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FEDERAL SUBSISTENCE BOARD  
PUBLIC REGULATORY MEETING

VOLUME I

SHERATON HOTEL  
HOWARD ROCK BALLROOM  
ANCHORAGE, ALASKA

JANUARY 10, 2006  
8:30 o'clock a.m.

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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1 P R O C E E D I N G S

2  
3 (Anchorage, Alaska - 1/10/2006)

4  
5 (On record)

6  
7 CHAIRMAN DEMIENTIEFF: Okay. We'll go  
8 ahead and call the meeting to order. I think most of you  
9 know that I've been having some problems for some time  
10 and tomorrow I'm going to the doctor to get -- it will be  
11 the third doctor I'm going to, trying to get whatever it  
12 is that's diagnosed. Judy will be handling the stuff  
13 tomorrow in my absence. I've got an 11:00 o'clock  
14 appointment. I'll probably leave at about 10:30 and I'm  
15 going to get back as soon as I can. So I'm just letting  
16 you guys and gals know what's going to be happening here  
17 because of the importance of the nature.

18  
19 Good morning.

20  
21 IN UNISON: Good morning.

22  
23 CHAIRMAN DEMIENTIEFF: We're going to  
24 call this meeting to order. Let me welcome everybody  
25 here. All of the work that they have done, you have done  
26 to get prepared for this meeting, it's so much  
27 appreciated that you folks take the time to get this  
28 prepared for our part of the process. The chairs or  
29 their representatives and the State, everybody that works  
30 with us, because it is a team process. So we all have to  
31 arrive at these things together. Tom's got words that he  
32 probably wants me to use, but sometimes I prefer to use  
33 my own.

34  
35 It always amazes me that we look across  
36 these rooms and we see the same people. You look at Nick  
37 just walk in. These are people that have been here  
38 forever working on these issues. Of course, Drue and  
39 Cam, everybody that's been here that has worked on issues  
40 and how enjoyable that is that we have these people that  
41 are putting out this kind of energy still yet. Even Tom  
42 once in a while puts out a little. I always pick on Tom.  
43 I'm sorry. It's just my sense of humor.

44  
45 So we are going to proceed on with the  
46 meeting and we're going to do the best we can with what  
47 we've got to work with. At this time I'd like to  
48 introduce myself. My name is Mitch Demientieff. I'm  
49 chairman of the Federal Subsistence Board and we'll just  
50 go right on.

1 MR. BUNCH: Glad to meet you, Mitch.  
2 Charlie Bunch. I'm standing in for Niles Cesar for the  
3 Bureau of Indian Affairs.  
4  
5 MS. GOTTLIEB: Judy Gottlieb, National  
6 Park Service.  
7  
8 MR. OVIATT: George Oviatt, Bureau of  
9 Land Management.  
10  
11 MR. BSCHOR: Denny Bschor, USDA Forest  
12 Service.  
13  
14 MR. SAM: Ronald Sam, Chair, Western  
15 Interior, Alutka.  
16  
17 MS. CROSS: Grace Cross, Chair, Seward  
18 Pen, Nome.  
19  
20 MR. STONEY: Raymond Stoney up in Kiana.  
21 Good morning, Mr. Chairman.  
22  
23 MR. BASSICH: Randy Bassich, Eastern  
24 Interior RAC representative.  
25  
26 MR. CANNON: Richard Cannon, Office of  
27 Subsistence Management.  
28  
29 MR. KLEIN: Steve Klein, Office of  
30 Subsistence Management.  
31  
32 MS. SEE: Marianne See, Department of  
33 Fish and Game.  
34  
35 MR. DOUGHERTY: Steven Dougherty, State  
36 of Alaska, Department of Law.  
37  
38 MR. WILDE: Lester Wilde with the  
39 Yukon/Kuskokwim Advisory Council.  
40  
41 MS. LYON: Nancy Lyon, Bristol Bay  
42 Regional Advisory Council.  
43  
44 MR. LOHSE: Ralph Lohse, Southcentral  
45 Regional Advisory Council.  
46  
47 MR. LITTLEFIELD: It's good to see you.  
48 John Littlefield, Southeast Regional Advisory Council  
49 chair.  
50

1 MR. HEPLER: Good morning, Mr. Chairman,  
2 Board Members. My name is Kelly Hepler. I'm the  
3 director of Division of Sportfish, standing in for McKie.  
4 It's good to see some old friends I haven't seen for a  
5 long time. So good morning to everybody.

6  
7 MR. EDWARDS: Gary Edwards representing  
8 the US Fish and Wildlife Service.

9  
10 MR. GOLTZ: Keith Goltz, Solicitor's  
11 Office.

12  
13 MR. BOYD: Tom Boyd with the Office of  
14 Subsistence Management, US Fish and Wildlife Service.

15  
16 CHAIRMAN DEMIENTIEFF: Okay. Well,  
17 everybody knows that I always like to start out with a  
18 little sense of humor. My friend over there, Lester  
19 Wilde, we're going to lunch one time, we're at a meeting  
20 and we're going to lunch and they were asking what's  
21 behind you. Well, I was sitting in the middle of the  
22 back seat. And he goes, I don't know. And they said,  
23 well, how come. I look in the rear-view mirror and all I  
24 see is a big Indian.

25  
26 (Laughter)

27  
28 CHAIRMAN DEMIENTIEFF: But it's been a  
29 few years since we've been at the tables together and I  
30 know you're still working, as you know I have been, so I  
31 just appreciate your coming back to us. Okay.

32  
33 The first order of business we have is we  
34 have a special guest with us today. It's always been my  
35 downfall, but I'm going to call you Senator Drue Pearce.  
36 I mean when you accomplish something like that and serve  
37 your people in your district so much, I just can't get  
38 away from that. So even though that's not your capacity  
39 and you will clarify your capacity when you're here. I  
40 think everybody needs to understand that this is our  
41 friend and a hard worker and the one on the inside that  
42 makes things happen. So, with that, we'll go ahead with  
43 you, Senator Pearce.

44  
45 MS. PEARCE: Good morning. Thank you,  
46 Mr. Chairman. Members of the Federal Subsistence Board.  
47 RAC chairmen, and others here. For the record, my name  
48 is Drue Pearce. My present title is the Senior Advisor  
49 to the Secretary of Interior for Alaska Affairs. I have  
50 with me today Cam Toohey, who is the special assistant

1 for Alaska in the Office of the Secretary.

2

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

11

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

19

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

29

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

46

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

1 the Togiak River this fall.

2

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

11

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

20

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

30

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

38

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

49

50 In January of last year Governor

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

13  
14 As I said, the Secretary has recused  
15 herself from subsistence from policy-making, but she told  
16 the governor that she would ask me to lead a group, put  
17 together a group and sit down and have some meetings.  
18 The Secretary's four C's mean that we communicate and we  
19 listen to anyone who wants to come and talk with us, so  
20 it made sense to sit down with the co-manager, the other  
21 manager of the state's resources.

22  
23 However, we decided, and I take the  
24 blame, I guess, for deciding that because of the lack of  
25 understanding of subsistence when you get inside the  
26 Beltway, trying to put together a senior level group with  
27 our solicitor, with an assistant secretary or two, with  
28 the then Deputy nominee, who was not yet Deputy, frankly  
29 was probably not going to be very fruitful. The reason  
30 for that is the learning curve is steep. And the folks  
31 who the State would be asking to make policy do not have  
32 the on-the-ground experience and the understanding of  
33 Alaska to quickly or effectively or efficiently make  
34 those sorts of policy decisions.

35  
36 So, in discussions with the governor, we  
37 chose to bring those meetings back to Alaska. I chaired  
38 the Federal side. Cam, Denny Bschor were with us, along  
39 with, obviously, Tom Boyd. Gary Edwards was in the  
40 meetings representing the Board itself and representing  
41 the largest of our DOI Federal agencies that have a  
42 subsistence management responsibility. The State brought  
43 their team to the table and, of course, we were joined by  
44 attorneys from both sides.

45  
46 The State's policy group was led by  
47 Commissioner McKie Campbell. We met on three occasions  
48 in 2005, starting, I think, in April, once in either June  
49 or July, and the last meeting in September. The topics  
50 addressed were essentially those that had been outlined

1 by the governor in his letter back in January. Those  
2 topics included duplication of State regulations, lack of  
3 standards for adopting Federal regulations and  
4 insufficiency of Federal land to support Federal  
5 regulated harvests. We felt that the discussions were  
6 important, timely and appropriate considering that the  
7 continuing challenges associated with coordinating two  
8 management systems.

9  
10 Some of you are aware that during these  
11 discussions the State produced what they called a White  
12 Paper discussing their concerns in some depth. Many of  
13 you I understand have seen this document and expressed  
14 concerns about its contents. I see the document as  
15 merely a further elaboration of the State's position. I  
16 want to assure you that the Department of Interior and  
17 the Department of Agriculture have taken no position on  
18 the paper. We have not responded to it per se and we do  
19 not plan to do so, but I do want to outline the  
20 discussions that we did have with the State.

21  
22 Concerning the first item, duplication of  
23 State regulations, the State expressed that having  
24 separate State and Federal regulations is costly,  
25 confusing and impossible to enforce. The State also felt  
26 that the Federal government should defer to State  
27 regulations where those regs satisfy the subsistence  
28 priority. In other words, the Federal government should  
29 only create regulations in those instances where it's  
30 been determined that specific State regs have not  
31 provided the subsistence priority.

32  
33 Federal officials agree that having  
34 separate regulatory systems is a challenge. However, it  
35 is our Federal position that it would be legally  
36 untenable to simply defer to State regulations and that  
37 the Federal program must have separate regulations. So  
38 we basically agreed to disagree on this issue and move on  
39 to more specifics.

40  
41 Cam and I and the other Federal policy-  
42 makers have never been convinced that having two sets of  
43 regulations makes it more difficult in the field for the  
44 subsistence user to subsistence hunt and fish and that  
45 was our bottom line. There may be some cases where it's  
46 confusing. We think with a dual management system that's  
47 always going to be the case, but we did not see  
48 compelling evidence and we think it's legally untenable  
49 that the Federal regulations be thrown out.

50



1                   The State felt it was important in some  
2 instances that the Federal Subsistence Board review  
3 existing State regulations and their histories when  
4 addressing proposals to change Federal regulations. We  
5 agree with that. It makes sense for the Board to have  
6 all the information possible and you make better  
7 decisions with better information and more information is  
8 how you do that. So we would welcome the opportunity and  
9 have asked the State to make sure that they include  
10 information in the proposal analyses for review by the  
11 councils and the Board in a timely manner and in as much  
12 abundance as they desire. We do think it's important  
13 that our Board understands what the State boards have  
14 done and the reasons for it as you make your decisions.  
15

16                   The governor also expressed concern about  
17 an apparent lack of standards for adopting Federal  
18 regulations. The State focused their concerns on two  
19 areas: closures to non-subsistence uses and customary  
20 and traditional use determinations.  
21

22                   Concerning closures to non-subsistence  
23 uses, the State feels strongly that substantial evidence  
24 be required and documented in written findings showing  
25 that a closure or restriction on non-subsistence uses is  
26 necessary before becoming a Federal regulation. The  
27 State also requested that the Federal Board conduct  
28 periodic reviews of existing closures. We agree that  
29 closures should have a sound basis and that periodic  
30 review of closures should occur to determine if closures  
31 continue to be required.  
32

33                   In a letter to the Board from Assistant  
34 Secretary Scarlett and with the concurrence of the  
35 Department of Agriculture, the Federal Subsistence Board  
36 was asked to conduct a review of current practices  
37 regarding closures and to prepare a written policy that  
38 indicates how these decisions will be made and reviewed.  
39

40                   Concerning customary and traditional use  
41 determinations, the State is concerned that many C&T use  
42 determinations made by the Federal Subsistence Board have  
43 lacked substantial evidence to support them. In the same  
44 letter to the Board, the Assistant Secretary asked the  
45 Board also to review its practices and develop a written  
46 policy clarifying its approach to customary and  
47 traditional use determinations. The goal here is to have  
48 consistent criteria that are written, that are clear and  
49 understood by everyone, so the Board is consistent in  
50 making its determinations no matter what region, what C&T

1 determination it is, that we're using the same criteria.

2

3

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

11

12

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

21

22

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

32

33

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

43

44

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

54

55

I'd be quite willing to answer any

1 questions that you might have. The only thing I can  
2 think of to end with is that we do not have another  
3 meeting of the policy group scheduled. When we last left  
4 after September, the State was going through a  
5 side-by-side of State and Federal regulations and if they  
6 chose to ask for another meeting, McKie was going to  
7 call. That has not happened. So, for the moment, we  
8 consider the meetings finished.

9  
10 With that, Mr. Chairman, I'd be happy to  
11 answer any questions if that's what you'd like me to do.

12  
13 CHAIRMAN DEMIENTIEFF: Yes, we're going  
14 to go there, but let me just comment my observations from  
15 the Chair for both Cam and yourself. Because of our  
16 limited things that we have to do -- I mean I know we  
17 make fishing regulations, I know we make hunting  
18 regulations, and we make a lot of advice, but for us to  
19 have somebody that takes that advice and goes with it to  
20 other levels that we have no jurisdiction over, outside  
21 of our dependence upon our Regional Councils, to have  
22 somebody that can advocate for us in the inner levels is  
23 so much important to us.

24  
25 Personally, and I'll say it personally,  
26 it just gives me heart to people and keep pushing because  
27 I know there's people that are willing to back us up and  
28 I just want to compliment both of you on your ability to  
29 do that.

30  
31 So, with that, we'll open up questions.

32  
33 (No comments)

34  
35 CHAIRMAN DEMIENTIEFF: I guess you're  
36 unquestionable.

37  
38 (Laughter)

39  
40 CHAIRMAN DEMIENTIEFF: Thank you very  
41 much. Wonderful presentation.

42  
43 MS. PEARCE: Thank you very much, Mr.  
44 Chairman.

45  
46 CHAIRMAN DEMIENTIEFF: We are going to  
47 have a couple things. One is that when you want to  
48 testify, the forms are out in front here and if you  
49 please fill them out, we do the best job we can to get  
50 your public testimony forward. General comments that are

1 non-agenda items are taken up each morning and we'll get  
2 to that in a moment. We're going to make a special  
3 accommodation for the Kenai on Wednesday. At 1:30 on  
4 Wednesday we're going to go, so that's when that will be.

5  
6 Are there any corrections or additions to  
7 the agenda that somebody wants to put forward?

8  
9 (No comments)

10  
11 CHAIRMAN DEMIENTIEFF: Then we'll move  
12 on. At this time we just have one question for Pete  
13 Peterson. It just says fishing and game. Are they non-  
14 agenda items?

15  
16 MR. PETERSON: Yes.

17  
18 CHAIRMAN DEMIENTIEFF: Come forward,  
19 please.

20  
21 MR. PETERSON: The gaming item that I  
22 want to talk about, the moose, you know, three or four  
23 years ago I made a proposal to extend the moose season  
24 out in Unit 18 and it was turned down. I don't know what  
25 their reason was for. Maybe because there wasn't enough  
26 support from the Board. The proposal I made on that  
27 extension of moose season, I know the population was  
28 growing up, but right now, after that thing has been  
29 turned down, right now they're having a calf season out  
30 there. According to the news that I read in the Tundra  
31 Drum, because the moose population is growing too fast  
32 out there, they opened up the calf season.

33  
34 Well, if my proposal had gone through at  
35 the time I proposed it, I don't think this would have  
36 really happened. I think there was enough moose out  
37 there. That's why I made that proposal. So the comment  
38 I'd like to make on that thing, you know, when I made  
39 that proposal I didn't do it overnight. It took me just  
40 about all my 60-some years that I've been living out  
41 there and watching the game and stuff out there. So  
42 that's the comment I'd like to make. They're having a  
43 calf season out there now and if my proposal had gone  
44 through, I don't think that would have happened. That's  
45 the comment I wanted to make.

46  
47 CHAIRMAN DEMIENTIEFF: Thank you very  
48 much. Are there any questions.

49  
50 (No comments)

1 CHAIRMAN DEMIENTIEFF: Thank you. We  
2 appreciate your comments and your help.  
3  
4 MS. GOTTLIEB: Mr. Chair.  
5  
6 CHAIRMAN DEMIENTIEFF: Yes.  
7  
8 MS. GOTTLIEB: I wonder if we might be  
9 able to refer him to one of the Staff members to help  
10 assist you for a proposal for upcoming meetings then.  
11  
12 CHAIRMAN DEMIENTIEFF: Go ahead, yes.  
13  
14 MR. BOYD: Thank you, Mr. Chair. Mr.  
15 Peterson, if you would like to further address your  
16 concern, I'll let you talk with Mr. Probasco back here  
17 during this meeting at your convenience.  
18  
19 Mr. Chair.  
20  
21 CHAIRMAN DEMIENTIEFF: We'll go ahead and  
22 move on to the Fish Monitoring Program. I think Steve  
23 and Rich are ready to go.  
24  
25 MR. KLEIN: Thank you. Mr. Chair. Board  
26 Members. Council Chairs. Today we're going to present  
27 the 2006 draft Monitoring Program for Board review and  
28 approval. It's something that, the 2006 plan, the staff  
29 from the Fisheries Information Services Division and the  
30 Technical Review Committee have been working on for the  
31 past 13 months, to develop the scientific recommendations  
32 and then we took the plan to the Councils and got their  
33 input.  
34  
35 This morning I wanted to summarize the  
36 process we've gone through thus far. In your Board books  
37 the Monitoring Plan is presented on Pages 1 through 112.  
38 This morning we're going to focus on about the first 10  
39 pages of that document. If you turn to Page 2, there's a  
40 summary of the 2006 Monitoring Plan, which I'm going to  
41 cover that. And then we do have two non-consent items  
42 where we had differences in opinion between the  
43 scientific recommendations of the Technical Review  
44 Committee and the Councils and the Interagency Staff  
45 Committee. Rich Cannon was the biologist for the  
46 Kuskokwim and Northern Region. He'll present non-consent  
47 agenda items.  
48  
49 So if we turn to Page 2 we have the  
50 summary. Annually, for the Monitoring Plan, between the

1 Department of Interior and Department of Agriculture, we  
2 commit about \$7 million to collect biological  
3 information, harvest information and traditional  
4 ecological knowledge so that we can manage subsistence  
5 fisheries on Federal lands. That allows us to fund about  
6 80 projects per year. In 2006, most of our funding is  
7 committed to projects already approved by the Board. In  
8 2006, we'll have 71 projects operating at a cost of  
9 approximately \$6 million that were approved for the  
10 Monitoring Plans for 2004 and 2005. So most of the  
11 funding for 2006 is already committed.

12  
13 What we're presenting today is about \$1.2  
14 million that is available for new projects that we'll  
15 initiate in 2006. The process started back in November  
16 of last year, in 2004, where we issued a request for  
17 proposals. This went out to tribal organizations, State  
18 agencies, Federal agencies.

19  
20 There were seven priority areas we were  
21 really looking for proposals in 2006 and those are listed  
22 on Page 2. What we identified in that request for  
23 proposals was to gather information on customary trade of  
24 fish in southeast and southcentral Alaska. Another  
25 priority was to get research on Copper River sockeye  
26 salmon. Thirdly, to collect baseline information for  
27 important non-salmon fish species, particularly in the  
28 Kuskokwim and Northern regions. A fourth priority was  
29 studies of freshwater fish species important to  
30 subsistence uses in the Kuskokwim region. Fifth, sockeye  
31 salmon smolt assessment for Lake Clark. A sixth priority  
32 was Lower Yukon salmon, gathering in-season mainstem  
33 stock assessment and mixed-stock analyses. Finally, the  
34 seventh priority we highlighted was changing patterns in  
35 subsistence salmon harvests.

36  
37 So we issued that request for proposals  
38 last November. We received 56 proposals in response to  
39 that RFP and they totaled \$4.4 million. So we have about  
40 \$1.2 million available in funding and we received about  
41 four times that budget in the 56 proposals. So the  
42 Monitoring Program is still very highly competitive and  
43 the researchers out there are funneling far more research  
44 than we can accomplish with the Monitoring Program.

45  
46 Once we received those 56 proposals, the  
47 staff of Fisheries Information Services reviewed them and  
48 then also the Technical Review Committee. The Technical  
49 Review Committee members are listed there on Page 3 and I  
50 wanted to acknowledge their efforts. They put a lot of

1 volunteer time into reviewing the proposals and later the  
2 investigation plans to really bring a sound Monitoring  
3 Plan for your review and approval today.

4  
5                   When we review proposals, there's four  
6 factors that the Board has given us to rank them and  
7 those include strategic priority. Is it a priority for  
8 Federal subsistence management. We look at the  
9 scientific merit. A third ranking factor is partnerships  
10 and capacity building where we're trying to build  
11 capacity in rural Alaska. Finally, past performance of  
12 the investigators.

13  
14                   Of those 56 proposals that we received,  
15 we recommended 25 of them for further review and  
16 requested investigation plans for 25 of those proposals  
17 and that was in March of 2005. Then later in June of  
18 those 25 we received 20 investigation plans. The  
19 investigation plans are very detailed. They go through  
20 all the methods and how they're going to accomplish their  
21 objectives and allows us to really technically review  
22 those and ensure that they're sound, they'll achieve  
23 their objectives and be valuable for Federal subsistence  
24 management.

25  
26                   Those 20 investigation plans, they  
27 totalled \$1.4 million. The TRC reviewed those again, so  
28 this was the second look and the TRC is recommending that  
29 15 of those be funded and they total \$1.1 million. We  
30 took the TRC recommendations out to the Councils for the  
31 fall meetings in September and October and of the 20  
32 studies under review, the Councils supported 18 of those.

33                   There was only two projects where the technical  
34 recommendation from the Technical Review Committee  
35 differed from the Councils and that was on the  
36 Pikmiktalik River where there's a tower project to  
37 enumerate chum and coho salmon and then a second project  
38 on the Aniak River for rainbow trout. So those were the  
39 two studies that we didn't have an agreement between the  
40 TRC and the Regional Advisory Councils.

41  
42                   On Page 6 is a complete listing of all 20  
43 projects that includes where we had consensus on the  
44 projects to fund, consensus on the projects not to fund  
45 and then the two non-consent items that I just mentioned.

46  
47                   Before we get into those non-consent  
48 items, for the Southeast Region we did have something  
49 different occur this year. With the Forest Service,  
50 their funding for 2006 is not what they anticipated and

1 that did affect the money they are able to contribute to  
2 the Monitoring Program in 2006.

3  
4 The TRC had recommended that we fund  
5 three projects in the Southeast Region and the Southeast  
6 Council supported all three of those and we had  
7 consensus. With the budget cut the Forest Service took,  
8 it required us to re-look at what we can do in 2006 and  
9 the recommendation that came out was that the Forest  
10 Service would fund Kutlaku Lake subsistence sockeye stock  
11 assessment within their Monitoring Program funds, a  
12 project at Neva Lake to enumerate sockeye, the Forest  
13 Service would do their very best to fund that with  
14 existing Forest Service funds separate from the  
15 Monitoring Program.

16  
17 The third study, which is very  
18 unfortunate, but it was a survey of customary trade of  
19 seafood products in Southeast Alaska with Dr. Steve  
20 Langdon and we're going to defer that until 2007 and pick  
21 that up a year later. That's all in response to their  
22 budget reduction and hopefully they'll be whole in 2007  
23 and we'll be able to complete these studies.

24  
25 So we have 18 consent items for your  
26 consideration and two non-consent and Rich is going to  
27 cover the two non-consent items. I just wanted to add  
28 one other item. With the TRC, we were really looking  
29 ahead to 2007 for the decisions we'll have to make next  
30 year about this time. In 2007 it's a big money year.  
31 There will be about \$4.3 million available. We're going  
32 to have probably 80 projects that we funded in the past  
33 up for consideration.

34  
35 But looking ahead to 2007, we know it's  
36 going to be a lot less money than we've had in the past.  
37 This is year seven of the Monitoring Program and with  
38 inflation probably over the past seven years inflation  
39 has eaten -- we can do 15 percent less than what we could  
40 do say in 2000, seven years ago. So you take 15 percent  
41 times \$7 million, that's about a million dollars less.

42  
43 Additionally, we fund the Partners  
44 Program out of the Monitoring Program. In the past we've  
45 been able to use other funds to fund the Partners  
46 Program. In 2007 we'll be funding the entire Partners  
47 Program at about a million. So, really, I figure our  
48 buying power is going to be about 75 percent of what we  
49 had, say, in 2000 and 2004. We're going to have to make  
50 some very tough decisions in 2007. With the



1 recommendations of the TRC, what we're recommending is  
2 actually \$150,000 less than the funding available in  
3 2006. The intent is to use that savings of 150,000 to  
4 move that into 2007.

5  
6 So I just wanted to reiterate that 2007,  
7 although it will be a big money year, there's a lot of  
8 projects that probably one out of four projects in the  
9 past we would have been able to fund, we won't be able to  
10 fund in 2007. So that will be some tough decisions and  
11 that resulted in some hard decisions here in 2006.

12  
13 So, with that, I'll turn it over to Rich  
14 to cover the two non-consent items. One is in the  
15 Northern Region and the Pikmiktalik River and I'll turn  
16 it over to Rich.

17  
18 CHAIRMAN DEMIENTIEFF: Go ahead, Rich.

19  
20 MR. CANNON: Thank you, Steve. Am I  
21 being picked up? Mr. Chairman. Board Members. Briefing  
22 materials for the non-consent agenda items are found on  
23 Pages 7 and 8. The first item is Project 06-101, the  
24 Pikmiktalik River chum and coho salmon enumeration and  
25 sampling project. Additional information about this  
26 project can be found in your briefing book on Pages 31  
27 and 32.

28  
29 Pikmiktalik River provides the majority  
30 of chum and coho salmon harvested by the villages of  
31 Stebbins and St. Michael. This project would fund  
32 continuation of a salmon counting tower project operated  
33 by Kawerak with strong participation from the villages of  
34 Stebbins and St. Michael. Chum salmon escapements have  
35 been successfully enumerated annually since 2003, the  
36 first year of this project, and coho salmon since 2004,  
37 to address concerns expressed by local subsistence users  
38 about sustainability of these stocks. Chum escapements  
39 have been about seven to eight thousand chums and 12,000  
40 cohos annually.

41  
42 The Technical Review Committee regards  
43 this project as very technically sound and an excellent  
44 opportunity for capacity building in the region. It's a  
45 good project. Salmon runs in this region have improved  
46 or stabilized in recent years; consequently, current  
47 harvest patterns appear sustainable. However, high  
48 project costs in the order of \$140,000 a year in terms of  
49 the projected project costs and competing priority  
50 statewide, as Steve mentioned, prompted the TRC to ask

1 the investigators to work with State and Federal  
2 fisheries managers to carefully evaluate exploitation  
3 rates in subsistence fisheries over the next two years  
4 and develop a longer-term approach to monitoring this  
5 fishery.

6  
7 The investigators requested three years  
8 of funding. The TRC is recommending two years and an  
9 evaluation. The Seward Peninsula Council recommended  
10 funding the project for an additional three years as  
11 proposed by the investigator, so the Council wanted the  
12 full three years of funding. That's the difference that  
13 I'm bringing before you this morning.

14  
15 MR. KLEIN: So, in summary, for the  
16 Pikmiktalik tower project, the Technical Review Committee  
17 is recommending that we fund both enumerating the salmon  
18 escapement and gathering harvest information. We're  
19 recommending that we do that for two years and then  
20 evaluate a long-term strategy based upon both the  
21 escapements and exploitation and see whether we should  
22 continue it at that level where we're counting both  
23 escapement and the harvest or look at something less than  
24 that, which could include just monitoring the harvest or  
25 monitoring the escapement. The Technical Review  
26 Committee feels that after two more years we'll have  
27 sufficient information to develop that long-term  
28 approach.

29  
30 The Council is recommending that we  
31 continue this study as a tower project to enumerate  
32 escapement for all three years, through 2008. So I would  
33 recommend that -- this is one of our two non-consent  
34 items that the Board take action on this non-consent item  
35 and then we can move to the second. Rich and I would be  
36 happy to field any questions from the Board Members or  
37 Council Chairs. Before that Pete Probasco will present  
38 the Interagency Staff Committee recommendation.

39  
40 CHAIRMAN DEMIENTIEFF: Go ahead. Yeah,  
41 we are going to deal with them in that fashion. So we'll  
42 deal with the two non-consent agenda items and then  
43 depending on what Pete has to say.

44  
45 MR. PROBASCO: I apologize, Mr. Chair.  
46 Mr. Klein caught me off guard there. Mr. Chair, I'll  
47 just quickly summarize that the Staff Committee agrees  
48 with the Technical Review Committee recommendation to  
49 fund these two projects for two years as outlined by Mr.  
50 Cannon. However, circumstances such as declining salmon

1 populations and high exploitation rates indicate the need  
2 for additional information, then the Staff Committee  
3 recommends extending this project for the third year.

4  
5 Mr. Chair.

6  
7 CHAIRMAN DEMIENTIEFF: Thank you. Any  
8 questions.

9  
10 MR. EDWARDS: Mr. Chair.

11  
12 CHAIRMAN DEMIENTIEFF: Go ahead.

13  
14 MR. EDWARDS: Pete, could you repeat.  
15 You said they recommend funding for the third year.

16  
17 MR. PROBASCO: Based on the actions of  
18 the project the first two years -- in other words, if the  
19 salmon populations were to decline or the exploitation  
20 rate were to continue to escalate, then they would  
21 recommend a third year of funding, but they wouldn't  
22 evaluate that until after the first two years.

23  
24 Mr. Chair.

25  
26 CHAIRMAN DEMIENTIEFF: Thank you.  
27 Further questions.

28  
29 MS. GOTTLIEB: Mr. Chair.

30  
31 CHAIRMAN DEMIENTIEFF: Judy.

32  
33 MS. GOTTLIEB: First of all, I wanted to  
34 recognize that Grace was kind of instrumental in bringing  
35 this situation to the Board's attention a few years ago  
36 and that has resulted in this study, so I think the  
37 information has been and will continue to be very useful.  
38 I just want to double check. My understanding is that  
39 there is a tower out there, so I mean that's kind of a  
40 cost that's been made and the additional money would be  
41 for additional counting then.

42  
43 MR. KLEIN: That's correct.

44  
45 CHAIRMAN DEMIENTIEFF: Regional.

46  
47 MS. CROSS: Happy New Year. Here we are  
48 back at Pikmiktalik River groups. I think the thing I  
49 always want to emphasize over and over about this river  
50 group is they're small enough when the water is very low

1 that one can cross over them, so we're not talking about  
2 anything even to the size of the Unalakleet Wild and  
3 Scenic River.

4  
5                   What I learned from the time Nome area  
6 started getting into trouble, the river groups in Norton  
7 Sound started experiencing problems to the point that  
8 Tier II is proposed in Nome. One of the obstacles we  
9 found was there was lack of data. No data to go by as to  
10 what the numbers were, where they were sustainable,  
11 nothing. We basically had to start from ground zero. So  
12 our region started trying to protect what we have.

13  
14                   And you know for a number of years I kind  
15 of harped about Unalakleet Wild and Scenic River. Pay  
16 attention to it. We're having problems. Well, we are  
17 now having problems, kind of major problems in Unalakleet  
18 Wild and Scenic River. It's something we have brought up  
19 to the Board, it's something we have brought up to, we  
20 thought, proper authorities and nothing was ever done.

21  
22                   Basically, our healthy river groups are  
23 now the Pikmiktalik area. There's some information I'd  
24 like to add to the Technical Review Committee. One is  
25 that much of the subsistence salmon harvest is by the  
26 communities of St. Michael and Stebbins. They are the  
27 closest rivers to St. Michael and Stebbins. The next  
28 closest river is Unalakleet Wild and Scenic group, which  
29 is pretty much in trouble. Maybe the word much is not  
30 the adequate word. It's more than much. We need to add  
31 the village of Kotlik to that. Kotlik is within the 50-  
32 mile radius of those river groups and they do utilize  
33 those river groups. So there's three communities  
34 involved in this.

35  
36                   The two communities, St. Michael and  
37 Stebbins, are very much supportive of the counts. They  
38 even incorporated the count system into their school  
39 system. What happens is that the beginning of the school  
40 year they talk about those two little river groups. It's  
41 very much a part of the community in the Nome region to  
42 the point that our weekly paper made specials on those  
43 counts over there.

44  
45                   So we're not talking just about the  
46 community involvement in Nome, in Unalakleet and  
47 Stebbins, we're talking about region-wide. Everybody in  
48 the region reads the Nome Nugget. But those are kind of  
49 trivial. What I want to emphasize is that, you know, we  
50 need to protect what we have. Yes, they're sustaining

1 themselves, the small river groups; however, in the times  
2 that there's shortages elsewhere, other people even from  
3 those three communities, especially in Yukon River, when  
4 that river system is in trouble, the people predominantly  
5 that used to go there, because these little streams are  
6 healthy, come to those little streams and start utilizing  
7 them.

8  
9                   There were some statistics that were  
10 taken and there's some statistics. Hopefully we will  
11 continue to see what impact more users have on those  
12 rivers. And in the short period of time that those  
13 studies have been made, I don't think there's enough data  
14 to look back and say, hey, we can see at the times of  
15 shortage in other areas in comparison to where everybody  
16 else is getting fish from where they normally get it. I  
17 don't think that's adequately reflected at this point and  
18 I think it needs to be done. I think that the study  
19 needs to continue for three years. I think we need  
20 adequate data to look upon because these rivers are very,  
21 very important for probably about 1,500 people or more.

22  
23                   There's three communities that are  
24 utilizing them. There's some people, especially Stebbins  
25 and St. Michael, that exclusively use those rivers to  
26 meet their subsistence needs because they are the closest  
27 rivers that produce salmon, much needed food for them.

28  
29                   The next closest, like I said, is  
30 probably Unalakleet Wild and Scenic River, but that river  
31 is in trouble already and it doesn't need to be imposed  
32 additional users. We don't need to have that because  
33 it's already in trouble. People are trying to do what  
34 they can to save that river. If history shows in Norton  
35 Sound that's when a crash and not much attention is going  
36 to be given to it. Thank goodness in Unalakleet Wild and  
37 Scenic River there is some right now.

38  
39                   The RAC is really serious and very  
40 concerned about really the only healthy river system in  
41 our group and we feel that it's very, very important that  
42 more data be gathered just in case something happens to  
43 it, that river system, and it may be because, in comparison  
44 to the number of salmon that goes in it, it's a very  
45 small number. A bad winter, a little bit more users is  
46 going to have an impact immediately on those river  
47 groups.

48  
49                   And I think I like what our esteemed  
50 guest said this morning: better decisions are made with

1 more information. I think it's one of these things that  
2 you need to weigh heavily on. It's one more year that  
3 the RAC is looking at and maybe re-look at it then and  
4 say do we need more additional studies done. We just  
5 need to get a more adequate number of information on this  
6 and one more year I don't think is going to hurt anybody.  
7 It would only benefit our region. It would only benefit  
8 those river groups.

9  
10 So I would encourage the Board to go with  
11 what the RAC would like to see happen, is make it a  
12 three-year project and re-look at it after three years.  
13 But I think we just need an additional year of  
14 information that can be put in the books and it would  
15 really help in the future if those little streams would  
16 experience any problems. The way our region is going, it  
17 may.

18  
19 Thank you.

20  
21 CHAIRMAN DEMIENTIEFF: Thank you very  
22 much. Department, do you have comments.

23  
24 MS. SEE: Mr. Chair, this is Marianne See  
25 with the Department of Fish and Game. We participate in  
26 the Technical Review Committee work that's done on these  
27 proposals and we consider that the recommendations here  
28 reflect a good approach given the constraints on funding.  
29 We certainly appreciate also that the program makes an  
30 effort to involve very carefully and with great  
31 discussion the Regional Council's concerns, but we have  
32 no additional comments to the Federal Staff  
33 recommendation at this time.

34  
35 Thank you.

36  
37 CHAIRMAN DEMIENTIEFF: Thank you. Gary.

38  
39 MR. EDWARDS: Mr. Chairman. A question  
40 for Mr. Klein. So it's my understanding we've actually  
41 been doing this study for chum for three years and been  
42 doing it for coho for two and what's being suggested  
43 would be two additional years, which then would provide  
44 five years of data for chum and four years of data for  
45 coho. We're not suggesting necessarily that we wouldn't  
46 do the third year, but at this time we didn't want to  
47 commit -- or suggest we don't commit to the funding given  
48 what our funding situation is. Is that a correct  
49 understanding?

50

1 MR. KLEIN: Yes, that's correct. In  
2 addition though, what we're proposing is that we collect  
3 harvest information for 2006 and 2007 and look at that as  
4 an option for monitoring the fishery. When we look at  
5 the monitoring program, the cost of the tower is about  
6 \$140,000 a year. It is an expensive project. As  
7 Chairwoman Cross pointed out, it's a valuable time series  
8 and one thing we do find is a long-time series of  
9 escapement information can be very valuable. She also  
10 mentioned Unalakleet.

11  
12 I guess maybe a good way to frame the  
13 debate is I would say in 2007 and out years to be able to  
14 do -- we're currently doing work on the Unalakleet River,  
15 but to have say a \$140,000 project on the Pikmiktalik  
16 River and a \$100,000-plus project on the Unalakleet. At  
17 the present funding levels, we're probably not going to  
18 be able to maintain that level of effort.

19  
20 So what the TRC is recommending is let's  
21 continue the towers for two more years, as Gary pointed  
22 out, and get the harvest information as well and then  
23 let's look at various options for 2008 and we would bring  
24 that back to the Board for decision-making. One of those  
25 options might be just to monitor the harvest. It might  
26 be to continue the tower. It's a shame we don't have  
27 sufficient funds to continue a project like the  
28 Pikmiktalik for 10, 20 years, but I think given our  
29 funding levels that's going to be a difficult  
30 proposition.

31  
32 But it is a model project of what we're  
33 trying to do. It's a tribal organization fully  
34 implementing it. There's no State or Federal agency  
35 really involved at all. They're doing an outstanding  
36 job. The counts are scientifically sound. They're  
37 working with the schools, they're working with the  
38 communities. It really is a model project that we're  
39 quite proud of. When it comes to capacity-building and  
40 sound science and the four C's, it's a great example.

41  
42 But our recommendation is let's look at  
43 the counts and the harvest after two years and develop a  
44 long-term approach, which we will bring back to the  
45 Board. Two additional years would be sufficient, we  
46 think, to make that recommendation.

47  
48 Mr. Chair.

49  
50 CHAIRMAN DEMIENTIEFF: Logically, let me

1 just ask Marianne. I don't mean to put you on the  
2 pressure point. In the State scenario, haven't we tried  
3 to get a five-year database in order to make regulatory  
4 decisions? Isn't that true?

5  
6 MS. SEE: Mr. Chair. We often do try to  
7 get multiple years of information, but with constraints  
8 of funding and staffing it frequently is not five years.

9  
10 CHAIRMAN DEMIENTIEFF: But that was the  
11 goal or was it not? Of course, I used to work in the  
12 State system, so I know a little bit more about it, but I  
13 thought that was the goal for fishery decisions.

14  
15 MS. SEE: Mr. Chair. I'd like to defer  
16 to Kelly Hepler on that point.

17  
18 CHAIRMAN DEMIENTIEFF: Go ahead.

19  
20 MR. HEPLER: Mr. Chairman. That really  
21 depends upon the situation you're talking about. We have  
22 a sustainable fisheries policy that talks about making  
23 decisions on a five-year basis, you know, the life cycle  
24 of fish and that's true. But when you're talking about  
25 technical research itself, it depends on what the  
26 objective of the research project is. Some studies you  
27 may be able to go in and get a snapshot in two or three  
28 years and we feel sufficient with that. Other times we  
29 want to see a complete life cycle for five years. So I  
30 think it's variable.

31  
32 CHAIRMAN DEMIENTIEFF: Thank you. Any  
33 other questions here.

34  
35 MR. EDWARDS: Are you looking for a  
36 motion?

37  
38 CHAIRMAN DEMIENTIEFF: We're ready.

39  
40 MR. EDWARDS: Mr. Chairman. I move that  
41 we support the recommendation of the Northwest Arctic  
42 Council and the North Slope Council, which was to support  
43 the recommendation of the Technical Review Committee for  
44 Project 06-101. That's somewhat of an amendment to what  
45 was also recommended, so it would reduce the time frame  
46 for a period of two years as opposed to the three years,  
47 with the understanding that the project would be looked  
48 at at the end of those two years for consideration for  
49 funding for a third year.

50



1 CHAIRMAN DEMIENTIEFF: Thank you very  
2 much. Is there a second to the motion.  
3  
4 MR. BUNCH: I second.  
5  
6 CHAIRMAN DEMIENTIEFF: It's been moved  
7 and seconded. Further discussion.  
8  
9 MS. GOTTLIEB: Mr. Chair.  
10  
11 CHAIRMAN DEMIENTIEFF: Yes.  
12  
13 MS. GOTTLIEB: I think there's certainly  
14 agreement about wanting and needing more information, so  
15 I think that is something we all want to support.  
16 Sometimes I guess perhaps the data needs might change  
17 over time and so, therefore, I'm comfortable with  
18 supporting this project for two years and re-evaluate  
19 what data we may need or not at that point, I guess.  
20  
21 CHAIRMAN DEMIENTIEFF: Further  
22 discussion.  
23  
24 MR. EDWARDS: Mr. Chair.  
25  
26 CHAIRMAN DEMIENTIEFF: Yes.  
27  
28 MR. EDWARDS: I think that Mr. Edwards'  
29 motion is a great compromise between the funding that's  
30 available and the data that's needed to make an informed  
31 decision. I would certainly support that.  
32  
33 CHAIRMAN DEMIENTIEFF: Thank you very  
34 much. Other discussion.  
35  
36 (No comments)  
37  
38 CHAIRMAN DEMIENTIEFF: Hearing none. All  
39 those in favor of the motion please signify by saying  
40 aye.  
41  
42 IN UNISON: Aye.  
43  
44 CHAIRMAN DEMIENTIEFF: Those opposed same  
45 sign.  
46  
47 (No opposing votes)  
48  
49 CHAIRMAN DEMIENTIEFF: Motion carries.  
50 Okay. The next item.

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

4  
5 MR. CANNON: Mr. Chairman. Board  
6 Members. Materials for this non-consent agenda item is  
7 found on Page 8. It deals with Project 06-304, seasonal  
8 distribution and abundance of rainbow trout in the Aniak  
9 River. This is a major tributary of the Kuskokwim River  
10 system. Additional information about this project can be  
11 found at Pages 65 and 66 of your briefing book.

12  
13 The Alaska Department of Fish and Game  
14 Sportfisheries Division and KNA are proposing a three-  
15 year radio telemetry study to estimate abundance, size  
16 composition and seasonal distributions of individual  
17 stocks of rainbow trout in the Aniak River. The  
18 Technical Review Committee found this proposed study to  
19 be technically sound and strategically important. Local  
20 concerns about declines in these stocks have been raised  
21 by subsistence users. However, the TRC did not recommend  
22 funding this project in 2006 due to high-priority funding  
23 needs for whitefish and sheefish studies.

24  
25 I have a summary for the Western Interior  
26 Council and the Yukon/Kuskokwim Delta Council and I'll  
27 give those and certainly we have Council members here and  
28 I would invite any additional comments. Western Interior  
29 Council represents this particular fishery. It's the  
30 home council for the Aniak. They did recommend to  
31 support the TRC recommendation. The Yukon/Kuskokwim  
32 Delta Council recommended, however, that the project be  
33 funded this year and not to wait and stressed the  
34 importance of doing this work and their very strong  
35 concern about these stocks.

36  
37 Thank you.

38  
39 MR. KLEIN: So, for the Technical Review  
40 Committee this was another tough decision. There is  
41 sufficient funding to fund this project if the Board  
42 should choose, but our collective wisdom was to not fund  
43 it and this would allow additional funds for 2007, when  
44 we're really going to have some tough decisions. There  
45 were several projects within the Kuskokwim River with  
46 both salmon and whitefish that we were able to fund. Mr.  
47 Probasco will present the Staff Committee recommendation.

48  
49 CHAIRMAN DEMIENTIEFF: Pete.

50

1 MR. PROBASCO: Thank you, Mr. Chair.  
2 Thank you, Mr. Klein. The Staff Committee recommends not  
3 funding this project consistent with the recommendation  
4 of the TRC and the Western Interior Regional Advisory  
5 Council.

6  
7 Mr. Chair.

8  
9 CHAIRMAN DEMIENTIEFF: Thank you very  
10 much. State comments.

11  
12 MS. SEE: Thank you, Mr. Chair. The  
13 State respects the recommendation of the Technical Review  
14 Committee. In this case, the Interagency Staff Committee  
15 recommendation is well recognized in the limitations of  
16 funding.

17  
18 CHAIRMAN DEMIENTIEFF: Thank you.  
19 Council comments.

20  
21 MR. WILDE: Mr. Chairman. One of the  
22 reasons why the Yukon/Kuskokwim Delta recommended that  
23 this be funded was because of years where we've had to  
24 rely on some other resource besides the salmon and we  
25 don't have any knowledge whatsoever of the abundance of  
26 the other species fish that we might be able to use and  
27 utilize in the areas they're found. That was the main  
28 reason why we wanted it funded, was because of another  
29 resource for us to depend on in the event that the main  
30 resources that we depend on are not available.

31  
32 CHAIRMAN DEMIENTIEFF: Thank you very  
33 much. Board questions or discussion.

34  
35 MR. SAM: Mr. Chair.

36  
37 CHAIRMAN DEMIENTIEFF: Yes. Ron.

38  
39 MR. SAM: Council recommendations,  
40 Western Interior. We do have a local resident on our  
41 Western Interior Subsistence Council, Carl Morgan, and we  
42 took a lot of his words and his consent. Due to the good  
43 salmon runs that the Kuskokwim River experienced the last  
44 couple of years, the subsistence dependency on the  
45 rainbow trout hasn't been that heavy. Our data is low on  
46 how far and how many people depend on it and our local  
47 Council member and some other Western Interior Council  
48 members expressed concerns about the possible commercial  
49 interests that this could also generate.

50

1                   Again, we don't have enough data to ask  
2 that it be funded directly at this time; however, we do  
3 recommend that it be submitted annually until we have  
4 enough data to show subsistence dependency. That is the  
5 reason why we did not really go after funding for this  
6 project.

7  
8                   Thank you, Mr. Chair.

9  
10                  CHAIRMAN DEMIENTIEFF: Thank you.  
11 Additional discussion.

12  
13                  MR. EDWARDS: Mr. Chairman.

14  
15                  CHAIRMAN DEMIENTIEFF: Yes, Gary.

16  
17                  MR. EDWARDS: I did have one question for  
18 Mr. Klein. In reading in the Board book under the  
19 recommendations, it seems a little confusing because it  
20 starts off and says that rainbow trout population in the  
21 Aniak River contributes significantly to the local  
22 subsistence harvest of freshwater fish, but then at the  
23 end of the justification it says that rainbow trout  
24 comprise a small percentage of the total amount of salmon  
25 harvested in both communities, less than three percent.  
26 So they seem to be in conflict unless I'm  
27 misunderstanding.

28  
29                  CHAIRMAN DEMIENTIEFF: Steve, yes.

30  
31                  MR. KLEIN: Mr. Edwards. Mr. Chair. The  
32 three percent of the total non-salmon, there's  
33 significant harvest of whitefish, sheefish, burbot and  
34 those were far more important within that region than  
35 rainbow trout. Part of that could be due to the declines  
36 in rainbow trout. When the Technical Review Committee  
37 looked at it, we were also looking at a sheefish project  
38 within the Kuskokwim drainage and a whitefish project as  
39 well as the rainbow trout. With the funding levels, we  
40 decided to fund two of them. In terms of subsistence  
41 uses, the number of households that used the resource as  
42 well as the pounds harvested, sheefish and whitefish were  
43 more important than rainbow trout.

44  
45                  Mr. Chair. Mr. Edwards.

46  
47                  CHAIRMAN DEMIENTIEFF: Thank you.  
48 Further discussion.

49  
50                  (No comments)

1 CHAIRMAN DEMIENTIEFF: Is someone  
2 prepared to offer a motion. Gary.

3  
4 MR. EDWARDS: Mr. Chairman. Consistent  
5 with the recommendation of the Western Interior and also  
6 of the Technical Review Committee, I move that we not  
7 fund Project 06-304, which is the Aniak River rainbow  
8 trout project.

9  
10 CHAIRMAN DEMIENTIEFF: Thank you. Is  
11 there a second to the motion.

12  
13 MR. BUNCH: I second it.

14  
15 CHAIRMAN DEMIENTIEFF: Further  
16 discussion.

17  
18 MR. BUNCH: Mr. Chair. It's my  
19 understanding Aniak lies within the Western RAC's  
20 jurisdiction. Is that correct?

21  
22 MR. SAM: I couldn't understand the  
23 question. Could you repeat that.

24  
25 MR. BUNCH: The Aniak River, whose  
26 jurisdiction or which RAC does that fall under?

27  
28 MR. SAM: It's the Western Interior.  
29 That's the last village. We go into Kuskokwim.

30  
31 MR. BUNCH: Thank you.

32  
33 CHAIRMAN DEMIENTIEFF: Gary.

34  
35 MR. EDWARDS: Mr. Chairman. In making my  
36 motion, I certainly don't want to imply that this is  
37 probably not a good study and that it will not be done in  
38 a proper manner, but I guess based upon the information  
39 that was provided us and the funding, it just seems not  
40 prudent at this time to fund this project, and which has  
41 been indicated would provide additional money in out  
42 years when available money for new projects will become  
43 more limited.

44  
45 CHAIRMAN DEMIENTIEFF: I just want to  
46 note on the record that KNA has been a very and continues  
47 to be a very valuable partner to us. I intend to support  
48 the motion, but I think we just need to state that, that  
49 they have been very good to us and are continuing to work  
50 with us on other important stock issues. We will

1 continue to work with them. But for budgetary reasons, I  
2 intend to support the motion. I just wanted to get that  
3 on the record that they've been very good to us. Any  
4 other discussion.

5  
6 (No comments)

7  
8 CHAIRMAN DEMIENTIEFF: Hearing none. All  
9 those in favor signify by saying aye.

10  
11 IN UNISON: Aye.

12  
13 CHAIRMAN DEMIENTIEFF: Those opposed same  
14 sign.

15  
16 (No opposing votes)

17  
18 CHAIRMAN DEMIENTIEFF: Motion carries.  
19 At this time, before we break, I'd like to entertain a  
20 motion to adopt the consent agenda items.

21  
22 MR. BUNCH: Mr. Chair.

23  
24 CHAIRMAN DEMIENTIEFF: Yes.

25  
26 MR. BUNCH: I move that we adopt the  
27 remainder of the consensus issue items.

28  
29 CHAIRMAN DEMIENTIEFF: Is there a second  
30 to that motion.

31  
32 MR. OVIATT: Second.

33  
34 CHAIRMAN DEMIENTIEFF: Discussion. Is  
35 there any objection at all to the consent agenda items?  
36 I'm looking at RAC's and everybody. I don't see any.

37  
38 (No comments)

39  
40 CHAIRMAN DEMIENTIEFF: All those in favor  
41 of the motion please signify by saying aye.

42  
43 IN UNISON: Aye.

44  
45 CHAIRMAN DEMIENTIEFF: Those opposed same  
46 sign.

47  
48 (No opposing votes)

49  
50 CHAIRMAN DEMIENTIEFF: Motion carries.

1 We're going to take a break.

2

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

4

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

6

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

17

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

28

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

31

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

38

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

43

44 MS. HYER: Good morning, Mr. Chairman and  
45 Board Members. I'm Karen Hyer and I'm with the Office of  
46 Subsistence Management, Fisheries Information Service.  
47 I've been asked to present an analysis I completed with  
48 my colleague, Cliff Schleusner on chinook age, sex and  
49 length from selected escapement projects on the Yukon  
50 River. We've restocked our report, so anybody who

1 doesn't have it can get a copy of it at the back table as  
2 you come in.

3  
4 Anecdotal information provided by fishers  
5 suggested that the length of chinook salmon harvested and  
6 the proportion of female salmon in escapement on the  
7 Yukon River was decreasing over time. This information  
8 raised concerns and our National Park Service subsistence  
9 biologist, along with Fish and Wildlife Services Yukon  
10 subsistence fishery manager, approached FIS about doing  
11 an analysis for these lengths to see if these trends were  
12 real.

13  
14 So FIS requested data from Alaska  
15 Department of Fish and Game and the Canadian Department  
16 of Fisheries and Oceans and we asked them for a long time  
17 series of age, sex and length data that we could analyze.  
18 We came up with seven escapement data sets. These data  
19 sets were examined using four objectives.

20  
21 The objectives looked for changes in the  
22 proportion of female chinook salmon, the proportion of  
23 large, greater than 900 millimeter, chinook salmon, the  
24 proportion of six and seven year old chinook salmon and  
25 they also looked at the length at age of six and seven  
26 year old salmon, changes for the length and age. The  
27 last objective here mirrors work that was done in 1998  
28 for the U.S./Canada Joint Technical Committee. So this  
29 fourth objective builds on work that they had previously  
30 done.

31  
32 So we gathered the ASL information and we  
33 looked for trends over time in that. Our data sets came  
34 from two lower river tributaries, the Andreafsky and the  
35 Anvik, three upper river tributaries, the Gisasa, the  
36 Chena and the Salcha, and one Canadian tributary, the Big  
37 Salmon River.

38  
39 Our data set included two sets of weir  
40 data, which you can see in the white, and five sets of  
41 carcass survey data. Some data sets extended nine years.  
42 Our longest data set extended twenty-eight years. The Big  
43 Salmon data set only had nine years, which was a fairly  
44 short time series, but we felt it was an important data  
45 set to include because it was our only information we had  
46 in Canada.

47  
48 The main thing to get from this slide is  
49 that there are many gaps in the data set sometimes  
50 because of lack of data, sometimes because the data could



1 not be provided to us in an electronic format and it  
2 wasn't processed, it was still on hard cards, and  
3 sometimes because of errors we weren't able to determine  
4 what the data really stood for and so those data sets  
5 were dropped from the analysis. In addition, some of  
6 these data sets don't overlap. As you can see, the weir  
7 data is fairly recent data and Big Salmon only extends to  
8 1990. So there are different time periods in this  
9 analysis.

10  
11 Finally, we only include chinook salmon  
12 that spent one year in fresh water just simply because of  
13 sample size. In the data sets, there were salmon that  
14 had more years in fresh water but they were so small that  
15 there weren't enough to do any sort of statistical  
16 analysis on. And we also limited the data sets to seven  
17 year olds and younger. Although there were a few eight  
18 year olds in the data set, there weren't enough again to  
19 do any sort of statistical analysis on.

20  
21 So using the four objectives, we looked  
22 at trends over time and we approached this from a basin-  
23 wide perspective because we felt if something dramatic  
24 was happening in the river, it would be evident in more  
25 than one tributary. So all our analyses were done from a  
26 basin-wide perspective.

27  
28 So objective one. In four of seven  
29 escapement data sets, the proportion of female chinook  
30 salmon significantly changed over time. We saw no change  
31 in the Andrafsky River and we saw no change in the  
32 Gisasa River. We saw a decrease in the Anvik and the  
33 Chena and the Big Salmon and we saw an increase in the  
34 Salcha River. One interesting aspect of this analysis is  
35 the Chena and the Salcha are in close proximity to each  
36 other and you would expect them to behave somewhat  
37 similarly, but we saw a decrease in the Chena and an  
38 increase in the Salcha.

39  
40 Objective two. In four of seven  
41 escapement data sets, the proportion of large chinook  
42 salmon greater than 900 millimeters significantly  
43 decreased over time. We saw again no change in the  
44 Andrafsky River and no change in the Gisasa, but we saw  
45 a decrease in the Anvik, the Chena, the Salcha and the  
46 Big Salmon. And 900 millimeters was a somewhat arbitrary  
47 limit. We were trying to get just a handle on the large  
48 fish, the large lengths, so 900 millimeters represents  
49 between 10 to 12 percent of the top salmon in these data  
50 sets.

1                   So the rivers showing a decrease in the  
2 proportion of large chinook salmon over time are here.  
3 First we have the Andreafsky River. The Andreafsky River  
4 showed a four percent decrease in the proportion of large  
5 chinook salmon. The Chena showed a two percent decrease  
6 in the proportion of large chinook salmon. The Salcha  
7 showed a two percent decrease and the Big Salmon showed a  
8 seven percent decrease. These are decreases per year.  
9 As you can see, for the most part, these decreases are  
10 quite small. Big Salmon is the largest. Again, I'd just  
11 like to point out that you can just see by looking at  
12 this slide that the data set is a very small data set.

13  
14                   Objective three. In three of seven  
15 escapement data sets, the proportion of six year old  
16 chinook salmon significantly changed over time. Again,  
17 we saw no change in the Andreafsky, the Gisasa, the Chena  
18 and we saw a decrease in the Anvik and the Big Salmon,  
19 and we saw an increase in the Salcha River.

20  
21                   In our oldest fish in this analysis, two  
22 of seven escapement data sets, the proportion of seven  
23 year old chinook salmon significantly changed over time.  
24 We saw no change in most of the rivers, in the  
25 Andreafsky, in the Anvik, in the Gisasa and in the  
26 Salcha, and we saw a decrease in the Chena and we saw an  
27 increase in the Big Salmon.

28  
29                   In the age at length study, 10 of the 27  
30 escapement data sets showed a significant change in the  
31 age at length for six year old and seven year old male  
32 and female chinook salmon. Of the 10 significant trends,  
33 nine are decreasing and one is increasing. Again, this  
34 analysis is the one that most closely represents the 1998  
35 study that the JTC did. During their study they  
36 concluded that there was no change in the age at length  
37 over time.

38  
39                   Taking this data analysis, we made some  
40 conclusions. Our first conclusion, has the proportion of  
41 female chinook salmon declined over time. We concluded  
42 no. Results show no discernible river-wide trend in the  
43 proportion of female in the spawning escapement. Our  
44 second objective, we asked has the proportion of large,  
45 greater than 900 millimeters, spawning chinook salmon  
46 declined over time in the Yukon River and we concluded  
47 yes. Results show a decrease in the proportion of large  
48 chinook salmon in the Anvik, Chena, Salcha and Big  
49 Salmon. Of the seven trends we looked at, more than  
50 half, four were significant and the trends were all in

1 the same direction.

2

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

9

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

19

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

26

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

35

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

45

46 Our second recommendation is to continue  
47 long-term monitoring of age, sex and length composition  
48 of chinook salmon because if these trends are real,  
49 they're going to happen slowly over time and in order to  
50 see changes we're going to need continuous information.

1 One of the big issues with our data set is the data gaps  
2 in it.

3  
4 The third and final recommendation is  
5 document the age, sex and length of chinook salmon caught  
6 in the subsistence harvest and the gear types fished.  
7 This is one of our biggest data gaps. We have lots of  
8 commercial information, but we have very little  
9 subsistence fishery information, so it is a data gap that  
10 needs to be addressed.

11  
12 Mr. Chairman, I'm available to address  
13 any questions.

14  
15 CHAIRMAN DEMIENTIEFF: Thank you very  
16 much. Are there any questions at this time.

17  
18 MR. BUNCH: Mr. Chair. I have a couple  
19 of questions. In your slide that showed the data that  
20 was gathered, was there a significance in the different  
21 colors in those slides? Did that represent anything?

22  
23 MS. HYER: The white and the gray?

24  
25 MR. BUNCH: Yes.

26  
27 MS. HYER: The white was the weir data  
28 and the gray was the carcass survey data. So there were  
29 two different data method collection techniques that we  
30 analyzed.

31  
32 MR. BUNCH: And my other question, which  
33 you will undoubtedly classify me as a dinosaur, is how  
34 big is 900 millimeters in inches?

35  
36 MS. HYER: It's like 32, somewhere  
37 between 32 and 36. Everything is measured mid-eye to  
38 fork of tail.

39  
40 MR. EDWARDS: Mr. Chairman.

41  
42 CHAIRMAN DEMIENTIEFF: Yes, go ahead.

43  
44 MR. EDWARDS: What would be required to  
45 follow up on your recommendations?

46  
47 MS. HYER: It would be good to see some  
48 subsistence data collected in the Yukon. They have  
49 started that in the Kuskokwim and some projects that  
50 would address that would be great at filling that data

1 gap.

2

3

4 MR. EDWARDS: I guess I was looking for  
5 maybe something more definitive. I mean if the  
6 recommendations are important, then how do we go forward  
7 to follow through with them? Is it going to require some  
8 additional funding, is this somebody else's job or what?

8

9

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

13

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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

1 letter, as we have in the past, being specific on the  
2 kind of data that could be most helpful to us in making  
3 some of these decisions. So glad you brought that up.

4

5 Thank you.

6

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

10

11 MR. EDWARDS: Mr. Chairman.

12

13 CHAIRMAN DEMIENTIEFF: Yes, Gary.

14

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

19

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

26

27 CHAIRMAN DEMIENTIEFF: Thank you.  
28 Further discussion. Judy.

29

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

34

35 MS. HYER: Right. Some of our most  
36 dramatic trends we saw in the Chena and the Salcha which  
37 were longer data sets. Sometimes changes are small, so  
38 if you're looking at a two percent change in the  
39 proportion of fish over time, if you have like two years  
40 worth of data, you're not probably going to see that  
41 because the changes are small. A two percent change over  
42 20 years you would see in data. So the changes that  
43 we've seen are small.

44

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

49

50 MS. HYER: Correct.

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

7  
8 MR. BOYD: Thank you, Mr. Chair. Again,  
9 on Page iii you'll find the proposals that are listed and  
10 proposed for the consent agenda. I'll read them to you  
11 and then I'll add some notes specifically about some of  
12 the proposals. I am also aware of one addition to the  
13 consent agenda.

14  
15 The consent agenda is as follows -- and  
16 what this essentially means is that there was unanimous  
17 agreement among Federal Subsistence Regional Advisory  
18 Councils, the Federal Interagency Staff Committee and the  
19 Alaska Department of Fish and Game concerning  
20 recommendations for Board action. Anyone disputing a  
21 recommendation on a proposal may request that the Board  
22 remove the proposal from the consent agenda and place it  
23 on the regular agenda. The Board retains final authority  
24 for removal of proposals from the consent agenda and the  
25 Board will, as the Chair says, take final action on the  
26 consent agenda after deliberation and decisions on all  
27 other proposals.

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

38  
39 Mr. Chair, for the latter three that I  
40 mentioned, Proposals 27, 28 and 29 should be noted for  
41 the record that these proposals deal with subsistence  
42 salmon fishery on the transboundary Stikine River and if  
43 the Board acts on these proposals consistent with the  
44 consent agenda, the change in gillnet mesh size for  
45 chinook salmon season to a maximum of eight inches and a  
46 change in the starting date for the sockeye salmon season  
47 to June 21st should be considered approved for  
48 implementation pending further coordination with a  
49 bilateral U.S./Canada Pacific Salmon Commission process.  
50 As you know, we've been working through issues on the

1 Stikine River in a cooperative manner and have in the  
2 past approved regulations that were then cleared in the  
3 bilateral process.

4  
5 Another note that I will mention is that  
6 I understand that Proposal FP06-17, which would be to  
7 oppose that proposal, that there's now agreement between  
8 the Councils, the Staff Committee and the Department of  
9 Fish and Game, so that item can be added to the consent  
10 agenda.

11  
12 There's one more note that I would  
13 mention with regard to Proposal FP06-03. I've counted  
14 eight people so far that have signed up to testify on  
15 that proposal and have thus indicated an interest in that  
16 proposal. This proposal addresses the salmon fishing  
17 schedule on the Yukon River and the proposal requests  
18 that the schedule begin on May 15th. This may be an  
19 indication that there was an interest to remove this item  
20 from the consent agenda, so I would flag that for the  
21 Board and the Board may wish to entertain a motion to  
22 remove that item or may wish to hear from those that have  
23 that interest.

24  
25 Thank you, Mr. Chair.

26  
27 CHAIRMAN DEMIENTIEFF: Yeah, once we do  
28 hear from the people that have requested to testify, if  
29 they're going to ask for anything other than what is  
30 already being advanced on the consent agenda, then I just  
31 wish that we would make that clear in our testimony so  
32 the Board has a clear understanding of where we're at.

33  
34 If there is a request for comments with  
35 regard to consent agenda items, we will look at those and  
36 we will provide opportunity. We'll provide opportunity  
37 even though we're only required in the morning. We'll  
38 probably do it in the afternoon as well just to ask as a  
39 common courtesy to those of you who have taken all the  
40 time to get here to discuss with us.

41  
42 With that we'll move on to Proposal No.  
43 1. Helen, I guess you're going to do the Staff analysis.

44  
45 MS. ARMSTRONG: Yes, I am, Mr. Chair. My  
46 name is Helen Armstrong. I'm a cultural anthropologist  
47 for the Office of Subsistence Management and I'll be  
48 presenting Proposal 1, which is a statewide proposal.

49  
50 Proposal FP06-01 requests that Federal



1 regulations permit the sale of handicrafts made by rural  
2 Alaskans from the nonedible byproducts of subsistence-  
3 harvested fish or shellfish. The proposed regulation  
4 would read: You may sell handicraft articles made from  
5 the nonedible byproducts including but not limited to  
6 skin, shell, fins and bones of subsistence-harvested fish  
7 or shellfish.

8  
9 The Federal regulations currently do not  
10 provide for the sale of handicraft articles made from  
11 fish or shellfish, although there is a definition of  
12 handicraft in our regulations that includes fish. The  
13 intent of this proposal is to accommodate existing  
14 practices. In addition, this proposal would correct an  
15 administrative oversight by allowing a practice described  
16 in ANILCA, which states, for the making and selling of  
17 handicraft articles out of nonedible byproducts of fish  
18 and wildlife resources taken for personal or family  
19 consumption.

20  
21 The proposed regulation would provide the  
22 same opportunities to Federal subsistence users as are  
23 being proposed under State regulations. The State has  
24 also added skin to their proposed regulatory language  
25 because many people in Alaska consider the fish skin to  
26 be edible. That decision, and I'm sure the State will  
27 speak to this, is supposed to be made in March by the  
28 Board of Fish. This proposal effects all areas of the  
29 state. It does not change seasons, harvest limits,  
30 methods or means, or customary and traditional use  
31 determinations. There are no conservation concerns.

32  
33 That concludes my presentation, Mr.  
34 Chair.

35  
36 CHAIRMAN DEMIENTIEFF: Thank you very  
37 much. Written public comments.

38  
39 MR. MIKE: Thank you, Mr. Chair. Donald  
40 Mike, subsistence regional coordinator for the  
41 Southcentral Region. There were a total of six comments  
42 received in support of Proposal FP06-01.

43  
44 The AHTNA Subsistence Committee supports  
45 the proposal. We support FP06-01 to allow the sale of  
46 handicrafts made by the subsistence users from nonedible  
47 byproducts including but not limited to skin, shell, fins  
48 and bones of fish and shellfish. Subsistence users  
49 should be allowed to sell handicrafts made from nonedible  
50 byproducts from fish and shellfish.

1                   The Chilkoot Indian Association supports  
2 the proposal. The Chilkoot Indian Association supports  
3 the sale of handicrafts made by subsistence users from  
4 nonedible byproducts of fish and shellfish. This  
5 statewide change has the potential to help economically  
6 deprived regions to generate needed cash. It also makes  
7 sense to use as much of the harvested fish to minimize  
8 waste and this change would also promote cultural skills  
9 with the tribes.

10  
11                   The Aleutian Pribilof Islands Association  
12 supports the proposal as the proposal offers more  
13 opportunities for subsistence users.

14  
15                   The Wrangell-St. Elias Subsistence  
16 Resource Commission supports the proposal. The members  
17 of the Wrangell-St. Elias National Park Subsistence  
18 Resource Commission who were present for discussion of  
19 this proposal supported it and felt that it was a good  
20 proposal.

21  
22                   The Yukon Fish and Game Advisory  
23 Committee supports the proposal. The committee would  
24 like to see this regulation adopted because it is already  
25 being done in the region. If adopted, this proposal  
26 would allow less trouble to the people affected.

27  
28                   Mike Moses supports the proposal.  
29 Allowing the sale of fish byproducts will encourage the  
30 traditions of handicrafts, making use of subsistence  
31 harvested fish byproducts.

32  
33                   That concludes written public comments,  
34 Mr. Chair. Thank you.

35  
36                   CHAIRMAN DEMIENTIEFF: Thank you very  
37 much. We have one additional request for public  
38 testimony with regard to this proposal. Becca Robbins.

39  
40                   MS. ROBBINS: Mr. Chair. Council. My  
41 name is Becca Robbins and I'm policy coordinator with the  
42 Yukon River Drainage Fisheries Association, otherwise  
43 known as YRDFA. YRDFA supports allowing the sale of  
44 handicrafts made from nonedible byproducts of  
45 subsistence-harvested fish or shellfish. This proposal  
46 accommodates current practices and makes traditional uses  
47 and practices legal.

48  
49                   Thank you.

50

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

6  
7 Ron.

8  
9 MR. SAM: Thank you, Mr. Chair. With the  
10 price of gas, gas and oil is probably the main commodity  
11 right now in subsistence harvesting and with the price of  
12 oil at \$13.40 a quart, if we can get ahead in any way on  
13 selling handicrafts, Western Interior supports this  
14 proposal.

15  
16 Thank you.

17  
18 CHAIRMAN DEMIENTIEFF: Thank you. Any  
19 other Regional Council. Go ahead, Grace.

20  
21 MS. CROSS: The selling of nonedible  
22 parts or at least selling parts of fish that is  
23 considered nonedible to certain people, we support that.  
24 We just thought it was kind of ridiculous to put  
25 nonedible because what is edible to me may not  
26 necessarily be edible to somebody else. That's why we  
27 wanted it modified.

28  
29 Thank you.

30  
31 CHAIRMAN DEMIENTIEFF: Anybody else. Go  
32 ahead.

33  
34 MR. BROWER: Thank you, Mr. Chairman.  
35 Harry Brower for the record. The North Slope Regional  
36 Advisory Council did support this proposal. During the  
37 discussions they identified that a lot of the North Slope  
38 Regional people do make a lot of handicrafts out of  
39 different items from not just fish but other resources  
40 that we utilize. So just for the record I wanted to  
41 state that the North Slope Council supports this  
42 proposal.

43  
44 CHAIRMAN DEMIENTIEFF: Thank you very  
45 much. Lester.

46  
47 MR. WILDE: Mr. Chairman. The Yukon-  
48 Kuskokwim Delta Regional Advisory Council supports this  
49 proposal. We felt that this proposal will accommodate  
50 current practices and help subsistence users. Local

1 Yup'ik people utilize fish and shellfish nonedible  
2 byproducts for their handicrafts, such as wallets made of  
3 fish skins. I was going to blame my cold for not being  
4 able to read, but I guess I can't do that right now.

5  
6 Mr. Chairman.

7  
8 CHAIRMAN DEMIENTIEFF: Well, if they're  
9 gone, you can go ahead and blame them for anything. Just  
10 because we're friends we can joke. Yes.

11  
12 MR. STONEY: Thank you, Mr. Chairman.  
13 The Northwest Arctic Regional Advisory Council supports  
14 this proposal as written.

15  
16 CHAIRMAN DEMIENTIEFF: Thank you.

17  
18 MR. BASSICH: Thank you, Mr. Chairman.  
19 The Eastern Interior supports this proposal as written  
20 and felt very strongly that this is a very important part  
21 of subsistence lifestyle.

22  
23 CHAIRMAN DEMIENTIEFF: Other. Go ahead.

24  
25 MS. LYON: Yes, Mr. Chairman. The  
26 Bristol Bay Regional Advisory Council supported this  
27 proposal. The Council voted 6-0 with four absent to  
28 adopt it. The Council stated that there were no  
29 conservation concerns for freshwater fish or salmon. The  
30 proposal would allow current customary and traditional  
31 practices to continue and these values would be passed on  
32 to generations after. Lastly, the Council didn't feel  
33 there would be wanton waste of freshwater fish and salmon  
34 because residents wouldn't be exploiting the resources  
35 solely for commercial enterprise.

36  
37 CHAIRMAN DEMIENTIEFF: Thank you.  
38 Because it's the first time I've seen you here, please be  
39 advised that you have ample opportunity to enter the  
40 discussion after if there's other additional points that  
41 you wish to bring up. John, you had something.

42  
43 MR. LITTLEFIELD: Thank you, Mr. Chair.  
44 The Southeast Alaska Regional Advisory Council supports  
45 this proposal as written. SERAC found that this proposal  
46 would provide for a traditional use of fish parts and  
47 handicrafts that should be recognized in the Federal  
48 regulations. This proposal would benefit subsistence  
49 users by recognizing existing practices which use fish  
50 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 Further Regional Council comments. Michelle.

35  
36 MS. CHIVERS: Mitch Simeonoff from the  
37 Kodiak/Aleutians Council was unable to attend due to  
38 weather, so I'll read their Council recommendation into  
39 the record. The Kodiak/Aleutians Regional Advisory  
40 Council stated that this is a traditional practice and  
41 this will allow full utilization of the subsistence  
42 resource.

43  
44 Thank you.

45  
46 CHAIRMAN DEMIENTIEFF: Thank you very  
47 much. Further Regional Council comments at this time.

48  
49 (No comments)

50

1 CHAIRMAN DEMIENTIEFF: With that we will  
2 go to Staff Committee recommendations. Pete, I  
3 understand you're going to.

4  
5 MR. PROBASCO: Yes. Thank you, Mr.  
6 Chair. The Interagency Staff Committee supports the  
7 proposal consistent with the recommendations of nine of  
8 the ten Regional Advisory Councils, but contrary to the  
9 recommendation of the Seward Peninsula Advisory Council.  
10 Most of the justification has been articulated by the  
11 Councils on why the support is there.

12  
13 Mr. Chair.

14  
15 CHAIRMAN DEMIENTIEFF: Thank you very  
16 much. Department comments. Marianne, are you going to?

17  
18 MS. SEE: Thank you, Mr. Chair. For the  
19 record, my name is Marianne See with Department of Fish  
20 and Game. The Department has submitted a similar  
21 proposal to the Alaska Board of Fisheries to provide for  
22 sale of handicrafts made from skin and nonedible  
23 byproducts of subsistence-harvested fish or shellfish and  
24 this was noted in the Federal Staff comments. We do  
25 agree with the points raised in that analysis.

26  
27 The Board of Fisheries has now scheduled  
28 this proposal for its March 10-20 meeting this spring and  
29 we support the proposal. I will note that we felt that  
30 it was most clear to use all those terms, skin and  
31 nonedible byproducts. For one reason, of course, is that  
32 fish skin handicrafts are one of the topics here that  
33 we're trying to address and that because there are  
34 differing opinions in different parts of the state about  
35 the edibility of skin that it would be most clear to  
36 include those three terms and that way it was absolutely  
37 clear that that was the intent of the regulation.

38  
39 Thank you, Mr. Chair.

40  
41 CHAIRMAN DEMIENTIEFF: Thank you. Board  
42 discussion.

43  
44 MS. GOTTLIEB: Mr. Chair.

45  
46 CHAIRMAN DEMIENTIEFF: Yes, Judy.

47  
48 MS. GOTTLIEB: I guess just for point of  
49 clarification, my assumption is the word nonedible came  
50 out of ANILCA in describing this. Would that be correct,

1 with sort of no prejudice as to exactly what it means?

2

3 CHAIRMAN DEMIENTIEFF: Helen.

4

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

7

8 CHAIRMAN DEMIENTIEFF: Thank you. Gary.

9

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

20

21 CHAIRMAN DEMIENTIEFF: Further  
22 discussion.

23

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

28

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

33

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

42

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

47

48 Thank you.

49

50 CHAIRMAN DEMIENTIEFF: Thank you.

1 Further discussion. Ralph, you had something.

2

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

10

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

20

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

27

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

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

46

47 Thank you.

48

49 MS. CROSS: Mr. Chair.

50



1 CHAIRMAN DEMIENTIEFF: Thank you. Grace.

2

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

12

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

21

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

24

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

34

35 CHAIRMAN DEMIENTIEFF: Keith.

36

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

45

46 MS. GOTTLIEB: Mr. Chair.

47

48 CHAIRMAN DEMIENTIEFF: Thank you. Yes,  
49 Judy.

50

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

9  
10 CHAIRMAN DEMIENTIEFF: Thank you.  
11 Further discussion. Go ahead, Charlie.

12  
13 MR. BUNCH: Mr. Chair. While I agree  
14 with Grace as to the edible portions there, I mean I  
15 think the bottom line is we're stuck with whatever is in  
16 the statute.

17  
18 CHAIRMAN DEMIENTIEFF: Thank you.  
19 Further discussion. Is somebody prepared to offer a  
20 motion.

21  
22 MR. BUNCH: Mr. Chair. I make a motion  
23 that we accept the regulation as written, you may sell  
24 handicraft items made from nonedible byproducts including  
25 but not limited to skin, shell, fins, bones of  
26 subsistence-harvested fish or shellfish.

27  
28 CHAIRMAN DEMIENTIEFF: Thank you. Is  
29 there a second to the motion.

30  
31 MR. OVIATT: I'll second.

32  
33 CHAIRMAN DEMIENTIEFF: Discussion on the  
34 motion.

35  
36 MS. GOTTLIEB: Mr. Chair.

37  
38 CHAIRMAN DEMIENTIEFF: Yes.

39  
40 MS. GOTTLIEB: I believe there has been a  
41 substantial amount of evidence discussed at the Regional  
42 Advisory Council meetings and we've not heard of any  
43 conservation concerns, so I would support this motion.

44  
45 CHAIRMAN DEMIENTIEFF: Thank you very  
46 much. I intend to support the motion also because of the  
47 strength of the Regional Council comments, but also just  
48 knowing what I know, that there are different  
49 utilizations. While I love to eat fish fins, we use them  
50 for other purposes as well. So it's just a total

1 utilization of the resource is basically what it comes  
2 down to. So, for that reason, I intend to support the  
3 motion. Further discussion.

4  
5 (No comments)

6  
7 CHAIRMAN DEMIENTIEFF: Hearing none. All  
8 those in favor of the motion please signify by saying  
9 aye.

10  
11 IN UNISON: Aye.

12  
13 CHAIRMAN DEMIENTIEFF: Those opposed same  
14 sign.

15  
16 (No opposing votes)

17  
18 CHAIRMAN DEMIENTIEFF: Motion carries.  
19 Proposal No. 2, Helen.

20  
21 MS. ARMSTRONG: Thank you, Mr. Chair.  
22 Helen Armstrong, Fish and Wildlife Service, Office of  
23 Subsistence Management. Proposal FP06-02 was submitted  
24 by the Cheesh-na Tribal Council from Chistochina. This  
25 proposal requests adding Chistochina and Mentasta Lake to  
26 the C&T determination for freshwater fish in the Tanana  
27 River drainage.

28  
29 The proposal applies to all Federal  
30 public waters under Federal jurisdiction in the Tanana  
31 River drainage; however, if you look at the map on Page  
32 125 and the map that's before you -- actually, this  
33 doesn't show the whole Tanana River drainage -- there  
34 really is only one portion of the Tanana River drainage  
35 that is of concern in this proposal.

36  
37 There was some confusion as we went  
38 through the process of this because when you look at the  
39 map there it's clear that the very, very end of the  
40 Tanana River drainage these Federal waters that are up  
41 here before you on the map for the Tetlin National  
42 Wildlife Refuge and the Wrangell-St. Elias National Park  
43 and Preserve that those are the waters that are Federal.  
44 There are some waters along the Tanana River drainage  
45 that are from the Denali National Park that are -- it's  
46 not real clear when you look at it, but it drains down  
47 into there. There's one that drains out of the Tanana  
48 River drainage. Those were not supposed to be included  
49 originally in this, so we had some confusion along the  
50 way. I wanted to just set that straight.

1                   The regulatory history for this proposal  
2 is that the Federal Board adopted the State regs in 1999  
3 and all residents of the Yukon-Northern Area were listed  
4 as having a positive customary and traditional use  
5 determination for freshwater fish in the Yukon River  
6 drainage, which includes the Tanana River drainage.

7  
8                   The freshwater fish taken by these  
9 communities includes whitefish, grayling, lake trout,  
10 Dolly Varden, burbot and pike. The Board has never  
11 considered a customary and traditional use determination  
12 for Chistochina and Mentasta in the Tanana River  
13 drainage, so this is a new addition.

14  
15                   Chistochina is a primarily AHTNA  
16 Athabaskan community, as is Mentasta Lake. I am going to  
17 focus in my discussion -- just because of time  
18 limitations I'm not going to go through the entire  
19 analysis. I'm going to focus on the eight factors, of  
20 what was taken and where it was taken and the remainder  
21 of the information for the eight factors I incorporate by  
22 reference from my analysis.

23  
24                   When you review the harvesting of the  
25 AHTNA communities, freshwater fish is included in all the  
26 descriptions of subsistence use. The Chistochina and  
27 Mentasta households both harvest grayling, whitefish,  
28 lake trout, burbot, sucker and Dolly Varden. A few  
29 Mentasta households have also harvested rainbow trout.  
30 Freshwater fish are a supplemental resource, but they are  
31 still important to these communities.

32  
33                   We don't have specific information about  
34 how many fish are taken from the Federal waters on the  
35 Tanana River drainage. We do have information from  
36 subsistence studies done by ADF&G showing harvest of the  
37 resources. Grayling and whitefish were the highest  
38 harvested fish from Chistochina, the freshwater fish.  
39 They're fairly significant, 450 and 425 fish harvested  
40 respectively, with mean harvests of 11 and 13 edible  
41 pounds of fish per household. Trout, burbot, pike and  
42 Dolly Varden were also harvested. Dolly Varden and pike  
43 were fairly nominal with just 2 to 7 pounds harvested per  
44 year respectively. Again, I don't know how much of that  
45 was taken from the Tanana River drainage.

46  
47                   Mentasta had significantly more whitefish  
48 than any other freshwater fish with 1,345 edible pounds.  
49 Grayling was the second highest and burbot, pike and  
50 Dolly Varden were harvested in low numbers with 317, 41

1 and 15 pounds of fish taken. Only a small number of  
2 burbot, 4 pounds, lake trout, 13 pounds, Dolly Varden, 11  
3 pounds, were harvested by Mentasta residents.

4  
5 In consideration of where they harvested  
6 in the map on Page 125 in your book and that which was  
7 just shown up here, the mapped areas showed that Mentasta  
8 household took freshwater fish, and this was from a 1985  
9 study, so it is some time ago. Mentasta households took  
10 freshwater fish from Pickerel, Virginia, Jimmy Brown,  
11 Jack and Peggy Lakes, which are all within the  
12 Wrangell-St. Elias National Park and Preserve and from  
13 the headwaters of the Chisana River on Tetlin Wildlife  
14 Refuge, all within Tanana River drainage. Jack Lake was  
15 a traditional fishing site for grayling and rainbow  
16 trout. There also was evidence from a study done by  
17 Reckford in 1983 that lake trout and other lake-dwelling  
18 fish are harvested by Mentasta and Chistochina at Twin  
19 Lakes and Jack Lake, both within Wrangell-St. Elias  
20 National Park and Preserve and in the Tanana River  
21 drainage. They also took lake trout and other  
22 lake-dwelling fish from lakes near traplines or in their  
23 hunting areas.

24  
25 The other eight factors were met and fish  
26 were harvested seasonally, knowledge was passed down from  
27 generation to generation, fish were shared and each  
28 community harvested a wide diversity of resources for  
29 subsistence.

30  
31 At the Eastern Interior Regional Council  
32 meeting there was discussion that was brought up about  
33 Slana, whether or not Slana should be included, and they  
34 did, as you'll hear, vote to support. They recommended  
35 including Slana as well as the people living along the  
36 road system. So after the Council meeting I did add some  
37 information about Slana that's on Page 131 in your books.  
38 This was not information that was presented at the  
39 Council meeting, but it was added to support the Eastern  
40 Interior Regional Council recommendation.

41  
42 In 1987, Slana residents harvested  
43 grayling in the highest quantities, 438 edible pounds,  
44 whitefish, 419 pounds, and other fish harvested were  
45 burbot, pike, lake trout, Dolly Varden and rainbow trout.  
46 Again, I don't know how much of that harvest occurred in  
47 the Federal waters of the Tanana River drainage. There  
48 was mapping done in '83 and '84 by ADF&G subsistence and  
49 it indicated that freshwater fish were taken in Pickerel  
50 Lake within the Wrangell-St. Elias National Park and

1 Preserve, as did Chistochina and Mentasta. The other  
2 lakes that were mapped were not in Federal public waters.  
3

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

17  
18 The effect of the proposal would be to  
19 recognize that these communities have customary and  
20 traditional use of these resources and it would allow  
21 them to continue a subsistence use that has been  
22 customarily and traditionally practiced. Because there  
23 are no current C&T use determinations for those  
24 communities under consideration, people who have been  
25 harvesting the fish have been doing it perhaps illegally,  
26 so it would support them.

27  
28 There were conservation concerns that  
29 were brought up during the review process of the analysis  
30 as well as at the Eastern Interior Council meeting, but a  
31 customary and traditional use determination is not  
32 something that should be denied if there are conservation  
33 concerns. Those concerns should be then addressed  
34 through harvest and methods and means and seasons at a  
35 later date. The concerns they had I don't think were  
36 really -- they were a little bit uncertain as well when  
37 they were brought up to me.

38  
39 Thank you, Mr. Chair. That concludes my  
40 analysis.

41  
42 CHAIRMAN DEMIENTIEFF: Thank you.  
43 Written public comments.

44  
45 MR. MIKE: Thank you, Mr. Chair. Donald  
46 Mike, Regional Council coordinator. There's one written  
47 public comment received from the AHTNA Subsistence  
48 Committee. They supported the proposal. We support  
49 FP06-02 to revise the customary and traditional use  
50 determination of the Tanana River drainage to include

1 residents of Chistochina and Mentasta Lake for freshwater  
2 fish. They have customarily and traditionally used the  
3 area to harvest freshwater fish and should be granted a  
4 positive C&T.

5  
6 Thank you, Mr. Chair.

7  
8 CHAIRMAN DEMIENTIEFF: Thank you. We  
9 have two requests for additional public testimony at this  
10 time. Donna Pennington.

11  
12 MS. PENNINGTON: Thank you, Mr. Chairman  
13 and Members of the Federal Subsistence Board. My name is  
14 Donna Pennington. I am from Mentasta Lake Village. We  
15 are heavily impacted by the decisions of this Board. I  
16 have testified previously to this. On this particular  
17 proposal we do utilize other than salmon resources of the  
18 Tanana River and I do feel kind of like a criminal  
19 because I have, without being able to, gotten some burbot  
20 and some whitefish. Not very much.

21  
22 Just to let you know, our traditional use  
23 of the Tanana goes back thousands of years. We used to  
24 trade for it, but our people have always depended on  
25 salmon from the Tanada, but there's been many years that  
26 there hasn't been the salmon to sustain us. This makes  
27 even more important the whitefish, the burbot, the  
28 Dolly's, the other fish that are along the Tanana.

29  
30 It's really hard to express how important  
31 this year is going to be, this spring. We're going to be  
32 waiting for the salmon and with the numbers that we've  
33 had, more and more dependence on the other resources, in  
34 particular pike, trout, Dolly's, grayling, have been more  
35 important. These include the other lakes too, even  
36 though they're not particularly in the Tanana River  
37 drainage. We historically use other lakes in the region.  
38 Actually, that would need to be expanded a little bit.

39  
40 We are closely related to the residents  
41 of Chistochina. We share the same blood ties, we share  
42 the same trade routes, we share the same diet. To tie  
43 this in just a little bit more, I'm going to go back and  
44 state that other parts of the fish are edible to us. To  
45 me, personally, I eat the fins, the nose, the skin,  
46 especially during times of starvation. This is not just  
47 salmon though, this includes all resources.

48  
49 Thank you. Any questions.

50

1 CHAIRMAN DEMIENTIEFF: Thank you. Are  
2 there any questions.

3  
4 (No comments)

5  
6 CHAIRMAN DEMIENTIEFF: I guess one of the  
7 things, probably knowing about the area, I mean about  
8 Mentasta, my aunt is from Mentasta so I know a little bit  
9 more about it than maybe some people do, wouldn't you say  
10 that some of that harvest of those freshwater species  
11 comes incidental to other harvesting? I'm talking about  
12 in this case moose and caribou.

13  
14 MS. PENNINGTON: Yes, sir, it is  
15 incidental, Mr. Chairman, but also intentional, too. As  
16 I said, like this year, I'm going to be particularly  
17 interested in grayling and whitefish because of the  
18 salmon, the shortage of salmon in our area. So if it was  
19 a high salmon year, I probably wouldn't be so concerned  
20 about my grayling and whitefish.

21  
22 CHAIRMAN DEMIENTIEFF: I guess the point  
23 I'm trying to make is this, knowing how things work out,  
24 if you're there, you're not necessarily going to bring  
25 pork chops and hamburger when you're out hunting. You're  
26 going to take whatever you can get to sustain the  
27 harvest, even if you are targeting another species.

28  
29 MS. PENNINGTON: Yes, sir, Mr. Chairman.  
30 And another thing, as you may know, the Natives tend not  
31 to waste. We don't believe in wanton waste and we don't  
32 play with our food. So when we see people doing the  
33 catch and release, to us that's playing with their food.  
34 The problem with the stress caused by catch and release,  
35 those released odds are don't survive. So we keep our  
36 incidental catch.

37  
38 CHAIRMAN DEMIENTIEFF: Thank you. Other  
39 questions, comments of the witness.

40  
41 (No comments)

42  
43 CHAIRMAN DEMIENTIEFF: Thank you very  
44 much. Billy Charles.

45  
46 MR. NICK: Mr. Chairman, that was a typo.  
47 Sorry.

48  
49 CHAIRMAN DEMIENTIEFF: Thank you.  
50 Appreciate it. Council recommendations. Go ahead.



1 MR. BASSICH: Thank you, Mr. Chairman.  
2 Eastern Interior Alaska Regional Advisory Council  
3 supported this proposal with the modification to include  
4 the residents in the area, particularly Slana. It was  
5 brought to our attention that these people in this region  
6 were users and at times heavy users of the resource in  
7 the area and we felt it was important to include them in  
8 this proposal.

9  
10 Thank you, Mr. Chairman.

11  
12 CHAIRMAN DEMIENTIEFF: Ron.

13  
14 MR. SAM: Thank you, Mr. Chairman. We  
15 met before Eastern Interior met and we supported this  
16 proposal pending Eastern Interior and Southcentral  
17 actions as home regions. Western Interior Council  
18 supports granting a positive determination to Mentasta  
19 Lake and Chistochina to provide for traditional  
20 subsistence needs for freshwater fish. Our  
21 recommendation hinges on the actions taken by the home  
22 regions involved.

23  
24 Thank you, Mr. Chair.

25  
26 CHAIRMAN DEMIENTIEFF: Thank you. Other  
27 Regional Council comments. Yes, Ralph.

28  
29 MR. LOHSE: Southcentral deferred to the  
30 home regions like we usually do. While this involves  
31 people from our region, the resources are in the other  
32 reasons, so we deferred to their recommendations.

33  
34 CHAIRMAN DEMIENTIEFF: Thank you very  
35 much. Any other Regional Council comments.

36  
37 (No comments)

38  
39 CHAIRMAN DEMIENTIEFF: Staff Committee.

40  
41 MR. PROBASCO: Thank you, Mr. Chair. the  
42 Interagency Staff Committee supports this proposal with  
43 modification similar to the recommendations of the  
44 Eastern Interior, Western Interior and Southcentral  
45 Alaska Regional Advisory Councils with the exception to  
46 exclude Federal public waters within Denali National Park  
47 and Preserve. When the Staff Committee deliberated on  
48 this proposal, Mr. Chair, there was sufficient  
49 information from ADF&G Subsistence Division household  
50 surveys and the National Park Service community studies

1 that document the use of freshwater fish by residents of  
2 Chistochina and Mentasta in those portions of the Tanana  
3 River drainage within the Tetlin National Wildlife Refuge  
4 and Wrangell-St. Elias National Park and Preserve.  
5

6                   It is not likely that the limited  
7 headwater areas of the Tanana River drainage within the  
8 Denali National Park and Preserve was intended to be  
9 included in this proposal, Mr. Chair. The waters within  
10 Wrangell-St. Elias National Park and Preserve, there's  
11 documentation that these two communities harvested  
12 freshwater fish from Twin, Jack, Pickerel, Virginia,  
13 Jimmy Brown and Peggy Lakes. There's also documented use  
14 of freshwater fish by these communities in the headwaters  
15 of Chisana River within the Tetlin National Wildlife  
16 Refuge.  
17

18                   All eight factors are fulfilled for  
19 making a positive C&T use determination for Mentasta and  
20 Chistochina for freshwater fish in the Tanana River  
21 drainage except for headwaters within Denali National  
22 Park and Preserve.  
23

24                   Mr. Chair.

25  
26                   CHAIRMAN DEMIENTIEFF: Thank you very  
27 much. Department comments.  
28

29                   MS. SEE: Thank you, Mr. Chair. The  
30 department recommends that this and all current proposals  
31 regarding customary and traditional use findings for fish  
32 should be deferred until the Federal Subsistence  
33 Management Program establishes policy and procedures for  
34 these analyses and findings as directed on October 27th  
35 of last year by the Secretary of the Interior. There was  
36 a presentation this morning earlier by Drue Pearce in  
37 which she spoke of that initiative. Our recommendation  
38 therefore is to defer the proposal until procedures for  
39 analyses of customary and traditional use are developed  
40 and adopted by the Federal Subsistence Board.  
41

42                   Thank you.

43  
44                   CHAIRMAN DEMIENTIEFF: Thank you very  
45 much. Board discussion. Keith.  
46

47                   MR. GOLTZ: I'm not the Board, but the  
48 Federal Subsistence Program is constantly looking for  
49 ways to improve its process and we can all be hopeful  
50 that the C&T proposal will result in some clarity of our

1 procedures, but the letter signed by Lynn Scarlett was  
2 never intended to shut the program down and that's  
3 something that I confirmed as recently as this morning.

4

5 CHAIRMAN DEMIENTIEFF: Thank you. Gary.

6

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

13

14 CHAIRMAN DEMIENTIEFF: Helen.

15

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

18

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

28

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

33

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

37

38 MR. KNAUER: Mr. Chairman and Gary.

39

40 CHAIRMAN DEMIENTIEFF: Go ahead, Bill.

41

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

49

50 CHAIRMAN DEMIENTIEFF: So through the

1 years we've dealt with these issues in between the  
2 regions where we understand there's a shared utilization  
3 of the resource and we've awarded -- not awarded, that's  
4 not the right word. We have allowed harvest of people  
5 from Eastern Interior within the same district, in that  
6 area, so it's gone back and forth because we've  
7 documented very well the utilization or the shared  
8 utilization of those resources through the years. It's  
9 been something we have allowed in the past. I guess  
10 towards that end, even though we don't have a motion, I'm  
11 speaking in favor of the proposal and congratulate the  
12 people that have done the work to get this thing before  
13 us because we know these kind of things happen.  
14

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

17  
18 MR. BUNCH: Mr. Chair.

19  
20 CHAIRMAN DEMIENTIEFF: Yes.

21  
22 MR. BUNCH: I have a question of Ralph if  
23 I may. Ralph, I have to apologize because I'm not  
24 familiar with the boundaries there, but, as I understand  
25 it, you represent Southcentral, who represents Slana and  
26 Chistochina and Mentasta Lake, is that correct?  
27

28 MR. LOHSE: That's a roger.

29  
30 MR. BUNCH: Okay. So you have no  
31 objection to Slana being included in this modification  
32 proposal?  
33

34 MR. LOHSE: From our standpoint as a  
35 Council, we've always recognized that the resource should  
36 be -- the management of the resource and the decisions on  
37 the resource should be by the Councils that have that  
38 area. So we didn't make a decision as to whether Slana  
39 should be included with Mentasta or Chistochina because  
40 we recognize the land we're talking about is in the  
41 Eastern Interior and Yukon, so we let them make the  
42 decision and we defer to their decision. When we defer  
43 to their decision, if we'd have disagreed with it, we'd  
44 have let you know we disagreed with it. By deferring to  
45 their decision, we're saying we recognize their authority  
46 to make that decision and we concur with it.  
47

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

1 recommending that.

2

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

8

9 MR. BUNCH: Thank you.

10

11 CHAIRMAN DEMIENTIEFF: Thank you.  
12 Further discussion.

13

14 MS. GOTTLIEB: Mr. Chair.

15

16 CHAIRMAN DEMIENTIEFF: Yes.

17

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

26

27 CHAIRMAN DEMIENTIEFF: Go ahead.

28

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

35

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

38

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

43

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

48

49 MR. BUNCH: I second it.

50

1 CHAIRMAN DEMIENTIEFF: Okay. If you have  
2 further amendment, I suggest this.

3  
4 MS. GOTTLIEB: Mr. Chair. The way I'm  
5 understanding the studies that there's not a demonstrated  
6 pattern of use in those headwaters, so I would not be  
7 interested in amending to that, if I'm understanding it  
8 right.

9  
10 CHAIRMAN DEMIENTIEFF: Thank you. Any  
11 further discussion on the motion. Gary.

12  
13 MR. EDWARDS: It's clarification. Judy,  
14 you said you would not be interested in entertaining the  
15 amendment to your motion.

16  
17 CHAIRMAN DEMIENTIEFF: Pete, did you have  
18 something.

19  
20 MR. PROBASCO: Yes, Mr. Chair. Maybe  
21 help provide some clarification. When we drafted up the  
22 Staff Committee recommendation, we talked about the  
23 Tanana River drainage. However, that may be misleading.  
24 The Federal waters or Federal public lands are only those  
25 in the Tetlin National Wildlife Refuge and the Wrangell-  
26 St. Elias, so it's not the whole Tanana River drainage.  
27 My understanding is the intent of the motion is to  
28 include only those areas, so we would provide a clarifier  
29 in that as it pertains to the Tanana River drainage.

30  
31 Mr. Chair.

32  
33 CHAIRMAN DEMIENTIEFF: Any further  
34 discussion on the motion.

35  
36 MR. EDWARDS: Yes, Mr. Chairman. Pete,  
37 so then where does that -- the waters within Denali  
38 National Park and Preserve do not come into play in this?

39  
40 MR. PROBASCO: Mr. Chair. Mr. Edwards.  
41 If I follow Ms. Gottlieb's motion, it was to support the  
42 Regional Advisory Councils' recommendation from Eastern  
43 and Western as outlined by the Interagency Staff  
44 Committee's language, which would exclude the National  
45 Park and Preserve waters. If that's not the intent, Mr.  
46 Chair, then that needs to be clarified.

47  
48 MR. EDWARDS: Well, I think maybe the  
49 more proper original motion may have been to modify the  
50 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

1 discussion on the motion.  
2  
3 (No comments)  
4  
5 CHAIRMAN DEMIENTIEFF: Are we ready for a  
6 vote. Hearing none. All those in favor of the motion  
7 please signify by saying aye.  
8  
9 IN UNISON: Aye.  
10  
11 CHAIRMAN DEMIENTIEFF: Those opposed same  
12 sign.  
13  
14 (No opposing votes)  
15  
16 CHAIRMAN DEMIENTIEFF: Motion carries.  
17 We are recessing for lunch. We'll be back as close to  
18 1:00 as we can. It's a little after noon right now, so  
19 as close to 1:00 as we can. We recognize that it's  
20 already into the lunch hour.  
21  
22 (Off record - 12:10 p.m.)  
23  
24 (On record)  
25  
26 CHAIRMAN DEMIENTIEFF: I'll go ahead and  
27 call the Board meeting back to order. Our lawyer is  
28 laughing at us. I guess it's some remote resemblance of  
29 order. Again, we're going to try to do our best at  
30 accommodating people. Tomorrow at 1:30 the Commissioner  
31 will be available. In case somebody missed my earlier  
32 message, we are going to do that at 1:30 tomorrow.  
33 Actually, we're changing right now our regular agenda.  
34 (Pause)  
35  
36 We are going to take up Proposal No. 22  
37 because we have, in our continuing willingness to  
38 accommodate people's schedules and Eric is just here just  
39 for this time, so we're going to take this proposal out  
40 of turn. Go ahead. Staff analysis.  
41  
42 MR. BERG: Thank you, Mr. Chair. For the  
43 record, my name is Jerry Berg. I'm a fisheries biologist  
44 for the Fish and Wildlife Service. I'll be presenting  
45 the analysis for Proposal 22. The analysis for Proposal  
46 22 starts on Page 316 in your books, in your Federal  
47 Board books.  
48  
49 Proposal 22 is submitted by the AHTNA  
50 Subsistence Committee and requests that fyke nets be



1 allowed to harvest up to 1,000 salmon in Tanada Creek  
2 upstream of the weir and that incidental harvests of  
3 other fish be allowed.

4  
5                   The proponent stated that the current  
6 gear methods allowed in the Batzulnetas fishery are not  
7 efficient enough to harvest an adequate number of salmon  
8 to meet subsistence needs. The proponent suggests that a  
9 fyke net be allowed only after coordination with the  
10 Federal in-season manager. The definition of a fyke net  
11 in Federal regulation includes basket traps, which are a  
12 traditional funneling type device that has been used in  
13 Tanada Creek historically.

14  
15                   As many of you know, the Batzulnetas  
16 fishery has been used as a traditional fish camp by the  
17 AHTNA people for centuries. Copper River tributaries  
18 including Tanada Creek and the Copper River above Slana  
19 were closed to subsistence fishing by State regulation in  
20 1964. Tanada Creek remained closed to subsistence  
21 fishing through 1986 and most years from 1987 to 2000 the  
22 Batzulnetas fishery was permitted through State  
23 regulations established by court order in 1987.

24  
25                   In December of 2000, the Federal  
26 Subsistence Board established Federal subsistence fishing  
27 regulations for the Batzulnetas fishery. The Federal  
28 regulations require users to have a permit that allows  
29 the use of fishwheels, dipnets and rod and reel in the  
30 Copper River and dipnets, spears and rod and reel in  
31 Tanada Creek. Chinook salmon may be kept if caught in a  
32 fishwheel in the Copper River, but may not be taken if  
33 caught in Tanada Creek. There are no current harvest  
34 limits for sockeye salmon taken in the Batzulnetas  
35 fishery.

36  
37                   A similar proposal requesting the use of  
38 a fish trap and associated fyke net to harvest freshwater  
39 fish in Tanada Creek was submitted to the Federal  
40 Subsistence Board in 2002. The description of the fish  
41 trap consisted of a lead or fence stretched across a  
42 portion of the stream to guide the fish moving upstream  
43 into the fyke net or basket trap. Since fyke nets are  
44 allowed in the general statewide provisions and there are  
45 no gear restrictions for freshwater fish in Tanada Creek,  
46 by default this allows for the use of fyke nets for  
47 freshwater fish in Tanada Creek. When this was explained  
48 to the proponent, that proposal was withdrawn by the  
49 proponent in 2002.

50

1                   In Table 1 of the analysis, it summarizes  
2 the weir in aerial salmon survey data collected over the  
3 years for Tanada Creek and you can see that the sockeye  
4 salmon returns have been highly variable with counts as  
5 high as almost 29,000 fish in 1998 and as low as 128 fish  
6 counted in 1975. Chinook salmon counts through the  
7 Tanada Creek weir have typically been less than 10 fish  
8 per year, but have varied from 16 in 2001 to 0 in 2004.

9  
10                   There are also resident populations of  
11 grayling, whitefish and long-nose suckers in Tanada Creek  
12 and there do not appear to be any conservation concerns  
13 at this time for those species due to what is assumed to  
14 be a very low harvest for those fish.

15  
16                   The use of fyke nets or basket traps used  
17 at the Batzulnetas fishing site is the best documented  
18 use of this gear type in the Copper River drainage.  
19 Sockeye salmon harvest in the Batzulnetas fishery have  
20 varied widely over the years, as you can see in the  
21 harvest tables in Table 2 on Page 325, and the ratio of  
22 the number of fish harvested compared to the number of  
23 fish counted at the weir has ranged from 1 to 4 percent,  
24 as shown in Figure 1.

25  
26                   The take of chinook salmon has not been  
27 allowed in Tanada Creek since the closures in 1964.  
28 Allowing the use of a fyke net in Tanada Creek would re-  
29 establish the use of a traditional gear type for this  
30 historical fishery, daily coordination with the Federal  
31 in-season manager during the sockeye season will be  
32 critical to allowing the use of fyke nets. Establishing  
33 a 1,000 sockeye salmon harvest limit for fish caught in a  
34 fyke net should allow for sufficient subsistence harvest  
35 and adequate escapement in most years.

36  
37                   There are plans to review the existing  
38 Tanada Creek sockeye salmon escapement data this winter  
39 to assess the feasibility of establishing a management  
40 objective for Tanada Creek sockeye salmon. Allowing the  
41 harvest of incidentally caught fish could cause a concern  
42 for the small population of chinook salmon that return to  
43 Tanada Creek. To help protect the few chinook salmon  
44 that may be caught in a fyke net, they would need to be  
45 return to the water unharmed, which could only be  
46 accomplished if the nets were closely attended.

47  
48                   Mr. Chair, that completes my  
49 presentation. I'll be happy to answer any questions.  
50 Also, we have the Federal in-season manager, Eric Veach,

1 here to help answer questions.

2

3 Thank you.

4

5 CHAIRMAN DEMIENTIEFF: Written public  
6 comments.

7

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

16

17 Thank you, Mr. Chair.

18

19 CHAIRMAN DEMIENTIEFF: Thank you very  
20 much. Donna Pennington.

21

22 MS. PENNINGTON: Thank you, Mr. Chairman.  
23 Esteemed members of the Federal Subsistence Board.  
24 Again, I am Donna Pennington. I am from the Mentasta  
25 Lake area, which is the Tanada area that we are  
26 discussing now, where you may note there were no fish  
27 this year.

28

29 We call these basket traps tizani (ph).  
30 They have been used and they have been documented all the  
31 way back to Lt. Allen's voyage up the Copper River. I  
32 didn't have a chance to copy it, but Bill Simeone and  
33 James Carey did the Copper River subsistence evaluation  
34 2000 and the traditional knowledge report. On Page 9 of  
35 that report they listed 21 different ways to catch fish.  
36 All of them go back to ancient times, early prehistoric,  
37 including the bare-handed. Those of us up there, when  
38 you need to catch fish you'll use anything; spears,  
39 willows, your bare hands. Lt. Allen documented 57 people  
40 waiting for salmon at those weirs at Batzulnetas.

41

42 Our elder, Martha Jackson, from the  
43 Copper River once said the salmon are here because of how  
44 they were treated in the past. I'd like the Federal  
45 Subsistence Board to realize that the salmon are here  
46 because the Native people of Alaska have treated them  
47 respectfully for centuries. They still may disappear.  
48 We've had respect for our ecosystem for many, many years  
49 that we find a degradation to by other agencies. We live  
50 with statistical data now that is inaccurate. If you

1 look at the numbers, the weir counts don't match the  
2 camera counts, they don't match the harvest data. It's  
3 really hard for me, as a resident of mentasta to see how  
4 many fish are there on an average and how much we really  
5 get on an average. Those numbers need to be coordinated  
6 in a better method.

7  
8                   There's other things that affect whether  
9 we get salmon. The water depth, the weather, how warm it  
10 is and particular the escapement allowed up there. We  
11 look at the agency reports, but we're talking about  
12 empirical observation by centuries. I cannot agree with  
13 all the agency reports, but I will let you know they need  
14 to be clarified a little better.

15  
16                   The AHTNA people named all 14 species  
17 that are inventoried and we named all 21 separate stocks  
18 on the Upper Copper River. We know what we're talking  
19 about. Fifty percent of Mentasta's calories come from  
20 salmon and we didn't get any this year. I personally had  
21 11 silvers. I'll tell you they're only this big. That's  
22 not going to feed me all winter. They came from Tazlina.

23  
24                   Aligning the Federal regulations with  
25 State regulations also consistently hurts us. We are the  
26 poorest user on the river. The State of Alaska does not  
27 recognize rural preference, but as a user we need rural  
28 preference. We are being overrun a lot of times by  
29 Anchorage, the Mat-Su, the Fairbanks area. It's hard to  
30 compete for such limited river space with other users.

31  
32                   Regulations cannot benefit one group and  
33 I've testified to this before, but regulations cannot  
34 hurt one group. The village of Mentasta has been  
35 consistently hurt by the regulations, especially the past  
36 year. There needs to be some interagency cooperation.  
37 We did not get salmon, we did not get kings and now the  
38 Federal government is talking about eliminating public  
39 land  
40 5150, which eliminates 80 percent of our Federal hunt.

41  
42                   Now, I tell you from this little, tiny  
43 village we cannot sustain ourselves with all this  
44 negative -- the agencies are working against us, I feel.  
45 We're getting less and less. I recommend better  
46 communications, particularly with our tribal government,  
47 our local people. There's been no cross-cultural  
48 training and today, just the example of the fins thing.  
49 I eat fins. I eat the nose, you know. I eat the skin.  
50 To me that's edible and in times of starvation that might

1 be all I have.

2

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

8

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

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

28

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

37

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

45

46                   Thank you.

47

48                   CHAIRMAN DEMIENTIEFF: Thank you. Any  
49 questions. Judy.

50

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

5  
6 MS. PENNINGTON: It's about a half a mile  
7 from the weir. Also, just to describe the creek itself,  
8 just so people understand, it's about 30 feet wide. It's  
9 not very wide, but it's not too narrow, but it doesn't  
10 get much more than four feet deep in the area that we  
11 need. If we cannot put a fishwheel in there like this  
12 year with the channel moved and everything, we have no  
13 alternative in such shallow water. We need another  
14 method of being able to obtain our likelihood. Thank  
15 you.

16  
17 CHAIRMAN DEMIENTIEFF: Are we talking  
18 about a fish trap?

19  
20 MS. PENNINGTON: Yes.

21  
22 CHAIRMAN DEMIENTIEFF: Okay. I just  
23 wanted to make sure.

24  
25 MS. PENNINGTON: We call them tizani  
26 (ph), a basket trap.

27  
28 CHAIRMAN DEMIENTIEFF: Yeah, I know. I  
29 just was making sure that we got it all. They're  
30 entirely legal up in our country where I'm from, but  
31 they're considered unethical for some reason. I think  
32 they're efficient, is what they are. Go in there and get  
33 what you want and get out. Is that pretty much the  
34 practice?

35  
36 MS. PENNINGTON: Uh-huh. Thank you, Mr.  
37 Chairman.

38  
39 CHAIRMAN DEMIENTIEFF: Our good friend,  
40 Nick Jackson. While you're working your way up here, I  
41 just want to appreciate all the work you've done for  
42 people in Alaska in terms of your service. I just want  
43 to pay respect for that because I think it does need to  
44 be paid.

45  
46 Go ahead, Nick.

47  
48 MR. JACKSON: Thank you, Mr. Chairman and  
49 the Board. I want to thank you for this opportunity to  
50 come before you on this Proposal No. 22. I just want to

1 point out that this is traditional way of how they used  
2 to fish. Mentasta holds a culture week. I think they  
3 last for about 10 days or two weeks. Every year they  
4 take all the young people and have a cultural camp down  
5 there and to show them this traditional way of fishing.  
6 I sit on the AHTNA Subsistence Board, so that's why we  
7 supported this. It teaches the younger people how the  
8 old Natives used to harvest fish. That's where we come  
9 in and that's why we want to support this proposal. So  
10 that's what I want to point out, that this is their  
11 cultural way of harvesting fish.

12

13 That's all I had.

14

15 CHAIRMAN DEMIENTIEFF: Thank you very  
16 much. Any questions.

17

18 (No comments)

19

20 CHAIRMAN DEMIENTIEFF: Thank you, Nick,  
21 again. Regional Council recommendations.

22

23 MR. LOHSE: Mr. Chair. Southcentral  
24 Alaska Regional Advisory Council supported this with  
25 modification. The three modifications that we put in  
26 were to limit the use to only one fyke net and to be used  
27 only after consultation with the in-season manager to  
28 ensure adequate spawning escapement. In other words, to  
29 put it in when there were fish going through and not hit  
30 all portions of the run. Require the subsistence user to  
31 be present when the fyke net is actively fishing and to  
32 maintain that chinook salmon incidently caught in Tanada  
33 Creek be released unharmed to the water. We also stated  
34 that this would provide for minimum escapement since it  
35 appears that all the parties involved have agreed to work  
36 cooperatively. We support the proposal with these  
37 modifications.

38

39 CHAIRMAN DEMIENTIEFF: Thank you very  
40 much. Any other Regional Council comment. Go ahead,  
41 Eastern.

42

43 MR. BASSICH: Thank you, Mr. Chairman.  
44 The Eastern Regional Advisory Committee also supported  
45 this. We looked at all the presentations by Mr. Rod  
46 Campbell of the National Park Service and we came to the  
47 conclusion that this was a good proposal. What's not  
48 reflected here is we felt very strongly that it's  
49 important for the youth coming up to be exposed to and  
50 taught all of the traditional local harvest means and

1 methods.

2

3

Thank you, Mr. Chairman.

4

5

6

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

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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.

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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



1 the highly variable nature of the recent assessed  
2 escapement. Also we question how the manager will  
3 determine when to allow harvest when there are two  
4 separate spawning stocks from the lake outlet and the  
5 Tanana Lake shoal. At present, no discernible way to  
6 determine what a sustainable harvest on each one might  
7 be.

8  
9 Because the strength and timing of these  
10 stocks is highly variable, forecasting of such is very  
11 tenuous, we think. Additionally, we have no data on what  
12 the downriver harvest rates are for these stocks, which  
13 is information we feel is critical to evaluating the  
14 proposal. We considered that these concerns need to be  
15 addressed by modifying this proposal to include a  
16 detailed management plan for dealing with stock  
17 conservation during years of low sockeye runs.

18  
19 Our recommendation is that we do not  
20 support this proposal without a detailed management  
21 approach for the use of a fyke net when Tanada Creek  
22 sockeye salmon runs are low. We also have our area  
23 biologist here, who is certainly able to address  
24 questions that you may have of us.

25  
26 Thank you.

27  
28 CHAIRMAN DEMIENTIEFF: Thank you very  
29 much. We'll now advance to Board discussion. If there's  
30 questions of anybody who has come to produce things, then  
31 we have the right to call upon them.

32  
33 MS. GOTTLIEB: Mr. Chair. I guess I  
34 would just note for the record that fyke nets are legal  
35 gear in some of our other Federal fisheries. I think Mr.  
36 Chairman brought that up briefly, too. Eric, as the in-  
37 season manager and someone who has been running that weir  
38 for about five years, maybe you can speak to some of the  
39 specifics on how you envision that this process and  
40 fishery could work, please.

41  
42 MR. VEACH: Mr. Chairman. Ms. Gottlieb.  
43 I think to a certain extent we might have to learn as we  
44 go, but what I would kind of anticipate is that we would  
45 take a look at the daily escapement, certainly the  
46 cumulative escapement throughout the season and allow the  
47 users to harvest a portion of the cumulative escapement  
48 to that date at any point throughout the season.  
49 Certainly there's a number of people in this room and  
50 certainly within our Interagency Staff here that I think

1 could help us make a more detailed management plan, but I  
2 guess that would be sort of my shot from the hip as to  
3 how we might approach this.

4  
5 I would just really emphasize a couple of  
6 things. One, in running a weir in Tanada Creek the flows  
7 are extremely dynamic and we often struggle to get  
8 anything close to 100 percent count through the weir in  
9 years when we have high flows. It's very difficult to  
10 hold our \$50,000 floating weir that is manned by a crew  
11 of six essentially around the clock seven days a week in  
12 that channel and I would certainly envision that anything  
13 that is built that is probably less sophisticated,  
14 certainly that would lack the helicopter support that we  
15 have with our weir, folks may find that it is very  
16 challenging in some years to hold that fyke net in place.  
17 So I guess what I would see is that it would probably be  
18 utilized only for short periods when flows were very  
19 conducive to operating a fyke net.

20  
21 Along those lines I would mention that  
22 when the flows are low and a little more conducive to  
23 operating a fyke net, typically what we see, and I think  
24 you observed this, Ms. Gottlieb, is that we'll see fish  
25 schooling in some of the deeper pools downstream of our  
26 weir. So we can typically anticipate when we see a large  
27 number of fish really building up in those pools  
28 downstream that within the next coming few days or weeks  
29 that we'll see a strong push of fish through.

30  
31 As you know, we have a very strong  
32 working relationship with the users who fish at  
33 Batzulnetas and I think it would be easy for us to  
34 communicate with them that it appears that there's going  
35 to be a large pulse of fish coming and they should be  
36 prepared to fish shortly and I think they could have most  
37 of the structure of the fyke net in place and just insert  
38 the basket when they actually want to start fishing.

39  
40 So I think with that close communication  
41 they could take advantage of the large pulses of fish  
42 and, at the same time, when we didn't have a substantial  
43 number of fish moving through the weir we could also  
44 easily communicate to them that this wouldn't be a good  
45 time to fish until we see a larger pulse of fish coming  
46 upstream. Does that kind of answer your question?

47  
48 CHAIRMAN DEMIENTIEFF: Judy.

49  
50 MS. GOTTLIEB: Yes, that certainly goes a

1 long ways. And I guess would you also ask or request  
2 that harvest be recorded?

3

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

13

14 MR. EDWARDS: Mr. Chairman.

15

16 CHAIRMAN DEMIENTIEFF: Yes, Gary.

17

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

20

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

32

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

42

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

47

48 MR. VEACH: Through the Chair, Mr.  
49 Edwards. Typically what we've had at the Batzulnetas  
50 fishery, since we've started issuing Federal permits

1 there, is Katherine Martin has obtained one permit to  
2 fish there. So what I would anticipate -- Katherine was  
3 the proponent of this proposal and what I would  
4 anticipate is that she would still obtain the Federal  
5 permit, basically take responsibility for operating the  
6 fyke net, but other members of the community would assist  
7 her with that.

8  
9                   Actually, I spoke with Katherine this  
10 morning and she reiterated what she really wants to do in  
11 this case is typically just operate that fyke net during  
12 their culture camp, which usually occurs about the third  
13 week of July. So there's a number of family members that  
14 are down at the camp, but what I would anticipate is  
15 Katherine would obtain that permit, folks that are  
16 participating in the culture camp would probably fish and  
17 operate that fyke net, but Katherine would take  
18 responsibility for that.

19  
20                   MR. EDWARDS: One last question. What  
21 level of communication would take place with the resident  
22 State fishery biologist?

23  
24                   MR. VEACH: Certainly we would continue  
25 to coordinate closely with Tom Taube with the Alaska  
26 Department of Fish and Game. Right now Tom and I speak  
27 on a weekly basis typically, if not more often than that  
28 in-season, to regulate the periodic openings for the  
29 Chitina subdistrict and I would anticipate that we would  
30 continue to communicate that information with the same  
31 frequency that we currently communicate in managing both  
32 the Chitina and the Glennallen subdistricts of the Copper  
33 River.

34  
35                   CHAIRMAN DEMIENTIEFF: Go ahead.

36  
37                   MR. HEPLER: Thank you, Mr. Chairman.  
38 Since I'm new to this table, I just didn't want to break  
39 protocol here somewhere, so I'm not sure if I could ask  
40 questions during this time period. Ralph had a  
41 suggestion about having it limited to one fyke net, you  
42 know, dealing with the in-season manager and the  
43 Interagency Staff Committee agreed to that. Could you  
44 speak directly to that, whether or not you support what  
45 Southcentral came up with or not.

46  
47                   Thank you.

48  
49                   CHAIRMAN DEMIENTIEFF: Well, let me just  
50 speak to the one point right now. You are participatory

1 as far as being here, so you don't have to worry about  
2 interfering because we value your work, you and your  
3 staff, and we know what it takes to prepare for these  
4 meetings. So I just wanted to comfort you with that  
5 since you're kind of new. Go ahead.

6  
7 MR. VEACH: Through the Chair. If I  
8 understood the question, it was do I support the  
9 Interagency Staff Committee recommendation. Yes, I do.  
10 I also want to mention that I asked the proponent this  
11 morning if she thought the Interagency Staff Committee  
12 recommendation was reasonable and she did.

13  
14 MR. LOHSE: Mr. Chair.

15  
16 CHAIRMAN DEMIENTIEFF: Ralph.

17  
18 MR. LOHSE: I'd like to ask him a  
19 question because I think it would answer some of the  
20 fears that people have. What you were talking about by  
21 this management idea was that basically what you would be  
22 looking at is taking a portion. Now somewhere between  
23 your staff and Fish and Game and everybody you can come  
24 up with some kind of a percentage or something to that  
25 effect. What kind of proportion can be taken so that in  
26 a strong year you take a proportion, on a weaker year you  
27 take a different proportion. But basically you'll be  
28 looking at the count of the fish. You'll have a  
29 cumulative count of the fish going across the weir. It's  
30 not a case of taking the fish before they're counted,  
31 it's a case of taking fish after they're counted.  
32 Something like what they do at Chignik. So you should be  
33 able to manage it in a way that if it's a poor year you  
34 don't take all the fish because you can see what's  
35 happening.

36  
37 That's what we envisioned as a Council  
38 with the kind of things that we had put in place here and  
39 requiring close cooperation with the manager that the  
40 idea is this fyke trap is in back of a weir. We already  
41 know how many fish are through. So it should be pretty  
42 easy to come up with a percentage or something to that  
43 effect that allows you to manage without overharvesting  
44 the resource.

45  
46 MR. VEACH: Through the Chair, Mr. Lohse.  
47 That is correct. I might just mention that I think that  
48 one of the comments that has been made is that there  
49 would be some -- it could be a challenge for the users to  
50 take advantage -- when we see a large number of fish

1 actually moving through the weir, it could be challenging  
2 for the users to then actually put the baskets in place  
3 in the fyke net and catch those fish. That's what I see  
4 as probably one of the more challenging components of a  
5 management strategy now. But I think we're committed to  
6 working with the users for that communication and I would  
7 say for the first year or two we may kind of have to see  
8 how it goes.

9  
10 CHAIRMAN DEMIENTIEFF: Further  
11 discussion.

12  
13 MR. BSCHOR: Mr. Chair.

14  
15 CHAIRMAN DEMIENTIEFF: Yes.

16  
17 MR. BSCHOR: Just some clarification on  
18 my part. I want to be sure I know what we're talking  
19 about here relative to fyke nets. I understand that  
20 that's a system where you have basically wings that lead  
21 the fish into a box or a trap or something like that. Is  
22 that correct?

23  
24 MR. VEACH: Through the Chair. That's  
25 correct. Essentially a fyke net is sort of a funneling  
26 device that helps funnel the salmon into.....

27  
28 MR. BSCHOR: So I am familiar with that  
29 system because as a kid in the midwest my father fished  
30 with hoop nets, which have funnels and side nets, so the  
31 same type of thing. My question is about the incidental  
32 harvest and what is included in that because I remember  
33 as a kid we caught everything from turtles to big  
34 crawdads, to fish, you name it. The good news is none of  
35 those species while they were in the net were harmed.  
36 You could return them and there was little damage to the  
37 fish and to the animals.

38  
39 My question is what is the incidental  
40 harvest? What kind of species? I understand chinook is  
41 in there because the write-up says you want to make sure  
42 that those get returned. Anything else, any other  
43 species, and is there any kind of management relative to  
44 that that we need to be concerned about?

45  
46 MR. VEACH: Through the Chair, Mr.  
47 Bschor. Grayling would be the other species that we see  
48 migrating through the stream at times and I think a lot  
49 would depend on the actual mesh size that was used. In a  
50 lot of cases, certainly in the case with our weir, the

1 grayling just traveled right through the pickets and I  
2 would envision that's probably what's going to happen  
3 with the fyke net, too, but that's certainly something  
4 we'll keep track of and we can respond to if necessary.

5  
6 CHAIRMAN DEMIENTIEFF: Further comments.

7  
8 MR. EDWARDS: Mr. Chairman. I was just  
9 going to note that there's probably a pretty good  
10 rendition of a fyke net right up there on the wall.

11  
12 CHAIRMAN DEMIENTIEFF: Yeah, there's no  
13 doubt about that. I've had a pretty good indication of  
14 one of them on my arm before. It fell off the hook and  
15 went into the water and then all of a sudden it came out.  
16 It didn't like me very much. Ralph.

17  
18 MR. LOHSE: Mr. Chair. In response to  
19 his question on incidental catch, this whole idea of a  
20 fyke net is used by the Fish and Game at a lot of their  
21 weir sites to take fish for tagging and for sampling. I  
22 know we have one at Long Lake basically. They're just  
23 poles in the water, the same as the weir is, and small  
24 fish, Dolly's, small rainbow trout, grayling, suckers,  
25 they just go through the holes in it. If necessary, if  
26 you find that incidental catch is a problem, you can  
27 always ask that an escape panel be put in, just like put  
28 in a crab pot or something like that. The small fish  
29 will find their way out. There's no problem that way.

30  
31 CHAIRMAN DEMIENTIEFF: Thank you. Judy.

32  
33 MS. GOTTLIEB: Mr. Chairman. I'd like to  
34 move to adopt the Southcentral Regional Advisory  
35 Council's recommendation to allow the use of the fyke net  
36 with the three limitations and conditions placed on this.

37  
38 CHAIRMAN DEMIENTIEFF: Is there a second  
39 to the motion.

40  
41 MR. BSCHOR: I second.

42  
43 CHAIRMAN DEMIENTIEFF: So what happens if  
44 you catch more than three? Are you all of a sudden a  
45 criminal? I'm serious.

46  
47 MS. GOTTLIEB: Mr. Chair. I think we  
48 have been presented with substantial evidence that this  
49 opportunity can be managed and would be a really valuable  
50 experience in terms of cultural traditions as well as the

1 practicality of hopefully getting some food for people as  
2 well. So I look forward to the groups working closely  
3 together to make this proposal work.

4  
5 CHAIRMAN DEMIENTIEFF: Thank you.  
6 Anybody else.

7  
8 (No comments)

9  
10 CHAIRMAN DEMIENTIEFF: No further  
11 discussion. Are we ready for the question. All those in  
12 favor of the motion please signify by saying aye.

13  
14 IN UNISON: Aye.

15  
16 CHAIRMAN DEMIENTIEFF: Those opposed.

17  
18 (No opposing votes)

19  
20 CHAIRMAN DEMIENTIEFF: Motion carries.

21  
22 MS. GOTTLIEB: Mr. Chair. If I might, on  
23 behalf of the Park, I guess I would invite any of the  
24 Board Members or State or Federal Staff who haven't seen  
25 the weir to come out and see that aspect of the  
26 operation.

27  
28 CHAIRMAN DEMIENTIEFF: Okay. We did say  
29 we were going to take up testimony on consent agenda  
30 items and we have a number of requests, as I informed you  
31 before lunch with regard to that and I think we're going  
32 to go back to that and I'll just have Tom call these  
33 people up with regard to consent agenda items, which is  
34 mostly focused on Proposal No. 3.

35  
36 MR. BOYD: Mr. Chair. I think the  
37 question before the Board would be whether or not to take  
38 Proposal 3 off the consent agenda. I haven't counted  
39 them recently, but I think at last count there were at  
40 least 10 people who were interested in Proposal 3 and I  
41 would suggest, Mr. Chair, that those who are interested  
42 wish to testify to the question of whether or not it  
43 should remain on the consent agenda, then they do so at  
44 this time, but not necessarily approach the merits of it  
45 until we take it up. I can call them by name if that's  
46 what you desire.

47  
48 CHAIRMAN DEMIENTIEFF: I think we just  
49 need to get the request on the table. If somebody  
50 requests that we remove it from the consent agenda, then



1 I think we can reserve their testimony until the time  
2 that we deliberate the matter, if that's agreeable with  
3 the Board. Just call whoever you've got first.

4  
5 MR. BOYD: Mr. Chair. The first person  
6 who has requested to address Proposal 3 is Mr. Alexie  
7 Walters.

8  
9 MR. WALTERS: Yeah, I'm from Mountain  
10 Village, which is about 84 miles from the mouth of the  
11 Yukon. You know, I've had various people confront me  
12 back home about these fishing schedules, mandated  
13 windows. Not so much the commercial windows, but the  
14 subsistence windows. If there's any way to modify it or  
15 not just eliminate it completely to where it would give  
16 the subsistence fishermen a chance to reach their goals  
17 the early part of the season. You know, when you get  
18 those openings, you get a little tab here, a little tab  
19 here, depending on where you're located in your district,  
20 Y-1 or Y-2. It puts a burden on some of those elders  
21 that are trying to meet their goals with no decent help.

22  
23 CHAIRMAN DEMIENTIEFF: Let me just ask  
24 you a question. Would you like it taken off the consent  
25 agenda so that we can discuss this matter fully?

26  
27 MR. WALTERS: Yeah, maybe that would be  
28 better.

29  
30 CHAIRMAN DEMIENTIEFF: Okay. Because  
31 then you'll have an opportunity to come back and talk to  
32 it in specifics.

33  
34 MR. WALTERS: Okay. That would be good.

35  
36 CHAIRMAN DEMIENTIEFF: As a Board Member,  
37 I will agree that we will take this matter off the  
38 consent agenda and I'm sure probably other Board Members  
39 would too. So you will have the opportunity to come back  
40 and speak to your specific issues, okay.

41  
42 MR. WALTERS: That would be good.

43  
44 CHAIRMAN DEMIENTIEFF: So we're not going  
45 to deprive you of that.

46  
47 MR. WALTERS: All right. Thanks.

48  
49 CHAIRMAN DEMIENTIEFF: So by the Chair's  
50 request, it will come off the consent agenda and we will

1 talk about it. (Pause) We're just going to take a moment  
2 because when we take something off of the consent agenda,  
3 we have to consider it and we're going to line up our  
4 Staff to make sure we're ready. We're not taking a break  
5 now. (Pause) The Don says he's ready to go, so we'll  
6 get the Staff analysis and we'll deliberate this. Be  
7 assured that we have a whole bunch of people that are  
8 signed up to testify. Every one of you will get heard,  
9 but we are going to go with the Staff analysis right now.

10

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

17

18 The Staff analysis for Proposal FP06-03  
19 begins on Page 137 in your Board book. Proposal 06-03  
20 was submitted by the Western Interior Regional Advisory  
21 Council and it requests that the Federal windowed  
22 subsistence fishing schedule in the Yukon River for the  
23 harvest of Chinook salmon begin on May 15th.

24

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

36

37 The Alaska Board of Fisheries adopted the  
38 windowed fishing schedule for the 2001 season to provide  
39 closed period for salmon to pass through sections of the  
40 river with reduced harvest. The windowed schedules  
41 implemented early in the season to, one, limit harvest  
42 when there is much higher uncertainty of total run size;  
43 two, distribute the harvest throughout the run; and,  
44 three, spread the harvest opportunity among all  
45 subsistence users in the Yukon River.

46

47 Federal and State in-season managers  
48 develop the regulatory subsistence fishing schedule,  
49 including the start date, and a pre-season management  
50 strategy each year prior to the fishing season, usually

1 in April. The windowed subsistence fishing schedule is  
2 implemented chronically, consistent with migratory timing  
3 as the chinook salmon move upstream. For the first five  
4 years, 2001 to 2005, that the windowed fishing schedule  
5 has been in place, the schedule has been implemented each  
6 year in District 1 between May 29th and May 31st.

7  
8 The first chinook salmon generally arrive  
9 at the Yukon River mouth shortly after river ice breaks  
10 up and moves out. At the start of the fishing season,  
11 effort is normally low because fishermen are just trying  
12 to harvest the fresh fish for dinner. Intensive fishing  
13 effort usually occurs later, after fish camp preparations  
14 have been made and the salmon runs are well underway.

15  
16 The timing of salmon entering the river  
17 depends on several factors, including run size, water  
18 temperature and wind direction. Many subsistence  
19 fishermen believe that an early river breakup means the  
20 chinook run will also be early. When breakup is late,  
21 chinook salmon come in late. The average Yukon River  
22 breakup at Alakanuk from 1983 through 2004 was on May  
23 23rd. In 2005, the chinook salmon run appeared to have an  
24 average run timing. The first reported chinook salmon  
25 harvest in 2005 was on May 25th. As of June 5th, 2005,  
26 subsistence salmon fishing effort in the lower river was  
27 low due to high water and fast water conditions.

28  
29 If adopted, this proposal would increase  
30 the effectiveness of the current windowed fishing  
31 schedule if large numbers of chinook were present prior  
32 to the start of the windowed schedule. However, the  
33 fishing effort and chinook salmon harvest in the lower  
34 Yukon River during May is likely small because salmon are  
35 generally not abundant in the river until the first part  
36 of June. The high cost of gasoline is causing many  
37 fishermen to wait until the chinook salmon run is fully  
38 underway and fishing becomes more efficient and cost-  
39 effective. Fishing early in the season when the water is  
40 high and the river is full of debris can result in lost  
41 and damaged nets and a lower probability of success.

42  
43 This proposal would start the windowed  
44 subsistence fishing schedule on May 15th for Federal  
45 users only, that's an important part to remember, and  
46 make fishing regulations in Federal public waters more  
47 restrictive than in State waters.

48  
49 Thank you, Mr. Chair. That's the end of  
50 my presentation.

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

3  
4 MR. RIVARD: Yes, Mr. Chair. On Page 136  
5 there are two written public comments. One is to oppose  
6 and one is to support. The Lower Yukon Fish and Game  
7 Advisory Committee opposes the proposal and they state  
8 that if this proposal is adopted it could end up  
9 restricting subsistence users to two 36-hour fishing  
10 periods per week, earlier than the beginning of the  
11 windowed schedule, which could hurt upriver Yukon  
12 fishers. There are not very many fishers in that area  
13 during May, but currently fishers in that area can  
14 harvest fish seven days per week during this time. If  
15 this proposal were adopted, it would prompt the ADF&G in-  
16 season managers to begin the windowed fishing schedule  
17 earlier and they would probably support this proposal.  
18 There are also other fisheries that occur during this  
19 time of the salmon season which can be adversely impacted  
20 by this proposal. The Alaska Department of Fish and Game  
21 reported that they begin their field work with the Yukon  
22 River breakup. The Advisory Committee prefers the status  
23 quo.

24  
25 Mike Moses supports this proposal. He  
26 says I have no objection to allow the use of king salmon  
27 gear starting on May 15th. Current regulations allow  
28 subsistence king salmon harvest providing that the dorsal  
29 fin is removed. This special provision should be  
30 mandated only when commercial salmon fishing is  
31 announced. I have not seen anyone remove their dorsal  
32 fins from subsistence harvested king salmon.

33  
34 Thank you, Mr. Chair.

35  
36 CHAIRMAN DEMIENTIEFF: Thank you. I  
37 guess I would be really seriously amiss if I didn't  
38 compliment the Staff resiliency and being able to adjust  
39 to situations that we're dealing with, so I just want to  
40 thank you very much for your participation in this.

41  
42 With that we have public comments. We  
43 have Alexie Walters.

44  
45 MR. WALTERS: Thank you, Mr. Chairman.  
46 As I stated earlier, I have a problem with those windows  
47 due to the fact that, you know, when we gear up to go  
48 tend to our fish camps not everybody has the 9:00 to 5:00  
49 jobs or have a permit. There are people out there that  
50 are struggling to make things meet and family size. They

1 rely on that subsistence fish. The water temperature  
2 change over the years and the fish that do come into the  
3 river, you know, are not the same as years ago. The  
4 water stage differs, high water, low water, at times.  
5 Inflation, mainly gas, and those people I just stated  
6 that don't have 9:00 to 5:00 jobs, you know, are  
7 struggling with debt. As we talk now, they're having a  
8 hard time at home. Not only at home, all around. We've  
9 got to take those into consideration.

10

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

20

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

31

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

43

44 There's other issues that fit in there.  
45 When it affects your livelihood, it affects the whole  
46 family. There's chaos and whatever in the family when  
47 things are not to par with anything. A hungry family is  
48 no good. We all know that. Mainly our elders that are  
49 having a hard time out there in their camps with no  
50 decent help, you know, it's pretty rough on them.

1 There's been people asking around to buy fish, so you can  
2 tell by that they didn't do so good last summer. When  
3 Natives start buying fish from each other, something is  
4 wrong. That never used to exist before.

5  
6 I hope the panel and the Board and  
7 whoever makes these decisions will come up with a  
8 solution. I don't want to see those windows completely  
9 go away. They're there for a reason. We've got to  
10 balance it right somewhere along the road. Where there's  
11 a will, there's a way, they always tell me.

12  
13 Thank you.

14  
15 CHAIRMAN DEMIENTIEFF: Wait a minute,  
16 please. I was looking to buy some fish for tonight. You  
17 don't have any?

18  
19 MR. WALTERS: No, I can't spare you none.

20  
21 CHAIRMAN DEMIENTIEFF: I'm just joking.  
22 I'm just joking. Don't worry about that. But that's not  
23 the real point. You touched on it, but I want to hear  
24 again, even though we've heard it before, about the  
25 limited opportunity that you have to dry fish for the  
26 winter.

27  
28 MR. WALTERS: From the beginning again?

29  
30 CHAIRMAN DEMIENTIEFF: In early season,  
31 that's what I want.

32  
33 MR. WALTERS: Well, you've got to live  
34 out at camp to really -- you know when to put them up.  
35 You're there with them. You've got the VHF radios, the  
36 communication. You can hear a lot of fish in Black River  
37 coming up the river. Also people call down from upriver  
38 inquiring about how the runs are down there. You can  
39 just gauge. They get ready for it. There's telephones,  
40 there's relatives calling relatives, you know, and  
41 updating them on how things are down below. When you're  
42 ready, you go out and get them the best you can unless  
43 you've got water problems.

44  
45 That's another thing. When a poor guy  
46 breaks down, he loses out the whole period or two  
47 periods. Those things are there. There's other  
48 problems, too. Health, welfare of a family man that's  
49 trying to put up his fish and then finally he's able to  
50 go out there and those windows sure mess him up. There's

1 an area where you can put up your fish really good in the  
2 summer. Fish don't stop swimming. Once they're going up  
3 river, they're heading up. They don't stop for nobody.  
4 There's an area where flies bother your fish and it's  
5 real hard to dry fish around those areas. So it's better  
6 to start earlier in the season to really stockpile your  
7 needs.

8

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

11

12 (No comments)

13

14 CHAIRMAN DEMIENTIEFF: Thank you very  
15 much.

16

17 MR. WALTERS: Thank you.

18

19 CHAIRMAN DEMIENTIEFF: Becca Robbins.

20

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

30

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

39

40 Thank you.

41

42 CHAIRMAN DEMIENTIEFF: Thank you very  
43 much. Any questions.

44

45 (No comments)

46

47 CHAIRMAN DEMIENTIEFF: Jason Burkowski.

48

49 MR. BURKOWSKI: Thank you, Mr. Chair.  
50 Members of the Board. My name is Jason Burkowski. I'm

1 from Mountain Village. I'm a subsistence user and a  
2 member of the Board of Directors of Yukon Delta Fisheries  
3 Development Association. I oppose Fisheries Proposal 06-  
4 03 subsistence windows starting May 15 because I live out  
5 there. We're not out there fishing 24 hours a day, seven  
6 days a week. We go out, make one or two drifts and go  
7 home. If there's no fish, we'll try again later or the  
8 next day. When the fish are running, we'll catch all we  
9 need in one or two drifts.

10

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

19

20 Thank you, Mr. Chair.

21

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

27

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

32

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

39

40 Thank you very much, sir.

41

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

44

45 (No comments)

46

47 CHAIRMAN DEMIENTIEFF: Thank you. Marvin  
48 Paul.

49

50 MR. PAUL: Mr. Chairman. Fellow Board



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

11  
12 There's a lot of other factors. A lot of  
13 them have to wait until the end of the month to get their  
14 Social Security checks by the first week of the month,  
15 you know, to get the things that they need. Right now  
16 the cost of gas is just so much that they have to plan  
17 carefully. If they're going to do this, they're not just  
18 going to go out and fish after the ice moves off.  
19 Usually there's a lot of debris coming down from the  
20 river and the water is high and sometimes it's not good  
21 to have a setnet out there when the water is too high.  
22 Why have a net out there. And sometimes a lot of the  
23 users down in the lower Yukon have to wait for the right  
24 time.

25  
26 For raw data to come from Hooper Bay and  
27 coming down to Sunshine Bay -- no, to Scammon Bay.  
28 Hooper Bay, Scammon Bay and it goes right from the lower  
29 area on up to the river. By that raw data, that's how  
30 our people go out and get their fish. Why have it open  
31 on the 15th when we know that there's hardly any fish  
32 coming through there. I think the Board needs to  
33 consider raw data that's coming from the lower area as it  
34 moves up, that they should consider that as a way of  
35 determining, you know, opening for subsistence catch.  
36 That's it.

37  
38 CHAIRMAN DEMIENTIEFF: I think the one  
39 thing we have to know is that we do have that in-season  
40 capability to make those decisions as far as we are  
41 concerned. Just like the Department does, we all have  
42 in-season capabilities. What you were referring to was  
43 like the raw data. That may be the way you phrased it,  
44 but I'm just saying it's on the ground information that  
45 we need in order to make decisions. Okay?

46  
47 MR. PAUL: Yes.

48  
49 CHAIRMAN DEMIENTIEFF: That's all I'm  
50 saying. Any other questions or comments.

1 (No comments)

2

3 CHAIRMAN DEMIENTIEFF: Thank you very  
4 much.

5

6 MR. PAUL: Thank you.

7

8 CHAIRMAN DEMIENTIEFF: Ragnar Alstrom.

9

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

25

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

35

36 Thank you.

37

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

49

50 Francis Thompson.

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

7  
8 First of all, I'd like to thank you for  
9 hearing the folks out here and putting this issue on the  
10 table for testimony although it was recommended to  
11 oppose. I think we are hearing various concerns and it's  
12 good to listen to the public, you know, other than Staff  
13 and those folks that you deal with. I'd like to put on  
14 the record that I oppose FP06-03 starting fishing  
15 schedule allowing use of king salmon gear May 15th. Many  
16 folks on the Yukon oppose windows fishing and this issue  
17 of windows will be discussed in the State of Alaska Board  
18 of Fish in 2007.

19  
20 The average subsistence user in essence  
21 had their own windows fishing because they caught fish  
22 that they can process in a couple of days. Windows  
23 fishing right now forces harvesters to catch as much as  
24 they can within the two 36-hour periods. Sometimes when  
25 you're out there on a windows scheduled opening there's  
26 so many people out there trying to catch their fish that  
27 at times there's more subsistence fishermen out there  
28 than there is when there is a commercial fishing opening.

29  
30 Folks on the Yukon catch what they need  
31 for their subsistence needs, no more, no less. What  
32 needs to be done is we need to get data to find out what  
33 is being harvested for subsistence throughout the whole  
34 drainage. I know in the past my old man John Thompson  
35 and Panni Alexie from Hold Cross did subsistence harvest  
36 surveys from the Canadian border down to the Yukon. They  
37 went from fish camp to fish camp actually going into the  
38 smoke houses and counting fish and that's how they got  
39 their data then.

40  
41 Right now the subsistence harvester  
42 defined by the Federal qualification is a rural resident.  
43 On the State, the subsistence harvester is eligible if he  
44 or she is an Alaska resident. Since making it legal to  
45 sell processed salmon, how much was sold, what was the  
46 estimate value we have not determined and probably will  
47 not for a long while. Like I mentioned in the past, when  
48 you insert cash value to subsistence for sale, there's  
49 going to be abuse and that has already occurred.

50

1 I would like to mention that there is  
2 legal activity where unprocessed salmon is being shipped  
3 out of the Yukon River. I'd like to mention this because  
4 folks in my area told me to mention this, that we need  
5 enforcement on subsistence. Last year there were four  
6 commercial fishermen with Anchorage address shipping out  
7 at least 2,000 pounds of king salmon, whole. They fished  
8 every windows opening in Districts 1 and 2. We called  
9 the authorities about this activity, but nothing was  
10 done. What we are asking for is Federal enforcement.

11  
12 With that, I'd like to say Happy New  
13 Year, broznigo (ph) and a late Merry Christmas.

14  
15 Thank you.

16  
17 CHAIRMAN DEMIENTIEFF: I want to thank  
18 you for your testimony. Because of all the years we've  
19 spent together, and I told you that the last time you  
20 testified with regard to your father, I did go over there  
21 to visit him. I don't know if you heard or not. I told  
22 you I was going to and I did because I didn't know he was  
23 still in the hospital at that time. It's because of the  
24 dedication of families that we get the advice that we  
25 need to hear, so I just want to express my appreciation.  
26 Are there any questions.

27  
28 MS. GOTTLIEB: Mr. Chair.

29  
30 CHAIRMAN DEMIENTIEFF: Judy.

31  
32 MS. GOTTLIEB: I guess I was going to ask  
33 also, and thank you for your comments, if there are other  
34 species besides salmon that are caught in those early  
35 couple of weeks.

36  
37 MR. THOMPSON: Subsistence fishing starts  
38 -- it's year round. Under the ice and when the ice moves  
39 out. Sheefish, whitefish, are targeted in the spring and  
40 throughout the winter. It was mentioned the first week of  
41 June is when the salmon come into the river and Mr.  
42 Walters mentioned there's a certain time that you need to  
43 process your fish because of weather conditions and other  
44 things that would ruin your harvest. I'd like to mention  
45 one of our elders, when he was talking, this is (Native)  
46 George talking to the young folks, he said if you want  
47 good fish, you start early. Otherwise, if you start  
48 late, you're going to get into the summer rains and the  
49 flies. That was the recommendation from the elder.

50

1 CHAIRMAN DEMIENTIEFF: But, again, that's  
2 subsistence, is that correct? You're talking about the  
3 food that you're putting up for the winter.  
4  
5 MR. THOMPSON: Yes.  
6  
7 CHAIRMAN DEMIENTIEFF: You start early.  
8  
9 MR. THOMPSON: Yes.  
10  
11 CHAIRMAN DEMIENTIEFF: So even though  
12 your area is a commercial area, you put up your fish  
13 first.  
14  
15 MR. THOMPSON: Yes.  
16  
17 CHAIRMAN DEMIENTIEFF: Any other  
18 questions. Ron.  
19  
20 MR. SAM: I just have one question. Do  
21 you have a firm number on how many of the subsistence  
22 fishermen and the commercial fishermen are one and the  
23 same? Do you have quite a few?  
24  
25 MR. THOMPSON: There's about 60 permit  
26 holders and about 100 households. Of the 100 households,  
27 I'd like to say about 80, which includes the commercial  
28 fishermen putting away subsistence fish. You've got to  
29 remember within the last 10 years there's very limited  
30 commercial activity. There's also mention that  
31 commercial fishing and subsistence fishing are tied on  
32 the lower river because in order to go get subsistence  
33 food we need the cash. On the lower river we're very  
34 cash poor. We don't have industry and 80 percent, at  
35 least within our community, is receiving welfare  
36 benefits. So the commercial fisheries, you know, they're  
37 tied together.  
38  
39 MR. SAM: Does the whole Y-K Delta  
40 realize that this proposal addresses the chinook salmon  
41 species only? Are you aware of this?  
42  
43 MR. THOMPSON: Yes, we are aware and we  
44 oppose any further restrictions or any new proposals that  
45 affect the lower river. If the lower river is so  
46 regulated and for the last five, 10 years, if you look at  
47 the number of proposals that have come in, they're always  
48 affecting Districts 1, 2 and 3. I'm sure the battle  
49 won't end. It's going to continue.  
50

1                   In my testimony I was going to mention  
2 that the Federal Subsistence Board has 10 sons and three  
3 of them live on the Yukon. They're the Y-K RAC, the  
4 Western RAC and the Eastern RAC. We need to learn to  
5 live together and work towards the betterment of our  
6 people and come up with positive proposals that will help  
7 everybody on the river. Our concern is stability and the  
8 fish coming back. That's everybody's concern on the  
9 Yukon.

10

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

17

18                   MR. THOMPSON: Yes. And chums.

19

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

26

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

35

36                   CHAIRMAN DEMIENTIEFF: When the weather  
37 is good.

38

39                   MR. THOMPSON: When the weather is good.

40

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

44

45                   MS. GOTTLIEB: Mr. Chair. I think maybe  
46 we'll just want to recognize and remember your offer to  
47 work together up and down the river because I think we  
48 may want to come back to that discussion later on and I  
49 appreciate that offer.

50

1 MR. THOMPSON: Mr. Chairman, I'd like to  
2 thank you for the mention of my father, John Thompson.  
3 He's been back in St. Mary's since May and since May he's  
4 been doing all the projects that he said he would do  
5 tomorrow.

6  
7 Thank you.

8  
9 CHAIRMAN DEMIENTIEFF: Thank you very  
10 much. Regards. Pete Peterson.

11  
12 MR. PETERSON: Thank you, Mr. Chairman.  
13 Good afternoon. I also oppose this 03 proposal. Most of  
14 the reasons were given already, but the one thing -- you  
15 know, whether we're working year round or not, we like to  
16 have our dry fish put up and according to the schedule  
17 that they have, there's no weekend schedule, so the  
18 people that are working are practically left out because  
19 they can't do it on the weekdays because they're working.  
20 When they're off on the weekends, there's no opening,  
21 period, for them. That's one of the reasons why I'm  
22 opposed to it.

23  
24 The rest of it are given by those other  
25 people that were talking already. That 15th of May  
26 opening is just too early. Maybe once in a 100 years the  
27 ice might come out that early, but most of the time  
28 people are still running around with snowmachines out  
29 there, especially out in the coast. While we're still in  
30 the river 85 miles from the mouth, we'd be running around  
31 with a boat and out in the coast they'd be running around  
32 with a snowmachine. So opening that thing on the 15th  
33 wouldn't help nobody anywhere out there in any way.

34  
35 I'm with everybody that was talking about  
36 putting up fish early. That's very important that we put  
37 up our fish early to catch that good weather before it  
38 turns sour. The later part of June it gets maybe windy  
39 and rainy and you can't dry nothing.

40  
41 The other thing that affects us is when  
42 the weather is bad, when we have to fish on Wednesday  
43 night or Tuesday night, whenever, and the weather is bad,  
44 we can't even go out there because the river is wide out  
45 there, it gets really rough and you can't do nothing.  
46 Especially if you're an elder, you can't do nothing.  
47 That's why we're opposed to all this. I think most of  
48 it's covered by these other people that came before me.

49  
50 CHAIRMAN DEMIENTIEFF: Thank you. Any

1 questions. I really appreciate that because I know at  
2 home the first run are the ones you want to put up for  
3 the winter.

4

5 MR. PETERSON: Yes.

6

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

11

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

26

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

34

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

40

41 Thank you, Mr. Chairman.

42

43 CHAIRMAN DEMIENTIEFF: Thank you. Any  
44 questions or comments.

45

46 (No comments)

47

48 CHAIRMAN DEMIENTIEFF: Again, we  
49 appreciate you taking the time and the effort to get here  
50 to talk to us because sometimes we -- well, no, actually



1 all the time we need that guidance from people who are  
2 living the life.

3  
4 Thank you.

5  
6 MR. PETE: Thank you, Mr. Chair.

7  
8 CHAIRMAN DEMIENTIEFF: Billy Charles.

9  
10 MR. CHARLES: Thank you, Mr. Chairman.  
11 My name is Billy Charles. I'm from Emmonak, in the Yukon  
12 Delta, right at the mouth of the Yukon. I don't have a  
13 prepared statement, but for the record I'd like to say  
14 that I would oppose this for the reasons that were  
15 brought before, those people from Alakanuk, St. Mary's  
16 and Emmonak. I would support it if it can be reinforced.  
17 I'd like to see some enforcement officers out there  
18 making sure that we have our gears out from under the  
19 ice. I guess what I'm saying is it does not make any  
20 sense.

21  
22 Thank you, Mr. Chairman.

23  
24 CHAIRMAN DEMIENTIEFF: Thank you very  
25 much. If you do have a written statement, would you  
26 please give it to the recorder over there so we can enter  
27 it into the record and I appreciate your comments.

28  
29 MR. CHARLES: Thank you, Mr. Chairman.

30  
31 CHAIRMAN DEMIENTIEFF: Raymond Waska.

32  
33 MR. WASKA: Thank you, Mr. Chairman. My  
34 name is Ray. I oppose this FP06-03 because we don't have  
35 no open water on May 15th downriver, so I oppose this.  
36 It would be okay for upriver because the water is clear  
37 -- the ice is clear, I'm sorry, but downriver we still  
38 have ice on May 15th. The earliest breakup we have is  
39 May 23 or later.

40  
41 What I was going to say has already been  
42 spoken by those others, my colleagues. I'm opposing this  
43 here. They were talking about subsistence. We need to  
44 have our subsistence. Whenever there's open water, as  
45 long as the ice clears, there's people out there,  
46 especially or elders putting nets out trying to get the  
47 fish. The earlier the better.

48  
49 Thank you.

50

1 CHAIRMAN DEMIENTIEFF: Any questions or  
2 comments.

3  
4 (No comments)

5  
6 CHAIRMAN DEMIENTIEFF: Thank you again,  
7 as I tried to thank all of you people for taking the time  
8 and the effort to get here because I know what it takes  
9 to get here. Thank you.

10  
11 (Pause)

12  
13 CHAIRMAN DEMIENTIEFF: I think we're  
14 going to go ahead and take a break. We have 15 people  
15 that are signed up on No. 4. Because of the time and  
16 effort it takes for people to get here and since these  
17 are the two most highest interest ones, we're going to do  
18 No. 4 today, but right now we're going to take a short  
19 break.

20  
21 (Off record)

22  
23 (On record)

24  
25 CHAIRMAN DEMIENTIEFF: Even though any  
26 issue could get real tough at any given moment, we expect  
27 probably 3 and 4 to be our toughest ones. What I'm  
28 hoping we can do is make a resolve on No. 3 and go  
29 through process on No. 4 and call it a day because it's  
30 getting that time of day. The rest of the meeting could  
31 go smooth, depending on who's acting up, so we'll address  
32 it. We're ready to go on No. 3 now. Council  
33 recommendation on No. 3.

34  
35 Go ahead, Ron.

36  
37 MR. SAM: Thank you, Mr. Chairman.  
38 You'll note that we did table the proposal because of the  
39 good runs the last two years, which rendered this  
40 proposal moot, but we want to keep this issue alive  
41 because with all the concerns being expressed worldwide  
42 now about global warming in all the conferences and  
43 summits up to and including the ice flow habitat for  
44 polar bears being addressed, we expect this ice-free  
45 Bering Sea and Arctic Sea to be closely watched and  
46 that's how come we kind of submitted this again.

47  
48 However, if you remember back about six  
49 or seven years ago when we did have those poor runs with  
50 little or no salmon in the upper rivers, both Chairman

1 Craig Fleener of Eastern Interior and I submitted a  
2 special action request to address this issue. Again, as  
3 with most of our Y-K Delta people and our Chairman here,  
4 it's clear now that throughout the river system,  
5 especially the Yukon River system, that our main concern  
6 is the escapement goals and the preservation of our  
7 chinook salmon.

8  
9 Again, this proposal only addresses  
10 chinook salmon. It kind of bothers us in the upper river  
11 that while we haven't seen a chinook salmon or silver  
12 salmon or chum salmon, we get notices all the way up the  
13 Yukon River and its tributaries and all the way up the  
14 Canadian border that commercial fisheries are in full  
15 swing in Y-1, Y-2 and Y-3, but we haven't seen salmon  
16 one. Our main concern again with addressing the first  
17 run, the first pulse, which is the strongest and which is  
18 the most sought-after.

19  
20 Again, we tabled it simply because we  
21 wanted to address the issue on down the line if we feel  
22 the need to. Thank you, Mr. Chair.

23  
24 CHAIRMAN DEMIENTIEFF: Thank you. You  
25 don't know how much I appreciate that because what you're  
26 saying is your willingness to work with the other users.  
27 I'm just reading it my own way. Is that correct?

28  
29 MR. SAM: Yes, that is correct. You know  
30 that while we didn't accomplish much with our tri-council  
31 meeting at Wasilla, which consisted of the Yukon, middle  
32 Yukon and the upper Yukon system, we always want to keep  
33 our doors and windows open, our communication lines open  
34 and work towards some better solutions and work more  
35 closely along these lines, addressing the same issue.

36  
37 CHAIRMAN DEMIENTIEFF: Thank you and I  
38 congratulate you on that. Go ahead. Eastern.

39  
40 MR. BASSICH: Thank you, Mr. Chairman.  
41 The Eastern Interior Regional Council reviewed this and  
42 as is reflected here under Robert's Rules of Order, if a  
43 motion is tabled at the end of the meeting, the motion  
44 fails, recognizing that we basically asked that no action  
45 be taken on this. Also, we very strongly feel that all  
46 the fishermen along the river need to address this issue.  
47 It's a combined issue from the lower river all the way up  
48 to the Canadian border and even into Canada, even though  
49 our jurisdiction here doesn't affect the Canadians, it's  
50 a very strong concern in Canada as well.

1                   Also, at our discussion at our meeting we  
2 felt that people should not be penalized. Subsistence  
3 fishermen should not be penalized for putting up with the  
4 hardships of high water and high debris. If they so  
5 choose to try and obtain food for their winter  
6 subsistence harvest, that they should not be penalized to  
7 go out and try and get an early start. And also we  
8 recognize that early in the year was a very important  
9 time of year for the drying process for those people  
10 meeting their subsistence needs.

11  
12                   However, we do recognize and it's been  
13 stated quite often at our meetings that the windows  
14 process is probably the best tool that management has to  
15 assure quality of escapement at this time and quality of  
16 escapement is the number one priority in the fisheries  
17 issues for our RAC at this time. So we do want to have  
18 it on the record that windows is a very effective tool.  
19 We are seeing a difference since it has been implemented  
20 up into our regions with an increase in the quality of  
21 escapement. However, we feel there's still a lot of work  
22 that needs to be done, but we have seen a positive effect  
23 due to windows and we want to make sure that that is  
24 recognized by all.

25  
26                   Thank you, Mr. Chairman.

27  
28                   CHAIRMAN DEMIENTIEFF: Thank you. I  
29 appreciate your comments. I notice the same thing. Of  
30 course, being up on the river, the only thing is my wife  
31 let me pack again, so I naturally forgot the salmon I was  
32 going to bring down. That's what we always talk about.  
33 It's not a trip if you don't forget something. That's  
34 kind of the way it is. Yeah, you're right though anyway.  
35 There's nobody that's hungry up in my country right now  
36 for fish anyway. Lester.

37  
38                   MR. WILDE: Mr. Chairman. The Yukon-  
39 Kuskokwim Delta Regional Advisory Council opposed the  
40 proposal. The Yukon-Kuskokwim Delta Regional Advisory  
41 Council felt that this proposal would impose further  
42 restrictions on subsistence fisheries that is already  
43 over-regulated. The window system has already altered  
44 customary and traditional fishing patterns. The use of  
45 fish camps have declined because people cannot afford gas  
46 to go back and forth as the present system requires. And  
47 processing fish, which requires dry weather, is difficult  
48 and sometimes impossible when the weather is bad during a  
49 windowed opening.

50

1 In the Lower Yukon River, local  
2 subsistence fisheries do not harvest salmon until debris  
3 clears in the spring after breakup or after high water  
4 recedes. If upriver subsistence fishers wish to allow  
5 fishing schedules to start on May 15th, it should be only  
6 applied to that area because in the Lower Yukon River  
7 subsistence fishing does not begin until early or mid  
8 June due to debris and high water and the weather.

9  
10 Thank you, Mr. Chairman.

11  
12 CHAIRMAN DEMIENTIEFF: Thank you.  
13 Additional Regional Council comments.

14  
15 (No comments)

16  
17 CHAIRMAN DEMIENTIEFF: If not, we're  
18 ready to go to Staff Committee.

19  
20 MR. PROBASCO: Thank you, Mr. Chair. The  
21 Interagency Staff Committee opposes the proposal  
22 consistent with recommendation of the Yukon-Kuskokwim  
23 Delta Regional Advisory Council. The average date of the  
24 Yukon River breakup over a 40-year period is close to the  
25 date of the current schedule's implementation. Setting a  
26 start date for the Yukon windowed subsistence fishing and  
27 scheduling regulations earlier than the time managers  
28 have been starting the schedule would have little effect  
29 on the schedule's effectiveness.

30  
31 In general, only a small amount of  
32 harvest is thought to occur before the schedule has been  
33 implemented in recent years. Numerous factors combined  
34 to effectively keep harvest to a minimum until the fish  
35 run is well under way. A determination of a poor salmon  
36 return which could limit the proposed schedule to  
37 Federally-qualified subsistence users only cannot be  
38 demonstrated at the beginning of the fish run since very  
39 little data is available to make an accurate assessment  
40 of run strength.

41  
42 Mr. Chair.

43  
44 CHAIRMAN DEMIENTIEFF: Thank you.  
45 Department. Dan.

46  
47 MR. BERGSTROM: Yes, Mr. Chair. My name  
48 is Dan Bergstrom with Alaska Department of Fish and Game.  
49 The Department comments are as follows. The Department  
50 concurs that in some years subsistence salmon fishing and

1 harvest occur prior to establishment of the subsistence  
2 fishing schedule. It was understood when developing the  
3 time period for initiating the schedule that there would  
4 be years with the relatively small proportion of the  
5 entire chinook salmon run migrating before the schedule  
6 was in effect, as well as years when there would be no  
7 chinook salmon running before the schedule started  
8 because of ice. The run timing of the chinook depends on  
9 breakup timing.

10

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

18

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

28

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

36

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

44

45 The Department's recommendation is that  
46 we do not support the proposal.

47

48 CHAIRMAN DEMIENTIEFF: Thank you very  
49 much. Board discussion. Judy.

50

1 MS. GOTTLIEB: Mr. Chair. I was  
2 wondering, Dan or Russ, if you might be able to explain  
3 -- I heard one commenter say that there is no fishing on  
4 the weekends, kind of how that came to be.

5  
6 MR. BERGSTROM: Yes, Mr. Chairman. This  
7 is Dan Bergstrom. What we basically used as kind of a  
8 traditional commercial schedule in the Lower Yukon, which  
9 for many years since, I think, Statehood it's basically  
10 in the District 1, it's been starting on Mondays and  
11 Thursdays and Y-2 Sunday, Wednesdays, and that's  
12 basically the days of the week we implemented the  
13 subsistence 36-hour period around those dates. So  
14 there's not much time on the weekends.

15  
16 CHAIRMAN DEMIENTIEFF: Thank you. Other  
17 discussion. Well, let me just say that from my  
18 perspective of knowing what I know about the lower river  
19 and when they have the opportunity to take their fish and  
20 knowing that they have to get after them early, we're not  
21 talking about commercial, we're talking subsistence here,  
22 they have to get after them early.

23  
24 There's really nothing I can do but  
25 oppose and I suppose that's presupposing my position, but  
26 we have to have arguments for why we are falling on what  
27 side we are. I have no problem opposing this because I  
28 know that if the fish are there and the weather is good,  
29 they're going to dry them and when the weather gets bad  
30 they're not going to be able to dry them and they're not  
31 going to be able to take their frozen fish until in the  
32 fall, what's going in the freezer. But what's going to  
33 get dried has to be dried early.

34  
35 I don't know if that presupposes me. I  
36 know we don't have a motion, but I'm just telling you  
37 where I'm coming from personally. Gary.

38  
39 MR. EDWARDS: Mr. Chairman. I'm prepared  
40 to make the motion so you don't presuppose yourself. Mr.  
41 Chairman, I would move that we support the Y-K Council's  
42 recommendation to reject Proposal FP06-03.

43  
44 I think it's clear from what we've heard  
45 that there's only a small harvest of chinook that are  
46 harvested this early and putting these early windows on  
47 would be detrimental to other subsistence harvests as we  
48 heard for such things as sheefish and whitefish for those  
49 folks in the lower river community. The current schedule  
50 we have coincides with breakup and at this point there

1 does not seem to be any good basis for moving those  
2 windows up.

3

4 CHAIRMAN DEMIENTIEFF: We have a motion.  
5 Is there a second.

6

7 MR. BUNCH: Second.

8

9 CHAIRMAN DEMIENTIEFF: Further  
10 discussion.

11

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

18

19 MS. GOTTLIEB: Mr. Chair.

20

21 CHAIRMAN DEMIENTIEFF: Yes.

22

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

31

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

38

39 (No comments)

40

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

44

45 IN UNISON: Aye.

46

47 CHAIRMAN DEMIENTIEFF: Those opposed.

48

49 (No opposing votes)

50



1 CHAIRMAN DEMIENTIEFF: I must be getting  
2 in my adjournment mode. Here we go. Number 4, who is  
3 going to do that? Okay, Don.

4  
5 MR. RIVARD: Thank you, Mr. Chair. Don  
6 Rivard with the Office of Subsistence Management. The  
7 Staff analysis for Proposal FP06-04 begins on Page 147 in  
8 your Board book. Proposal 06-04 submitted by the Eastern  
9 Interior Alaska Regional Advisory Council requests that  
10 in the Yukon River drainage all gillnets with greater  
11 than six-inch stretch mesh not be more than 35 meshes in  
12 depth. This is a re-submittal of Proposal FP05-03 which  
13 was rejected by the Federal Subsistence Board in January  
14 2005.

15  
16 The Council believes that deeper nets  
17 target larger female chinook salmon. They are concerned  
18 that this practice of using deeper nets, along with a  
19 disproportionately higher rate of Ichthyophonus infection  
20 in female chinook salmon, creates a conservation concern  
21 on the spawning grounds, although it should be noted that  
22 the term conservation concern is not defined in Federal  
23 regulations. They also state that with lower salmon  
24 returns subsistence users are not being allowed a  
25 reasonable opportunity to meet their subsistence needs.

26  
27 The Council also requests that the  
28 proposed regulation apply to both subsistence and  
29 commercial fishing gillnets. The Federal Subsistence  
30 Management Program does not directly regulate commercial  
31 fishing along the Yukon River, except that a provision  
32 exists for the Board to close public lands and waters to  
33 the non-subsistence taking of fish and wildlife under  
34 Subpart B regulations. However, the Board may restrict  
35 such uses when it is deemed necessary to conserve healthy  
36 populations of fish or wildlife, to enable continued  
37 subsistence uses of a particular fish or wildlife  
38 population, or if there is an issue of public safety or  
39 administration. Therefore, this analysis will only  
40 address the proposed regulation for subsistence fishing  
41 nets operating in waters under Federal jurisdiction.

42  
43 The proposal was previously submitted to  
44 the Alaska Board of Fisheries in November 2004 as an  
45 emergency petition and was rejected. The Council also  
46 submitted this proposal as an agenda change request to  
47 the Alaska Board of Fisheries for its October 2000 work  
48 session and it was rejected at that time as well.

49  
50 Gillnets are highly selective gear and

1 larger mesh sizes target larger chinook and smaller mesh  
2 are more effective for smaller chinook and other species.  
3 Mesh size regulations can significantly alter the sex  
4 ratio and age class composition of chinook salmon stocks.  
5

6                   Traditional ecological knowledge contends  
7 that the larger, older female chinook salmon tend to swim  
8 deeper in the river. There is little disagreement that  
9 in general deeper nets catch more chinook salmon, but  
10 there is no scientific evidence which supports that  
11 female chinook salmon are disproportionately harvested  
12 over males.  
13

14                   The lower numbers of larger, older female  
15 chinook salmon is a concern of many users along the Yukon  
16 River and in February 1998 the U.S./Canada Joint  
17 Technical Committee reviewed the availability of age-sex-  
18 length information for Yukon River chinook salmon trying  
19 to determine whether a decrease in size had occurred.  
20 Their analysis concluded that the data did not indicate  
21 any sustained substantial change in the fish size for  
22 Yukon River chinook salmon.  
23

24                   As Karen Hyer stated earlier today, in  
25 2004 both the National Park Service subsistence biologist  
26 and the U.S. Fish and Wildlife Service fishery manager  
27 for the Yukon River requested further investigation of  
28 age, sex and length trends in Yukon chinook salmon and  
29 that that be done by the Office of Subsistence  
30 Management. The OSM staff followed up on this request  
31 and analyzed historical age, sex and length information  
32 on Yukon chinook salmon and that was presented to you  
33 earlier today by Karen Hyer. The analysis identified one  
34 trend. There is a decrease in large chinook salmon  
35 spawning in four of the seven tributaries that were  
36 studied.  
37

38                   If adopted, this proposal would make the  
39 Federal subsistence fishing regulations more restrictive  
40 than the State's commercial and subsistence regulations  
41 and result in a checker board of State/Federal  
42 regulations, creating the potential for management and  
43 enforcement challenges. Adoption of this proposal may  
44 increase the amount of subsistence fishing effort  
45 necessary to harvest chinook salmon since people would  
46 have to fish longer with shallower, less efficient nets  
47 to harvest their fish.  
48

49                   Finally, this proposal could create an  
50 additional hardship on those Yukon River subsistence

1 fishers that would have to either shorten their existing  
2 nets to 35 meshes deep or buy new nets.

3

4 Thank you, Mr. Chair,

5

6 CHAIRMAN DEMIENTIEFF: Thank you.

7 Written public comments.

8

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

16

17 For the Lower Yukon Fish and Game  
18 Advisory Committee, they opposed the proposal and state  
19 that a 35 mesh gear is too shallow during this time of  
20 the year. Subsistence fishers could agree with a shallow  
21 net on the coastal subsistence fisheries. In Districts  
22 Y-2 and Y-3 a 60-mesh gear is appropriate. For District  
23 Y-3, 40-mesh in depth is used. In Districts Y-1 and Y-2,  
24 subsistence fishers prefer a 45-mesh depth at minimum.  
25 In the Pilot Station area, 95-mesh depth in the Yukon  
26 River is used by local fishers and the area is fished at  
27 60 feet to 70 feet in depth at times. Perhaps in  
28 District Y-4 a reduction in mesh depth of gear type is  
29 necessary, but the committee does not have any knowledge  
30 about fishing gear needs further up the river. A  
31 committee member believes that a 35-mesh gear might  
32 actually increase the harvest of salmon because people  
33 will move fishing spots to shallower areas. When they  
34 start moving, some snags in the Yukon River channel the  
35 channel could be forced to change.

36

37 Mike Moses opposes the proposal and he  
38 states that for commercial fishermen they could live with  
39 current restriction of commercial subsistence gear type  
40 of 45-mesh depth in the lower Yukon River even though  
41 this area is in the low land. The lower Yukon River has  
42 very deep channel compared to upper Yukon River where  
43 water drains off of the highlands. Upper river drainage  
44 provides drift gillnet fishers with an additional  
45 opportunity to drift in the shallow waters. King salmon  
46 migrating toward highlands would have little chance of  
47 survival if 45-mesh depth gillnets are used in the  
48 headwaters of Yukon River. The lower Yukon River has  
49 very deep channels where king salmon swim below currently  
50 restricted 45-mesh depth gear type.

1                   And speaking of subsistence fishing, Mike  
2 Moses states that subsistence fishermen generally use a  
3 commercial fishing gear for subsistence salmon fishing.  
4 Therefore, additional gears should not be mandated to  
5 subsistence fishers. He states that he has no objection  
6 as long as the current restrictions of a 45-mesh depth  
7 gear apply. However, he states he would object to the  
8 use of deep nets further up the Yukon River where salmon  
9 would be more vulnerable to drift gillnet fishing  
10 activities in the shallow waters of the area.

11

12                   Thank you, Mr. Chair.

13

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

22

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

37

38                   Thank you, Mr. Chair.

39

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

47

48                   MR. BUNCH: Jason, what village did you  
49 say you were from?

50

1 MR. BURKOWSKI: I'm from Mountain  
2 Village. I'm also the president of Chuloonewick Native  
3 Village, which is further down the river about 60 miles.

4  
5 CHAIRMAN DEMIENTIEFF: Thank you. Marvin  
6 Paul.

7  
8 MR. PAUL: My name is Marvin Paul. I'm  
9 from Alakanuk. Mr. Chairman. I am opposed to FP06-04  
10 due to a lot of fishermen, the majority of fishermen  
11 don't have permanent jobs and it's going to create a lot  
12 of problems for them to buy things that they need to. If  
13 they were to repair, it would cause a lot of hardship on  
14 them too and on the families. Not only that, it will  
15 just create a hardship, a lot of work to be done.

16  
17 Thank you.

18  
19 CHAIRMAN DEMIENTIEFF: Thank you very  
20 much. Any questions.

21  
22 (No comments)

23  
24 CHAIRMAN DEMIENTIEFF: Appreciate the  
25 comments and, again, the effort to get here to do that.  
26 Jill Klein.

27  
28 MS. KLEIN: Good afternoon, Mr. Chair.  
29 Members of the Board. Members of the Regional Advisory  
30 Councils. My name is Jill Klein and I'm here today  
31 representing the Yukon River Drainage Fisheries  
32 Association, also known as YRDFA. As most of you know,  
33 we represent both subsistence and commercial fisheries on  
34 the Yukon River. At this time YRDFA does oppose the  
35 proposal to restrict the depth of gillnets to 35-mesh  
36 depth, which is Proposal FP06-04.

37  
38 We are concerned about the issue of  
39 changing fish size in the Yukon River drainage and that  
40 our constituents' livelihood for both subsistence and  
41 commercial fishing depends on the sustainability of Yukon  
42 River salmon. We are very concerned that specific  
43 regions of the Yukon River are seeing a decrease in the  
44 size of the king salmon. We recognize that preserving  
45 the older and larger salmon is vital to the health and  
46 survival of the Yukon River fishery. There's not  
47 sufficient evidence, however, to suggest that reducing  
48 net depth will have the desired effect of reducing  
49 catches of these salmon. As gillnets are size selective,  
50 a more likely outcome, as you just heard, is for the

1 fishermen to have to fish longer and burn more gas to  
2 catch the same size fish.

3  
4 YRDFA biologists have undertaken their  
5 own analysis and research into the size of salmon and we  
6 have come up with similar analysis to that of the U.S.  
7 Fish and Wildlife Service report recently released by  
8 Hyer and Schleusner. We reviewed the same ASL escapement  
9 data, subsistence surveys and commercial catch data.  
10 We've also begun to look at the relationship between  
11 harvesting gear types and the size of gear types and the  
12 fish size.

13  
14 While larger mesh nets contribute to  
15 catching larger chinook, there are also many other  
16 impacts on Yukon River salmon. Some of these are hatchery  
17 fish competition in the Bering Sea and the changing ocean  
18 environments which likely have significant impacts on the  
19 Yukon chinook salmon numbers and size.

20  
21 For instance, it is known that the Bering  
22 Sea pollack trawl bycatch fishery caught over 700,000  
23 chum and 70,000 chinook in 2005. It is known that  
24 billions of salmon released from U.S. and Japanese  
25 hatcheries compete in the Bering Sea with Yukon River  
26 salmon.

27  
28 We also know that the oceans are getting  
29 warmer and that the Bering Sea has become warmer since  
30 1976. It has been producing many more but smaller  
31 salmon. Also of importance is the recent declines in the  
32 western Alaskan salmon abundance have generally been  
33 related to changes in the ocean environment. This alone  
34 could be the source for these recent decreases in size of  
35 chinook. While we have begun to look into these issues,  
36 we feel that more research, as you heard earlier, needs  
37 to be conducted and more effort needs to be put into  
38 working out valid solutions to this issue before  
39 restrictions such as shortening of the nets are imposed.

40  
41 In addition, this proposal would impose a  
42 subsistence restriction, which is in violation of ANILCA.  
43 This sort of restriction and economic burden should be  
44 undertaken only if the research shows that such a  
45 solution would have an impact. Further research into the  
46 impacts of mesh size as well as mesh depth should be  
47 undertaken and we need, as you've heard and discussed  
48 again, riverwide participation from both the U.S. and  
49 Canada subsistence, commercial, recreational and personal  
50 use fishers. Basically all user groups should be

1 involved and made fully aware of this issue, the problems  
2 people are seeing and potential array of solutions before  
3 a proposal such as this is implemented.

4  
5 YRDFA will be discussing this issue  
6 further at our annual meeting in Ruby, which is coming up  
7 in February and we are planning for the Board of Fish  
8 meeting in 2007 where this issue will be discussed again.

9  
10 Thank you.

11  
12 CHAIRMAN DEMIENTIEFF: Questions.  
13 Where's your meeting this year?

14  
15 MS. KLEIN: Ruby.

16  
17 CHAIRMAN DEMIENTIEFF: You guys should  
18 have fun. Okay. Nothing else.

19  
20 (No comments)

21  
22 CHAIRMAN DEMIENTIEFF: Thank you very  
23 much. Ragnar Alstrom.

24  
25 MR. ALSTROM: Mr. Chairman. My name is  
26 Ragnar Alstrom from Alakanuk. I'd like to speak in  
27 opposition of Proposal 06-04. I've been on many fishery  
28 panels over the years and some time ago -- this issue has  
29 come up many times and it was one of the arguments to put  
30 windows into place. That argument was when windows are  
31 in place, fish are going to pass freely from when they  
32 come in from the Bering Sea up to the spawning beds. In  
33 fact, that's worked so well that we've heard the summer  
34 preliminary estimates that the sonar at the border is up  
35 to 80,000 kind salmon just into Canada, have gone into  
36 Canada, not including the spawning streams in Alaska.

37  
38 So you've got windows that allows chinook  
39 to get up the river. It doesn't matter if you have a net  
40 that's 35-mesh deep or 100-meshes deep. If you're not  
41 fishing during the windows, the fish are going to go  
42 freely up the river and that's what's happening. With  
43 the windows in place, fish are traveling -- maybe  
44 unmolested is the wrong word to use, but they're  
45 unmolested up into the spawning beds and we seen that  
46 this summer. Keep in mind that in 2001 there was no  
47 commercial fishery and windows. The fish were even more  
48 allowed to travel upriver in '01.

49  
50 The Hyer report that we listened to earlier says

1 that the proportion of female chinook salmon has not  
2 declined over time and the proportion of six and seven  
3 year olds has not declined over time. It seems like  
4 that's a perfect argument for marine waters production.  
5 If you're still getting the females in the population,  
6 you're still getting six and seven year olds in the  
7 population, they're still going into the spawning  
8 streams. It seems like the problem is not with the lower  
9 fishery, it's out in marine waters.

10

11 I think that's it, Mr. Chairman.

12

13 CHAIRMAN DEMIENTIEFF: Thank you very  
14 much. Questions.

15

16 (No comments)

17

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

22

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

28

29 In the early 1990's, the Lower Yukon  
30 district, lower river districts introduced and supported  
31 to reduce our gear from 60-mesh king gear and 70-mesh  
32 chum gear to 45-mesh for the king gear and 50-mesh for  
33 the chum gear. In Districts 4, 5 and 6, 60-mesh and the  
34 70-mesh gear is still allowed. If anything, we would ask  
35 that everyone be reduced to 45-mesh for the chinook and  
36 50-mesh for the chum gear throughout the drainage.

37

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

45

46 For the last three years we have seen  
47 increases in our returns to the Yukon River and ocean  
48 conditions improving to where many areas along the AYK  
49 region seen significant increases in their returns. You  
50 heard this morning from Ms. Hyer about the age, sex and



1 length on the selected escapement projects on the Yukon  
2 River. During the past 20 years many areas in the AYK  
3 region have seen declines in their salmon returns and  
4 many speculated that ocean conditions was a factor in  
5 those reduced numbers.

6  
7 The report also was taken within the last  
8 10 years when we know that the returns -- or the ocean  
9 conditions were such that it affected many of the AYK  
10 region and knowing that when salmon and any kind of  
11 animal species are deprived of their food that they are  
12 smaller in size. That's why I'm kind of questioning the  
13 study because of what happened out there.

14  
15 Also in the commercial harvest the  
16 average weight varies depending on what age group or age  
17 class comes into the river. If four and five year olds  
18 salmon are dominant, then the average weight would be  
19 lower. Also, if the commercial fishermen sell a lot of  
20 jacks, then that also reduces the average weight that you  
21 see before you.

22  
23 Once again, I would like to comment that  
24 everyone knows about our fishery, Districts 1, 2 and 3.  
25 It's subsistence or commercial and yet we have very  
26 little information about the other fisheries. For  
27 example, Districts 4, 5 and 6 and also in Canada  
28 regarding age, sex and length.

29  
30 CHAIRMAN DEMIENTIEFF: I'd appreciate it  
31 if you'd summarize.

32  
33 MR. THOMPSON: Is that my three minutes?  
34 Once again I'd like to mention that we're in opposition  
35 to this proposal here for the reasons I gave. Thank you.

36  
37 CHAIRMAN DEMIENTIEFF: Thank you very  
38 much. Any questions.

39  
40 (No comments)

41  
42 CHAIRMAN DEMIENTIEFF: Thank you. I  
43 appreciate it. Max Agayar. The more you guys testify,  
44 the better I get at your names.

45  
46 MR. AGAYAR: Good morning. I'm Max  
47 Agayar from Alakanuk. I'm opposed to FP06-04.  
48 Commercially it would put a burden on the fishermen to  
49 re-gear and time consuming to trim off the extra 10  
50 meshes and for some families it's their only income

1 throughout the year and that would also put another  
2 burden on them. If we went down to a 35-mesh, like Jason  
3 Burkowski mentioned, it would choke up most of the  
4 shallower areas where people do fish.

5  
6                   When I first started fishing with my  
7 older brother drifting, we'd use 60 to 70-mesh deep nets  
8 and sometimes we'd drift down the channels and we  
9 wouldn't get anything. Let me read something out of the  
10 proposal-maker where it says, and I quote, deeper mesh  
11 nets have a detrimental effect on the stock composition  
12 and quality of escapements of the Yukon River chinook  
13 salmon and tend to target the larger female chinook  
14 salmon. Over here the Yukon-Kuskokwim Regional Advisory  
15 Council states that it has not been proven that deeper  
16 nets catch a significantly higher number of females than  
17 males.

18  
19                   Also another quote where it says there  
20 have been continuous poor returns on Yukon River salmon  
21 in the most years since 1998 and here the Western Alaska  
22 Regional Advisory Council states that council members  
23 reported good returns of salmon this year as far as  
24 numbers of fish.

25  
26                   In closing, in my opinion, it's not the  
27 lower areas that's causing the problems. I think it's  
28 out in the ocean. Thanks.

29  
30                   CHAIRMAN DEMIENTIEFF: Thank you. Any  
31 questions.

32  
33                   (No comments)

34  
35                   CHAIRMAN DEMIENTIEFF: I appreciate you  
36 taking the time. Frank Alstrom.

37  
38                   MR. ALSTROM: Hi. My name is Frank  
39 Alstrom. I'm from Alakanuk. I oppose FP06-04. The  
40 reason being I started subsistence fishing when I was  
41 maybe 11, 12 years old and when I was 16 years old I was  
42 able to work on a tender boat as a deckhand and when I  
43 was 17 I became a skipper on a tender boat and the boats  
44 weighed in over 24 tons. My first experience as a tender  
45 skipper was tendering in the upper end of Y-1. When we  
46 high bank, we'd tie off the bow of the boat to probably  
47 trees or throw an anchor on the beach, but we'd tie off  
48 midship to keep our stern out in the current. That was  
49 tendering up in the Y-1.

50

1                   The following year is two years I spent  
2 on the coast tendering down in the coastal district. At  
3 17, 18 years old you don't know too much, so I did the  
4 same thing as I did up in Y-1. I tied off the bow of the  
5 boat, tied one line off the one side of the boat. Well,  
6 guess what happened. The tide came in and I was drifting  
7 upstream with the rope on the upstream side of the boat  
8 and here's the whole boat taking off going upstream and  
9 we're firing up engines and trying to get the boat  
10 steered to the high bank.

11  
12                   Anyway, I was just wondering, when the  
13 tide come in and the current in the Yukon coming down the  
14 river, where does the water go. Well, there's some  
15 awfully big holes that we have to fish on the Yukon, the  
16 lower end. The standard ratio on king salmon gear or  
17 salmon gear anyway down the river is 2.1, the hanging  
18 ratio. When you factor that into your depth of gear like  
19 45 meshes, your mesh size 8.5-inch mesh times 45 meshes,  
20 you take off a third of that hanging ratio of 2.1. Then  
21 45-mesh deep gears don't reach down that far. They're  
22 actually really shallow. Then we have to fish that -- if  
23 you have the tide coming in and the current coming  
24 downstream and filling all those holes, we have to fish  
25 in some pretty deep areas with shallow gear I would  
26 think.

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

29  
30                   CHAIRMAN DEMIENTIEFF: Thank you. Any  
31 questions.

32  
33                   (No comments)

34  
35                   CHAIRMAN DEMIENTIEFF: I guess just one  
36 little part of your testimony I've got to disagree with  
37 when I was 17 or so. I thought I knew everything and I  
38 know my kids did too. They're all over that now.  
39 Anyway, I'm not making light of your testimony. I'm just  
40 trying to find a touch of humor.

41  
42                   MR. ALSTROM: Well, that was kind of like  
43 I was learning from experience, you know. I was just  
44 saying I didn't know anything about tide when I first  
45 moved from the upper end of Y-1 to the lower end of Y-1.  
46 Wow, what's this phenomenal thing, you've got a tide  
47 coming in.

48  
49                   CHAIRMAN DEMIENTIEFF: Yeah, I know. We  
50 all lived to be getting gray hair, so we must have done

1 something right. Pete Peterson.

2

3

MR. PETERSON: Thank you, Mr. Chairman.

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

15

16 I'm opposed to that, Mr. Chairman.

17

CHAIRMAN DEMIENTIEFF: Questions.

18

19

(No comments)

20

21

CHAIRMAN DEMIENTIEFF: Thank you very

22 much. I appreciate your comments. Carl Walker.

23

24

MR. WALKER: Hello, Mr. Chair. Board.

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

39

40

My boat doesn't only fish for my house.

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

47

48

I oppose and definitely hope you leave

49 that mesh size alone. We can live with that one pretty

50

1 good. Thank you.

2

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

5

6 (No comments)

7

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

11

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

25

26 Thank you, Mr. Chairman.

27

28 CHAIRMAN DEMIENTIEFF: Thank you.

29 Questions.

30

31 (No comments)

32

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

35

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

45

46 Earlier we heard Karen Hyer on some of  
47 her recommendations that she had made and I think they're  
48 valid and I think they'd be good. We need to get more  
49 information on this. There's too many variables in the  
50 whole issue that any one solution wouldn't fix it.

1 Mr. Chair, with your permission, I don't  
2 mean to step on anyone's toes here, I don't mean to  
3 offend anyone, I know the Board has a big responsibility  
4 to listen to all the testimony, hearing all the reports  
5 from Staff, hearing the Regional Council information  
6 here, but I think when there's any restrictive  
7 subsistence regulations either proposed or already passed  
8 they not only affect the species that they're dealing  
9 with, they also affect the subsistence user. Personally  
10 I'm not in favor of the windows, but I know the reason  
11 why we have them.

12  
13 Another thing, and I don't know if this  
14 has been discussed at any time or any place or it might  
15 be a good idea to try, I know there's studies going on  
16 for some of the reasons for some of the declines and all  
17 that. I think there should also be studies as far as the  
18 restricted subsistence regulations, how they're affecting  
19 the subsistence users.

20  
21 I know in the past when I was growing up  
22 my family would go to our fish camp and we'd go down  
23 there the beginning of June and we'd stay out through  
24 August getting our subsistence fish throughout the whole  
25 summer. Nowadays it's changed and we're not staying  
26 there as long as we used to. I'm seeing families that  
27 are coming back earlier. There's a change in the  
28 subsistence user activities and I don't know if that's  
29 based on, as time goes on, you know, the older folks are  
30 not able to stay there longer or if it's based on  
31 somebody's restrictive subsistence regulations.

32  
33 I think that some of the issues that you  
34 guys should really understand, and, again, I don't mean  
35 to offend anyone, I know you guys have a tough decision,  
36 that a lot of the restrictive subsistence regulations  
37 that are being proposed or have been proposed you need to  
38 take into account that they affect us, the users, whether  
39 it's the salmon, the moose, anything. I just wanted to  
40 put in my two cents on the whole issue.

41  
42 Thank you.

43  
44 CHAIRMAN DEMIENTIEFF: Thank you. Any  
45 questions.

46  
47 (No comments)

48  
49 CHAIRMAN DEMIENTIEFF: Appreciate your  
50 comments. Aloysius Unok. Did I say that right? I hope

1 I didn't abuse his name too much. He'll straighten us  
2 out.

3

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

22

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

32

33 CHAIRMAN DEMIENTIEFF: Are you done?

34

35 MR. UNOK: I guess.

36

37 (Laughter)

38

39 CHAIRMAN DEMIENTIEFF: Is there any  
40 questions?

41

42 (No comments)

43

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

46

47 MR. CHARLES: Thank you, Mr. Chairman.  
48 My name is Billy Charles. I'm from Emmonak, mouth of the  
49 Yukon. You know, when we created windows, that was a big  
50 discussion because there was a hardship, but we all

1 understood that, you know, it was an opening for the  
2 salmon to run from the mouth of the river untouched all  
3 the way up the river. It created a hardship, but we went  
4 along with it. It's going to create additional hardship  
5 for us to try to harvest the subsistence fish with  
6 smaller gear. At some point our gear are useless. You  
7 know, we'll be drifting down the river just for drifting.  
8 At some point your gear is useless. I guess my point is  
9 made there.

10  
11 If you look at the average weight of the  
12 salmon under the commercial harvest, I think you have it  
13 as an addendum somewhere, I forgot mine, prior to the  
14 summer chum target fishery there was a gap there with the  
15 big fish, but when you mixed them with smaller gear  
16 you're targeting chum, then you're mixing the smaller  
17 salmon also or the chinook.

18  
19 Later, you know, it became a timing thing  
20 also. Earlier in the testimony people were saying the  
21 earlier the better, you get better fish in the early part  
22 of the season. The best fish come in first. So we're  
23 having to wait. The data you have is from commercial  
24 openings. And we have a delayed opening for purpose of  
25 conservation and the mechanics that the managers use  
26 right now is open later as the peak begins to drop. Then  
27 we're fishing the wannabes, the little ones. So I think  
28 that's a factor that needs to be considered when you  
29 review this.

30  
31 That's all I have, Mr. Chairman.

32  
33 CHAIRMAN DEMIENTIEFF: Questions.

34  
35 (No comments)

36  
37 CHAIRMAN DEMIENTIEFF: Thank you very  
38 much again.

39  
40 MR. CHARLES: Thank you.

41  
42 CHAIRMAN DEMIENTIEFF: Marvin Deacon.

43  
44 MR. DEACON: Mr. Chairman. Federal  
45 Subsistence Board. My name is Marvin Deacon, subsistence  
46 user from the village of Grayling. I oppose FP06-04.  
47 You know, being way back in line all this stuff has been  
48 said already that would have been said, but I'd just like  
49 to mention the hardship of it, the monetary part of it,  
50 the gear change. A lot of people already are geared up



1 with 45 mesh. People in the village told me before I  
2 came that with their dividend money they're all happy and  
3 proud that they already bought, they're geared up. You  
4 know, they used their dividend to buy new nets already  
5 that's 45. You know, they're not cheap from Donaldson.  
6 And we're going to go back now and tell them to cut 10  
7 meshes off his new net. Some people saved.

8  
9                   The part of it I'm saying is also on  
10 fishing. We know the best part is the first and we have  
11 to catch the fish when they come in, even at Grayling  
12 where we do have fine weather for drying. As my  
13 colleague Carl mentioned, it's going to take us longer to  
14 fish. The minimum, you know, for us just to go out there  
15 one time fishing when we have a window opening, we have  
16 to purchase at least 12 gallons of gas at \$5 a gallon,  
17 which you're looking at \$60 without counting your oil.

18  
19                   I hope the Board don't go along with this  
20 restriction and just keep it at 45. Thank you very much.  
21 Since I'm here, I don't want to step on no toes, but I'd  
22 like to mention to the Federal Subsistence Board this one  
23 item that bothers me since I came in here and got a  
24 chance to talk. It's about this selling of salmon on  
25 subsistence level. I think as Board Members you've got  
26 to look into this. I'm not pointing any fingers, but I  
27 think this could be a chance for a lot of abuse and where  
28 people are using subsistence and selling more than they  
29 really should. I hope I don't step on no toes, but it is  
30 Federal subsistence fishing. I've got nothing against  
31 selling a few bags to get gas money, but I'm really  
32 against a lot of commercialization of our Federal  
33 fisheries subsistence part.

34  
35                   Thank you.

36  
37                   CHAIRMAN DEMIENTIEFF: Thank you very  
38 much. I'll assure you that it's a concern of ours as  
39 well. It's one of the bigger things that we have, a  
40 variety of issues on the plate that we have to deal with.  
41 So we're also concerned and appreciate your taking the  
42 time to ball us out because sometimes -- no, it's not  
43 balling us out, it's just reminding us.

44  
45                   MR. DEACON: But, you know, the reason I  
46 bring it up is because when we have the meetings, like  
47 for instance Doyon or AFN, you know, we're talking about  
48 we need more fish, we need more subsistence fishing, but  
49 then we've got people out there selling. It's just  
50 conveying the wrong deal. You know what I'm saying.

1 Thank you very much.

2

3 CHAIRMAN DEMIENTIEFF: I understand.

4 Thank you. Axel Alstrom.

5

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

17

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

26

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

31

32 CHAIRMAN DEMIENTIEFF: Thank you.

33 Questions.

34

35 (No comments)

36

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

47

48 Thank you one and all for your help.

49

50 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

UNITED STATES OF AMERICA )  
 )ss.  
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.

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