MEMBERS PRESENT:

MITCH DEMIENTIEFF, CHAIR
JUDY GOTTLIEB, National Park Service
CHARLIE BUNCH, Bureau of Indian Affairs
GEORGE OVIATT, Bureau of Land Management
DENNY BSCHOR, U.S. Forest Service
GARY EDWARDS, U.S. Fish and Wildlife Service
KELLY HEPLER, State of Alaska Representative
KEITH GOLTZ, Solicitor's Office

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CHAIRMAN DEMIENTIEFF: Okay. We'll go ahead and call the meeting to order. I think most of you know that I've been having some problems for some time and tomorrow I'm going to the doctor to get -- it will be the third doctor I'm going to, trying to get whatever it is that's diagnosed. Judy will be handling the stuff tomorrow in my absence. I've got an 11:00 o'clock appointment. I'll probably leave at about 10:30 and I'm going to get back as soon as I can. So I'm just letting you guys and gals know what's going to be happening here because of the importance of the nature.

Good morning.

IN UNISON: Good morning.

CHAIRMAN DEMIENTIEFF: We're going to call this meeting to order. Let me welcome everybody here. All of the work that they have done, you have done to get prepared for this meeting, it's so much appreciated that you folks take the time to get this prepared for our part of the process. The chairs or their representatives and the State, everybody that works with us, because it is a team process. So we all have to arrive at these things together. Tom's got words that he probably wants me to use, but sometimes I prefer to use my own.

It always amazes me that we look across these rooms and we see the same people. You look at Nick just walk in. These are people that have been here forever working on these issues. Of course, Drue and Cam, everybody that's been here that has worked on issues and how enjoyable that is that we have these people that are putting out this kind of energy still yet. Even Tom once in a while puts out a little. I always pick on Tom. I'm sorry. It's just my sense of humor.

So we are going to proceed on with the meeting and we're going to do the best we can with what we've got to work with. At this time I'd like to introduce myself. My name is Mitch Demientieff. I'm chairman of the Federal Subsistence Board and we'll just go right on.
MR. BUNCH: Glad to meet you, Mitch. Charlie Bunch. I'm standing in for Niles Cesar for the Bureau of Indian Affairs.

MS. GOTTLIEB: Judy Gottlieb, National Park Service.

MR. OVIATT: George Oviatt, Bureau of Land Management.

MR. BSCHOR: Denny Bschor, USDA Forest Service.

MR. SAM: Ronald Sam, Chair, Western Interior, Alatna.

MS. CROSS: Grace Cross, Chair, Seward Pen, Nome.

MR. STONEY: Raymond Stoney up in Kiana. Good morning, Mr. Chairman.

MR. BASSICH: Randy Bassich, Eastern Interior RAC representative.

MR. CANNON: Richard Cannon, Office of Subsistence Management.

MR. KLEIN: Steve Klein, Office of Subsistence Management.

MS. SEE: Marianne See, Department of Fish and Game.

MR. DOUGHERTY: Steven Dougherty, State of Alaska, Department of Law.

MR. WILDE: Lester Wilde with the Yukon/Kuskokwim Advisory Council.

MS. LYON: Nancy Lyon, Bristol Bay Regional Advisory Council.

MR. LOHSE: Ralph Lohse, Southcentral Regional Advisory Council.

MR. LITTLEFIELD: It's good to see you. John Littlefield, Southeast Regional Advisory Council chair.
MR. HEPLER: Good morning, Mr. Chairman, Board Members. My name is Kelly Hepler. I'm the director of Division of Sportfish, standing in for McKie. It's good to see some old friends I haven't seen for a long time. So good morning to everybody.

MR. EDWARDS: Gary Edwards representing the US Fish and Wildlife Service.

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


CHAIRMAN DEMIENTIEFF: Okay. Well, everybody knows that I always like to start out with a little sense of humor. My friend over there, Lester Wilde, we're going to lunch one time, we're at a meeting and we're going to lunch and they were asking what's behind you. Well, I was sitting in the middle of the back seat. And he goes, I don't know. And they said, well, how come. I look in the rear-view mirror and all I see is a big Indian.

(Laughter)

CHAIRMAN DEMIENTIEFF: But it's been a few years since we've been at the tables together and I know you're still working, as you know I have been, so I just appreciate your coming back to us. Okay.

The first order of business we have is we have a special guest with us today. It's always been my downfall, but I'm going to call you Senator Drue Pearce. I mean when you accomplish something like that and serve your people in your district so much, I just can't get away from that. So even though that's not your capacity and you will clarify your capacity when you're here. I think everybody needs to understand that this is our friend and a hard worker and the one on the inside that makes things happen. So, with that, we'll go ahead with you, Senator Pearce.

MS. PEARCE: Good morning. Thank you, Mr. Chairman. Members of the Federal Subsistence Board. RAC chairmen, and others here. For the record, my name is Drue Pearce. My present title is the Senior Advisor to the Secretary of Interior for Alaska Affairs. I have with me today Cam Toohey, who is the special assistant
for Alaska in the Office of the Secretary.

I think all of you are aware of the long history of relationships between an Alaska Office of the Secretary and the Secretary of Interior. We've had an office in Alaska since the Reagan years. We're the only state, the only region that has such an office and then has a senior policy person in the Office the Secretary to help provide guidance and counsel to the decision-makers back in D.C.

I bring greetings from Washington. I was only there a couple of days last week. It's always good to come home and I do so as often as I can. I feel like a commuter most of the time. I do spend at least a week each month in Alaska and it's a pleasure to be able to be here, hear from you, listen to Alaskans and their concerns and then be able to relate those back in D.C.

Cam and I, since we came on board in June of 2001, have taken an especial interest in trying to bring a better understanding of Alaska, of our issues, of our people, of our many cultures, of our many traditions, to the other folks inside the Beltway, both Department of Interior personnel and also people from other departments. We spend an enormous amount of time being tour planners and guiders, but we see that as a very important part of our job.

Every senior official at the department who makes a trip to Alaska we do our very best to get he or she out into the field so they can experience subsistence on the ground, in the field. To that end, just last year in 2005 we put trips together for our Deputy Secretary Lynn Scarlett, who at the time was the Deputy Secretary Nominee. She had not yet been confirmed. She is now our assistant secretary. She spent a wonderful couple of days on the Yukon River and at fish camps on the river and came back to D.C. with just so much better understanding of what subsistence is and how important it is in Alaska to our lives, to our cultures, to our traditions. It's not something you can read in a book and really understand. It's not something you can watch an eight-minute videotape about. It's something you have to be on the ground and experience.

Our Chief of Staff, Mr. Brian Wademan, also had an opportunity to come to Alaska and spend quality time looking at subsistence and doing a little bit of fishing himself on the Kuskokwim River and also
the Togiak River this fall.

The reason it's so important to us, the Secretary, as many of you know, is recused from dealing with subsistence issues; so, therefore, subsistence issues at a policy level in D.C. fall to the Deputy Secretary, the Chief of Staff and others. So we do work very hard to get those folks who are going to be thinking about the policies, making those decisions, to Alaska so they can meet you, see you and better understand.

As you can imagine, when I start talking about subsistence inside the Beltway on the sixth floor in that big building in D.C., sometimes eyes glaze over. So it's important that we get them here. We will continue doing that. I'm hoping to get two or three more of our senior folks to Alaska this summer. I know Denny Borch works to try to get his senior folks here as often as possible too.

And we also appreciate very much the hospitality that those of you who have hosted our officials when they come to Alaska. The hospitality that you've shown, your willingness to sit down to talk about your lives, your culture, your traditions and the importance of subsistence in the lifestyle to you in your everyday lives here in Alaska and to our future as a state and as a people. Were it not for you, these trips would not be a success, of course.

I appreciate your allowing me to come here today to talk briefly about a matter that I know has been on your minds, has been a subject of thousands of rumors and also the subject of discussions that we've had with the Federal Subsistence Board and of some letters that have come from Deputy Secretary Lynn Scarlett to the Board, directives to the Board.

There were in the past year recent discussions with the State of Alaska regarding concerns that the State has with the Federal subsistence program. As I said, I have met with the Federal Subsistence Board and specifically and directly discussed the matters, but I wanted to take this opportunity to speak to the councils directly. Because it's difficult getting to all the council meetings, I chose this opportunity to speak to you chairs and hope that you'll be taking information back to your councils.

In January of last year Governor
Murkowski met with Secretary Norton and expressed some specific concerns regarding the Federal subsistence program. He followed up with a letter outlining the concerns and requesting that a joint Federal/State policy group be convened. Now the governor had in mind that this joint policy group would be senior level folks like our solicitor, perhaps the Secretary herself or the Deputy Secretary, along with maybe an assistant secretary or two, and then he would follow with -- I believe he was expecting to have the Attorney General, the then Attorney General, the then Commissioner of Fish and Game, and John Katz from the D.C. office.

As I said, the Secretary has recused herself from subsistence from policy-making, but she told the governor that she would ask me to lead a group, put together a group and sit down and have some meetings. The Secretary's four C's mean that we communicate and we listen to anyone who wants to come and talk with us, so it made sense to sit down with the co-manager, the other manager of the state's resources.

However, we decided, and I take the blame, I guess, for deciding that because of the lack of understanding of subsistence when you get inside the Beltway, trying to put together a senior level group with our solicitor, with an assistant secretary or two, with the then Deputy nominee, who was not yet Deputy, frankly was probably not going to be very fruitful. The reason for that is the learning curve is steep. And the folks who the State would be asking to make policy do not have the on-the-ground experience and the understanding of Alaska to quickly or effectively or efficiently make those sorts of policy decisions.

So, in discussions with the governor, we chose to bring those meetings back to Alaska. I chaired the Federal side. Cam, Denny Bschor were with us, along with, obviously, Tom Boyd. Gary Edwards was in the meetings representing the Board itself and representing the largest of our DOI Federal agencies that have a subsistence management responsibility. The State brought their team to the table and, of course, we were joined by attorneys from both sides.

The State's policy group was led by Commissioner McKie Campbell. We met on three occasions in 2005, starting, I think, in April, once in either June or July, and the last meeting in September. The topics addressed were essentially those that had been outlined
by the governor in his letter back in January. Those
topics included duplication of State regulations, lack of
standards for adopting Federal regulations and
insufficiency of Federal land to support Federal
regulated harvests. We felt that the discussions were
important, timely and appropriate considering that the
continuing challenges associated with coordinating two
management systems.

Some of you are aware that during these
discussions the State produced what they called a White
Paper discussing their concerns in some depth. Many of
you I understand have seen this document and expressed
concerns about its contents. I see the document as
merely a further elaboration of the State's position. I
want to assure you that the Department of Interior and
the Department of Agriculture have taken no position on
the paper. We have not responded to it per se and we do
not plan to do so, but I do want to outline the
discussions that we did have with the State.

Concerning the first item, duplication of
State regulations, the State expressed that having
separate State and Federal regulations is costly,
confusing and impossible to enforce. The State also felt
that the Federal government should defer to State
regulations where those regs satisfy the subsistence
priority. In other words, the Federal government should
only create regulations in those instances where it's
been determined that specific State regs have not
provided the subsistence priority.

Federal officials agree that having
separate regulatory systems is a challenge. However, it
is our Federal position that it would be legally
untenable to simply defer to State regulations and that
the Federal program must have separate regulations. So
we basically agreed to disagree on this issue and move on
to more specifics.

Cam and I and the other Federal policy-
makers have never been convinced that having two sets of
regulations makes it more difficult in the field for the
subsistence user to subsistence hunt and fish and that
was our bottom line. There may be some cases where it's
confusing. We think with a dual management system that's
always going to be the case, but we did not see
compelling evidence and we think it's legally untenable
that the Federal regulations be thrown out.
The State felt it was important in some instances that the Federal Subsistence Board review existing State regulations and their histories when addressing proposals to change Federal regulations. We agree with that. It makes sense for the Board to have all the information possible and you make better decisions with better information and more information is how you do that. So we would welcome the opportunity and have asked the State to make sure that they include information in the proposal analyses for review by the councils and the Board in a timely manner and in as much abundance as they desire. We do think it's important that our Board understands what the State boards have done and the reasons for it as you make your decisions.

The governor also expressed concern about an apparent lack of standards for adopting Federal regulations. The State focused their concerns on two areas: closures to non-subsistence uses and customary and traditional use determinations.

Concerning closures to non-subsistence uses, the State feels strongly that substantial evidence be required and documented in written findings showing that a closure or restriction on non-subsistence uses is necessary before becoming a Federal regulation. The State also requested that the Federal Board conduct periodic reviews of existing closures. We agree that closures should have a sound basis and that periodic review of closures should occur to determine if closures continue to be required.

In a letter to the Board from Assistant Secretary Scarlett and with the concurrence of the Department of Agriculture, the Federal Subsistence Board was asked to conduct a review of current practices regarding closures and to prepare a written policy that indicates how these decisions will be made and reviewed.

Concerning customary and traditional use determinations, the State is concerned that many C&T use determinations made by the Federal Subsistence Board have lacked substantial evidence to support them. In the same letter to the Board, the Assistant Secretary asked the Board also to review its practices and develop a written policy clarifying its approach to customary and traditional use determinations. The goal here is to have consistent criteria that are written, that are clear and understood by everyone, so the Board is consistent in making its determinations no matter what region, what C&T
determination it is, that we're using the same criteria.

For both policies drafts will be prepared by the Federal Subsistence Board, reviewed by the Regional Advisory Councils, by the public and by the State before they become final. The Councils will see drafts of the closure policy this winter at your upcoming meetings and it is hoped that the C&T determination policy will be ready this fall. Tom is saying yes.

I want to make sure that you understand that the Assistant Secretary in her directive letter to the Boards did not dictate any specifics to be included in these policies. What we've asked for is that the Board review its policies, clarify and commit them to paper so that you have a set of standards and policies on paper that will be used in the future to help make sure that the decisions are made on a consistent basis.

Concerning the issue of insufficiency of Federal lands to support Federally-regulated harvests, the State requested that the Federal Subsistence Board eliminate regs that are applied to small blocks of Federal land that are insufficient to support a harvest, that apply to strips of Federal land that is surrounded by State and private land that are unmarked and difficult to locate and offer few opportunities to meet the Federal priority.

The Federal response is that ANILCA requires a subsistence preference on Federal lands without regard to the size of those lands. Therefore, regulations on small amounts of Federal lands will not be eliminated. Where it is appropriate, Federal and State regulations could be aligned to reduce confusion and difficulties with enforcement. These proposals would always follow the normal process that includes Council review.

I've only touched on the main outcomes of our discussions, but I wanted to take this opportunity to let you hear from me directly on the topic. I want to assure you that the Department of Interior is fully aware of its responsibilities under Title VIII of ANILCA. We have been engaged in this important program for rural Alaskans and will continue to be. We will also continue to fight for the budget so that we can continue to provide the services.

I'd be quite willing to answer any
questions that you might have. The only thing I can
think of to end with is that we do not have another
meeting of the policy group scheduled. When we last left
after September, the State was going through a
side-by-side of State and Federal regulations and if they
chose to ask for another meeting, McKie was going to
call. That has not happened. So, for the moment, we
consider the meetings finished.

With that, Mr. Chairman, I'd be happy to
answer any questions if that's what you'd like me to do.

CHAIRMAN DEMIENTIEFF: Yes, we're going
to go there, but let me just comment my observations from
the Chair for both Cam and yourself. Because of our
limited things that we have to do -- I mean I know we
make fishing regulations, I know we make hunting
regulations, and we make a lot of advice, but for us to
have somebody that takes that advice and goes with it to
other levels that we have no jurisdiction over, outside
of our dependence upon our Regional Councils, to have
somebody that can advocate for us in the inner levels is
so much important to us.

Personally, and I'll say it personally,
it just gives me heart to people and keep pushing because
I know there's people that are willing to back us up and
I just want to compliment both of you on your ability to
do that.

So, with that, we'll open up questions.

(No comments)

CHAIRMAN DEMIENTIEFF: I guess you're
unquestionable.

(Laughter)

CHAIRMAN DEMIENTIEFF: Thank you very
much. Wonderful presentation.

MS. PEARCE: Thank you very much, Mr.
Chairman.

CHAIRMAN DEMIENTIEFF: We are going to
have a couple things. One is that when you want to
testify, the forms are out in front here and if you
please fill them out, we do the best job we can to get
your public testimony forward. General comments that are
non-agenda items are taken up each morning and we'll get
to that in a moment. We're going to make a special
accommodation for the Kenai on Wednesday. At 1:30 on
Wednesday we're going to go, so that's when that will be.

Are there any corrections or additions to
the agenda that somebody wants to put forward?
(No comments)

CHAIRMAN DEMIENTIEFF: Then we'll move
on. At this time we just have one question for Pete
Peterson. It just says fishing and game. Are they non-
agenda items?

MR. PETERSON: Yes.

CHAIRMAN DEMIENTIEFF: Come forward,
please.

MR. PETERSON: The gaming item that I
want to talk about, the moose, you know, three or four
years ago I made a proposal to extend the moose season
out in Unit 18 and it was turned down. I don't know what
their reason was for. Maybe because there wasn't enough
support from the Board. The proposal I made on that
extension of moose season, I know the population was
growing up, but right now, after that thing has been
turned down, right now they're having a calf season out
there. According to the news that I read in the Tundra
Drum, because the moose population is growing too fast
out there, they opened up the calf season.

Well, if my proposal had gone through at
the time I proposed it, I don't think this would have
really happened. I think there was enough moose out
there. That's why I made that proposal. So the comment
I'd like to make on that thing, you know, when I made
that proposal I didn't do it overnight. It took me just
about all my 60-some years that I've been living out
there and watching the game and stuff out there. So
that's the comment I'd like to make. They're having a
calf season out there now and if my proposal had gone
through, I don't think that would have happened. That's
the comment I wanted to make.

CHAIRMAN DEMIENTIEFF: Thank you very
much. Are there any questions.

(No comments)
CHAIRMAN DEMIENTIEFF: Thank you. We appreciate your comments and your help.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: I wonder if we might be able to refer him to one of the Staff members to help assist you for a proposal for upcoming meetings then.

CHAIRMAN DEMIENTIEFF: Go ahead, yes.

MR. BOYD: Thank you, Mr. Chair. Mr. Peterson, if you would like to further address your concern, I'll let you talk with Mr. Probasco back here during this meeting at your convenience.

Mr. Chair.

CHAIRMAN DEMIENTIEFF: We'll go ahead and move on to the Fish Monitoring Program. I think Steve and Rich are ready to go.

MR. KLEIN: Thank you. Mr. Chair. Board Members. Council Chairs. Today we're going to present the 2006 draft Monitoring Program for Board review and approval. It's something that, the 2006 plan, the staff from the Fisheries Information Services Division and the Technical Review Committee have been working on for the past 13 months, to develop the scientific recommendations and then we took the plan to the Councils and got their input.

This morning I wanted to summarize the process we've gone through thus far. In your Board books the Monitoring Plan is presented on Pages 1 through 112. This morning we're going to focus on about the first 10 pages of that document. If you turn to Page 2, there's a summary of the 2006 Monitoring Plan, which I'm going to cover that. And then we do have two non-consent items where we had differences in opinion between the scientific recommendations of the Technical Review Committee and the Councils and the Interagency Staff Committee. Rich Cannon was the biologist for the Kuskokwim and Northern Region. He'll present non-consent agenda items.

So if we turn to Page 2 we have the summary. Annually, for the Monitoring Plan, between the

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Department of Interior and Department of Agriculture, we commit about $7 million to collect biological information, harvest information and traditional ecological knowledge so that we can manage subsistence fisheries on Federal lands. That allows us to fund about 80 projects per year. In 2006, most of our funding is committed to projects already approved by the Board. In 2006, we'll have 71 projects operating at a cost of approximately $6 million that were approved for the Monitoring Plans for 2004 and 2005. So most of the funding for 2006 is already committed.

What we're presenting today is about $1.2 million that is available for new projects that we'll initiate in 2006. The process started back in November of last year, in 2004, where we issued a request for proposals. This went out to tribal organizations, State agencies, Federal agencies.

There were seven priority areas we were really looking for proposals in 2006 and those are listed on Page 2. What we identified in that request for proposals was to gather information on customary trade of fish in southeast and southcentral Alaska. Another priority was to get research on Copper River sockeye salmon. Thirdly, to collect baseline information for important non-salmon fish species, particularly in the Kuskokwim and Northern regions. A fourth priority was studies of freshwater fish species important to subsistence uses in the Kuskokwim region. Fifth, sockeye salmon smolt assessment for Lake Clark. A sixth priority was Lower Yukon salmon, gathering in-season mainstem stock assessment and mixed-stock analyses. Finally, the seventh priority we highlighted was changing patterns in subsistence salmon harvests.

So we issued that request for proposals last November. We received 56 proposals in response to that RFP and they totaled $4.4 million. So we have about $1.2 million available in funding and we received about four times that budget in the 56 proposals. So the Monitoring Program is still very highly competitive and the researchers out there are funneling far more research than we can accomplish with the Monitoring Program.

Once we received those 56 proposals, the staff of Fisheries Information Services reviewed them and then also the Technical Review Committee. The Technical Review Committee members are listed there on Page 3 and I wanted to acknowledge their efforts. They put a lot of
volunteer time into reviewing the proposals and later the
investigation plans to really bring a sound Monitoring
Plan for your review and approval today.

When we review proposals, there's four
factors that the Board has given us to rank them and
those include strategic priority. Is it a priority for
Federal subsistence management. We look at the
scientific merit. A third ranking factor is partnerships
and capacity building where we're trying to build
capacity in rural Alaska. Finally, past performance of
the investigators.

Of those 56 proposals that we received,
we recommended 25 of them for further review and
requested investigation plans for 25 of those proposals
and that was in March of 2005. Then later in June of
those 25 we received 20 investigation plans. The
investigation plans are very detailed. They go through
all the methods and how they're going to accomplish their
objectives and allows us to really technically review
those and ensure that they're sound, they'll achieve
their objectives and be valuable for Federal subsistence
management.

Those 20 investigation plans, they
totalled $1.4 million. The TRC reviewed those again, so
this was the second look and the TRC is recommending that
15 of those be funded and they total $1.1 million. We
took the TRC recommendations out to the Councils for the
fall meetings in September and October and of the 20
studies under review, the Councils supported 18 of those.
There was only two projects where the technical
recommendation from the Technical Review Committee
differed from the Councils and that was on the
Pikmiktalik River where there's a tower project to
e numerate chum and coho salmon and then a second project
on the Aniak River for rainbow trout. So those were the
two studies that we didn't have an agreement between the
TRC and the Regional Advisory Councils.

On Page 6 is a complete listing of all 20
projects that includes where we had consensus on the
projects to fund, consensus on the projects not to fund
and then the two non-consent items that I just mentioned.

Before we get into those non-consent
items, for the Southeast Region we did have something
different occur this year. With the Forest Service,
their funding for 2006 is not what they anticipated and
that did affect the money they are able to contribute to the Monitoring Program in 2006.

The TRC had recommended that we fund three projects in the Southeast Region and the Southeast Council supported all three of those and we had consensus. With the budget cut the Forest Service took, it required us to re-look at what we can do in 2006 and the recommendation that came out was that the Forest Service would fund Kutlaku Lake subsistence sockeye stock assessment within their Monitoring Program funds, a project at Neva Lake to enumerate sockeye, the Forest Service would do their very best to fund that with existing Forest Service funds separate from the Monitoring Program.

The third study, which is very unfortunate, but it was a survey of customary trade of seafood products in Southeast Alaska with Dr. Steve Langdon and we're going to defer that until 2007 and pick that up a year later. That's all in response to their budget reduction and hopefully they'll be whole in 2007 and we'll be able to complete these studies.

So we have 18 consent items for your consideration and two non-consent and Rich is going to cover the two non-consent items. I just wanted to add one other item. With the TRC, we were really looking ahead to 2007 for the decisions we'll have to make next year about this time. In 2007 it's a big money year. There will be about $4.3 million available. We're going to have probably 80 projects that we funded in the past up for consideration.

But looking ahead to 2007, we know it's going to be a lot less money than we've had in the past. This is year seven of the Monitoring Program and with inflation probably over the past seven years inflation has eaten -- we can do 15 percent less than what we could do say in 2000, seven years ago. So you take 15 percent times $7 million, that's about a million dollars less.

Additionally, we fund the Partners Program out of the Monitoring Program. In the past we've been able to use other funds to fund the Partners Program. In 2007 we'll be funding the entire Partners Program at about a million. So, really, I figure our buying power is going to be about 75 percent of what we had, say, in 2000 and 2004. We're going to have to make some very tough decisions in 2007. With the
recommendations of the TRC, what we're recommending is actually $150,000 less than the funding available in 2006. The intent is to use that savings of 150,000 to move that into 2007.

So I just wanted to reiterate that 2007, although it will be a big money year, there's a lot of projects that probably one out of four projects in the past we would have been able to fund, we won't be able to fund in 2007. So that will be some tough decisions and that resulted in some hard decisions here in 2006.

So, with that, I'll turn it over to Rich to cover the two non-consent items. One is in the Northern Region and the Pikmiktalik River and I'll turn it over to Rich.

CHAIRMAN DEMIENTIEFF: Go ahead, Rich.

MR. CANNON: Thank you, Steve. Am I being picked up? Mr. Chairman. Board Members. Briefing materials for the non-consent agenda items are found on Pages 7 and 8. The first item is Project 06-101, the Pikmiktalik River chum and coho salmon enumeration and sampling project. Additional information about this project can be found in your briefing book on Pages 31 and 32.

Pikmiktalik River provides the majority of chum and coho salmon harvested by the villages of Stebbins and St. Michael. This project would fund continuation of a salmon counting tower project operated by Kawerak with strong participation from the villages of Stebbins and St. Michael. Chum salmon escapements have been successfully enumerated annually since 2003, the first year of this project, and coho salmon since 2004, to address concerns expressed by local subsistence users about sustainability of these stocks. Chum escapements have been about seven to eight thousand chums and 12,000 cohos annually.

The Technical Review Committee regards this project as very technically sound and an excellent opportunity for capacity building in the region. It's a good project. Salmon runs in this region have improved or stabilized in recent years; consequently, current harvest patterns appear sustainable. However, high project costs in the order of $140,000 a year in terms of the projected project costs and competing priority statewide, as Steve mentioned, prompted the TRC to ask
the investigators to work with State and Federal fisheries managers to carefully evaluate exploitation rates in subsistence fisheries over the next two years and develop a longer-term approach to monitoring this fishery.

The investigators requested three years of funding. The TRC is recommending two years and an evaluation. The Seward Peninsula Council recommended funding the project for an additional three years as proposed by the investigator, so the Council wanted the full three years of funding. That's the difference that I'm bringing before you this morning.

MR. KLEIN: So, in summary, for the Pikmiktalik tower project, the Technical Review Committee is recommending that we fund both enumerating the salmon escapement and gathering harvest information. We're recommending that we do that for two years and then evaluate a long-term strategy based upon both the escapements and exploitation and see whether we should continue it at that level where we're counting both escapement and the harvest or look at something less than that, which could include just monitoring the harvest or monitoring the escapement. The Technical Review Committee feels that after two more years we'll have sufficient information to develop that long-term approach.

The Council is recommending that we continue this study as a tower project to enumerate escapement for all three years, through 2008. So I would recommend that -- this is one of our two non-consent items that the Board take action on this non-consent item and then we can move to the second. Rich and I would be happy to field any questions from the Board Members or Council Chairs. Before that Pete Probasco will present the Interagency Staff Committee recommendation.

CHAIRMAN DEMIENTIEFF: Go ahead. Yeah, we are going to deal with them in that fashion. So we'll deal with the two non-consent agenda items and then depending on what Pete has to say.

MR. PROBASCO: I apologize, Mr. Chair. Mr. Klein caught me off guard there. Mr. Chair, I'll just quickly summarize that the Staff Committee agrees with the Technical Review Committee recommendation to fund these two projects for two years as outlined by Mr. Cannon. However, circumstances such as declining salmon
populations and high exploitation rates indicate the need for additional information, then the Staff Committee recommends extending this project for the third year.

Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you. Any questions.

MR. EDWARDS: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. EDWARDS: Pete, could you repeat. You said they recommend funding for the third year.

MR. PROBASCO: Based on the actions of the project the first two years -- in other words, if the salmon populations were to decline or the exploitation rate were to continue to escalate, then they would recommend a third year of funding, but they wouldn't evaluate that until after the first two years.

Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you.

Further questions.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Judy.

MS. GOTTLIEB: First of all, I wanted to recognize that Grace was kind of instrumental in bringing this situation to the Board's attention a few years ago and that has resulted in this study, so I think the information has been and will continue to be very useful. I just want to double check. My understanding is that there is a tower out there, so I mean that's kind of a cost that's been made and the additional money would be for additional counting then.

MR. KLEIN: That's correct.

CHAIRMAN DEMIENTIEFF: Regional.

MS. CROSS: Happy New Year. Here we are back at Pikmitkalik River groups. I think the thing I always want to emphasize over and over about this river group is they're small enough when the water is very low
that one can cross over them, so we're not talking about
anything even to the size of the Unalakleet Wild and
Scenic River.

What I learned from the time Nome area
started getting into trouble, the river groups in Norton
Sound started experiencing problems to the point that
Tier II is proposed in Nome. One of the obstacles we
found was there was lack of data. No data to go by as to
what the numbers were, where they were sustainable,
nothing. We basically had to start from ground zero. So
our region started trying to protect what we have.

And you know for a number of years I kind
of harped about Unalakleet Wild and Scenic River. Pay
attention to it. We're having problems. Well, we are
now having problems, kind of major problems in Unalakleet
Wild and Scenic River. It's something we have brought up
to the Board, it's something we have brought up to, we
thought, proper authorities and nothing was ever done.

Basically, our healthy river groups are
now the Pikmiktalik area. There's some information I'd
like to add to the Technical Review Committee. One is
that much of the subsistence salmon harvest is by the
communities of St. Michael and Stebbins. They are the
closest rivers to St. Michael and Stebbins. The next
closest river is Unalakleet Wild and Scenic group, which
is pretty much in trouble. Maybe the word much is not
the adequate word. It's more than much. We need to add
the village of Kotlik to that. Kotlik is within the 50-
mile radius of those river groups and they do utilize
those river groups. So there's three communities
involved in this.

The two communities, St. Michael and
Stebbins, are very much supportive of the counts. They
even incorporated the count system into their school
system. What happens is that the beginning of the school
year they talk about those two little river groups. It's
very much a part of the community in the Nome region to
the point that our weekly paper made specials on those
counts over there.

So we're not talking just about the
community involvement in Nome, in Unalakleet and
Stebbins, we're talking about region-wide. Everybody in
the region reads the Nome Nugget. But those are kind of
trivial. What I want to emphasize is that, you know, we
need to protect what we have. Yes, they're sustaining
themselves, the small river groups; however, in the times that there's shortages elsewhere, other people even from those three communities, especially in Yukon River, when that river system is in trouble, the people predominantly that used to go there, because these little streams are healthy, come to those little streams and start utilizing them.

There were some statistics that were taken and there's some statistics. Hopefully we will continue to see what impact more users have on those rivers. And in the short period of time that those studies have been made, I don't think there's enough data to look back and say, hey, we can see at the times of shortage in other areas in comparison to where everybody else is getting fish from where they normally get it. I don't think that's adequately reflected at this point and I think it needs to be done. I think that the study needs to continue for three years. I think we need adequate data to look upon because these rivers are very, very important for probably about 1,500 people or more.

There's three communities that are utilizing them. There's some people, especially Stebbins and St. Michael, that exclusively use those rivers to meet their subsistence needs because they are the closest rivers that produce salmon, much needed food for them.

The next closest, like I said, is probably Unalakleet Wild and Scenic River, but that river is in trouble already and it doesn't need to be imposed additional users. We don't need to have that because it's already in trouble. People are trying to do what they can to save that river. If history shows in Norton Sound that's when a crash and not much attention is going to be given to it. Thank goodness in Unalakleet Wild and Scenic River there is some right now.

The RAC is really serious and very concerned about really the only healthy river system in our group and we feel that it's very, very important that more data be gathered just in case something happens to it, that river system, and it may because, in comparison to the number of salmon that goes in it, it's a very small number. A bad winter, a little bit more users is going to have an impact immediately on those river groups.

And I think I like what our esteemed guest said this morning: better decisions are made with
more information. I think it's one of these things that you need to weigh heavily on. It's one more year that the RAC is looking at and maybe re-look at it then and say do we need more additional studies done. We just need to get a more adequate number of information on this and one more year I don't think is going to hurt anybody. It would only benefit our region. It would only benefit those river groups.

So I would encourage the Board to go with what the RAC would like to see happen, is make it a three-year project and re-look at it after three years. But I think we just need an additional year of information that can be put in the books and it would really help in the future if those little streams would experience any problems. The way our region is going, it may.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you very much. Department, do you have comments.

MS. SEE: Mr. Chair, this is Marianne See with the Department of Fish and Game. We participate in the Technical Review Committee work that's done on these proposals and we consider that the recommendations here reflect a good approach given the constraints on funding. We certainly appreciate also that the program makes an effort to involve very carefully and with great discussion the Regional Council's concerns, but we have no additional comments to the Federal Staff recommendation at this time.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Gary.

MR. EDWARDS: Mr. Chairman. A question for Mr. Klein. So it's my understanding we've actually been doing this study for chum for three years and been doing it for coho for two and what's being suggested would be two additional years, which then would provide five years of data for chum and four years of data for coho. We're not suggesting necessarily that we wouldn't do the third year, but at this time we didn't want to commit -- or suggest we don't commit to the funding given what our funding situation is. Is that a correct understanding?
MR. KLEIN: Yes, that's correct. In addition though, what we're proposing is that we collect harvest information for 2006 and 2007 and look at that as an option for monitoring the fishery. When we look at the monitoring program, the cost of the tower is about $140,000 a year. It is an expensive project. As Chairwoman Cross pointed out, it's a valuable time series and one thing we do find is a long-time series of escapement information can be very valuable. She also mentioned Unalakleet.

I guess maybe a good way to frame the debate is I would say in 2007 and out years to be able to do -- we're currently doing work on the Unalakleet River, but to have say a $140,000 project on the Pikmiktalik River and a $100,000-plus project on the Unalakleet. At the present funding levels, we're probably not going to be able to maintain that level of effort.

So what the TRC is recommending is let's continue the towers for two more years, as Gary pointed out, and get the harvest information as well and then let's look at various options for 2008 and we would bring that back to the Board for decision-making. One of those options might be just to monitor the harvest. It might be to continue the tower. It's a shame we don't have sufficient funds to continue a project like the Pikmiktalik for 10, 20 years, but I think given our funding levels that's going to be a difficult proposition.

But it is a model project of what we're trying to do. It's a tribal organization fully implementing it. There's no State or Federal agency really involved at all. They're doing an outstanding job. The counts are scientifically sound. They're working with the schools, they're working with the communities. It really is a model project that we're quite proud of. When it comes to capacity-building and sound science and the four C's, it's a great example.

But our recommendation is let's look at the counts and the harvest after two years and develop a long-term approach, which we will bring back to the Board. Two additional years would be sufficient, we think, to make that recommendation.

Mr. Chair.

CHAIRMAN DEMIENTIEFF: Logically, let me
just ask Marianne. I don't mean to put you on the
pressure point. In the State scenario, haven't we tried
to get a five-year database in order to make regulatory
decisions? Isn't that true?

MS. SEE: Mr. Chair. We often do try to
get multiple years of information, but with constraints
of funding and staffing it frequently is not five years.

CHAIRMAN DEMIETIEFF: But that was the
goal or was it not? Of course, I used to work in the
State system, so I know a little bit more about it, but I
thought that was the goal for fishery decisions.

MS. SEE: Mr. Chair. I'd like to defer
to Kelly Hepler on that point.

CHAIRMAN DEMIETIEFF: Go ahead.

MR. HEPLER: Mr. Chairman. That really
depends upon the situation you're talking about. We have
a sustainable fisheries policy that talks about making
decisions on a five-year basis, you know, the life cycle
of fish and that's true. But when you're talking about
technical research itself, it depends on what the
objective of the research project is. Some studies you
may be able to go in and get a snapshot in two or three
years and we feel sufficient with that. Other times we
want to see a complete life cycle for five years. So I
think it's variable.

CHAIRMAN DEMIETIEFF: Thank you. Any
other questions here.

MR. EDWARDS: Are you looking for a
motion?

CHAIRMAN DEMIETIEFF: We're ready.

MR. EDWARDS: Mr. Chairman. I move that
we support the recommendation of the Northwest Arctic
Council and the North Slope Council, which was to support
the recommendation of the Technical Review Committee for
Project 06-101. That's somewhat of an amendment to what
was also recommended, so it would reduce the time frame
for a period of two years as opposed to the three years,
with the understanding that the project would be looked
at at the end of those two years for consideration for
funding for a third year.
CHAIRMAN DEMIENTIEFF: Thank you very much. Is there a second to the motion.

MR. BUNCH: I second.

CHAIRMAN DEMIENTIEFF: It's been moved and seconded. Further discussion.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: I think there's certainly agreement about wanting and needing more information, so I think that is something we all want to support. Sometimes I guess perhaps the data needs might change over time and so, therefore, I'm comfortable with supporting this project for two years and re-evaluate what data we may need or not at that point, I guess.

CHAIRMAN DEMIENTIEFF: Further discussion.

MR. EDWARDS: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MR. EDWARDS: I think that Mr. Edwards' motion is a great compromise between the funding that's available and the data that's needed to make an informed decision. I would certainly support that.

CHAIRMAN DEMIENTIEFF: Thank you very much. Other discussion.

(No comments)

CHAIRMAN DEMIENTIEFF: Hearing none. All those in favor of the motion please signify by saying aye.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed same sign.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries.

Okay. The next item.
MR. KLEIN: The next item is the second and last non-consent agenda item and that's within the Kuskokwim Region and Rich Cannon will cover that. Rich.

MR. CANNON: Mr. Chairman. Board Members. Materials for this non-consent agenda item is found on Page 8. It deals with Project 06-304, seasonal distribution and abundance of rainbow trout in the Aniak River. This is a major tributary of the Kuskokwim River system. Additional information about this project can be found at Pages 65 and 66 of your briefing book.

The Alaska Department of Fish and Game Sportfisheries Division and KNA are proposing a three-year radio telemetry study to estimate abundance, size composition and seasonal distributions of individual stocks of rainbow trout in the Aniak River. The Technical Review Committee found this proposed study to be technically sound and strategically important. Local concerns about declines in these stocks have been raised by subsistence users. However, the TRC did not recommend funding this project in 2006 due to high-priority funding needs for whitefish and sheefish studies.

I have a summary for the Western Interior Council and the Yukon/Kuskokwim Delta Council and I'll give those and certainly we have Council members here and I would invite any additional comments. Western Interior Council represents this particular fishery. It's the home council for the Aniak. They did recommend to support the TRC recommendation. The Yukon/Kuskokwim Delta Council recommended, however, that the project be funded this year and not to wait and stressed the importance of doing this work and their very strong concern about these stocks.

Thank you.

MR. KLEIN: So, for the Technical Review Committee this was another tough decision. There is sufficient funding to fund this project if the Board should choose, but our collective wisdom was to not fund it and this would allow additional funds for 2007, when we're really going to have some tough decisions. There were several projects within the Kuskokwim River with both salmon and whitefish that we were able to fund. Mr. Probasco will present the Staff Committee recommendation.

CHAIRMAN DEMIENTIEFF: Pete.
MR. PROBASCO: Thank you, Mr. Chair.
Thank you, Mr. Klein. The Staff Committee recommends not
funding this project consistent with the recommendation
of the TRC and the Western Interior Regional Advisory
Council.

Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you very
much. State comments.

MS. SEE: Thank you, Mr. Chair. The
State respects the recommendation of the Technical Review
Committee. In this case, the Interagency Staff Committee
recommendation is well recognized in the limitations of
funding.

CHAIRMAN DEMIENTIEFF: Thank you.

Council comments.

MR. WILDE: Mr. Chairman. One of the
reasons why the Yukon/Kuskokwim Delta recommended that
this be funded was because of years where we've had to
rely on some other resource besides the salmon and we
don't have any knowledge whatsoever of the abundance of
the other species fish that we might be able to use and
utilize in the areas they're found. That was the main
reason why we wanted it funded, was because of another
resource for us to depend on in the event that the main
resources that we depend on are not available.

CHAIRMAN DEMIENTIEFF: Thank you very
much. Board questions or discussion.

MR. SAM: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes. Ron.

MR. SAM: Council recommendations,
Western Interior. We do have a local resident on our
Western Interior Subsistence Council, Carl Morgan, and we
took a lot of his words and his consent. Due to the good
salmon runs that the Kuskokwim River experienced the last
couple of years, the subsistence dependency on the
rainbow trout hasn't been that heavy. Our data is low on
how far and how many people depend on it and our local
Council member and some other Western Interior Council
members expressed concerns about the possible commercial
interests that this could also generate.
Again, we don't have enough data to ask that it be funded directly at this time; however, we do recommend that it be submitted annually until we have enough data to show subsistence dependency. That is the reason why we did not really go after funding for this project.

Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you.

Additional discussion.

MR. EDWARDS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes, Gary.

MR. EDWARDS: I did have one question for Mr. Klein. In reading in the Board book under the recommendations, it seems a little confusing because it starts off and says that rainbow trout population in the Aniak River contributes significantly to the local subsistence harvest of freshwater fish, but then at the end of the justification it says that rainbow trout comprise a small percentage of the total amount of salmon harvested in both communities, less than three percent. So they seem to be in conflict unless I'm misunderstanding.

CHAIRMAN DEMIENTIEFF: Steve, yes.

MR. KLEIN: Mr. Edwards. Mr. Chair. The three percent of the total non-salmon, there's significant harvest of whitefish, sheefish, burbot and those were far more important within that region than rainbow trout. Part of that could be due to the declines in rainbow trout. When the Technical Review Committee looked at it, we were also looking at a sheefish project within the Kuskokwim drainage and a whitefish project as well as the rainbow trout. With the funding levels, we decided to fund two of them. In terms of subsistence uses, the number of households that used the resource as well as the pounds harvested, sheefish and whitefish were more important than rainbow trout.

Mr. Chair. Mr. Edwards.

CHAIRMAN DEMIENTIEFF: Thank you.

Further discussion.

(No comments)
CHAIRMAN DEMIENTIEFF: Is someone prepared to offer a motion. Gary.

MR. EDWARDS: Mr. Chairman. Consistent with the recommendation of the Western Interior and also of the Technical Review Committee, I move that we not fund Project 06-304, which is the Aniak River rainbow trout project.

CHAIRMAN DEMIENTIEFF: Thank you. Is there a second to the motion.

MR. BUNCH: I second it.

CHAIRMAN DEMIENTIEFF: Further discussion.

MR. BUNCH: Mr. Chair. It's my understanding Aniak lies within the Western RAC's jurisdiction. Is that correct?

MR. SAM: I couldn't understand the question. Could you repeat that.

MR. BUNCH: The Aniak River, whose jurisdiction or which RAC does that fall under?

MR. SAM: It's the Western Interior. That's the last village. We go into Kuskokwim.

MR. BUNCH: Thank you.

CHAIRMAN DEMIENTIEFF: Gary.

MR. EDWARDS: Mr. Chairman. In making my motion, I certainly don't want to imply that this is probably not a good study and that it will not be done in a proper manner, but I guess based upon the information that was provided us and the funding, it just seems not prudent at this time to fund this project, and which has been indicated would provide additional money in out years when available money for new projects will become more limited.

CHAIRMAN DEMIENTIEFF: I just want to note on the record that KNA has been a very and continues to be a very valuable partner to us. I intend to support the motion, but I think we just need to state that, that they have been very good to us and are continuing to work with us on other important stock issues. We will
continue to work with them. But for budgetary reasons, I intend to support the motion. I just wanted to get that on the record that they've been very good to us. Any other discussion.

(No comments)

CHAIRMAN DEMIENTIEFF: Hearing none. All those in favor signify by saying aye.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed same sign.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries. At this time, before we break, I'd like to entertain a motion to adopt the consent agenda items.

MR. BUNCH: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MR. BUNCH: I move that we adopt the remainder of the consensus issue items.

CHAIRMAN DEMIENTIEFF: Is there a second to that motion.

MR. OVIATT: Second.

CHAIRMAN DEMIENTIEFF: Discussion. Is there any objection at all to the consent agenda items? I'm looking at RAC's and everybody. I don't see any.

(No comments)

CHAIRMAN DEMIENTIEFF: All those in favor of the motion please signify by saying aye.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed same sign.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries.
We're going to take a break.

(Off record - 10:06 a.m.)

(On record - 10:43 a.m.)

CHAIRMAN DEMIENTIEFF: At this time we're going to go through the consent agenda items. Tom is going to run them by us. We're not asking for a motion because we reserve the opportunity for people to call them off the consent agenda at any time. At the conclusion of the meeting, then we'll adopt them formally, as a formal action. So Tom will run through those right now. If there are any objections to them, then you can raise them between now and Thursday. Go ahead, Tom.

MR. BOYD: Mr. Chair, thank you. The consent agenda items are listed on Page III in your book. I'll briefly go through them, but just as an introduction -- hold on. I'm being signaled by my staff, Mr. Chair. It seems that we may have gotten out of sequence here. It would be my fault. I think we have a report on the ASL study that recently was completed by my staff. It's fairly important to one of the proposals that we'll be dealing with today and that was scheduled for this time. So I apologize for getting us out of sequence.

CHAIRMAN DEMIENTIEFF: Okay. Well, let's go ahead. Who is going to do this?

MR. KLEIN: Mr. Chair. We have Karen Hyer, a statistician with the Fisheries Information Services Division. For about the past year we've been looking at the size of Yukon River chinook salmon and she's going to have a 15 to 20 minute presentation and time for questions. I'll turn it over to Karen.

CHAIRMAN DEMIENTIEFF: Thank you guys for keeping us in line. Even us up here at the head of the table make mistakes once in a while. We're very much looking forward to this information. So, Karen, please.

MS. HYER: Good morning, Mr. Chairman and Board Members. I'm Karen Hyer and I'm with the Office of Subsistence Management, Fisheries Information Service. I've been asked to present an analysis I completed with my colleague, Cliff Schleusner on chinook age, sex and length from selected escapement projects on the Yukon River. We've restocked our report, so anybody who
Anecdotal information provided by fishers suggested that the length of chinook salmon harvested and the proportion of female salmon in escapement on the Yukon River was decreasing over time. This information raised concerns and our National Park Service subsistence biologist, along with Fish and Wildlife Services Yukon subsistence fishery manager, approached FIS about doing an analysis for these lengths to see if these trends were real.

So FIS requested data from Alaska Department of Fish and Game and the Canadian Department of Fisheries and Oceans and we asked them for a long time series of age, sex and length data that we could analyze. We came up with seven escapement data sets. These data sets were examined using four objectives.

The objectives looked for changes in the proportion of female chinook salmon, the proportion of large, greater than 900 millimeter, chinook salmon, the proportion of six and seven year old chinook salmon and they also looked at the length at age of six and seven year old salmon, changes for the length and age. The last objective here mirrors work that was done in 1998 for the U.S./Canada Joint Technical Committee. So this fourth objective builds on work that they had previously done.

So we gathered the ASL information and we looked for trends over time in that. Our data sets came from two lower river tributaries, the Andreafsky and the Anvik, three upper river tributaries, the Gisasa, the Chena and the Salcha, and one Canadian tributary, the Big Salmon River.

Our data set included two sets of weir data, which you can see in the white, and five sets of carcass survey data. Some data sets extended nine years. Our longest data set extended twenty-eight years. The Big Salmon data set only had nine years, which was a fairly short time series, but we felt it was an important data set to include because it was our only information we had in Canada.

The main thing to get from this slide is that there are many gaps in the data set sometimes because of lack of data, sometimes because the data could
not be provided to us in an electronic format and it wasn't processed, it was still on hard cards, and sometimes because of errors we weren't able to determine what the data really stood for and so those data sets were dropped from the analysis. In addition, some of these data sets don't overlap. As you can see, the weir data is fairly recent data and Big Salmon only extends to 1990. So there are different time periods in this analysis.

Finally, we only include chinook salmon that spent one year in fresh water just simply because of sample size. In the data sets, there were salmon that had more years in fresh water but they were so small that there weren't enough to do any sort of statistical analysis on. And we also limited the data sets to seven year olds and younger. Although there were a few eight year olds in the data set, there weren't enough again to do any sort of statistical analysis on.

So using the four objectives, we looked at trends over time and we approached this from a basin-wide perspective because we felt if something dramatic was happening in the river, it would be evident in more than one tributary. So all our analyses were done from a basin-wide perspective.

So objective one. In four of seven escapement data sets, the proportion of female chinook salmon significantly changed over time. We saw no change in the Andreafsky River and we saw no change in the Gisasa River. We saw a decrease in the Anvik and the Chena and the Big Salmon and we saw an increase in the Salcha River. One interesting aspect of this analysis is the Chena and the Salcha are in close proximity to each other and you would expect them to behave somewhat similarly, but we saw a decrease in the Chena and an increase in the Salcha.

Objective two. In four of seven escapement data sets, the proportion of large chinook salmon greater than 900 millimeters significantly decreased over time. We saw again no change in the Andreafsky River and no change in the Gisasa, but we saw a decrease in the Anvik, the Chena, the Salcha and the Big Salmon. And 900 millimeters was a somewhat arbitrary limit. We were trying to get just a handle on the large fish, the large lengths, so 900 millimeters represents between 10 to 12 percent of the top salmon in these data sets.
So the rivers showing a decrease in the proportion of large chinook salmon over time are here. First we have the Andreafsky River. The Andreafsky River showed a four percent decrease in the proportion of large chinook salmon. The Chena showed a two percent decrease in the proportion of large chinook salmon. The Salcha showed a two percent decrease and the Big Salmon showed a seven percent decrease. These are decreases per year. As you can see, for the most part, these decreases are quite small. Big Salmon is the largest. Again, I'd just like to point out that you can just see by looking at this slide that the data set is a very small data set.

Objective three. In three of seven escapement data sets, the proportion of six year old chinook salmon significantly changed over time. Again, we saw no change in the Andreafsky, the Gisasa, the Chena and we saw a decrease in the Anvik and the Big Salmon, and we saw an increase in the Salcha River.

In our oldest fish in this analysis, two of seven escapement data sets, the proportion of seven year old chinook salmon significantly changed over time. We saw no change in most of the rivers, in the Andreafsky, in the Anvik, in the Gisasa and in the Salcha, and we saw a decrease in the Chena and we saw an increase in the Big Salmon.

In the age at length study, 10 of the 27 escapement data sets showed a significant change in the age at length for six year old and seven year old male and female chinook salmon. Of the 10 significant trends, nine are decreasing and one is increasing. Again, this analysis is the one that most closely represents the 1998 study that the JTC did. During their study they concluded that there was no change in the age at length over time.

Taking this data analysis, we made some conclusions. Our first conclusion, has the proportion of female chinook salmon declined over time. We concluded no. Results show no discernible river-wide trend in the proportion of female in the spawning escapement. Our second objective, we asked has the proportion of large, greater than 900 millimeters, spawning chinook salmon declined over time in the Yukon River and we concluded yes. Results show a decrease in the proportion of large chinook salmon in the Anvik, Chena, Salcha and Big Salmon. Of the seven trends we looked at, more than half, four were significant and the trends were all in
the same direction.

Objective three. Has the proportion of six year old and seven year old spawning chinook salmon declined over time in the Yukon River. From this we concluded no. Results show no discernible river-wide trend in the proportion of six year old and seven year old chinook salmon in the spawning escapement.

Finally, objective four. Has the length at age of six year old and seven year old male and female chinook salmon declined over time in the Yukon River drainage. From this we concluded it is hard actually to conclude that the length at age of older spawning salmon has consistently declined river-wide because fewer than half of the results showed a significance and, again, not all the results showed a significance in the same direction.

Finally, it's important to keep in mind the scope of this analysis. The data sets are a small portion of the whole Yukon River and although we're making river-wide conclusions, our sample sizes are quite small for the drainage, but it is the only data available.

Without any pre-fishery ASL information, it is very hard for us to determine exactly the effects of the commercial fishery because we have no before and after comparisons that we can make. In addition, all this information is confounded with environmental conditions that have changed over time and it's very hard for us to conclude whether the changes we do see are due to selectivity or environmental conditions.

Finally, from this analysis we've made several recommendations and our top three recommendations were reinstating collection of spawning escapement data from the main Yukon River spawning tributaries located in Canada because this is our biggest data gap and we have no current information. So we have no way of evaluating the trends we saw over time that stop in 1990. We have no way of evaluating what the current status would be today in Canada.

Our second recommendation is to continue long-term monitoring of age, sex and length composition of chinook salmon because if these trends are real, they're going to happen slowly over time and in order to see changes we're going to need continuous information.
One of the big issues with our data set is the data gaps in it.

The third and final recommendation is to document the age, sex and length of chinook salmon caught in the subsistence harvest and the gear types fished. This is one of our biggest data gaps. We have lots of commercial information, but we have very little subsistence fishery information, so it is a data gap that needs to be addressed.

Mr. Chairman, I'm available to address any questions.

CHAIRMAN DEMIENTIEFF: Thank you very much. Are there any questions at this time?

MR. BUNCH: Mr. Chair. I have a couple of questions. In your slide that showed the data that was gathered, was there a significance in the different colors in those slides? Did that represent anything?

MS. HYER: The white and the gray?

MR. BUNCH: Yes.

MS. HYER: The white was the weir data and the gray was the carcass survey data. So there were two different data method collection techniques that we analyzed.

MR. BUNCH: And my other question, which you will undoubtedly classify me as a dinosaur, is how big is 900 millimeters in inches?

MS. HYER: It's like 32, somewhere between 32 and 36. Everything is measured mid-eye to fork of tail.

MR. EDWARDS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes, go ahead.

MR. EDWARDS: What would be required to follow up on your recommendations?

MS. HYER: It would be good to see some subsistence data collected in the Yukon. They have started that in the Kuskokwim and some projects that would address that would be great at filling that data gap.
MR. EDWARDS: I guess I was looking for maybe something more definitive. I mean if the recommendations are important, then how do we go forward to follow through with them? Is it going to require some additional funding, is this somebody else's job or what?

MS. HYER: No, I think it would require funding in projects. Like the subsistence fishery is our responsibility. We require projects that could be submitted through OSM.

MR. OVIATT: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MR. OVIATT: On the same questioning line, you said that your data is not statistically sound yet, is that correct?

MS. HYER: My data is not statistically sound?

MR. OVIATT: Is that what you said? You needed more data, have a better sample size or something like that.

MS. HYER: Oh, yeah, because especially like in Canada. Canada has put a weir back in and there is one year there, but to get several more years of data in Canada it would be extremely interesting because that's where we saw our greatest trends. But, again, they stop in 1990 and we can't extend that.

MR. OVIATT: So what kind of effort would that entail as far as funding and who should do it?

MS. HYER: Work in Canada I do believe would go through the U.S./Canada Joint Technical Committee, so they would be ones for that. Any work done in the U.S. could possibly be run through OSM.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: As a follow up to that, the Board might keep in mind as we're having discussions on the Yukon that it may be worthwhile us sending a
letter, as we have in the past, being specific on the kind of data that could be most helpful to us in making some of these decisions. So glad you brought that up.

Thank you.

MS. HYER: Yeah. And I'd also like to note the Department of Fish and Game also collects information on this river.

MR. EDWARDS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes, Gary.

MR. EDWARDS: Are you aware of other chinook fisheries elsewhere where mesh size has been reduced to address declining size in fish and, if so, what has been the result of those studies?

MS. HYER: I am not aware of any specific fishery where mesh size has been reduced to protect the size of fish. Mesh size has been reduced in different areas, but I don't know they were specifically to protect the size of fish. So I guess I can't answer that one better than that.

CHAIRMAN DEMIENTIEFF: Thank you.

Further discussion. Judy.

MS. GOTTLIEB: Mr. Chair. One more question, Karen, please. You made a comment about long-term monitoring but also that changes will or might occur slowly over time. Can you kind of reconcile those?

MS. HYER: Right. Some of our most dramatic trends we saw in the Chena and the Salcha which were longer data sets. Sometimes changes are small, so if you're looking at a two percent change in the proportion of fish over time, if you have like two years worth of data, you're not probably going to see that because the changes are small. A two percent change over 20 years you would see in data. So the changes that we've seen are small.

CHAIRMAN DEMIENTIEFF: Further questions. Thank you very much for the informative presentation. We appreciate it. I imagine you're going to be around here as a resource for the rest of the meeting.

MS. HYER: Correct.
CHAIRMAN DEMIENTIEFF: So if we need to call upon you, we will. At this time Tom will introduce the consent agenda items for the fisheries agenda and he'll do them by proposal so we will have the opportunity to have people request them to be pulled off. We'll deal with these again at the end of the meeting on Thursday.

MR. BOYD: Thank you, Mr. Chair. Again, on Page iii you'll find the proposals that are listed and proposed for the consent agenda. I'll read them to you and then I'll add some notes specifically about some of the proposals. I am also aware of one addition to the consent agenda.

The consent agenda is as follows -- and what this essentially means is that there was unanimous agreement among Federal Subsistence Regional Advisory Councils, the Federal Interagency Staff Committee and the Alaska Department of Fish and Game concerning recommendations for Board action. Anyone disputing a recommendation on a proposal may request that the Board remove the proposal from the consent agenda and place it on the regular agenda. The Board retains final authority for removal of proposals from the consent agenda and the Board will, as the Chair says, take final action on the consent agenda after deliberation and decisions on all other proposals.

The consent agenda is as follows and I'll just list them by number. FP06-03 and the recommendation was to oppose that proposal. FP06-05 recommended support. FP06-06 recommended support with modification. FP06-07 recommended support with modification. FP06-08 recommended support with modification. FP06-15 take no action. FP06-16 support with modification. FP06-20 take no action. FP06-27 support with modification. FP06-28 support. FP06-29 take no action.

Mr. Chair, for the latter three that I mentioned, Proposals 27, 28 and 29 should be noted for the record that these proposals deal with subsistence salmon fishery on the transboundary Stikine River and if the Board acts on these proposals consistent with the consent agenda, the change in gillnet mesh size for chinook salmon season to a maximum of eight inches and a change in the starting date for the sockeye salmon season to June 21st should be considered approved for implementation pending further coordination with a bilateral U.S./Canada Pacific Salmon Commission process.

As you know, we've been working through issues on the
Stikine River in a cooperative manner and have in the past approved regulations that were then cleared in the bilateral process.

Another note that I will mention is that I understand that Proposal FP06-17, which would be to oppose that proposal, that there's now agreement between the Councils, the Staff Committee and the Department of Fish and Game, so that item can be added to the consent agenda.

There's one more note that I would mention with regard to Proposal FP06-03. I've counted eight people so far that have signed up to testify on that proposal and have thus indicated an interest in that proposal. This proposal addresses the salmon fishing schedule on the Yukon River and the proposal requests that the schedule begin on May 15th. This may be an indication that there was an interest to remove this item from the consent agenda, so I would flag that for the Board and the Board may wish to entertain a motion to remove that item or may wish to hear from those that have that interest.

Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yeah, once we do hear from the people that have requested to testify, if they're going to ask for anything other than what is already being advanced on the consent agenda, then I just wish that we would make that clear in our testimony so the Board has a clear understanding of where we're at.

If there is a request for comments with regard to consent agenda items, we will look at those and we will provide opportunity. We'll provide opportunity even though we're only required in the morning. We'll probably do it in the afternoon as well just to ask as a common courtesy to those of you who have taken all the time to get here to discuss with us.

With that we'll move on to Proposal No. 1. Helen, I guess you're going to do the Staff analysis.

MS. ARMSTRONG: Yes, I am, Mr. Chair. My name is Helen Armstrong. I'm a cultural anthropologist for the Office of Subsistence Management and I'll be presenting Proposal 1, which is a statewide proposal.

Proposal FP06-01 requests that Federal
regulations permit the sale of handicrafts made by rural
Alaskans from the nonedible byproducts of subsistence-
harvested fish or shellfish. The proposed regulation
would read: You may sell handicraft articles made from
the nonedible byproducts including but not limited to
skin, shell, fins and bones of subsistence-harvested fish
or shellfish.

The Federal regulations currently do not
provide for the sale of handicraft articles made from
fish or shellfish, although there is a definition of
handicraft in our regulations that includes fish. The
intent of this proposal is to accommodate existing
practices. In addition, this proposal would correct an
administrative oversight by allowing a practice described
in ANILCA, which states, for the making and selling of
handicraft articles out of nonedible byproducts of fish
and wildlife resources taken for personal or family
consumption.

The proposed regulation would provide the
same opportunities to Federal subsistence users as are
being proposed under State regulations. The State has
also added skin to their proposed regulatory language
because many people in Alaska consider the fish skin to
be edible. That decision, and I'm sure the State will
speak to this, is supposed to be made in March by the
Board of Fish. This proposal affects all areas of the
state. It does not change seasons, harvest limits,
methods or means, or customary and traditional use
determinations. There are no conservation concerns.

That concludes my presentation, Mr.
Chair.

CHAIRMAN DEMIENTIEFF: Thank you very
much. Written public comments.

MR. MIKE: Thank you, Mr. Chair. Donald
Mike, subsistence regional coordinator for the
Southcentral Region. There were a total of six comments
received in support of Proposal FP06-01.

The AHTNA Subsistence Committee supports
the proposal. We support FP06-01 to allow the sale of
handicrafts made by the subsistence users from nonedible
byproducts including but not limited to skin, shell, fins
and bones of fish and shellfish. Subsistence users
should be allowed to sell handicrafts made from nonedible
byproducts from fish and shellfish.
The Chilkoot Indian Association supports the proposal. The Chilkoot Indian Association supports the sale of handicrafts made by subsistence users from nonedible byproducts of fish and shellfish. This statewide change has the potential to help economically deprived regions to generate needed cash. It also makes sense to use as much of the harvested fish to minimize waste and this change would also promote cultural skills with the tribes.

The Aleutian Pribilof Islands Association supports the proposal as the proposal offers more opportunities for subsistence users.

The Wrangell-St. Elias Subsistence Resource Commission supports the proposal. The members of the Wrangell-St. Elias National Park Subsistence Resource Commission who were present for discussion of this proposal supported it and felt that it was a good proposal.

The Yukon Fish and Game Advisory Committee supports the proposal. The committee would like to see this regulation adopted because it is already being done in the region. If adopted, this proposal would allow less trouble to the people affected.

Mike Moses supports the proposal. Allowing the sale of fish byproducts will encourage the traditions of handicrafts, making use of subsistence harvested fish byproducts.

That concludes written public comments, Mr. Chair. Thank you.

CHAIRMAN DEMIENTIEFF: Thank you very much. We have one additional request for public testimony with regard to this proposal. Becca Robbins.

MS. ROBBINS: Mr. Chair. Council. My name is Becca Robbins and I'm policy coordinator with the Yukon River Drainage Fisheries Association, otherwise known as YR DFA. YR DFA supports allowing the sale of handicrafts made from nonedible byproducts of subsistence-harvested fish or shellfish. This proposal accommodates current practices and makes traditional uses and practices legal.

Thank you.
CHAIRMAN DEMIENTIEFF: Thank you. Any questions. Thank you very much. Regional Council recommendations. Since it is a statewide proposal, if there's anybody that has comments they'd like to make, now would be a good time.

Ron.

MR. SAM: Thank you, Mr. Chair. With the price of gas, gas and oil is probably the main commodity right now in subsistence harvesting and with the price of oil at $13.40 a quart, if we can get ahead in any way on selling handicrafts, Western Interior supports this proposal.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Any other Regional Council. Go ahead, Grace.

MS. CROSS: The selling of nonedible parts or at least selling parts of fish that is considered nonedible to certain people, we support that. We just thought it was kind of ridiculous to put nonedible because what is edible to me may not necessarily be edible to somebody else. That's why we wanted it modified.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Any other Regional Council. Go ahead.

MR. BROWER: Thank you, Mr. Chairman. Harry Brower for the record. The North Slope Regional Advisory Council did support this proposal. During the discussions they identified that a lot of the North Slope Regional people do make a lot of handicrafts out of different items from not just fish but other resources that we utilize. So just for the record I wanted to state that the North Slope Council supports this proposal.

CHAIRMAN DEMIENTIEFF: Thank you very much. Lester.

MR. WILDE: Mr. Chairman. The Yukon-Kuskokwim Delta Regional Advisory Council supports this proposal. We felt that this proposal will accommodate current practices and help subsistence users. Local
Yup'ik people utilize fish and shellfish nonedible byproducts for their handicrafts, such as wallets made of fish skins. I was going to blame my cold for not being able to read, but I guess I can't do that right now.

Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Well, if they're gone, you can go ahead and blame them for anything. Just because we're friends we can joke. Yes.

MR. STONEY: Thank you, Mr. Chairman. The Northwest Arctic Regional Advisory Council supports this proposal as written.

CHAIRMAN DEMIENTIEFF: Thank you.

MR. BASSICH: Thank you, Mr. Chairman. The Eastern Interior supports this proposal as written and felt very strongly that this is a very important part of subsistence lifestyle.

CHAIRMAN DEMIENTIEFF: Other. Go ahead.

MS. LYON: Yes, Mr. Chairman. The Bristol Bay Regional Advisory Council supported this proposal. The Council voted 6-0 with four absent to adopt it. The Council stated that there were no conservation concerns for freshwater fish or salmon. The proposal would allow current customary and traditional practices to continue and these values would be passed on to generations after. Lastly, the Council didn't feel there would be wanton waste of freshwater fish and salmon because residents wouldn't be exploiting the resources solely for commercial enterprise.

CHAIRMAN DEMIENTIEFF: Thank you.

Because it's the first time I've seen you here, please be advised that you have ample opportunity to enter the discussion after if there's other additional points that you wish to bring up. John, you had something.

MR. LITTLEFIELD: Thank you, Mr. Chair. The Southeast Alaska Regional Advisory Council supports this proposal as written. SERAC found that this proposal would provide for a traditional use of fish parts and handicrafts that should be recognized in the Federal regulations. This proposal would benefit subsistence users by recognizing existing practices which use fish parts in regalia and in craft items. Both regalia and
1 handicraft items are traditionally sold in our region.
2 No changes in fish harvest are anticipated and there's no
3 conservation concern associated with this proposal. No
4 effect on non-subsistence users are likely to take place
5 and the data provided by the Staff analysis provided
6 substantial support for this proposal.
7
8 I'd also like to say I agree with the
9 Chair, Ms. Cross, that what is edible to me may not be
10 edible to you at all, so there is some support for what
11 she says. If I was to bring you in kahawk(ph), most of
12 you would not eat it and I'll tell you what that is
13 later.
14
15 Thank you, Mr. Chair.
16
17 MR. LOHSE: Mr. Chair.
18
19 CHAIRMAN DEMIENTIEFF: Yes, Ralph.
20
21 MR. LOHSE: As you know, Southcentral
22 supported this proposal. We believe it actually -- the
23 practices already exist. This just puts some protection
24 on them. We also did not consider what Grace brought up
25 and I think if that idea had crossed our mind we probably
26 would have considered it too, because I agree with both
27 Grace and my neighbor here, that what's edible to one
28 person is not edible to another. Maybe that word does
29 need to be left out. I think byproducts covers it.
30
31 Thank you.
32
33 CHAIRMAN DEMIENTIEFF: Thank you.
34
35 Further Regional Council comments. Michelle.
36
37 MS. CHIVERS: Mitch Simeonoff from the
38 Kodiak/Aleutians Council was unable to attend due to
39 weather, so I'll read their Council recommendation into
40 the record. The Kodiak/Aleutians Regional Advisory
41 Council stated that this is a traditional practice and
42 this will allow full utilization of the subsistence
43 resource.
44
45 Thank you.
46
47 CHAIRMAN DEMIENTIEFF: Thank you very
48 much. Further Regional Council comments at this time.
49
50 (No comments)
CHAIRMAN DEMIENTIEFF: With that we will go to Staff Committee recommendations. Pete, I understand you’re going to.

MR. PROBASCO: Yes. Thank you, Mr. Chair. The Interagency Staff Committee supports the proposal consistent with the recommendations of nine of the ten Regional Advisory Councils, but contrary to the recommendation of the Seward Peninsula Advisory Council. Most of the justification has been articulated by the Councils on why the support is there.

Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you very much. Department comments. Marianne, are you going to?

MS. SEE: Thank you, Mr. Chair. For the record, my name is Marianne See with Department of Fish and Game. The Department has submitted a similar proposal to the Alaska Board of Fisheries to provide for sale of handicrafts made from skin and nonedible byproducts of subsistence-harvested fish or shellfish and this was noted in the Federal Staff comments. We do agree with the points raised in that analysis.

The Board of Fisheries has now scheduled this proposal for its March 10-20 meeting this spring and we support the proposal. I will note that we felt that it was most clear to use all those terms, skin and nonedible byproducts. For one reason, of course, is that fish skin handicrafts are one of the topics here that we're trying to address and that because there are differing opinions in different parts of the state about the edibility of skin that it would be most clear to include those three terms and that way it was absolutely clear that that was the intent of the regulation.

Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you. Board discussion.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes, Judy.

MS. GOTTLIEB: I guess just for point of clarification, my assumption is the word nonedible came out of ANILCA in describing this. Would that be correct,
with sort of no prejudice as to exactly what it means?

CHAIRMAN DEMIENTIEFF: Helen.

MS. ARMSTRONG: That is correct. That is what it says in ANILCA.

CHAIRMAN DEMIENTIEFF: Thank you. Gary.

MR. EDWARDS: I guess not to necessarily be a devil's advocate, but kind of responding to the State, the way it reads now it says it's not limited to, so doesn't that imply that if you determine that any part of the fish to be nonedible, then it's not limited to that, so maybe it is totally immaterial. It doesn't define what nonedible is. It just says that nonedible byproducts including but not limited, so doesn't that imply if it's not limited, then if you determine that any part of the fish is nonedible, then it's -- okay.

CHAIRMAN DEMIENTIEFF: Further discussion.

MR. EDWARDS: Marianne, if you wouldn't mind. I mean I was just trying to look through the words and why one is any more important than the other, particularly with the wording of not limited.

MS. SEE: Through the Chair. So then you're asking about the combination of skin and nonedible, as to why we're recommending that? Is that the combination you're asking specifically about?

MR. EDWARDS: No. I mean I think that's fine, but I guess I was curious as I looked at it and it indicates -- the terminology not limited implies that there's potentially more than these three. So maybe a literal interpretation of this reg now is that if it's determined to be nonedible and if it's not limited to what that is, then anything on the fish could be nonedible if somebody determined it to be, right?

MS. SEE: Through the Chair. Without our lawyer here, I'm not the best person to answer this in a definitive way. It does pose a question that I don't have a definitive answer for.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you.
Further discussion. Ralph, you had something.

MR. LOHSE: I've just been thinking about what Grace was talking about. I guess what's a byproduct to one person might not be a byproduct to another person. But what we're trying to do is we're trying to deal with byproducts. After people have taken what they took the fish for, the reason they took the fish, then what's left is the byproduct.

We've run into this -- and the fact that it's in ANILCA probably makes it okay, but we've run into this same problem before trying to define things as nonedible. We ran into it a lot with moose. A lot of times what we're using is a cultural prejudice. There were people saying that we shouldn't have moose season after the rut because moose were nonedible after the rut. Well, that depends on who you are and where you're from whether they're nonedible after the rut.

What Grace brought up I think is something that we really should consider here because we're dealing with culture here more than we're dealing with anything else and this basically points out a cultural prejudice right here, a cultural bias, by calling them nonedible.

I just happen to have friends that really enjoy the fins and to me there's nothing better than fried fish fins. They're just like eating potato chips. So, I mean, what's nonedible to one person isn't nonedible to another. But if I take a fish and I'm not planning on using the fins on that fish, those fins then become a byproduct to the reason that I took the fish. The same way if I took a fish and my wife's brother would prefer to eat the skin off the fish than to eat the fish, my sister-in-law would prefer to eat the skin instead of the fish, if I took the fish and wasn't going to eat the skin, then the skin becomes a byproduct. If I took it for the skin, then it's not a byproduct.

So I think you should really look closely at what Grace brought up. I think you can do the same thing just by saying byproducts and then put your including down there, but I think the word nonedible should probably come out of there. That's my personal opinion.

Thank you.

MS. CROSS: Mr. Chair.
CHAIRMAN DEMIENTIEFF: Thank you. Grace.

MS. CROSS: One last comment. One of the things that you need to look at is in time of shortage fish products, the skin, the fins and other products that some people normally don't eat because edible products. At the time it's plentiful, I may choose to make something out of fish skin and sell it because I can spare it. It's cultural, it's need. You know, the definition I don't have a worry about, but we thought it was kind of ridiculous to put nonedible.

I think in the long run you will have enforcement problems to begin with. A person may think, well, you're selling a nonedible part, so therefore you're violating a law, but that's that individual's definition of nonedible. So for some reason or another somebody gets charged for selling fish hides for earrings or something like that, which probably never would occur, but who's to say they're nonedible.

CHAIRMAN DEMIENTIEFF: Thank you very much. Further discussion. Gary.

MR. EDWARDS: I'm going to try again what I was trying to say. The way I read the regulation as being proposed is that if you literally read it, it doesn't prohibit you from using any portion of the fish for handicraft purposes. If I'm wrong in that interpretation, I guess I'd like somebody to tell me. If that is a correct interpretation, then why is it necessary to use the term edible or even to identify some examples of edible?

CHAIRMAN DEMIENTIEFF: Keith.

MR. GOLTZ: For better or for worse, the statutory term is nonedible. I think what the regulation is trying to achieve is the idea of keeping filets out of the handicraft market. That's what you're really after. If Ralph wants to eat the fins, that's perfectly okay under this statute. I frankly think we're making this all too hard and I would be very comfortable if you'd use the statutory terms and just stick with that.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you. Yes, Judy.
MS. GOTTLIEB: I appreciate Keith's comments because it almost feels like we've lost sight. This regulation is permitting sales of handicrafts. It's not affecting what people may choose to eat or not eat, so it has to do with handicrafts and sales and which parts can be used for that. So I think that would be a positive step forward to set up a regulation on sales of handicraft relating to nonedible byproducts of fish.

CHAIRMAN DEMIENTIEFF: Thank you.

Further discussion. Go ahead, Charlie.

MR. BUNCH: Mr. Chair. While I agree with Grace as to the edible portions there, I mean I think the bottom line is we're stuck with whatever is in the statute.

CHAIRMAN DEMIENTIEFF: Thank you.

Further discussion. Is somebody prepared to offer a motion.

MR. BUNCH: Mr. Chair. I make a motion that we accept the regulation as written, you may sell handicraft items made from nonedible byproducts including but not limited to skin, shell, fins, bones of subsistence-harvested fish or shellfish.

CHAIRMAN DEMIENTIEFF: Thank you. Is there a second to the motion.

MR. OVIATT: I'll second.

CHAIRMAN DEMIENTIEFF: Discussion on the motion.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: I believe there has been a substantial amount of evidence discussed at the Regional Advisory Council meetings and we've not heard of any conservation concerns, so I would support this motion.

CHAIRMAN DEMIENTIEFF: Thank you very much. I intend to support the motion also because of the strength of the Regional Council comments, but also just knowing what I know, that there are different utilizations. While I love to eat fish fins, we use them for other purposes as well. So it's just a total
utilization of the resource is basically what it comes
down to. So, for that reason, I intend to support the
motion. Further discussion.

(No comments)

CHAIRMAN DEMIENTIEFF: Hearing none. All
those in favor of the motion please signify by saying
aye.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed same
sign.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries.

Proposal No. 2, Helen.

MS. ARMSTRONG: Thank you, Mr. Chair.

Helen Armstrong, Fish and Wildlife Service, Office of
Subsistence Management. Proposal FP06-02 was submitted
by the Cheesh-na Tribal Council from Chistochina. This
proposal requests adding Chistochina and Mentasta Lake to
the C&T determination for freshwater fish in the Tanana
River drainage.

The proposal applies to all Federal
public waters under Federal jurisdiction in the Tanana
River drainage; however, if you look at the map on Page
125 and the map that's before you -- actually, this
doesn't show the whole Tanana River drainage -- there
really is only one portion of the Tanana River drainage
that is of concern in this proposal.

There was some confusion as we went
through the process of this because when you look at the
map there it's clear that the very, very end of the
Tanana River drainage these Federal waters that are up
here before you on the map for the Tetlin National
Wildlife Refuge and the Wrangell-St. Elias National Park
and Preserve that those are the waters that are Federal.
There are some waters along the Tanana River drainage
that are from the Denali National Park that are -- it's
not real clear when you look at it, but it drains down
into there. There's one that drains out of the Tanana
River drainage. Those were not supposed to be included
originally in this, so we had some confusion along the
way. I wanted to just set that straight.
The regulatory history for this proposal is that the Federal Board adopted the State regs in 1999 and all residents of the Yukon-Northern Area were listed as having a positive customary and traditional use determination for freshwater fish in the Yukon River drainage, which includes the Tanana River drainage.

The freshwater fish taken by these communities includes whitefish, grayling, lake trout, Dolly Varden, burbot and pike. The Board has never considered a customary and traditional use determination for Chistochina and Mentasta in the Tanana River drainage, so this is a new addition.

Chistochina is a primarily AHTNA Athabaskan community, as is Mentasta Lake. I am going to focus in my discussion -- just because of time limitations I'm not going to go through the entire analysis. I'm going to focus on the eight factors, of what was taken and where it was taken and the remainder of the information for the eight factors I incorporate by reference from my analysis.

When you review the harvesting of the AHTNA communities, freshwater fish is included in all the descriptions of subsistence use. The Chistochina and Mentasta households both harvest grayling, whitefish, lake trout, burbot, sucker and Dolly Varden. A few Mentasta households have also harvested rainbow trout. Freshwater fish are a supplemental resource, but they are still important to these communities.

We don't have specific information about how many fish are taken from the Federal waters on the Tanana River drainage. We do have information from subsistence studies done by ADF&G showing harvest of the resources. Grayling and whitefish were the highest harvested fish from Chistochina, the freshwater fish. They're fairly significant, 450 and 425 fish harvested respectively, with mean harvests of 11 and 13 edible pounds of fish per household. Trout, burbot, pike and Dolly Varden were also harvested. Dolly Varden and pike were fairly nominal with just 2 to 7 pounds harvested per year respectively. Again, I don't know how much of that was taken from the Tanana River drainage.

Mentasta had significantly more whitefish than any other freshwater fish with 1,345 edible pounds. Grayling was the second highest and burbot, pike and Dolly Varden were harvested in low numbers with 317, 41
and 15 pounds of fish taken. Only a small number of
burbot, 4 pounds, lake trout, 13 pounds, Dolly Varden, 11
pounds, were harvested by Mentasta residents.

In consideration of where they harvested
in the map on Page 125 in your book and that which was
just shown up here, the mapped areas showed that Mentasta
household took freshwater fish, and this was from a 1985
study, so it is some time ago. Mentasta households took
freshwater fish from Pickerel, Virginia, Jimmy Brown,
Jack and Peggy Lakes, which are all within the
Wrangell-St. Elias National Park and Preserve and from
the headwaters of the Chisana River on Tetlin Wildlife
Refuge, all within Tanana River drainage. Jack Lake was
a traditional fishing site for grayling and rainbow
tROUT. There also was evidence from a study done by
Reckford in 1983 that lake trout and other lake-dwelling
fish are harvested by Mentasta and Chistochina at Twin
Lakes and Jack Lake, both within Wrangell-St. Elias
National Park and Preserve and in the Tanana River
drainage. They also took lake trout and other
lake-dwelling fish from lakes near traplines or in their
hunting areas.

The other eight factors were met and fish
were harvested seasonally, knowledge was passed down from
generation to generation, fish were shared and each
community harvested a wide diversity of resources for
subsistence.

At the Eastern Interior Regional Council
meeting there was discussion that was brought up about
Slana, whether or not Slana should be included, and they
did, as you'll hear, vote to support. They recommended
including Slana as well as the people living along the
road system. So after the Council meeting I did add some
information about Slana that's on Page 131 in your books.
This was not information that was presented at the
Council meeting, but it was added to support the Eastern
Interior Regional Council recommendation.

In 1987, Slana residents harvested
grayling in the highest quantities, 438 edible pounds,
whitefish, 419 pounds, and other fish harvested were
burbot, pike, lake trout, Dolly Varden and rainbow trout.
Again, I don't know how much of that harvest occurred in
the Federal waters of the Tanana River drainage. There
was mapping done in '83 and '84 by ADF&G subsistence and
it indicated that freshwater fish were taken in Pickerel
Lake within the Wrangell-St. Elias National Park and
Preserve, as did Chistochina and Mentasta. The other lakes that were mapped were not in Federal public waters.

Again, with Slana, freshwater fish are often taken as a secondary resource while hunting. I think this is a common pattern amongst subsistence users that people will take fish when they're hunting or trapping. So there was information to support adding Slana and we do often include people -- in order to not exclude people who are along the road system who may not actually live in the community, the Eastern Interior Regional Council has recommended to add the people living along the road system and we don't have information about those specific people, but we would include those as people who have the uses of the communities that are close by.

The effect of the proposal would be to recognize that these communities have customary and traditional use of these resources and it would allow them to continue a subsistence use that has been customarily and traditionally practiced. Because there are no current C&T use determinations for those communities under consideration, people who have been harvesting the fish have been doing it perhaps illegally, so it would support them.

There were conservation concerns that were brought up during the review process of the analysis as well as at the Eastern Interior Council meeting, but a customary and traditional use determination is not something that should be denied if there are conservation concerns. Those concerns should be then addressed through harvest and methods and means and seasons at a later date. The concerns they had I don't think were really -- they were a little bit uncertain as well when they were brought up to me.

Thank you, Mr. Chair. That concludes my analysis.

CHAIRMAN DEMIENTIEFF: Thank you.

Written public comments.

MR. MIKE: Thank you, Mr. Chair. Donald Mike, Regional Council coordinator. There's one written public comment received from the AHTNA Subsistence Committee. They supported the proposal. We support FP06-02 to revise the customary and traditional use determination of the Tanana River drainage to include
residents of Chistochina and Mentasta Lake for freshwater fish. They have customarily and traditionally used the area to harvest freshwater fish and should be granted a positive C&T.

Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you. We have two requests for additional public testimony at this time. Donna Pennington.

MS. PENNINGTON: Thank you, Mr. Chairman and Members of the Federal Subsistence Board. My name is Donna Pennington. I am from Mentasta Lake Village. We are heavily impacted by the decisions of this Board. I have testified previously to this. On this particular proposal we do utilize other than salmon resources of the Tanana River and I do feel kind of like a criminal because I have, without being able to, gotten some burbot and some whitefish. Not very much.

Just to let you know, our traditional use of the Tanana goes back thousands of years. We used to trade for it, but our people have always depended on salmon from the Tanada, but there's been many years that there hasn't been the salmon to sustain us. This makes even more important the whitefish, the burbot, the Dolly's, the other fish that are along the Tanana.

It's really hard to express how important this year is going to be, this spring. We're going to be waiting for the salmon and with the numbers that we've had, more and more dependence on the other resources, in particular pike, trout, Dolly's, grayling, have been more important. These include the other lakes too, even though they're not particularly in the Tanana River drainage. We historically use other lakes in the region. Actually, that would need to be expanded a little bit.

We are closely related to the residents of Chistochina. We share the same blood ties, we share the same trade routes, we share the same diet. To tie this in just a little bit more, I'm going to go back and state that other parts of the fish are edible to us. To me, personally, I eat the fins, the nose, the skin, especially during times of starvation. This is not just salmon though, this includes all resources.

Thank you. Any questions.
CHAIRMAN DEMIENTIEFF: Thank you. Are there any questions.

(No comments)

CHAIRMAN DEMIENTIEFF: I guess one of the things, probably knowing about the area, I mean about Mentasta, my aunt is from Mentasta so I know a little bit more about it than maybe some people do, wouldn't you say that some of that harvest of those freshwater species comes incidental to other harvesting? I'm talking about in this case moose and caribou.

MS. PENNINGTON: Yes, sir, it is incidental, Mr. Chairman, but also intentional, too. As I said, like this year, I'm going to be particularly interested in grayling and whitefish because of the salmon, the shortage of salmon in our area. So if it was a high salmon year, I probably wouldn't be so concerned about my grayling and whitefish.

CHAIRMAN DEMIENTIEFF: I guess the point I'm trying to make is this, knowing how things work out, if you're there, you're not necessarily going to bring pork chops and hamburger when you're out hunting. You're going to take whatever you can get to sustain the harvest, even if you are targeting another species.

MS. PENNINGTON: Yes, sir, Mr. Chairman. And another thing, as you may know, the Natives tend not to waste. We don't believe in wanton waste and we don't play with our food. So when we see people doing the catch and release, to us that's playing with their food. The problem with the stress caused by catch and release, those released odds are don't survive. So we keep our incidental catch.

CHAIRMAN DEMIENTIEFF: Thank you. Other questions, comments of the witness.

(No comments)

CHAIRMAN DEMIENTIEFF: Thank you very much. Billy Charles.

MR. NICK: Mr. Chairman, that was a typo.

Sorry.

MR. BASSICH: Thank you, Mr. Chairman.

Eastern Interior Alaska Regional Advisory Council supported this proposal with the modification to include the residents in the area, particularly Slana. It was brought to our attention that these people in this region were users and at times heavy users of the resource in the area and we felt it was important to include them in this proposal.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Ron.

MR. SAM: Thank you, Mr. Chairman. We met before Eastern Interior met and we supported this proposal pending Eastern Interior and Southcentral actions as home regions. Western Interior Council supports granting a positive determination to Mentasta Lake and Chistochina to provide for traditional subsistence needs for freshwater fish. Our recommendation hinges on the actions taken by the home regions involved.

Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you. Other Regional Council comments. Yes, Ralph.

MR. LOHSE: Southcentral deferred to the home regions like we usually do. While this involves people from our region, the resources are in the other reasons, so we deferred to their recommendations.

CHAIRMAN DEMIENTIEFF: Thank you very much. Any other Regional Council comments.

(No comments)

CHAIRMAN DEMIENTIEFF: Staff Committee.

MR. PROBASCO: Thank you, Mr. Chair. the Interagency Staff Committee supports this proposal with modification similar to the recommendations of the Eastern Interior, Western Interior and Southcentral Alaska Regional Advisory Councils with the exception to exclude Federal public waters within Denali National Park and Preserve. When the Staff Committee deliberated on this proposal, Mr. Chair, there was sufficient information from ADF&G Subsistence Division household surveys and the National Park Service community studies
that document the use of freshwater fish by residents of 
Chistochina and Mentasta in those portions of the Tanana 
River drainage within the Tetlin National Wildlife Refuge 
and Wrangell-St. Elias National Park and Preserve.

It is not likely that the limited 
headwater areas of the Tanana River drainage within the 
Denali National Park and Preserve was intended to be 
included in this proposal, Mr. Chair. The waters within 
Wrangell-St. Elias National Park and Preserve, there's 
documentation that these two communities harvested 
freshwater fish from Twin, Jack, Pickerel, Virginia, 
Jimmy Brown and Peggy Lakes. There's also documented use 
of freshwater fish by these communities in the headwaters 
of Chisana River within the Tetlin National Wildlife 
Refuge.

All eight factors are fulfilled for 
making a positive C&T use determination for Mentasta and 
Chistochina for freshwater fish in the Tanana River 
drainage except for headwaters within Denali National 
Park and Preserve.

Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you very 
much. Department comments.

MS. SEE: Thank you, Mr. Chair. The 
department recommends that this and all current proposals 
regarding customary and traditional use findings for fish 
should be deferred until the Federal Subsistence 
Management Program establishes policy and procedures for 
these analyses and findings as directed on October 27th 
of last year by the Secretary of the Interior. There was 
a presentation this morning earlier by Drue Pearce in 
which she spoke of that initiative. Our recommendation 
therefore is to defer the proposal until procedures for 
alyses of customary and traditional use are developed 
and adopted by the Federal Subsistence Board.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you very 

MR. GOLTZ: I'm not the Board, but the 
Federal Subsistence Program is constantly looking for 
ways to improve its process and we can all be hopeful 
that the C&T proposal will result in some clarity of our
procedures, but the letter signed by Lynn Scarlett was never intended to shut the program down and that's something that I confirmed as recently as this morning.

CHAIRMAN DEMIENTIEFF: Thank you. Gary.

MR. EDWARDS: Mr. Chairman. A question for Staff. I'm a little unclear what this actually does on the ground for the communities involved. It's my understanding without a determination then we have a statewide C&T, then which would allow those folks to be eligible for harvest. Is that not correct?

CHAIRMAN DEMIENTIEFF: Helen.

MS. ARMSTRONG: I'm sorry. Can you repeat the question. I got distracted.

MR. EDWARDS: What I'm trying to understand is what this determination actually does on the ground for the communities involved because it's my understanding without a determination then we have a statewide C&T, which would allow folks to harvest. So is the issue that we don't have methods and means currently available and then once we make this determination that would be followed by methods and means or what does it actually do for folks at this point.

MS. ARMSTRONG: What it does is it makes it legal for them to harvest fish under Federal regulations, which they don't have right now. They would have to harvest fish under State regulations.

MR. EDWARDS: As a follow up, then that means then following this we would need to have new regulations. There's not regulations that exist?

MR. KNAUER: Mr. Chairman and Gary.

CHAIRMAN DEMIENTIEFF: Go ahead, Bill.

MR. KNAUER: Thank you. This is not a situation where there is no determination, all rural residents. In this case there is already a positive C&T that limits eligibility in this area. Therefore, for these people to obtain the opportunity to harvest under Federal regulations, there would have to be an amendment, which is the proposal before you right now.

CHAIRMAN DEMIENTIEFF: So through the
years we've dealt with these issues in between the regions where we understand there's a shared utilization of the resource and we've awarded -- not awarded, that's not the right word. We have allowed harvest of people from Eastern Interior within the same district, in that area, so it's gone back and forth because we've documented very well the utilization or the shared utilization of those resources through the years. It's been something we have allowed in the past. I guess towards that end, even though we don't have a motion, I'm speaking in favor of the proposal and congratulate the people that have done the work to get this thing before us because we know these kind of things happen.

Is there any further discussion or is somebody prepared for a motion.

MR. BUNCH: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MR. BUNCH: I have a question of Ralph if I may. Ralph, I have to apologize because I'm not familiar with the boundaries there, but, as I understand it, you represent Southcentral, who represents Slana and Chistochina and Mentasta Lake, is that correct?

MR. LOHSE: That's a roger.

MR. BUNCH: Okay. So you have no objection to Slana being included in this modification proposal?

MR. LOHSE: From our standpoint as a Council, we've always recognized that the resource should be -- the management of the resource and the decisions on the resource should be by the Councils that have that area. So we didn't make a decision as to whether Slana should be included with Mentasta or Chistochina because we recognize the land we're talking about is in the Eastern Interior and Yukon, so we let them make the decision and we defer to their decision. When we defer to their decision, if we'd have disagreed with it, we'd have let you know we disagreed with it. By deferring to their decision, we're saying we recognize their authority to make that decision and we concur with it.

MR. BUNCH: Okay. I just wanted to clarify that. And Eastern, there's no objection for you to include Slana. As a matter of fact, you're
recommending that.

MR. BASSICH: Mr. Chairman. Yes, that is true. We recognize that the resource is heavily used by the Slana people in times of need and they have shown a pattern of using it and, therefore, we feel that it's important that they be included in that.

MR. BUNCH: Thank you.

CHAIRMAN DEMIENTIEFF: Thank you.

Further discussion.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: This is an eligibility question and I believe that the Staff analysis, Interagency Staff discussions, all the work that went on at the three Regional Advisory Council meetings, have come up with an excellent recommendation to us and that there's been substantial evidence to show C&T for these three communities in the general area. So I'd be ready to make a motion.

CHAIRMAN DEMIENTIEFF: Go ahead.

MS. GOTTLIEB: I move that we do accept the recommendations of the home region, Eastern Interior Regional Advisory Council, with the specific wording as presented to us by the Interagency Staff Committee for C&T eligibility for Mentasta, Chistochina, Slana and people in between.

CHAIRMAN DEMIENTIEFF: Thank you. Is there a second to the motion.

MR. BUNCH: Mr. Chair. I would modify the motion to delete the headwaters of Denali National Park and if Judy would agree to that, I would second that motion.

CHAIRMAN DEMIENTIEFF: We need to get a motion before us. If you want to modify it, you have to do that after. But we need to get it seconded just to get it on the table.

MR. BUNCH: I second it.
CHAIRMAN DEMIENTIEFF: Okay. If you have further amendment, I suggest this.

MS. GOTTLIEB: Mr. Chair. The way I'm understanding the studies that there's not a demonstrated pattern of use in those headwaters, so I would not be interested in amending to that, if I'm understanding it right.

CHAIRMAN DEMIENTIEFF: Thank you. Any further discussion on the motion. Gary.

MR. EDWARDS: It's clarification. Judy, you said you would not be interested in entertaining the amendment to your motion.

CHAIRMAN DEMIENTIEFF: Pete, did you have something.

MR. PROBASCO: Yes, Mr. Chair. Maybe help provide some clarification. When we drafted up the Staff Committee recommendation, we talked about the Tanana River drainage. However, that may be misleading. The Federal waters or Federal public lands are only those in the Tetlin National Wildlife Refuge and the Wrangell-St. Elias, so it's not the whole Tanana River drainage. My understanding is the intent of the motion is to include only those areas, so we would provide a clarifier in that as it pertains to the Tanana River drainage.

Mr. Chair.

CHAIRMAN DEMIENTIEFF: Any further discussion on the motion.

MR. EDWARDS: Yes, Mr. Chairman. Pete, so then where does that -- the waters within Denali National Park and Preserve do not come into play in this?

MR. PROBASCO: Mr. Chair. Mr. Edwards. If I follow Ms. Gottlieb's motion, it was to support the Regional Advisory Councils' recommendation from Eastern and Western as outlined by the Interagency Staff Committee's language, which would exclude the National Park and Preserve waters. If that's not the intent, Mr. Chair, then that needs to be clarified.

MR. EDWARDS: Well, I think maybe the more proper original motion may have been to modify the Eastern Interior's recommendation then and that
1 modification would be to exclude the waters of the Denali
2 National Park, isn't that correct, or do you prefer not
3 to do that?
4
5 CHAIRMAN DEMIENTIEFF: Judy.
6
7 MS. GOTTLIEB: That was my intent, but I
8 guess not clearly stated, to exclude the waters in Denali
9 National Park and Preserve because there's not been a
10 demonstrated pattern of use there.
11
12 CHAIRMAN DEMIENTIEFF: Is that currently
13 in your motion?
14
15 MS. GOTTLIEB: Maybe I just added that in
16 there. Yeah, I hope so.
17
18 CHAIRMAN DEMIENTIEFF: I think that was
19 Charlie's intent, to make sure that it was clarified.
20 To be honest, there's no necessity of that because people
21 are not going to travel from Mentasta over to the
22 headwaters of Denali. You know, it's just not going to
23 happen. I'm sorry. Sometimes we tend to overregulate.
24 This may be one of those cases where we just -- if
25 there's an issue that comes up, then we should deal with
26 it. Personally, I don't see the issue. John.
27
28 MR. LITTLEFIELD: Thank you, Mr. Chair.
29 I have a question on process. It seems like several
30 years ago we debated how to handle these things and I
31 believe the process that was accepted by the Federal
32 Board at that time was to bring the Eastern Interior in
33 this case, bring their proposal to the Board, and then
34 you can modify it any way you want. In other words, what
35 you've done with this motion is you've attached some
36 sideboards to it already, some amendments. In the
37 proposals that we have coming up, I would prefer that you
38 would handle ours in that way and I think you should
39 handle this one the same way. That would be to adopt the
40 Eastern Interior and then modify it as you see fit.
41
42 That would be my recommendation, Mr.
43 Chair.
44
45 CHAIRMAN DEMIENTIEFF: While our
46 procedures do allow us a little bit of flexibility in our
47 motions and it's been stated here many times, John,
48 you're correct, that's the preferred way to deal with it
49 as far as the operative vehicle to get things going. So
50 you are correct in that point of view. Further
discussion on the motion.

(No comments)

CHAIRMAN DEMIENTIEFF: Are we ready for a vote. Hearing none. All those in favor of the motion please signify by saying aye.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed same sign.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries.

We are recessing for lunch. We'll be back as close to 1:00 as we can. It's a little after noon right now, so as close to 1:00 as we can. We recognize that it's already into the lunch hour.

(Off record - 12:10 p.m.)

(On record)

CHAIRMAN DEMIENTIEFF: I'll go ahead and call the Board meeting back to order. Our lawyer is laughing at us. I guess it's some remote resemblance of order. Again, we're going to try to do our best at accommodating people. Tomorrow at 1:30 the Commissioner will be available. In case somebody missed my earlier message, we are going to do that at 1:30 tomorrow. Actually, we're changing right now our regular agenda.

(Pause)

We are going to take up Proposal No. 22 because we have, in our continuing willingness to accommodate people's schedules and Eric is just here just for this time, so we're going to take this proposal out of turn. Go ahead. Staff analysis.

MR. BERG: Thank you, Mr. Chair. For the record, my name is Jerry Berg. I'm a fisheries biologist for the Fish and Wildlife Service. I'll be presenting the analysis for Proposal 22. The analysis for Proposal 22 starts on Page 316 in your books, in your Federal Board books.

Proposal 22 is submitted by the AHTNA Subsistence Committee and requests that fyke nets be
allowed to harvest up to 1,000 salmon in Tanada Creek upstream of the weir and that incidental harvests of other fish be allowed.

The proponent stated that the current gear methods allowed in the Batzulnetas fishery are not efficient enough to harvest an adequate number of salmon to meet subsistence needs. The proponent suggests that a fyke net be allowed only after coordination with the Federal in-season manager. The definition of a fyke net in Federal regulation includes basket traps, which are a traditional funneling type device that has been used in Tanada Creek historically.

As many of you know, the Batzulnetas fishery has been used as a traditional fish camp by the AHTNA people for centuries. Copper River tributaries including Tanada Creek and the Copper River above Slana were closed to subsistence fishing by State regulation in 1964. Tanada Creek remained closed to subsistence fishing through 1986 and most years from 1987 to 2000 the Batzulnetas fishery was permitted through State regulations established by court order in 1987.

In December of 2000, the Federal Subsistence Board established Federal subsistence fishing regulations for the Batzulnetas fishery. The Federal regulations require users to have a permit that allows the use of fishwheels, dipnets and rod and reel in the Copper River and dipnets, spears and rod and reel in Tanada Creek. Chinook salmon may be kept if caught in a fishwheel in the Copper River, but may not be taken if caught in Tanada Creek. There are no current harvest limits for sockeye salmon taken in the Batzulnetas fishery.

A similar proposal requesting the use of a fish trap and associated fyke net to harvest freshwater fish in Tanada Creek was submitted to the Federal Subsistence Board in 2002. The description of the fish trap consisted of a lead or fence stretched across a portion of the stream to guide the fish moving upstream into the fyke net or basket trap. Since fyke nets are allowed in the general statewide provisions and there are no gear restrictions for freshwater fish in Tanada Creek, by default this allows for the use of fyke nets for freshwater fish in Tanada Creek. When this was explained to the proponent, that proposal was withdrawn by the proponent in 2002.
In Table 1 of the analysis, it summarizes the weir in aerial salmon survey data collected over the years for Tanada Creek and you can see that the sockeye salmon returns have been highly variable with counts as high as almost 29,000 fish in 1998 and as low as 128 fish counted in 1975. Chinook salmon counts through the Tanada Creek weir have typically been less than 10 fish per year, but have varied from 16 in 2001 to 0 in 2004.

There are also resident populations of grayling, whitefish and long-nose suckers in Tanada Creek and there do not appear to be any conservation concerns at this time for those species due to what is assumed to be a very low harvest for those fish.

The use of fyke nets or basket traps used at the Batzulnetas fishing site is the best documented use of this gear type in the Copper River drainage. Sockeye salmon harvest in the Batzulnetas fishery have varied widely over the years, as you can see in the harvest tables in Table 2 on Page 325, and the ratio of the number of fish harvested compared to the number of fish counted at the weir has ranged from 1 to 4 percent, as shown in Figure 1.

The take of chinook salmon has not been allowed in Tanada Creek since the closures in 1964. Allowing the use of a fyke net in Tanada Creek would re-establish the use of a traditional gear type for this historical fishery, daily coordination with the Federal in-season manager during the sockeye season will be critical to allowing the use of fyke nets. Establishing a 1,000 sockeye salmon harvest limit for fish caught in a fyke net should allow for sufficient subsistence harvest and adequate escapement in most years.

There are plans to review the existing Tanada Creek sockeye salmon escapement data this winter to assess the feasibility of establishing a management objective for Tanada Creek sockeye salmon. Allowing the harvest of incidentally caught fish could cause a concern for the small population of chinook salmon that return to Tanada Creek. To help protect the few chinook salmon that may be caught in a fyke net, they would need to be return to the water unharmed, which could only be accomplished if the nets were closely attended.

Mr. Chair, that completes my presentation. I'll be happy to answer any questions. Also, we have the Federal in-season manager, Eric Veach,
here to help answer questions.

Thank you.

CHAIRMAN DEMIENTIEFF: Written public comments.

MR. MIKE: Thank you, Mr. Chair. Donald Mike, subsistence regional coordinator for Southcentral Region. There is one written public comment from the AHTNA Subsistence Committee supported FP06-22 to allow use of fyke nets to harvest salmon in Tanada Creek. This harvest method has been used customarily and traditionally by the AHTNA people to harvest salmon and freshwater fish.

Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you very much. Donna Pennington.

MS. PENNINGTON: Thank you, Mr. Chairman. Esteemed members of the Federal Subsistence Board.

Again, I am Donna Pennington. I am from the Mentasta Lake area, which is the Tanada area that we are discussing now, where you may note there were no fish this year.

We call these basket traps tizani (ph). They have been used and they have been documented all the way back to Lt. Allen's voyage up the Copper River. I didn't have a chance to copy it, but Bill Simeone and James Carey did the Copper River subsistence evaluation 2000 and the traditional knowledge report. On Page 9 of that report they listed 21 different ways to catch fish. All of them go back to ancient times, early prehistoric, including the bare-handed. Those of us up there, when you need to catch fish you'll use anything; spears, willows, your bare hands. Lt. Allen documented 57 people waiting for salmon at those weirs at Batzulnetas.

Our elder, Martha Jackson, from the Copper River once said the salmon are here because of how they were treated in the past. I'd like the Federal Subsistence Board to realize that the salmon are here because the Native people of Alaska have treated them respectfully for centuries. They still may disappear. We've had respect for our ecosystem for many, many years that we find a degradation to by other agencies. We live with statistical data now that is inaccurate. If you
look at the numbers, the weir counts don't match the
camera counts, they don't match the harvest data. It's
really hard for me, as a resident of mentasta to see how
many fish are there on an average and how much we really
get on an average. Those numbers need to be coordinated
in a better method.

There's other things that affect whether
we get salmon. The water depth, the weather, how warm it
is and particular the escapement allowed up there. We
look at the agency reports, but we're talking about
empirical observation by centuries. I cannot agree with
all the agency reports, but I will let you know they need
to be clarified a little better.

The AHTNA people named all 14 species
that are inventoried and we named all 21 separate stocks
on the Upper Copper River. We know what we're talking
about. Fifty percent of Mentasta's calories come from
salmon and we didn't get any this year. I personally had
11 silvers. I'll tell you they're only this big. That's
not going to feed me all winter. They came from Tazlina.

Aligning the Federal regulations with
State regulations also consistently hurts us. We are the
poorest user on the river. The State of Alaska does not
recognize rural preference, but as a user we need rural
preference. We are being overrun a lot of times by
Anchorage, the Mat-Su, the Fairbanks area. It's hard to
compete for such limited river space with other users.

Regulations cannot benefit one group and
I've testified to this before, but regulations cannot
hurt one group. The village of Mentasta has been
consistently hurt by the regulations, especially the past
year. There needs to be some interagency cooperation.
We did not get salmon, we did not get kings and now the
Federal government is talking about eliminating public
land
5150, which eliminates 80 percent of our Federal hunt.

Now, I tell you from this little, tiny
village we cannot sustain ourselves with all this
negative -- the agencies are working against us, I feel.
We're getting less and less. I recommend better
communications, particularly with our tribal government,
our local people. There's been no cross-cultural
training and today, just the example of the fins thing.
I eat fins. I eat the nose, you know. I eat the skin.
To me that's edible and in times of starvation that might
be all I have.

You need to visit these communities before the studies are done. I appreciate the Board members that have taken up our invitation and gone to see the place. It is not a mysterious place, but it's very limited in the resources it can provide.

To understand the stream changes of Tanada Creek, understand the habitat, there's other habitats in danger in the whole Mentasta area. Our lake is raising, our fish are dying, the suckers are filling our lake. We used to be able to walk across the creek the salmon were so plentiful. It is not the case anymore. We need valid and reliable numbers. The numbers that are presented don't match my observations. We still need to improve the enforcement of the regulations.

We still need to pool on our elders' knowledge. More of that technical knowledge needs to be placed in here. One other thing in regards to the weir. I think it would be a wonderful teaching opportunity for our elders to show our young people how to make them out of willows, how to do them correctly. They won't cross the whole creek. It's not going to stop the flow of salmon. There's excellent opportunity for us to preserve our elder's knowledge.

We have always focused our harvest on a specific fish at specific times of year and specific areas and Tanada Creek is one of them. Our accounting system has been in place for thousands of years. We have traded bales. Our bale is 42 sockeye or 20 chinook. We have always regulated ourselves and this is why the fish are still there. If we hadn't, there would be no argument here. There would be no fish to talk about.

My main point is there's a lack of salmon this year and with the Federal regulations that we're facing under caribou, it's going to be even harder on us. There's terrible words to call it, but we need help in the village of Mentasta. We need to make sure we have resources to provide for our people. Our subsistence needs are not being met.

Thank you.

MS. GOTTLIEB: Mr. Chair. Thanks very much, Donna, for coming in today. I wonder if you could just describe the fishing site and how far it is from the weir.

MS. PENNINGTON: It's about a half a mile from the weir. Also, just to describe the creek itself, just so people understand, it's about 30 feet wide. It's not very wide, but it's not too narrow, but it doesn't get much more than four feet deep in the area that we need. If we cannot put a fishwheel in there like this year with the channel moved and everything, we have no alternative in such shallow water. We need another method of being able to obtain our likelihood. Thank you.

CHAIRMAN DEMIENTIEFF: Are we talking about a fish trap?

MS. PENNINGTON: Yes.

CHAIRMAN DEMIENTIEFF: Okay. I just wanted to make sure.

MS. PENNINGTON: We call them tizani (ph), a basket trap.

CHAIRMAN DEMIENTIEFF: Yeah, I know. I just was making sure that we got it all. They're entirely legal up in our country where I'm from, but they're considered unethical for some reason. I think they're efficient, is what they are. Go in there and get what you want and get out. Is that pretty much the practice?

MS. PENNINGTON: Uh-huh. Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Our good friend, Nick Jackson. While you're working your way up here, I just want to appreciate all the work you've done for people in Alaska in terms of your service. I just want to pay respect for that because I think it does need to be paid.

Go ahead, Nick.

MR. JACKSON: Thank you, Mr. Chairman and the Board. I want to thank you for this opportunity to come before you on this Proposal No. 22. I just want to
point out that this is traditional way of how they used

to fish. Mentasta holds a culture week. I think they

last for about 10 days or two weeks. Every year they

take all the young people and have a cultural camp down

there and to show them this traditional way of fishing.

I sit on the AHTNA Subsistence Board, so that's why we

supported this. It teaches the younger people how the

old Natives used to harvest fish. That's where we come

in and that's why we want to support this proposal. So

that's what I want to point out, that this is their

cultural way of harvesting fish.

That's all I had.

CHAIRMAN DEMIENTIEFF: Thank you very

much. Any questions.

(No comments)

CHAIRMAN DEMIENTIEFF: Thank you, Nick,

again. Regional Council recommendations.

MR. LOHSE: Mr. Chair. Southcentral

Alaska Regional Advisory Council supported this with

modification. The three modifications that we put in

were to limit the use to only one fyke net and to be used

only after consultation with the in-season manager to

ensure adequate spawning escapement. In other words, to

put it in when there were fish going through and not hit

all portions of the run. Require the subsistence user to

be present when the fyke net is actively fishing and to

maintain that chinook salmon incidently caught in Tanada

Creek be released unharmed to the water. We also stated

that this would provide for minimum escapement since it

appears that all the parties involved have agreed to work

cooperatively. We support the proposal with these

modifications.

CHAIRMAN DEMIENTIEFF: Thank you very

much. Any other Regional Council comment. Go ahead,

Eastern.

MR. BASSICH: Thank you, Mr. Chairman.

The Eastern Regional Advisory Committee also supported

this. We looked at all the presentations by Mr. Rod

Campbell of the National Park Service and we came to the

conclusion that this was a good proposal. What's not

reflected here is we felt very strongly that it's

important for the youth coming up to be exposed to and

taught all of the traditional local harvest means and
methods.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you. Other
comments. If not, we'll go to Staff Committee.

MR. PROBASCO: Thank you, Mr. Chair. The
Interagency Staff Committee recommends to support the
proposal with modifications as recommended by the
Southcentral Alaska Regional Advisory Council and Mr.
Lohse articulated the reasons for that. Expanding gear
permitted in this fishery to include a fyke net is in
keeping with historical practices and would re-establish
those practices. Re-establishing this traditional
practice would ensure efficiency and reduce costs
associated with travel to and from the fishing site.
Close coordination with the in-season manager will ensure
conservation of the resource.

The Southcentral Regional Advisory
Council modified this proposal to limit the gear to only
one fyke net that may be fished only after consultation
with the in-season manager and require that user be
present at the site. A seasonal limit of no more than
1,000 salmon was retained from the original proposal.

Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you very
much. Department comments.

MS. SEE: Thank you, Mr. Chair. The
Department has a number of concerns about this proposal
as it's written. During years of high abundance such as
1997 and '98 and 2004, a harvest of 1,000 fish or greater
is likely sustainable. However, during years of low
abundance, this same harvest level would likely be
detrimental to these stocks. There needs to be more
information on how this fishery will be managed. The run
is highly variable, with a range of 100 to 4,500 salmon
in consecutive days. If the fyke trap and weir is
located upstream of a Park Service floating weir, it's
likely that these fish would pass the fishing site before
the fyke trap could be deployed or subsistence users
notified.

The State questions how the Federal delegated
official will estimate the accumulated escapement prior
to the annual run being completed while keeping in mind
the highly variable nature of the recent assessed
escapement. Also we question how the manager will
determine when to allow harvest when there are two
separate spawning stocks from the lake outlet and the
Tanana Lake shoal. At present, no discernible way to
determine what a sustainable harvest on each one might
be.

Because the strength and timing of these
stocks is highly variable, forecasting of such is very
tenuous, we think. Additionally, we have no data on what
the downriver harvest rates are for these stocks, which
is information we feel is critical to evaluating the
proposal. We considered that these concerns need to be
addressed by modifying this proposal to include a
detailed management plan for dealing with stock
conservation during years of low sockeye runs.

Our recommendation is that we do not
support this proposal without a detailed management
approach for the use of a fyke net when Tanada Creek
sockeye salmon runs are low. We also have our area
biologist here, who is certainly able to address
questions that you may have of us.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you very
much. We'll now advance to Board discussion. If there's
questions of anybody who has come to produce things, then
we have the right to call upon them.

MS. GOTTLIEB: Mr. Chair. I guess I
would just note for the record that fyke nets are legal
gear in some of our other Federal fisheries. I think Mr.
Chairman brought that up briefly, too. Eric, as the in-
season manager and someone who has been running that weir
for about five years, maybe you can speak to some of the
specifics on how you envision that this process and
fishery could work, please.

MR. VEACH: Mr. Chairman. Ms. Gottlieb.
I think to a certain extent we might have to learn as we
so, but what I would kind of anticipate is that we would
take a look at the daily escapement, certainly the
cumulative escapement throughout the season and allow the
users to harvest a portion of the cumulative escapement
to that date at any point throughout the season.
Certainly there's a number of people in this room and
certainly within our Interagency Staff here that I think
could help us make a more detailed management plan, but I
guess that would be sort of my shot from the hip as to
how we might approach this.

I would just really emphasize a couple of
things. One, in running a weir in Tanada Creek the flows
are extremely dynamic and we often struggle to get
anything close to 100 percent count through the weir in
years when we have high flows. It's very difficult to
hold our $50,000 floating weir that is manned by a crew
of six essentially around the clock seven days a week in
that channel and I would certainly envision that anything
that is built that is probably less sophisticated,
certainly that would lack the helicopter support that we
have with our weir, folks may find that it is very
challenging in some years to hold that fyke net in place.
So I guess what I would see is that it would probably be
utilized only for short periods when flows were very
conducive to operating a fyke net.

Along those lines I would mention that
when the flows are low and a little more conducive to
operating a fyke net, typically what we see, and I think
you observed this, Ms. Gottlieb, is that we'll see fish
schooling in some of the deeper pools downstream of our
weir. So we can typically anticipate when we see a large
number of fish really building up in those pools
downstream that within the next coming few days or weeks
that we'll see a strong push of fish through.

As you know, we have a very strong
working relationship with the users who fish at
Batzulnetas and I think it would be easy for us to
communicate with them that it appears that there's going
to be a large pulse of fish coming and they should be
prepared to fish shortly and I think they could have most
of the structure of the fyke net in place and just insert
the basket when they actually want to start fishing.

So I think with that close communication
they could take advantage of the large pulses of fish
and, at the same time, when we didn't have a substantial
number of fish moving through the weir we could also
easily communicate to them that this wouldn't be a good
time to fish until we see a larger pulse of fish coming
upstream. Does that kind of answer your question?

CHAIRMAN DEMIENTIEFF: Judy.

MS. GOTTLIEB: Yes, that certainly goes a
long ways. And I guess would you also ask or request that harvest be recorded?

MR. VEACH: Certainly. What we currently do is we issue a Federal permit to the users of Batzulnetas and that permit is relatively standard with all the Federal fisheries throughout the state right now. On that permit the users record the date the fish are harvested, the gear types that they use to harvest those fish and then the number of each species that are harvested on a daily basis. So, yes, that information would be recorded on a Federal permit.

MR. EDWARDS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes, Gary.

MR. EDWARDS: To elaborate on that question then, who would keep track of the numbers?

MR. VEACH: The user keeps track of the numbers on an individual permit and then they submit that permit to us at the end of the season. What I would envision in this case where we would certainly, particularly first, want to monitor the use of the fyke net. We have actually two shifts a day that are going into the weir, so they're actually traveling through the Batzulnetas camp and the fishing site to access our weir. Typically, when folks are fishing in the vicinity of the Batzulnetas village, they typically talk to the folks that are staffing our weir.

So what I would see is that even though the users would keep track of the number of fish that are harvested, I would expect that that information would be exchanged with our weir crews as they're going in to check the weir and operate the weir. Then that information would be communicated via the crews to me. Our crews are armed with both radios and cell phones all the time, so we're typically in constant communication with our work crews out there.

MR. EDWARDS: Mr. Chairman, if I could follow up. My understanding this is only going to be one weir, right, with different people using it and different people permitted or what's the exact mechanics?

MR. VEACH: Through the Chair, Mr. Edwards. Typically what we've had at the Batzulnetas fishery, since we've started issuing Federal permits
there, is Katherine Martin has obtained one permit to fish there. So what I would anticipate -- Katherine was the proponent of this proposal and what I would anticipate is that she would still obtain the Federal permit, basically take responsibility for operating the fyke net, but other members of the community would assist her with that.

Actually, I spoke with Katherine this morning and she reiterated what she really wants to do in this case is typically just operate that fyke net during their culture camp, which usually occurs about the third week of July. So there's a number of family members that are down at the camp, but what I would anticipate is Katherine would obtain that permit, folks that are participating in the culture camp would probably fish and operate that fyke net, but Katherine would take responsibility for that.

MR. EDWARDS: One last question. What level of communication would take place with the resident State fishery biologist?

MR. VEACH: Certainly we would continue to coordinate closely with Tom Taube with the Alaska Department of Fish and Game. Right now Tom and I speak on a weekly basis typically, if not more often than that in-season, to regulate the periodic openings for the Chitina subdistrict and I would anticipate that we would continue to communicate that information with the same frequency that we currently communicate in managing both the Chitina and the Glennallen subdistricts of the Copper River.

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. HEPLER: Thank you, Mr. Chairman. Since I'm new to this table, I just didn't want to break protocol here somewhere, so I'm not sure if I could ask questions during this time period. Ralph had a suggestion about having it limited to one fyke net, you know, dealing with the in-season manager and the Interagency Staff Committee agreed to that. Could you speak directly to that, whether or not you support what Southcentral came up with or not.

Thank you.

CHAIRMAN DEMIENTIEFF: Well, let me just speak to the one point right now. You are participatory
as far as being here, so you don't have to worry about interfering because we value your work, you and your staff, and we know what it takes to prepare for these meetings. So I just wanted to comfort you with that since you're kind of new. Go ahead.

MR. VEACh: Through the Chair. If I understood the question, it was do I support the Interagency Staff Committee recommendation. Yes, I do. I also want to mention that I asked the proponent this morning if she thought the Interagency Staff Committee recommendation was reasonable and she did.

MR. LOHSE: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Ralph.

MR. LOHSE: I'd like to ask him a question because I think it would answer some of the fears that people have. What you were talking about by this management idea was that basically what you would be looking at is taking a portion. Now somewhere between your staff and Fish and Game and everybody you can come up with some kind of a percentage or something to that effect. What kind of proportion can be taken so that in a strong year you take a proportion, on a weaker year you take a different proportion. But basically you'll be looking at the count of the fish. You'll have a cumulative count of the fish going across the weir. It's not a case of taking the fish before they're counted, it's a case of taking fish after they're counted. Something like what they do at Chignik. So you should be able to manage it in a way that if it's a poor year you don't take all the fish because you can see what's happening.

That's what we envisioned as a Council with the kind of things that we had put in place here and requiring close cooperation with the manager that the idea is this fyke trap is in back of a weir. We already know how many fish are through. So it should be pretty easy to come up with a percentage or something to that effect that allows you to manage without overharvesting the resource.

MR. VEACh: Through the Chair, Mr. Lohse.

That is correct. I might just mention that I think that one of the comments that has been made is that there would be some -- it could be a challenge for the users to take advantage -- when we see a large number of fish
actually moving through the weir, it could be challenging for the users to then actually put the baskets in place in the fyke net and catch those fish. That's what I see as probably one of the more challenging components of a management strategy now. But I think we're committed to working with the users for that communication and I would say for the first year or two we may kind of have to see how it goes.

CHAIRMAN DEMIENTIEFF: Further discussion.

MR. BSCHOR: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MR. BSCHOR: Just some clarification on my part. I want to be sure I know what we're talking about here relative to fyke nets. I understand that that's a system where you have basically wings that lead the fish into a box or a trap or something like that. Is that correct?

MR. VEACH: Through the Chair. That's correct. Essentially a fyke net is sort of a funneling device that helps funnel the salmon into.....

MR. BSCHOR: So I am familiar with that system because as a kid in the midwest my father fished with hoop nets, which have funnels and side nets, so the same type of thing. My question is about the incidental harvest and what is included in that because I remember as a kid we caught everything from turtles to big crawdads, to fish, you name it. The good news is none of those species while they were in the net were harmed. You could return them and there was little damage to the fish and to the animals.

My question is what is the incidental harvest? What kind of species? I understand chinook is in there because the write-up says you want to make sure that those get returned. Anything else, any other species, and is there any kind of management relative to that that we need to be concerned about?

MR. VEACH: Through the Chair, Mr. Bschor. Grayling would be the other species that we see migrating through the stream at times and I think a lot would depend on the actual mesh size that was used. In a lot of cases, certainly in the case with our weir, the
grayling just traveled right through the pickets and I would envision that's probably what's going to happen with the fyke net, too, but that's certainly something we'll keep track of and we can respond to if necessary.

CHAIRMAN DEMIENTIEFF: Further comments.

MR. EDWARDS: Mr. Chairman. I was just going to note that there's probably a pretty good rendition of a fyke net right up there on the wall.

CHAIRMAN DEMIENTIEFF: Yeah, there's no doubt about that. I've had a pretty good indication of one of them on my arm before. It fell off the hook and went into the water and then all of a sudden it came out. It didn't like me very much. Ralph.

MR. LOHSE: Mr. Chair. In response to his question on incidental catch, this whole idea of a fyke net is used by the Fish and Game at a lot of their weir sites to take fish for tagging and for sampling. I know we have one at Long Lake basically. They're just poles in the water, the same as the weir is, and small fish, Dolly's, small rainbow trout, grayling, suckers, they just go through the holes in it. If necessary, if you find that incidental catch is a problem, you can always ask that an escape panel be put in, just like put in a crab pot or something like that. The small fish will find their way out. There's no problem that way.

CHAIRMAN DEMIENTIEFF: Thank you. Judy.

MS. GOTTLIEB: Mr. Chairman. I'd like to move to adopt the Southcentral Regional Advisory Council's recommendation to allow the use of the fyke net with the three limitations and conditions placed on this.

CHAIRMAN DEMIENTIEFF: Is there a second to the motion.

MR. BSCHOR: I second.

CHAIRMAN DEMIENTIEFF: So what happens if you catch more than three? Are you all of a sudden a criminal? I'm serious.

MS. GOTTLIEB: Mr. Chair. I think we have been presented with substantial evidence that this opportunity can be managed and would be a really valuable experience in terms of cultural traditions as well as the
practicality of hopefully getting some food for people as well. So I look forward to the groups working closely together to make this proposal work.

CHAIRMAN DEMIENTIEFF: Thank you.

Anybody else.

(No comments)

CHAIRMAN DEMIENTIEFF: No further discussion. Are we ready for the question. All those in favor of the motion please signify by saying aye.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries.

MS. GOTTLIEB: Mr. Chair. If I might, on behalf of the Park, I guess I would invite any of the Board Members or State or Federal Staff who haven't seen the weir to come out and see that aspect of the operation.

CHAIRMAN DEMIENTIEFF: Okay. We did say we were going to take up testimony on consent agenda items and we have a number of requests, as I informed you before lunch with regard to that and I think we're going to go back to that and I'll just have Tom call these people up with regard to consent agenda items, which is mostly focused on Proposal No. 3.

MR. BOYD: Mr. Chair. I think the question before the Board would be whether or not to take Proposal 3 off the consent agenda. I haven't counted them recently, but I think at last count there were at least 10 people who were interested in Proposal 3 and I would suggest, Mr. Chair, that those who are interested wish to testify to the question of whether or not it should remain on the consent agenda, then they do so at this time, but not necessarily approach the merits of it until we take it up. I can call them by name if that's what you desire.

CHAIRMAN DEMIENTIEFF: I think we just need to get the request on the table. If somebody requests that we remove it from the consent agenda, then
I think we can reserve their testimony until the time that we deliberate the matter, if that's agreeable with the Board. Just call whoever you've got first.

MR. BOYD: Mr. Chair. The first person who has requested to address Proposal 3 is Mr. Alexie Walters.

MR. WALTERS: Yeah, I'm from Mountain Village, which is about 84 miles from the mouth of the Yukon. You know, I've had various people confront me back home about these fishing schedules, mandated windows. Not so much the commercial windows, but the subsistence windows. If there's any way to modify it or not just eliminate it completely to where it would give the subsistence fishermen a chance to reach their goals the early part of the season. You know, when you get those openings, you get a little tab here, a little tab here, depending on where you're located in your district, Y-1 or Y-2. It puts a burden on some of those elders that are trying to meet their goals with no decent help.

CHAIRMAN DEMIENTIEFF: Let me just ask you a question. Would you like it taken off the consent agenda so that we can discuss this matter fully?

MR. WALTERS: Yeah, maybe that would be better.

CHAIRMAN DEMIENTIEFF: Okay. Because then you'll have an opportunity to come back and talk to it in specifics.

MR. WALTERS: Okay. That would be good.

CHAIRMAN DEMIENTIEFF: As a Board Member, I will agree that we will take this matter off the consent agenda and I'm sure probably other Board Members would too. So you will have the opportunity to come back and speak to your specific issues, okay.

MR. WALTERS: That would be good.

CHAIRMAN DEMIENTIEFF: So we're not going to deprive you of that.

MR. WALTERS: All right. Thanks.

CHAIRMAN DEMIENTIEFF: So by the Chair's request, it will come off the consent agenda and we will
We're just going to take a moment because when we take something off of the consent agenda, we have to consider it and we're going to line up our Staff to make sure we're ready. We're not taking a break now. The Don says he's ready to go, so we'll get the Staff analysis and we'll deliberate this. Be assured that we have a whole bunch of people that are signed up to testify. Every one of you will get heard, but we are going to go with the Staff analysis right now.

MR. RIVARD: Thank you, Mr. Chair. Good afternoon to you, to the Board Members and to the Council representatives. My name is Don Rivard. I'm with the U.S. Fish and Wildlife Service, Office of Subsistence Management. I'm a fishery biologist and one of the division chiefs on the regulatory side for OSM.

The Staff analysis for Proposal F06-03 begins on Page 137 in your Board book. Proposal 06-03 was submitted by the Western Interior Regional Advisory Council and it requests that the Federal windowed subsistence fishing schedule in the Yukon River for the harvest of Chinook salmon begin on May 15th.

The proposal was submitted because in some years subsistence harvest occurs on the early part of the chinook salmon run before the windowed subsistence fishing schedule starts. The proponent states that starting the windowed schedule on May 15th would ensure that the entire run is protected and the burden to protect the early segment of the chinook runs would be shared more equitably by all fishermen along the river. The proponent requests the proposal only affect chinook salmon gear. That's more or less nets greater than six inches stretched mesh.

The Alaska Board of Fisheries adopted the windowed fishing schedule for the 2001 season to provide closed period for salmon to pass through sections of the river with reduced harvest. The windowed schedules implemented early in the season to, one, limit harvest when there is much higher uncertainty of total run size; two, distribute the harvest throughout the run; and, three, spread the harvest opportunity among all subsistence users in the Yukon River.
in April. The windowed subsistence fishing schedule is implemented chronically, consistent with migratory timing as the chinook salmon move upstream. For the first five years, 2001 to 2005, that the windowed fishing schedule has been in place, the schedule has been implemented each year in District 1 between May 29th and May 31st.

The first chinook salmon generally arrive at the Yukon River mouth shortly after river ice breaks up and moves out. At the start of the fishing season, effort is normally low because fishermen are just trying to harvest the fresh fish for dinner. Intensive fishing effort usually occurs later, after fish camp preparations have been made and the salmon runs are well underway.

The timing of salmon entering the river depends on several factors, including run size, water temperature and wind direction. Many subsistence fishermen believe that an early river breakup means the chinook run will also be early. When breakup is late, chinook salmon come in late. The average Yukon River breakup at Alakanuk from 1983 through 2004 was on May 23rd. In 2005, the chinook salmon run appeared to have an average run timing. The first reported chinook salmon harvest in 2005 was on May 25th. As of June 5th, 2005, subsistence salmon fishing effort in the lower river was low due to high water and fast water conditions.

If adopted, this proposal would increase the effectiveness of the current windowed fishing schedule if large numbers of chinook were present prior to the start of the windowed schedule. However, the fishing effort and chinook salmon harvest in the lower Yukon River during May is likely small because salmon are generally not abundant in the river until the first part of June. The high cost of gasoline is causing many fishermen to wait until the chinook salmon run is fully underway and fishing becomes more efficient and cost-effective. Fishing early in the season when the water is high and the river is full of debris can result in lost and damaged nets and a lower probability of success.

This proposal would start the windowed subsistence fishing schedule on May 15th for Federal users only, that's an important part to remember, and make fishing regulations in Federal public waters more restrictive than in State waters.

Thank you, Mr. Chair. That's the end of my presentation.
CHAIRMAN DEMIENTIEFF: Thank you very much. Written public comments.

MR. RIVARD: Yes, Mr. Chair. On Page 136 there are two written public comments. One is to oppose and one is to support. The Lower Yukon Fish and Game Advisory Committee opposes the proposal and they state that if this proposal is adopted it could end up restricting subsistence users to two 36-hour fishing periods per week, earlier than the beginning of the windowed schedule, which could hurt upriver Yukon fishers. There are not very many fishers in that area during May, but currently fishers in that area can harvest fish seven days per week during this time. If this proposal were adopted, it would prompt the ADF&G in-season managers to begin the windowed fishing schedule earlier and they would probably support this proposal. There are also other fisheries that occur during this time of the salmon season which can be adversely impacted by this proposal. The Alaska Department of Fish and Game reported that they begin their field work with the Yukon River breakup. The Advisory Committee prefers the status quo.

Mike Moses supports this proposal. He says I have no objection to allow the use of king salmon gear starting on May 15th. Current regulations allow subsistence king salmon harvest providing that the dorsal fin is removed. This special provision should be mandated only when commercial salmon fishing is announced. I have not seen anyone remove their dorsal fins from subsistence harvested king salmon.

Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you. I guess I would be really seriously amiss if I didn't compliment the Staff resiliency and being able to adjust to situations that we're dealing with, so I just want to thank you very much for your participation in this.

With that we have public comments. We have Alexie Walters.

MR. WALTERS: Thank you, Mr. Chairman. As I stated earlier, I have a problem with those windows due to the fact that, you know, when we gear up to go tend to our fish camps not everybody has the 9:00 to 5:00 jobs or have a permit. There are people out there that are struggling to make things meet and family size. They
rely on that subsistence fish. The water temperature
change over the years and the fish that do come into the
river, you know, are not the same as years ago. The
water stage differs, high water, low water, at times.
Inflation, mainly gas, and those people I just stated
that don't have 9:00 to 5:00 jobs, you know, are
struggling with debt. As we talk now, they're having a
hard time at home. Not only at home, all around. We've
got to take those into consideration.

I'd kind of like to see that subsistence
windows adjusted somehow. Not do away with them
completely, kind of modify them or something. Like if
there's a good forecast of fish coming in, I'd kind of
like to see those windows lifted for a time but not to
completely do away with them. Like they do some of the
commercial. When there's a good forecast of fish coming
in, they give them another opening. I don't see why we
couldn't do that with our subsistence.

It gets real hard. You've got to own a
fish camp to know how it really is to put up fish. It
takes care and Mother Nature doesn't go along with us at
times. It's hard work. We have to try to reach our goal
the early part of the season to make sure they dry
proper. It's all in the way you handle your camp. If
you're a hustler, you've got it, but if you kind of lack,
you lack too. So, taking all those into consideration,
you know, there's got to be some adjustment in our
openings.

Another thing, it seems the windows are
controlled by our test fisheries downriver. I hear that
they never change their sites. Every year they put their
nets in the same area every year. I'd like to see them
shift. We do that at home in our setnets. If it doesn't
work here, those eddies change year to year sometimes,
and if you keep putting your net in the same place and
your neighbor down the river catches 50 kings and you
only got two, something is mighty wrong. So they've got
to adjust their test nets down there too, to make a
better report.

There's other issues that fit in there.
When it affects your livelihood, it affects the whole
family. There's chaos and whatever in the family when
things are not to par with anything. A hungry family is
no good. We all know that. Mainly our elders that are
having a hard time out there in their camps with no
decent help, you know, it's pretty rough on them.
There's been people asking around to buy fish, so you can tell by that they didn't do so good last summer. When Natives start buying fish from each other, something is wrong. That never used to exist before.

I hope the panel and the Board and whoever makes these decisions will come up with a solution. I don't want to see those windows completely go away. They're there for a reason. We've got to balance it right somewhere along the road. Where there's a will, there's a way, they always tell me.

Thank you.

CHAIRMAN DEMIENTIEFF: Wait a minute, please. I was looking to buy some fish for tonight. You don't have any?

MR. WALTERS: No, I can't spare you none.

CHAIRMAN DEMIENTIEFF: I'm just joking.
I'm just joking. Don't worry about that. But that's not the real point. You touched on it, but I want to hear again, even though we've heard it before, about the limited opportunity that you have to dry fish for the winter.

MR. WALTERS: From the beginning again?

CHAIRMAN DEMIENTIEFF: In early season, that's what I want.

MR. WALTERS: Well, you've got to live out at camp to really -- you know when to put them up. You've got the VHF radios, the communication. You can hear a lot of fish in Black River coming up the river. Also people call down from upriver inquiring about how the runs are down there. You can just gauge. They get ready for it. There's telephones, there's relatives calling relatives, you know, and updating them on how things are down below. When you're ready, you go out and get them the best you can unless you've got water problems.

That's another thing. When a poor guy breaks down, he loses out the whole period or two periods. Those things are there. There's other problems, too. Health, welfare of a family man that's trying to put up his fish and then finally he's able to go out there and those windows sure mess him up. There's
an area where you can put up your fish really good in the summer. Fish don't stop swimming. Once they're going up river, they're heading up. They don't stop for nobody. There's an area where flies bother your fish and it's real hard to dry fish around those areas. So it's better to start earlier in the season to really stockpile your needs.

CHAIRMAN DEMIENTIEFF: Thank you very much. Another other questions of the witness.

(No comments)

CHAIRMAN DEMIENTIEFF: Thank you very much.

MR. WALTERS: Thank you.

CHAIRMAN DEMIENTIEFF: Becca Robbins.

MS. ROBBINS: Mr. Chair. Becca Robbins with the Yukon River Drainage Fisheries Association. We oppose the proposal to start the subsistence fishing schedule on May 15th. This proposal would impose additional restrictions on a subsistence fishery which is already heavily regulated. As it is, the windows schedule usually begins at the end of May and this change would only move the schedule up a week and a half to a week.

Upper and lower river fishermen say that there's very little fishing that early in the season and the little fishing done is merely to put food on the table. Given the small numbers of fish present this early in the year and the little amount of fishing that takes place, this proposal would place an unnecessary burden on a few subsistence fishers whose goal is merely to have food to eat.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you very much. Any questions.

(No comments)

CHAIRMAN DEMIENTIEFF: Jason Burkowski.

MR. BURKOWSKI: Thank you, Mr. Chair.

Members of the Board. My name is Jason Burkowski. I'm
from Mountain Village. I'm a subsistence user and a member of the Board of Directors of Yukon Delta Fisheries Development Association. I oppose Fisheries Proposal 06-03 subsistence windows starting May 15 because I live out there. We're not out there fishing 24 hours a day, seven days a week. We go out, make one or two drifts and go home. If there's no fish, we'll try again later or the next day. When the fish are running, we'll catch all we need in one or two drifts.

The cost of fuel, just under $5 a gallon and the weather are the limiting factors to our subsistence activities. When the weather is too bad, we can't go out for fear of our fish not curing properly, turning sour if it's too wet for too long. So we need to take care of our fish in the early season while the weather is good and dry and the blow flies are not targeting the salmon yet. That's why I oppose 06-03.

Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: So that is what I was trying to get to earlier. You have to do it early. My complete and total understanding in the lower river, if you don't get your fish early, you have a problem, is that correct?

MR. BURKOWSKI: Yes, Mr. Chair. The weather turns bad, gets wet later on and then the flies come out and start picking on the fish if you're trying to do your subsistence activities too late in the season.

CHAIRMAN DEMIENTIEFF: We don't have that trouble in the upper river, but I'm kind of aware of what goes on downriver. In the upper river we can dry fish all the way into actually October if you want to get technical, but in the lower river I do know there are special circumstances and I just wanted to focus on that.

Thank you very much, sir.

I don't have any other questions. Anybody else have questions.

(No comments)

CHAIRMAN DEMIENTIEFF: Thank you. Marvin Paul.

MR. PAUL: Mr. Chairman. Fellow Board
Members. I oppose No. 3 for the following reason. To have it open on May 15, I don't see how it's going to improve opportunity to fish that early, especially for elders and allow the elders out in the lower Yukon area who live out in the fish camp. When spring breakup comes, it takes a lot of work to clean up a camp. You know, the muck and the grime in the tent and rebuilding the fish rack, it takes a lot of work to do that. I can't see how it can be an opportunity to improve to open so early.

There's a lot of other factors. A lot of them have to wait until the end of the month to get their Social Security checks by the first week of the month, you know, to get the things that they need. Right now the cost of gas is just so much that they have to plan carefully. If they're going to do this, they're not just going to go out and fish after the ice moves off. Usually there's a lot of debris coming down from the river and the water is high and sometimes it's not good to have a setnet out there when the water is too high. Why have a net out there. And sometimes a lot of the users down in the lower Yukon have to wait for the right time.

For raw data to come from Hooper Bay and coming down to Sunshine Bay -- no, to Scammon Bay. Hooper Bay, Scammon Bay and it goes right from the lower area on up to the river. By that raw data, that's how our people go out and get their fish. Why have it open on the 15th when we know that there's hardly any fish coming through there. I think the Board needs to consider raw data that's coming from the lower area as it moves up, that they should consider that as a way of determining, you know, opening for subsistence catch. That's it.

CHAIRMAN DEMIENTIEFF: I think the one thing we have to know is that we do have that in-season capability to make those decisions as far as we are concerned. Just like the Department does, we all have in-season capabilities. What you were referring to was like the raw data. That may be the way you phrased it, but I'm just saying it's on the ground information that we need in order to make decisions. Okay?

MR. PAUL: Yes.

CHAIRMAN DEMIENTIEFF: That's all I'm saying. Any other questions or comments.
CHAIRMAN DEMIENTIEFF: Thank you very much.

MR. PAUL: Thank you.

CHAIRMAN DEMIENTIEFF: Ragnar Alstrom.

MR. ALSTROM: Mr. Chairman. My name is Ragnar Alstrom. I'm from Alakanuk at the south mouth of the Yukon River. I'm speaking in opposition of 06-03. You heard from Staff that the National Weather Service predicts the average date of breakup at Alakanuk, where I'm from, as May 23rd. What we have out there prior to breakup and immediately following breakup is a subsistence fishery on sheefish that start moving from the brackish waters along the coast into the Yukon. That starts about a month before breakup and continues for a couple weeks after breakup. As an example, my sheefish gear is 7/8ths inch and I know of at least a couple of people immediately following breakup they use king gear to harvest the sheefish that are running up into the Yukon.

What 06-03 does is it imposes a window schedule on a subsistence sheefish industry that people utilize. If you go out there into Alakanuk, you'll see people actually cutting sheefish and putting them up on the racks early. This window schedule, opening it early, for maybe saving a few chinook salmon at the end there before windows goes into effect in early June, late May, imposes quite a penalty on those subsistence sheefish fishermen.

Thank you.

CHAIRMAN DEMIENTIEFF: Questions, comments. I appreciate that because that just adds more information. I appreciate your testimony from me. We had one of our renowned biologists at one time came up to me at my house and said, Mitch, where did those fish come from. I was down to the camp and there's no fish in the river yet. Somebody had gone down to Chitina and harvested a big load of fish and was starting to make half-dried. I mean these are things we need to know so I appreciate you taking the time and the effort to come here.

Francis Thompson.
MR. THOMPSON: Good afternoon. My name is Francis Thompson. I'm from the community of St. Mary's. I'm presently a panel member of the U.S./Canada Yukon River Salmon Panel. I'm also the tribal administrator for the Algaaciq Tribal Government and a commercial and subsistence fisher on the lower Yukon.

First of all, I'd like to thank you for hearing the folks out here and putting this issue on the table for testimony although it was recommended to oppose. I think we are hearing various concerns and it's good to listen to the public, you know, other than Staff and those folks that you deal with. I'd like to put on the record that I oppose FP06-03 starting fishing schedule allowing use of king salmon gear May 15th. Many folks on the Yukon oppose windows fishing and this issue of windows will be discussed in the State of Alaska Board of Fish in 2007.

The average subsistence user in essence had their own windows fishing because they caught fish that they can process in a couple of days. Windows fishing right now forces harvesters to catch as much as they can within the two 36-hour periods. Sometimes when you're out there on a windows scheduled opening there's so many people out there trying to catch their fish that at times there's more subsistence fishermen out there than there is when there is a commercial fishing opening.

Folks on the Yukon catch what they need for their subsistence needs, no more, no less. What needs to be done is we need to get data to find out what is being harvested for subsistence throughout the whole drainage. I know in the past my old man John Thompson and Panni Alexie from Hold Cross did subsistence harvest surveys from the Canadian border down to the Yukon. They went from fish camp to fish camp actually going into the smoke houses and counting fish and that's how they got their data then.

Right now the subsistence harvester defined by the Federal qualification is a rural resident. On the State, the subsistence harvester is eligible if he or she is an Alaska resident. Since making it legal to sell processed salmon, how much was sold, what was the estimate value we have not determined and probably will not for a long while. Like I mentioned in the past, when you insert cash value to subsistence for sale, there's going to be abuse and that has already occurred.
I would like to mention that there is legal activity where unprocessed salmon is being shipped out of the Yukon River. I'd like to mention this because folks in my area told me to mention this, that we need enforcement on subsistence. Last year there were four commercial fishermen with Anchorage address shipping out at least 2,000 pounds of king salmon, whole. They fished every windows opening in Districts 1 and 2. We called the authorities about this activity, but nothing was done. What we are asking for is Federal enforcement.

With that, I'd like to say Happy New Year, broznigo (ph) and a late Merry Christmas.

Thank you.

CHAIRMAN DEMIENTIEFF: I want to thank you for your testimony. Because of all the years we've spent together, and I told you that the last time you testified with regard to your father, I did go over there to visit him. I don't know if you heard or not. I told you I was going to and I did because I didn't know he was still in the hospital at that time. It's because of the dedication of families that we get the advice that we need to hear, so I just want to express my appreciation. Are there any questions.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Judy.

MS. GOTTLIEB: I guess I was going to ask also, and thank you for your comments, if there are other species besides salmon that are caught in those early couple of weeks.

MR. THOMPSON: Subsistence fishing starts -- it's year round. Under the ice and when the ice moves out. Sheefish, whitefish, are targeted in the spring and throughout the winter. It was mentioned the first week of June is when the salmon come into the river and Mr. Walters mentioned there's a certain time that you need to process your fish because of weather conditions and other things that would ruin your harvest. I'd like to mention one of our elders, when he was talking, this is (Native) George talking to the young folks, he said if you want good fish, you start early. Otherwise, if you start late, you're going to get into the summer rains and the flies. That was the recommendation from the elder.
CHAIRMAN DEMIENTIEFF: But, again, that's subsistence, is that correct? You're talking about the food that you're putting up for the winter.

MR. THOMPSON: Yes.

CHAIRMAN DEMIENTIEFF: You start early.

MR. THOMPSON: Yes.

CHAIRMAN DEMIENTIEFF: So even though your area is a commercial area, you put up your fish first.

MR. THOMPSON: Yes.

CHAIRMAN DEMIENTIEFF: Any other questions. Ron.

MR. SAM: I just have one question. Do you have a firm number on how many of the subsistence fishermen and the commercial fishermen are one and the same? Do you have quite a few?

MR. THOMPSON: There's about 60 permit holders and about 100 households. Of the 100 households, I'd like to say about 80, which includes the commercial fishermen putting away subsistence fish. You've got to remember within the last 10 years there's very limited commercial activity. There's also mention that commercial fishing and subsistence fishing are tied on the lower river because in order to go get subsistence food we need the cash. On the lower river we're very cash poor. We don't have industry and 80 percent, at least within our community, is receiving welfare benefits. So the commercial fisheries, you know, they're tied together.

MR. SAM: Does the whole Y-K Delta realize that this proposal addresses the chinook salmon species only? Are you aware of this?

MR. THOMPSON: Yes, we are aware and we oppose any further restrictions or any new proposals that affect the lower river. If the lower river is so regulated and for the last five, 10 years, if you look at the number of proposals that have come in, they're always affecting Districts 1, 2 and 3. I'm sure the battle won't end. It's going to continue.
In my testimony I was going to mention that the Federal Subsistence Board has 10 sons and three of them live on the Yukon. They're the Y-K RAC, the Western RAC and the Eastern RAC. We need to learn to live together and work towards the betterment of our people and come up with positive proposals that will help everybody on the river. Our concern is stability and the fish coming back. That's everybody's concern on the Yukon.

CHAIRMAN DEMIENTIEFF: Well, I have to take exception to that. Some of our sons are daughters and they do a heck of a job. Let me distinguish the difference for those that don't know. You're putting up your drying fish early, right? You're talking about kings.

MR. THOMPSON: Yes. And chums.

CHAIRMAN DEMIENTIEFF: But you put up silvers and they're fresh frozen as I understand it. I don't know. You would have to say that, but you're not drying them late in the season. That's my understanding. I don't know. Tell me something if I need to be enlightened.

MR. THOMPSON: The majority of the subsistence users on the lower river are drying the summer chums and the kings because they come in together. Fall chum is generally put away fresh whole frozen. Of course, there's a few folks that do dry the fall chum. There's very few that are putting away coho, although there's some folks that do. The biggest harvest in the dried fish is the summer chum and the chinook.

CHAIRMAN DEMIENTIEFF: When the weather is good.

MR. THOMPSON: When the weather is good.

CHAIRMAN DEMIENTIEFF: I just want to make sure we're reinforcing that point. Again, I thank you. I don't know if there's any other questions. Judy.

MS. GOTTLIEB: Mr. Chair. I think maybe we'll just want to recognize and remember your offer to work together up and down the river because I think we may want to come back to that discussion later on and I appreciate that offer.
MR. THOMPSON: Mr. Chairman, I'd like to thank you for the mention of my father, John Thompson. He's been back in St. Mary's since May and since May he's been doing all the projects that he said he would do tomorrow.

Thank you.


MR. PETERSON: Thank you, Mr. Chairman. Good afternoon. I also oppose this 03 proposal. Most of the reasons were given already, but the one thing -- you know, whether we're working year round or not, we like to have our dry fish put up and according to the schedule that they have, there's no weekend schedule, so the people that are working are practically left out because they can't do it on the weekdays because they're working. When they're off on the weekends, there's no opening, period, for them. That's one of the reasons why I'm opposed to it.

The rest of it are given by those other people that were talking already. That 15th of May opening is just too early. Maybe once in a 100 years the ice might come out that early, but most of the time people are still running around with snowmachines out there, especially out in the coast. While we're still in the river 85 miles from the mouth, we'd be running around with a boat and out in the coast they'd be running around with a snowmachine. So opening that thing on the 15th wouldn't help nobody anywhere out there in any way.

I'm with everybody that was talking about putting up fish early. That's very important that we put up our fish early to catch that good weather before it turns sour. The later part of June it gets maybe windy and rainy and you can't dry nothing.

The other thing that affects us is when the weather is bad, when we have to fish on Wednesday night or Tuesday night, whenever, and the weather is bad, we can't even go out there because the river is wide out there, it gets really rough and you can't do nothing. Especially if you're an elder, you can't do nothing. That's why we're opposed to all this. I think most of it's covered by these other people that came before me.

CHAIRMAN DEMIENTIEFF: Thank you. Any
questions. I really appreciate that because I know at home the first run are the ones you want to put up for the winter.

MR. PETERSON: Yes.

CHAIRMAN DEMIENTIEFF: The other runs they're good fish, but they're not as good as first runs, so I appreciate those comments. Thank you. Stanley Pete.

MR. PETE: Mr. Chairman. Stanley Pete from Nunam Iqua. There was a lot of reasons given why they oppose the Proposal FP06-03. In my village they're having the hardest winter in all other years. High fuel prices this year is like $225 for a drum of fuel. With the burden of all these high prices this winter, everybody's concern back home is they're having a really hard time this winter with the high fuel prices. Now they're going to have the burden of fishing two openings during the week during the summer and still we've got like -- in some villages it's like $5 a gallon. In my village, it's $4.10 a gallon for heating fuel. They're struggling really hard this winter and we live out in the open where we don't have trees to slow down the wind.

My concern is these guys back home are going to struggle even harder this summer because already now they guys that aren't working and the individuals that don't have any source of income they're having a very hard time with the high fuel prices and now they're going to have to face the burden of having two openings during the week to try to put up fish for the winter.

That's the only comment I have to make. It's going to be really hard this summer and I know the whole state of Alaska, but especially rural Alaska, is feeling the burden of these very high prices. That's the only comment I have to make.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you. Any questions or comments.

(No comments)

CHAIRMAN DEMIENTIEFF: Again, we appreciate you taking the time and the effort to get here to talk to us because sometimes we -- well, no, actually
all the time we need that guidance from people who are living the life.

Thank you.

MR. PETE: Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Billy Charles.

MR. CHARLES: Thank you, Mr. Chairman.

My name is Billy Charles. I'm from Emmonak, in the Yukon Delta, right at the mouth of the Yukon. I don't have a prepared statement, but for the record I'd like to say that I would oppose this for the reasons that were brought before, those people from Alakanuk, St. Mary's and Emmonak. I would support it if it can be reinforced. I'd like to see some enforcement officers out there making sure that we have our gears out from under the ice. I guess what I'm saying is it does not make any sense.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you very much. If you do have a written statement, would you please give it to the recorder over there so we can enter it into the record and I appreciate your comments.

MR. CHARLES: Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Raymond Waska.

MR. WASKA: Thank you, Mr. Chairman. My name is Ray. I oppose this FP06-03 because we don't have no open water on May 15th downriver, so I oppose this. It would be okay for upriver because the water is clear -- the ice is clear, I'm sorry, but downriver we still have ice on May 15th. The earliest breakup we have is May 23 or later.

What I was going to say has already been spoken by those others, my colleagues. I'm opposing this here. They were talking about subsistence. We need to have our subsistence. Whenever there's open water, as long as the ice clears, there's people out there, especially or elders putting nets out trying to get the fish. The earlier the better.

Thank you.
CHAIRMAN DEMIENTIEFF: Any questions or comments.

(No comments)

CHAIRMAN DEMIENTIEFF: Thank you again, as I tried to thank all of you people for taking the time and the effort to get here because I know what it takes to get here. Thank you.

(Pause)

CHAIRMAN DEMIENTIEFF: I think we're going to go ahead and take a break. We have 15 people that are signed up on No. 4. Because of the time and effort it takes for people to get here and since these are the two most highest interest ones, we're going to do No. 4 today, but right now we're going to take a short break.

(Off record)

(On record)

CHAIRMAN DEMIENTIEFF: Even though any issue could get real tough at any given moment, we expect probably 3 and 4 to be our toughest ones. What I'm hoping we can do is make a resolve on No. 3 and go through process on No. 4 and call it a day because it's getting that time of day. The rest of the meeting could go smooth, depending on who's acting up, so we'll address it. We're ready to go on No. 3 now. Council recommendation on No. 3.

Go ahead, Ron.

MR. SAM: Thank you, Mr. Chairman. You'll note that we did table the proposal because of the good runs the last two years, which rendered this proposal moot, but we want to keep this issue alive because with all the concerns being expressed worldwide now about global warming in all the conferences and summits up to and including the ice flow habitat for polar bears being addressed, we expect this ice-free Bering Sea and Arctic Sea to be closely watched and that's how come we kind of submitted this again.

However, if you remember back about six or seven years ago when we did have those poor runs with little or no salmon in the upper rivers, both Chairman
Craig Fleener of Eastern Interior and I submitted a special action request to address this issue. Again, as with most of our Y-K Delta people and our Chairman here, it's clear now that throughout the river system, especially the Yukon River system, that our main concern is the escapement goals and the preservation of our chinook salmon.

Again, this proposal only addresses chinook salmon. It kind of bothers us in the upper river that while we haven't seen a chinook salmon or silver salmon or chum salmon, we get notices all the way up the Yukon River and its tributaries and all the way up the Canadian border that commercial fisheries are in full swing in Y-1, Y-2 and Y-3, but we haven't seen salmon one. Our main concern again with addressing the first run, the first pulse, which is the strongest and which is the most sought-after.

Again, we tabled it simply because we wanted to address the issue on down the line if we feel the need to. Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you. You don't know how much I appreciate that because what you're saying is your willingness to work with the other users. I'm just reading it my own way. Is that correct?

MR. SAM: Yes, that is correct. You know that while we didn't accomplish much with our tri-council meeting at Wasilla, which consisted of the Yukon, middle Yukon and the upper Yukon system, we always want to keep our doors and windows open, our communication lines open and work towards some better solutions and work more closely along these lines, addressing the same issue.

CHAIRMAN DEMIENTIEFF: Thank you and I congratulate you on that. Go ahead. Eastern.

MR. BASSICH: Thank you, Mr. Chairman. The Eastern Interior Regional Council reviewed this and as is reflected here under Robert's Rules of Order, if a motion is tabled at the end of the meeting, the motion fails, recognizing that we basically asked that no action be taken on this. Also, we very strongly feel that all the fishermen along the river need to address this issue. It's a combined issue from the lower river all the way up to the Canadian border and even into Canada, even though our jurisdiction here doesn't affect the Canadians, it's a very strong concern in Canada as well.
Also, at our discussion at our meeting we felt that people should not be penalized. Subsistence fishermen should not be penalized for putting up with the hardships of high water and high debris. If they so choose to try and obtain food for their winter subsistence harvest, that they should not be penalized to go out and try and get an early start. And also we recognize that early in the year was a very important time of year for the drying process for those people meeting their subsistence needs.

However, we do recognize and it's been stated quite often at our meetings that the windows process is probably the best tool that management has to assure quality of escapement at this time and quality of escapement is the number one priority in the fisheries issues for our RAC at this time. So we do want to have it on the record that windows is a very effective tool. We are seeing a difference since it has been implemented up into our regions with an increase in the quality of escapement. However, we feel there's still a lot of work that needs to be done, but we have seen a positive effect due to windows and we want to make sure that that is recognized by all.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you. I appreciate your comments. I notice the same thing. Of course, being up on the river, the only thing is my wife let me pack again, so I naturally forgot the salmon I was going to bring down. That's what we always talk about. It's not a trip if you don't forget something. That's kind of the way it is. Yeah, you're right though anyway. There's nobody that's hungry up in my country right now for fish anyway. Lester.

MR. WILDE: Mr. Chairman. The Yukon-Kuskokwim Delta Regional Advisory Council opposed the proposal. The Yukon-Kuskokwim Delta Regional Advisory Council felt that this proposal would impose further restrictions on subsistence fisheries that is already over-regulated. The window system has already altered customary and traditional fishing patterns. The use of fish camps have declined because people cannot afford gas to go back and forth as the present system requires. And processing fish, which requires dry weather, is difficult and sometimes impossible when the weather is bad during a windowed opening.
In the Lower Yukon River, local subsistence fisheries do not harvest salmon until debris clears in the spring after breakup or after high water recedes. If upriver subsistence fishers wish to allow fishing schedules to start on May 15th, it should be only applied to that area because in the Lower Yukon River subsistence fishing does not begin until early or mid June due to debris and high water and the weather.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you.

Additional Regional Council comments.

(No comments)

CHAIRMAN DEMIENTIEFF: If not, we're ready to go to Staff Committee.

MR. PROBASCO: Thank you, Mr. Chair. The Interagency Staff Committee opposes the proposal consistent with recommendation of the Yukon-Kuskokwim Delta Regional Advisory Council. The average date of the Yukon River breakup over a 40-year period is close to the date of the current schedule's implementation. Setting a start date for the Yukon windowed subsistence fishing and scheduling regulations earlier than the time managers have been starting the schedule would have little effect on the schedule's effectiveness.

In general, only a small amount of harvest is thought to occur before the schedule has been implemented in recent years. Numerous factors combined to effectively keep harvest to a minimum until the fish run is well under way. A determination of a poor salmon return which could limit the proposed schedule to Federally-qualified subsistence users only cannot be demonstrated at the beginning of the fish run since very little data is available to make an accurate assessment of run strength.

Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you.

Department. Dan.

MR. BERGSTROM: Yes, Mr. Chair. My name is Dan Bergstrom with Alaska Department of Fish and Game. The Department comments are as follows. The Department concurs that in some years subsistence salmon fishing and
harvest occur prior to establishment of the subsistence fishing schedule. It was understood when developing the time period for initiating the schedule that there would be years with the relatively small proportion of the entire chinook salmon run migrating before the schedule was in effect, as well as years when there would be no chinook salmon running before the schedule started because of ice. The run timing of the chinook depends on breakup timing.

An important element in setting the timing of the start of the schedule has been the desire to not have the schedule in place for a long period of time when no salmon are present. Subsistence fishers do target other species with large mesh gillnets, such as sheefish. Conservation measures and providing for subsistence uses must be balanced.

It is understood that a traditional use pattern exists whereby a number of subsistence fishers harvest fresh fish early in the spring and summer. During early runs these fishers will have an opportunity to harvest some chinook salmon as they have traditionally done so. Clearly most subsistence fishers along the entire river are provided a similar opportunity as the schedule is implemented to match the migratory timing as we move upriver.

Although poor runs occurred from 1998 through 2000 the Yukon River chinook salmon stocks are not classified as either a conservation concern or a management concern. In all years, except for the very poor chinook salmon run in 2000, there has been a reasonable opportunity for subsistence fishers to meet amounts necessary for subsistence on chinook salmon.

A majority of escapement goals have been met or exceeded since 2000, therefore stock status is good. Based on the chinook salmon stock status during the past five years, the Department considers that it is not necessary to manage subsistence fishing time in the Yukon River more conservatively as this proposal requests.

The Department's recommendation is that we do not support the proposal.
MS. GOTTLIEB: Mr. Chair. I was wondering, Dan or Russ, if you might be able to explain -- I heard one commenter say that there is no fishing on the weekends, kind of how that came to be.

MR. BERGSTROM: Yes, Mr. Chairman. This is Dan Bergstrom. What we basically used as kind of a traditional commercial schedule in the Lower Yukon, which for many years since, I think, Statehood it's basically in the District 1, it's been starting on Mondays and Thursdays and Y-2 Sunday, Wednesdays, and that's basically the days of the week we implemented the subsistence 36-hour period around those dates. So there's not much time on the weekends.

CHAIRMAN DEMIENTIEFF: Thank you. Other discussion. Well, let me just say that from my perspective of knowing what I know about the lower river and when they have the opportunity to take their fish and knowing that they have to get after them early, we're not talking about commercial, we're talking subsistence here, they have to get after them early.

There's really nothing I can do but oppose and I suppose that's presupposing my position, but we have to have arguments for why we are falling on what side we are. I have no problem opposing this because I know that if the fish are there and the weather is good, they're going to dry them and when the weather gets bad they're not going to be able to dry them and they're not going to be able to take their frozen fish until in the fall, what's going in the freezer. But what's going to get dried has to be dried early.

I don't know if that presupposes me. I know we don't have a motion, but I'm just telling you where I'm coming from personally. Gary.

MR. EDWARDS: Mr. Chairman. I'm prepared to make the motion so you don't presuppose yourself. Mr. Chairman, I would move that we support the Y-K Council's recommendation to reject Proposal FP06-03.

I think it's clear from what we've heard that there's only a small harvest of chinook that are harvested this early and putting these early windows on would be detrimental to other subsistence harvests as we heard for such things as sheefish and whitefish for those folks in the lower river community. The current schedule we have coincides with breakup and at this point there
does not seem to be any good basis for moving those
windows up.

CHAIRMAN DEMIENTIEFF: We have a motion. Is there a second?

MR. BUNCH: Second.

CHAIRMAN DEMIENTIEFF: Further discussion.

MR. BUNCH: Mr. Chair. I don't have a lot of experience in this, but it just seems to me that, as a practical matter, if moving it up to the 15th of May and the ice doesn't go until the 29th of May is just an exercise in futility. That would be the basis for my vote on it.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: I guess it would seem, and I'm sure the State and Federal managers have this discussion, that based on what is seen, perhaps if there is an early breakup and if there is the need to put this on, I'm sure we'll do it. I think it might be well worth it to explore that level of harvest. I think we're not exactly clear what it might be, so that might be the topic for further discussions too.

CHAIRMAN DEMIENTIEFF: Thank you. Judy, you know, I disagree. It's a work in progress. We can come back and revisit if there's a reason to do it. But right now if that accommodates the people that need that fish when they can get it, then it just doesn't make any sense really. Further discussion.

(No comments)

CHAIRMAN DEMIENTIEFF: If there's not, then all those in favor of the motion please signify by saying aye.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed.

(No opposing votes)
CHAIRMAN DEMIENTIEFF: I must be getting in my adjournment mode. Here we go. Number 4, who is going to do that? Okay, Don.

MR. RIVARD: Thank you, Mr. Chair. Don Rivard with the Office of Subsistence Management. The Staff analysis for Proposal FP06-04 begins on Page 147 in your Board book. Proposal 06-04 submitted by the Eastern Interior Alaska Regional Advisory Council requests that in the Yukon River drainage all gillnets with greater than six-inch stretch mesh not be more than 35 meshes in depth. This is a re-submittal of Proposal FP05-03 which was rejected by the Federal Subsistence Board in January 2005.

The Council believes that deeper nets target larger female chinook salmon. They are concerned that this practice of using deeper nets, along with a disproportionately higher rate of Ichthyophonus infection in female chinook salmon, creates a conservation concern on the spawning grounds, although it should be noted that the term conservation concern is not defined in Federal regulations. They also state that with lower salmon returns subsistence users are not being allowed a reasonable opportunity to meet their subsistence needs.

The Council also requests that the proposed regulation apply to both subsistence and commercial fishing gillnets. The Federal Subsistence Management Program does not directly regulate commercial fishing along the Yukon River, except that a provision exists for the Board to close public lands and waters to the non-subsistence taking of fish and wildlife under Subpart B regulations. However, the Board may restrict such uses when it is deemed necessary to conserve healthy populations of fish or wildlife, to enable continued subsistence uses of a particular fish or wildlife population, or if there is an issue of public safety or administration. Therefore, this analysis will only address the proposed regulation for subsistence fishing nets operating in waters under Federal jurisdiction.

The proposal was previously submitted to the Alaska Board of Fisheries in November 2004 as an emergency petition and was rejected. The Council also submitted this proposal as an agenda change request to the Alaska Board of Fisheries for its October 2000 work session and it was rejected at that time as well.

Gillnets are highly selective gear and
larger mesh sizes target larger chinook and smaller mesh
are more effective for smaller chinook and other species.
Mesh size regulations can significantly alter the sex
ratio and age class composition of chinook salmon stocks.

Traditional ecological knowledge contends
that the larger, older female chinook salmon tend to swim
deeper in the river. There is little disagreement that
in general deeper nets catch more chinook salmon, but
there is no scientific evidence which supports that
female chinook salmon are disproportionately harvested
over males.

The lower numbers of larger, older female
chinook salmon is a concern of many users along the Yukon
River and in February 1998 the U.S./Canada Joint
Technical Committee reviewed the availability of age-sex-
length information for Yukon River chinook salmon trying
to determine whether a decrease in size had occurred.
Their analysis concluded that the data did not indicate
any sustained substantial change in the fish size for
Yukon River chinook salmon.

As Karen Hyer stated earlier today, in
2004 both the National Park Service subsistence biologist
and the U.S. Fish and Wildlife Service fishery manager
for the Yukon River requested further investigation of
age, sex and length trends in Yukon chinook salmon and
that that be done by the Office of Subsistence
Management. The OSM staff followed up on this request
and analyzed historical age, sex and length information
on Yukon chinook salmon and that was presented to you
earlier today by Karen Hyer. The analysis identified one
trend. There is a decrease in large chinook salmon
spawning in four of the seven tributaries that were
studied.

If adopted, this proposal would make the
Federal subsistence fishing regulations more restrictive
than the State’s commercial and subsistence regulations
and result in a checker board of State/Federal
regulations, creating the potential for management and
enforcement challenges. Adoption of this proposal may
increase the amount of subsistence fishing effort
necessary to harvest chinook salmon since people would
have to fish longer with shallower, less efficient nets
to harvest their fish.

Finally, this proposal could create an
additional hardship on those Yukon River subsistence
fishers that would have to either shorten their existing nets to 35 meshes deep or buy new nets.

Thank you, Mr. Chair,

CHAIRMAN DEMIENTIEFF: Thank you.

Written public comments.

MR. RIVARD: Yes. Written public comments are found on Page 146 in your book. There's one to support and two to oppose. The AHTNA Subsistence Committee supports the proposal and they stated that they support 06-04 to revise the -- I'm in the wrong place here. This is actually comments for No. 2 on this particular one.

For the Lower Yukon Fish and Game Advisory Committee, they opposed the proposal and state that a 35 mesh gear is too shallow during this time of the year. Subsistence fishers could agree with a shallow net on the coastal subsistence fisheries. In Districts Y-2 and Y-3 a 60-mesh gear is appropriate. For District Y-3, 40-mesh in depth is used. In Districts Y-1 and Y-2, subsistence fishers prefer a 45-mesh depth at minimum. In the Pilot Station area, 95-mesh depth in the Yukon River is used by local fishers and the area is fished at 60 feet to 70 feet in depth at times. Perhaps in District Y-4 a reduction in mesh depth of gear type is necessary, but the committee does not have any knowledge about fishing gear needs further up the river. A committee member believes that a 35-mesh gear might actually increase the harvest of salmon because people will move fishing spots to shallower areas. When they start moving, some snags in the Yukon River channel the channel could be forced to change.

Mike Moses opposes the proposal and he states that for commercial fishermen they could live with current restriction of commercial subsistence gear type of 45-mesh depth in the lower Yukon River even though this area is in the low land. The lower Yukon River has very deep channel compared to upper Yukon River where water drains off of the highlands. Upper river drainage provides drift gillnet fishers with an additional opportunity to drift in the shallow waters. King salmon migrating toward highlands would have little chance of survival if 45-mesh depth gillnets are used in the headwaters of Yukon River. The lower Yukon River has very deep channels where king salmon swim below currently restricted 45-mesh depth gear type.
And speaking of subsistence fishing, Mike Moses states that subsistence fishermen generally use a commercial fishing gear for subsistence salmon fishing. Therefore, additional gears should not be mandated to subsistence fishers. He states that he has no objection as long as the current restrictions of a 45-mesh depth gear apply. However, he states he would object to the use of deep nets further up the Yukon River where salmon would be more vulnerable to drift gillnet fishing activities in the shallow waters of the area.

Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you, sir. We're going to open for public testimony. I've been threatened with 10-minute-plus testimonies and while I have been tolerant on some occasions, this is not going to be one of them. I'll go with the three-minute-plus system. When it gets over three minutes, I will plus you. Okay. Jason Burkowski. Oh, and I've got a clock up here, too.

MR. BURKOWSKI: Thank you, Mr. Chair. I introduced myself earlier. I'm Jason Burkowski from Mountain Village. I'm a subsistence fisherman. I oppose FP06-03, which aims to reduce the depth of our king nets from 45-mesh deep to 35-mesh deep because right after the ice goes out the water is at its highest level and cutting us down to 35-mesh deep will cause us to make a greater effort to catch the same number of fish. Gas is almost $5 a gallon and we can't afford to buy too much fuel. If you cut us down to 35-mesh deep, we'll all be piled up on the sand bars and beaches or moving down the river to areas towards the coast, once again causing financial hardships, trying to buy enough fuel to catch the same number of fish.

Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you very much for expressing your opinion. The only thing I'll just note for the record is we're actually on FP06-04. You said 03 and we just dealt with that. I'm just correcting the record. I'm not correcting you, correcting the record. Thank you very much. Any questions.

MR. BUNCH: Jason, what village did you say you were from?
MR. BURKOWSKI: I'm from Mountain Village. I'm also the president of Chuloonewick Native Village, which is further down the river about 60 miles.

CHAIRMAN DEMIENTIEFF: Thank you. Marvin Paul.

MR. PAUL: My name is Marvin Paul. I'm from Alakanuk. Mr. Chairman. I am opposed to FP06-04 due to a lot of fishermen, the majority of fishermen don't have permanent jobs and it's going to create a lot of problems for them to buy things that they need to. If they were to repair, it would cause a lot of hardship on them too and on the families. Not only that, it will just create a hardship, a lot of work to be done.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you very much. Any questions.

(No comments)

CHAIRMAN DEMIENTIEFF: Appreciate the comments and, again, the effort to get here to do that. Jill Klein.

MS. KLEIN: Good afternoon, Mr. Chair. Members of the Board. Members of the Regional Advisory Councils. My name is Jill Klein and I'm here today representing the Yukon River Drainage Fisheries Association, also known as YRDFA. As most of you know, we represent both subsistence and commercial fisheries on the Yukon River. At this time YRDFA does oppose the proposal to restrict the depth of gillnets to 35-mesh depth, which is Proposal FP06-04.

We are concerned about the issue of changing fish size in the Yukon River drainage and that our constituents' livelihood for both subsistence and commercial fishing depends on the sustainability of Yukon River salmon. We are very concerned that specific regions of the Yukon River are seeing a decrease in the size of the king salmon. We recognize that preserving the older and larger salmon is vital to the health and survival of the Yukon River fishery. There's not sufficient evidence, however, to suggest that reducing net depth will have the desired effect of reducing catches of these salmon. As gillnets are size selective, a more likely outcome, as you just heard, is for the
fishermen to have to fish longer and burn more gas to
catch the same size fish.

YRDFNA biologists have undertaken their
own analysis and research into the size of salmon and we
have come up with similar analysis to that of the U.S.
Fish and Wildlife Service report recently released by
Hyer and Schleusner. We reviewed the same ASL escapement
data, subsistence surveys and commercial catch data.
We've also begun to look at the relationship between
harvesting gear types and the size of gear types and the
fish size.

While larger mesh nets contribute to
catching larger chinook, there are also many other
impacts on Yukon River salmon. Some of these are hatchery
fish competition in the Bering Sea and the changing ocean
environments which likely have significant impacts on the
Yukon chinook salmon numbers and size.

For instance, it is known that the Bering
Sea pollack trawl bycatch fishery caught over 700,000
chum and 70,000 chinook in 2005. It is known that
billions of salmon released from U.S. and Japanese
hatcheries compete in the Bering Sea with Yukon River
salmon.

We also know that the oceans are getting
warmer and that the Bering Sea has become warmer since
1976. It has been producing many more but smaller
salmon. Also of importance is the recent declines in the
western Alaskan salmon abundance have generally been
related to changes in the ocean environment. This alone
could be the source for these recent decreases in size of
chinook. While we have begun to look into these issues,
we feel that more research, as you heard earlier, needs
to be conducted and more effort needs to be put into
working out valid solutions to this issue before
restrictions such as shortening of the nets are imposed.

In addition, this proposal would impose a
subsistence restriction, which is in violation of ANILCA.
This sort of restriction and economic burden should be
undertaken only if the research shows that such a
solution would have an impact. Further research into the
impacts of mesh size as well as mesh depth should be
undertaken and we need, as you've heard and discussed
again, riverwide participation from both the U.S. and
Canada subsistence, commercial, recreational and personal
use fishers. Basically all user groups should be
involved and made fully aware of this issue, the problems people are seeing and potential array of solutions before a proposal such as this is implemented.

YRDFA will be discussing this issue further at our annual meeting in Ruby, which is coming up in February and we are planning for the Board of Fish meeting in 2007 where this issue will be discussed again.

Thank you.

CHAIRMAN DEMIENTIEFF: Questions.

Where's your meeting this year?

MS. KLEIN: Ruby.

CHAIRMAN DEMIENTIEFF: You guys should have fun. Okay. Nothing else.

(No comments)

CHAIRMAN DEMIENTIEFF: Thank you very much. Ragnar Alstrom.

MR. ALSTROM: Mr. Chairman. My name is Ragnar Alstrom from Alakanuk. I'd like to speak in opposition of Proposal 06-04. I've been on many fishery panels over the years and some time ago -- this issue has come up many times and it was one of the arguments to put windows in place. That argument was when windows are in place, fish are going to pass freely from when they come in from the Bering Sea up to the spawning beds. In fact, that's worked so well that we've heard the summer preliminary estimates that the sonar at the border is up to 80,000 kind salmon just into Canada, have gone into Canada, not including the spawning streams in Alaska.

So you've got windows that allows chinook to get up the river. It doesn't matter if you have a net that's 35-mesh deep or 100-meshes deep. If you're not fishing during the windows, the fish are going to go freely up the river and that's what's happening. With the windows in place, fish are traveling -- maybe un molested is the wrong word to use, but they're un molested up into the spawning beds and we seen that this summer. Keep in mind that in 2001 there was no commercial fishery and windows. The fish were even more allowed to travel upriver in '01.

The Hyer report that we listened to earlier says
that the proportion of female chinook salmon has not
declined over time and the proportion of six and seven
year olds has not declined over time. It seems like
that's a perfect argument for marine waters production.
If you're still getting the females in the population,
you're still getting six and seven year olds in the
population, they're still going into the spawning
streams. It seems like the problem is not with the lower
fishery, it's out in marine waters.

I think that's it, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you very
much. Questions.

(No comments)

CHAIRMAN DEMIENTIEFF: Thank you again
for taking the time
and coming and helping us with our work. Francis
Thompson.

MR. THOMPSON: Good afternoon. Again, my
name is Francis Thompson. I oppose the FP06-04
restricting the depth of gillnet for both subsistence and
commercial fishing in Districts 1, 2 and 3. Here again,
we have another proposal targeting our area.

In the early 1990's, the Lower Yukon
district, lower river districts introduced and supported
to reduce our gear from 60-mesh king gear and 70-mesh
chum gear to 45-mesh for the king gear and 50-mesh for
the chum gear. In Districts 4, 5 and 6, 60-mesh and the
70-mesh gear is still allowed. If anything, we would ask
that everyone be reduced to 45-mesh for the chinook and
50-mesh for the chum gear throughout the drainage.

As Ragnar mentioned, the escapement into
Canada was an estimate of 54,000 to 80,000 chinook and
many of the streams in Alaska met their escapement goals.
The subsistence harvesters fulfilled their subsistence
needs and we were allowed throughout the drainage in
Alaska approximately 32,000 for commercial and in Canada
about 10,000 chinook.

For the last three years we have seen
increases in our returns to the Yukon River and ocean
conditions improving to where many areas along the AYK
region seen significant increases in their returns. You
heard this morning from Ms. Hyer about the age, sex and
length on the selected escapement projects on the Yukon River. During the past 20 years many areas in the AYK region have seen declines in their salmon returns and many speculated that ocean conditions was a factor in those reduced numbers.

The report also was taken within the last 10 years when we know that the returns -- or the ocean conditions were such that it affected many of the AYK region and knowing that when salmon and any kind of animal species are deprived of their food that they are smaller in size. That's why I'm kind of questioning the study because of what happened out there.

Also in the commercial harvest the average weight varies depending on what age group or age class comes into the river. If four and five year olds salmon are dominant, then the average weight would be lower. Also, if the commercial fishermen sell a lot of jacks, then that also reduces the average weight that you see before you.

Once again, I would like to comment that everyone knows about our fishery, Districts 1, 2 and 3. It's subsistence or commercial and yet we have very little information about the other fisheries. For example, Districts 4, 5 and 6 and also in Canada regarding age, sex and length.

CHAIRMAN DEMIENTIEFF: I'd appreciate it if you'd summarize.

MR. THOMPSON: Is that my three minutes? Once again I'd like to mention that we're in opposition to this proposal here for the reasons I gave. Thank you.

CHAIRMAN DEMIENTIEFF: Thank you very much. Any questions.

(No comments)

CHAIRMAN DEMIENTIEFF: Thank you. I appreciate it. Max Agayar. The more you guys testify, the better I get at your names.

MR. AGAYAR: Good morning. I'm Max Agayar from Alakanuk. I'm opposed to FP06-04. Commercially it would put a burden on the fishermen to re-gear and time consuming to trim off the extra 10 meshes and for some families it's their only income.
throughout the year and that would also put another burden on them. If we went down to a 35-mesh, like Jason Burkowski mentioned, it would choke up most of the shallower areas where people do fish.

When I first started fishing with my older brother drifting, we'd use 60 to 70-mesh deep nets and sometimes we'd drift down the channels and we wouldn't get anything. Let me read something out of the proposal-maker where it says, and I quote, deeper mesh nets have a detrimental effect on the stock composition and quality of escapements of the Yukon River chinook salmon and tend to target the larger female chinook salmon. Over here the Yukon-Kuskokwim Regional Advisory Council states that it has not been proven that deeper nets catch a significantly higher number of females than males.

Also another quote where it says there have been continuous poor returns on Yukon River salmon in the most years since 1998 and here the Western Alaska Regional Advisory Council states that council members reported good returns of salmon this year as far as numbers of fish.

In closing, in my opinion, it's not the lower areas that's causing the problems. I think it's out in the ocean. Thanks.

CHAIRMAN DEMIENTIEFF: Thank you. Any questions.
(No comments)

CHAIRMAN DEMIENTIEFF: I appreciate you taking the time. Frank Alstrom.

MR. ALSTROM: Hi. My name is Frank Alstrom. I'm from Alakanuk. I oppose FP06-04. The reason being I started subsistence fishing when I was maybe 11, 12 years old and when I was 16 years old I was able to work on a tender boat as a deckhand and when I was 17 I became a skipper on a tender boat and the boats weighed in over 24 tons. My first experience as a tender skipper was tendering in the upper end of Y-1. When we high bank, we'd tie off the bow of the boat to probably trees or throw an anchor on the beach, but we'd tie off midship to keep our stern out in the current. That was tendering up in the Y-1.
The following year is two years I spent on the coast tendering down in the coastal district. At 17, 18 years old you don't know too much, so I did the same thing as I did up in Y-1. I tied off the bow of the boat, tied one line off the one side of the boat. Well, guess what happened. The tide came in and I was drifting upstream with the rope on the upstream side of the boat and here's the whole boat taking off going upstream and we're firing up engines and trying to get the boat steered to the high bank.

Anyway, I was just wondering, when the tide come in and the current in the Yukon coming down the river, where does the water go. Well, there's some awfully big holes that we have to fish on the Yukon, the lower end. The standard ratio on king salmon gear or salmon gear anyway down the river is 2.1, the hanging ratio. When you factor that into your depth of gear like 45 meshes, your mesh size 8.5-inch mesh times 45 meshes, you take off a third of that hanging ratio of 2.1. Them 45-mesh deep gears don't reach down that far. They're actually really shallow. Then we have to fish that -- if you have the tide coming in and the current coming downstream and filling all those holes, we have to fish in some pretty deep areas with shallow gear I would think.

That's all I have, thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Any questions.

(No comments)

CHAIRMAN DEMIENTIEFF: I guess just one little part of your testimony I've got to disagree with when I was 17 or so. I thought I knew everything and I know my kids did too. They're all over that now. Anyway, I'm not making light of your testimony. I'm just trying to find a touch of humor.

MR. ALSTROM: Well, that was kind of like I was learning from experience, you know. I was just saying I didn't know anything about tide when I first moved from the upper end of Y-1 to the lower end of Y-1. Wow, what's this phenomenal thing, you've got a tide coming in.

CHAIRMAN DEMIENTIEFF: Yeah, I know. We all lived to be getting gray hair, so we must have done
something right. Pete Peterson.

MR. PETERSON: Thank you, Mr. Chairman. I don't have too much to add on to what's been said already, but the rivers out there are pretty deep and I don't think we can afford to cut any more of our nets. Not only that, the area that we're living in out there is over-regulated I think already and we don't need to be regulated any more. Things are getting harder and harder now. When I was a kid, my old man used to tell me things were pretty hard and I guess they were pretty hard and I thought they got easy, but now it's getting harder again because of everything coming up. Everything is coming up. So I don't think I want to see any cut on this net.

I'm opposed to that, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Questions.

(No comments)

CHAIRMAN DEMIENTIEFF: Thank you very much. I appreciate your comments. Carl Walker.

MR. WALKER: Hello, Mr. Chair. Board. My name is Carl Walker from Grayling, Alaska. I oppose FP06-04 from our area because of a hardship with subsistence fishing. If we changed that 45 to 35 mesh, it's a hardship for us if we do change this gear. Right now we're regulated to 150 feet, not the full shackle of the net of 300 feet in Y-4. All the way from Anvik to Galena we're regulated to 150 feet is all, not the full shackle like the lower Yukon. If you cut it shallower, we're going to have a hard time, we're going to fish longer and it will be a hard time on the people there. You heard about the gas, which is true. We have to pay five bucks a gallon. When I was young boy, we paid 25 bucks for a whole barrel, but that's a point we have to live with now.

My boat doesn't only fish for my house. We share my boat with other families. A lot of families don't have no net or boat or motor or gear, so I have to share that catch with other members of our family. If you restrict our net size down to shallow, we're going to have a heck of a time helping these other people out. That's where I'm coming from on this thing.

I oppose and definitely hope you leave that mesh size alone. We can live with that one pretty
good. Thank you.

CHAIRMAN DEMIENTIEFF: Thank you very much, Carl. Is there any questions.

(No comments)

CHAIRMAN DEMIENTIEFF: I appreciate, again, your taking the time to come talk to us. Stanley Pete.

MR. PETE: Stanley Pete from Nunam Iqua. I oppose FP06-04 because it will create a big hardship for the people in my community and all the people in the lower Yukon River. The individuals that spoke before stated all the reasons why they oppose it and I agree with what they said. If you do restrict it, everybody is going to have to cut their nets down and it's just going to be really hard on everybody on the lower Yukon. All the commercial fishermen will have to cut their nets down, all the subsistence users or the fishers will have to cut their nets down also, have to purchase all the twine to rehewn their net, so it creates a financial hardship for everybody. That's all I've got to add.

Thank you, Mr. Chairman.

Questions.

(No comments)

CHAIRMAN DEMIENTIEFF: Thank you very much for taking the time. Sven Paukan.

MR. PAUKAN: Hi, my name is Sven Paukan. I'm from St. Mary's. I'm opposed to this 06-04 and my reasons are basically what was already stated and I feel that everyone's testimony here is basically what I feel. I think the Eastern Interior's heart is in the right place when they have this concern that they brought up, but I think the issue is too large that this one recommendation will not fix it or do anything to enhance what they're going after.

Earlier we heard Karen Hyer on some of her recommendations that she had made and I think they're valid and I think they'd be good. We need to get more information on this. There's too many variables in the whole issue that any one solution wouldn't fix it.
Mr. Chair, with your permission, I don't mean to step on anyone's toes here, I don't mean to offend anyone, I know the Board has a big responsibility to listen to all the testimony, hearing all the reports from Staff, hearing the Regional Council information here, but I think when there's any restrictive subsistence regulations either proposed or already passed they not only affect the species that they're dealing with, they also affect the subsistence user. Personally I'm not in favor of the windows, but I know the reason why we have them.

Another thing, and I don't know if this has been discussed at any time or any place or it might be a good idea to try, I know there's studies going on for some of the reasons for some of the declines and all that. I think there should also be studies as far as the restricted subsistence regulations, how they're affecting the subsistence users.

I know in the past when I was growing up my family would go to our fish camp and we'd go down there the beginning of June and we'd stay out through August getting our subsistence fish throughout the whole summer. Nowadays it's changed and we're not staying there as long as we used to. I'm seeing families that are coming back earlier. There's a change in the subsistence user activities and I don't know if that's based on, as time goes on, you know, the older folks are not able to stay there longer or if it's based on somebody's restrictive subsistence regulations.

I think that some of the issues that you guys should really understand, and, again, I don't mean to offend anyone, I know you guys have a tough decision, that a lot of the restrictive subsistence regulations that are being proposed or have been proposed you need to take into account that they affect us, the users, whether it's the salmon, the moose, anything. I just wanted to put in my two cents on the whole issue.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Any questions.

(No comments)

CHAIRMAN DEMIENTIEFF: Appreciate your comments. Aloysius Unok. Did I say that right? I hope
I didn't abuse his name too much. He'll straighten us out.

MR. UNOK: My name is Aloysius Unok. I'm from Kotlik. I subsistence fish in the Yukon. One of the elders had told me that fish and wildlife should do research first before they make any regulations. People downriver are wondering where all that fish is going. We see a lot of fish here on the river, even the spawning ground and we see a lot of fish from the Yukon River to the mouth. Regulations started in the 1970s. Hours were cut down to two 48 hours from seven days a week of fishing. In the same 1970s the hours were cut down to three 36 hours. In the 1980s cut down to two 24 hours of commercial fishing. So the fish processors came up with the regulations. They couldn't keep up with the fishermen. In the 1990s we were cut down to two 12 hours of fishing and cut down the net to 45 mesh from 60 mesh. In the late 1990s to 2000 to this year, 2005, fishing went down to two times a week, that's two six hours opening.

If the fish were endangered, the people in the lower Yukon will not make any noise. They would be quiet if they didn't see any fish swimming by. One of the elders was wondering where all that fish went between the mouth and the spawning ground. All that fish we see going up, we know there's a lot of fish and why make more regulations. Whose regulation are we going to follow, the Department of Fish and Game or the Federal Subsistence Board? Who are we going to follow?

CHAIRMAN DEMIENTIEFF: Are you done?

MR. UNOK: I guess.

(Laughter)

CHAIRMAN DEMIENTIEFF: Is there any questions?

(No comments)

MR. UNOK: Thank you very much. Your points are well taken. Billy Charles.

MR. CHARLES: Thank you, Mr. Chairman. My name is Billy Charles. I'm from Emmonak, mouth of the Yukon. You know, when we created windows, that was a big discussion because there was a hardship, but we all
I understood that, you know, it was an opening for the salmon to run from the mouth of the river untouched all the way up the river. It created a hardship, but we went along with it. It's going to create additional hardship for us to try to harvest the subsistence fish with smaller gear. At some point our gear are useless. You know, we'll be drifting down the river just for drifting. At some point your gear is useless. I guess my point is made there.

If you look at the average weight of the salmon under the commercial harvest, I think you have it as an addendum somewhere, I forgot mine, prior to the summer chum target fishery there was a gap there with the big fish, but when you mixed them with smaller gear you're targeting chum, then you're mixing the smaller salmon also or the chinook.

Later, you know, it became a timing thing also. Earlier in the testimony people were saying the earlier the better, you get better fish in the early part of the season. The best fish come in first. So we're having to wait. The data you have is from commercial openings. And we have a delayed opening for purpose of conservation and the mechanics that the managers use right now is open later as the peak begins to drop. Then we're fishing the wannabes, the little ones. So I think that's a factor that needs to be considered when you review this.

That's all I have, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Questions.

(No comments)

CHAIRMAN DEMIENTIEFF: Thank you very much again.

MR. CHARLES: Thank you.

CHAIRMAN DEMIENTIEFF: Marvin Deacon.

MR. DEACON: Mr. Chairman. Federal Subsistence Board. My name is Marvin Deacon, subsistence user from the village of Grayling. I oppose FP06-04. You know, being way back in line all this stuff has been said already that would have been said, but I'd just like to mention the hardship of it, the monetary part of it, the gear change. A lot of people already are geared up
with 45 mesh. People in the village told me before I came that with their dividend money they're all happy and proud that they already bought, they're geared up. You know, they used their dividend to buy new nets already that's 45. You know, they're not cheap from Donaldson. And we're going to go back now and tell them to cut 10 meshes off his new net. Some people saved.

The part of it I'm saying is also on fishing. We know the best part is the first and we have to catch the fish when they come in, even at Grayling where we do have fine weather for drying. As my colleague Carl mentioned, it's going to take us longer to fish. The minimum, you know, for us just to go out there one time fishing when we have a window opening, we have to purchase at least 12 gallons of gas at $5 a gallon, which you're looking at $60 without counting your oil.

I hope the Board don't go along with this restriction and just keep it at 45. Thank you very much. Since I'm here, I don't want to step on no toes, but I'd like to mention to the Federal Subsistence Board this one thing that bothers me since I came in here and got a chance to talk. It's about this selling of salmon on subsistence level. I think as Board Members you've got to look into this. I'm not pointing any fingers, but I think this could be a chance for a lot of abuse and where people are using subsistence and selling more than they really should. I hope I don't step on no toes, but it is Federal subsistence fishing. I've got nothing against selling a few bags to get gas money, but I'm really against a lot of commercialization of our Federal fisheries subsistence part.

Thank you.

CHAIRMAN DEMENTIEFF: Thank you very much. I'll assure you that it's a concern of ours as well. It's one of the bigger things that we have, a variety of issues on the plate that we have to deal with. So we're also concerned and appreciate your taking the time to ball us out because sometimes -- no, it's not balling us out, it's just reminding us.

MR. DEACON: But, you know, the reason I bring it up is because when we have the meetings, like for instance Doyon or AFN, you know, we're talking about we need more fish, we need more subsistence fishing, but then we've got people out there selling. It's just conveying the wrong deal. You know what I'm saying.
Thank you very much.

CHAIRMAN DEMIEN'TIEFF: I understand.
Thank you. Axel Alstrom.

MR. ALSTROM: Mr. Chair. I'm Axel Alstrom from Alakanuk. I oppose FP06-04, the restriction of mesh size to 35 meshes. The reason I'm opposing it is it will take longer to catch the same amount of fish than a larger mesh was used. With the commercial aspect, a shorter mesh size will mean less money where the average price of gas is $4. In that respect, with the commercial fishing season, we only have so many days to catch the fish. With subsistence you have a little longer. It will take a little longer to catch the same amount of fish.

A little information on Alakanuk where I live. Alakanuk has a population of around 700. There are three stores, one post office and a school in which to find a job if you're lucky. Most of the time these jobs are taken up by the people who are less educated. With the school part, if you're lucky, you have more benefits working at the school. What am I trying to say here.

Anyway, $4 a gallon is a lot and people can't afford to be paying $4 a gallon. They have to go to the store and get it on credit. I'm opposed to limiting the size of the mesh to 35 meshes. Thanks.

CHAIRMAN DEMIEN'TIEFF: Thank you.

Questions.

(No comments)

CHAIRMAN DEMIEN'TIEFF: Appreciate you and, as I've said over and over again, all the people that have come to testify before us because it really helps us and it gives us lots to sleep on and I think I'm going to go and sleep on it. We are going to recess for the day. We'll take up Staff Committee first thing in the morning and Department comments. I've already taken care of making sure everybody knows how it's going to work out in the morning. We'll start early and take this up.

Thank you one and all for your help.

(PROCEEDINGS TO BE CONTINUED)
CERTIFICATE

UNITED STATES OF AMERICA
STATE OF ALASKA

I, Joseph P. Kolasinski, Notary Public in and for the State of Alaska and reporter for Computer Matrix Court Reporters, do hereby certify:

THAT the foregoing pages numbered 2 through 122 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME I taken electronically by Nathan Hile on the 10th day of January 2006, beginning at the hour of 8:30 o'clock a.m. at the Sheraton Hotel in Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 22nd day of January 2006.

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Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 03/12/08