FEDERAL SUBSISTENCE BOARD
PUBLIC REGULATORY MEETING
ON
YUKON PROPOSALS FP09-12 AND FP09-13
VOLUME I
COAST INTERNATIONAL INN
ANCHORAGE, ALASKA
APRIL 13, 2010

MEMBERS PRESENT:
Mike Fleagle, Chairman
Gary Edwards, U.S. Fish and Wildlife Service
Julia Dougan, Bureau of Land Management
Sue Masica, National Park Service
Wini Kessler, U.S. Forest Service
Kristin K'eit, Bureau of Indian Affairs

Jack Reakoff - Western Interior RAC
Virgil Umphenour - Eastern Interior RAC
Lester Wilde - Yukon-Kuskokwim Delta RAC

Jon Hilsinger, State of Alaska Representative
Keith Goltz, Solicitor's Office
Ken Lord, Solicitor's Office

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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.
MR. HILSINGER: Good morning. I'm Jon Hilsinger with the Alaska Department of Fish and Game representing the Commissioner.

CHAIRMAN FLEAGLE: Good morning. Let's start with our RAC representatives.

MR. UMPHENOUR: I'm Virgil Umphenour from the Eastern Interior RAC.

MR. REAKOFF: And I'm Jack Reakoff, Western Interior RAC Chair.

CHAIRMAN FLEAGLE: Good morning. And we have Lester Wilde on phone, on speaker phone?

MR. WILDE: Yes, this is Lester Wilde, I'm on the phone.

CHAIRMAN FLEAGLE: Great. Welcome. And we have our usual cast of support Staff in the back and I'll just have you guys stand up and announce your names.

MR. SHARP: Dan Sharp with the Bureau of Land Management.

DR. CHEN: Good morning. My name is Glenn Chen with the Bureau of Indian Affairs.

MS. SWANTON: I'm Nancy Swanton with the National Park Service.

MR. LORD: Ken Lord with the Solicitor's Office.


MR. KESSLER: Good morning. Steve Kessler with the Forest Service.

CHAIRMAN FLEAGLE: Thank you you guys. And, now, Pete Probasco, our Director, can you go ahead and introduce yourself and your Staff that are presenting today, please.

MR. PROBASCO: Thank you, Mr. Chair. My name's Pete Probasco and I'm with the Office of Subsistence Management. And I have numerous Staff that
will assist you throughout the meeting and I'll have
them introduce themselves as appropriate when they
come on the agenda. Good morning Weaver.

MR. IVANOFF: Good morning.

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

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

CHAIRMAN FLEAGLE: Good, thank you.
Welcome Weaver.

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

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

CHAIRMAN FLEAGLE: Good morning,
welcome.

(Pause)

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

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

MS. CUNNING: Tina Cunning.

MR. LINDERMAN: John Linderman.

MR. MITCHELL: Mike Mitchell, Alaska
Department of Law.

CHAIRMAN FLEAGLE: Great, welcome.

Thank you.

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

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

Mr. Chair.

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

(No comments)

CHAIRMAN FLEAGLE: Hearing none, let's go ahead and move on. Item 3, information sharing.

Dr. Kessler.

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

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

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

Our new Regional Forester, Beth Pendleton is on board. It's her intention to personally engage in the Subsistence Management Program. Next month, however, when we have our big wildlife meeting, she will have to be in Washington, D.C., for a meeting that she can't really not attend, so I will be sitting in her place for the wildlife
meeting and, in fact, I guess it's sort of my swan's
song since I'll be retiring the week following.

Thank you.

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

Others.

MR. PROBASCO: Mr. Chair.

CHAIRMAN FLEAGLE: Pete, go ahead.

MR. PROBASCO: Thank you, Mr. Chair.

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

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

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

Keep in mind that respondents do not
need to submit -- the comments that we provided before
on Amendment 91 and the Proposed Rule will move forward
to reflect the comments on the final decision.
In addition to that, I know that the Secretary's office is working on a briefing document to the Secretary, however, I don't believe the Secretary has seen that yet and I'm not sure what action the Secretary will take, but through Mr. Pourchet's office, he encouraged that the Board look at this and consider forwarding additional comments.

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

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

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

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

Mr. Chair.

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

MR. PROBASCO: That's fine.

CHAIRMAN FLEAGLE: Any objection.

(No objections)

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

(No comments)

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

MR. PROBASCO: Mr. Chair. At this time we have no people signed up for public comment period on non-agenda items.

Mr. Chair.

But you haven't made that announcement yet either.

CHAIRMAN FLEAGLE: Right. It kind of puts us in a hard spot here.

All right. If anybody wants to testify on items that do not pertain to the proposals here this is your opportunity and I'll give you a couple minutes to run out and fill out a card. If I don't see any interest we'll go ahead and move on.

MR. H. WILDE: Mr. Chairman.

CHAIRMAN FLEAGLE: Yes, sir.

MR. H. WILDE: Mr. Chairman.

CHAIRMAN FLEAGLE: Yes, is this Lester?

MR. PROBASCO: Harry.

CHAIRMAN FLEAGLE: Harry Wilde.

MR. H. WILDE: Do you hear me?

CHAIRMAN FLEAGLE: Yes, sir, do you hear me?

MR. H. WILDE: Yeah, Mr. Chairman, my name is Harry Wilde. I'm Yukon-Kuskokwim Delta Regional Advisory Council. I am also a member of Federal subsistence charter service since 1993.

Mr. Chairman. Salmon is the food that our people in Lower Yukon heavily depend on and the small income provides the little commercial money we get from the king salmon used to get more subsistence food for the family for the winter.

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

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

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

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

(No comments)

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

(Pause)

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

Gene Sandone.

Welcome, go ahead.

MR. SANDONE: Thank you, Mr. Chair. Good morning, Mr. Chair. Good morning Board members, RAC Chairs and OSM Staff and ADF&G Staff. My name is Gene Sandone. I represent Yukon Delta Fisheries Development Association. Previously to my going into private business I worked for the Department of Fish and Game for 26 years. Most of that time has been spent in the YK and particularly in the Yukon River. I served as the Yukon River research biologist from 1988 through 1996. The regional research supervisor in 2001
-- in 2000, pardon me, and then the regional supervisor from 2001 to 2008, so all in total I've had 16 years experience in Yukon River management and research issues.

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

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

Additionally, the resolution, I believe, calls for first pulse protection no matter what the run size. I think this is inappropriate because we -- first off, we don't have a lot of data on the Canadian spawning grounds. We have a lot of emotion about it but not a lot of data. We have people saying that they catch in their subsistence harvest only small fish. Well, subsistence harvest are shore-based fishwheels and gillnets and smaller fish tend to travel closer to the shore, so I don't think this is an adequate representation. Recently the Department put in Eagle sonar and is conducting a test fishing operation at the Eagle sonar and this is probably the best data that you can get on age class composition. I also note that the age class composition of the six year olds has not changed over time, it has remained relatively stable. Also Kate Myer gave a presentation at the Yukon Panel meeting that looked at ocean conditions and she's correlated those ocean conditions
with length at age and age at maturity. A colder ocean
results in older aged fish and larger at age fish
coming back to the river. Warmer, you have smaller
fish coming back and smaller at age.

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

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

Thank you, Mr. Chair.

CHAIRMAN FLEAGLE: Thank you.

Appreciate those comments. Are there any questions
from Board members.

(No comments)


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

The Western and Eastern Interior
Councils met together in Fairbanks and developed the
resolution to protect the first pulse. When I went
home and thought about the issue I refined my comments
on that. At that meeting I stated that I was concerned
that full protection of the first pulse without
consideration of its size is not the direction that I
felt that resolution should go to. I do feel, and I
submitted a letter to the Panel, the Yukon Panel, the
other day that the protection of the first pulse's
escapement goal, the 42,500 to 55,000, now, that the
Panel has set, should be protected.

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

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

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

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

Thank you.
CHAIRMAN FLEAGLE: Thank you.

Response, Gene.

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

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

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

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

We need to put -- we need to have the escapement mimic the run or the brood year return. We
need to put six and seven year olds on the escapement
goal in proportion to where they come in. And I think
with the management strategies, with the reduced mesh
size and also keeping the windows in place, when
appropriate, and also reducing the time or even
possibly even pulling a period when the run will not
allow for escapement and subsistence needs, I believe
is sound management for the Yukon chinook.

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

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

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

But the two key components is we wanted
to maintain the genetic integrity throughout the run is
what we need to do and there's only one way to do it
and something Mr. Sandone just said is the loophole.
Windows, when necessary. We need windows all the time,
not when someone deems that it's necessary because what
happens, and I can say this as being a participant in
the management of Yukon River fisheries for over 20
years, and that is that what ends up happening is that
no one is perfect, no human being is perfect and so
people are going to make mistakes. People are
susceptible, especially managers, when they have to
live where the fishermen are during the fishing season,
tremendous pressure gets put on them to open the
fisheries. And so some managers demonstrate more moral
courage towards their mission than others. The ones
that succumb allow fishing. We need windows that are
not flexible. We need windows all the time. And I
have documents here with me that indicate that, they're
weir project documents. And all the weir projects in
the Yukon River are run by the Federal government.
They're either run by Fish and Wildlife Service or BLM, runs all of them. And that tells the true story of what's getting on the spawning grounds and whether we're maintaining genetic integrity.

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

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

Thank you, Mr. Chair.

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

Gary.

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

CHAIRMAN FLEAGLE: Yes.

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

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

MR. SANDONE: I just want to point out, when I was regional supervisor I did an analysis on the escapement goal in Canada and my analysis was accepted by the JTC Subcommittee and the escapement, it's a long story, but the mark recapture project that the Canadians were doing provided bait information, period. And so we went back and we looked at how to somehow get an escapement from 1982 through the present based upon aerial surveys indices and what's passing the border by verified means, like the mark/recapture, radiotelemetry and also the sonar, and I came up with an escapement from 1982 to 2007. And the 2001 escapement, as Mr.
Umphenour indicated, was a very good escapement both in terms of numbers and in terms of quality of the fish, but the return per spawner off that escapement was not good. It was just a little bit better than two return per spawners. The escapement off the 2003 or the return off the 2003 escapement, which was a record escapement of over 80,000 fish was barely over one. So even though those escapements were huge and provided enough eggs in the gravel they did not produce well. And also the 2000 escapement, which was the poorest on record returned a return per spawner of, I believe over four.

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

CHAIRMAN FLEAGLE: Thank you.

MR. SANDONE: Thank you.

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

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

Nick Tucker.

Go ahead.

MR. TUCKER: Good morning, Mr. Chairman. Board members. Nicholas Tucker from Emmonak, Alaska.

I wasn't turning in a comment but I was
troubled and very disturbed when the former commenter was here. I felt at disadvantage because we come from a very improvised region of Alaska, that we would be free to give you comments but not rebuttal to make sure that you are not giving an opinion at that point.

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

It hurts.

Ten thousand years of -- last 100 years attrition, those are facts. So I'm asking you from here after, that any time that you get testimonies from out of our region, they're too far away and proposals, look at those proposals, examine those proposals because they're going to hurt my wife, they're going to hurt my children, my grandchildren and my neighbor and our elders. And one 81 year old, maybe some of you were there in Emmonak when Commissioner Denby Lloyd was there, he told the Commissioner at the fish dock, at the dock, if I don't get my king salmon I feel like a seagull, if I don't get my salmon I'm going to go hungry; that was an 81 year old elder that told us that. These issues are more than serious as you sit there and those people out of our region are getting us hurt down there, they're more than -- than you can ever recognize because they're with -- our Native spirit, with our Native rights, with our Native thoughts and hearts and everything that we do here behind paperwork and computers, there is tears and cries and hurts behind every single one of those that we're going to have to go through. So I'm not kidding, I'm asking you, that when you -- hereafter, because it's affecting my region so bad, please expect truth and examine that information given to you.
Some of these things are true, you can get escapement -- or what I'm trying to say is that you may try for a high escapement but then you're going to have a problem with over escapement; those are facts, and I think you and I know that.

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

I thank you very much, Mr. Chairman.

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

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

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

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

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

Board members. Questions. Discussion.

MR. TUCKER: Thank you very much.

CHAIRMAN FLEAGLE: Thank you. Pete, do we have somebody more?
MR. PROBASCO: Yes, Mr. Chair. We have
Mr. Francis Thompson from St. Mary's.

CHAIRMAN FLEAGLE: Francis Thompson,
non-agenda item.

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

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

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

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

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

Thank you.

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

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

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

All right, questions. Gary.

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

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

CHAIRMAN FLEAGLE: Other questions.

Jack.

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

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

Thank you.

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

Polly.

DR. WHEELER: Thank you, Mr. Chair. You will have plenty of opportunity to discuss the issue of customary trade, we received three proposals, Federal fisheries proposals addressing customary trade in the Yukon River region. Those are going to be analyzed this summer. They'll be before the Regional Advisory Councils next fall. The Federal Board will have the opportunity to take action on those at their January 2011, January 19 through 21st, 2011, so there will be lots of opportunity. I encourage people -- I
I actually spoke to YR DFA last week about customary trade, we had several, you know, presentations about it, encourage people to get involved in the Federal process. I have some proposal books here, you can go on line and get the Federal fisheries proposals, but there are three proposals within the Yukon River regions addressing customary trade or limitations thereof, so there will be plenty of opportunity through the public process to weigh in on customary trade.

Mr. Chair.

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

Virgil.

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

Thank you, Mr. Chair.

CHAIRMAN FLEAGLE: Weaver.

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

MR. THOMPSON: Weaver.

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

I think it's -- I'm happy to see him bring it up today because I think the public has to weigh in on this. The people up and down the Yukon as
well as Seward Penn, and other places in the state of 
Alaska will have to start really taking a look at this 
issue in fine detail.

   Thank you, Mr. Chair.

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

CHAIRMAN FLEAGLE: All right.

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

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

Thank you.

MR. THOMPSON: Thank you.

CHAIRMAN FLEAGLE: Pete, do we have any 
others.

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

CHAIRMAN FLEAGLE: Welcome.

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

I didn't know Mr. Thompson was going to 
address this issue and I was concerned about the issue 
as well. In thinking about the customary trade, I 
think I'm looking for a vehicle that'll enable, you 
know, this arena, along with the State, ways of 
addressing that issue, maybe by area and specific to
species like Mr. Ivanoff just stated, might be a way to try to curtail abuse of customary trade. It is a big concern.

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

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

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

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

Questions.

(No comments)

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

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

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

(Off record)

(On record)

CHAIRMAN FLEAGLE: Order. Order in the court.

(Pause)

CHAIRMAN FLEAGLE: All right, welcome back. We're back on record. Do we have our telephonic
participants still with us?

(No comments)

CHAIRMAN FLEAGLE: Lester?

(No comments)

CHAIRMAN FLEAGLE: All right, we'll keep an ear open and check back in with our phone participants.

Item No. 5 on the agenda is where we do take up action on the deferred Yukon proposals, and, leading out, we have Pete Probasco with a process overview.

Pete.

MR. PROBASCO: Thank you, Mr. Chair.

The Staff and I thought it would be good that we just briefly recap where we've been and where we're going and so this addresses Proposals 12 and 13 that we will soon be addressing.

As you recall the Eastern Interior Regional Advisory Council submitted proposals FP09-12 and 13 on gillnet mesh size and net depth and those would have normally deliberated at your Federal Subsistence Board meeting in January 2009. You initially deferred action on these proposals to April of 2009 to allow for inclusion of additional information and Staff analysis and for consideration by affected Councils at the winter 2009 meetings. And then at the January 2009 meeting the Board decided to further defer consideration until this meeting, April 2010 in order to allow the Board of Fisheries, the State Board of Fisheries an opportunity to act on regulatory proposals on this issue first, which they did in January of this year.

We also thought it'd be helpful as we take this up for the Federal Board to first hear an ADF&G Staff report on the information that has been presented to the Board of Fisheries before its deliberation on these issues. And just as a reminder this approach was also used for the affected Councils at their meetings this past winter and was found to be very helpful.
We'll follow up then with our presentation, OSM Staff, and subsequent consideration steps for each proposal separately, so we're going to do 12 first, followed by 13, which will include Council recommendations and then the normal opportunity for ADF&G's comments. Questions that you may have of the State following their presentation should focus on the information presented and actions by the Alaska Board of Fisheries. Please hold questions concerning the proposals to the Federal Program and state comments on those proposals until after Mr. Rich Cannon has done his presentation. I think that'll allow it to flow much more easily.

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

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

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

Thank you.

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

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

Thank you, go ahead.

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

As most of you know the Alaska Board of Fisheries recently passed regulations to restrict maximum mesh size for subsistence and commercial gillnets to no greater than 7.5 inches. That will go into effect in 2011. There were no changes made to the depth of gillnets. And the presentation I'm about to
The Department presented data related to the Alaska State Board of Fisheries Proposals 89 and 90 which sought to reduce the mesh size and depth of gillnets on the Yukon River. These proposals are similar to Federal Proposals FP-12 and 13.

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

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

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

This is the first in a series of a slides that depict the selectivity curves currently modeled for Pilot Station Test Fishery with curves for 6.5, 7.5 and 8.5 inch mesh being shown. The way to interpret these curves is that the peak shows the length of fish the mesh is most efficient at catching. For example, the 8.5 inch mesh net is most effective at
catching fish approximately 830 millimeters or about 33 inches mid-eye to fork length. The way the curve decreases above and below the peak reflects the degree to which the catchability decreases as size deviates from the optimum.

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

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

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

The way to think about this is that the 8.5 inch net targets slightly larger chinook salmon but the smaller chinooks are a little more abundant so catches are higher.
Next I would like to give an overview of the Lower Yukon mesh size study.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

So to summarize those findings, 7 inch mesh nets do not effectively target chinook salmon. Age composition from 8 inch nets would be fairly equivalent to the current fishery whereas 7 and 7.5 inch nets would target younger individuals. The proportion of females caught in 8 inch nets is fairly equivalent to the current fishery but 7 and 7.5 inch nets would likely target slightly fewer females. 8 inch nets catch smaller chinook salmon in terms of length, and both 7 and 7.5 inch nets target even smaller length chinook. All three mesh sizes harvest far fewer of this largest size class than the current fishery. And finally chinook salmon targeted in the 8 inch nets weigh less than the current fishery and
weight differences are more pronounced in the 7.5 inch
nets and most pronounced in the 7 inch nets.

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

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

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

Few management options are available to
counteract these trends.

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

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

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

Decreasing exploitation rate.

Restricting mesh size.
Restricting mesh depth.

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

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

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

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

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

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

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

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

Ultimately this fishing strategy will often result in higher escapements at or above existing escapement thresholds, thus, there will be foregone harvest of fish.
In the second option, gillnet mesh size restrictions would be adopted between 7.5 and 8 inches, which is based on the best available data on Yukon River chinook. Currently older and larger individuals are disproportionately harvested in the unrestricted mesh size fishery and this option would make the harvest less selective for these individuals. A mesh size reduction could be adopted only for the commercial fishery as a lower use priority or for both commercial and subsistence fisheries.

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

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

Fishermen have also raised concerns that smaller mesh nets would result in increased chinook dropouts. The degree to which dropouts occur is unknown and is extraordinarily difficult to quantify. The Chinook Technical Committee of the Pacific Salmon Commission provides some estimates for
chinook dropouts but also emphasizes the uncertainty of these estimates. These range from two to eight percent. We do not know, however, how mesh size change would alter dropout rates.

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

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

I want to emphasize that these are hypothetical scenarios to illustrate the tradeoffs between these options.

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

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

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

In this scenario we assume a subsistence harvest of 50,000 fish which is typical in most years on the Yukon River, and any surplus above that contributes to the commercial harvest, therefore, at 30 percent exploitation on a 200,000 fish run there is a total harvest of 60,000 fish; 50,000 of these would be for subsistence harvest and result in a commercial fishery of 10,000 fish. Here we see a decrease in exploitation rate decreases the harvest of
large chinook. We also see that fewer large chinook
are harvested by the smaller mesh sizes compared to the
harvest with an unrestricted mesh size fishery. Even
when the exploitation rate for these smaller mesh size
fisheries are doubled that is the harvest of large
chinook in the restricted mesh size at 60 percent
exploitation is less than the harvest of unrestricted
mesh size at 30 percent. This means that because mesh
size reductions address exploitation of the large
individuals specifically, greater exploitation rates
could be used and still achieve the objective.

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

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

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

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

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

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

There will be some cost in time or
money to reduce depth of existing gillnet gear.

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

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

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

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

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

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

Thank you.

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

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

CHAIRMAN FLEAGLE: Are you prepared to do that?

DR. HOWARD: Yes.

CHAIRMAN FLEAGLE: Please.

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

MS. EVENSON: Three and a half.

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

CHAIRMAN FLEAGLE: Okay, thank you.

Gary.

MR. L. WILDE: Mr. Chairman.

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

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

MR. L. WILDE: Mr. Chairman.

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

And I do hear you on line, and I do have you in the que so -- oh, we have a dead microphone. I have a kill button here but I haven't used it yet.
MR. PROBASCO: I'm good.

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

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

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

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

Anyway we do have the microphone working now.

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

Virgil.

MR. UMPHENOUR: Thank you, Mr. Chair.

The issue of the depth of the nets was addressed by the Board of Fisheries in January of 2004. During deliberations at that meeting the Fairbanks Advisory Committee submitted an amendment to a proposal to reduce the depth of the gillnets, if they're larger than 6 inch mesh, to no more than 35 meshes. The Board did discuss that extensively in deliberations in 2004 but Jill Klein, the executive director of Yukon River Drainage Fisheries Association promised the Board that they would do a study to determine what the effects would be, whether or not it would save larger king salmon. That study was never done.

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

Mr. Chair.
CHAIRMAN FLEAGLE: Thank you, Virgil.

Dani.

MS. EVENSON: Mr. Chair. Mr. Umphenour. The Department would like to have -- would have liked to have addressed the issue of depth but it's very complicated and difficult to get at. Fish tend to swim at different depths for different parts of the river and so it's a challenging thing to get our hands on. So we couldn't come up with scientifically defensible approach to actually studying that. And we were also concerned that if we do study -- if you do shorten the depth of nets, for some areas, that fishermen are going to fish in other areas and we know that fish swim a little bit higher in the water column over sand bars, for example, or they porpoise and they come up and so that we had some concerns for the ethicacy of that as well.

So we haven't been -- since we have been unable to address that we have no idea of how effective a measure such as that would be.

Thank you.

CHAIRMAN FLEAGLE: Thank you. Virgil, go ahead.

MR. UMPHENOUR: As a follow up, does the Department have any plans to address this issue in the future?

MR. EVENSON: Mr. Chair. Mr. Umphenour. No, not at this time.

MR. UMPHENOUR: Thank you. That's all I have, Mr. Chair.

CHAIRMAN FLEAGLE: Okay. Other questions.

(No comments)

CHAIRMAN FLEAGLE: Okay. I'll turn to on line, I believe that was Virgil trying to weigh in, go ahead.

(No comments)

CHAIRMAN FLEAGLE: I'm sorry, Lester. I
got the name written here and I just said it wrong.

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

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

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

Mr. Chairman.

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

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

MR. L. WILDE: Okay, thank you.

CHAIRMAN FLEAGLE: Okay, thank you.

Other questions.

Jack.

MR. REAKOFF: Thank you, Mr. Chairman.

My question is, was there a calculation as the fish progress up the drainage, their girth declines and so they're catchability would actually increase, and if these protected windows, as these fish move into the protection sort of overlaps, was there a calculation made as the fish girth declines up drainage, the catchability of the various gear types or just strictly for the Lower River was the main calculation? Was there any projection for up system catchability?

DR. HOWARD: Mr. Chair. Mr. Reakoff.

So the study was conducted in the Lower River and the focus was on the Lower River because the mesh sizes were all conducted within that same area.
I'm not sure if I completely understand your question, could you maybe rephrase that?

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

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

MR. REAKOFF: Okay, thank you.

CHAIRMAN FLEAGLE: Other questions.

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

CHAIRMAN FLEAGLE: Dani.

MS. EVENSON: Mr. Chair. Mr. Ivanoff. So the first part of your question was asking do we see larger fish during the first pulse relative to the rest of the run was your question, as I understand it. And typically we see -- in the onset of the run we see small fish that are predominately male, then as the first pulse comes in we see an increase in both larger fish and female fish which actually continues on throughout the meat of the run, pretty much from quarter point to quarter point.
The mesh size study was run over three years, 2007, 2008 and 2009 as mentioned by Dr. Howard and we tried to run that study from quarter point to quarter point of the run so we were capturing the bulk of the run.

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

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

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

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

Thank you.

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

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

CHAIRMAN FLEAGLE: Thank you. Virgil.

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

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

So, unfortunately, no.

MR. UMPHENOUR: Thank you. Mr. Chair.

CHAIRMAN FLEAGLE: Further questions.

Jack.

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

And so I would -- that's why when Dani first presented this at our RAC meeting in Galena in 2007 I said that there's actually points on the fish where the fish are caught and those should be calculated as -- incorporated into the study, these catch points I called them, and I sent her a diagram about that. And so the reality is larger mesh fish catch the fatter fish at a higher rate, the bigger
fatter fish. As they move up the drainage they're getting thinner. And I just wanted to point that out, that there must be a variation between the various stocks as they enter the river.

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

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

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

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

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

MS. EVENSON: Mr. Chair.

CHAIRMAN FLEAGLE: Dani.

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

CHAIRMAN FLEAGLE: Thank you.

MR. EDWARDS: Mr. Chairman.

CHAIRMAN FLEAGLE: Gary.

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

CHAIRMAN FLEAGLE: Just interesting piece of the discussion.

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

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

(No comments)

CHAIRMAN FLEAGLE: All right, hearing none, thank you.

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

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

CHAIRMAN FLEAGLE: Right.

MR. PROBASCO: .....and now we go to Rich Cannon.

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

(Laughter)

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

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

Mr. Chair.

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

With that, Rich Cannon. Thank you.

Welcome.

MR. CANNON: Thank you, Mr. Chairman and Board members. For the record my name is Richard Cannon. I am the OSM Yukon River fisheries biologist and I will be referring to sections of the Staff analysis, which is before you for Fisheries Proposals 09-12 and 13.

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

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

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

For the Federal process it's important to note that most commercial fishing and over half of the subsistence harvest takes place in Federal public waters of the Yukon River. This complex history is
summarized in the draft analysis. It is also important
to note that a river-wide consensus about the scope of
these concerns or solutions has not yet emerged.

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

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

In the summer of 2008 the Federal Board
defered consideration of these proposals until the
spring of 2009 to allow for important new research to
be incorporated into the analysis.

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

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

The Staff analysis for Proposal 12
updates the regulatory background, harvest and stock
status information for Yukon River chinook salmon since
the Board took up this issue in December 2007. The
analysis also provides new information from studies
that recently had been completed, some additional
analysis of available data and updates on published
studies and summaries of recent actions by the Alaska
Board of Fisheries. The Council's proposal would be
phased in over a three year period for subsistence
users and one year for commercial users to reduce the
economic burden and match the useful life of most nets,
which the Council identified as three to four years. A summary of the recent Board of Fisheries action is presented on Page 6 of the analysis. The State Board was given basically the same information by the ADF&G Staff and a special presentation by Dr. Jeff Bromagin with USGS that is provided in this analysis.

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

Fishermen from all areas of the river testified during the State Board's committee process that this rolling closure protecting the first pulse as it migrated up river seemed to be effective in 2009. Upper River fishermen reported seeing larger numbers and larger size fish.

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

I'm going to focus on the new information.

Key points from this information are:

The reliability of age data based on scale analysis.

Trends documenting decline in fish size, over time.
Long-term consequences of size selective fishing with a primary focus on the Bromaghin modeling study that was published in 2008.

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

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

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

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

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

Although limited time series available from commercial harvest and escapements do show a small decline in size for larger older fish. The analysis of commercial harvest data by Dr. Hamazaki with ADF&G shown in Figure 7 found the fluctuation in size of the larger older fish which suggested a response to changing environmental conditions. The upper trend line shows age 6 fish and in the red lower trend line are age 7 fish. The gradual decrease in size of age 7 fish was shown over time. However, observational data
cannot confirm what the causes of declines and size
might be. And this was, again, reported in the last
presentation.

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

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

Dr. Howard presented a comparison of
management options employing gillnet mesh size and
fishery exploitation. The comparison showed that,
although, both reducing mesh size and decreasing
exploitation could effectively reduce harvest of larger
older fish, the reduction in mesh size would allow more
fishing opportunity. The Federal analysis attempts to
highlight findings from Dr. Bromaghin's model of the
effect of long-term highly size selective gillnet mesh
size harvest on a modeled salmon population based
largely on parameters relevant to Yukon River chinook
salmon and various management scenarios. This figure
illustrates the primary findings of the model. I want
to alert you, however, to a correction in the written
analysis. The graphics for Figure 1 and 2 on Page 34
were reversed. I apologize for that. This is the
correct graphic for Figure 1. Length is shown on the Y
axis and the years on the X axis. The studies showed
that a modeled chinook salmon population decreased in
length rapidly over a 50 year period when subjected to
selective fishing with 8.5 inch mesh gillnets, as you
can see on the figure, and then stabilized for 150
years at a smaller size, a much smaller size. As a
result fecundity and stock productivity also declined. Available data for Yukon chinook salmon suggests that although salmon size has not decreased to these levels at this time, the declines in size that had been observed could lead in this direction. So this shows the direction that we could be going into.

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

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

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

Pages 19 through 25 provide an analysis of gillnet mesh sizes that would reduce the size of chinook salmon captured, maintain harvest efficiency for chinook salmon but not dramatically increase summer chum salmon harvest. As shown in Figure 13 reducing the mesh size to no larger than 7.5 inch mesh would increase the size of chinook salmon reaching the spawning grounds, 8.5 inch mesh shown in the solid lines and 7.5 inch mesh in dashed lines are compared for chinook on the left and chum salmon on the right. The analysis is based on a large data set collected by the Alaska Department of Fish and Game, at the Pilot Station sonar site test fisheries, but may not represent fishing methods employed by commercial and subsistence fishermen. Related to this information Appendix B found on Pages 37 and 39 provides a
discussion of gillnets, how they are measured and how they catch fish. Information about dropout mortality of gillnets is also provided on Pages 38 and 39.

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

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

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

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

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

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

Thank you.

That concludes my presentation.

CHAIRMAN FLEAGLE: Thank you for that overview. And just for the record the Board has the complete document referred to and will be referring to
it in its deliberation and its decision-making process.

Any questions.

Gary.

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

CHAIRMAN PLEAGLE: Dr. Howard, would you be willing to come back up.

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

Well, either one of you can answer.

I guess my question is, is it seems like we're looking more at trying to do a compromise here to try to address a lot of different issues as opposed to strictly looking at what might be best for the resource itself.
CHAIRMAN FLEAGLE: Rich, go ahead, please.

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

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

Thank you, Mr. Chairman.

CHAIRMAN FLEAGLE: Dr. Howard.

DR. HOWARD: Mr. Chair. Mr. Edwards. The chum salmon issue is a concern. And only fairly recently has that stock, the summer chum stock rebounded, and it hasn't been that long ago that there
were some pretty serious concerns for that stock so we
don't really want to trade sort of one stock of concern
for another by putting, you know, more harvest on that
particular stock, more than would be necessary.
There's also concern for wastage. Summer chum salmon
don't get utilized throughout the drainage and
particularly in the middle river those stocks are close
to their spawning sites and there isn't a lot of use
for those salmon among some of those fishermen.
Sometimes they're not even really targeted even for dog
food. So it would be sort of irresponsible to
encourage heavy harvest on chum salmon stocks that
wouldn't be -- that wouldn't be utilized by the
fishermen and I think that is a concern.

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

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

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

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

CHAIRMAN FLEAGLE: Dr. Howard.

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

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

DR. HOWARD: That's a good question.
Unfortunately I think we'd need more data on the
smaller mesh sizes as well, you know, we didn't run 6.5
inch mesh in the mesh size study so I think that would be interesting to see what exactly would be caught when it's compared directly to other mesh sizes.

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

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

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

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

CHAIRMAN FLEAGLE: Rich.

(No comments)

CHAIRMAN FLEAGLE: Larry.

MR. BUKLIS: Mr. Chairman. In addition to what Rich Cannon and Dr. Howard have said, if you look on Page 23 of your analysis, Figure 12 on Page 23,
it shows the length distribution of a population and
the catchability or selectivity for the 7.5 inch mesh
and the point made there is that that gear type matches
the distribution of the population of chinook salmon
and catches proportionately. There also is mention in
Rich's presentation about the importance of managing
for exploitation and bringing that to a level that
achieves the quality of escapement that's needed. But
the information we have in hand does not indicate that
we need to eliminate the subsistence and commercial
chinook salmon fisheries. So this is a mesh size of
gillnet that provides for a chinook salmon fishery
that's well matched to the run and then exploitation
rate management can provide the numbers of fish of
quality that are needed.

Thank you.

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

CHAIRMAN FLEAGLE: Jon Hilsinger,
direct response.

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

Thank you.

CHAIRMAN FLEAGLE: Rich.

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

MR. HILSINGER: Thank you, Mr. Chairman. So if the cause was related, say, to changes in ocean temperature and those kinds of things, do we have a good idea what the response might be by changing the mesh size or taking these other actions?

MR. CANNON: Through the Chair. Mr. Hilsinger. What we know, based on the information we have is that it's as simple as this, that larger mesh catches larger fish. By reducing the mesh size we hope to focus the harvest on the size of the population that's coming in and we hope then to see the fish that are spawning also being representative of what came into the run, the population -- the characteristics of the population, that's the best we can do with management.

The effects of environment and the effects of the -- the much more subtle effects of mesh size are pretty much impossible to untangle by just looking at your fisheries data, that's why we had to go to a model to try to untangle that.

However, without good measures of what we've accomplished, for example, good information on all the spawning grounds, we'll really never know if we've achieved what we hope to.

CHAIRMAN FLEAGLE: Thank you. And I apologize, Weaver, for letting Jon cut you off, I thought his request to speak was direct response to the exchange with Gary. So having said that I now turn to you for your comments or questions.

MR. IVANOFF: Thank you, Mr. Chairman. Apology not necessary.

(Laughter)

MR. IVANOFF: I'm used to that.

(Laughter)

MR. IVANOFF: I'm kidding.

(Laughter)

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

CHAIRMAN FLEAGLE: Dr. Howard.

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

CHAIRMAN FLEAGLE: Go ahead, Weaver.

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

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

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

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

CHAIRMAN FLEAGLE: Weaver.

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

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

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

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

Any idea?

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

Pete.

MR. PROBASCO: Thank you, Mr. Chair.
OSM has been following the Council's actions on this
and our understanding from the information that these
are rearing chinook and that they are various age
classes but they wouldn't be what you would draw a
comparison from large fish immediately going into the river, they're fish that are destined to but they're a younger age class.

Mr. Chair.

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

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

Mr. Chair.

CHAIRMAN FLEAGLE: Okay, well, that's fair.

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

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

Virgil.

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

CHAIRMAN PLEAGLE: Dr. Howard.

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

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

MR. UMPHENOUR: Maybe.

(Laughter)

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

Mr. Chair.
(Laughter)

CHAIRMAN FLEAGLE: Thank you, Virgil.

Jack.

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

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

CHAIRMAN FLEAGLE: Other questions.

Gary.

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

DR. HOWARD: Through the Chair, yes.

CHAIRMAN FLEAGLE: Jon Hilsinger.

MR. HILSINGER: Thank you, Mr. Chairman.

I did just want to clarify a little bit for Mr. Ivanoff's question about the exploitation rates.
And we've actually been going through a period of pretty intense learning on the Yukon River in recent years. I think development of the Eagle Sonar project advanced our understanding of those runs probably by a factor of 10 and where -- and what we found was that there's actually about twice as many fish crossing the border every year as we used to think there were. The Canadian mark/recapture project indicated a run about half of what's actually going across the border and the Canadians agree that that's the case. And so what we used to think was an exploitation rate of 80 percent really was an a much more lower exploitation rate and we've since taken steps even to reduce those exploitation rates farther. And if you look at some of escapement graphs in Mr. Cannon's analysis you'll see that a number of the systems in Alaska, most of the years escapements in recent years are well above the goal so we actually have been having very large escapements and a much lower harvest rate. And we do that, of course, because we manage for the escapement goals and we have had those differences in the productivity between the Canadian stock and the U.S. stocks. And so while we've tried to take specific measures to reduce the exploitation rate on the Canadian stocks, that's had an effect of also substantially reducing exploitation rates on the U.S. stocks.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Jon.

Other questions.

(No comments)

CHAIRMAN FLEAGLE: Do you want to break for lunch.

MR. PROBASCO: Do you want to do written public comments and then break.

CHAIRMAN FLEAGLE: Okay, that's a good suggestion.

Pete suggested that we overview written public comments before we break for lunch.

Larry.

Rich.
MR. PROBASCO: Polly.

CHAIRMAN FLEAGLE: Polly.

DR. WHEELER: Actually, Mr. Chair,

that's me.

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

Comments were received from the
following entities or individuals.

Alakanuk City Council.

John Andrew of Marshall.

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

MR. THOMPSON: Azachorok.

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

(Laughter)

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

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

Norma Evan on family of Marshall.

Norma Evan as an individual from

Judy Gottlieb, a former Federal
Subsistence Board member.
A combined comment from the city of Mountain Village, that group that Francis just referred to and Asa'carsarmiut Tribal Council.

We also received a comment from Ohogamiut Traditional Council.

United Fishermen of Alaska.

Yukon Delta Fisheries Development Association.

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

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

The perspectives offered by the comments have thus been considered by the Regional Advisory Councils during their deliberations on the content of these analyses.

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

Mr. Chair.

CHAIRMAN PLEAGLE: All right, thank you, Dr. Polly Wheeler.

With that, we're going to go ahead and take a lunch break and when we come back we'll be taking up public testimony. And at the time we gavel
back in from the break that will be the deadline for
accepting cards for testimony so when you come back and
if you want to testify on Proposals 12 and 13, please
submit -- I'm sorry, Proposal 12, please submit your
card before we begin public testimony after the break.
And, with that, we will return at 1:00 o'clock.

(Off record)

(On record)

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

Polly.

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

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

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

The next name is Nicholas Tucker. Mr.
Tucker.

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

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

MR. TUCKER: Good afternoon, Mr.
Chairman and Board members. I have only one testimony that references regarding FP09-12 and 13, so if you'll allow me to, I would like to do that.

CHAIRMAN FLEAGLE: Sure.

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

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

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

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

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

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

And I guess looking at that, I feel a
little heartbroken I guess, and Mr. Woodruff and
Lester, we're all endangered species now. And I'm
wondering maybe how to get a Federal act to protect the
endangered species here.

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

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

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

And that is all I have, Mr. Chairman.
Members of the Board. And if you have any questions,
I'll be happy to answer them.

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

(No comments)

CHAIRMAN FLEAGLE: Council members.

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

Thank you.

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

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

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

Thank you, Mr. Chairman.

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

Dr. Wheeler, next.

DR. WHEELER: Billy Charles.

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

I would just like to go on record and state for the Proposal 09-13 and 09-12, I'm in opposition of. And I'm still maintaining that position
today. I believe that there are other conservation measures that haven't been really proven out there.

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

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

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

Thank you, Mr. Chair.

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

Questions, Board members.

(No comments)

CHAIRMAN FLEAGLE: Thank you.

MR. CHARLES: Quyana.

CHAIRMAN FLEAGLE: Polly.

DR. WHEELER: The next person is Stan Shepard.

CHAIRMAN FLEAGLE: Stan Shepard is -- was not able to make the meeting, but is attending by teleconference, and we need to check -- no, he's not? Okay. Thank you, Sherry. Do you want to speak a
couple words on his behalf?

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

CHAIRMAN FLEAGLE: Yeah, he's not here.

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

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

DR. WHEELER: Okay.

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


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

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

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

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

The emphasis on subsistence restrictions was discussed. The abundance of salmon has not been a problem, but with restrictions on
fishing and these windows are making few choices for people. When the majority of the people that depend on subsistence end up having to apply for food stamps and energy assistance and welfare and these types of things. The elders have seen a drastic change to the subsistence way of life and seem to be barely hanging on.

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

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

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

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

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

Polly.

DR. WHEELER: Francis Thompson.

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

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

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

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

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

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

(Trying to get teleconference quiet)

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

MR. THOMPSON: Can I restart my five minutes?

(Laughter)

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

MR. THOMPSON: Okay. So I'd like to
mention again oppose FP09-12 for the reasons stated.

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

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

Thank you, Mr. Chair.

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

Questions.

(No comments)

CHAIRMAN FLEAGLE: Thank you.

MR. THOMPSON: Thank you.

CHAIRMAN FLEAGLE: Next.

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

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

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

I'd like to draw your attention to FP09, the Staff analysis, Page 13, if you will. And I'd just like to point out that I think the downturn in
productivity with the Yukon, it's FP09-12, Page 13, the
graph at the top of the page, it shows the total run
and total exploitation rate of Canadian-origin Chinook
salmon.

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

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

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

Also, if you flip the page over to Page
14 and look at the top of the page there on the
escapement, I just want to point out that Yukon River
Chinook salmon is a yield concern. You can see that
from the previous graph. The escapements, this is a
new escapement data base that was put in in 2008, the
prior escapement data base from DFO fishwheels was
basically assessed to erroneous. It seemed like they
continually under counted the numbers of fish crossing
the border, and it wasn't a consistent pattern.
This is the new data base. And as you can see the escapement goal prior to this year was 45,000 for the last two years, and the median of those escapements is 45,000. So I want to point out that Yukon River Chinook salmon is not in dire straits. It's in pretty good shape, except production is low. And because of the flexibility in management of ADF&G, because ADF&G manages the fishery on escapement, exploitation rate is reduced when the runs are low. And so they concentrate on meeting escapements.

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

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

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

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

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

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

Thank you.

CHAIRMAN FLEAGLE: All right. Thank
you, Gene. Questions.

(No comments)

CHAIRMAN FLEAGLE: Thank you for the testimony.

MR. SANDONE: Thank you.

CHAIRMAN FLEAGLE: Polly.

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

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

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

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

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

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

We do support the 7.5 inch proposal in another way though, to make it a management option rather than the law of the land. We believe that the
current system that we have out there is working, but
to address some of the concerns that the proponents of
this proposal has, we would recommend that the
management options for both the State and Federal
managers have a three tiered option. Right now there
is a restricted, which is 6.5 -- or 6 inch and below or
unrestricted, 6 inch and above. But the substitute
language that I had submitted earlier would allow for
the Federal and State managers to have a 6 inch and
perhaps 7.5 inch maximum and beyond 7.5 would be
unrestricted. And we believe that this is a longer-
term fis. It's not an immediate short-term fix. It's
adaptable and it gives the managers a lot of
flexibility to allow them to address a conservation
concern or an over-abundance of salmon, whether it be
chum salmon or kings during the summer, that summer
portion of the run, and feel that this would be a good
one.

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

And that concludes my AVCP testimony.

Mr. Chair.

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

Gary, a question.

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

MR. ANDREW: Yeah. Through the Chair.
Currently when the managers make an announcement on the
Lower Yukon, they basically say that this is going to
be a restricted opening. That usually indicates 6 inch
or smaller, or they announce an unrestricted opening,
which is 6 inch or larger. But as a management option,
what the managers can announce is that the maximum mesh
size is going to be 7.5 inch to address this particular
conservation concern, whereas in the past it was 6 inch
or smaller or 6 inch or greater. And I believe that
this 7.5 inch maximum portion of the management option
would provide an effective tool for managers to address
the concerns that the proponents of this proposal has
on this issue.

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

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

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

CHAIRMAN FLEAGLE: Okay. Thank you.
Other questions.

Virgil.

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

MR. ANDREW: I am aware of their
efforts to purchase the nets, but I don't know if the
distribution is going to be for the commercial
fishermen or for subsistence fishermen or for both. I
don't now. I can't speak for the organization.

MR. UMPHENOUR: Thank you. Mr. Chair.

CHAIRMAN FLEAGLE: All right. Thank you. We're having problems with discussions on the telephone again.

UNIDENTIFIED VOICE: Okay. Never mind.

CHAIRMAN FLEAGLE: Lester, can you hear us?

(No comments)

CHAIRMAN FLEAGLE: No. Anyway, it seems to have subsided again.

Other questions. Kristin K'eit.

MS. K'EIT: Mr. Chair. I don't have a question, but my Staff provided me a copy of a Tundra Drums article that says there will be 1,000 nets provided, 1,000 7.5 inch mesh nets by YRDFA it looks like. They've ordered 500 for now at the cost of about $200,000 and will order another 500 next year.

Mr. Chair.

CHAIRMAN FLEAGLE: Thank you. Polly.

DR. WHEELER: Just as a point of clarification. I believe that those nets are being provided by the Yukon Delta Fisheries Development Association, not YRDFA. YRDFA's a different organization, so in the interest of clarity, it's Yukon Delta Fisheries Development Association, not Yukon Delta Fishermen's Association.

CHAIRMAN FLEAGLE: Thank you, Kristin. Further questions.

(No comments)

CHAIRMAN FLEAGLE: All right. Thank you, Timothy. Now you may proceed with your personal testimony.

MR. ANDREW: Okay. Excuse me. Thank you. For the record, Timothy Andrew. I'm a
subsistence and commercial fishermen. I subsistence fish on both the Yukon and Kuskokwim Rivers.

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

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

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

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

Additionally, they have lived in the area for quite some time, since the 1930s, and all their lives they've never had to deal with mesh restrictions. They've had to deal with the time and
area closures. They also had to deal with the windows regulation. And with the additional 7.5 inch regulation, that would put a real financial burden on them.

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

Thank you. Mr. Chair.

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

(NO COMMENTS)

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

Polly.

DR. WHEELER: Bill Alstrom.

CHAIRMAN FLEAGLE: Welcome.

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

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

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

But regarding the Federal Proposal 09-13, I'm strongly opposed to this proposal, because what it takes away, lowering the -- anything greater than 6 inch to 35 mesh deep, that already takes care of it in the proposal 09-12, because we've already been cut from 8.5 inch or anything unrestricted to 7.5 inch gear. So you put in about -- you know, that's taking away about...
a little over 3 feet, 3.5 feet. So that would, you
know, take care of restricting the -- anything greater
than 6 inch gear or 6 inch or anything greater than 6
inch gear to 35 mesh.

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

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

Thank you.

CHAIRMAN FLEAGLE: Thank you for the
testimony, Bill.

Questions.

(No comments)

CHAIRMAN FLEAGLE: Thank you. Polly

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

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

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

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

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

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

Thank you. Mr. Chair.
CHAIRMAN FLEAGLE: Thank you, Frank.
Appreciate the testimony. Questions.
(No comments)
CHAIRMAN FLEAGLE: Thank you.
MR. F. ALSTROM: Thank you.
CHAIRMAN FLEAGLE: That's it, right, Polly?

DR. WHEELER: Mr. Chair. That's it on public testimony, unless there's something on the floor.

CHAIRMAN FLEAGLE: All right. I haven't gotten any more requests. Public testimony is now complete for Proposal 12.

We now turn to Regional Council recommendations. And, I don't know, I'll start over on the left here. Jack, do you want to lead off?

MR. REAKOFF: Okay. Thanks, Mr. Chairman.

The Western Interior Regional Council met jointly with Eastern Interior. At the joint meeting we only had six members present. Two of our Yukon River fishers were not present when we had our first vote. The Councils split on the proposal.

The next day at our game meeting we had the two members finally arrive, because of weather. And they adamantly requested the dissenting votes, to revisit the proposal. They advocated for the proposal during deliberation, and when it was revoted, the Western Interior unanimously supported Proposal FP-12.

And so the Western Interior's position is to support. Membership stated on the record that the Board of Fish had adopted this regulation. They were concerned about going any smaller. Adamantly opposed to going any smaller than 7.5 inch for Chinook harvest. And that they wanted to assure that the 7.5 inch was adopted by the Federal Subsistence Board.

They discussed on the record that there may be in the future a relaxation of that, but that was
strictly part of their discussion.

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

Thanks.

CHAIRMAN FLEAGLE: Thank you, Jack.

And just for clarification, the notes say that you supported Proposal 12 with modification as presented by OSM, right?

MR. REAKOFF: Yeah, correction.

CHAIRMAN FLEAGLE: Thank you.

MR. REAKOFF: To the OSM modification.

Thank you.

CHAIRMAN FLEAGLE: Okay. Appreciate that. Thank you.

Questions, Board members.

(No comments)

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

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

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

MR. WILDE: You're welcome, Mr.
CHAIRMAN FLEAGLE: Questions, Board members.

(No comments)

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

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

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

CHAIRMAN FLEAGLE: Okay.

Questions.

(No comments)

CHAIRMAN FLEAGLE: Thank you. Weaver Ivanoff.

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

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

First of all, there's a real economic impact that's going to happen in the Yukon Delta should this be imposed on them. I'm a commercial fisherman and also a subsistence fisherman, and I know how much it costs to buy gear. There are some years where you just absolutely cannot afford to buy any gear, new gear, because you just didn't make the money to do it
in the commercial fishery. There are some years where
you do really well and you could buy two, four, six
shackles to keep you going for the next two or three
years. There's always a storm going on, they are
something of some effect that tears your gear, and so
you have to reinvest again. But that's the forces of
nature.

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

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

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

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

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

It seems that just like the people and
the fishermen in the Norton Sound, the Lower Yukon
bears the brunt of regulations as far as trying to
conserve Chinook salmon. And it affects their whole
way of life to some extent, and mostly in a negative
fashion. While there are windows available, other
options and other management schemes have not been
I really think taken a strong look at. Shorter nets is a possibility. There's windows. There's a whole host of other things that could impact the size of the king salmon if we need that as the -- if that is the objective of this proposal. Because the strength of the run is what determines the escapement. Reducing to 7.5 mesh will not affect the strength of the run.

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

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

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

Thank you, Mr. Chair.

CHAIRMAN FLEAGLE: Thank you.

Questions.

(No comments)

CHAIRMAN FLEAGLE: All right.

Appreciate those comments from all the RACs.
We now turn to the Department of Fish and Game. Jon Hilsinger.

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

CHAIRMAN FLEAGLE: Thank you. Welcome, Tina.

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

CHAIRMAN FLEAGLE: Not only nods, but pleases.

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

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

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

With that said, we support FP09-12 with the modification that's proposed to have it become
FP09-13 proposes to limit all gillnets with a stretch mesh size of greater than 6 inches to a maximum depth of 35 meshes for all users (subsistence and commercial) in waters of the Yukon River where federal subsistence regulations apply. The Federal Subsistence Board reviewed similar proposals twice before (FP05-03 and FP06-04) and took no action or opposed those proposals. The Alaska Board of Fisheries did not adopt a proposal to restrict subsistence and commercial gillnets of 6-inch and larger mesh size to 35 meshes in depth in the Yukon Area at its meeting in January 26-31, 2010, after thorough review in an open public process of numerous oral and written reports by the Alaska Department of Fish and Game.

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

Conservation Issues:

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

Opportunity Provided by State:

Salmon may be harvested under state regulations throughout the majority of the Yukon River watershed, including a liberal subsistence fishery.
Gear types allowed are gillnet, beach seine, hook and line attached to a rod or pole, handline, and fish wheel. Although all gear types are not used or allowed in all portions of the Yukon River drainage, drift and set gillnets and fish wheels harvest the majority of fish taken for subsistence uses. Under State regulations, subsistence is the priority consumptive use. Therefore, State subsistence fishing opportunity is directly linked to abundance and is not restricted unless run size is inadequate to meet escapement needs.

When the Yukon River Chinook salmon run is below average, the State subsistence fishing periods may be conducted based on a schedule implemented chronologically throughout the Alaska portion of the drainage, which is consistent with migratory timing as the salmon run progresses upstream. Federal regulations under Special Actions to restrict federally-eligible users have been rare and mirrored the State inseason actions necessary to meet escapement goals, except where state and federal regulations differ in Subdistricts 4B and 4C. Amounts reasonably necessary for subsistence Chinook salmon (5AAC 01.236 (b)), as determined by the Alaska Board of Fisheries, have been met in the Yukon River drainage for 7 of the last 10 years.

Other Issues:

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

Recommendation:

Oppose.

The Federal Subsistence Board deferred taking action on this proposal in 2008 until the Alaska Board of Fisheries reviewed the results of the three-year comparative mesh size study. The Alaska Board of Fisheries considered and unanimously opposed a proposal to restrict subsistence and commercial gillnets to 35 meshes in depth in the Yukon Area at its January 26-31,
2010, meeting. However, the Alaska Board of Fisheries adopted a maximum mesh size of 7.5 inches for subsistence and commercial gillnets effective in 2011 in the Yukon Area. This change in mesh size effectively reduces the maximum depth of commercial gillnets in Districts 1-3 by approximately 3 feet from the depth of an 8.5-inch mesh gillnet (commensurate with the current gillnet fishery).

Cited References:


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

Questions.

MR. EDWARDS: Yeah. Mr. Chairman.

CHAIRMAN FLEAGLE: Gary.

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

CHAIRMAN FLEAGLE: Tina. Or, Jon, do
you want to take that?

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

Chairman Fleagle: In the near future. Gary, do you want to go ahead and continue?

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

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

Mr. Chair.

Chairman Fleagle: Thank you. I wonder, Keith, the hypothetical that Gary raises is a concern that I had, too, reading through the information. Given the fact that the proposed action before this Board here does not address the commercial harvest, and given the fact that the State has already restricted commercial to 7.5 inch, but without our
speaking to the closure, which we've always done in the past -- well, not always, but we try to have alignment of, duplicative regulations if I'm going to use the State's terminology, it seems like in this case it would make sense to have the duplicate regulation in the event that commercial may come back, and it may come back to the degree that they can use large net meshes.

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

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

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

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

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

CHAIRMAN FLEAGLE: Thank you. So given that statement, nothing would preclude this Board from re-amending this language back to adding commercial, I mean, should it so choose to is where I'm going with this. It just seems to me almost like an oversight. And I'm not suggesting that we do that, I just want to
hear it fleshed out and rationalized and justified for it being amended, the substituted lang -- the amended that we have before us.

Go ahead, Keith.

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

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

Gary.

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


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

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

We're now ready to.....

DR. WHEELER: Are you ready for the Staff Committee?
CHAIRMAN FLEAGLE: To go to the InterAgency Staff Committee comments. And, Polly, are you giving those? Go ahead.

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

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

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

Mr. Chair.

CHAIRMAN FLEAGLE: Thank you.

Questions.

(No comments)

CHAIRMAN FLEAGLE: All right. Hearing none.

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

(Off record)

(On record)

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

We're now entering into Board discussion with Council Chairs and the State liaison,
basically our deliberative process. Once there's a
motion made, the process will shrink to just the Board
members unless we invite participation from Council
members or the State.

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

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

Can you hear me?

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

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

And Virgil leads out.

Go ahead, Virgil.

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

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

For the proposal that we're addressing
now, just the front page of this thing I handed out is
applicable. What it is is the last page of the report
that's referenced on Page 17 of the current Board book,
if everyone would turn to Page 17, please. It says,
gillnet mesh size selectivity. And I'm going to just
read it real fast for the record.
Fisheries scientists have recognized the potential impact of size selective harvest for decades, Ricker, 1981. Okay. This thing here that I handed out, that's the conclusion of that report. The Ricker report was a report, one of them down the line on this thing. 1 of 11.

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

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

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

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

What's caused it, and I referred to this earlier today, is what we put on the spawning grounds. I have, and this was presented to the full Board three years ago, the composition of preliminary Chinook salmon, age composition by sex at the East Fork Andreafsky River, the Sasha River, Henshaw Creek and Tozitna River weirs in Alaska, 1984. I'm going to read you what we put on the spawning ground for 6 and 7-
year-olds. For 7-year-olds, .3 of a percent Andreafsky weir, .2 of a percent the Sasha weir, .8 of a percent Henshaw weir, .8 of a percent Tozitna River weir. 6-year-olds, 17.2 percent, 25.2, 26, and 19.8. That's 2004. 2005, we put in .5 percent, .4 percent, 0 percent, 0 percent. The six-year-olds, we put 20.2, 15.6, 22.8 and 27.9. The last one of these, the 7-year-olds, 0 percent, .1 percent, 0 percent. The six-year-olds, 28 percent, 13 percent, and on the Tozitna weir only 4.4 percent. This has been going on for quite some time.

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

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

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

The fishwheels that are at the rapids, and one of them is a test fishwheel that's been in operation since 1999, daily reports are sent out. It calls itself Rapids Research Center. Him and I started actually weighing the fish with his students that he has there in 2004. Where we take -- when I would buy commercial fish. 2004 was the first hear we did it, and then he does it with all the subsistence fish.
However, he does not enter this into his data set unless he gets every fish in that specific time period. There's no hygrading done. And so we have the actual average weight and length and sex of what's going to Canada, because this fishwheel is in a super swift part of the river. There's a rock island in the middle of the river. That's where they were going to build the Rampart Dam when they were considering that. The river is super swift, and so you get a real good representation of what is actually swimming up the river in that fishwheel.

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

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

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

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

Mr. Chair.

CHAIRMAN PLEAGLE: Thank you, Virgil.

Other discussion.

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

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

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

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

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

We do also need to couple it with quality escapement. We need to have management strategies that allow windows or large enough windows or selection periods to allow quality stock into Canada, and that's what the jointly resolution with Eastern Interior was about, is quality escapement into Canada. And so that has to be combined with the 7.5 inch proposal.
MR. IVANOFF: Yes, thank you, Mr. Chair. There's a statement made on Page 40 which I have a little heartburn on. It's in the InterAgency Staff Committee comments, that the Seward Peninsula Advisory Council would violate recognized principles of fishery management because we oppose the proposal FP0-12. And I really don't believe that's the case. We've heard testimony from the biologists that indeed decreasing mesh size would increase exploitation rate, especially on the younger aged fish which comprise the majority of the spawners. And so there's that principle to look at.

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

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

And that's all I have to say. Mr. Chair. Thank you.

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

We do note that we've taken substantial steps to improve, increase the escapements particularly
in those areas like Canada where we've had some difficulty in meeting escapements in some years. And so I think if you look at a lot of the record, you'll see that actually since the first really bad run there in 1998, we've probably consistently had higher escapements than we did in those years before that. And so I think that there's adequate numbers, but we recognize, and particularly from the work that Dr. Howard did, that there's a fairly straightforward means of improving the quality of that escapement and ensuring that the larger fish are on the spawning grounds.

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

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

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

CHAIRMAN FLEAGLE: Thank you, Jon.

Further discussion.

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

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

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

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

Mr. Chairman, that's my comment.

CHAIRMAN FLEAGLE: Thank you, Lester.


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

Another issue that was brought up is the catch per unit of effort is greater with 7.5 inch net. It's actually, under the eight criteria, economy of time, effort and expense are considered in analyzing
subsistence uses. 7.5 inch gear actually optimizes the
harvest. The fishery has a less endurance, and so
people maximize their harvest. And so they actually
have less fuel expense, less time spent on the river.
This is advantageous for the subsistence users in that
it actually optimizes the harvest of the fish itself.

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

Thank you.

CHAIRMAN FLEAGLE: Thank you. Further
discussion. Weaver.

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

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

Thank you. Mr. Chair.

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

But Weaver just adds an interesting
point. So you're catching more fish, but do those more
fish result in the same poundage that you would have
caught initially. And so would you have to -- I don't know where the balance is. Again, it's another one of these delicate balances. And I hear, you know, where you guys are trying to work it out, and I'm just curious.

Go ahead, Jack.

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

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

CHAIRMAN FLEAGLE: Weaver.

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

CHAIRMAN FLEAGLE: Virgil.

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

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

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

CHAIRMAN FLEAGLE: Kristin.

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

MR. WILDE: Go ahead, ma'am.

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

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

Does that answer your question, ma'am?

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

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

MS. K'EIT: Thank you.

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

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

MR. WILDE: Well, I'm kind of the wrong person to ask that question, because like I said, the fish depend -- our fishing out here depends a lot on the winds that we get and I think the people in-river would be better people to ask than me out here on the coast. Although I've had some experience with salmon
on the Yukon River for a number of years, I was a
tenderman and not necessarily paying attention to what
was being caught. We were buying the fish, and
although we were paying attention to the fish and how
they react to different times on the river during the
commercial fishing time, we found that in those years
that -- I think I spent something like 40 years on the
boat tendering fish.

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

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

MR. L. WILDE: You're welcome.

CHAIRMAN FLEAGLE: All right. Thank
you. Weaver.

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

(Laughter)

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

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

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

All right. Well, further discussion.

(No comments)

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

Gary.

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

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

Now, the next question that you raised is an interesting one, because in this case we are obligated to vote in support of a Council recommendation unless it fails to meet one of three criteria in Section .805(c). And now we have two Councils that are in support and two Councils opposed. So we do have Council recommendation to adopt. We probably could just move forward without addressing the opposing Councils' position. But that's a good
question to ask legal right now. I mean, do we need to -- how do we weigh this out and stay within the confines of .805(c)

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

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

But, Gary, go ahead.

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

CHAIRMAN FLEAGLE: Sure.

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

DR. KESSLER: I'll second.

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

MR. EDWARDS: Mr. Chairman. In making this motion, I fully recognize that it does have a lot of implications. And I know that it will create more hardship on people who have probably experienced more hardship than most of us can even imagine. And I also recognize that we'll be asking people to make sacrifices who have already made a lot of sacrifices. But at times the burden of conservation can be a heavy burden. And sometimes we do have to make sacrifices and do a hardship so that resources are available for
future generations to be able to utilize and to appreciate. And I feel that this proposal to restrict gillnet sizes to 7.5 inch stretch mesh will do that.

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

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

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

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

Discussion.

CHAIRMAN FLEAGLE: Thank you, Gary.

DR. KESSLER: Yeah, Mr. Chair.

CHAIRMAN FLEAGLE: Dr. Kessler.

DR. KESSLER: Thank you. Yeah. This board has struggled with this issue for many years, and
it's been a very difficult issue. For one thing, because it's such an important resource that sustains the livelihoods of so many communities on the river. It's also been difficult because we've recognized some troubling trends that threaten the sustainability of this resource and jeopardizes the longer term ability of people to meet their subsistence needs.

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

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

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

Thank you.

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

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

Adoption of the proposal could be expected to allow a greater number of the larger, more productive females to reach the spawning grounds and increase the harvest of smaller, younger fish. And this also has the potential to increase the run size and shift the age structure towards the larger, older fish. I think other benefits of adopting this proposal is that over time more Chinook salmon will be available for subsistence users. Hopefully commercial fishing would also be restored. And that Federal and State
regulations regarding mesh size will be aligned and
this would simplify regulations for all users.

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

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

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

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

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

CHAIRMAN FLEAGLE: Thank you. Kristin.

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

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

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

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

CHAIRMAN FLEAGLE: Thank you, Kristin.

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

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

It still doesn't answer the problem of
the reduction in fish size overall. I think that we
all will agree that there has been something driving a
reduction in fish size. Whether we can point that to
us catching the large fish for the many -- you know,
the last century or whatever, or if it's tied to the
environmental conditions in the ocean or, you know, the
bycatch issue certainly weighs in there. That really
trouble me more than having to decide to restrict a
harvest type here, is what is going on with the true
ecosystem of this resource?

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

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

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

With that.....

MR. EDWARDS: Mr. Chairman. May I say
one thing.

CHAIRMAN FLEAGLE: Gary.

MR. EDWARDS: I was intrigued
initially, and I guess maybe still am, by AVCP's
substitute language where they basically talked about
it being kind of a management option. And the way I
understood it is that it would allow managers to open
the fisheries and dictate what mesh size and if people
didn't want to buy a 7.5 inch mesh, then they wouldn't
have to, and then hope that maybe things would improve, and it would be open to larger mesh size. But the more I thought about it, it seemed to me -- I think it would create nothing but false expectations, because the reality is that based upon the information that would not occur, and people who might not otherwise switch over would just wait and then would not be able to fish. But I did think it was an interesting option that they offered.

CHAIRMAN FLEAGLE: I appreciate you mentioning that, Gary.

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

(Laughter)

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

Further questions. Keith said Shakespeare even made up words.

Jack.

MR. REAKOFF: One final comment. It's
not just the lower river fishers that are going to endure this cost. I want to point that out. There a
many people in the Western Interior Region that are going to have to also have to retool. And I would say
I have many very impoverished people within my region also that are going to have to retool under this. It's
not just the burden of the lower river.

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

UNIDENTIFIED VOICE: Call for the question.

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

DR. WHEELER: Mr. Edwards.

MR. EDWARDS: Aye.

DR. WHEELER: Dr. Kessler.

DR. KESSLER: Aye.

DR. WHEELER: Ms. K'eit.

MS. K'EIT: Aye.

DR. WHEELER: Mr. Fleagle.

CHAIRMAN FLEAGLE: Aye.

DR. WHEELER: Ms. Dougan.

MS. DOUGAN: Aye.

DR. WHEELER: Ms. Masica.

MS. MASICA: Aye.

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

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

Would this be an appropriate time for a
brief stand down before we take up 13?

   (Board nods affirmatively)

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

(Off record)

(On record)

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

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

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

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

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

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

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

All right. We'll go ahead and move on.

Now, Proposal 13. We're prepared to take up Proposal 13 in the full deliberative manner beginning with a Staff presentation on the analysis. However, given that the Council recommendations, Department of Fish and Game comments, and InterAgency Staff Committee comments all support rejecting the proposal or taking no action, we have the option of treating this as a consensus agenda item and take no action.

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

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

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

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

(Laughter)

CHAIRMAN FLEAGLE: Virgil. Virgil.

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

CHAIRMAN FLEAGLE: Please do.

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

We know that there will be a final report out that was done by this guy Eigler (ph) from -- I'm not sure whether he worked for Fish and Wildlife Service or NMFS, but one or the other out of Auke Bay
where they did a radio telemetry study. And when they did this radio telemetry study, they insert the radios down the king salmon's mouth and the antenna hanging out of its mouth. And a number of these tags were what they called archival tags, which measured how deep the fish was swimming and the water temperature and recorded it I think every three minutes. I could be wrong on that. But anyway, so they recovered a number of these tags. And the report on the analysis of these tags that recorded all this information is due out this summer. And so that's new information that would be valuable in making this decision. And so that is why the Eastern Interior RAC recommends no action.

Mr. Chair.

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

Thank you.

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

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

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

CHAIRMAN FLEAGLE: Any objection.

(No objections)

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

All right. Moving on. We're going to
have a Staff change to address the next item. All right. Item 10 -- I mean, Item 6 is 2010 Yukon River salmon pre-season outlook and status of management strategy development.

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

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

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

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

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

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

Because we fell short of our Canadian Chinook Escapements in '07 and '08, management in '09 had decided preseason to protect the entire first pulse all the way to the Canadian border. Additionally,
subsistence fishing time was reduced in '09 during the
regular windowed fishing periods and subsistence
gillnet mesh size was restricted in the lower river to
no larger than 6 inches because the run continued to
appear weak when subsistence fishing resumed.

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

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

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

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

So for management a run of this size at
the conservative low end should be sufficient for
escapement, subsistence and the Canadian harvest
shares.
No directed Chinook commercial fishing is expected. And subsistence restrictions to conserve Chinook beyond windows are unlikely. However, if the Chinook run comes in below expectations, additional subsistence restrictions may become necessary.

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

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

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

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

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

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

CHAIRMAN PLEAGLE: Just out of curiosity, what do you base those averages on? I mean, I know you have your -- you know basically what your spawning return was that's producing the returning fish
this year. I know that's part of it. But how do you come up with this average? Dan.

MR. BERGSTROM: If you're speaking of the average of the overall run size coming back, well, I think how we couched it in the JTC like for the Canadian run was what the recent like 5-year or 10-year average was, and so that that would put in the parameter there to explain whether you're above or below that average. So that we could, you know, explain that.

CHAIRMAN FLEAGLE: I guess further though going beyond the average, how do you determine whether the -- what this year is going to be, whether it's below average or above average or.....

MR. BERGSTROM: Well, that's how we were looking at it this year, Mr. Chairman, is that in looking at the recent trend of 5 or 10 years in the Canadian run as we reconstructed the run, we would say that the average was -- I think you mentioned it earlier, Fred, didn't you, what the average was. And so that's how we're couching whether or above average using that average of the recent year trend.

How we're really looking at it though is as Fred said, going into the season on the outlook is we adjust for that recent production, low production we've seen, so that's why we're getting that low end, so it's -- that's really what we're using, not this below or above average. It's more of how we're looking at it is this low end of the outlook, and that's based on that lower production we've seen the last three years. So that's the number we're using pre-season.

CHAIRMAN FLEAGLE: Okay. It makes sense. Thanks.

Other questions. Discussion.

(No comments)

CHAIRMAN FLEAGLE: All right. Appreciate it. Thank you.

All right. The next item up for discussion is Section 19 regulation changes. Polly.

DR. WHEELER: Thank you, Mr. Chair. I
I have a few things that I'm just going to read into the record or say into the record, and then Ken and I can answer questions if they come up. Some of this will be review for some of you, but for those of you that are new, it will be new information.

In July 2009 the Federal Subsistence Board directed the Office of Subsistence Management and the Solicitor's Office to draft proposed revisions to the section of the subsistence management regulations, Section 19, which address special actions. This direction was based on comments from Council members, the public, agency representatives and partially in response to recent litigation.

The primary purposes of these proposed revisions are to accommodate the new biennial regulatory cycle, which by the time these get through it may be an annual regulatory cycle, but I guess we'll cross that bridge. Number 2, improve clarity with respect to the Board's process of accepting and addressing special action requests. 3, update public notice requirements to bring them in line with the practices of the digital age. And, 4, bring clarity to the role of the Regional Advisory Councils with respect to special action requests.

As a reminder, the Board has no authority to change these regulations. The regulations governing special actions are included in Subpart B which addressed program structure. Unlike the regulations in Subpart C and D where the Board is the rulemaking authority, only the Secretaries have the authority to change the regulations in Subparts A and B. Consequently the Board's role in this particular matter is limited to making a recommendation to the Secretaries for their consideration. Remember that, because it's important at the end of this.

The proposed rule was published in the Federal Register on October 14th, 2009. Comments were accepted through January 12th, 2010, and that was the day of the Federal Board meeting back several months ago. A copy of the proposed rule is included in your Board packet.

As those of you who were here in January may remember, we also received three public comments at the meeting as well as a set of comments from the State of Alaska which also submitted comments.
in written form. A brief summary of the public
comments presented at the Federal Board is as follows.
And if you remember back to the January meeting, I did
promise you that I would provide you with summary of
public comments at this meeting, so here goes.

Ricky Gease, the executive director of
the Kenai River Sportfishing Association, felt that the
proposed rule wrongly expanded the authority of the
Board into regulation of non-subsistence uses on
Federal public lands, by giving Federal managers the
authority to regulate methods and means and time and
area of non-subsistence users. Mr. Gease felt that the
authority of the Board should be limited to opening and
closing non-subsistence uses, and only do the latter
based on conservation concerns.

Rod Arno, executive director of the
Alaska Outdoor Council, also felt that the proposed
rule wrongly expanded the authority of the Board into
regulation of non-subsistence uses on Federal public
lands by giving Federal managers the authority to
regulate methods and means, time and area restrictions
and seasons and bag limits. He felt that this expanded
authority was in violation of the Alaska National
Interest Lands Conservation Act. Mr. Arno also stated
that under ANILCA the State remains responsible for the
conservation of fish and wildlife resources, and that
defferece should be given to the State on emergency
closures.

Greg Roczicka, natural resources
director, Asa'carsarmiut Tribal Council, felt that the
conditions for reopening for non-subsistence uses that
is included in the proposed rule, specifically that if
new information of changes conditions warrant -- of
changed conditions warrant, should also be included as
conditions for reopening subsistence uses. Mr.
Roczicka also felt that deference should be afforded to
the Regional Advisory Councils in consideration of
special actions, and that is not specifically included
in the proposed rule.

The State of Alaska read its public
comments into the record. In summary, the State had
two major issues with the proposed rule. First, the
State requested that its role be clarified with regard
to Federal determinations that affect the State's
responsibilities for management and conservation of
fish and wildlife when implementing special actions as
recognized in ANILCA.

Secondly, the State requested additional changes to eliminate serious jurisdictional issues raised by the proposed rulemaking. Specifically, the State opposes the Federal assertion of authority to regulate the taking of fish and wildlife for non-subsistence uses that greatly exceed Congress's authorizations in ANILCA and impermissibly infringe on sovereign State authority to manage fish and wildlife in Alaska. And I'm quoting there directly from their testimony.

A summary of written public comments is as follows.

The United Fishermen of Alaska requested the proposed rule be withdrawn based on three reasons. UFA stated that since the program was under review by the Department of the Interior, regulatory changes were not appropriate at this time. UFA also commented that it is not clear if the Board has the authority to restrict methods and means for non-subsistence users. And, lastly, since the title of the proposed rule was subsistence management regulations and non-subsistence use was not specifically addressed in the preamble, there is a reasonable expectation that non-subsistence uses would be affected by this rule.

The State of Alaska Citizens Advisory Commission on Federal Areas supported the proposed revisions to clarify the process for accepting and addressing special actions, updating the public notice requirements and the role of the Regional Advisory Councils. However, they were concerned that the revisions addressing non-subsistence uses went beyond the clarifying process, and they were concerned that it would expand the authority of the Board beyond the intent of ANILCA.

At this point, Mr. Chair, OSM Staff recommendation is for the Board to consider these comments and provide a recommendation for drafting the final rule for Secretarial review. And since Mr. Lord is now sitting at the table, I'm guessing that he may have something to add regarding the intent of the proposed rule.

Mr. Chair.
CHAIRMAN FLEAGLE: I think he does.

Ken.

MR. LORD: Thank you, Mr. Chair. I did want to respond to some of those comments that you just heard. And then again recommend to the Board that some action be taken, because as you heard, this is partially litigation driven, which means that my office and the Department of Justice are under some time pressure to move forward with something, or some regulatory changes to Section 19.

First of all, I want to clarify that it is not our intention to expand the scope of the Board's authority by passing these regulations. Despite some comments that suggested that there was -- this was some sort of nefarious back door attempt or power grab, that's not now this program operates. If we were intending to expand the scope of our authority, we would put it out there for public comment for due consideration and discussion, and then do it in an open fashion. We wouldn't do it in a back door fashion like this, as has been suggested.

Now, more specifically, getting to some of the concerns, there are, in current regulations two subsections A and B to Section 19 that address the Board's authority. Subpart A addresses the Board's authority to open, close or restrict to non-subsistence uses whereas Subpart B addresses the Board's authority to open, close or restrict subsistence uses.

Now, one thing we're proposing to do is to move those two sections into Section X which has the rest of the Board's authorities and then all of the Board's authorities would be in one place and that's not in dispute. But we also propose to tweak the language slightly to those sections.

Right now as I said, the words, restrict, open and close are used in the current language and the new language would add to those words the phrase; and let me make sure I have this right here; would add the phrase:

Or otherwise modify the requirements regarding the taking of fish and wildlife on public lands for non-subsistence uses.
Well, that's where some people had heartburn. They felt that that was an increase in the Board's authority to adjust harvest limits or methods and means.

Now, as you heard earlier from Keith, it is our view that the Board already has this authority. The State disagrees with us on that and it has been a longstanding dispute that we're -- not dispute, or disagreement that we've had. And so what I am proposing today is that because the Board already has this authority and that authority stems from the statutory language that allows the Board to close, I would propose that this phrase be eliminated from our proposal as superfluous, it really does not change the Board's authority one way or the other and since it does seem to be causing some heartburn there's really no reason to have it in there.

And, so, Mr. Chair, I would like to close by asking the Board that it move ahead with a recommendation to the Secretaries to finalize and adopt the proposed language with the modification that the phrase that I read;

Otherwise modify the requirements regarding the taking of fish and wildlife on public lands for non-subsistence uses.

be removed from that proposal.

Thank you, Mr. Chair.

CHAIRMAN FLEAGLE: I had a question from a Board member, exactly where on the page is that?

MR. EDWARDS: I have found it.

CHAIRMAN FLEAGLE: Oh, you did.

MR. EDWARDS: Or Polly found it, excuse me.

CHAIRMAN FLEAGLE: Okay, go ahead, Gary.

MR. EDWARDS: I guess, then my question is, then why if you are striking that language, why don't we even strike the language close or open for the
take of fish and wildlife and just make it clear that
has authority to restrict the taking of fish and
wildlife on public lands for non-subsistence uses,
period. I mean, why, if you're going to restrict or
eliminate uses or otherwise modify, then why wouldn't
you also address the close or open because those are
also.....

MR. LORD: There is no dispute over the
use of the word, close, and no dispute over our
authority to reopen once we've closed, so there really
is no purpose served in striking that language.

MR. EDWARDS: Well, I understand, I'm
not addressing the dispute issue, I'm just addressing
the rationale. You're saying that because there is
dispute, you're suggesting or recommending that we not
use it because we believe that we have it so why
wouldn't that same rationale apply to close or open?

MR. LORD: One of our goals in changing
this language was to clarify to the casual reader what
it is the Board is able to do and that was one of the
reasons -- that was the reason that we added the language;
otherwise modify the requirements, now, the less
explanatory language we have in that regulation, the
less clear it might be to our constituents what the
Board is able to do. They might not read into the --
if we simply have the word, restrict, they might not
understand completely what it is the Board is doing or
is able to do.

MR. EDWARDS: I hear what you say, I
don't agree, I guess, with the rationale.

It just seems to me, again, if you want
to make it, you know, clear, then -- if one rationale
applies to one it ought to apply to the other and I
don't see the difference, quite frankly.

CHAIRMAN FLEAGLE: Other discussion.

(No comments)

CHAIRMAN FLEAGLE: So all we need is an
affirmative vote we support the amended change as
recommended.

MR. LORD: That's correct.
CHAIRMAN FLEAGLE: Polly.

DR. WHEELER: Again, Mr. Chair, just as a reminder, as I said early on in my comments, the Board -- the regulations governing special actions are included in Subpart B, which address program structure, unlike the regulations in Subpart C and D where the Board is the rulemaking authority. Only the Secretaries have the authority to change the regulations in Subparts A and B. So the Board's role in this particular matter is limited to making a recommendation to the Secretaries for their consideration.

So it will still be down the road but it's looking for a recommendation to forward to the Secretaries.

Mr. Chair.

CHAIRMAN FLEAGLE: Is anybody willing to move with such recommendation.

Dr. Kessler.

DR. KESSLER: Just so I'm clear then this doesn't change anything because we already have this authority, we're just taking out words which are being construed by others and troubling to others, yeah?

MR. LORD: Speaking specifically to that phrase that I was talking about.....

DR. KESSLER: Yes.

MR. LORD: .....yes, that's right.

DR. KESSLER: And the phrase is: Or otherwise modify the requirements regarding the taking of fish and wildlife on public lands for non-subsistence uses.

MR. LORD: That's correct.

DR. KESSLER: Okay.

MR. LORD: And we could, for the same
reason, remove that same phrase from.....

DR. KESSLER: Okay.

MR. LORD: .....the Subpart below which deals with subsistence uses.

DR. KESSLER: Okay.

MR. LORD: But, that, I don't think is where the -- I don't think there was the same dispute over that language.

DR. KESSLER: Okay, thank you.

(Pause)

CHAIRMAN FLEAGLE: All right, do we have -- okay, Tina, go ahead.

MS. CUNNING: Mr. Chairman. I just want to ask a clarification. When Ken started out his explanation he suggested that they might be merging the language in the new -- proposed language in .19(a) and (b) into .10 so that would eliminate where that language is also in .19; is that what you were saying?

MR. LORD: That's correct.

MS. CUNNING: Thank you, sir.

CHAIRMAN FLEAGLE: Okay, got it.

Any more discussion.

MR. EDWARDS: Well, I don't know, I guess.....

CHAIRMAN FLEAGLE: Gary.

MR. EDWARDS: I guess I really wouldn't even know how to vote on this, quite frankly. But I mean it is what it is and if we don't think it's what it -- if we think it's what it is then maybe we should say it, if we don't think it then we shouldn't say it. I'm not sure by not using the words really changes anything because the issue is still out there. So I really don't know what we accomplish, so I wouldn't know how to vote.
CHAIRMAN FLEAGLE: Kristin.

MS. K'EIT: I guess I'm kind of agreeing with Gary on that. What I think I'm hearing is that we're recommending that phrase be removed to create some good will in management relationships that we're responsible for. It's not -- we're not saying we don't have that authority on our public lands that we manage on behalf of the Secretaries, we're just saying we don't want it to look like we're overly proud of our authority or what not; whatever it seems like. Is that what I'm hearing and I'm just saying it in a different way, from the way you said it, Ken?

MR. LORD: Your point regarding the legal interpretation is correct. The reasoning simply is just -- since it -- it wasn't just the State it was lots of other people who seemed to have concerns over it, I see no -- honestly whether the Board goes one way or the other makes no difference from a legal perspective as far as I'm concerned. But there may be other reasons to do it.

MS. K'EIT: Thank you.

MS. MASICA: Mr. Chairman, I have a question.

CHAIRMAN FLEAGLE: Go ahead, Sue.

MS. MASICA: Ken, does that clarification get addressed then in a preamble in any way or is that, that that authority still exists? I guess I'm trying to -- like Gary, just trying to figure out what it means to remove it but it's.....

MR. LORD: Well, what it means is that the language.....

MS. MASICA: .....it's suggesting something by removing it but if you don't clarify what your understanding is elsewhere, does that create a problem?

MR. LORD: What it means is the language is closer to what it is currently, in our current regulations and our interpretation is that under our current regulations we already have this authority. So we go from -- we go -- we maintain the status quo and I don't think we need to explain
maintaining the status quo with a preamble.

MS. MASICA: Okay.

MR. EDWARDS: And just one other thing, I don't have a clue whether we have the authority or not. I guess ultimately courts would decide that if it would come to it. I mean I have no reason to doubt our view and I guess I have no reason to doubt the State's view. So I guess my view is it ought to be all or nothing, and I guess why I was saying that, like I said, I guess I would just be more happy with to say: The taking of fish and wildlife on public lands for non-subsistence uses. and not define the parameters of what that is because my -- at least what I'm hearing you say is that we believe our parameters are kind of all inclusive and so why would you only identify a part of those and not the rest of them. Why not just say that we think or our interpretation is that we have authority to close or open public lands for the take of fish and wildlife for non-subsistence uses, period.

MR. LORD: Mr. Chair.

CHAIRMAN FLEAGLE: Go ahead, Ken.

MR. LORD: One thought I do have is if we simply say restrict the taking of fish and wildlife, we've dropped the word open and it may not be clear that we then have the ability to use our special action authority to open public lands.

CHAIRMAN FLEAGLE: Yeah, I guess I kind of struggle with that a little bit, too. I mean if -- let's just say the discussion we had earlier about whether or not we have the authority to restrict commercial gear on Federal waters; it's not our commercial opening, the State manages that, but in my mind under the current way the regulation reads, we would not only have the authority to close or open Federal waters to commercial fishing but we would be able to also modify the requirements regarding the take by gear size reduction or temporal reductions or restrictions. And by eliminating that I don't know if the remaining language encapsulates that idea that you can have incremental steps between fully open and fully closed.

How do you respond to that?
MR. LORD: Well, the Board has done that. We did it in Unit 2 deer, where the proposal was to -- Tina's shaking her head no. Unit.....

MS. CUNNING: It went to a work group.

MR. LORD: That's right it did go to a work group. In any event, the issue did come up as to whether we could.

(Laughter)

MR. LORD: And we opined then that under the existing language, which does not include that phrase, we could reduce the harvest limit of deer rather than simply closing to the taking of deer by non-subsistence users.

CHAIRMAN FLEAGLE: Okay, now, I'm a little slow catching on here because I was trying to read the existing language while you were talking and I didn't have the modified language in my hand and now I'm reading the modified language and not comparing it to the existing language, it doesn't have that line out and strike out feature here to where you see what's being changed, and so I didn't understand that this phrase is added to the new regulatory language and not present in the existing language. So that clears it for me.

(Pause)

CHAIRMAN FLEAGLE: I'm okay with it. Anybody else.

Kristin.

MS. K'EIT: So, Ken, are you saying that if we take it out, the language there is still saying that we have our authority to make changes, whether it's restrict or even be more liberal, more open? I mean if there's a situation where we restricted and then we get new data and we can change our mind, we can, in a sense, rescind that restriction?

MR. LORD: Yes.

MS. K'EIT: Yeah, okay, then -- then I think it's -- what's that saying, six of one, half dozen of the other.
(Laughter)

CHAIRMAN FLEAGLE: Yeah, I appreciate that. I think the comment that I would have now is this is regulatory language that the Office -- I mean the Solicitor's Office has reviewed and is recommending change and we're being asked to support that recommendation. And what our tendency is, as a body, and I've seen this on many different boards is we want to work -- with like by committee and I think that's dangerous because we're going to lose the intent of what the legal team has provided. So I think that given the explanation and finally getting on the same two pages here, we -- I think that the way Ken has laid this out is going to work for us.

If there's a motion to make the recommendation to the Secretaries to adopt the proposed rules, as modified, that would be in order.

DR. KESSLER: Mr. Chair.

CHAIRMAN FLEAGLE: Dr. Kessler.

DR. KESSLER: I make a motion to recommend the changed wording as put forward by Mr. Lord.

MS. K'EIT: Second.

CHAIRMAN FLEAGLE: Will that do it, Ken, or do you want more specific that we.....

DR. KESSLER: Do you want the exact words?

MR. LORD: No, that's fine.

DR. KESSLER: Okay.

CHAIRMAN FLEAGLE: Okay, Ken's happy with that. All right.

On the motion to recommend to the Secretaries adoption with the amendment, is there any objection.

(No objections)

CHAIRMAN FLEAGLE: Hearing no objection
that motion carries.

Thank you.

All right, other business. We had two items brought up and the first is just a continuing discussion on the pollock fishery bycatch of chinook issue, which I appreciate Commissioner Lloyd giving a brief update on the actual harvest numbers over the last few years and what it's looking like this year. I think that's real encouraging.

I think that we did have some discussion earlier in the meeting and we did receive a letter from the Seward Peninsula Regional Advisory Council asking the Board to take as much action as possible and I thought it was worthwhile to bring this issue up for further consideration by the Board.

Polly, would you lay out what, we, as a Board, have done to-date on this issue, or maybe Don.

DR. WHEELER: Mr. Chairman. I'd defer to Mr. Buklis. He can lay out -- he's prepared to layout specifically what the Board has done on this issue, just give you a concise summary of what's been done.

CHAIRMAN FLEAGLE: Perfect, thank you.

Welcome Larry.

MR. BUKLIS: Thank you, Mr. Chairman.

We are handing out copies of your February 2010 and February 2009 letters. I'll wait a moment until you have those.

(Pause)

MR. BUKLIS: Mr. Chairman. In February 2010, the Board sent a comment letter on the Final Environmental Impact Statement, EIS, to the National Marine Fishery Service reiterating your recommendation of a hard cap in the Bering Sea/Aleutian Islands pollock fishery of 29,323 chinook and that's the first page of the handout. That's the letter we sent most recently on your behalf.

The second page in the handout is the previously sent February 2009 letter. The Board had sent that comment letter on the Draft EIS, initially
recommending the hard cap of 29,323 chinook.

There are currently two comment periods open in this process. There is Amendment 91, which is essentially a fishery management planning process and that comment period is open until April 19th. Secondly, there's a proposed rule process, a rulemaking process open until -- comment period open until May 7th. And the proposed rule announcement is on Page 3 of your handout, at least the initial text of the proposed rule, and it shows the deadline of May 7th.

We understand there's no need to comment on both of these current initiatives, the Amendment 91 and proposed rule. Commerce is going to take all comments received on both comment periods and analyze them -- compile and analyze them together.

The next steps on the horizon, they're aiming for a Record of Decision in the rulemaking process of May 19th, and an implementation target of January 2011 in the fishery with the new regs taking effect. If the Board wants to comment again to reiterate your position of record we would recommend targeting the proposed rule comment period, which is an overarching rulemaking process leading to the final rule and OSM Staff can prepare such a letter for your review, Mr. Chairman.

And just for context, and it's in the letters you have there, the proposed rule cap amounts are 60,000 chinook and 47,591 chinook. The higher level is sort of an incentive level, with if the industry has cooperative agreements and the lower level is without such cooperative agreements; and there's also a series of years if certain targets aren't met then, then lower cap applies. But the 60,000, 47,591 are the caps that are in the proposed rule process. And we can move forward with yet another letter on your behalf, reiterating the 29,323 if that is your preference.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Larry.

Gary.

MR. EDWARDS: Mr. Chairman. I just was thinking back to what the Commissioner just said and what the results have been the last couple years and,
you know, I know what they agreed upon but then there is the reality of what's happening on the ground and I have no idea whether these low numbers that apparently we're seeing are going to be consistent or not but if they are, it's almost like we're asking for a cap that's higher than what's actually taking place on the ground. So I don't know if, as a result of that, we kind of want to modify our response. And I'm not sure exactly how we would do that, whether it would recognize that these actions, you know, if they are working, are good, but if they're not, we're concerned; but do you see what I'm saying, is that, we're asking for a cap that's higher than actually what may be occurring as a result of the measures that were put into place. Well, recognizing there's no guarantees and that the potential cap could be much higher but it doesn't -- at least -- in the near term it doesn't seem to be reaching that.

CHAIRMAN FLEAGLE: Well, I think we could easily do that by the first paragraph of the follow up letter, would say, we recognize the efforts made by the industry based on the incentive program to voluntarily reduce the catch and we appreciate those efforts, however, we still feel that we should have safeguards in place for a lower cap should the need arise. I think that would cover both bases, right.

Kristin.

MS. K'EIT: I like the language you just gave out and I'm glad we have it on transcribed record, so Staff doesn't have to recreate it. But also I think our letter should point out our recent decision to reduce the mesh size and point out that, you know, we've recognized the effect or what we think is the effect on the Yukon fisheries, so the industry, commercial out there on the ocean need to continue their efforts and we just want to provide some insurance to our clients, so to speak.

CHAIRMAN FLEAGLE: Thank you for the suggestion. A third component outlining the work that we did at this meeting that would restrict our uses.

Larry, are you prepared to draft a letter?

MR. BUKLIS: Mr. Chairman. We have those points and we will act on your behalf and you
will see the draft, of course.

CHAIRMAN FLEAGLE: Weaver.

MR. IVANOFF: Yeah. I don't know the protocol and I'm sorry if -- it's my first meeting here, whether I could comment on what's being discussed?

CHAIRMAN FLEAGLE: You may.

MR. IVANOFF: Thank you very much. Thank you, Mr. Chair.

I don't think it should be -- the comments in the letter should just relate only to the Yukon River because more than just the Yukon River is at stake here, also is Norton Sound, and that also should be included in similar language in the letter and that would be appreciated.

CHAIRMAN FLEAGLE: Great. So basically I'm hearing that there's no objection to sending a third letter of comment from the Board and outlining those four items that were just presented.

Any objection.

(No objections)

CHAIRMAN FLEAGLE: All right, we'll work on that. One other piece of the request from the Seward Peninsula that is worth mentioning here and just briefly discussing is the composition of the Council. And I don't know that we -- I'm not sure how they create -- or how they appoint members. The request was to try to advocate for more Native representation on the Council, North Pacific Fisheries Management Council. And I don't know how that process works and I don't know whether or not a recommendation from this Board that would echo the RAC's position would help but I'm throwing it out.

Any discussion.

Weaver.

MR. IVANOFF: Yes, Mr. Chair, thank you. That request actually came from several Native communities who, after a decision was made by the North
Pacific Fishery Management Council, to place the cap at 60,000, and most villages felt it was unfair and the cap was too high, and so to influence matters more it would -- they were requesting that the Council representatives be compromised of additional members who represent tribes or representatives from areas that are not associated with the industry or the CDQ groups.

An exact number, I'm not sure how it's tabulated but that is driven definitely by the tribes in the villages. And they approached a representative, two representatives actually, they approached the Seward Peninsula Regional Advisory Council asking for support of the proposal by letters and I'm not sure if you have any of the letters in front of you from that but stating their concerns, their rationale, justification and those kind of things. So if you don't have that information -- I don't have it with me, in front of me, because I didn't know this was going to be taken up today otherwise I would have been prepared to do so.

Mr. Chair.

CHAIRMAN FLEAGLE: Thank you, Weaver.

Jack.

MR. REAKOFF: The Western Interior Regional Council is very supportive of the Board, the Federal Subsistence Board addressing this issue for the Councils. We're very concerned that the cap was set far too high and so we're fully supportive of you sending any additional comments in regards to this issue. We do not agree with the State of Alaska, Commissioner's Office, that the bycatch issue is being addressed fully. I have Council members that have worked on the Bering Sea, they're concerned that the observation of the fishery is not adequate and that they feel that the bycatch is being underreported because of the ramifications. And so that was Council member's comments at our meetings.

And so I don't think that this issue is going away. I feel that it's an ongoing issue and needs to be addressed by the Federal Board for the subsistence users.

Thank you.

CHAIRMAN FLEAGLE: Thank you. I agree,
and I think we're going to do that.

The question at hand now is whether we want to try to carry the message that the Seward Penn RAC brought to us about the composition of the Management Council and whether or not we would have any influence, whether it would be beneficial, what the process -- I don't know anything about it.

Larry.

MR. BUKLIS: Thank you, Mr. Chairman. We are aware of the Seward Peninsula Council's interest and concern in representation and you're correct that a letter was received from the Council by the Board and we are -- Staff to the Council and helping them get that letter prepared.

The Council also asked at their recent meeting or two, to have a letter prepared to go to the North Pacific Fishery Management Council. We have not yet gotten that letter developed and sent. And so the Board might be in the best position to wait until that letter from the Seward Peninsula Regional Advisory Council goes to the North Pacific Fishery Management Council expressing their concerns and views and let the North Pacific Fishery Management Council consider it and then if the Board wants to reply to how they consider it or submit a letter encouraging serious treatment, that's a strategy, but the letter to the North Pacific Council's not yet been developed and sent.

So we've got kind of one part of a two part effort completed.

CHAIRMAN FLEAGLE: Will it -- all right, but let me get this straight. So the letter the Board was just talking about, sending to meet the May 7 deadline, would not be affected by the letter going to the North Pacific Fishery Council?

MR. BUKLIS: No, there are two issues -- two issues raised by the Seward Peninsula Council and many other Councils. One issue is shared in common and that is the bycatch cap amount and we are addressing that and we're working with the Councils to prepare letters on their behalf on the bycatch number.

The Seward Penn Council raised the
additional matter of representation in the long-term process of the North Pacific Council and how they conduct themselves, and they wanted two letters sent. One to the Federal Board, that's been done. One to the North Pacific Council, not yet sent. And so when you ask, how to deal with the North Pacific Council representation, I'm only saying you might wait until the Council letter gets some traction there and then you can add to that or see what the response is and then respond to that.

CHAIRMAN FLEAGLE: No, I think that's a good approach. And so that's coming out soon then it sounds like. I just wanted to be responsive to the letter we received from your Council, Weaver, and I think that's a good approach, though, on that second item.

Jack.

MR. REAKOFF: I'm supportive of the Federal Board possibly selecting certain Council Chairs to represent the interests of subsistence users on the North Pacific Fisheries Management Council to deliver the message to the Council directly and so I am supportive of that idea and so strategizing futuristically on how those seats would be appointed by the Federal Board, I would support that.

Thank you.

CHAIRMAN FLEAGLE: Well, okay, just for timeline, it's clear we're going to have this -- the one issue, the comment letter in by May 7th. The second issue, we're going to wait until the letter goes out from the Seward Penn to the North Pacific Fisheries Council. I don't know what the time restrictions are, but could it be that that process works out and at the May wildlife meeting under other business we could address this further for further action.

MR. BUKLIS: Mr. Chairman. We would certainly make every effort to, and there's no reason why we couldn't have the letter on behalf of the Subsistence Council off to the North Pacific Fishery Management Council before you next meet, yes. Whether you'll have an early read from the North Pacific Fishery Management Council on how they receive that input, I would be more skeptical, that in the next 30 days we'll have a reading from them. But you'll at
least have the Subsistence Council's letter to piggyback off of and add weight to if you want to do that.

CHAIRMAN FLEAGLE: And we do have the placeholder work sessions that we reserved; the next one is in November, I believe, if we have to go that long.

MR. BUKLIS: July 13th.

CHAIRMAN FLEAGLE: Pardon.

MR. BUKLIS: July 13th.

CHAIRMAN FLEAGLE: Oh, July, okay, we do have one in mid-summer. So there's another opportunity for, we, as a body, to look at this again. I just don't want to let it fall through the cracks, you know.

All right, is there any.....

MR. EDWARDS: Mr. Chairman.

CHAIRMAN FLEAGLE: Okay, Gary.

MR. EDWARDS: I guess I would be curious, well, would our response be if they said, well, we think that's a good idea but would you be willing to reciprocate with regards to your Councils and their representation, would we be interested in doing that?

CHAIRMAN FLEAGLE: We already do.

MR. EDWARDS: Okay.

CHAIRMAN FLEAGLE: We got a court under FACA.

Weaver.

MR. IVANOFF: Yes, thank you, Mr. Chair. The process for adding new Council members to the North Pacific Fishery Management Council has to be passed by Congress and we offered to write a letter to our Congressional representation in Washington, D.C., however, we were advised that we cannot do so. And so
this question would be for the legal -- whether we'd be
able to, indeed, write those letters as a process of
increasing seats into the North Pacific Fishery
Management Council, whether it would be illegal or
within the parameters of the RACs to indeed write
letters to the Congressional delegation also, and we
were advised that wasn't and I'd like to hear if that
was the case.

CHAIRMAN FLEAGLE: Ken.

MR. LORD: My gut reaction is that you
would not be allowed to do that under the Hatch Act, it
would be lobbying a member of Congress and it would be
prohibited.

CHAIRMAN FLEAGLE: And then there's the
larger what is proper protocol and we had this
discussion at this level when we talked about our first
letter going out, do we write a letter right to the
Secretary of Commerce, do we, you know, what level from
us do we reach across to a whole 'nother -- whole other
-- there I said another funny word, agency, you know,
within an entire different Department. And so trying
to figure out these protocols and legalities, I mean
we're getting there, it just takes a little time.

Jon.

MR. HILSINGER: Thank you, Mr.
Chairman. Commissioner Lloyd is kind of an expert on
the Council and he may be able to help answer some of
those questions as well.

(Laughter)

CHAIRMAN FLEAGLE: Do we need any more
answers or are we okay with the process?

(No comments)

CHAIRMAN FLEAGLE: Yeah, let's wait
until this -- the Seward Penn's letter goes out and see
what kind of response and then we can gage our action
or response based on that, if that's -- any objection.

(No objections)

CHAIRMAN FLEAGLE: All right. So two
prong approach. The first one is take action, the
second one is wait. Done.

Next item on other business, Pete, mentioned the Board field trip for the summer.

Polly.

DR. WHEELER: Yeah, we just had a couple of points that we wanted to make, Mr. Chair.

As many of you know in recent years the Federal Board has traveled to, among other places, Port Yukon, Copper River, the Kenai and last year the Board traveled to Bethel and Emmonak.

Last summer, Mr. Chair, not a single Board member participated in the Board field trip. While almost all agencies were represented on the trip and involved Staff benefited greatly from the trip, the Board did receive some criticism for its lack of participation. And OSM Staff has organized the past several Board field trips and other agency Staff have also taken their turn, and as you know, Mr. Chair, organizing these trips takes tremendous amount of effort on the part of involved Staff. Quite frankly, with all that's going on right now, Pete and I are respectfully requesting that one of the other Federal agencies and not OSM organize the field trip if the field trip is to occur.

Mr. Chair.

CHAIRMAN FLEAGLE: Thank you, Polly. While having gone to the Copper River one, that was a very informative trip. And I think that these are important for the Board. I wasn't able to go to the one down at the Russian River, I think it was, or on the Kenai, I think it was, but I have an excuse.

(Laughter)

CHAIRMAN FLEAGLE: The reason I didn't go last year was because I went the year before on my own, and I was celebrating my 50th birthday at the same time and you guys were down there on the Delta and I think that was a -- but, anyway, I had an excuse. But I agree that the Board field trip is important and I would support it happening. So are we looking for volunteers here or do we just want to assign it to Gary.
(Laughter)

CHAIRMAN FLEAGLE: Revisit in May, okay, so anyway the idea's out there.

Sue.

MS. MASICA: I was just going to say, I think part of the problem last year was we waited until late to get it scheduled and people's schedules are such that finding a date that everybody could do it became the problem then too, so I think that becomes part of the discussion of can we find an agreeable date and then who could organize it.

CHAIRMAN FLEAGLE: All right, so it's out there. We're asking for assistance and OSM has a lot of work to do to get prepared for the May meeting and this would be an added burden and maybe look forward to having some assistance in that and maybe we can get a response back by May.

Weaver.

MR. IVANOFF: Yes, thank you, Mr. Chair. I realize that everybody's really busy during certain periods of time and these field trips are really essential for understanding what's going on out there in rural Alaska in order for people to make sound judgments and decisions.

So if a person who is sitting on this Federal Subsistence Board is unable to make a field trip, then he or she should be able to designate a person to go on their behalf so that they could come back and fulfill -- get their ear full on what's actually happening out there, so to speak. And I think that would help a lot with freeing up your time to do your business in the Federal government and bureaucracy and whatever else you have to deal with, and people, and -- but at the same time get some input from rural Alaska. You know it's sad that a field trip is organized and people can't make it, but you know the reality of the amount of work and the time and the effort it takes also, so I think this would also help in that regard.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Weaver.
And that is what happened last year, other delegates went, and like Polly said the Board was criticized for not being there, so that's what we're trying to work on.

Okay. All right. Well, we'll just move forward with that one administratively until the Board meets again in May.

And there being no other business on the agenda, is there a motion to adjourn -- oh, hang on.

Jack.

MR. REAKOFF: Mr. Chairman. I would like to have final comment. And I didn't comment during the presentation by the State on the Yukon in-season management.

I still want to voice my concerns for this year's chinook run. This is a Yukon River fisheries meeting and I still want to -- the reason that we took no action on Proposal 13 was that we worked on a resolution to protect the first pulse of fish and so the presentation by Staff and the -- by U.S. Fish and Wildlife biologist and the Department is that they're going to fish the normal fishing schedule. I'm concerned that the Interior of Alaska currently has a very low snow pack, unlike last year where it Canada had 150 percent over normal snow pack and the Interior of Alaska had a heavy snow pack, which curtailed the efficiency of the fishery, even though it was a subsistence fishery. This year is a very low snow pack. The protection won't even go into place until the 7th -- or correction, the 7th of June, and so the run will be in progress. I'm concerned that the resolution that the RACs have passed to protect the first pulse will not be implemented at all this year. This year's going to be fishing the large mesh gear and 36 hour openings on the Lower River and 48 hours in the Middle River and seven days a week up river. I'm concerned that the Bromaghan's study that showed the model showed that we need to combine the mesh size restriction that the Board supported, also in conjunction with protection in allowing larger numbers of fish onto the spawning grounds, and quality escapement. That was the crux of our resolution of the RACs, was to provide quality escapement on the grounds.
I'm concerned that this year's management will not provide another year of quality escapement. Last year we protected the first pulse, we got some really nice fish on the grounds. This year we're going to fish all these windows right off the bat and we're going to -- and fishing late, we're going to fish later into the season before we even start protections, I'm concerned that we're going to be back to square one again. We're going to have a weak, basically highly selective out of all the large fish as our spawning escapement go up.

And I wanted to voice those concerns for the Council, because the Council -- Western Interior Council was concerned about the quality of escapement.

So, thank you, and I very much appreciate being at this meeting and the deliberation of this Board and your adoption of Proposal 12.

Thank you.

CHAIRMAN FLEAGLE: Thank you for your comments, Jack. And I think that I have faith in our managers. I know they said they overacted last year, which is probably better than underacting. And hopefully they'll hit it right on the nail this year.

Virgil.

MR. UMPHENOUR: I just want to reiterate that because that is -- was a joint -- or is a joint resolution. This is the third lowest snow pack on record in the Interior of Alaska. What that means is that there will be very little debris load in the Yukon at break up, the water's going to be low, which means that the nets are going to be much more efficient than they normally would be. And you have to bear in mind that last year the windows were cut in half. Instead of two 36 hour periods per week in the Lower River, it was two 18 hour periods a week. They're going to go back to the two 36 hour periods this year, that's the preseason plan. No protection of the first pulse other than the two 36 hour openings. But you have to remember that the technology has improved so much the boats, one hour and you've went the distance a king salmon is going to swim in one day, so with the two 36 hour periods and with super low water, if that's what happens, which I'm positive that's what's going to
happen, the efficiency of the fishing fleet, because you got to remember there's 700 commercial fishing permits, there's 700 sets of commercial fishing gear in the Lower River in Y1 and Y2, and they have the capability to stop that run as far as the large fish goes with the large mesh gear.

So you need to keep an eye on it and not -- I think that if it's the two 36 hour periods with low water levels, that we're going to have a problem; that's what I think.

And I think that the Koyukuk River, which this last year had the biggest run of king salmon people have seen in years, in 2001 the same thing happened, except this past year, they really saw a lot of them, ten-fold, people caught out of the village of Huslia of what they normally catch. I'm afraid that they'll get hammered.

Thank you.

CHAIRMAN FLEAGLE: Jon.

MR. HILSINGER: Thank you, Mr. Chairman. I will assure you that the Staff is going to do everything possible to monitor that run appropriately.

As we laid out, the most pessimistic view of the return is for a return of around 155,000, and with no commercial fishery and only a subsistence fishery that's a total harvest of about 50,000, which corresponds to a harvest rate of down around 30 percent, which is extremely low, even for chinook. So I think that they certainly do have the concern for the run in mind and they will be monitoring it pretty closely, the early part of the season. We've got some additional test fisheries that we'll be implementing and we've also got some additional work that we'll be doing at Pilot Station to try to make that a more effective program this year and they will be ready to move if it's necessary, if the run comes back even lower than what's projected. So they will be ready to take action as necessary.

Thank you.
Virgil for your Advisory Councils.

Are there any final, final closing comments.

(No comments)

CHAIRMAN FLEAGLE: Is there now -- oh, I have one. I want to thank everybody for sitting through this process with us today. It was a struggle at points but I think that the decision that came out was appropriate on the Yukon River and I appreciate the discussion that we've had up to and after the discussion -- or I mean the decision. And I want to thank all you Board members for your hard work, RAC Chairs for your hard work and our Staff and audience present.

So with that is there a motion to adjourn?

MR. EDWARDS: So moved.

CHAIRMAN FLEAGLE: There's a motion, is there a second.

MS. MASICA: Second.

CHAIRMAN FLEAGLE: All right, we're adjourned, thank you.

(Off record)

(END OF PROCEEDINGS)
CERTIFICATE

UNITED STATES OF AMERICA
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