information on Pages 11
37 through 15. This information provides some basic
38 information about stock, status and harvest.

39
40 I'm going to focus on the new
41 information.

42
43 Key points from this information are:

44
45 The reliability of age data based on
46 scale analysis.

47
48 Trends documenting decline in fish
49 size, over time.

50

1 Long-term consequences of size
2 selective fishing with a primary focus
3 on the Bromaghin modeling study that
4 was published in 2008.

5
6 A comparison of optimal mesh sizes and
7 the ADF&G mesh size study that Dr.
8 Howard just presented to you.

9
10 Concerns about possible extrapolation
11 at age 8 year old chinook salmon and decreasing trends
12 in age 7 chinook salmon have been raised before the
13 Federal Board. However, the reliability of the age
14 data has recently been examined. The Alaska Department
15 of Fish and Game age and consistency study findings
16 presented on Page 15 show that age 8 fish and a portion
17 of the age 7 fish were the source of the greatest
18 inconsistency in scale ages among scale labs that
19 looked at the scale aging data for the Yukon. The
20 inconsistency was caused by reading a second freshwater
21 annuli on the scales. All age fish have this annuli
22 and in some years a high percent of the age 7 fish can
23 have it as well. This means that it is difficult to
24 substantiate claims that the aged fish have actually
25 been extrapolated.

26
27 In addition inter-annual comparisons of
28 age 7 fish may not be reliable for time periods when a
29 high percentage of these two freshwater annuli fish are
30 observed.

31
32 Age 7 fish are an important, though
33 variable and usually small component of the run. A
34 high consistency, however, was shown for all other age
35 classes.

36
37 Information documenting declining size
38 of Yukon River chinook salmon is presented on Pages 16
39 and 17 of the analysis.

40
41 Although limited time series available
42 from commercial harvest and escapements do show a small
43 decline in size for larger older fish. The analysis of
44 commercial harvest data by Dr. Hamazaki with ADF&G
45 shown in Figure 7 found the fluctuation in size of the
46 larger older fish which suggested a response to
47 changing environmental conditions. The upper trend
48 line shows age 6 fish and in the red lower trend line
49 are age 7 fish. The gradual decrease in size of age 7
50 fish was shown over time. However, observational data

1 cannot confirm what the causes of declines and size
2 might be. And this was, again, reported in the last
3 presentation.

4
5 Both Dr. Bromaghin and Hamazaki told
6 the State Board that subtle changes inheritable
7 characteristics like size or age at maturity of salmon
8 would likely be masked by highly variable environmental
9 responses. The State Board was also told that fishery
10 scientists have raised the concern about size selective
11 effects of fishing gear for many years, and that
12 numerous recent modeling studies were raising strong
13 theoretically warnings to managers about the long-term
14 impact of selective removal of larger older more fecun
15 spawners from the gene pool. The Federal analysis
16 discusses this information on Pages 17 and 19.

17
18 Specific treatment for Yukon River
19 chinook salmon modeling studies were presented to the
20 State Board in a written report by Dr. Howard with
21 ADF&G and Dr. Bromaghin's modeling of long-term
22 consequences of selective gillnet fishing. The
23 analysis presents this information on Pages 18 and 19
24 with a more detailed summary of Dr. Bromaghin's long-
25 term modeling study provided in Appendix A beginning on
26 Page 32.

27
28 Dr. Howard presented a comparison of
29 management options employing gillnet mesh size and
30 fishery exploitation. The comparison showed that,
31 although, both reducing mesh size and decreasing
32 exploitation could effectively reduce harvest of larger
33 older fish, the reduction in mesh size would allow more
34 fishing opportunity. The Federal analysis attempts to
35 highlight findings from Dr. Bromaghin's model of the
36 effect of long-term highly size selective gillnet mesh
37 size harvest on a modeled salmon population based
38 largely on parameters relevant to Yukon River chinook
39 salmon and various management scenarios. This figure
40 illustrates the primary findings of the model. I want
41 to alert you, however, to a correction in the written
42 analysis. The graphics for Figure 1 and 2 on Page 34
43 were reversed. I apologize for that. This is the
44 correct graphic for Figure 1. Length is shown on the Y
45 axis and the years on the X axis. The studies showed
46 that a modeled chinook salmon population decreased in
47 length rapidly over a 50 year period when subjected to
48 selective fishing with 8.5 inch mesh gillnets, as you
49 can see on the figure, and then stabilized for 150
50 years at a smaller size, a much smaller size. As a

1 result fecundity and stock productivity also declined.
2 Available data for Yukon chinook salmon suggests that
3 although salmon size has not decreased to these levels
4 at this time, the declines in size that had been
5 observed could lead in this direction. So this shows
6 the direction that we could be going into.

7
8 When Dr. Bromaghin evaluated steps to
9 rebuild the stocks to their prefishery conditions,
10 reduction of mesh size in addition to reduction of
11 harvest rates and exceeding the escapement levels
12 reducing maximum sustained yield were needed to restore
13 the stocks to their size and age at maturity.

14
15 Three rebuilding scenarios are compared
16 over 200 years in the right half of this figure. The
17 upper scenario in gold represents rebuilding with no
18 fishing. In the lower blue scenario mesh size was
19 reduced to 7.5 inch mesh, exploitation rates were
20 reduced and escapements of two times the level needed
21 for maximum sustained yield were achieved, but recovery
22 of larger size fish did not occur. The middle red
23 scenario does show restoring the size of fish over 200
24 years but in addition to mesh size reduction allowing
25 escapements of two and a half times that needed for
26 maximum sustained levels had to be accomplished.

27
28 Although the analysis of the existing
29 situation does not suggest that reduction in size of
30 fish has reached the extreme levels shown in this
31 figure, the analysis strongly suggests that reducing
32 mesh size along with other conservation measures would
33 be a prudent preventative measure.

34
35 Pages 19 through 25 provide an analysis
36 of gillnet mesh sizes that would reduce the size of
37 chinook salmon captured, maintain harvest efficiency
38 for chinook salmon but not dramatically increase summer
39 chum salmon harvest. As shown in Figure 13 reducing
40 the mesh size to no larger than 7.5 inch mesh would
41 increase the size of chinook salmon reaching the
42 spawning grounds, 8.5 inch mesh shown in the solid
43 lines and 7.5 inch mesh in dashed lines are compared
44 for chinook on the left and chum salmon on the right.
45 The analysis is based on a large data set collected by
46 the Alaska Department of Fish and Game, at the Pilot
47 Station sonar site test fisheries, but may not
48 represent fishing methods employed by commercial and
49 subsistence fishermen. Related to this information
50 Appendix B found on Pages 37 and 39 provides a

1 discussion of gillnets, how they are measured and how
2 they catch fish. Information about dropout mortality
3 of gillnets is also provided on Pages 38 and 39.

4

5 The results of the ADF&G mesh size
6 study, which you just heard, was also included in our
7 analysis. As Dr. Howard just indicated this work was
8 also presented to the State Board of Fisheries. Her
9 work demonstrated that reducing gillnet mesh size to 7
10 inches would change the species composition of the
11 fishery with many more chum salmon being caught and the
12 catch being composed of smaller, younger chinook
13 salmon. Changing to 8 or 7.5 inch mesh would decrease
14 size composition of the catch compared to the present
15 fishery, however, a reduction to 7.5 inch mesh would
16 target younger smaller and fewer larger older fish
17 without harvesting large numbers of chum salmon.

18

19 On Pages 25 through 26 the effects of
20 the proposal are summarized.

21

22 Positive effects include increased size
23 and age at maturity of the escapement; increased
24 fecundity and productivity and increase genetic
25 resiliency.

26

27 Negative effects include cost of
28 replacing or modifying existing gear and the potential
29 reduced commercial value of harvest made up of smaller
30 fish.

31

32 On Pages 26 and 27 the OSM conclusion
33 and justification are presented.

34

35 The conclusion is to support modified
36 regulatory language that establishes a maximum 7.5 inch
37 mesh size limit for gillnets for subsistence fisheries
38 in Federal public waters. The one year phase in, which
39 aligns with the State phase in, could be accomplished
40 with the regulation taking effect in 2011. The phase
41 in period would not need to be described in your
42 regulatory language.

43

44 Thank you.

45

46 That concludes my presentation.

47

48 CHAIRMAN FLEAGLE: Thank you for that
49 overview. And just for the record the Board has the
50 complete document referred to and will be referring to

1 it in its deliberation and its decision-making process.

2

3 Any questions.

4

5 Gary.

6

7 MR. EDWARDS: Mr. Chairman. I'd like
8 to ask both OSM, and, maybe even Dr. Howard a couple
9 questions, if possible.

10

11 CHAIRMAN FLEAGLE: Dr. Howard, would
12 you be willing to come back up.

13

14 MR. EDWARDS: I guess my main question
15 as I read through and looked at the State study and
16 looked at OSM's analysis and read Dr. Bromaghin's
17 report, at least it seems to me that this going to or
18 deciding on a mesh size of 7.5 inches seems more of a
19 compromise than what might really be best for the
20 resource, particularly if we were just looking at the
21 impact on chinook. You know, while a reduction, you
22 know, to the 7.5 inch should result in a reduction of
23 the take of larger salmon but based upon Dr.
24 Bromaghin's modeling, you know, without a reduction, I
25 think, and you mentioned this, in the number of fish
26 taken is unlikely that the current trend will be
27 reversed. And so if our goal really is more than just
28 trying to maintain the status quo, but to try to
29 actually restore this population back to what its
30 historical levels and historical size was, it would
31 seem that it would be prudent to even go to a smaller
32 mesh size, even perhaps 6.5 inches. Now, I recognize
33 there's implication for the chum fisheries but it
34 doesn't seem like it's significant looking at the
35 tables. Or without going -- taking that approach of
36 going to a smaller mesh then it does seem that if we're
37 really serious about it from a resource standpoint,
38 then we ought to look at other management options to
39 try to reduce the overall; harvest at the same time as
40 we're trying to reduce the number of large fish that
41 are being taken.

42

43 Well, either one of you can answer.

44

45 I guess my question is, is it seems
46 like we're looking more at trying to do a compromise
47 here to try to address a lot of different issues as
48 opposed to strictly looking at what might be best for
49 the resource itself.

50

1 CHAIRMAN FLEAGLE: Rich, go ahead,
2 please.

3
4 MR. CANNON: Thank you, Mr. Chairman.
5 Mr. Edwards. In the Federal analysis, and based on Dr.
6 Bromaghin's work is what we're -- what we're trying to
7 say is that mesh size reductions provide an important
8 component to the overall long-term solution to size of
9 fish. But that's not the only tool that managers have.
10 They look at exploitation rates, they look at the size
11 of the escapement that's needed and the quality of the
12 escapement that's needed. All those things play into
13 the ultimate outcome of your management.

14
15 When I did the analysis and looked at
16 Dr. Bromaghin's study, I was wondering about where we
17 were actually at with regard to his long-term look at
18 these trends. And if you could refer in the analysis
19 to Page -- it's in the Appendices A on Page 35, and I
20 have that slide; I don't know how hard it would be to
21 get to it, but it's slide 30. This is one of the
22 scenarios that Dr. Bromaghin looked at and I discussed
23 this with him at great lengths, and with the
24 information that we have, we don't know exactly on that
25 part of the trend line, you see the arrow there that I
26 placed on this figure, we're somewhere in that trend
27 line. I don't know exactly where we are. But I know
28 if you look at the size of the fish that we still have
29 in the population, looking at escapement levels of
30 numbers of fish at least into Canada and into the
31 Alaskan portion of the drainage, I think we could be
32 heading in this direction but I don't think we're in
33 the dire situation that was presented in the earlier
34 figure. That's a warning for us, that we need to take
35 action, and I think that given Dr. Bromaghin's work,
36 that we're in a position where we could turn this
37 around, with mesh size reductions and more attention to
38 the quality of escapement that we're getting throughout
39 the drainage, but particularly in the Canadian part of
40 the drainage which, unfortunately, we don't have a lot
41 of data for.

42
43 Thank you, Mr. Chairman.

44
45 CHAIRMAN FLEAGLE: Dr. Howard.

46
47 DR. HOWARD: Mr. Chair. Mr. Edwards.
48 The chum salmon issue is a concern. And only fairly
49 recently has that stock, the summer chum stock
50 rebounded, and it hasn't been that long ago that there

1 were some pretty serious concerns for that stock so we
2 don't really want to trade sort of one stock of concern
3 for another by putting, you know, more harvest on that
4 particular stock, more than would be necessary.
5 There's also concern for wastage. Summer chum salmon
6 don't get utilized throughout the drainage and
7 particularly in the middle river those stocks are close
8 to their spawning sites and there isn't a lot of use
9 for those salmon among some of those fishermen.
10 Sometimes they're not even really targeted even for dog
11 food. So it would be sort of irresponsible to
12 encourage heavy harvest on chum salmon stocks that
13 wouldn't be -- that wouldn't be utilized by the
14 fishermen and I think that is a concern.

15
16 Also exploitation rates aren't really
17 terribly high on the Yukon, particularly in recent
18 years. In the graph I showed earlier there was an
19 exploitation rate of 60 percent, that's really unlikely
20 that the managers would fish at an exploitation rate of
21 60 percent. Typically they're pretty adaptable in
22 their management so if the run size is lower they tend
23 to reduce harvest so that the exploitation rate then
24 goes down and vice versa.

25
26 So hopefully that helps clarifies sort
27 of part of the reasoning why you -- from the
28 Department's perspective, going to a much smaller mesh
29 size could have some detrimental effects.

30
31 MR. EDWARDS: I've got a couple of
32 follow-up questions.

33
34 If there wasn't a chum run in the
35 Yukon, would you still advocate for a 7.5 inch mesh
36 size or would you recommend a smaller size?

37
38 CHAIRMAN FLEAGLE: Dr. Howard.

39
40 DR. HOWARD: I'm sorry, could you
41 repeat that again.

42
43 MR. EDWARDS: Well, if there wasn't a
44 chum run in the Yukon, would you still support a 7.5
45 inch mesh size just for chinook or would you think a
46 smaller one would be required?

47
48 DR. HOWARD: That's a good question.
49 Unfortunately I think we'd need more data on the
50 smaller mesh sizes as well, you know, we didn't run 6.5

1 inch mesh in the mesh size study so I think that would
2 be interesting to see what exactly would be caught when
3 it's compared directly to other mesh sizes.

4
5 MR. EDWARDS: Then one more follow up
6 on something else you said, but, again, when I read the
7 information is that we anticipate actually the harvest
8 -- by going to the 7.5, while we will be protecting
9 larger chinook we probably will be harvesting more, and
10 I guess what I heard you say is that the managers then
11 would take whatever management options they have to try
12 to keep that harvest down to what has been historical
13 or not? I'm a little confused there.

14
15 DR. HOWARD: Through the Chair. You
16 know it's pretty much impossible to predict what
17 exactly will happen as far as, you know, changes in the
18 way fishermen harvest. It's possible that fishermen
19 may harvest more, but from what we hear from fishermen
20 typically is they harvest what they need. And so if
21 they're getting the amount of salmon they need for
22 their subsistence needs, then they're not going to
23 catch far more salmon just to catch more salmon.

24
25 MR. EDWARDS: Mr. Chairman. I have one
26 more for Mr. Cannon.

27
28 Mr. Cannon, I guess I'm not sure I
29 totally agree with you that the trend that we haven't
30 gone over, even though there hasn't been a lot of
31 studies done on selectivity on salmon there has been on
32 several other species, particularly some of the ocean
33 populations and I think that that data does show from a
34 genetic standpoint you can reach a tipping point and
35 once you reach that, regardless of what action you
36 take, you may never be able to get back to where you
37 were historically, so I guess I'm not convinced that we
38 are going to be able to turn it around and maybe the
39 best we can do is just maintain the status quo we have
40 now and probably never get back to historical levels.

41
42 CHAIRMAN FLEAGLE: Rich.

43
44 (No comments)

45
46 CHAIRMAN FLEAGLE: Larry.

47
48 MR. BUKLIS: Mr. Chairman. In addition
49 to what Rich Cannon and Dr. Howard have said, if you
50 look on Page 23 of your analysis, Figure 12 on Page 23,

1 it shows the length distribution of a population and
2 the catchability or selectivity for the 7.5 inch mesh
3 and the point made there is that that gear type matches
4 the distribution of the population of chinook salmon
5 and catches proportionately. There also is mention in
6 Rich's presentation about the importance of managing
7 for exploitation and bringing that to a level that
8 achieves the quality of escapement that's needed. But
9 the information we have in hand does not indicate that
10 we need to eliminate the subsistence and commercial
11 chinook salmon fisheries. So this is a mesh size of
12 gillnet that provides for a chinook salmon fishery
13 that's well matched to the run and then exploitation
14 rate management can provide the numbers of fish of
15 quality that are needed.

16

17 Thank you.

18

19 MR. EDWARDS: Mr. Chairman. In no way
20 was I suggesting that we would want to eliminate the
21 subsistence harvest. The question is, you know, the
22 reality is, you know, is mesh size alone going to be
23 sufficient and, again, at least in my view, just to
24 maintain the status quo, let alone trying to go back to
25 what historical rates used to be.

26

27 CHAIRMAN FLEAGLE: Jon Hilsinger,
28 direct response.

29

30 MR. HILSINGER: Thank you, Mr.
31 Chairman. I just had a question with regard to Dr.
32 Bromaghin's study and it's my impression that in his
33 analysis in his scenarios, they assume that the changes
34 that we've seen are entirely caused by genetic changes
35 due to harvest with large mesh gear, did he look at
36 what might be the effect if some other cause is related
37 to the change in size, for instance, I think you
38 mentioned that there may be a change in size and age
39 related to ocean temperatures and that kind of thing,
40 did he factor that in at all?

41

42 Thank you.

43

44 CHAIRMAN FLEAGLE: Rich.

45

46 MR. CANNON: Through the Chair. Mr.
47 Hilsinger. No, the point of the model was to -- not to
48 include that kind of consideration, just to focus on
49 the effects of mesh size, that's the whole purpose of
50 the modeling effort.

1 CHAIRMAN FLEAGLE: Jon.
2
3 MR. HILSINGER: Thank you, Mr.
4 Chairman. So if the cause was related, say, to changes
5 in ocean temperature and those kinds of things, do we
6 have a good idea what the response might be by changing
7 the mesh size or taking these other actions?
8
9 MR. CANNON: Through the Chair. Mr.
10 Hilsinger. What we know, based on the information we
11 have is that it's as simple as this, that larger mesh
12 catches larger fish. By reducing the mesh size we hope
13 to focus the harvest on the size of the population
14 that's coming in and we hope then to see the fish that
15 are spawning also being representative of what came
16 into the run, the population -- the characteristics of
17 the population, that's the best we can do with
18 management.
19
20 The effects of environment and the
21 effects of the -- the much more subtle effects of mesh
22 size are pretty much impossible to untangle by just
23 looking at your fisheries data, that's why we had to go
24 to a model to try to untangle that.
25
26 However, without good measures of what
27 we've accomplished, for example, good information on
28 all the spawning grounds, we'll really never know if
29 we've achieved what we hope to.
30
31 CHAIRMAN FLEAGLE: Thank you. And I
32 apologize, Weaver, for letting Jon cut you off, I
33 thought his request to speak was direct response to the
34 exchange with Gary. So having said that I now turn to
35 you for your comments or questions.
36
37 MR. IVANOFF: Thank you, Mr. Chairman.
38 Apology not necessary.
39
40 (Laughter)
41
42 MR. IVANOFF: I'm used to that.
43
44 (Laughter)
45
46 MR. IVANOFF: I'm kidding.
47
48 (Laughter)
49
50 MR. IVANOFF: You know, you're always

1 talking about the quality of escapement, that's
2 probably the number 1 goal, plus escapement of the
3 chinook, and there are several factors that affect that
4 quality of escapement and a lot of it is that we don't
5 have a lot of information on the Yukon River and it's
6 geared mostly for the Alaska Department of Fish and
7 Game. You had a hypothetical run of 200,000 chinook
8 and then you had a -- and you showed a graph showing
9 what the effects would be 8.5 -- or mesh sizes compared
10 to catching 7 and 8 year old chinook, it's pretty --
11 very little difference in the 30, 40 percent range, but
12 when you get into the 50 and the 60 percent range of
13 exploitation, the catch of the 7 and 8 year olds
14 skyrockets and that's understandable. What I'm trying
15 to get at is that what's the usual exploitation rate
16 that we're talking, some realistic figure, not a
17 hypothetical, I mean what's the exploitation rate right
18 now on the Yukon River as compared to your
19 hypothetical?

20

21 CHAIRMAN FLEAGLE: Dr. Howard.

22

23 DR. HOWARD: Through the Chair. So
24 recently it's more along the lines of the 30 percent.
25 And one other thing to mention that I forgot to mention
26 earlier is that Dr. Bromaghin's model, one of the key
27 factors -- like points to take away is that there is
28 this synergistic effect between the exploitation rate
29 and the mesh size and the current exploitation rates on
30 Yukon River chinook is lower than what he incorporated
31 into the model so that's -- you know, to me that's
32 pretty promising that, you know, the combination of
33 mesh size and exploitation rate, based on that model
34 could have a significant impact.

35

36 CHAIRMAN FLEAGLE: Go ahead, Weaver.

37

38 MR. IVANOFF: Thank you, Mr. Chair.
39 And I see that. But at the same time you have the
40 exploitation rate at the 7.5 mesh is catching larger --
41 more fish -- the exploitation rate therefore gets
42 higher. And what I'm hearing from most biologists
43 right now is that there is an escapement goal and the
44 escapement of the chinook is what's a big concern along
45 with the decreasing size of the chinook so going to the
46 7.5 mesh, if you look at the combination of increasing
47 the escapement goal and you're also with the 7.5 inch
48 mesh, increasing exploitation rate, catching more of
49 the fish that are smaller or younger than the 7 year
50 olds, there's a balance there, and that's what I'm

1 trying to get at also. I'm struggling with that one.

2

3 CHAIRMAN FLEAGLE: Do you have a
4 response, Dr. Howard.

5

6 DR. HOWARD: Through the Chair. So
7 what other things to consider is that -- so in recent
8 years we haven't seen the numbers in the run that we
9 would expect based on the escapements we've had, say
10 for the Canadian origin stocks, five, six years ago,
11 you know, the escapements had been pretty good, so
12 we've seen a dropped in the numbers of returns in the
13 last three years that are less than what we would
14 expect based on those escapements. So what that
15 indicates is that something else is going on as far as
16 production goes, that has been going on in recent years
17 but hasn't, you know, we can't really put a factor on
18 -- a finger on what exactly that difference in
19 productivity is due to. It could be marine
20 environmental conditions. Somebody mentioned earlier
21 some work by Dr. Myers, who was studying, you know, the
22 influence of marine water temperature and how that
23 might affect age and growth of returning chinook
24 salmon.

25

26 So there are a number of factors that
27 could play into it that are, you know, sort of on the
28 periphery of what we're talking about.

29

30 CHAIRMAN FLEAGLE: Weaver.

31

32 MR. IVANOFF: Thank you. The real
33 concern right now is the size of the salmon run, the
34 chinook run, and that's a concern on the Yukon River as
35 well as in the Norton Sound area. I'm a commercial
36 fisherman and a subsistence fisherman also and so I pay
37 a little attention to what's been going on in our
38 sister rivers and region. And at this point I really
39 don't see evidence of reducing the size of the mesh and
40 the length would play into the factor of the
41 sustainability of the salmon. There might be a factor
42 that the size of the fish would be impacted and there's
43 a big may in there. But as most people hear, and what
44 I've been hearing say is that you've got to have -- if
45 you're going to reduce the mesh size, you've got to
46 reduce exploitation rates, you've got to have other
47 measures so that you, therefore, increase the size of
48 the salmon and right now I don't see that. We're just
49 looking at the size of the mesh gear and that doesn't
50 play into that sustainability of the chinook. The size

1 of the run and the escapement of the salmon is the
2 factor and to me that plays the big part.

3

4 CHAIRMAN FLEAGLE: Thank you, Weaver.
5 I'll get to you Virgil.

6

7 I just wanted to weigh in on -- I know
8 we're talking about the rearing conditions in the ocean
9 and I recall the presentation that Dani gave this group
10 in March of '07 that spoke to these variables in the
11 Bering Sea that we don't fully know and just a couple
12 of them have been mentioned here, water temperature,
13 there's a competition for food sources by the farmed
14 salmon, there's the food sources itself and their
15 ability to reproduce and in abundance with the
16 differing conditions and then there's the nutrient
17 mixing storms that have not been evident in the last
18 several years as they were in the past, and all of
19 those conditions may weigh in on the size issue. And I
20 think the point that I'm hearing here is that we're
21 trying to salvage the larger size that we have control
22 over after they enter the river. We don't have control
23 over the marine environment although we're trying to
24 exert a little bit of that through the North Pacific
25 Fisheries Management Council process.

26

27 This just leads into a question that's
28 raised in my mind listening to the discussion from the
29 previous questions, though, on the bycatch issue, the
30 pollock fisheries issue, I know it's been kind of
31 estimated that the percentage of the fish caught in
32 that pollock fisheries, chinook, bound for the Yukon
33 are I think 25 percent, roughly, do they have any data
34 that would say what the size of those chinook were
35 caught or are they a mixed stock, mixed size stock
36 composition?

37

38 Any idea?

39

40 Are they catching big fish in the
41 pollock nets, are they catching little fish or is it
42 just a mix across the board?

43

44 Pete.

45

46 MR. PROBASCO: Thank you, Mr. Chair.
47 OSM has been following the Council's actions on this
48 and our understanding from the information that these
49 are rearing chinook and that they are various age
50 classes but they wouldn't be what you would draw a

1 comparison from large fish immediately going into the
2 river, they're fish that are destined to but they're a
3 younger age class.

4
5 Mr. Chair.

6
7 CHAIRMAN FLEAGLE: By younger, you're
8 referring to under five?

9
10 MR. PROBASCO: I don't have the actual
11 age data, but I think you're looking at the 3 and 4
12 year age component.

13
14 Mr. Chair.

15
16 CHAIRMAN FLEAGLE: Okay, well, that's
17 fair.

18
19 MR. PROBASCO: And I got thumb's up
20 from Mr. Rivard.

21
22 CHAIRMAN FLEAGLE: Hi, Don, thanks. I
23 appreciate that. Okay, and it just -- you know,
24 there's all kinds of little different angles and this
25 is a pretty complicated situation and issue and I know
26 we're only being able to look at and address one piece
27 of it through this proposal.

28
29 Virgil.

30
31 MR. UMPHENOUR: Thank you, Mr. Chair.
32 There's one issue that's really been troublesome to me
33 and the Eastern Interior RAC, and that is when the
34 Department changed the sonar technology at Pilot
35 Station and went to using the DIDSON that they count 30
36 percent more fish than what they did previously. Now,
37 I believe that you've accounted for that on the
38 Canadian component and tried to factor that in on
39 border passage, but as far as total runs, I don't think
40 that's been factored in and I'd like to know if it has
41 been factored in and if not, when is it going to be
42 factored in because we're comparing numbers of passage
43 at Pilot Station, like last year 121,000 or 24,000 and
44 then you go back and say the 10 year average of 20 year
45 average is X-thousand, but up until the DIDSON sonar
46 was used you were counting 30 percent less fish so
47 you're counting really 30 percent more fish than what
48 you were counting pre-DIDSON, so that 124,000 number
49 would really be somewhere between 85 and 90,000 fish
50 instead under the old system.

1 So I'd like -- do you have any comments
2 on that, when is it going to get straightened out?

3

4 CHAIRMAN FLEAGLE: Dr. Howard.

5

6 DR. HOWARD: Through the Chair. So
7 currently the way we construct the chinook run is
8 really based on the Canadian component of the run and
9 we feel really confident in Eagle Sonar and the numbers
10 that we're getting from that project as far as the
11 number of Canadian fish passing Eagle Sonar and going
12 up into Canada. And then in addition to that we also
13 look at subsistence harvest and commercial harvest,
14 when there is one, and the Canadian component of that
15 run using genetic information. So that's -- and
16 typically 50 percent of the run is Canadian origin, so
17 when we're looking at the overall size of the run we're
18 basing it on that Canadian origin component and then,
19 you know, basically multiplying it by two.

20

21 So the Pilot Station sonar is sort of
22 our best indicator for in-season -- as far as in-season
23 projects go for the size of the run, but that's not
24 what we're really basing our run reconstruction on.

25

26 Does that clarify?

27

28 MR. UMPHENOUR: Maybe.

29

30 (Laughter)

31

32 MR. UMPHENOUR: Okay. You're basing
33 the run reconstruction now on Eagle Sonar, I think
34 that's what I heard you say, you're not basing it on
35 Pilot Station anymore -- okay, that's fine with me.
36 However, the first part of my question I asked awhile
37 ago, and that is -- well, what it does to me is I look
38 at 125 passed Pilot Station, like last year, somewhere
39 in that neighborhood, and then I look at what the
40 commercial harvest was in the '80s and the '90s and I
41 -- to me, to not -- well, maybe that's adequate, I
42 don't know. But I do know one thing, I know that the
43 Canadian component, this last year or two has not been
44 as near as high as what it had been previously and
45 there's been discussion about maybe the Canadian
46 component isn't as productive as the U.S. component and
47 so if we -- anyway, I'm probably muddling everyone up,
48 I'll just shut up.

49

50 Mr. Chair.

1 (Laughter)

2

3 CHAIRMAN FLEAGLE: Thank you, Virgil.

4 Jack.

5

6 MR. REAKOFF: Follow up discussion
7 about marine variability. Actually when the runs are
8 weak, coming back as smaller fish and using a fixed
9 gear type of 8 and 3/4, 8.5 inch gear, the effect on
10 the genetics of that chinook population is actually
11 exponentially much higher because you're straining off
12 the larger fish at a much higher rate. People say,
13 well, I don't see any real difference in the fish,
14 that's because people are fishing at 8.5 inch gear and
15 they're catching a certain number of fish, they meet
16 their needs and they see what they see in the net. The
17 reality is you fish a fixed gear type on a marine
18 crash, you're straining off all of the big fish,
19 basically you're taking all of the big ones out of the
20 run and it's actually the worst thing to be doing when
21 you have a marine decline, is to keep hammering away on
22 the largest stocks.

23

24 And so, yes, there is a variability in
25 sizes inter-annually but it's actually critical not to
26 overharvest those larger genetic phenotypes during
27 those low years and so people are trying to meet their
28 subsistence needs and with large mesh gear they strain
29 off all of the bigger fish on these low return years.

30

31 CHAIRMAN FLEAGLE: Other questions.

32 Gary.

33

34 MR. EDWARDS: I just had one question
35 for Dr. Howard. When you used the -- you said, when
36 you were asked about the exploitation rate and you used
37 30 percent, were you talking about the total run
38 because in the table, at least on the Yukon River,
39 since 1982 it's always been higher than 30 percent,
40 even as high as almost 70 percent some years. So I'm
41 assuming you were addressing the entire run and not
42 just the Canadian origin fish.

43

44 DR. HOWARD: Through the Chair, yes.

45

46 CHAIRMAN FLEAGLE: Jon Hilsinger.

47

48 MR. HILSINGER: Thank you, Mr. Chairman.
49 I did just want to clarify a little bit for Mr.
50 Ivanoff's question about the exploitation rates.

1 And we've actually been going through a
2 period of pretty intense learning on the Yukon River in
3 recent years. I think development of the Eagle Sonar
4 project advanced our understanding of those runs
5 probably by a factor of 10 and where -- and what we
6 found was that there's actually about twice as many
7 fish crossing the border every year as we used to think
8 there were. The Canadian mark/recapture project
9 indicated a run about half of what's actually going
10 across the border and the Canadians agree that that's
11 the case. And so what we used to think was an
12 exploitation rate of 80 percent really was all along
13 was a much more lower exploitation rate and we've since
14 taken steps even to reduce those exploitation rates
15 farther. And if you look at some of escapement graphs
16 in Mr. Cannon's analysis you'll see that a number of
17 the systems in Alaska, most of the years escapements in
18 recent years are well above the goal so we actually
19 have been having very large escapements and a much
20 lower harvest rate. And we do that, of course, because
21 we manage for the escapement goals and we have had
22 those differences in the productivity between the
23 Canadian stock and the U.S. stocks. And so while we've
24 tried to take specific measures to reduce the
25 exploitation rate on the Canadian stocks, that's had an
26 effect of also substantially reducing exploitation
27 rates on the U.S. stocks.

28

29 Thank you.

30

31 CHAIRMAN FLEAGLE: Thank you, Jon.

32 Other questions.

33

34 (No comments)

35

36 CHAIRMAN FLEAGLE: Do you want to break

37 for lunch.

38

39 MR. PROBASCO: Do you want to do

40 written public comments and then break.

41

42 CHAIRMAN FLEAGLE: Okay, that's a good

43 suggestion.

44

45 Pete suggested that we overview written

46 public comments before we break for lunch.

47

48 Larry.

49

50 Rich.

1 MR. PROBASCO: Polly.

2

3 CHAIRMAN FLEAGLE: Polly.

4

5 DR. WHEELER: Actually, Mr. Chair,

6 that's me.

7

8 As you can see from the materials
9 included in your packet 14 written public comments have
10 been submitted in response to Proposals 09-12 and/or
11 09-13. Some of these comments address one or the other
12 proposal but most address both. The comments are
13 therefore provided at the end of the pair of proposal
14 analysis, although the tally of positions is summarized
15 for each proposal in the executive summary. You can
16 find the full set of public comments on Pages 63
17 through 83 in your book.

18

19 Comments were received from the
20 following entities or individuals.

21

22 Alakanuk City Council.

23

24 John Andrew of Marshall.

25

26 Felix Hess on behalf of -- and Francis
27 told me how to pronounce this and I'm probably going
28 to.....

29

30 MR. THOMPSON: Azachorok.

31

32 DR. WHEELER: Thank you. What Francis
33 said, on behalf of that entity incorporated.

34

35 (Laughter)

36

37 DR. WHEELER: We also received a
38 comment or comments from the Association of Village
39 Council Presidents.

40

41 From John Matt Joe, the general manager
42 of what Francis just said.

43

44 Norma Evan on family of Marshall.

45

46 Norma Evan as an individual from
47 Marshall.

48

49 Judy Gottlieb, a former Federal
50 Subsistence Board member.

1 Teddy Heckman.

2

3 A combined comment from the city of
4 Mountain Village, that group that
5 Francis just referred to and
6 Asa'carsarmiut Tribal Council.

7

8 We also received a comment from
9 Ohogamiut Traditional Council.

10

11 United Fishermen of Alaska.

12

13 Yukon Delta Fisheries Development
14 Association.

15

16 The comment from the Yukon Delta
17 Fisheries Development Association was delivered to the
18 Yukon Kuskokwim Delta Regional Advisory Council meeting
19 when it met in Bethel in March of 2010.

20

21 The other comments were received
22 earlier in the process, but, inadvertently were not
23 incorporated into materials for the winter 2010
24 Regional Advisory Council meeting cycle. However, upon
25 careful review we find that these comments all fall
26 within the range of views expressed when similar
27 proposals were addressed during the 2008 regulatory
28 cycle and the range of views expressed during the
29 winter 2010 Council meeting cycle on the current
30 proposals.

31

32 The perspectives offered by the
33 comments have thus been considered by the Regional
34 Advisory Councils during their deliberations on the
35 content of these analysis.

36

37 Mr. Chair, and, Board Members, as a
38 final note, a reminder that all public comments are
39 included as part of the administrative record. So you
40 have them before you in the book and they're also part
41 of the administrative record.

42

43 Mr. Chair.

44

45 CHAIRMAN FLEAGLE: All right, thank
46 you, Dr. Polly Wheeler.

47

48 With that, we're going to go ahead and
49 take a lunch break and when we come back we'll be
50 taking up public testimony. And at the time we gavel

1 back in from the break that will be the deadline for
2 accepting cards for testimony so when you come back and
3 if you want to testify on Proposals 12 and 13, please
4 submit -- I'm sorry, Proposal 12, please submit your
5 card before we begin public testimony after the break.
6 And, with that, we will return at 1:00 o'clock.

7

8 (Off record)

9

10 (On record)

11

12 CHAIRMAN FLEAGLE: Good afternoon. The
13 Federal Subsistence Board is back on record. And we
14 are about to proceed with oral public testimony. And
15 at this time I'll give you -- if there's anybody that
16 has not turned in a green card, please do so in the
17 next five minutes, and that will be the cut-off time
18 for a sign-up to testify. And we'll go ahead and start
19 with our list there.

20

21 Polly.

22

23 DR. WHEELER: The first name we have,
24 Mr. Chair, is Frank Alstrom. Frank Alstrom. Okay.
25 We'll call him again.

26

27 CHAIRMAN FLEAGLE: Yeah, we should
28 probably call him again later.

29

30 DR. WHEELER: Okay. We'll call --
31 we'll go through the full list and then -- and then
32 call the names again at the end of them. We'll put the
33 Mr. Alstrom to the -- Mr. Frank Alstrom that is to the
34 back of the list.

35

36 The next name is Nicholas Tucker. Mr.
37 Tucker.

38

39 CHAIRMAN FLEAGLE: And as Nicholas
40 Tucker makes his way up, I want to just point out
41 again, we are discussing Proposal 12, so everybody
42 that's testifying on this proposal, I'd ask that you
43 please limit your discussion to the proposal, and limit
44 the time to five minutes so that we can get everybody
45 in.

46

47 And with that, we'll go ahead and start
48 off with Nicholas. Go ahead, please.

49

50 MR. TUCKER: Good afternoon, Mr.

1 Chairman and Board members. I have only one testimony
2 that references regarding FP09-12 and 13, so if you'll
3 allow me to, I would like to do that.

4

5 CHAIRMAN FLEAGLE: Sure.

6

7 MR. TUCKER: And again my name is
8 Nicholas Tucker from Emmonak, Alaska. Please take
9 these -- you should have in front of you a copy of the
10 notes of my testimony as well as Makaris Katz (ph).

11

12 In saying that I support FP09-12, by
13 that I mean I have no choice at the moment. I support
14 status quo at 7.5 inch as passed by the Alaska Board of
15 Fisheries, and as modified by OSM, and I oppose FP09-
16 13.

17

18 FP09-13 would severely restrict, if not
19 deprive our ability to harvest all our salmon. During
20 the winter of 2008, the Lower Yukon villages
21 experienced a humanitarian crisis, and that we cannot
22 forget. It is bewildering enough to have the reduction
23 to 7.5 inch, take away the majority of our nutritious,
24 oil-rich salmon.

25

26 I am convinced that what we do today
27 and in the future will do great injustice and
28 irreparable damage to our Lower Yukon commercial and
29 subsistence individuals, families and communities.

30

31 Please take time to read the attached
32 public comment number 6. This is new information and
33 requires your attention. Please note my comments to
34 Mr. Ken Salazar, the Secretary of the Interior.

35

36 Perhaps if you capture the emotion, the
37 spirit and the sense of the morbid loss of one from
38 within your own culture, you might taste a little of
39 what we are forced to undergo and endure, the slow
40 agonizing death by attrition of our 10,000 year
41 traditions, cultures, and way of life, and just as
42 equally, every aspect of our present-day village life
43 is exemplified by in this most infinitesimal degree by
44 Mr. Andy Bassich of Eagle, Alaska. Please refer to
45 attachment A, Pages 160/167 of the transcript of the
46 joint Eastern/Western Interior Federal Subsistence RAC
47 meeting, public meeting, on February 23, 2010 in
48 Fairbanks. And I called Mr. Bassich.

49

50 And I guess looking at that, I feel a

1 little heartbroken I guess, and Mr. Woodruff and
2 Lester, we're all endangered species now. And I'm
3 wondering maybe how to get a Federal act to protect the
4 endangered species here.

5
6 But the reason I joke about that is
7 because it's something that is very near and dear to
8 me, and it points to something I often forget, and that
9 is that Alaska has a certain lifestyle to me anyway.
10 Alaska was built on a certain lifestyle and many of us
11 in this room live subsistence or traditional, whatever
12 you want to call it, but it's a way of living, and this
13 was an integral part of that. It's kind of saddened
14 for me to see that slowly dying of attrition, because I
15 think we lose a lot as Alaskans when we lose those
16 parts of our roots and our heritage and our cultures,
17 cultural ways in the state. But I think that really
18 cleared it to me, because I'm a dog musher. and that
19 really hits home and really drives home the point of
20 how we are losing this slowly, and oftentimes we don't
21 realize what these impacts are.

22
23 Our immigrant friends on the Yukon in
24 recent generations have had the privilege to have
25 tasted the tiniest bit of our 10,000 year old way of
26 life. What they cherish and hold today were embedded
27 into our Native spirits and hearts during the first
28 generation of the 10,000 year sacred way of life.

29
30 Finally, I recommend that we take a
31 couple of meeting cycles to address and take action
32 just on the decades old illegal roe fishing, illegally
33 subsistence caught fish for sale and the uncontrolled,
34 non-regulated customary trade. Our Yukon salmon is
35 rapidly declining. It's in dire straits due largely on
36 account of these illegal activities. Large salmon and
37 females aren't just making it to the spawning grounds.
38 We can relentlessly continue to unjustly bombard the
39 Lower Yukon, lower the Chinook by-catch and the chum
40 intercepts and lower US/Canada border salmon passage,
41 but our purpose is to rebuild and restore these stocks.
42 We'll be defeated if these activities are not
43 addressed, acted on and law enforced. We will continue
44 on our course given the injustice and disservice
45 currently being executed towards our Alaska salmon
46 resource and the most impoverished region that is under
47 third world conditions.

48
49 And that is all I have, Mr. Chairman.
50 Members of the Board. And if you have any questions,

1 I'll be happy to answer them.

2

3 CHAIRMAN FLEAGLE: Thank you, Nicholas,
4 for your testimony. Board members, questions.

5

6 (No comments)

7

8 CHAIRMAN FLEAGLE: Council members.

9

10 MR. TUCKER: We have -- time's up.

11 Thank you.

12

13 CHAIRMAN FLEAGLE: Excuse me, I pushed
14 the wrong button. I finally cut somebody off and he
15 wasn't even talking. Go ahead.

16

17 MR. TUCKER: Yeah. Please, I'm urging
18 you to read that public comment number 6. It's very
19 important that you find out exactly what's happened to
20 our subsistence commercial fishery, how it became what
21 it is today, and, of course, of our 10,000 year
22 history.

23

24 As you know in your own culture, you
25 adapt and make your life worthwhile and comfortable,
26 and that's the way it is with our culture today. We
27 have to adapt with what we are given and since we
28 aren't able to go out 50 miles in a short period of
29 time because of our children in our communities, that
30 we have to raise near the school, we have to utilize
31 different modes of travel and methods and all those
32 things to take care of ourselves and retain our
33 culture, traditions, heritage, dancers, rituals, and
34 everything that comes with our culture.

35

36 Thank you, Mr. Chairman.

37

38 CHAIRMAN FLEAGLE: Thank you, Nicholas.
39 Appreciate the testimony.

40

41 Dr. Wheeler, next.

42

43 DR. WHEELER: Billy Charles.

44

45 MR. CHARLES: Thank you. Mr. Chairman.
46 Members of the Board.

47

48 I would just like to go on record and
49 state for the Proposal 09-13 and 09-12, I'm in
50 opposition of. And I'm still maintaining that position

1 today. I believe that there are other conservation
2 measures that haven't been really proven out there.

3
4 For the years that I've been here,
5 every year that -- every time we come up before the --
6 whether this Board or the Board of Fish, we are
7 constantly being cut. There was at one point our depth
8 size were cut. Another time the fishing time was cut.
9 And it just goes on. And for -- and in the short time
10 while we're doing all these cuts for conservation,
11 pretty soon it wouldn't be effective -- gillnetting in
12 the river is not going to be effective any more. It
13 will just be drifting any more.

14
15 But for the record, and I've stated
16 this in the past that I'm opposed to any further
17 restrictions, and in this case I'm opposed to 09-13 and
18 09-12. I believe this is a reallocation, because if
19 we're foregoing and we let this product go by, it's
20 going to be harvested elsewhere.

21
22 Like I stated this morning, I think
23 there are alternatives. Maybe considering the
24 restrictions of other types of gear, and especially the
25 monitoring and the enforcement aspect portion of
26 conservation needs to be reviewed before any further
27 restrictions are imposed on us.

28
29 Thank you, Mr. Chair.

30
31 CHAIRMAN FLEAGLE: All right. Thank
32 you, Billy, for the testimony.

33
34 Questions, Board members.

35
36 (No comments)

37
38 CHAIRMAN FLEAGLE: Thank you.

39
40 MR. CHARLES: Quyana.

41
42 CHAIRMAN FLEAGLE: Polly.

43
44 DR. WHEELER: The next person is Stan
45 Shepard.

46
47 CHAIRMAN FLEAGLE: Stan Shepard is --
48 was not able to make the meeting, but is attending by
49 teleconference, and we need to check -- no, he's not?
50 Okay. Thank you, Sherry. Do you want to speak a

1 couple words on his behalf?

2

3 DR. WHEELER: The next card I have is
4 actually Sherry Wright for Stan Shepard, only if he's
5 not here. So I guess he's not here, so.....

6

7 CHAIRMAN FLEAGLE: Yeah, he's not here.

8

9 DR. WHEELER: All right. That will
10 be.....

11

12 CHAIRMAN FLEAGLE: We were going to do
13 this telephonically if he was able to call in.

14

15 DR. WHEELER: Okay.

16

17 MS. WRIGHT: Yeah. I actually called
18 him (indiscernible, away from microphone)

19

20 CHAIRMAN FLEAGLE: Yeah. Go ahead.
21 Sherry Wright. Name first, please.

22

23 MS. WRIGHT: My name is Sherry Wright,
24 and I did get ahold of Stan when we had the break for
25 lunch and he was able to get to Bethel this morning.
26 He was weathered in in Mountain Village, and he gave me
27 his testimony over the phone, so I jotted down some
28 notes. So with your permission.

29

30 Mr. Chair and members of the Federal
31 Subsistence Board. My name is Sherry Wright and I'll
32 be giving Stan Shepard's testimony.

33

34 He represents the Lower Yukon Fish and
35 Game Advisory Committee. And he was born and raised on
36 the Lower Yukon, dependent on subsistence.

37

38 And we did have -- the Lower Yukon Fish
39 and Game Advisory Committee did have a meeting on
40 October 7th and 8th. And I did give copies of the
41 minutes of that meeting to you. There's quite a bit of
42 testimony from all up and down the river. There was a
43 good amount of public at that meeting in Marshall, and
44 a lot of good testimony there about people's way of
45 life. And then they met again on April 7th and
46 addressed these two proposals in particular.

47

48 The emphasis on subsistence
49 restrictions was discussed. The abundance of salmon
50 has not been a problem, but with restrictions on

1 fishing and these windows are making few choices for
2 people. When the majority of the people that depend on
3 subsistence end up having to apply for food stamps and
4 energy assistance and welfare and these types of
5 things. The elders have seen a drastic change to the
6 subsistence way of life and seem to be barely hanging
7 on.

8

9 He wanted to encourage the Board to
10 review all the testimonies given. It is very important
11 to understand how we live and how these proposals
12 affect our way of life.

13

14 And then just from the April 7th
15 meeting, Proposal 09-12, it is important that the
16 amount of money it will cost to change the mesh size is
17 taken into consideration. It is not economically
18 viable -- one of the members said it was not
19 economically viable to purchase a cotton net that is
20 going to not hold up. This proposal would allow a
21 three-year phase in for subsistence and one for
22 commercial fishing for the implementation. And two
23 voted in favor, but eight opposed that.

24

25 And then on FP09-13, one of the members
26 said, anything with an American flag swims deeper. In
27 some areas it is necessary to go into deeper water. And
28 they voted zero for, 10 against on that proposal.

29

30 And, Mr. Chair, thank you. This is all
31 that I have.

32

33 CHAIRMAN FLEAGLE: Thank you for
34 sharing that with us, Sherry.

35

36 Polly.

37

38 DR. WHEELER: Francis Thompson.

39

40 MR. THOMPSON: Good afternoon, Mr.
41 Chairman. Members of the Council. My name is Francis
42 Thompson from the Community of St. Mary's.

43

44 On FP09-12, I oppose the mesh size, 7.5
45 proposal there. The conservation measures being
46 considered right now are -- of the Chinook salmon of
47 Canadian-origin stock, which composes 50 percent of the
48 run coming into the Yukon.

49

50 And salmon coming into the mouth of the

1 Yukon fresh from the ocean are round and robust and as
2 one of the RAC Council members says, that we need to
3 use gear that's efficient in catching the salmon. And
4 7.5 I believe is going to be too small. And we're
5 going to have a high drop-off rate. We've testified to
6 that.

7

8 And the mesh size studies conducted as
9 mentioned by Dr. Katie Howard was done at the quarter
10 points, and this I believe does not mimic the fisheries
11 opportunities or the fishery openings that we have in
12 the lower river. We're never opened on the front end
13 of the run. We're opened at the end for the commercial
14 fishery. And for subsistence windows, we either hit or
15 miss salmon. And if they really want -- if you really
16 want to see the effectiveness of 7.5 then you should
17 have them fish at the end part of the run as we fish
18 commercially, and not in the front end or the middle of
19 the run.

20

21 And again size being the concern is
22 determined by ocean conditions as presented by Kate
23 Meyers. Last year we did see large fish on the lower
24 river. I had told my wife that we need to redo our
25 smoke houses, because the fish will be touching the
26 ground, they were that big. We did have some cold
27 water ocean conditions. I believe that the fish came
28 in larger. Kate Meyers mentioned that we're getting
29 into an El Nino situation here and probably we're going
30 to be looking at smaller Chinook salmon returns in the
31 future.

32

33 CHAIRMAN FLEAGLE: Just a second,
34 Francis. Can somebody find a mute button on that.

35

36 (Trying to get teleconference quiet)

37

38 CHAIRMAN FLEAGLE: Well, it's not
39 happening now, so let's go ahead and proceed. Sorry,
40 Francis.

41

42 MR. THOMPSON: Can I restart my five
43 minutes?

44

45 (Laughter)

46

47 CHAIRMAN FLEAGLE: But that didn't --
48 that wasn't charged against you either.

49

50 MR. THOMPSON: Okay. So I'd like to

1 mention again oppose FP09-12 for the reasons stated.

2

3 And the other -- one of the other
4 reasons, the RACs were established to address regional
5 issues, and I believe that the RACS coming from -- or
6 the proposals coming from Eastern Interior RAC are
7 outside of their region.

8

9 And the other concern I have is if
10 there's going to be subsistence regulations proposed,
11 that they should come from subsistence use areas and
12 not from non-subsistence use areas.

13

14 Thank you, Mr. Chair.

15

16 CHAIRMAN FLEAGLE: All right. Thank
17 you for the testimony.

18

19 Questions.

20

21 (No comments)

22

23 CHAIRMAN FLEAGLE: Thank you.

24

25 MR. THOMPSON: Thank you.

26

27 CHAIRMAN FLEAGLE: Next.

28

29 DR. WHEELER: Mr. Chair, next we have
30 Gene Sandone speaking on behalf of Yukon Delta
31 Fisheries Development Association.

32

33 MR. SANDONE: Good afternoon, Mr. Chair
34 and members of the Board, ADF&G Staff, OSM Staff, and
35 support Staff. My name is Gene Sandone. I'm
36 representing Yukon Delta Fisheries Development
37 Association. I am a retired ADF&G employee. I spent
38 26 years with the Department. I was associated with
39 Yukon River research and management for 16 years during
40 that 26 years.

41

42 First off I want to say that Yukon
43 Delta supports the OSM conclusion on FP09-12,
44 additionally supports the ADF&G comments on that
45 proposal, and also supports the OSM conclusion on FP09-
46 13 and also the ADF&G comments on FP09-13.

47

48 I'd like to draw your attention to
49 FP09, the Staff analysis, Page 13, if you will. And
50 I'd just like to point out that I think the downturn in

1 productivity with the Yukon, it's FP09-12, Page 13, the
2 graph at the top of the page, it shows the total run
3 and total exploitation rate of Canadian-origin Chinook
4 salmon.

5
6 And I just want to point out to you
7 that something dramatic happened in 1998. The fish
8 came back emaciated. They came back diseased. We
9 attributed this to ocean conditions. Since that time,
10 the productivity of the Chinook salmon has markedly --
11 well, it's been up and down, but it's a lot less than
12 prior to 1998. And I attribute this to mainly ocean
13 conditions. There was coccolithophore blooms in the
14 Bering Sea which people described as pea soup, that you
15 couldn't see anything through them. Fish had a hard
16 time eating in them.

17
18 Dr. Kate Meyer presented a presentation
19 at the Panel meeting that indicated that the ocean is
20 going through warm and cold periods and affect size at
21 age. So my point here is that the decreasing size at
22 age and decline of age 7 component, is not totally
23 attributable to size selectivity. It is probably a
24 combination of size selectivity and ocean conditions.

25
26 The age 8 component, even if we believe
27 the scale aging process is correct, and they aged age 8
28 correctly, the vast majority, 90 percent plus of the
29 age 8 component are two fresh water fish. In other
30 words, they spend two years in fresh water before going
31 to the ocean. They spend five years in the ocean and
32 return. This is most of the fish, 90 percent plus
33 again, of the Yukon River fish age 4 or age 3 through
34 7, are one fresh water fish. That means they spend one
35 year in the fresh water. So I think the disappearance
36 of the 8-year old component is probably due to
37 environmental circumstances in fresh water rather than
38 net selectivity as some would like you to believe.

39
40 Also, if you flip the page over to Page
41 14 and look at the top of the page there on the
42 escapement, I just want to point out that Yukon River
43 Chinook salmon is a yield concern. You can see that
44 from the previous graph. The escapements, this is a
45 new escapement data base that was put in in 2008, the
46 prior escapement data base from DFO fishwheels was
47 basically assessed to erroneous. It seemed like they
48 continually under counted the numbers of fish crossing
49 the border, and it wasn't a consistent pattern.

50

1 This is the new data base. And as you
2 can see the escapement goal prior to this year was
3 45,000 for the last two years, and the median of those
4 escapements is 45,000. So I want to point out that
5 Yukon River Chinook salmon is not in dire straits.
6 It's in pretty good shape, except production is low.
7 And because of the flexibility in management of ADF&G,
8 because ADF&G manages the fishery on escapement,
9 exploitation rate is reduced when the runs are low.
10 And so they concentrate on meeting escapements.

11
12 The Panel just recommended that the
13 escapement goal be 42,000 to 55,000. And this even
14 will allow more of these years to fall into that range.

15
16 So since 2001, under the old regime you
17 missed it three times, and under this new regime, you
18 probably missed it twice.

19
20 I also want to inform you that because
21 of a maximum mesh size restriction of 7.5 inches, your
22 effectively reducing the mesh size depth approximately
23 3.5 feet. So combined with these -- with the first
24 proposal to max -- to limit the maximum mesh size to
25 7.5, you're effectively shortening the nets.

26
27 The 7.5 inch mesh overlays the size
28 composition of the total Chinook salmon run. In other
29 words, you're going to be harvesting fish from all size
30 classes in proportion to how they come into the river.
31 This means that you will hopefully get a good quality
32 escapements on the grounds that mimic the run or the
33 return.

34
35 CHAIRMAN FLEAGLE: Excuse me. Your
36 five minutes are up. Can I have you wrap up your
37 comments, please.

38
39 MR. SANDONE: Sure. And just to answer
40 Mr. Edwards' question about what mesh size that would
41 be recommended, I think I would recommend the 7.5,
42 because it mimics -- it will overlay the length
43 distribution of the run, and it also overlays the
44 length distribution of the male composition of the run,
45 something that is new information. And you'll be
46 harvesting more males.

47
48 Thank you.

49
50 CHAIRMAN FLEAGLE: All right. Thank

1 you, Gene. Questions.

2

3 (No comments)

4

5 CHAIRMAN FLEAGLE: Thank you for the
6 testimony.

7

8 MR. SANDONE: Thank you.

9

10 CHAIRMAN FLEAGLE: Polly.

11

12 DR. WHEELER: The next card is Timothy
13 Andrew, who wants to testify on behalf of Association
14 of Village Council Presidents and his views as a
15 private citizen, so I don't know how -- do you want to
16 take AVCP first?

17

18 CHAIRMAN FLEAGLE: Well, just come on
19 up, Tim, and you let us know which one you want to do
20 first, and we'll take questions for that, and then
21 start with the next one.

22

23 MR. ANDREW: Excuse me. Thank you, Mr.
24 Chair. I will do the AVCP testimony first and then my
25 personal testimony second.

26

27 And for the record, my name is Timothy
28 Andrew. I'm the director of Natural Resources for
29 AVCP. I'm based in Bethel.

30

31 And the subject of my testimony is
32 based around the substitute language proposal that was
33 circulated to the Board members prior to the break.

34

35 AVCP is also opposed to the 7.5 inch
36 maximum mesh proposal, primarily because it limits the
37 subsistence and commercial fishermen of the Lower
38 Yukon, or in fact the entire Yukon River to that mesh
39 size only. And also as we have testified in the Board
40 of Fisheries' proceedings in Fairbanks, it imposes a
41 lot of financial burden on people that otherwise can't
42 afford it at this time. Sure, there is a process right
43 now that is occurring where people are buying fish nets
44 for the people on the Lower Yukon, lowest Yukon, Lower
45 Yukon area, but there's also other people that will
46 also all through the cracks.

47

48 We do support the 7.5 inch proposal in
49 another way though, to make it a management option
50 rather than the law of the land. We believe that the

1 current system that we have out there is working, but
2 to address some of the concerns that the proponents of
3 this proposal has, we would recommend that the
4 management options for both the State and Federal
5 managers have a three tiered option. Right now there
6 is a restricted, which is 6.5 -- or 6 inch and below or
7 unrestricted, 6 inch and above. But the substitute
8 language that I had submitted earlier would allow for
9 the Federal and State managers to have a 6 inch and
10 perhaps 7.5 inch maximum and beyond 7.5 would be
11 unrestricted. And we believe that this is a longer-
12 term fix. It's not an immediate short-term fix. It's
13 adaptable and it gives the managers a lot of
14 flexibility to allow them to address a conservation
15 concern or an over-abundance of salmon, whether it be
16 chum salmon or kings during the summer, that summer
17 portion of the run, and feel that this would be a good
18 one.

19

20 We also stress that whenever we have a
21 mesh size change-over like the one proposed in front of
22 you, FP09-12, it's a considerable cost not only to the
23 people that are paying for the nets, but also for the
24 individual commercial and subsistence users.

25

26 And that concludes my AVCP testimony.

27 Mr. Chair.

28

29 CHAIRMAN FLEAGLE: All right. Thank
30 you, Timothy. And, Board members, I think you all have
31 it out in front of you, but in case you didn't, this
32 was passed out, his proposed language was passed out
33 before the break, so we have it.

34

35 Gary, a question.

36

37 MR. EDWARDS: Mr. Andrew, in reading
38 the proposal, I'm trying to understand. I guess the
39 major change is where you use the terminology, may use
40 as a management option. And I'm trying to understand
41 the mechanics. How would you visualize this actually
42 working on the ground, or in the water I guess I should
43 say, throughout the season?

44

45 MR. ANDREW: Yeah. Through the Chair.
46 Currently when the managers make an announcement on the
47 Lower Yukon, they basically say that this is going to
48 be a restricted opening. That usually indicates 6 inch
49 or smaller, or they announce an unrestricted opening,
50 which is 6 inch or larger. But as a management option,

1 what the managers can announce is that the maximum mesh
2 size is going to be 7.5 inch to address this particular
3 conservation concern, whereas in the past it was 6 inch
4 or smaller or 6 inch or greater. And I believe that
5 this 7.5 inch maximum portion of the management option
6 would provide an effective tool for managers to address
7 the concerns that the proponents of this proposal has
8 on this issue.

9

10 CHAIRMAN FLEAGLE: I have a question.
11 As far as the economic impact that you mentioned
12 earlier on the 7.5 inch, going to the 7.5 inch gear,
13 even with this substitute proposal, they would still
14 have to have 7.5 inch gear if you wanted to fish during
15 that closure and other gear, so it would be more
16 expensive. Right?

17

18 MR. ANDREW: Not necessarily so. If we
19 were to go to the 7.5 inch maximum proposal period with
20 no flexibility at all, this is going to be the
21 regulation, the law of the land, people would have to
22 regear to buy the 7.5 inch gear. But if it was used as
23 a management option, you know, if people don't
24 necessarily have to regear to the 7.5 inch unless they
25 want to participate in that 7.5 inch fishery.

26

27 Additionally, the substitute language
28 allows for a grace period of two years, to 2011, for
29 people to get the 7.5 inch gear. There are many -- a
30 lot of gear out there that's above 7.5 inch, and we
31 believe that it would be a waste and probably become a
32 landfill problem, too, if anything above 7.5 inch gear
33 would be totally eliminated.

34

35 CHAIRMAN FLEAGLE: Okay. Thank you.
36 Other questions.

37

38 Virgil.

39

40 MR. UMPHENOUR: Thank you. Tim, I
41 should have asked Mr. Sandone this question, but at the
42 Board of Fish meeting in January the Yukon River
43 Fisheries Development Association said that they were
44 going to purchase all new nets for the Lower Yukon
45 fishermen. Do you know what's happened about that?

46

47 MR. ANDREW: I am aware of their
48 efforts to purchase the nets, but I don't know if the
49 distribution is going to be for the commercial
50 fishermen or for subsistence fishermen or for both. I

1 don't now. I can't speak for the organization.
2
3 MR. UMPHENOUR: Thank you. Mr. Chair.
4
5 CHAIRMAN FLEAGLE: All right. Thank
6 you. We're having problems with discussions on the
7 telephone again.
8
9 UNIDENTIFIED VOICE: Okay. Never mind.
10
11 CHAIRMAN FLEAGLE: Lester, can you hear
12 us?
13
14 (No comments)
15
16 CHAIRMAN FLEAGLE: No. Anyway, it
17 seems to have subsided again.
18
19 Other questions. Kristin K'eit.
20
21 MS. K'EIT: Mr. Chair. I don't have a
22 question, but my Staff provided me a copy of a Tundra
23 Drums article that says there will be 1,000 nets
24 provided, 1,000 7.5 inch mesh nets by YRDFA it looks
25 like. They've ordered 500 for now at the cost of about
26 \$200,000 and will order another 500 next year.
27
28 Mr. Chair.
29
30 CHAIRMAN FLEAGLE: Thank you. Polly.
31
32 DR. WHEELER: Just as a point of
33 clarification. I believe that those nets are being
34 provided by the Yukon Delta Fisheries Development
35 Association, not YRDFA. YRDFA's a different
36 organization, so in the interest of clarity, it's Yukon
37 Delta Fisheries Development Association, not Yukon
38 Delta Fishermen's Association.
39
40 CHAIRMAN FLEAGLE: Thank you, Kristin.
41 Further questions.
42
43 (No comments)
44
45 CHAIRMAN FLEAGLE: All right. Thank
46 you, Timothy. Now you may proceed with your personal
47 testimony.
48
49 MR. ANDREW: Okay. Excuse me. Thank
50 you. For the record, Timothy Andrew. I'm a

1 subsistence and commercial fisherman. I subsistence
2 fish on both the Yukon and Kuskokwim Rivers.

3
4 My primary residence is in Bethel, but
5 I do go back home to commercial fish whenever the
6 opportunity exists, but I have not commercial fished
7 for at least two years primarily because of the
8 depressed runs.

9
10 So I'm not going to speak necessarily
11 for myself, but for my parents who are elderly. They
12 do operate a fish camp above the community of Marshall,
13 and they also operate a youth and elder camp there as
14 well to teach our younger generations the customary and
15 traditional means and methods of processing salmon for
16 the Lower Yukon area. And they hold that camp every
17 July. They accommodate probably about 10, 12 young
18 children in addition to perhaps or three other helpers,
19 and also various people from various education
20 disciplines that come and participate in the camp.

21
22 And they utilize quite a bit of salmon
23 in the demonstration of that project and a lot of times
24 it -- you know, it's not a big money-maker for them.
25 They just primarily do this as a public service and
26 their desire to teach the younger generation
27 customarily and traditionally processed salmon.

28
29 And the gear type that they use is not
30 the full stretch 50 fathoms of king gear. They
31 primarily use maybe 20 fathoms, maybe even 10 fathoms
32 to do this demonstration. And the nets that they do
33 get are leftovers that three of us give to them. I
34 have two other brothers that do commercial fish and
35 subsistence fish as well. And if this change of gear
36 were to turn over, and if we had a maximum mesh size of
37 7.5 inch, all the nets that we had given them to run
38 this camp would be totally useless to them and they
39 would not be able to do what they do without the
40 additional cost of buying the nets that are necessary
41 and teach these children about our traditional and
42 customary ways of processing salmon. They would
43 perhaps wait for either later that year or the next
44 year to get the nets that they need to comply with that
45 7.5 inch regulation.

46
47 Additionally, they have lived in the
48 area for quite some time, since the 1930s, and all
49 their lives they've never had to deal with mesh
50 restrictions. They've had to deal with the time and

1 area closures. They also had to deal with the windows
2 regulation. And with the additional 7.5 inch
3 regulation, that would put a real financial burden on
4 them.

5
6 And, you know, I speak for also other
7 elders in the community and also other elders in the
8 area that also would be burdened by this additional
9 regulation.

10
11 Thank you. Mr. Chair.

12
13 CHAIRMAN FLEAGLE: Thank you, Timothy.
14 Questions of the personal testimony.

15
16 (No comments)

17
18 CHAIRMAN FLEAGLE: All right. Thank
19 you for your testimony, Tim.

20
21 Polly.

22
23 DR. WHEELER: Bill Alstrom.

24
25 CHAIRMAN FLEAGLE: Welcome.

26
27 MR. B. ALSTROM: Excuse me, I've got a
28 bad cold. Good afternoon. Mr. Chair and members of
29 the Board. For the record my name is Bill Alstrom.
30 I'm a resident of St. Mary's on the Lower Yukon River,
31 Y-2 District. I'm a subsistence fisherman and also a
32 commercial fisherman when the time's up, too.

33
34 Well, anyway these people ahead of me,
35 they already said what I was going to say. But just
36 let me elaborate on some of these points here.

37
38 Regarding Federal Proposal 09-12, I am
39 in opposition to this, because -- and would like to see
40 this proposal rolled with the decision the State of
41 Alaska Board of Fish made in January. I have no
42 problem with that.

43
44 But regarding the Federal Proposal 09-
45 13, I'm strongly opposed to this proposal, because what
46 it takes away, lowering the -- anything greater than 6
47 inch to 35 mesh deep, that already takes care of it in
48 the proposal 09-12, because we've already been cut from
49 8.5 inch or anything unrestricted to 7.5 inch gear. So
50 you put in about -- you know, that's taking away about

1 a little over 3 feet, 3.5 feet. So that would, you
2 know, take care of restricting the -- anything greater
3 than 6 inch gear or 6 inch or anything greater than 6
4 inch gear to 35 mesh.

5
6 And, you know, when we fish down there
7 on the Lower Yukon, we usually start kicking in our
8 fishing in the first part of June, and that's after
9 breakup, and the water at that time of the year down in
10 that part of the river, the water gets extremely high,
11 so when we're going out there fishing, we're going to
12 be dropping the 36 inch -- 35 inch gear in the water,
13 you know, we're just going to be like floating on top,
14 catching all the debris that's floating. And we've got
15 our fishing spots. We usually wait until the water
16 drops a little, and usually the water don't drop until
17 the middle part of July between breakup and when we
18 start seeing the low water. And by that time, the
19 Chinook salmon, Canadian-bound or upriver stream-bound,
20 they're gone. It's tail end, just stragglers are out
21 there.

22
23 So it's very detrimental to the
24 fishermen out there that, you know, anything lower than
25 35 mesh is going to be hurting a lot of people. And I
26 can't think of anything else, but I would just like to
27 stress that point.

28
29 Thank you.

30
31 CHAIRMAN FLEAGLE: Thank you for the
32 testimony, Bill.

33
34 Questions.

35
36 (No comments)

37
38 CHAIRMAN FLEAGLE: Thank you. Polly

39
40 DR. WHEELER: Mr. Chair. This is the
41 second call for this individual. Frank Alstrom. Frank
42 Alstrom. There we go.

43
44 MR. F. ALSTROM: Good afternoon, Mr.
45 Chair. My name is Frank Alstrom. I live in Alakanuk,
46 Alaska, and I've basically been a subsistence fisherman
47 since I was 11 years old. And probably around the age
48 18 I was a commercial fisherman.

49
50 And earlier I heard that there's 500

1 nets supposedly being ordered up. But you kind of
2 figure it takes -- no matter how you look at it, I've
3 been hanging -- last summer I hanged over one mile of
4 gear, and the summer before another mile, and maybe a
5 half a mile of gear the summer before. But I've even
6 got the science to hang nets right down to within eight
7 inches on a 50 fathom, and I could tell you how many
8 knots to put in a 50-fathom net. There's anywhere,
9 depending what size mesh you're hanging, there's
10 anywhere from 800 to 1400 ties per net. And I bet if
11 you get up really early in the morning, maybe 7:00
12 o'clock, you can get the gear up running about around
13 1400 ties per net, it will take you to midnight of that
14 day to hang one net. And you say 500 nets, that's
15 going to take 500 days. And if you get 200 people
16 hanging one net per day, in one week you do 100 nets.
17 And I doubt if -- I doubt if this company ordered nets
18 from the other side of the world already pre-hung. You
19 know, a lot of the people that will hang these nets,
20 they're not hung. They're just webbing.

21

22 This mesh size to 7.5 inch with all
23 this current hanging ratios, that no matter how I
24 figured it, it's one-tenth shy of 3 feet, so 7.5 to 8.5
25 inch is -- the only thing, it will up -- it's about
26 this high, take this into perspective, it's only this
27 deep, and you're not saving any salmon with three feet,
28 you know. I don't think you're saving anything.

29

30 And I'm opposed to anything smaller --
31 you know, 7.5 inch. I'd like to maintain status quo
32 and have -- we have a lot of larger than -- we have 8.5
33 inch gear, and it's just sitting on the bank now. What
34 are we supposed to do with it? Start a big bonfire in
35 the lower river or something? You know, it's just --
36 if you go to 7.5, we have to just throw out all that
37 gear we invested in through the years.

38

39 And I was thinking maybe the only thing
40 you should -- proposal you should pass would be that
41 commercial fishermen on the Lower Yukon be tax exempt,
42 because all they know is the plus side of it, but they
43 don't know the minus side of it, you know, and why fish
44 when you're going broke. You know, it's just pitiful.
45 Like you can walk back to the kitchen out there and go
46 get a knife and cut my throat right now. That's the
47 way I feel about when you start cutting into smaller
48 gear.

49

50 Thank you. Mr. Chair.

1 CHAIRMAN FLEAGLE: Thank you, Frank.
2 Appreciate the testimony. Questions.
3
4 (No comments)
5
6 CHAIRMAN FLEAGLE: Thank you.
7
8 MR. F. ALSTROM: Thank you.
9
10 CHAIRMAN FLEAGLE: That's it, right,
11 Polly?
12
13 DR. WHEELER: Mr. Chair. That's it on
14 public testimony, unless there's something on the
15 floor.
16
17 CHAIRMAN FLEAGLE: All right. I
18 haven't gotten any more requests. Public testimony is
19 now complete for Proposal 12.
20
21 We now turn to Regional Council
22 recommendations. And, I don't know, I'll start over on
23 the left here. Jack, do you want to lead off?
24
25 MR. REAKOFF: Okay. Thanks, Mr.
26 Chairman.
27
28 The Western Interior Regional Council
29 met jointly with Eastern Interior. At the joint
30 meeting we only had six members present. Two of our
31 Yukon River fishers were not present when we had our
32 first vote. The Councils split on the proposal.
33
34 The next day at our game meeting we had
35 the two members finally arrive, because of weather.
36 And they adamantly requested the dissenting votes, to
37 revisit the proposal. They advocated for the proposal
38 during deliberation, and when it was revoted, the
39 Western Interior unanimously supported Proposal FP-12.
40
41 And so the Western Interior's position
42 is to support. Membership stated on the record that
43 the Board of Fish had adopted this regulation. They
44 were concerned about going any smaller. Adamantly
45 opposed to going any smaller than 7.5 inch for Chinook
46 harvest. And that they wanted to assure that the 7.5
47 inch was adopted by the Federal Subsistence Board.
48
49 They discussed on the record that there
50 may be in the future a relaxation of that, but that was

1 strictly part of their discussion.

2

3 But the Western Interior -- other
4 Council members that had opposed the proposal
5 originally also discussed this cost issue. And so that
6 was one reason that this proposal was not even -- I
7 couldn't even get a motion on the table back in 2007 on
8 the proposal. The primary opposition to the proposal
9 has been cost. Now that the Board of Game has adopted
10 the proposal, the Western Interior Council is
11 supportive of the Council. Everybody's going to it,
12 and so the Western Interior Council supports FP-12.

13

14 Thanks.

15

16 CHAIRMAN FLEAGLE: Thank you, Jack.
17 And just for clarification, the notes say that you
18 supported Proposal 12 with modification as presented by
19 OSM, right?

20

21 MR. REAKOFF: Yeah, correction.

22

23 CHAIRMAN FLEAGLE: Thank you.

24

25 MR. REAKOFF: To the OSM modification.

26 Thank you.

27

28 CHAIRMAN FLEAGLE: Okay. Appreciate
29 that. Thank you.

30

31 Questions, Board members.

32

33 (No comments)

34

35 CHAIRMAN FLEAGLE: All right. Thank
36 you. Lester, for the Lower Yukon, are you on?

37

38 MR. WILDE: Good afternoon, Mr.
39 Chairman. My name is Lester Wilde. I'm the Chair of
40 the Yukon-Kuskokwim Regional Advisory Council. And at
41 the time that this proposal came up, the vote was
42 unanimously against the motion or proposal. So that
43 was what the Lower Yukon stands, that we totally oppose
44 this 09-12.

45

46 CHAIRMAN FLEAGLE: Okay. Thank you.
47 And the rest of the justification we do have in the
48 written comments on Page 40. Thank you, Lester.

49

50 MR. WILDE: You're welcome, Mr.

1 Chairman.

2

3 CHAIRMAN FLEAGLE: Questions, Board
4 members.

5

6 (No comments)

7

8 CHAIRMAN FLEAGLE: Hearing none, we'll
9 go ahead and move on. Virgil Umphenour.

10

11 MR. UMPHENOUR: Thank you, Mr. Chair.
12 The Eastern Interior RAC met jointly, as the Chair of
13 the Western has already said, with the Western Interior
14 RAC. Our Council unanimously supported the proposal,
15 which is our proposal, which we've had before both the
16 Federal Subsistence Board and the State Board of
17 Fisheries for a number of years. And we feel that this
18 will be a good first step to get the larger, more
19 fecund fish to the spawning ground.

20

21 And that's about all I have to say on
22 it. I'll speak more about -- when we actually start
23 deliberating under Item 7.

24

25 CHAIRMAN FLEAGLE: Okay.

26

27 Questions.

28

29 (No comments)

30

31 CHAIRMAN FLEAGLE: Thank you. Weaver
32 Ivanoff.

33

34 MR. IVANOFF: Thank you, Mr. Chair. My
35 name is Ralph Weaver Ivanoff. I'm the Chair for the
36 Seward Peninsula Regional Advisory Council.

37

38 We met and had a quorum, and our
39 Council has voted to oppose 09-12 and 09-13 in a
40 unanimous vote. While the public -- while the
41 justification is on record, there are several items
42 that I would like to bring out.

43

44 First of all, there's a real economic
45 impact that's going to happen in the Yukon Delta should
46 this be imposed on them. I'm a commercial fisherman
47 and also a subsistence fisherman, and I know how much
48 it costs to buy gear. There are some years where you
49 just absolutely cannot afford to buy any gear, new
50 gear, because you just didn't make the money to do it

1 in the commercial fishery. There are some years where
2 you do really well and you could buy two, four, six
3 shackles to keep you going for the next two or three
4 years. There's always a storm going on, they are
5 something of some effect that tears your gear, and so
6 you have to reinvest again. But that's the forces of
7 nature.

8
9 Should this be imposed, this is not a
10 force of nature. This is something that for an already
11 struggling economy in the small villages, this is
12 catastrophic. The commercial fishermen will have some
13 impact, but the biggest ones that has the most severe
14 impact will be on the subsistence fishermen who do not
15 commercial fish. That is where the problem lies. The
16 subsistence fishermen who do not commercially fish and
17 who have very little income will definitely have the
18 hardest time. And because of that, we strongly oppose
19 this.

20
21 As reported earlier, that restricting
22 the mesh size will not impact escapement goals. It
23 will increase the exploitation rate from what I've
24 heard.

25
26 And then also there's the talk about
27 the quality of escapement, and I think that's a real
28 key. It's not so much the mesh sizes, it's what's the
29 quality of escapement is, what the escapement goal --
30 if the escapement goal is reach, that will determine
31 the sustainability. While I really believe that one
32 king salmon saved, that makes it up to the spawning
33 river, bigger, large, large or small, impacts what
34 happens in the future.

35
36 There are a lot of forces going on, as
37 we've seen in 2000. That nobody knows what happened
38 when the crash occurred.

39
40 And it seems that -- do I have five
41 minutes or do I -- okay. Thank you. I'm going to wrap
42 up.

43
44 It seems that just like the people and
45 the fishermen in the Norton Sound, the Lower Yukon
46 bears the brunt of regulations as far as trying to
47 conserve Chinook salmon. And it affects their whole
48 way of life to some extent, and mostly in a negative
49 fashion. While there are windows available, other
50 options and other management schemes have not been

1 really I think taken a strong look at. Shorter nets is
2 a possibility. There's windows. There's a whole host
3 of other things that could impact the size of the king
4 salmon if we need that as the -- if that is the
5 objective of this proposal. Because the strength of
6 the run is what determines the escapement. Reducing to
7 7.5 mesh will not affect the strength of the run.

8

9 There's a Pilot Station sonar right now
10 that gives an indication of what the run strength is.
11 There's test net fisheries that are going on. But I
12 really think there's a lot of data that we're not
13 getting. Every time you get some information, there's
14 a whole bunch more questions going on. So what we
15 really -- I think the real need both on the Federal
16 level and on the State level is to actually start
17 measuring the pulses of Chinook right at the beginning
18 to see exactly how strong they are. Right now the
19 limited measuring tools that we have doesn't give a
20 full indication of that.

21

22 Biologically, the Chinook are the most
23 depended upon resource, kind of in an imperiled
24 situation. It's a stock of concern. And so I think a
25 lot of resources are definitely needed to where we
26 could actually measure escapement and exploitation.

27

28 In addition to that, I believe there
29 needs to be other types of gear restrictions place in
30 order for these objectives to work, and those are not
31 explored at this time. And that again the overall
32 exploitation rate, the subsistence windows, the closure
33 of commercial when runs are poor. Conservation is a
34 big concern. And then the trends of the 8/7 Chinook,
35 age 7 Chinook, size 8 and 7, and possibly caused by
36 environmental conditions and not so much what's
37 happening in the river. These are all questions that I
38 really feel have not been answered. And to target one
39 user group I feel is really unfair.

40

41 Thank you, Mr. Chair.

42

43 CHAIRMAN FLEAGLE: Thank you.

44

45 Questions.

46

47 (No comments)

48

49 CHAIRMAN FLEAGLE: All right.

50 Appreciate those comments from all the RACs.

1 We now turn to the Department of Fish
2 and Game. Jon Hilsinger.

3
4 MR. HILSINGER: Thank you, Mr.
5 Chairman. Tina Cunning has the Department's comments.

6
7 CHAIRMAN FLEAGLE: Thank you. Welcome,
8 Tina.

9
10 MS. CUNNING: Thank you, Mr. Chairman.
11 The Alaska Department of Fish and Game requests that
12 our entire set of comments which start on Page 42 of
13 your Board book be entered into the transcript in lieu
14 of my reading them into the record, and I will just
15 provide a summary of our comments. I'm getting nods to
16 the affirmative, so I just want to be sure that's on
17 the record.

18
19 CHAIRMAN FLEAGLE: Not only nods, but
20 pleases.

21
22 MS. CUNNING: FP09-12 as proposed would
23 restrict subsistence and commercial gillnets fished in
24 waters where Federal regulations apply to a maximum of
25 7.5 inch stretch mesh size, phased in over a 3-year
26 period for subsistence fishermen and a 1-year period
27 for commercial fishermen.

28
29 The Federal Subsistence Board deferred
30 taking action on a similar proposal, FP08-13, until the
31 Alaska Board of Fisheries reviewed the results of a 3-
32 year study which was ongoing at the time of comparative
33 mesh size. The Alaska Board of Fisheries adopted a
34 maximum mesh size of 7.5 inches for subsistence and
35 commercial gillnets effective in 2011 in the Yukon area
36 at its January 2010 meeting after thoroughly reviewing
37 oral written reports, public testimony and a proposal
38 to restrict gillnets to 6 inch maximum mesh size in an
39 open, public process.

40
41 As concluded on Page 44 of our
42 comments, the Federal Board does not have authority to
43 adopt methods and means regulations for State
44 commercial and subsistence fisheries. the Federal
45 authority is to restrict areas in closed waters where
46 Federal jurisdiction is claimed and to regulate
47 Federally-qualified users.

48
49 With that said, we support FP09-12 with
50 the modification that's proposed to have it become

1 effective 2011 for Federal subsistence fisheries.

2

3

4

STATE OFFICIAL WRITTEN COMMENTS

5

6

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

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FP09-13 YUKON RIVER GILLNET DEPTH

11

RESTRICTION

12

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Introduction:

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Concerns have been expressed that deeper gillnets select for older and larger Chinook salmon, and it is local traditional knowledge that larger fish migrate in deeper water. Data from a recent radio tagging project on Yukon River Chinook salmon, however, do not support this claim (John Eiler, National Marine Fisheries Service Auke Bay Laboratory, Juneau; personal comm. 2009). Even if net depth restrictions could alter the catch from a specific location, fishermen could easily compensate for reduced net depth by fishing in shallower locations where a shallower depth net would not impede the catch of larger and more valuable Chinook salmon. There are insufficient data to demonstrate that gillnet depth restrictions would effectively alter size and age composition of the catch.

Impact on Subsistence Users:

The stated intent of this proposal is to reduce the catch of large female Chinook salmon in

1 Yukon River gillnet fisheries. If this proposal is
2 adopted, the gear restriction would apply to
3 participants in federal subsistence fisheries on the
4 Yukon River, who potentially would need to fish longer
5 hours to harvest the same number of fish with less
6 efficient nets and may require modifying existing nets
7 or purchase of new nets. If federal regulations are
8 not the same as state regulations, it will create a
9 conflicting patchwork of waters under state and federal
10 regulations and be confusing to subsistence users.

11

12 Conservation Issues:

13

14 The Yukon River Chinook salmon stock is
15 currently classified as a yield concern. Subsistence
16 harvest levels have reached the amounts necessary for
17 subsistence, except for 2000, 2008, and 2009. A
18 majority of the Yukon River drainage escapement goals
19 have been met or exceeded since 2000, including the
20 Chena and Salcha rivers, which are the largest
21 producers of Chinook salmon in the U.S. portion of the
22 drainage. The agreed-to escapement objective for the
23 Canadian mainstem was met every year from 2001 through
24 2006, with 2001, 2003, and 2005 being the three highest
25 spawning escapement estimates on record. However, the
26 escapement objective for the Canadian mainstem was not
27 met in 2007 and 2008. Exploitation rate on the
28 Canadian-origin stock by Alaskan fishermen has changed
29 from an average of about 55% (1989 1998) to an average
30 of about 44% from 2004 2008 (Howard et al. 2009).
31 Although the subsistence harvest continues to remain
32 stable at nearly 50,000 Chinook salmon annually,
33 commercial harvests have decreased over 60% from an
34 average of 100,000 annually (1989 1998) to the recent
35 5-year average (2005 2009) of nearly 23,000 fish. It
36 is not possible to determine whether size-selective
37 harvests or variation in environment or a combination
38 of factors is the cause for decreasing proportion of
39 age-7 fish and decreasing size trends of older fish
40 (JTC SSS 2006). However, increasing the number of
41 larger and older Chinook salmon in spawning escapements
42 should provide for better future production potential,
43 which can be accomplished through mesh size
44 regulations.

45

46 Opportunity Provided by State:

47

48 Salmon may be harvested under state
49 regulations throughout the majority of the Yukon River
50 watershed, including a liberal subsistence fishery.

1 Gear types allowed are gillnet, beach seine, hook and
2 line attached to a rod or pole, handline, and fish
3 wheel. Although all gear types are not used or allowed
4 in all portions of the Yukon River drainage, drift and
5 set gillnets and fish wheels harvest the majority of
6 fish taken for subsistence uses. Under State
7 regulations, subsistence is the priority consumptive
8 use. Therefore, State subsistence fishing opportunity
9 is directly linked to abundance and is not restricted
10 unless run size is inadequate to meet escapement needs.
11 When the Yukon River Chinook salmon run is below
12 average, the State subsistence fishing periods may be
13 conducted based on a schedule implemented
14 chronologically throughout the Alaska portion of the
15 drainage, which is consistent with migratory timing as
16 the salmon run progresses upstream. Federal
17 regulations under Special Actions to restrict
18 federally-eligible users have been rare and mirrored
19 the State inseason actions necessary to meet escapement
20 goals, except where state and federal regulations
21 differ in Subdistricts 4B and 4C. Amounts reasonably
22 necessary for subsistence Chinook salmon (5AAC 01.236
23 (b)), as determined by the Alaska Board of Fisheries,
24 have been met in the Yukon River drainage for 7 of the
25 last 10 years.

26

27 Other Issues:

28

29 (1) Maps are needed showing the
30 specific boundaries and areas where federal regulations
31 are claimed to apply, along with providing the
32 justification for claiming those boundaries. (2) A
33 large percentage of the lands along the Yukon River are
34 state or private lands where federal subsistence users
35 cannot use gear types illegal under state regulations.
36 (3) The federal board does not have authority to apply
37 gillnet mesh size regulations to State commercial and
38 subsistence fisheries.

39

40 Recommendation:

41

42 Oppose.

43

44 The Federal Subsistence Board deferred
45 taking action on this proposal in 2008 until the Alaska
46 Board of Fisheries reviewed the results of the three-
47 year comparative mesh size study. The Alaska Board of
48 Fisheries considered and unanimously opposed a proposal
49 to restrict subsistence and commercial gillnets to 35
50 meshes in depth in the Yukon Area at its January 26-31,

1 2010, meeting. However, the Alaska Board of Fisheries
2 adopted a maximum mesh size of 7.5 inches for
3 subsistence and commercial gillnets effective in 2011
4 in the Yukon Area. This change in mesh size
5 effectively reduces the maximum depth of commercial
6 gillnets in Districts 1 3 by approximately 3 feet from
7 the depth of an 8.5-inch mesh gillnet (commensurate
8 with the current gillnet fishery).

9

10 Cited References:

11

12 Howard, K. G., S. J. Hayes, and D. F.
13 Evenson. 2009. Yukon River Chinook
14 salmon stock status and action plan
15 2010; a report to the Alaska Board of
16 Fisheries. Alaska Department of Fish
17 and Game, Special Publication No. 09-
18 26, Anchorage.

19

20 JTC SSS (Joint Technical Committee
21 Salmon Size Committee of the Yukon
22 River US/Canada Panel). 2006. Potential
23 causes of size trends in Yukon River
24 Chinook salmon populations. ADF&G,
25 Division of Commercial Fisheries,
26 Regional Information Report No. 3A06-
27 07, Anchorage, AK.

28

29

30 CHAIRMAN FLEAGLE: Thank you, Tina.

31 Questions.

32

33 MR. EDWARDS: Yeah. Mr. Chairman.

34

35

36

37 MR. EDWARDS: Actually I was going to
38 ask this question later, but since, you know, the State
39 brought it up, the original proposal that we are
40 addressing, not the modified one, not only talks about
41 the 7.5 mesh size, but talks about a phased-in period,
42 one different from commercial versus subsistence. But
43 then the modified does only address the subsistence.
44 So it does look like we could potentially have a
45 situation where we have a restriction on Federal lands
46 on subsistence use, but if the State would at some
47 point change mesh size for commercial, then don't we
48 have a conflict because then it would allow commercial
49 fishing on Federal lands to use a larger mesh size.

49

50

CHAIRMAN FLEAGLE: Tina. Or, Jon, do

1 you want to take that?

2

3 MR. HILSINGER: Thank you, Mr.
4 Chairman. This was a decision that the Board took
5 extremely seriously, and I think they really recognized
6 the impacts and the costs to people. So, number 1, I
7 don't think you would see the Board going to a
8 different mesh size any time soon. I think that they
9 would want to keep this current mesh size. And so I
10 don't think that that's a situation that would occur in
11 the near future.

12

13 CHAIRMAN FLEAGLE: In the near future.
14 Gary, do you want to go ahead and continue?

15

16 MR. EDWARDS: Well, no. I mean, I
17 guess I would kind of agree with that, but, I mean, if
18 it does take place, then we do have a conflict, and I'm
19 not sure what recourse we would have. My guess is that
20 we would not want a situation where we had two
21 different mesh sizes on Federal lands.

22

23 MR. HILSINGER: Mr. Chairman. This
24 would not be the first time that the State had a more
25 liberal regulation than the Federal Government. It
26 does happen occasionally. I think usually the Federal
27 regulations are more liberal than the State, but we've
28 seen it the other way. And so I don't know that it
29 necessarily creates a problem. Mesh size is only one
30 aspect of the fishery, and the way that the subsistence
31 and commercial fisheries are usually separated from
32 each other, I think you could enforce different mesh
33 sizes. I think the fact that the subsistence fishery
34 is generally far less restrictive, the commercial
35 fishery obviously is restricted to oftentimes six-hour
36 periods. I don't think you would have an issue with
37 providing a preference for subsistence. They would
38 have a generally unlimited harvest with substantially
39 more fishing time. So I guess I don't see that it
40 would create a fundamental problem.

41

42 Mr. Chair.

43

44 CHAIRMAN FLEAGLE: Thank you. I
45 wonder, Keith, the hypothetical that Gary raises is a
46 concern that I had, too, reading through the
47 information. Given the fact that the proposed action
48 before this Board here does not address the commercial
49 harvest, and given the fact that the State has already
50 restricted commercial to 7.5 inch, but without our

1 speaking to the closure, which we've always done in the
2 past -- well, not always, but we try to have alignment
3 of, duplicative regulations if I'm going to use the
4 State's terminology, it seems like in this case it
5 would make sense to have the duplicate regulation in
6 the event that commercial may come back, and it may
7 come back to the degree that they can use large net
8 meshes.

9

10 So, number 1, I think that there's
11 probably the possibility of using a special action to
12 address that, should it ever occur. And I'm just --
13 we're just laying this out just to try to get some idea
14 of what this might look like in the future.

15

16 Number 2, I would tend to disagree that
17 we don't have the authority to restrict gear sizes for
18 commercial. To me that would just be another form of
19 closure.

20

21 I just throw that out. Maybe you can
22 address both of those.

23

24 MR. GOLTZ: To answer your first
25 question, I think, yes, we do have the ability to
26 adjust in the future if it becomes required. We can
27 either do that through a temporary or a special action,
28 or through just our regular proposal process.

29

30 As to Tina's statement of the law, I
31 respectfully disagree. We've had this conflict with
32 the State in the past. The State position as I
33 understand it is that we can open and close, but
34 generally we can do nothing in between. We simply do
35 not agree with that position. We think if we have the
36 ability to close or restrict all of a use, we can close
37 or restrict part. That's our legal position. And I
38 think that makes a certain amount of common sense. I
39 don't think anything in ANILCA restricts us to these
40 little artificial boxes. I think that we want to keep
41 our focus on the resource and its health and on the
42 user and their well being. And I think if we do that,
43 we will be in full compliance with the law.

44

45 CHAIRMAN FLEAGLE: Thank you. So given
46 that statement, nothing would preclude this Board from
47 re-amending this language back to adding commercial, I
48 mean, should it so choose to is where I'm going with
49 this. It just seems to me almost like an oversight.
50 And I'm not suggesting that we do that, I just want to

1 hear it fleshed out and rationalized and justified for
2 it being amended, the substituted lang -- the amended
3 that we have before us.

4

5 Go ahead, Keith.

6

7 MR. GOLTZ: I don't see any legal
8 restriction for doing it that way. I also don't see
9 any particular necessity for doing it that way.

10

11 CHAIRMAN FLEAGLE: Yeah. Well, that's
12 a good point.

13

14 Gary.

15

16 MR. EDWARDS: Yes, Mr. Chairman. I
17 guess I would agree with Keith's latter comment. At
18 this point I don't really see any urgency to do it. I
19 do think that if it did become a conflict, and I guess
20 I would tend to agree with the State. My guess is it's
21 not going to become a conflict, but if it does, it
22 seems to me we ought to cross that bridge when it
23 comes. And I think we have tools that would allow us
24 to do that.

25

26 CHAIRMAN FLEAGLE: Perfect. Virgil.

27

28 MR. UMPHENOUR: I don't think it's an
29 issue, because when our RAC put in the special action
30 request when the Area M fishery's fishing time was
31 increased by 285 percent, we had a full meeting on
32 that. I don't think if -- someone had to think that
33 the Board had the authority to restrict a commercial
34 fishery, because we wanted them to restrict, to use
35 extra-territorial jurisdiction and restrict that
36 fishery, and we had a full meeting on it I know,
37 because I sat here at the time and we had it all day
38 long.

39

40 CHAIRMAN FLEAGLE: All right. I
41 appreciate everybody's indulgence. It makes the record
42 more complete if we discuss why something happened the
43 way it happens, and thanks for the few minutes to do
44 that.

45

46 We're now ready to.....

47

48 DR. WHEELER: Are you ready for the
49 Staff Committee?

50

1 CHAIRMAN FLEAGLE: To go to the
2 InterAgency Staff Committee comments. And, Polly, are
3 you giving those? Go ahead.

4
5 DR. WHEELER: I am, Mr. Chair. The
6 InterAgency Staff Committee, and this is on the bottom
7 of Page 40 in your books, found the Staff analysis for
8 Fishery Proposal 12 to be a thorough evaluation of the
9 proposal and that it provides sufficient information
10 for Federal Subsistence Board action on this request.

11
12 In addition the Staff Committee
13 believes that the recommendation to oppose the proposal
14 from the Yukon-Kuskokwim Delta Subsistence Regional
15 Advisory Council and the Seward Peninsula Subsistence
16 Regional Advisory Council would violate recognized
17 principles of fisheries management.

18
19 Although we, the Staff Committee,
20 recognizes that passage of this proposal would result
21 in some individuals having to replace their nets sooner
22 than they otherwise would have, the InterAgency Staff
23 Committee believes that there is sufficient evidence in
24 the analysis to demonstrate that a reduction in mesh
25 size is necessary.

26
27 Mr. Chair.

28
29 CHAIRMAN FLEAGLE: Thank you.
30 Questions.

31
32 (No comments)

33
34 CHAIRMAN FLEAGLE: All right. Hearing
35 none.

36
37 We're about to begin deliberation.
38 Let's take a 10-minute break, and we'll come back
39 renewed and refreshed.

40
41 (Off record)

42
43 (On record)

44
45 CHAIRMAN FLEAGLE: Well, we're short
46 some legal counsel, but I think we can get along
47 without him for a couple of minutes.

48
49 We're now entering into Board
50 discussion with Council Chairs and the State liaison,

1 basically our deliberative process. Once there's a
2 motion made, the process will shrink to just the Board
3 members unless we invite participation from Council
4 members or the State.

5
6 And I'd like to just add, and I don't
7 think that I made it -- well, I don't think I addressed
8 it at all, but just to make it clear, when you're
9 speaking on behalf of your Regional Advisory Council,
10 you should speak on actions taken or discussion made at
11 the Regional Advisory Council meeting and how
12 discussion played into the decision that the RAC made.

13
14 And, Lester, I hope you're able to hear
15 us. We want to make sure that you have full
16 participation in this part of the process, and if you
17 need to raise your hand, just speak out so that I can
18 put you on the list.

19
20 Can you hear me?

21
22 MR. L. WILDE: Okay, Mr. Chairman. I
23 hear you.

24
25 CHAIRMAN FLEAGLE: Okay. And we are
26 welcoming Regional Advisory Council representation
27 discussion at this time. so open for discussion,
28 Regional Advisory Councils, Board members, anybody.

29
30 And Virgil leads out.

31
32 Go ahead, Virgil.

33
34 MR. UMPHENOUR: Thank you. I handed
35 out a handout just a minute ago to the Board members.
36 At the top of it, it says recommendations.

37
38 What this is is the last page of the
39 report that I had sent to all the Board members when
40 they addressed this in 2007. Where it has listed
41 appendixes at the bottom of it, all those were included
42 at that point in time.

43
44 For the proposal that we're addressing
45 now, just the front page of this thing I handed out is
46 applicable. What it is is the last page of the report
47 that's referenced on Page 17 of the current Board book,
48 if everyone would turn to Page 17, please. It says,
49 gillnet mesh size selectivity. And I'm going to just
50 read it real fast for the record.

1 Fisheries scientists have recognized
2 the potential impact of size selective harvest for
3 decades, Ricker, 1981. Okay. This thing here that I
4 handed out, that's the conclusion of that report. The
5 Ricker report was a report, one of them down the line
6 on this thing. 1 of 11.

7
8 But anyway, and then it says, Ricker,
9 1981, ADF&G in an unpublished report to the Board of
10 Fish, 1981, reported that potential egg deposition of
11 Cook Inlet Chinook salmon stocks targeted with large
12 mesh gillnets was much less than that for stocks
13 targeted with small mesh gillnets.

14
15 Concerns about the effects of selective
16 large mesh gillnet fisheries specifically in the Yukon
17 River were raised by ADF&G Staff in 1981. In an
18 unpublished report comparing sex ratios and age of fish
19 in the Yukon River commercial harvest and escapement,
20 Marshall, 1981, observed that many of the largest,
21 oldest females, 5 years ocean residency were harvested
22 and did not contribute to the escapement.

23
24 This issue has been here for a long
25 time. Dr. Wheeler and I in 2001 when I was on the
26 Board of Fisheries, and I chaired the committee that
27 addressed this issue, and she was my primary Staff
28 assistant at that meeting, we addressed this same issue
29 then. And that's when the Board took action and put
30 windows in place.

31
32 Now what I'm going to do, I'm going to
33 tell you what caused our problem that we're facing now.
34 Nothing done in '81. This was a report to the Board of
35 Fisheries, the conclusion of which I will just read the
36 last sentence, is this management strategy will help
37 ensure maximum production from Chinook salmon
38 reproductive populations as well as assist in
39 protection of genetic integrity of stocks. And they
40 did reduce the gillnet mesh size, maximum size in Cook
41 Inlet in '81. It's still that way.

42
43 What's caused it, and I referred to
44 this earlier today, is what we put on the spawning
45 grounds. I have, and this was presented to the full
46 Board three years ago, the composition of preliminary
47 Chinook salmon, age composition by sex at the East Fork
48 Andreafsky River, the Sasha River, Henshaw Creek and
49 Tozitna River weirs in Alaska, 1984. I'm going to read
50 you what we put on the spawning ground for 6 and 7-

1 year-olds. For 7-year-olds, .3 of a percent Andreafsky
2 weir, .2 of a percent the Sasha weir, .8 of a percent
3 Henshaw weir, .8 of a percent Tozitna River weir. 6-
4 year-olds, 17.2 percent, 25.2, 26, and 19.8. That's
5 2004. 2005, we put in .5 percent, .4 percent, 0
6 percent, 0 percent. The six-year-olds, we put 20.2,
7 15.6, 22.8 and 27.9. The last one of these, the 7-
8 year-olds, 0 percent, .1 percent, 0 percent. The six-
9 year-olds, 28 percent, 13 percent, and on the Tozitna
10 weir only 4.4 percent. This has been going on for
11 quite some time.

12

13 And so if you would just turn to Page
14 18 in the book, right at the very bottom, and this is
15 from Bromaghin's report. Bromaghin's report actually
16 validates this report from '81. It came out after this
17 report. I mean, Bromaghin's report came out after the
18 last time the Federal Board addressed this issue. But
19 it actually really validates this report based on 11
20 studies that were presented to the Board of Fisheries
21 in 1981.

22

23 And what Bromaghin says in his report,
24 and this was supported by the Staff, is that going to
25 7.5 inch gear is good in that it's going to select
26 overall size, age classes of fish. Because that's our
27 problem, is losing the older age classes. However, you
28 have to reduce exploitation rate. If the exploitation
29 rate isn't reduced, then that's -- it's not going to do
30 any good.

31

32 And so our RAC has discussed
33 Bromaghin's report extensively. We've discussed this
34 report to the Board of Fisheries in 1981 extensively.
35 We have been hammering on this for years, trying to get
36 something done, because in the upper river, the river
37 spreads way out. At Fort Yukon it's 3 miles wide.
38 There's notable channels. The people at Fort Yukon
39 have been having a really difficult time getting their
40 subsistence needs met. We see what goes on the
41 spawning grounds.

42

43 The fishwheels that are at the rapids,
44 and one of them is a test fishwheel that's been in
45 operation since 1999, daily reports are sent out. It
46 calls itself Rapids Research Center. Him and I started
47 actually weighing the fish with his students that he
48 has there in 2004. Where we take -- when I would buy
49 commercial fish. 2004 was the first year we did it,
50 and then he does it with all the subsistence fish.

1 However, he does not enter this into his data set
2 unless he gets every fish in that specific time period.
3 There's no hygrading done. And so we have the actual
4 average weight and length and sex of what's going to
5 Canada, because this fishwheel is in a super swift part
6 of the river. There's a rock island in the middle of
7 the river. That's where they were going to build the
8 Rampart Dam when they were considering that. The river
9 is super swift, and so you get a real good
10 representation of what is actually swimming up the
11 river in that fishwheel.

12
13 And the average size of the fish has
14 declined so that this last year with the windows and
15 the first pulse protection, the average was almost 14.5
16 pounds, but the 4-year average prior to that is about
17 11.4 pounds of king salmon. That's what we're putting
18 on the spawning grounds.

19
20 What I read to you about these weir
21 projects, the upper river weir, the Tozitna, which is
22 the last one, in most years the number of 6-year-old --
23 or the percent of 6-year-old and older fish is 20
24 percent or less. So that means that less than 20
25 percent of the fish are 6-year-olds or older. 80
26 percent of the spawning escapement is 5-year-olds and
27 younger. That is what's wrong.

28
29 And it was identified to the State
30 Board of Fisheries in 1981. They finally took action
31 this January. It's really depressing. There's two
32 really important books that I read when I was on the
33 Board of Fisheries. One of them was Salmon, King of
34 Fish; the other one was Salmon Without Rivers. They
35 tell the history of commercial salmon fishing from
36 Europe in the 7 and 800s and go all the way through to
37 the demise of the wild salmon in the Lower 48 on the
38 West Coast, on up to Alaska.

39
40 But anyway, our RAC strongly supports
41 passage of this proposal.

42
43 Mr. Chair.

44
45 CHAIRMAN FLEAGLE: Thank you, Virgil.

46
47 Other discussion.

48
49 Jack.

50

1 MR. REAKOFF: Yeah. Mr. Chair. The
2 Western Interior supports the proposal, and I
3 personally support the proposal, because I've fished
4 with 7.5 inch gear in the Nushagak District in Bristol
5 Bay. I held a Bristol Bay drift gillnet permit. I've
6 caught lots of big kings in 7.5 inch gear, and it's
7 selective for the most fish present there. It selects
8 for the most fish present on the Yukon River as the
9 data shows.

10
11 Reality is the -- I'm very concerned
12 about these low return years and the high selectivity
13 of large mesh gear on our runs. And it's been going on
14 as Virgil says for many, many years. It's not apparent
15 to the fishers of the Lower River, because you're using
16 large mesh gear, and so, of course, you're not going to
17 see what's swimming through the net any more than
18 you're not going to see how many chums are swimming
19 through that net also.

20
21 And so the reality is this proposal is
22 passed by the Board of Fish. This is probably in most
23 likelihood not going to go away any time soon with the
24 Board of Fish under State regulations.

25
26 And so the phase-in period that's
27 provided for one year I feel is necessary, because we
28 keep taking these short returns. And so need to go
29 away from harvesting all the big fish out of these
30 runs, straining off all the large fish. I've got
31 people within my region that are fishing 8 inch gear
32 all the way to Galena, and they're straining fish until
33 they get to the rapids. And then you will take out all
34 the largest fish out of the stock.

35
36 And so I'm very supportive of this
37 proposal. I feel this is the direction that the State
38 has gone, this is the direction of the Federal system.
39 It's a biological concern, and we need to move in this
40 direction.

41
42 We do also need to couple it with
43 quality escapement. We need to have management
44 strategies that allow windows or large enough windows
45 or selection periods to allow quality stock into
46 Canada, and that's what the jointly resolution with
47 Eastern Interior was about, is quality escapement into
48 Canada. And so that has to be combined with the 7.5
49 inch proposal.

50

1 Thank you.

2

3 CHAIRMAN FLEAGLE: Thank you, Jack.

4

5 Weaver.

6

7 MR. IVANOFF: Yes, thank you, Mr.

8 Chair. There's a statement made on Page 40 which I
9 have a little heartburn on. It's in the InterAgency
10 Staff Committee comments, that the Seward Peninsula
11 Advisory Council would violate recognized principles of
12 fishery management because we oppose the proposal FP0-
13 12. And I really don't believe that's the case. We've
14 heard testimony from the biologists that indeed
15 decreasing mesh size would increase exploitation rate,
16 especially on the younger aged fish which comprise the
17 majority of the spawners. And so there's that
18 principle to look at.

19

20 So I really think that sentence there
21 doesn't belong. I take kind of exception to that fact,
22 because we do try to look at sustainability of salmon.

23

24 And the fact that I believe that what
25 I've been hearing today on what the biologists have
26 been reporting is that the size of the run pretty much
27 determines the escapement. It determines whether large
28 fish will be entering the spawning grounds. And
29 whether you, you know, increase or decrease the mesh
30 size will have some minimal impact.

31

32 And that's all I have to say. Mr.

33 Chair. Thank you.

34

35 CHAIRMAN FLEAGLE: Thank you.

36

37 Other discussion.

38

39 Jon Hilsinger.

40

41 MR. HILSINGER: Thank you, Mr.

42 Chairman. As we noted, the State also supports this
43 proposal with the modification. We think that it makes
44 a lot of sense to harvest with a gear that most closely
45 represents the size distribution of the fish so that
46 you're harvesting all the size and age groups equally
47 across the run.

48

49 We do note that we've taken substantial
50 steps to improve, increase the escapements particularly

1 in those areas like Canada where we've had some
2 difficulty in meeting escapements in some years. And
3 so I think if you look at a lot of the record, you'll
4 see that actually since the first really bad run there
5 in 1998, we've probably consistently had higher
6 escapements than we did in those years before that.
7 And so I think that there's adequate numbers, but we
8 recognize, and particularly from the work that Dr.
9 Howard did, that there's a fairly straight forward
10 means of improving the quality of that escapement and
11 ensuring that the larger fish are on the spawning
12 grounds.

13

14 One of the real frustrations that we've
15 had, and I know that the Federal Staff shares this with
16 me, is that there has been virtually no escapement data
17 from Canada. A lot of people probably don't realize
18 that the United States, the Alaska Department of Fish
19 and Game did all of the escapement sampling and aerial
20 surveying in Canada prior to about 1990 when our
21 budgets were cut and we could no longer do it. And at
22 that time the Canadian Government did not pick up that
23 sampling. And so we have about a 20-year period with
24 very poor escapement data.

25

26 And so it's I guess gratifying to us
27 that within the last few years they have actually
28 implemented some projects and we are starting to see
29 some escapement data in Canada. And actually the
30 results of that are in the Joint Technical Committee
31 reports, and they don't appear to be that bad. I was
32 looking at some of that this morning, and we see some
33 of those rivers with female proportions of anywhere
34 from 43 to 53 percent.

35

36 So I think that actually the steps that
37 we've taken in the recent past have made a substantial
38 difference in the quality of that escapement, and this
39 will be another way to help that. So I think we all
40 have to recognize that we're not going to see a change
41 in this run next year or the year after. This is a
42 long-term process. And so nobody should think that if
43 they go out next year and they don't see great
44 escapements that, you know, this is a failure. I think
45 we all have to kind of hunker down and plan on pursuing
46 this for the long term in order to see the benefits of
47 it. So we are certainly in favor of doing that and
48 certainly appreciate all the Staff work that's led us
49 to this.

50

1 Thank you.

2

3 CHAIRMAN FLEAGLE: Thank you, Jon.

4 Further discussion.

5

6 Lester, do you want to weigh in on the
7 discussion?

8

9 MR. WILDE: Mr. Chairman. The only
10 concern that the -- the real concern I have was that it
11 is going to be affecting our people in this area. And
12 in this area we're unable to go out and -- we don't
13 have any type of commercial fishing down here. The
14 only thing that we depend on mainly down here is
15 subsistence.

16

17 And from all the information that's
18 been brought forth at this meeting and prior to this
19 meeting, we've always heard from the scientists and
20 biologists that the size of salmon is getting smaller
21 throughout the world, and it's not just happening on
22 the Yukon River.

23

24 And what is really -- what is reality
25 in this part of the region that I'm from is our ability
26 for us to go out and get the needed equipment and the
27 gear that we need for subsistence. And although we may
28 not get the amount of Chinook that are caught on the
29 river, we do get some out here, and we do have some
30 people out here that have king salmon nets, Chinook
31 salmon nets that are larger than 7.5 and it's going to
32 put a hardship on those of us who are not in the
33 commercial industry and only on the subsistence area to
34 be able to get the required gear.

35

36 Mr. Chairman, that's my comment.

37

38 CHAIRMAN FLEAGLE: Thank you, Lester.

39

40 Further discussion. Jack, go ahead.

41

42 MR. REAKOFF: Another point that I
43 wanted to bring out was on Page 15 of the analysis. It
44 shows that the larger fish of the upper river drainage
45 are more fecund than the lower river drainage.

46

47 Another issue that was brought up is
48 the catch per unit of effort is greater with 7.5 inch
49 net. It's actually, under the eight criteria, economy
50 of time, effort and expense are considered in analyzing

1 subsistence uses. 7.5 inch gear actually optimizes the
2 harvest. The fishery has a less endurance, and so
3 people maximize their harvest. And so they actually
4 have less fuel expense, less time spent on the river.
5 This is advantageous for the subsistence users in that
6 it actually optimizes the harvest of the fish itself.

7

8 And so I don't understand why somebody
9 would want to fish longer with large mesh gear. That's
10 beyond me. If I'm going to go harvest, I want to be
11 able to harvest it optimum if I can. And so this gear
12 size actually optimizes the catch per unit of effort.

13

14 Thank you.

15

16 CHAIRMAN FLEAGLE: Thank you. Further
17 discussion. Weaver.

18

19 MR. IVANOFF: Yes. Just counter to
20 that. What he says is certainly true, but if you take
21 one large king salmon and you get two small ones, one
22 large king salmon will put in with those two king
23 salmon, so it's -- it's all in the number of fish and
24 how long you have to fish for. But, yeah, the
25 exploitation rate is higher, and that's a nice
26 different way of seeing it, that, yeah, you have less
27 fishing time, but you get more fish the way it is with
28 the 7.5, if that's the case. But we don't know that at
29 this point, whether that's actually going to occur.

30

31 In the studies that the Alaska
32 Department of Fish and Game has done regarding the mesh
33 size, it's not really -- I don't know if you could call
34 it substantiated, because it's such a short period of
35 time.

36

37 Thank you. Mr. Chair.

38

39 CHAIRMAN FLEAGLE: Thank you. And I
40 think where that is all boiling to, and I caught this
41 earlier in Staff presentations, too, is that reducing
42 to a 7.5 inch mesh is going to increase the catch rate
43 on a larger percentage of variable sizes of fish, so
44 like Jack just said, your catch rate is going to go up.
45 Your cost -- I mean, your catch per unit effort is
46 going to be better.

47

48 But Weaver just adds an interesting
49 point. So you're catching more fish, but do those more
50 fish result in the same poundage that you would have

1 caught initially. And so would you have to -- I don't
2 know where the balance is. Again, it's another one of
3 these delicate balances. And I hear, you know, where
4 you guys are trying to work it out, and I'm just
5 curious.

6

7

Go ahead, Jack.

8

9

MR. REAKOFF: At our Western Interior
10 meeting in 2007 in Galena, Dani brought a slide of the
11 various -- she had Chinook salmon laid out on the dock
12 down there. And so the 7.5 inch had the most fish
13 there, and it represented some very large Chinook
14 salmon. The larger mesh had fewer fish, and so did the
15 smaller mesh gear. What that is is the large mesh gear
16 is letter a lot of the smaller fish go through the net.
17 And so the 7.5 actually had the most fish and the most
18 poundage of fish there. And then the smaller mesh gear
19 is actually dropping fish out of the net. The
20 perception is that they swim away alive. A lot of
21 those will lot. And so 7.5 optimizes.

22

23

Like I said, I will attest that I've
24 caught lots of 50-pound Chinook salmon with 7.5 inch
25 gear. How many 50-pound fish are people catching these
26 days? There's not that many of those around. And so
27 the reality is with 7.5 inch gear you have the most
28 poundage of fish, or you have the most harvest and the
29 highest catch per unit of effort.

30

31

CHAIRMAN FLEAGLE: Weaver.

32

33

MR. IVANOFF: Yeah. Just one more and
34 then I'll quit. I realize there's a lot of work going
35 on. But at the same time, if you've got a larger mesh
36 size fish, and it's -- I've fished just about all my
37 life. I remember just growing up trying to start a 9-
38 horse motor with two of us, me and my brother trying to
39 start it, pulling at the same time so we can go
40 fishing. But at the same time, if you go in with 8 and
41 8.5 mesh, you're catching less fish, but you're getting
42 bigger fish. The majority of the spawners that are
43 going up the river, and it's been talked about by the
44 biologists, the majority of the spawners are the ones
45 that are the 5-year-old, 6-year-olds, 4 years old.
46 That's the majority of the fish. Those are the ones
47 that are making it to the spawning grounds. And that's
48 not a bad thing, you know. They're in my system. So
49 there is that idea. So I just wanted to point that
50 out.

1 Thank you.

2

3 CHAIRMAN FLEAGLE: Virgil.

4

5 MR. UMPHENOUR: Thank you, Mr. Chair.
6 That's the problem. The majority of the fish going to
7 the spawning to the spawning grounds are these 4 and 5-
8 year-old fish. The study done in '81, going all the
9 way back to '81 again, says that the difference in egg
10 deposition between the fish that are harvested with
11 small mesh gillnet, that's a 6 inch though, and an 8.5
12 is 2.5 fold. That's 2.5 times more eggs getting on the
13 spawning grounds if you target those smaller fish and
14 don't target the large fish. The larger fish, the 6
15 and the 7-year-olds, those big fish, will have way more
16 eggs, and when I say way more eggs, it was 2.5 times
17 more. But we're not going to 6 inch mesh we're going
18 to 7.5 mesh, and so we're not going to have that
19 pronounced of an effect.

20

21 But what I read a while ago from the
22 weirs where 80 percent are these smaller fish. That's
23 what's getting on the spawning grounds, you're
24 absolutely right. Unalakleet River has the same exact
25 problem that the Yukon River has, and the Board took
26 action sooner on the Unalakleet River though, because
27 the people there asked them to. They didn't have a
28 fight between upriver and downriver like we do on the
29 Yukon.

30

31 I don't know if that helps you any or
32 not, but that's the way I look at it.

33

34 CHAIRMAN FLEAGLE: Kristin.

35

36 MS. K'EIT: Mr. Chair. I have a
37 question for Lester.

38

39 MR. WILDE: Go ahead, ma'am.

40

41 MS. K'EIT: Thank you. We're talking
42 about with this change of reducing mesh size, there's
43 greater potential to catch more fish at a time. I'm
44 wondering what your perspective would be on the quality
45 of those fish, if you're catching more, smaller fish,
46 what do you think of the quality of what you would be
47 catching in terms of species and any discussion on time
48 of processing that for subsistence needs.

49

50 Thank you.

1 MR. WILDE: Well, ma'am, everybody
2 here, if you're talking about Hooper Bay in general,
3 the quality out in the ocean with all the fish is
4 always class A fish. The number 1 fish always pass out
5 here in the ocean. They don't start coloring until
6 they hit the fresh water system on the Yukon River, so
7 quality of the fish out here on the coast has always
8 been silver bright and number 1 fish.

9
10 Does that answer your question, ma'am?

11
12 MS. K'EIT: I also wondered about
13 species. From what I've heard in the presentations
14 today, there's usually a real large number of Chinook
15 that are being caught in the larger sized mesh. What
16 do you think would happen with whether you'd catch
17 Chinook or chum with the 7.5 inch mesh?

18
19 MR. WILDE: Well, it doesn't really
20 matter what size mesh we have out here, because of the
21 run of the fish coming into the bay depends on the
22 winds. You could have a large number of Chinooks
23 coming heading towards the Yukon River, and if we have
24 the wrong winds out here, then we don't get any of
25 those fish. As you might remember, if you do remember,
26 some years back when everybody on the river were
27 getting fish and Chinook and the only village on the
28 whole delta that wasn't getting any fish of any kind
29 was Hooper Bay and Chevak, the two villages out here on
30 the coast.

31
32 MS. K'EIT: Thank you.

33
34 MR. WILDE: Does that answer your
35 question, ma'am?

36
37 MS. K'EIT: I think so. If you would
38 be willing to answer a second kind of follow-up
39 question of if you're -- you know, if you have to catch
40 fish that are a few pounds lighter than what you're
41 used to, and so you're having to catch more fish, what
42 does that do to your time for cleaning and cutting and
43 drying and so on?

44
45 MR. WILDE: Well, I'm kind of the wrong
46 person to ask that question, because like I said, the
47 fish depend -- our fishing out here depends a lot on
48 the winds that we get and I think the people in-river
49 would be better people to ask than me out here on the
50 coast. Although I've had some experience with salmon

1 on the Yukon River for a number of years, I was a
2 tenderman and not necessarily paying attention to what
3 was being caught. We were buying the fish, and
4 although we were paying attention to the fish and how
5 they react to different times on the river during the
6 commercial fishing time, we found that in those years
7 that -- I think I spent something like 40 years on the
8 boat tendering fish.

9
10 I noticed a lot that the largest fish
11 have a tendency to go down into the holes in the -- on
12 the Yukon River bottom. You know, there's a couple
13 bottoms, a couple holes on the Yukon River that people
14 are not aware of unless you come up there with a depth
15 finder, that are in the hundreds of feet deep. And if
16 you have your fish finder on, you would notice that
17 prior to the time that the fishing starts, that that --
18 those holes are relatively empty until the fishing
19 starts is when those holes seem to fill up with salmon.
20 But we couldn't tell you exactly if they're a large
21 fish or a small fish, because the size does not
22 necessarily show on the depth finder.

23
24 MS. K'EIT: All right. Thank you,
25 Lester.

26
27 MR. L. WILDE: You're welcome.

28
29 CHAIRMAN FLEAGLE: All right. Thank
30 you. Weaver.

31
32 MR. IVANOFF: Yes. Thank you, Mr.
33 Chair. In defense of Lester, he wouldn't know whether
34 that would make any difference, because the women are
35 the ones that cut the fish and store it away.

36
37 (Laughter)

38
39 MR. IVANOFF: That's just an attempt at
40 a joke. Thank you.

41
42 CHAIRMAN FLEAGLE: Thank you. Uh-oh.
43 Now we've got a -- all right. Thank you.

44
45 And just for the information of the
46 Board, for the audience, Jack Reakoff dug through his
47 pages and found the picture that he was referring to
48 earlier that showed the fish lined up on the dock down
49 at Emmonak in the test fishery laid out by the mesh net
50 size. And that's what was circulating up here, and

1 people saw the difference in numbers of fish per net
2 size.

3

4 All right. Well, further discussion.

5

6 (No comments)

7

8 CHAIRMAN FLEAGLE: I know we're not
9 done, but are we ready to move forward with a motion.

10

11 Gary.

12

13 MR. EDWARDS: Mr. Chairman. I guess I
14 could start with a motion that might help generate some
15 further discussion. I guess I do have one question
16 given our normal procedures on motions, going with the
17 proposal. In this case we have a proposal by the
18 Eastern Interior who has already modified their
19 proposal is the way I understand it from the original
20 proposal. So how do you want us to address it in that
21 case?

22

23 CHAIRMAN FLEAGLE: Thank you for
24 bringing that up. I think that we've developed a
25 consistency in the Board process to where we provide
26 motions in the positive where the motion would be to
27 ask to do that which the proposal would do. Therefore
28 in this case, the motion would be to move forward and
29 adopt the proposal or the recommended language as
30 amended or substituted for the 7.5 inch mesh. And then
31 the discussion would -- the vote would be in, you know,
32 the positive to pass it and the negative to fail it.
33 It just makes a much cleaner process than what we were
34 using in the past where the motion was to accept a
35 Council's recommendation to reject. So you're
36 therefore taking a positive vote to take a negative
37 action, and that doesn't make sense. So we want to put
38 motions on the floor in the positive that are accepting
39 what the proposal proposes, and then vote up or down
40 whether to pass that or not.

41

42 Now, the next question that you raised
43 is an interesting one, because in this case we are
44 obligated to vote in support of a Council
45 recommendation unless it fails to meet one of three
46 criteria in Section .805(c). And now we have two
47 Councils that are in support and two Councils opposed.
48 So we do have Council recommendation to adopt. We
49 probably could just move forward without addressing the
50 opposing Councils' position. But that's a good

1 question to ask legal right now. I mean, do we need to
2 -- how do we weigh this out and stay within the
3 confines of .805(c)

4
5 MR. GOLTZ: I suspect you'll want to
6 talk about the rational basis for the proposals and
7 when you vote, put on the rec -- be sure you put on the
8 record why you're voting, because the key on this one
9 is going to be which rationale do you accept and why.

10
11 CHAIRMAN FLEAGLE: Thank you, Keith.
12 And then I'll be leading that discussion if you guys
13 fail. And then Section .815 authorizes restrictions to
14 non-subsistence uses, et cetera, which is not at play
15 in this proposal as the language has been amended to.
16 It only addresses subsistence users, so I won't touch
17 on that.

18
19 But, Gary, go ahead.

20
21 MR. EDWARDS: Well, I'm going to go
22 with what I think what you said, because my question
23 was the fact that Eastern Interior had done a previous
24 proposal which they have since modified, so I guess
25 we're really going with what they modified?

26
27 CHAIRMAN FLEAGLE: Sure.

28
29 MR. EDWARDS: All right. So that being
30 the case, Mr. Chairman, I would move to adopt Proposal
31 12 with the modifications that were -- that have been
32 proposed by the Eastern Interior. And if I receive a
33 second, then I will go ahead and give my rationale for
34 that.

35
36 DR. KESSLER: I'll second.

37
38 CHAIRMAN FLEAGLE: There you have your
39 second, Gary, go ahead.

40
41 MR. EDWARDS: Mr. Chairman. In making
42 this motion, I fully recognize that it does have a lot
43 of implications. And I know that it will create more
44 hardship on people who have probably experienced more
45 hardship than most of us can even imagine. And I also
46 recognize that we'll be asking people to make
47 sacrifices who have already made a lot of sacrifices.
48 But at times the burden of conservation can be a heavy
49 burden. And sometimes we do have to make sacrifices
50 and do a hardship so that resources are available for

1 future generations to be able to utilize and to
2 appreciate. And I feel that this proposal to restrict
3 gillnet sizes to 7.5 inch stretch mesh will do that.

4
5 I remain somewhat concerned that -- in
6 addition to this, I still have concerns about the
7 exploitation rate, and certainly would encourage as we
8 go forward with our management that we really keep that
9 in mind and closely monitor that to really ensure that
10 this effort that we're going to be undertaking will
11 actually ultimately maybe accomplish the goals which
12 are why we are doing that.

13
14 The modification to the original
15 proposal was that we implement this beginning in 2011.
16 And if you'll recall, Mr. Chairman, when the original
17 motion came up, when we were looking at a phase-in of a
18 3-year period, that was in 2008, so quite frankly it
19 seems to that we've ended up exactly where we would
20 have been if we would have passed the motion back then,
21 which I think many Board members at that time felt that
22 we should do so.

23
24 You know, given the fact that as it's
25 been brought out, in looking at the historic, that this
26 issues has been on the table since almost 30 years from
27 now, and so I can't see us waiting another few years to
28 do it. I think we do need to act, and we do need to
29 act very quickly.

30
31 And as stated by the Staff Committee,
32 and maybe in deference to Mr Ivanoff, I don't think
33 that they were implying that the Seward Pen did not
34 recognized principles of fisheries management. These
35 are one of the purposes of which we need to kind of
36 justify, you know, our decisions making. So I do agree
37 with the Staff Committee that not to do that would not
38 be consistent with recognized principles of fisheries
39 management and could be detrimental subsistence users
40 in the future.

41
42 CHAIRMAN FLEAGLE: Thank you, Gary.
43 Discussion.

44
45 DR. KESSLER: Yeah, Mr. Chair.

46
47 CHAIRMAN FLEAGLE: Dr. Kessler.

48
49 DR. KESSLER: Thank you. Yeah. This
50 board has struggled with this issue for many years, and

1 it's been a very difficult issue. For one thing,
2 because it's such an important resource that sustains
3 the livelihoods of so many communities on the river.
4 It's also been difficult because we've recognized some
5 troubling trends that threaten the sustainability of
6 this resource and jeopardizes the longer term ability
7 of people to meet their subsistence needs.

8

9 And yet at the same time we've lacked
10 information on what specific management measures have
11 the potential to reverse those trends.

12

13 To me, the new information is a real
14 breakthrough. It's information we've long needed and
15 it gives substantial evidence that reducing mesh size
16 to 7.5 inches will have benefits of increasing
17 fecundity, productivity and genetic resilience of the
18 resource.

19

20 And so, Mr. Chair, it's my intention to
21 support this motion, because I believe it's both
22 necessary for conservation and necessary for sustaining
23 subsistence use over time.

24

25 Thank you.

26

27 CHAIRMAN FLEAGLE: Thank you. Other
28 Board discussion. Sue.

29

30 MS. MASICA: Mr. Chairman. It's very
31 clear to me from the information presented that we have
32 a serious conservation issue with Yukon River Chinook
33 salmon. I've not been here for all the previous
34 deliberations of the Board, but have certainly been
35 filled in on all of that. The number of salmon has
36 obviously decreased, and we're seeing fewer larger,
37 older-age fish. Reducing the maximum mesh size to 7.5
38 inches appears to me to be a step forward to address
39 these issues.

40

41 Adoption of the proposal could be
42 expected to allow a greater number of the larger, more
43 productive females to reach the spawning grounds and
44 increase the harvest of smaller, younger fish. And
45 this also has the potential to increase the run size
46 and shift the age structure towards the larger, older
47 fish. I think other benefits of adopting this proposal
48 is that over time more Chinook salmon will be available
49 for subsistence users. Hopefully commercial fishing
50 would also be restored. And that Federal and State

1 regulations regarding mesh size will be aligned and
2 this would simplify regulations for all users.

3

4 Therefore, I believe this proposal
5 moves us in the direction of conserving the Chinook
6 salmon resource along with -- and that along with
7 prudent in-season management, will allow us to address
8 both the quantity and quality of the run, and therefore
9 I'll be voting in support of it.

10

11 CHAIRMAN FLEAGLE: Thank you. Other
12 Board members. Go ahead.

13

14 MS. DOUGAN: Mr. Chair. I consider
15 this regulatory action necessary for the conservation
16 of healthy population of Yukon River Chinook salmon.
17 Based upon the State's research, and the OSM Staff
18 analysis, a mesh size reduction from unrestricted to a
19 maximum of 7.5 inches in combination with other
20 conservation actions should enhance productivity and
21 health of Yukon River Chinook salmon runs, and promote
22 continued sustainable fisheries.

23

24 But I certainly do recognize the
25 financial burden that this may impose on the users.
26 And I would really encourage whatever stakeholder
27 organizations have a connection here to consider
28 avenues for providing assistance in this effort.

29

30 But on balance, I think there's
31 sufficient justification to mandate a reduction in mesh
32 size. Therefore, based upon conservation concerns, I'm
33 going to support the proposed motion.

34

35 CHAIRMAN FLEAGLE: Thank you. Kristin.

36

37 MS. K'EIT: I'll say I'm last, but not
38 least.

39

40 This is a very difficult, difficult
41 topic. And I think about the irony of the Upper Yukon
42 communities having tried to sound the alarm for several
43 years and, you know, more than a decade, and now we
44 look that a decade later we're in the exact situation
45 they were trying to warn us about. And the sad irony
46 of it is that it's during a time when people that an
47 least afford to be affected by it are being most
48 affected. I think there's some light at the end of the
49 tunnel that the activities going on outside of this
50 Board contributing to the disaster declaration and to a

1 response to that will definitely help the situation in
2 the Lower Yukon villages.

3

4 From everything I've heard today, from
5 what I've been reading, from my discussion with our
6 Staff, it's a situation -- the time has come to take
7 this action and we just -- we really see the difficulty
8 that it's caused and it will cause in the next few
9 years. And I think unfortunate it is that, you know,
10 we've gotten -- this is another example of an outside
11 commercial Western cash economy coming in and having
12 pretty negative effects on a traditional people. And,
13 you know, we're trying to find the balance. And I
14 think this one of those places that we find the
15 balance.

16

17 So I will be voting in support of the
18 proposal as modified.

19

20 CHAIRMAN FLEAGLE: Thank you, Kristin.

21

22 And, finally bringing up the rear, I've
23 listened with great interest to this debate since I've
24 been Chair of this Board and the issue first arose.
25 And in my early months on the Board. And it's been a
26 tough issue all along. And I think I was -- well, I
27 know I was one of the votes that made it 3/3 that it
28 didn't pass the last time, because we just didn't have
29 quite enough information that would justify the
30 economic impact and the change of harvest type in the
31 lower river for the benefit of the rest of the river
32 and for the resource. We didn't have quite enough
33 information.

34

35 I appreciate Dr. Kessler's statement
36 that we finally have that final piece. And what we
37 were waiting for was the result of the remaining
38 studies, the three-year mesh size study and just some
39 more opportunity to digest the Bromaghin study and
40 other reports that have been done on this issue.

41

42 It still doesn't answer the problem of
43 the reduction in fish size overall. I think that we
44 all will agree that there has been something driving a
45 reduction in fish size. Whether we can point that to
46 us catching the large fish for the many -- you know,
47 the last century or whatever, or if it's tied to the
48 environmental conditions in the ocean or, you know, the
49 bycatch issue certainly weighs in there. That really
50 trouble me more than having to decide to restrict a

1 harvest type here, is what is going on with the true
2 ecosystem of this resource?

3
4 Having said that, we're doing all we
5 can to try to change that. I know we can't change the
6 environment. We can't change the ocean environment.
7 We're trying to get the Fisheries Management Council to
8 hard cap at a much lower number so that we can just get
9 more fish back in the river. We're doing -- we've sent
10 letters and I think we're going to talk about maybe
11 sending another letter or doing something follow up.

12
13 So we're trying to make changes where
14 we can. And I see that based on the data presented by
15 OSM Staff and by the State report, that by adopting
16 this proposal and restricting the mesh size to 7.5
17 inches will have a positive benefit to the resource.
18 And I know it's at a cost to the lower river users and
19 for that, it's a hard decision personally to make, to
20 ask you to give that for the overall viability of the
21 runs into the future I think is important.

22
23 And I'm going to vote in support of it,
24 and I hope that we're going to within a few years be
25 looking back and say, you know, yeah, we're getting a
26 lot bigger fish on the spawning grounds, we're getting
27 more. And in another few years down, maybe we're
28 getting more returns as a result of those more eggs on
29 the spawning grounds. And I think that's the ultimate
30 goal here is not to increase the harvest rate for the
31 upper river people or the Canadians, but to increase
32 the number of salmon, period, so that everybody can get
33 a bigger share. And that's why I'm supporting it.
34 It's a tough one, but I see that it's the right thing
35 to do.

36
37 With that.....

38
39 MR. EDWARDS: Mr. Chairman. May I say
40 one thing.

41
42 CHAIRMAN FLEAGLE: Gary.

43
44 MR. EDWARDS: I was intrigued
45 initially, and I guess maybe still am, by AVCP's
46 substitute language where they basically talked about
47 it being kind of a management option. And the way I
48 understood it is that it would allow managers to open
49 the fisheries and dictate what mesh size and if people
50 didn't want to buy a 7.5 inch mesh, then they wouldn't

1 have to, and then hope that maybe things would improve,
2 and it would be open to larger mesh size. But the more
3 I thought about it, it seemed to me -- I think it would
4 create nothing but false expectations, because the
5 reality is that based upon the information that would
6 not occur, and people who might not otherwise switch
7 over would just wait and then would not be able to
8 fish. But I did think it was an interesting option
9 that they offered.

10

11 CHAIRMAN FLEAGLE: I appreciate you
12 mentioning that, Gary.

13

14 I, too, just thought of something that
15 I meant to mention on the record as well. One of the
16 justifications for this Board failing this proposal
17 initially and for deferring it the other time, the
18 second time, since I've been on the Board anyway, I'm
19 sure that this has been addressed before, was the fact
20 that we would be -- if the Federal Board took action on
21 this restriction and the State Board didn't, it would
22 apply to the Yukon River in a patchwork system all the
23 way up the river where it would just cause further
24 divisions in the type of people based on your rurality
25 [sic], you know, based on where you lived. And so now
26 we have the reverse situation where the State Board has
27 passed it, and if we don't pass it, we're going to end
28 up with the patchwork in the opposite direction. But I
29 think that waiting -- yeah, that's not a word, don't
30 write it down. I know other people that make up words
31 as deemed necessary, so.....

32

33 (Laughter)

34

35 CHAIRMAN FLEAGLE: Anyway, I just
36 wanted to point out that those were some of the
37 discussions that we had the last time that we had this
38 issue before the Board, and now I think that by passing
39 this proposal not only for the conservation efforts
40 that it shows, that it will produce, we will have a
41 consistent regulatory regime on the entire river based
42 on the action the State Board took. So I wanted to add
43 that.

44

45 Further questions. Keith said
46 Shakespeare even made up words.

47

48 Jack.

49

50 MR. REAKOFF: One final comment. It's

1 not just the lower river fishers that are going to
2 endure this cost. I want to point that out. There a
3 many people in the Western Interior Region that are
4 going to have to also have to retool. And I would say
5 I have many very impoverished people within my region
6 also that are going to have to retool under this. It's
7 not just the burden of the lower river.

8
9 CHAIRMAN FLEAGLE: Thanks, Jack. I
10 guess from a Tanana River rat, lower river is from
11 Rampart down. Anyway.

12
13 UNIDENTIFIED VOICE: Call for the
14 question.

15
16 CHAIRMAN FLEAGLE: The question's
17 called. Polly, on Proposal 12 would you please poll
18 the Board.

19
20 DR. WHEELER: Mr. Edwards.

21
22 MR. EDWARDS: Aye.

23
24 DR. WHEELER: Dr. Kessler.

25
26 DR. KESSLER: Aye.

27
28 DR. WHEELER: Ms. K'eit.

29
30 MS. K'EIT: Aye.

31
32 DR. WHEELER: Mr. Fleagle.

33
34 CHAIRMAN FLEAGLE: Aye.

35
36 DR. WHEELER: Ms. Dougan.

37
38 MS. DOUGAN: Aye.

39
40 DR. WHEELER: Ms. Masica.

41
42 MS. MASICA: Aye.

43
44 DR. WHEELER: The motion passes, Mr.
45 Chair, 6/0.

46
47 CHAIRMAN FLEAGLE: All right. Thank
48 you. That concludes action on Proposal 12.

49
50 Would this be an appropriate time for a

1 brief stand down before we take up 13?

2

3 (Board nods affirmatively)

4

5 CHAIRMAN FLEAGLE: Let's stand down for
6 10 minutes and then we'll come back.

7

8 (Off record)

9

10 (On record)

11

12 CHAIRMAN FLEAGLE: All right. Good
13 afternoon. The Federal Subsistence Board is back on
14 record.

15

16 And we have joining us briefly is
17 Commissioner Denby Lloyd. Denby, you asked to say a
18 few words.

19

20 COMMISSIONER LLOYD: Yeah. Thank you,
21 Mr. Chairman. I had the opportunity to come in well
22 prior to the break, so for the final comments and your
23 vote on Proposal 12.

24

25 I just wanted to express my
26 appreciation for your thoughtful deliberations in this
27 case, and also your willingness to delay action to
28 allow time for some of the studies to be conducted and
29 for the State Board of Fisheries to take action. And
30 so this action that you have taken can be one of unity
31 rather than one of discord.

32

33 But my congratulations and thanks. And
34 I'll turn my delegation back over to Mr. Hilsinger.

35

36 CHAIRMAN FLEAGLE: Wait, before you go,
37 how are you doing on getting that 29,000 hard cap for
38 us?

39

40 COMMISSIONER LLOYD: Well, Mr.
41 Chairman, we're solidly behind the 47,000 hard cap and
42 incentive programs. And as you may have learned
43 through Staff reports, the incentives to the industry
44 have not been lost on them, and there's been a steady
45 decline in the bycatch for 122,000 down about 20,000
46 down to 12,000 and this year thus far if I remember the
47 numbers correctly, less that 8,000. So that's quite a
48 dramatic and steep decline in the bycatch of Chinook in
49 the Pollock fishery, and we're hoping that the industry
50 can maintain that good behavior.

1 CHAIRMAN FLEAGLE: Great. Thanks for
2 that update.

3
4 All right. We'll go ahead and move on.
5 Now, Proposal 13. We're prepared to take up Proposal
6 13 in the full deliberative manner beginning with a
7 Staff presentation on the analysis. However, given
8 that the Council recommendations, Department of Fish
9 and Game comments, and InterAgency Staff Committee
10 comments all support rejecting the proposal or taking
11 no action, we have the option of treating this as a
12 consensus agenda item and take not action.

13
14 I'm looking for preference of the Board
15 on this. If there's an interest in taking no action, I
16 would ask if there's any objection to taking no action,
17 or if one of you would make a motion with a second, we
18 could take a vote. What's the Board's preference.

19
20 MR. EDWARDS: Mr. Chairman. Just as
21 clarification, what does no action mean ultimately?

22
23 CHAIRMAN FLEAGLE: No action would be
24 the proposal would die without any changes to
25 regulatory regulation.

26
27 MR. EDWARDS: So if you hear nothing,
28 does that mean no action?

29
30 (Laughter)

31
32 CHAIRMAN FLEAGLE: Virgil. Virgil.

33
34 MR. UMPHENOUR: Thank you, Mr. Chair.
35 This was Eastern Interior RAC's proposal, and we do
36 recommend no action. However, I would like to say why
37 we recommend no action.

38
39 CHAIRMAN FLEAGLE: Please do.

40
41 MR. UMPHENOUR: Okay. The reason why
42 we recommended no action was two-fold. One reason was
43 because we were in a four-day RAC meeting. We had 31
44 Federal wildlife proposals to address and 17 State
45 Board of Game proposals, and so our plate was full.

46
47 We know that there will be a final
48 report out that was done by this guy Eigler (ph) from
49 -- I'm not sure whether he worked for Fish and Wildlife
50 Service or NMFS, but one or the other out of Auke Bay

1 where they did a radio telemetry study. And when they
2 did this radio telemetry study, they insert the radios
3 down the king salmon's mouth and the antenna hanging
4 out of its mouth. And a number of these tags were what
5 they called archival tags, which measured how deep the
6 fish was swimming and the water temperature and
7 recorded it I think every three minutes. I could be
8 wrong on that. But anyway, so they recovered a number
9 of these tags. And the report on the analysis of these
10 tags that recorded all this information is due out this
11 summer. And so that's new information that would be
12 valuable in making this decision. And so that is why
13 the Eastern Interior RAC recommends no action.

14

15 Mr. Chair.

16

17 Let me finish. So we resubmitted the
18 proposal so that it can be addressed after we have this
19 report.

20

21 Thank you.

22

23 CHAIRMAN FLEAGLE: All right. Thank
24 you. Appreciate that. So based on the information
25 presented on Proposal 12 that addresses the fact that
26 by reducing the mesh size, we're reducing the depth of
27 the nets as a result, and based on the fact that the
28 Eastern Interior Regional Advisory Council, who
29 submitted the proposal has reconsidered their position
30 and is recommending a no action vote, I'd suggest that
31 the Board take a no action approach to this.

32

33 I would ask if there's any objection to
34 taking no action to Proposal 13 based on those reasons.

35

36 DR. KESSLER: Mr. Chair. I have no
37 objection.

38

39 CHAIRMAN FLEAGLE: Any objection.

40

41 (No objections)

42

43 CHAIRMAN FLEAGLE: All right. The
44 Board's action then will be to take no action on 09-13
45 and just answer the question that this dispenses of
46 this proposal. It will not come back to the Board
47 unless somebody re-issues a new proposal which Eastern
48 Interior did.

49

50 All right. Moving on. We're going to

1 have a Staff change to address the next item. All
2 right. Item 10 -- I mean, Item 6 is 2010 Yukon River
3 salmon pre-season outlook and status of management
4 strategy development.

5
6 Polly, would you go ahead and give a
7 lead into the Staff, please.

8
9 DR. WHEELER: Thank you, Mr. Chair. We
10 thought it would be useful for the Board to have the
11 new Federal in-season manager, Fred Bue, new to you. I
12 think this is Fred's first opportunity to speak before
13 the Board. And also Dan Bergstrom, State Department of
14 Fish and Game Staff person. We thought it would be
15 useful for the two, the Federal and -- Dan's
16 technically not a manager, but he's in for Steve Hayes,
17 so the Federal and State Staff in here to speak to the
18 pre-season outlook and the status of the management
19 strategy development at this time, recognizing that
20 it's sort of a moving target, but they can speak to
21 where we're at right now based on meetings that have
22 been going on for the past couple of weeks. So again
23 Fred Bue, he's the new Federal in-season manager, and
24 Dan Bergstrom with the Department of Fish and Game.

25
26 CHAIRMAN FLEAGLE: All right. Welcome.
27 So I'll turn it over to you guys. I'm not sure who's
28 going to start out. Fred? Okay. Fred.

29
30 MR. BUE: Thank you, Mr. Chairman.
31 Board. Yeah, I'll try to keep this brief I guess.

32
33 Again, I'm just going to give an
34 overview of our outlook, but to begin with, I'll first
35 start with a little bit of background information. And
36 a lot of this you've already heard, but just kind of
37 bringing it together.

38
39 Since 1998 the Yukon River Chinook
40 salmon have experienced erratic and unpredictable
41 production levels. We've seen them, that's the topic
42 of this discussion. Some very good escapements have
43 produced poor returns. And, for example, the 2007/2008
44 were products of what we would consider reasonably good
45 escapements.

46
47 Because we fell short of our Canadian
48 Chinook Escapements in '07 and '08, management in '09
49 had decided preseason to protect the entire first pulse
50 all the way to the Canadian border. Additionally,

1 subsistence fishing time was reduced in '09 during the
2 regular windowed fishing periods and subsistence
3 gillnet mesh size was restricted in the lower river to
4 no larger than 6 inches because the run continued to
5 appear weak when subsistence fishing resumed.

6
7 Then unfortunately assessment was
8 confounded in-season by the effects of the flooding on
9 the sonar operations and fishing efforts. Subsistence
10 harvests were lower than expected partially due to the
11 effects of flooding, but also we had little experience
12 in projecting the impact of these restrictive
13 management actions that we implemented last year. So
14 in hindsight it was maybe not necessary to restrict it
15 as severely as we did in 2009 in order to conserve king
16 salmon and meet our management objectives.

17
18 So now shifting to our outlook, the
19 2010 Yukon Canadian-origin Chinook outlook is typically
20 based on a spawner recruit or sibling models. That
21 projection for 2010, the Canadian run component would
22 produce a run around 113,000, which is slightly above
23 the 2000 and 2009 average of 96,000. However, in
24 consideration of recent performance relationships, the
25 US/Canada Joint Technical Committee has adjusted that
26 outlook to a range of 77,000 to 113,000. The low end
27 of the range reflects the estimated potential of the
28 run under the current low production regime.

29
30 Since Canadian stocks typically
31 comprise 50 percent of the total Yukon River Chinook
32 salmon run, the drainagewide run size for Alaska and
33 Canada combined has an outlook of approximately 155,000
34 to 226,000. Again this range reflects a recent poor
35 performance at the lower end. Therefore the outlook
36 for the 2010 Chinook salmon season is for below average
37 to average run size.

38
39 The US/Canada Yukon River Panel agreed
40 to a one-year Canadian interim management escapement,
41 or IMEG, range of 42,500 to 55,000 Chinook salmon.
42 Additionally, Alaska is obligated to pass approximately
43 7,000 Chinook or more across the border in order to
44 fulfill harvest sharing commitments specified in the
45 agreement, depending on run strength.

46
47 So for management a run of this size at
48 the conservative low end should be sufficient for
49 escapement, subsistence and the Canadian harvest
50 shares.

1 No directed Chinook commercial fishing
2 is expected. And subsistence restrictions to conserve
3 Chinook beyond windows are unlikely. However, if the
4 Chinook run comes in below expectations, additional
5 subsistence restrictions may become necessary.
6

7 As discussed last Thursday in the
8 preparedness meeting with Yukon River fishermen, the
9 preferred option for reducing subsistence harvest, if
10 necessary, would be to have a period closure rather
11 than reducing fishing time during the windowed
12 schedule.
13

14 The season is still a ways off, and
15 it's difficult to predict how it will develop. That
16 is, will it be early, late, or what type of weather
17 conditions may be a factor, but we'll keep fishermen's
18 preferred options in mind as we adjust in-season.
19

20 I'd like to briefly characterize our
21 outlooks for the other Yukon River salmon species now.
22 Summer chum salmon have a near average outlook which
23 could support a potential commercial harvest of 250,000
24 to 500,000. However, that harvest would also be
25 dependent upon the strength of the overlapping Chinook
26 run.
27

28 Fall chum has an outlook range of
29 552,000 to 828,000, which also has a low end estimate
30 that reflects recent poor production trends, and can be
31 characterized as below average to average run. The
32 fall chum run should provide for escapements needs and
33 subsistence harvest, with some commercial harvest
34 possible.
35

36 Our coho salmon have been pretty stable
37 in recent years, and the 2010 outlook is for a near
38 average run. Escapement and subsistence should be
39 fine. Fishermen should expect some commercial harvest,
40 but the extent will again be dependent upon the
41 strength of the overlapping fall chum salmon run.
42

43 And I guess that's about the essence of
44 what I have prepared, if there's questions, Mr.
45 Bergstrom and I will take them.
46

47 CHAIRMAN FLEAGLE: Just out of
48 curiosity, what do you base those averages on? I mean,
49 I know you have your -- you know basically what your
50 spawning return was that's producing the returning fish

1 this year. I know that's part of it. But how do you
2 come up with this average? Dan.

3
4 MR. BERGSTROM: If you're speaking of
5 the average of the overall run size coming back, well,
6 I think how we couched it in the JTC like for the
7 Canadian run was what the recent like 5-year or 10-year
8 average was, and so that that would put in the
9 parameter there to explain whether you're above or
10 below that average. So that we could, you know,
11 explain that.

12
13 CHAIRMAN FLEAGLE: I guess further
14 though going beyond the average, how do you determine
15 whether the -- what this year is going to be, whether
16 it's below average or above average or.....

17
18 MR. BERGSTROM: Well, that's how we
19 were looking at it this year, Mr. Chairman, is that in
20 looking at the recent trend of 5 or 10 years in the
21 Canadian run as we reconstructed the run, we would say
22 that the average was -- I think you mentioned it
23 earlier, Fred, didn't you, what the average was. And
24 so that's how we're couching whether or above average
25 using that average of the recent year trend.

26
27 How we're really looking at it though
28 is as Fred said, going into the season on the outlook
29 is we adjust for that recent production, low production
30 we've seen, so that's why we're getting that low end,
31 so it's -- that's really what we're using, not this
32 below or above average. It's more of how we're looking
33 at it is this low end of the outlook, and that's based
34 on that lower production we've seen the last three
35 years. So that's the number we're using pre-season.

36
37 CHAIRMAN FLEAGLE: Okay. It makes
38 sense. Thanks.

39
40 Other questions. Discussion.

41
42 (No comments)

43
44 CHAIRMAN FLEAGLE: All right.
45 Appreciate it. Thank you.

46
47 All right. The next item up for
48 discussion is Section 19 regulation changes. Polly.

49
50 DR. WHEELER: Thank you, Mr. Chair. I

1 have a few things that I'm just going to read into the
2 record or say into the record, and then Ken and I can
3 answer questions if they come up. Some of this will be
4 review for some of you, but for those of you that are
5 new, it will be new information.

6

7 In July 2009 the Federal Subsistence
8 Board directed the Office of Subsistence Management and
9 the Solicitor's Office to draft proposed revisions to
10 the section of the subsistence management regulations,
11 Section 19, which address special actions. This
12 direction was based on comments from Council members,
13 the public, agency representatives and partially in
14 response to recent litigation.

15

16 The primary purposes of these proposed
17 revisions are to accommodate the new biennial
18 regulatory cycle, which by the time these get through
19 it may be an annual regulatory cycle, but I guess we'll
20 cross that bridge. Number 2, improve clarity with
21 respect to the Board's process of accepting and
22 addressing special action requests. 3, update public
23 notice requirements to bring them in line with the
24 practices of the digital age. And, 4, bring clarity to
25 the role of the Regional Advisory Councils with respect
26 to special action requests.

27

28 As a reminder, the Board has no
29 authority to change these regulations. The regulations
30 governing special actions are included in Subpart B
31 which addressed program structure. Unlike the
32 regulations in Subpart C and D where the Board is the
33 rulemaking authority, only the Secretaries have the
34 authority to change the regulations in Subparts A and
35 B. Consequently the Board's role in this particular
36 matter is limited to making a recommendation to the
37 Secretaries for their consideration. Remember that,
38 because it's important at the end of this.

39

40 The proposed rule was published in the
41 Federal Register on October 14th, 2009. Comments were
42 accepted through January 12th, 2010, and that was the
43 day of the Federal Board meeting back several months
44 ago. A copy of the proposed rule is included in your
45 Board packet.

46

47 As those of you who were here in
48 January may remember, we also received three public
49 comments at the meeting as well as a set of comments
50 from the State of Alaska which also submitted comments

1 in written form. A brief summary of the public
2 comments presented at the Federal Board is as follows.
3 And if you remember back to the January meeting, I did
4 promise you that I would provide you with summary of
5 public comments at this meeting, so here goes.

6
7 Ricky Gease, the executive director of
8 the Kenai River Sportfishing Association, felt that the
9 proposed rule wrongly expanded the authority of the
10 Board into regulation of non-subsistence uses on
11 Federal public lands, by giving Federal managers the
12 authority to regulate methods and means and time and
13 area of non-subsistence users. Mr. Gease felt that the
14 authority of the Board should be limited to opening and
15 closing non-subsistence uses, and only do the latter
16 based on conservation concerns.

17
18 Rod Arno, executive director of the
19 Alaska Outdoor Council, also felt that the proposed
20 rule wrongly expanded the authority of the Board into
21 regulation of non-subsistence uses on Federal public
22 lands by giving Federal managers the authority to
23 regulate methods and means, time and area restrictions
24 and seasons and bag limits. He felt that this expanded
25 authority was in violation of the Alaska National
26 Interest Lands Conservation Act. Mr. Arno also stated
27 that under ANILCA the State remains responsible for the
28 conservation of fish and wildlife resources, and that
29 deference should be given to the State on emergency
30 closures.

31
32 Greg Roczicka, natural resources
33 director, Asa'carsarmiut Tribal Council, felt that the
34 conditions for reopening for non-subsistence uses that
35 is included in the proposed rule, specifically that if
36 new information of changes conditions warrant -- of
37 changed conditions warrant, should also be included as
38 conditions for reopening subsistence uses. Mr.
39 Roczicka also felt that deference should be afforded to
40 the Regional Advisory Councils in consideration of
41 special actions, and that is not specifically included
42 in the proposed rule.

43
44 The State of Alaska read its public
45 comments into the record. In summary, the State had
46 two major issues with the proposed rule. First, the
47 State requested that its role be clarified with regard
48 to Federal determinations that affect the State's
49 responsibilities for management and conservation of
50 fish and wildlife when implementing special actions as

1 recognized in ANILCA.

2

3 Secondly, the State requested
4 additional changes to eliminate serious jurisdictional
5 issues raised by the proposed rulemaking.
6 Specifically, the State opposes the Federal assertion
7 of authority to regulate the taking of fish and
8 wildlife for non-subsistence uses that greatly exceed
9 Congress's authorizations in ANILCA and impermissibly
10 infringe on sovereign State authority to manage fish
11 and wildlife in Alaska. And I'm quoting there directly
12 from their testimony..

13

14 A summary of written public comments is
15 as follows.

16

17 The United Fishermen of Alaska
18 requested the proposed rule be withdrawn based on three
19 reasons. UFA stated that since the program was under
20 review by the Department of the Interior, regulatory
21 changes were not appropriate at this time. UFA also
22 commented that it is not clear if the Board has the
23 authority to restrict methods and means for non-
24 subsistence users. And, lastly, since the title of the
25 proposed rule was subsistence management regulations
26 and non-subsistence use was not specifically addressed
27 in the preamble, there is a reasonable expectation that
28 non-subsistence uses would be affected by this rule.

29

30 The State of Alaska Citizens Advisory
31 Commission on Federal Areas supported the proposed
32 revisions to clarify the process for accepting and
33 addressing special actions, updating the public notice
34 requirements and the role of the Regional Advisory
35 Councils. However, they were concerned that the
36 revisions addressing non-subsistence uses went beyond
37 the clarifying process, and they were concerned that it
38 would expand the authority of the Board beyond the
39 intent of ANILCA.

40

41 At this point, Mr. Chair, OSM Staff
42 recommendation is for the Board to consider these
43 comments and provide a recommendation for drafting the
44 final rule for Secretarial review. And since Mr. Lord
45 is now sitting at the table, I'm guessing that he may
46 have something to add regarding the intent of the
47 proposed rule.

48

49 Mr. Chair.

50

1 CHAIRMAN FLEAGLE: I think he does.
2 Ken.

3
4 MR. LORD: Thank you, Mr. Chair. I did
5 want to respond to some of those comments that you just
6 heard. And then again recommend to the Board that some
7 action be taken, because as you heard, this is
8 partially litigation driven, which means that my office
9 and the Department of Justice are under some time
10 pressure to move forward with something, or some
11 regulatory changes to Section 19.

12
13 First of all, I want to clarify that it
14 is not our intention to expand the scope of the Board's
15 authority by passing these regulations. Despite some
16 comments that suggested that there was -- this was some
17 sort of nefarious back door attempt or power grab,
18 that's not how this program operates. If we were
19 intending to expand the scope of our authority, we
20 would put it out there for public comment for due
21 consideration and discussion, and then do it in an open
22 fashion. We wouldn't do it in a back door fashion like
23 this, as has been suggested.

24
25 Now, more specifically, getting to some
26 of the concerns, there are, in current regulations two
27 subsections A and B to Section 19 that address the
28 Board's authority. Subpart A addresses the Board's
29 authority to open, close or restrict to non-subsistence
30 uses whereas Subpart B addresses the Board's authority
31 to open, close or restrict subsistence uses.

32
33 Now, one thing we're proposing to do is
34 to move those two sections into Section X which has the
35 rest of the Board's authorities and then all of the
36 Board's authorities would be in one place and that's
37 not in dispute. But we also propose to tweak the
38 language slightly to those sections.

39
40 Right now as I said, the words,
41 restrict, open and close are used in the current
42 language and the new language would add to those words
43 the phrase; and let me make sure I have this right
44 here; would add the phrase:

45
46 Or otherwise modify the requirements
47 regarding the taking of fish and
48 wildlife on public lands for non-
49 subsistence uses.

50

1 Well, that's where some people had
2 heartburn. They felt that that was an increase in the
3 Board's authority to adjust harvest limits or methods
4 and means.

5
6 Now, as you heard earlier from Keith,
7 it is our view that the Board already has this
8 authority. The State disagrees with us on that and it
9 has been a longstanding dispute that we're -- not
10 dispute, or disagreement that we've had. And so what I
11 am proposing today is that because the Board already
12 has this authority and that authority stems from the
13 statutory language that allows the Board to close, I
14 would propose that this phrase be eliminated from our
15 proposal as superfelious, it really does not change the
16 Board's authority one way or the other and since it
17 does seem to be causing some heartburn there's really
18 no reason to have it in there.

19
20 And, so, Mr. Chair, I would like to
21 close by asking the Board that it move ahead with a
22 recommendation to the Secretaries to finalize and adopt
23 the proposed language with the modification that the
24 phrase that I read;

25
26 Otherwise modify the requirements
27 regarding the taking of fish and
28 wildlife on public lands for non-
29 subsistence uses.

30
31 be removed from that proposal.

32
33 Thank you, Mr. Chair.

34
35 CHAIRMAN FLEAGLE: I had a question
36 from a Board member, exactly where on the page is that?

37
38 MR. EDWARDS: I have found it.

39
40 CHAIRMAN FLEAGLE: Oh, you did.

41
42 MR. EDWARDS: Or Polly found it, excuse
43 me.

44
45 CHAIRMAN FLEAGLE: Okay, go ahead,
46 Gary.

47
48 MR. EDWARDS: I guess, then my question
49 is, then why if you are striking that language, why
50 don't we even strike the language close or open for the

1 take of fish and wildlife and just make it clear that
2 has authority to restrict the taking of fish and
3 wildlife on public lands for non-subsistence uses,
4 period. I mean, why, if you're going to restrict or
5 eliminate uses or otherwise modify, then why wouldn't
6 you also address the close or open because those are
7 also.....

8

9 MR. LORD: There is no dispute over the
10 use of the word, close, and no dispute over our
11 authority to reopen once we've closed, so there really
12 is no purpose served in striking that language.

13

14 MR. EDWARDS: Well, I understand, I'm
15 not addressing the dispute issue, I'm just addressing
16 the rationale. You're saying that because there is
17 dispute, you're suggesting or recommending that we not
18 use it because we believe that we have it so why
19 wouldn't that same rationale apply to close or open?

20

21 MR. LORD: One of our goals in changing
22 this language was to clarify to the casual reader what
23 it is the Board is able to do and that was one of the
24 reas -- that was the reason that we added the language;
25 otherwise modify the requirements, now, the less
26 explanatory language we have in that regulation, the
27 less clear it might be to our constituents what the
28 Board is able to do. They might not read into the --
29 if we simply have the word, restrict, they might not
30 understand completely what it is the Board is doing or
31 is able to do.

32

33 MR. EDWARDS: I hear what you say, I
34 don't agree, I guess, with the rationale.

35

36 It just seems to me, again, if you want
37 to make it, you know, clear, then -- if one rationale
38 applies to one it ought to apply to the other and I
39 don't see the difference, quite frankly.

40

41 CHAIRMAN FLEAGLE: Other discussion.

42

43 (No comments)

44

45 CHAIRMAN FLEAGLE: So all we need is an
46 affirmative vote we support the amended change as
47 recommended.

48

49 MR. LORD: That's correct.

50

1 CHAIRMAN FLEAGLE: Polly.
2
3 DR. WHEELER: Again, Mr. Chair, just as
4 a reminder, as I said early on in my comments, the
5 Board -- the regulations governing special actions are
6 included in Subpart B, which address program structure,
7 unlike the regulations in Subpart C and D where the
8 Board is the rulemaking authority. Only the
9 Secretaries have the authority to change the
10 regulations in Subparts A and B. So the Board's role
11 in this particular matter is limited to making a
12 recommendation to the Secretaries for their
13 consideration.
14
15 So it will still be down the road but
16 it's looking for a recommendation to forward to the
17 Secretaries.
18
19 Mr. Chair.
20
21 CHAIRMAN FLEAGLE: Is anybody willing
22 to move with such recommendation.
23
24 Dr. Kessler.
25
26 DR. KESSLER: Just so I'm clear then
27 this doesn't change anything because we already have
28 this authority, we're just taking out words which are
29 being construed by others and troubling to others,
30 yeah?
31
32 MR. LORD: Speaking specifically to
33 that phrase that I was talking about.....
34
35 DR. KESSLER: Yes.
36
37 MR. LORD:yes, that's right.
38
39 DR. KESSLER: And the phrase is:
40
41 Or otherwise modify the requirements
42 regarding the taking of fish and
43 wildlife on public lands for non-
44 subsistence uses.
45
46 MR. LORD: That's correct.
47
48 DR. KESSLER: Okay.
49
50 MR, LORD: And we could, for the same

1 reason, remove that same phrase from.....
2
3 DR. KESSLER: Okay.
4
5 MR. LORD:the Subpart below which
6 deals with subsistence uses.
7
8 DR. KESSLER: Okay.
9
10 MR. LORD: But, that, I don't think is
11 where the -- I don't think there was the same dispute
12 over that language.
13
14 DR. KESSLER: Okay, thank you.
15
16 (Pause)
17
18 CHAIRMAN FLEAGLE: All right, do we
19 have -- okay, Tina, go ahead.
20
21 MS. CUNNING: Mr. Chairman. I just
22 want to ask a clarification. When Ken started out his
23 explanation he suggested that they might be merging the
24 language in the new -- proposed language in .19(a) and
25 (b) into .10 so that would eliminate where that
26 language is also in .19; is that what you were saying?
27
28 MR. LORD: That's correct.
29
30 MS. CUNNING: Thank you, sir.
31
32 CHAIRMAN FLEAGLE: Okay, got it.
33
34 Any more discussion.
35
36 MR. EDWARDS: Well, I don't know, I
37 guess.....
38
39 CHAIRMAN FLEAGLE: Gary.
40
41 MR. EDWARDS: I guess I really wouldn't
42 even know how to vote on this, quite frankly. But I
43 mean it is what it is and if we don't think it's what
44 it -- if we think it's what it is then maybe we should
45 say it, if we don't think it then we shouldn't say it.
46 I'm not sure by not using the words really changes
47 anything because the issue is still out there. So I
48 really don't know what we accomplish, so I wouldn't
49 know how to vote.
50

1 CHAIRMAN FLEAGLE: Kristin.

2

3 MS. K'EIT: I guess I'm kind of agreeing
4 with Gary on that. What I think I'm hearing is that
5 we're recommending that phrase be removed to create
6 some good will in management relationships that we're
7 responsible for. It's not -- we're not saying we don't
8 have that authority on our public lands that we manage
9 on behalf of the Secretaries, we're just saying we
10 don't want it to look like we're overly proud of our
11 authority or what not; whatever it seems like. Is that
12 what I'm hearing and I'm just saying it in a different
13 way, from the way you said it, Ken?

14

15 MR. LORD: Your point regarding the
16 legal interpretation is correct. The reasoning simply
17 is just -- since it -- it wasn't just the State it was
18 lots of other people who seemed to have concerns over
19 it, I see no -- honestly whether the Board goes one way
20 or the other makes no difference from a legal
21 perspective as far as I'm concerned. But there may be
22 other reasons to do it.

23

24 MS. K'EIT: Thank you.

25

26 MS. MASICA: Mr. Chairman, I have a
27 question.

28

29 CHAIRMAN FLEAGLE: Go ahead, Sue.

30

31 MS. MASICA: Ken, does that
32 clarification get addressed then in a preamble in any
33 way or is that, that that authority still exists? I
34 guess I'm trying to -- like Gary, just trying to figure
35 out what it means to remove it but it's.....

36

37 MR. LORD: Well, what it means is that
38 the language.....

39

40 MS. MASICA:it's suggesting
41 something by removing it but if you don't clarify what
42 your understanding is elsewhere, does that create a
43 problem?

44

45 MR. LORD: What it means is the
46 language is closer to what it is currently, in our
47 current regulations and our interpretation is that
48 under our current regulations we already have this
49 authority. So we go from -- we go -- we maintain the
50 status quo and I don't think we need to explain

1 maintaining the status quo with a preamble.

2

3 MS. MASICA: Okay.

4

5 MR. EDWARDS: And just one other thing,
6 I don't have a clue whether we have the authority or
7 not. I guess ultimately courts would decide that if it
8 would come to it. I mean I have no reason to doubt our
9 view and I guess I have no reason to doubt the State's
10 view. So I guess my view is it ought to be all or
11 nothing, and I guess why I was saying that, like I
12 said, I guess I would just be more happy with to say:
13 The taking of fish and wildlife on public lands for
14 non-subsistence uses. and not define the parameters of
15 what that is because my -- at least what I'm hearing
16 you say is that we believe our parameters are kind of
17 all inclusive and so why would you only identify a part
18 of those and not the rest of them. Why not just say
19 that we think or our interpretation is that we have
20 authority to close or open public lands for the take of
21 fish and wildlife for non-subsistence uses, period.

22

23 MR. LORD: Mr. Chair.

24

25 CHAIRMAN FLEAGLE: Go ahead, Ken.

26

27 MR. LORD: One thought I do have is if
28 we simply say restrict the taking of fish and wildlife,
29 we've dropped the word open and it may not be clear
30 that we then have the ability to use our special action
31 authority to open public lands.

32

33 CHAIRMAN FLEAGLE: Yeah, I guess I kind
34 of struggle with that a little bit, too. I mean if --
35 let's just say the discussion we had earlier about
36 whether or not we have the authority to restrict
37 commercial gear on Federal waters; it's not our
38 commercial opening, the State manages that, but in my
39 mind under the current way the regulation reads, we
40 would not only have the authority to close or open
41 Federal waters to commercial fishing but we would be
42 able to also modify the requirements regarding the take
43 by gear size reduction or temporal reductions or
44 restrictions. And by eliminating that I don't know if
45 the remaining language encapsulates that idea that you
46 can have incremental steps between fully open and fully
47 closed.

48

49 How do you respond to that?

50

1 MR. LORD: Well, the Board has done
2 that. We did it in Unit 2 deer, where the proposal was
3 to -- Tina's shaking her head no. Unit.....

4
5 MS. CUNNING: It went to a work group.

6
7 MR. LORD: That's right it did go to a
8 work group. In any event, the issue did come up as to
9 whether we could.

10
11 (Laughter)

12
13 MR. LORD: And we opined then that
14 under the existing language, which does not include
15 that phrase, we could reduce the harvest limit of deer
16 rather than simply closing to the taking of deer by
17 non-subsistence users.

18
19 CHAIRMAN FLEAGLE: Okay, now, I'm a
20 little slow catching on here because I was trying to
21 read the existing language while you were talking and I
22 didn't have the modified language in my hand and now
23 I'm reading the modified language and not comparing it
24 to the existing language, it doesn't have that line out
25 and strike out feature here to where you see what's
26 being changed, and so I didn't understand that this
27 phrase is added to the new regulatory language and not
28 present in the existing language. So that clears it
29 for me.

30
31 (Pause)

32
33 CHAIRMAN FLEAGLE: I'm okay with it.
34 Anybody else.

35
36 Kristin.

37
38 MS. K'EIT: So, Ken, are you saying
39 that if we take it out, the language there is still
40 saying that we have our authority to make changes,
41 whether it's restrict or even be more liberal, more
42 open? I mean if there's a situation where we
43 restricted and then we get new data and we can change
44 our mind, we can, in a sense, rescind that restriction?

45
46 MR. LORD: Yes.

47
48 MS. K'EIT: Yeah, okay, then -- then I
49 think it's -- what's that saying, six of one, half
50 dozen of the other.

1 (Laughter)

2

3 CHAIRMAN FLEAGLE: Yeah, I appreciate
4 that. I think the comment that I would have now is
5 this is regulatory language that the Office -- I mean
6 the Solicitor's Office has reviewed and is recommending
7 change and we're being asked to support that
8 recommendation. And what our tendency is, as a body,
9 and I've seen this on many different boards is we want
10 to work -- with like by committee and I think that's
11 dangerous because we're going to lose the intent of
12 what the legal team has provided. So I think that
13 given the explanation and finally getting on the same
14 two pages here, we -- I think that the way Ken has laid
15 this out is going to work for us.

16

17 If there's a motion to make the
18 recommendation to the Secretaries to adopt the proposed
19 rules, as modified, that would be in order.

20

21 DR. KESSLER: Mr. Chair.

22

23 CHAIRMAN FLEAGLE: Dr. Kessler.

24

25 DR. KESSLER: I make a motion to
26 recommend the changed wording as put forward by Mr.
27 Lord.

28

29 MS. K'EIT: Second.

30

31 CHAIRMAN FLEAGLE: Will that do it,
32 Ken, or do you want more specific that we.....

33

34 DR. KESSLER: Do you want the exact
35 words?

36

37 MR. LORD: No, that's fine.

38

39 DR. KESSLER: Okay.

40

41 CHAIRMAN FLEAGLE: Okay, Ken's happy
42 with that. All right.

43

44 On the motion to recommend to the
45 Secretaries adoption with the amendment, is there any
46 objection.

47

48 (No objections)

49

50 CHAIRMAN FLEAGLE: Hearing no objection

1 that motion carries.

2

3 Thank you.

4

5 All right, other business. We had two
6 items brought up and the first is just a continuing
7 discussion on the pollock fishery bycatch of chinook
8 issue, which I appreciate Commissioner Lloyd giving a
9 brief update on the actual harvest numbers over the
10 last few years and what it's looking like this year. I
11 think that's real encouraging.

12

13 I think that we did have some
14 discussion earlier in the meeting and we did receive a
15 letter from the Seward Peninsula Regional Advisory
16 Council asking the Board to take as much action as
17 possible and I thought it was worthwhile to bring this
18 issue up for further consideration by the Board.

19

20 Polly, would you lay out what, we, as a
21 Board, have done to-date on this issue, or maybe Don.

22

23 DR. WHEELER: Mr. Chairman. I'd defer
24 to Mr. Buklis. He can lay out -- he's prepared to
25 layout specifically what the Board has done on this
26 issue, just give you a concise summary of what's been
27 done.

28

29 CHAIRMAN FLEAGLE: Perfect, thank you.
30 Welcome Larry.

31

32 MR. BUKLIS: Thank you, Mr. Chairman.
33 We are handing out copies of your February 2010 and
34 February 2009 letters. I'll wait a moment until you
35 have those.

36

37 (Pause)

38

39 MR. BUKLIS: Mr. Chairman. In February
40 2010, the Board sent a comment letter on the Final
41 Environmental Impact Statement, EIS, to the National
42 Marine Fishery Service reiterating your recommendation
43 of a hard cap in the Bering Sea/Aleutian Islands
44 pollock fishery of 29,323 chinook and that's the first
45 page of the handout. That's the letter we sent most
46 recently on your behalf.

47

48 The second page in the handout is the
49 previously sent February 2009 letter. The Board had
50 sent that comment letter on the Draft EIS, initially

1 recommending the hard cap of 29,323 chinook.

2

3 There are currently two comment periods
4 open in this process. There is Amendment 91, which is
5 essentially a fishery management planning process and
6 that comment period is open until April 19th.

7 Secondly, there's a proposed rule process, a rulemaking
8 process open until -- comment period open until May
9 7th. And the proposed rule announcement is on Page 3
10 of your handout, at least the initial text of the
11 proposed rule, and it shows the deadline of May 7th.

12

13 We understand there's no need to
14 comment on both of these current initiatives, the
15 Amendment 91 and proposed rule. Commerce is going to
16 take all comments received on both comment periods and
17 analyze them -- compile and analyze them together.

18

19 The next steps on the horizon, they're
20 aiming for a Record of Decision in the rulemaking
21 process of May 19th, and an implementation target of
22 January 2011 in the fishery with the new regs taking
23 effect. If the Board wants to comment again to
24 reiterate your position of record we would recommend
25 targeting the proposed rule comment period, which is an
26 overarching rulemaking process leading to the final
27 rule and OSM Staff can prepare such a letter for your
28 review, Mr. Chairman.

29

30 And just for context, and it's in the
31 letters you have there, the proposed rule cap amounts
32 are 60,000 chinook and 47,591 chinook. The higher
33 level is sort of an incentive level, with if the
34 industry has cooperative agreements and the lower level
35 is without such cooperative agreements; and there's
36 also a series of years if certain targets aren't met
37 then, then lower cap applies. But the 60,000, 47,591
38 are the caps that are in the proposed rule process.
39 And we can move forward with yet another letter on your
40 behalf, reiterating the 29,323 if that is your
41 preference.

42

43 Thank you.

44

45 CHAIRMAN FLEAGLE: Thank you, Larry.

46 Gary.

47

48 MR. EDWARDS: Mr. Chairman. I just was
49 thinking back to what the Commissioner just said and
50 what the results have been the last couple years and,

1 you know, I know what they agreed upon but then there
2 is the reality of what's happening on the ground and I
3 have no idea whether these low numbers that apparently
4 we're seeing are going to be consistent or not but if
5 they are, it's almost like we're asking for a cap
6 that's higher than what's actually taking place on the
7 ground. So I don't know if, as a result of that, we
8 kind of want to modify our response. And I'm not sure
9 exactly how we would do that, whether it would
10 recognize that these actions, you know, if they are
11 working, are good, but if they're not, we're concerned;
12 but do you see what I'm saying, is that, we're asking
13 for a cap that's higher than actually what may be
14 occurring as a result of the measures that were put
15 into place. Well, recognizing there's no guarantees
16 and that the potential cap could be much higher but it
17 doesn't -- at least -- in the near term it doesn't seem
18 to be reaching that.

19

20 CHAIRMAN FLEAGLE: Well, I think we
21 could easily do that by the first paragraph of the
22 follow up letter, would say, we recognize the efforts
23 made by the industry based on the incentive program to
24 voluntarily reduce the catch and we appreciate those
25 efforts, however, we still feel that we should have
26 safeguards in place for a lower cap should the need
27 arise. I think that would cover both bases, right.

28

29 Kristin.

30

31 MS. K'EIT: I like the language you
32 just gave out and I'm glad we have it on transcribed
33 record, so Staff doesn't have to recreate it. But also
34 I think our letter should point out our recent decision
35 to reduce the mesh size and point out that, you know,
36 we've recognized the effect or what we think is the
37 effect on the Yukon fisheries, so the industry,
38 commercial out there on the ocean need to continue
39 their efforts and we just want to provide some
40 insurance to our clients, so to speak.

41

42 CHAIRMAN FLEAGLE: Thank you for the
43 suggestion. A third component outlining the work that
44 we did at this meeting that would restrict our uses.

45

46 Larry, are you prepared to draft a
47 letter?

48

49 MR. BUKLIS: Mr. Chairman. We have
50 those points and we will act on your behalf and you

1 will see the draft, of course.

2

3 CHAIRMAN FLEAGLE: Weaver.

4

5 MR. IVANOFF: Yeah. I don't know the
6 protocol and I'm sorry if -- it's my first meeting
7 here, whether I could comment on what's being
8 discussed?

9

10 CHAIRMAN FLEAGLE: You may.

11

12 MR. IVANOFF: Thank you very much.
13 Thank you, Mr. Chair.

14

15 I don't think it should be -- the
16 comments in the letter should just relate only to the
17 Yukon River because more than just the Yukon River is
18 at stake here, also is Norton Sound, and that also
19 should be included in similar language in the letter
20 and that would be appreciated.

21

22 CHAIRMAN FLEAGLE: Great. So basically
23 I'm hearing that there's no objection to sending a
24 third letter of comment from the Board and outlining
25 those four items that were just presented.

26

27 Any objection.

28

29 (No objections)

30

31 CHAIRMAN FLEAGLE: All right, we'll
32 work on that. One other piece of the request from the
33 Seward Peninsula that is worth mentioning here and just
34 briefly discussing is the composition of the Council.
35 And I don't know that we -- I'm not sure how they
36 create -- or how they appoint members. The request was
37 to try to advocate for more Native representation on
38 the Council, North Pacific Fisheries Management
39 Council. And I don't know how that process works and I
40 don't know whether or not a recommendation from this
41 Board that would echo the RAC's position would help but
42 I'm throwing it out.

43

44 Any discussion.

45

46 Weaver.

47

48 MR. IVANOFF: Yes, Mr. Chair, thank
49 you. That request actually came from several Native
50 communities who, after a decision was made by the North

1 Pacific Fishery Management Council, to place the cap at
2 60,000, and most villages felt it was unfair and the
3 cap was too high, and so to influence matters more it
4 would -- they were requesting that the Council
5 representatives be compromised of additional members
6 who represent tribes or representatives from areas that
7 are not associated with the industry or the CDQ groups.
8

9 An exact number, I'm not sure how it's
10 tabulated but that is driven definitely by the tribes
11 in the villages. And they approached a representative,
12 two representatives actually, they approached the
13 Seward Peninsula Regional Advisory Council asking for
14 support of the proposal by letters and I'm not sure if
15 you have any of the letters in front of you from that
16 but stating their concerns, their rationale,
17 justification and those kind of things. So if you
18 don't have that information -- I don't have it with me,
19 in front of me, because I didn't know this was going to
20 be taken up today otherwise I would have been prepared
21 to do so.

22

23 Mr. Chair.

24

25 CHAIRMAN FLEAGLE: Thank you, Weaver.

26 Jack.

27

28 MR. REAKOFF: The Western Interior
29 Regional Council is very supportive of the Board, the
30 Federal Subsistence Board addressing this issue for the
31 Councils. We're very concerned that the cap was set
32 far too high and so we're fully supportive of you
33 sending any additional comments in regards to this
34 issue. We do not agree with the State of Alaska,
35 Commissioner's Office, that the bycatch issue is being
36 addressed fully. I have Council members that have
37 worked on the Bering Sea, they're concerned that the
38 observation of the fishery is not adequate and that
39 they feel that the bycatch is being underreported
40 because of the ramifications. And so that was Council
41 member's comments at our meetings.

42

43 And so I don't think that this issue is
44 going away. I feel that it's an ongoing issue and
45 needs to be addressed by the Federal Board for the
46 subsistence users.

47

48 Thank you.

49

50 CHAIRMAN FLEAGLE: Thank you. I agree,

1 and I think we're going to do that.

2

3 The question at hand now is whether we
4 want to try to carry the message that the Seward Penn
5 RAC brought to us about the composition of the
6 Management Council and whether or not we would have any
7 influence, whether it would be beneficial, what the
8 process -- I don't know anything about it.

9

10 Larry.

11

12 MR. BUKLIS: Thank you, Mr. Chairman.
13 We are aware of the Seward Peninsula Council's interest
14 and concern in representation and you're correct that a
15 letter was received from the Council by the Board and
16 we are -- Staff to the Council and helping them get
17 that letter prepared.

18

19 The Council also asked at their recent
20 meeting or two, to have a letter prepared to go to the
21 North Pacific Fishery Management Council. We have not
22 yet gotten that letter developed and sent. And so the
23 Board might be in the best position to wait until that
24 letter from the Seward Peninsula Regional Advisory
25 Council goes to the North Pacific Fishery Management
26 Council expressing their concerns and views and let the
27 North Pacific Fishery Management Council consider it
28 and then if the Board wants to reply to how they
29 consider it or submit a letter encouraging serious
30 treatment, that's a strategy, but the letter to the
31 North Pacific Council's not yet been developed and
32 sent.

33

34 So we've got kind of one part of a two
35 part effort completed.

36

37 CHAIRMAN FLEAGLE: Will it -- all
38 right, but let me get this straight. So the letter the
39 Board was just talking about, sending to meet the May 7
40 deadline, would not be affected by the letter going to
41 the North Pacific Fishery Council?

42

43 MR. BUKLIS: No, there are two issues
44 -- two issues raised by the Seward Peninsula Council
45 and many other Councils. One issue is shared in common
46 and that is the bycatch cap amount and we are
47 addressing that and we're working with the Councils to
48 prepare letters on their behalf on the bycatch number.

49

50 The Seward Penn Council raised the

1 additional matter of representation in the long-term
2 process of the North Pacific Council and how they
3 conduct themselves, and they wanted two letters sent.
4 One to the Federal Board, that's been done. One to the
5 North Pacific Council, not yet sent. And so when you
6 ask, how to deal with the North Pacific Council
7 representation, I'm only saying you might wait until
8 the Council letter gets some traction there and then
9 you can add to that or see what the response is and
10 then respond to that.

11
12 CHAIRMAN FLEAGLE: No, I think that's a
13 good approach. And so that's coming out soon then it
14 sounds like. I just wanted to be responsive to the
15 letter we received from your Council, Weaver, and I
16 think that's a good approach, though, on that second
17 item.

18
19 Jack.

20
21 MR. REAKOFF: I'm supportive of the
22 Federal Board possibly selecting certain Council Chairs
23 to represent the interests of subsistence users on the
24 North Pacific Fisheries Management Council to deliver
25 the message to the Council directly and so I am
26 supportive of that idea and so strategizing
27 futuristically on how those seats would be appointed by
28 the Federal Board, I would support that.

29
30 Thank you.

31
32 CHAIRMAN FLEAGLE: Well, okay, just for
33 timeline, it's clear we're going to have this -- the
34 one issue, the comment letter in by May 7th. The
35 second issue, we're going to wait until the letter goes
36 out from the Seward Penn to the North Pacific Fisheries
37 Council. I don't know what the time restrictions are,
38 but could it be that that process works out and at the
39 May wildlife meeting under other business we could
40 address this further for further action.

41
42 MR. BUKLIS: Mr. Chairman. We would
43 certainly make every effort to, and there's no reason
44 why we couldn't have the letter on behalf of the
45 Subsistence Council off to the North Pacific Fishery
46 Management Council before you next meet, yes. Whether
47 you'll have an early read from the North Pacific
48 Fishery Management Council on how they receive that
49 input, I would be more skeptical, that in the next 30
50 days we'll have a reading from them. But you'll at

1 least have the Subsistence Council's letter to
2 piggyback off of and add weight to if you want to do
3 that.

4

5 CHAIRMAN FLEAGLE: And we do have the
6 placeholder work sessions that we reserved; the next
7 one is in November, I believe, if we have to go that
8 long.

9

10 MR. BUKLIS: July 13th.

11

12 CHAIRMAN FLEAGLE: Pardon.

13

14 MR. BUKLIS: July 13th.

15

16 CHAIRMAN FLEAGLE: Oh, July, okay, we
17 do have one in mid-summer. So there's another
18 opportunity for, we, as a body, to look at this again.

19

20 I just don't want to let it fall
21 through the cracks, you know.

22

23 All right, is there any.....

24

25 MR. EDWARDS: Mr. Chairman.

26

27 CHAIRMAN FLEAGLE: Okay, Gary.

28

29 MR. EDWARDS: I guess I would be
30 curious, well, would our response be if they said,
31 well, we think that's a good idea but would you be
32 willing to reciprocate with regards to your Councils
33 and their representation, would we be interested in
34 doing that?

35

36 CHAIRMAN FLEAGLE: We already do.

37

38 MR. EDWARDS: Okay.

39

40 CHAIRMAN FLEAGLE: We got a court under
41 FACA.

42

43 Weaver.

44

45 MR. IVANOFF: Yes, thank you, Mr.
46 Chair. The process for adding new Council members to
47 the North Pacific Fishery Management Council has to be
48 passed by Congress and we offered to write a letter to
49 our Congressional representation in Washington, D.C.,
50 however, we were advised that we cannot do so. And so

1 this question would be for the legal -- whether we'd be
2 able to, indeed, write those letters as a process of
3 increasing seats into the North Pacific Fishery
4 Management Council, whether it would be illegal or
5 within the parameters of the RACs to indeed write
6 letters to the Congressional delegation also, and we
7 were advised that wasn't and I'd like to hear if that
8 was the case.

9

10 CHAIRMAN FLEAGLE: Ken.

11

12 MR. LORD: My gut reaction is that you
13 would not be allowed to do that under the Hatch Act, it
14 would be lobbying a member of Congress and it would be
15 prohibited.

16

17 CHAIRMAN FLEAGLE: And then there's the
18 larger what is proper protocol and we had this
19 discussion at this level when we talked about our first
20 letter going out, do we write a letter right to the
21 Secretary of Commerce, do we, you know, what level from
22 us do we reach across to a whole 'nother -- whole other
23 -- there I said another funny word, agency, you know,
24 within an entire different Department. And so trying
25 to figure out these protocols and legalities, I mean
26 we're getting there, it just takes a little time.

27

28 Jon.

29

30 MR. HILSINGER: Thank you, Mr.
31 Chairman. Commissioner Lloyd is kind of an expert on
32 the Council and he may be able to help answer some of
33 those questions as well.

34

35 (Laughter)

36

37 CHAIRMAN FLEAGLE: Do we need any more
38 answers or are we okay with the process?

39

40 (No comments)

41

42 CHAIRMAN FLEAGLE: Yeah, let's wait
43 until this -- the Seward Penn's letter goes out and see
44 what kind of response and then we can gage our action
45 or response based on that, if that's -- any objection.

46

47 (No objections)

48

49 CHAIRMAN FLEAGLE: All right. So two
50 prong approach. The first one is take action, the

1 second one is wait. Done.

2

3 Next item on other business, Pete,
4 mentioned the Board field trip for the summer.

5

6 Polly.

7

8 DR. WHEELER: Yeah, we just had a
9 couple of points that we wanted to make, Mr. Chair.

10

11 As many of you know in recent years the
12 Federal Board has traveled to, among other places, Fort
13 Yukon, Copper River, the Kenai and last year the Board
14 traveled to Bethel and Emmonak.

15

16 Last summer, Mr. Chair, not a single
17 Board member participated in the Board field trip.
18 While almost all agencies were represented on the trip
19 and involved Staff benefited greatly from the trip, the
20 Board did receive some criticism for its lack of
21 participation. And OSM Staff has organized the past
22 several Board field trips and other agency Staff have
23 also taken their turn, and as you know, Mr. Chair,
24 organizing these trips takes tremendous amount of
25 effort on the part of involved Staff. Quite frankly,
26 with all that's going on right now, Pete and I are
27 respectfully requesting that one of the other Federal
28 agencies and not OSM organize the field trip if the
29 field trip is to occur.

30

31 Mr. Chair.

32

33 CHAIRMAN FLEAGLE: Thank you, Polly.
34 While having gone to the Copper River one, that was a
35 very informative trip. And I think that these are
36 important for the Board. I wasn't able to go to the
37 one down at the Russian River, I think it was, or on
38 the Kenai, I think it was, but I have an excuse.

39

40 (Laughter)

41

42 CHAIRMAN FLEAGLE: The reason I didn't
43 go last year was because I went the year before on my
44 own, and I was celebrating my 50th birthday at the same
45 time and you guys were down there on the Delta and I
46 think that was a -- but, anyway, I had an excuse. But
47 I agree that the Board field trip is important and I
48 would support it happening. So are we looking for
49 volunteers here or do we just want to assign it to
50 Gary.

1 (Laughter)

2

3 CHAIRMAN FLEAGLE: Revisit in May,
4 okay, so anyway the idea's out there.

5

6 Sue.

7

8 MS. MASICA: I was just going to say, I
9 think part of the problem last year was we waited until
10 late to get it scheduled and people's schedules are
11 such that finding a date that everybody could do it
12 became the problem then too, so I think that becomes
13 part of the discussion of can we find an agreeable date
14 and then who could organize it.

15

16 CHAIRMAN FLEAGLE: All right, so it's
17 out there. We're asking for assistance and OSM has a
18 lot of work to do to get prepared for the May meeting
19 and this would be an added burden and maybe look
20 forward to having some assistance in that and maybe we
21 can get a response back by May.

22

23 Weaver.

24

25 MR. IVANOFF: Yes, thank you, Mr.
26 Chair. I realize that everybody's really busy during
27 certain periods of time and these field trips are
28 really essential for understanding what's going on out
29 there in rural Alaska in order for people to make sound
30 judgments and decisions.

31

32 So if a person who is sitting on this
33 Federal Subsistence Board is unable to make a field
34 trip, then he or she should be able to designate a
35 person to go on their behalf so that they could come
36 back and fulfill -- get their ear full on what's
37 actually happening out there, so to speak. And I think
38 that would help a lot with freeing up your time to do
39 your business in the Federal government and bureaucracy
40 and whatever else you have to deal with, and people,
41 and -- but at the same time get some input from rural
42 Alaska. You know it's sad that a field trip is
43 organized and people can't make it, but you know the
44 reality of the amount of work and the time and the
45 effort it takes also, so I think this would also help
46 in that regard.

47

48 Thank you.

49

50 CHAIRMAN FLEAGLE: Thank you, Weaver.

1 And that is what happened last year, other delegates
2 went, and like Polly said the Board was criticized for
3 not being there, so that's what we're trying to work
4 on.

5
6 Okay. All right. Well, we'll just
7 move forward with that one administratively until the
8 Board meets again in May.

9
10 And there being no other business on
11 the agenda, is there a motion to adjourn -- oh, hang
12 on.

13
14 Jack.

15
16 MR. REAKOFF: Mr. Chairman. I would
17 like to have final comment. And I didn't comment
18 during the presentation by the State on the Yukon in-
19 season management.

20
21 I still want to voice my concerns for
22 this year's chinook run. This is a Yukon River
23 fisheries meeting and I still want to -- the reason
24 that we took no action on Proposal 13 was that we
25 worked on a resolution to protect the first pulse of
26 fish and so the presentation by Staff and the -- by
27 U.S. Fish and Wildlife biologist and the Department is
28 that they're going to fish the normal fishing schedule.
29 I'm concerned that the Interior of Alaska currently has
30 a very low snow pack, unlike last year where it Canada
31 had 150 percent over normal snow pack and the Interior
32 of Alaska had a heavy snow pack, which curtailed the
33 efficiency of the fishery, even though it was a
34 subsistence fishery. This year is a very low snow
35 pack. The protection won't even go into place until
36 the 7th -- or correction, the 7th of June, and so the
37 run will be in progress. I'm concerned that the
38 resolution that the RACs have passed to protect the
39 first pulse will not be implemented at all this year.
40 This year's going to be fishing the large mesh gear and
41 36 hour openings on the Lower River and 48 hours in the
42 Middle River and seven days a week up river. I'm
43 concerned that the Bromaghin's study that showed the
44 model showed that we need to combine the mesh size
45 restriction that the Board supported, also in
46 conjunction with protection in allowing larger numbers
47 of fish onto the spawning grounds, and quality
48 escapement. That was the crux of our resolution of the
49 RACs, was to provide quality escapement on the grounds.
50

1 I'm concerned that this year's
2 management will not provide another year of quality
3 escapement. Last year we protected the first pulse, we
4 got some really nice fish on the grounds. This year
5 we're going to fish all these windows right off the bat
6 and we're going to -- and fishing late, we're going to
7 fish later into the season before we even start
8 protections, I'm concerned that we're going to be back
9 to square one again. We're going to have a weak,
10 basically highly selective out of all the large fish as
11 our spawning escapement go up.

12
13 And I wanted to voice those concerns
14 for the Council, because the Council -- Western
15 Interior Council was concerned about the quality of
16 escapement.

17
18 So, thank you, and I very much
19 appreciate being at this meeting and the deliberation
20 of this Board and your adoption of Proposal 12.

21
22 Thank you.

23
24 CHAIRMAN FLEAGLE: Thank you for your
25 comments, Jack. And I think that I have faith in our
26 managers. I know they said they overacted last year,
27 which is probably better than underacting. And
28 hopefully they'll hit it right on the nail this year.

29
30 Virgil.

31
32 MR. UMPHENOUR: I just want to
33 reiterate that because that is -- was a joint -- or is
34 a joint resolution. This is the third lowest snow pack
35 on record in the Interior of Alaska. What that means
36 is that there will be very little debris load in the
37 Yukon at break up, the water's going to be low, which
38 means that the nets are going to be much more efficient
39 than they normally would be. And you have to bear in
40 mind that last year the windows were cut in half.
41 Instead of two 36 hour periods per week in the Lower
42 River, it was two 18 hour periods a week. They're
43 going to go back to the two 36 hour periods this year,
44 that's the preseason plan. No protection of the first
45 pulse other than the two 36 hour openings. But you
46 have to remember that the technology has improved so
47 much the boats, one hour and you've went the distance a
48 king salmon is going to swim in one day, so with the
49 two 36 hour periods and with super low water, if that's
50 what happens, which I'm positive that's what's going to

1 happen, the efficiency of the fishing fleet, because
2 you got to remember there's 700 commercial fishing
3 permits, there's 700 sets of commercial fishing gear in
4 the Lower River in Y1 and Y2, and they have the
5 capability to stop that run as far as the large fish
6 goes with the large mesh gear.

7
8 So you need to keep an eye on it and
9 not -- I think that if it's the two 36 hour periods
10 with low water levels, that we're going to have a
11 problem; that's what I think.

12
13 And I think that the Koyukuk River,
14 which this last year had the biggest run of king salmon
15 people have seen in years, in 2001 the same thing
16 happened, except this past year, they really saw a lot
17 of them, ten-fold, people caught out of the village of
18 Huslia of what they normally catch. I'm afraid that
19 they'll get hammered.

20
21 Thank you.

22
23 CHAIRMAN FLEAGLE: Jon.

24
25 MR. HILSINGER: Thank you, Mr.
26 Chairman. I will assure you that the Staff is going to
27 do everything possible to monitor that run
28 appropriately.

29
30 As we laid out, the most pessimistic
31 view of the return is for a return of around 155,000,
32 and with no commercial fishery and only a subsistence
33 fishery that's a total harvest of about 50,000, which
34 corresponds to a harvest rate of down around 30
35 percent, which is extremely low, even for chinook. So
36 I think that they certainly do have the concern for the
37 run in mind and they will be monitoring it pretty
38 closely, the early part of the season. We've got some
39 additional test fisheries that we'll be implementing
40 and we've also got some additional work that we'll be
41 doing at Pilot Station to try to make that a more
42 effective program this year and they will be ready to
43 move if it's necessary, if the run comes back even
44 lower than what's projected. So they will be ready to
45 take action as necessary.

46
47 Thank you.

48
49 CHAIRMAN FLEAGLE: Thank you, Jon. I
50 appreciate the concerns and comments from Jack and

1 Virgil for your Advisory Councils.
2
3 Are there any final, final closing
4 comments.
5
6 (No comments)
7
8 CHAIRMAN FLEAGLE: Is there now -- oh,
9 I have one. I want to thank everybody for sitting
10 through this process with us today. It was a struggle
11 at points but I think that the decision that came out
12 was appropriate on the Yukon River and I appreciate the
13 discussion that we've had up to and after the
14 discussion -- or I mean the decision. And I want to
15 thank all you Board members for your hard work, RAC
16 Chairs for your hard work and our Staff and audience
17 present.
18
19 So with that is there a motion to
20 adjourn?
21
22 MR. EDWARDS: So moved.
23
24 CHAIRMAN FLEAGLE: There's a motion, is
25 there a second.
26
27 MS. MASICA: Second.
28
29 CHAIRMAN FLEAGLE: All right, we're
30 adjourned, thank you.
31
32 (Off record)
33
34 (END OF PROCEEDINGS)

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

I, Salena A. Hile, Notary Public in and for the State of Alaska and Owner of Computer Matrix, do hereby certify:

THAT the foregoing pages numbered 02 through 159 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, taken electronically under my direction on the 13th day of April 2010, beginning at the hour of 8:30 a.m. at the Coast International Inn, Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed under my direction;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 29th day of April 2010.

Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 9/16/10