MEMBERS PRESENT:

Mitch Demientieff, Chair
Judy Gottlieb, National Park Service
Paul Tony, Bureau of Indian Affairs
Denny Bschor, U.S. Forest Service
George Oviatt, Bureau of Land Management
Gary Edwards, U.S. Fish and Wildlife Service
Keith Goltz, Solicitor

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CHAIRMAN DEMIENTIEFF: We'll go ahead and call the meeting to order. My name is Mitch Demientieff, Chairman of the Board. We're just going to go around the table and have everybody give their introductions. I want to wish everybody a Happy New Year as we're starting. We, like everybody being a family man, I enjoy spending time with the kids and the grandkids during the course of the holidays, but I look forward to going back and going back to work as soon as the New Year is over, much as I love them, I like to get way from them once in awhile.

(Laughter)

But I appreciate the fact that everybody's taking the time to be here. If I do seem a little bit off, you know, and Tom usually helps me on this but I got my book at home in the mail and so I pulled it out of the box and I was studying it and I lifted the thing up and it wasn't bound, so the whole thing just kind of fell out and so I had a heck of a time to try to put it all together. I went through everything but it wasn't necessarily in the same order that it was intended to be in. So funny little things happen, I guess, and you might as well start your New Year's out with a bang, I guess.

So that's my little story and welcome everybody, again, and I'm happy to be here. And we'll just go around and do introductions.

MS. GOTTLIEB: Good morning. I'm Judy Gottlieb with the National Park Service.

MR. TONY: Paul Tony with the Bureau of Indian Affairs.

MS. BSCHOR: I'm Denny Bschor with the U.S. Forest Service.

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

MS. GREGORY: Mary Gregory, Yukon-
Kuskokwim RAC member.

MR. REAKOFF: I'm Jack Reakoff from Wiseman. I'll be representing the Western Interior Regional Council.

MR. STONEY: Raymond Stoney from Northwest Arctic RAC. Happy New Year, Mitch.

MS. CROSS: Grace Cross from Seward Penn, and Happy New Year from Seward Penn.


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

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

MR. BERGSTROM: Dan Bergstrom, Office of the Department of Fish and Game. I'm with Commercial Fisheries Division.

MS. SEE: Marianne See with Fish and Game, Subsistence Division.

MR. BOYLE: Larry Boyle with the Department of Fish and Game, Sportfish Division.

MR. MECUM: Good morning. My name's Doug Mecum. I'm the director of Commercial Fisheries for the Alaska Department of Fish and Game. And as you know, recently our Commissioner resigned, Kevin Duffy, took another position. And normally David Bedford who's our Deputy Commissioner would be sitting here but he's in the middle of U.S./Canada Treaty Negotiations. But it's a pleasure to be here today.

MR. LITTLEFIELD: Good morning. John Littlefield, Southeast Regional Chair. Good morning and Happy New Year.

MR. LOHSE: Good morning. Ralph Lohse, Southcentral Regional Chair.

MR. OVIATT: George Oviatt from the Bureau of Land Management.


CHAIRMAN DEMIENTIEFF: Corrections or additions to the agenda.

(No comments)

CHAIRMAN DEMIENTIEFF: Okay, with that we'll go ahead and go to -- if there are no corrections or additions to the agenda we'll go ahead and go to public comment period on non-agenda items.

(No comments)

CHAIRMAN DEMIENTIEFF: I have no requests at this time for public comment on non-agenda items, so we'll move on to public comment period on consent agenda items.

(No comments)

CHAIRMAN DEMIENTIEFF: I have no requests at this time with regard to that agenda item and the prior to items, this one and the non-agenda item, we will give opportunity at the beginning of each day as things come up for public comment. So that opportunity, the window will still be there and so we'll go ahead and deal with those as the requests come in.

Public comment period on marine jurisdiction proposed rule -- okay, with that we're going to -- we will back up for a moment and go through the consent agenda items.

We are going to go back and Tom will review the consent agenda items for the regular fisheries regulatory proposals, and then I will entertain a motion once Tom has reviewed those consent agenda items and I will entertain a motion for us to get them up for consideration. We will not vote on them, as we have in the past, on the motion, until the end of the meeting, and that gives ample opportunity for Board members, if they so choose, to request that an item be pulled off of
the consent agenda, as we get comments on them, as people
present their points of view. But we are going to go
through them and we will get a motion on the table and it
will be voted on at the conclusion of our regulatory
meeting, so people will have a chance to comment on those
issues. We don't intend to take a vote on them until the
end of the meeting, the regulatory meeting.

So with that, Tom, go ahead.

MR. BOYD: Mr. Chair, I will refer the
Board to Page III just behind the agenda, the meeting
agenda, and on that page there is the list of consent
agenda items. And just very quickly these are the
proposals for which there is an unanimous agreement among
Federal Subsistence Regional Advisory Councils, Federal
Interagency Staff Committee, and the Alaska Department of
Fish and Game concerning recommendations for Board
action. And I'll quickly read these.

They are Proposals FP05-16, 05-18, 05-22,
05-24, 05-26, 05-11, 05-12, 05-14, 05-15, 05-10, 05-09,
05-07 and 05-08.

These are the consent agenda items, Mr.
Chair.

CHAIRMAN DEMIENTIEFF: Thank you. With
that the Chair will entertain a motion to adopt the
consent agenda items.

MR. TONY: I move to adopt the consent
agenda items.

CHAIRMAN DEMIENTIEFF: Thank you. Is
there a second.

MR. EDWARDS: Second.

CHAIRMAN DEMIENTIEFF: Okay, it's been
moved and seconded. Again, at the beginning of each day
you'll have the opportunity to comment on them and Board
members, at any time, can request items off of the
consent agenda as we hear testimony. So that's where
we're at and we will vote on that at the end of the
meeting.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.
MS. GOTTLIEB: I thought if I could, I'd just like to take a minute to recognize what I think is a milestone for you, which might be the beginning of about the 10th year of you serving as Chair of this Board. It was about five years ago we had a session that brought in most of the Regional Advisory Council Chairs and we were talking about fisheries. I think it was Grace Cross from Seward Penn who said to you, you've just got 10 fish RACs added to your agenda, shall we say.

So while I was up in Grace's region this summer I saw something that kind of was an example of a fish rack and I thought I would present that to you in gratitude for all the service you do for all of us, and, thank you.

(Applause)

MS. GOTTLIEB: This is from Teller, and it's a satellite dish which is also serving as a fish rack.

(Laughter)

CHAIRMAN DEMIENTIEFF: Yeah, fish racks have certainly changed through the years.

(Laughter)

CHAIRMAN DEMIENTIEFF: I appreciate your comments, Judy, but let me say this and that is, is that, I've always been a team player and while I recognize that maybe I might have the most difficult job during this regulatory process that we go through, I've always heavily relied on the people that we have had as a team because you just don't get all the ideas on the table without people working. And so I do appreciate your comments, but I also want to just kind of thank everybody for being able to participate in the process because all of together, really, is what makes this thing work. So thank you very much.

Okay, Fisheries Resource Monitoring Plan. Who's going to lead this, Steve, who just ran away.

Steve.

MR. KLEIN: Good morning. We have the Fisheries Resource Monitoring Plan up first, and in your Board Books that's summarized in Pages -- the first 168
pages of your book. We're going to try to cover it in a shorter time period.

First, I would like to do an overview of the 2005 Monitoring Plan and how we got to where we are at today. And within that Monitoring Plan we have two non-consent agenda items that we need Board action on, and then we'll need the Board to take action on the full consent agenda.

For the 2005 Monitoring Plan, actually this process began 15 months ago, way back in November of 2003, and we went through the same seven step process that we've used since the program was launched, and those steps are described on that slide. And basically we're implementing what the Board told us to do and that was to use a technical body, the TRC and the FIS Staff to build the best science plan possible, take it out to the Councils and get their review and then bring it to the Board for final review.

So the first step in the process in what began in November 2003 was the request for proposals. As you recall we have over $7 million available for the Monitoring Program. Five million of that is already committed by the Board to projects you previously approved last year and back in 2003. In fact, in 2005, there'll be 57 projects operating that you've previously approved in the first five million, and then we have a quarter million dedicated to the Partner's Program, and the balance is two million, which is what we have available for projects in 2005.

As a result of the request for proposals, we received 59 proposals, and we got the Technical Review Committee to review those using the four ranking criteria that the Board has given us, and those are strategic priority, scientific merit, past performance, and partnerships and capacity building. The TRC reviewed those 59 proposals, they totaled almost five million which was way above our funding target. After the TRC review of the proposals we recommended that 37 of those be advanced to where they prepare a more detailed investigation plan where we can more thoroughly look at the methods, the objectives and deliverables, and we moved 37 of those forward and those totaled 3.1 million, and that represented about 150 percent of the funding.

So the next step was we received the investigation plans, the TRC convened again. Thirty-one
of the investigation plans came in in June of 2004, again, the TRC used those same four criteria to review those. And of those 31, the TRC recommended that 24 of those projects be funded and those totaled almost $2 million, and that's what formed the Draft 2005 Monitoring Plan.

So then we went to the fifth step, which is to review -- have the Councils review those at their fall 2004 meetings, we did that this past fall, and then the Staff Committee and Alaska Department of Fish and Game met in November to look at those investigation plans and we got their review as well.

Similar to regulatory proposals we form a consent agenda for the Monitoring Plan, and for the Monitoring Plan a consent item would be one where the TRC, the Technical Review Committee, the Regional Councils and the Staff Committee all recommended that the project be funded. And for 2005, of the 31 studies that we received, 29 of those we had unanimous agreement between the TRC, the Councils and the Staff Committee, and 22 of those we agreed to fund and seven of those we agreed not to fund and two of those we had disagreement on. But 29 out of 31, I think that's indicative of the program. To me it shows some outstanding Staff work by Staff and FIS Division, the Technical Review Committee, they once again did a stellar job and they're volunteering weeks of their time to commit to that and I would like to acknowledge the TRC members because of that time commitment and really that's the foundation of making a sound science plan.

And this year on the TRC we had Dr. Glenn Chen from BIA. We had Dennis Tole and Taylor Brelsford from BLM. Jeff Bromegen from the Fish and Wildlife Service. Dave Nelson from the Park Service. Cal Casipit from the Forest Service. Then from the State we had three representatives, one from each division, we had Gene Sandone, Dave Benard and Jim Fall. And then we also had two partner positions, Ericka McCall Valentine from Native Village of Eyak, and John Chythlook from Bristol Bay Native Association. So that was our TRC this year and they helped us deliver, I think, a very sound plan for you today.

And then a third reason I think we have agreement is we have a lot of support from the Councils for the Monitoring Program, and they were very supportive of the projects that we're recommending to be funding in
their areas.

So for the consent agenda we got 22 projects. I kind of wanted to briefly cover what we have on the consent agenda, and if you had any questions on those, of course, we can address those, with Staff available to discuss those in detail, I wanted to go over them kind of briefly before we got to the non-consent items where we definitely need Board action.

So in the northern region we have a study on the Unalakleet River to estimate abundance of coho salmon.

In the Yukon region there's five studies we're recommending. One is a genetic stock identification of coho salmon; another one on the Anvik River to estimate summer chum abundance in that important stream; a mark/recapture project in the Tanana River; on Henshaw Creek by Tanana Chiefs Conference and the Fish and Wildlife Service to estimate abundance of chum and chinook in Henshaw Creek; and then in-season harvest assessment throughout the Yukon by Yukon River Drainage Fisheries Association.

Then on the Kuskokwim, which is where we're at here, there's six projects on the consent agenda that we're recommending you to fund today. One is whitefish pit tags to see if we can track whitefish moving up and down the Kuskokwim River; abundance of chinook salmon, this is the big telemetry project to estimate in-river abundance of chinook in the Kuskokwim; two weirs on the George and Takotna Rivers; a genetic stock identification study of chinook salmon. Then on Nunivak Island, a TEK study where they're looking at Pacific cod, sockeye salmon and Arctic grayling harvest; and then the post-season harvest surveys on the Kuskokwim that estimates harvest of chinook, chum, sockeye and coho, and then in addition non-salmon species in Bethel and Aniak.

In the Southwest region there's three projects proposed. One is sockeye salmon escapements in the Lake Clark, aerial surveys near Perryville and Chignik; and then harvest assessment and traditional ecological knowledge study of non-salmon in Togiak, Manokotak and Twin Hills.

Then in the Southcentral region we have two telemetry projects proposed. One looking at sockeye...
salmon in the Copper River and then another one on steelhead. And then finally for Southcentral a study looking at changes in subsistence harvest on the Copper River.

Then for Southeast Alaska we have two sockeye salmon projects, one at Kook Lake, one at Klawock Lake; and then a steelhead study on Prince of Wales that's addressing some of -- it will provide some valuable information for the Board for some of the regulatory proposals.

And then finally we have the inter-regional region and there we have one study we're recommending to look at genetic species markers for whitefish to help us delineate whitefish species, particularly for juveniles.

So that's the 22 projects that are on the consent agenda. And then what we need Board action on is the two non-consent items. One is on the Kuskokwim for in-season subsistence salmon harvest assessment; and the second one is on Lake Clark for a whitefish assessment.

Similar to the regulatory proposals, what I'd like to do is have Staff present the Staff analysis, and then we'll have the Staff Committee's recommendation by Carl Jack, then take comments from Alaska Department of Fish and Game and then the Board would discuss it with the Council Chairs and the State liaison and then we would need Board action on both the two non-consent items as well as the consent agenda.

CHAIRMAN DEMIENTIEFF: Who's going to do the Staff analysis?

MR. KLEIN: The first project on the Kuskokwim, Rich Cannon will do the Staff analysis, and I'll turn it over to -- unless there's questions, turn it over to Rich to begin addressing that item.

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. CANNON: Thank you, Mr. Chairman. Board members. My name is Richard Cannon. I am the OSM fisheries biologists who works with the Kuskokwim Fisheries Monitoring Program.

The first item on your non-consent agenda is found on Page 5, it deals with Project 05-306,
Kuskokwim in-season salmon harvest data collection. It's a continuation project. The Alaska Department of Fish and Game and Orutsararmiut Native Council, ONC, propose continuation of this project which combines in-season harvest monitoring and age, sex, length data collection for the Kuskokwim River salmon subsistence fisheries. This project was initiated in 2000, was funded for three years, additional three years in 2001 and then for one additional year in 2004. Department of Fish and Game biologists and social scientists have worked closely with tribal groups to standardize in-season reporting of subsistence harvest. Department Staff have trained the tribal organizational personnel who collect, compile and report the harvest data from 40 to over 50 fish camps on a weekly basis. The ONC Staff also worked with local subsistence fishers who collect the age, sex, length data. State and Federal fisheries managers and the co-management Kuskokwim River Cooperative Fisheries Management Working Group have strongly voiced their support for continuing the age, sex, length data collection as well as the in-season monitoring activities included in this project.

The in-season subsistence harvest data is used by managers to assess the reliability of test fishery catch indices which are the primary data used to manage the subsistence fishery in-season. In addition, fisheries managers have told us that the routine input provided by a large number of subsistence users helps them determine if their actions are working to provide subsistence harvest while ensuring conservation.

The Technical Review Committee and Councils agree on funding the age, sex, length component of this proposal pending revision of the investigation plan which we have received. There has also been agreement that the ONC has done a terrific job of conducting the field work and reporting back the data. However, the Technical Review Committee and the YK-Delta Council disagree on the merits of the harvest monitoring component of the proposal. After considerable discussion of the merits of this component, all 11 members of the Technical Review Committee achieved agreement on the recommendation not to recommend funding for the harvest monitoring component.

The Technical Review Committee wants the investigators to fully address three questions in a revised proposal for 2006. For two years the Technical Review Committee has requested that investigators
1. How or if the in-season monitoring project should continue indefinitely

2. What is the projected end point of such a project

3. Describe how in-season subsistence harvest information will be applied to the management process

The Technical Review Committee has asked that these questions be addressed before being considered for subsequent years funding.

While the Western Interior Council supported the Technical Review Committee recommendations, the Yukon-Kuskokwim Delta Regional Council supported funding the full proposal to continue both in-season harvest monitoring and age, sex, length data collection in the Bethel area subsistence fishery. YK-Delta Council members were given a resolution which is provided to you on Page 6 prepared by the Kuskokwim Salmon Management Working Group requesting that the in-season harvest monitoring component of this project be funded. Several Council members spoke in favor of continuing the in-season harvest monitoring because of its importance to in-season subsistence management decision-making. The Council supported the motion to full the project.

That concludes my analysis and I guess we'll take questions at this point, or I'm not sure how you want to proceed.

CHAIRMAN DEMIENTIEFF: Yeah, at any time I think during Board discussion if there are points that need to come out you'll be available for us.

Staff Committee recommendation, Carl.

MR. JACK: Thank you, Mr. Chairman. For the record my name is Carl Jack here to report on the Staff Committee recommendation.

The Staff Committee recommendation. The Staff Committee concurs with the FIS Staff analysis and supports the Technical Review Committee recommendation.
to:

1. Fund the age, sex, length sampling component at the cost of approximately 45,000 annually

2. To not fund the in-season harvest monitoring component pending resolution of remaining issues.

The TRC further recommends that ONC and ADF&G develop a revised proposal for 2006 which addresses these questions.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you, Carl.

I thank all of you for your hard work as far as that goes. Carl and I were talking this morning, early, about this particular proposal and the fact that he had to give the Staff Committee recommendation, I mean so in doing so he's losing his passport back to the YK-Delta. But those are the sacrifices we make.

Department comments.

MR. BERGSTROM: The Department does want to say that we appreciate the support from FIS for projects in this package as well as the previous years. We have one specific comment towards this issue before you.

Based on the input provided by the YK-Delta Regional Advisory Council, the Kuskokwim River Salmon Management Working Group and the fishery managers, the Department supports that in-season subsistence salmon harvest monitoring from late May to mid-July, and we did say that during the TRC meeting.

This time period encompasses the chinook salmon run which is extremely important to Kuskokwim River fishers. There appears to have been some questions regarding how this project is used. First, basically the fishing success reported by subsistence fishers is cross-checked with the Department's test fishing project. The in-season subsistence catch information has been used in combination with other information to support in-season management decisions such as relaxing the subsistence salmon fishing schedule.
Secondly, the project provides an avenue for local user input into the determination of salmon run abundance and corresponding management strategies.

Obviously the TRC ran into the difficulty that all funding sources do where you have lots of projects and trying to determine which ones will be funded and it's a very difficulty situation for all those types of groups have to go through. But we do note that strong support for this project from the YK-Delta RAC and the Kuskokwim Salmon Management Working Group. The Department is aware that the funding portion of the in-season subsistence salmon monitoring project, however, this year would effect funding for another important FIS project in the Kuskokwim River drainage. It is unfortunate that there is not more funding availability for management research projects which provide very important information to all the user groups.

Thanks.


MR. EDWARDS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. EDWARDS: I might ask Mr. Klein, you know, it does seem that thee three questions that the FIS has or the group has proposed in-season are valid questions and I think we heard maybe partially a response to at least one of them. But I'm trying to understand -- it's my understanding that this request for this additional information has been made over several years and we haven't gotten at least a response or a response that the group has felt is adequate. Can you give any rationale for that?

CHAIRMAN DEMIENTIEFF: Steve.

MR. KLEIN: Well, I think part of the reason is we've continued to fund it over those two years.

This is a strong project. We would like to see it again, but, again, we would like to see those three questions answered. And for the harvest monitoring component we're looking at 40K a year and the proposal before you, I mean, over three years, we're looking at
120,000, and I would like to say, pass the red face test and say this is a good expenditure of the Board's and OSM's dollars, and I don't think we're there right now. And I think once those questions are evaluated, we can get there.

CHAIRMAN DEMIENTIEFF: Greg, is this one of the things you wanted to comment on, sir?

MR. ROCZICKA: That's the only thing I wanted to comment on.

CHAIRMAN DEMIENTIEFF: Okay.

MR. ROCZICKA: You rather caught me by surprise there, I was following your agenda and I didn't realize you guys were going into deliberations already, I saw several proposals ahead and suddenly we found ourselves -- before you got to deliberation I was going to say what happened to Item 2 on your procedure.

For the record my name is Greg Roczicka. I work with the Natural Resource Department of Orutsararmiut ONC, Native Council. I also sit as a member of the Regional Subsistence Council as well, Advisory Committee.

I don't know how much I can add. I mean I think the arguments have been laid out fairly well on the table, through the Staff, with their presentation and what we have here is just a direct disagreement with the Technical Review Committee. The questions that are laid out there, we believe, and the manager on the ground that deal with the fishery over these years feel that they have answered those questions and unfortunately the Technical Review Committee doesn't feel that they're adequate. As far as they're laid out here, whether or not it should continue, I think that question is -- the answer to that is, it's right in front of everybody, it does think it should continue. But the question is how long. And I guess the way we see it is that it should be incorporated as an annual program, part of the management structure and we have used it as such in the working group and it has developed into that point. You have a -- oh, how do you say it, it's rather a rare case where many -- we all have the goal that we want to incorporate the traditional knowledge of people and having this contemporary real-time feedback from people into the fisheries. It's been searched for for years how to do that, rather than have to come forward with what's so-
called anecdotal information, that's a real frustration that people have who -- out in the fish camps and those are concerned with the management structure.

Number 3, again, we have answered those questions over and over again and by the success that we have demonstrated with this, I just -- by not fully funding the project it kind of sends a message back to people that your input is not important enough. And that's, as you're all well aware, is a major sticking point between the Native people and subsistence and the people who operate fish camps and wonder about management.

I would put one correction on your review, it says Kuskokwim is one of the largest subsistence fisheries in the state, I'd like for the record to clarify that it is the largest subsistence fishery in the state. It surpasses the Yukon. You're looking at 22 percent approximately of total subsistence harvest statewide if you want to look at a numbers game. For chinook it's closer to 50 percent of your total subsistence harvest. And I just think that incorporating this -- keeping the in-season surveys and the feedback that we get from the people, and we're not just dealing with only Bethel, we have about a 40 mile stretch of river, it includes Napaskiak, Napakiak, people that come up from down river and those that come down from up river. It runs from approximately Kweth to Napakiak Slough. And -- I lost my train of thought.

Just -- oh, what I wanted to mention is, what you also have as a result of this and what we've used when questions would come up in the working group, observations that people have, the flexibility that you have here as well to go back and ask these direct questions to people that we can bring back to the working group is something that you're not going to find through the ability of the Department, with all due respect to them, as far as being able to call around and ask a few people, you don't get the objective and as large of level of feedback and input from people.

So I don't know if there's any other questions that you guys might have that I can try to answer.

CHAIRMAN DEMIENTIEFF: Are there any questions.
MR. TONY: Yes.

CHAIRMAN DEMENTIEFF: Paul.

MR. TONY: Yeah, you say that their questions have been answered, can you go into a little more detail on how they were answered or I mean a little bit more than that they were answered?

MR. ROCZICKA: Well, they're asking if it should continue, that is your number 1 question, and Mr. Cannon stated in there everybody thinks it's a very worthwhile project, they perceive the success of it and what we have here is just a consideration of stretching the dollars around, it's not whether it should continue. And the area managers to see the worth of getting the feedback that they do.

Number 2, projected end point. And, again, we feel that it's something that should be incorporated into the annual seasonal management program.

And number 3 is, again, it's how it's incorporated. It gives you the broader, a much greater number of people's observations rather than calling around to just a few people and putting that into lifting subsistence schedules. And if we should, by chance, ever come back to a commercial fishery which we'd like to see, we incorporate it in there as well, and into openings -- commercial openings, which actually we have in the -- for later on in the season with the coho run.

CHAIRMAN DEMENTIEFF: Gary.

MR. EDWARDS: Mr. Chairman. Mr. Klein, just kind of refresh my memory. Was it the overall intent of our Monitoring Program to fund programs indefinitely and do we have examples of where we are doing that? I guess I was more under the impression that we were going to use this pot of money to address issues and not to be part of the permanent management, the permanent monitoring fish stocks. Am I off base there?

Because at least what I'm hearing is that if the answers to these three questions are made and they are accepted and sufficient, then we're looking at this would be a permanent funded thing for ever more. And my question is, was that really the intent of the whole Monitoring Program?
MR. KLEIN: I think part of the intent is
for projects to provide valuable information for
management and those could be funded in perpetuity.

For this specific project I guess I
should provide a little more background. One of the
studies that we funded -- that you funded was a harvest
assessment work group and one of the findings out of
that, and this was a study where we had subsistence
harvest assessment experts, we had tribal groups, we had
AITC working together to look at harvest assessment
programs and make recommendations on where we should fund
in-season, post-season harvest monitoring projects. And
one of the concerns that came out of that study is where
you're going to do in-season harvest monitoring, first of
all that should be a rare circumstance, and where you do
do it it should be very deliberate and have specific
objectives to ensure that we don't have surveyor burnout.
And one thing you can do is you can burn people out by
surveying them for fish, for moose, for different
species, in-season and post-season and that was one of
the key findings of that study that we funded.

So here we do have an in-season harvest
assessment program and what we're hearing from people on
the river is, yes, this is one of those rare instances
where we want to continue, at least in the lower river.
Actually upper river, Aniak and McGrath, I think they did
have some burnout from the people that were being from
households and fishermen that were being interviewed,
down river, I don't think we've had that but for this
type of project where you're going to monitor harvest in-
season and be continually surveying fishermen in
households and fish camps, we wanted these questions
answered and some of the questions are should we do it
for like chinook salmon, or all species? Should we do
it in the lower river or middle river and up river? I
think Fish and Game and ONC probably have some -- they do
have some ideas on that but for the investigation plan
which is really what the TRC had to deal with it's not
fully described. We're not sure where they're going with
this and that's why we're not recommending that this be
funded.

Another project we're funding is the
post-season surveys, and if we were to jeopardize that I
think that would be a big mistake. So before we proceed
with the in-season monitoring project, and this is the
fifth year for the study, we want to make sure we're
doing sound science and getting maximum information that
we can and here we're looking at $40,000 a year.

Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you.

MR. OVIATT: Mr. Klein, are there any plans to work with the proponent to develop a fully successful proposal for next year?

MR. KLEIN: Yes, we will be perfectly willing to work with the proponent. And that's the recommendation of the Technical Review Committee, is to work with ADF&G and ONC to develop the framework for an in-season harvest assessment program. And for 2006 I think we can do that.

MR. OVIATT: So you actually have a plan to develop that?

MR. KLEIN: We would have Polly Wheeler who is the anthropologist for that region work with Fish and Game, their anthropologist and ONC to craft a proposal and actually we can still submit proposals for 2006, and they would continue to work on the investigation plan.

I think when a proposal is so crafted with FIS input and ADF&G, and ONC I think it would fare very well in the process.

CHAIRMAN DEMIENTIEFF: Thank you.

Further discussion. Greg, you had something else, go ahead.

MR. ROCZICKA: Yeah. If I could offer just a little bit more. Actually you're asking if we answered these questions, we have asked the same question back, what more do you want to see? I mean what specifically are you looking for, of the Staff, and we made this approach, you know, what do we need to do to make it pass such an extreme level scrutiny that's being asked here, and we haven't got answers back to our question either in that regard.

I mean we'd like to hear some specifics, what would you like to see us do? What do you need us to do, we can work, we're flexible. This project has that capability. And rather than toss it out the window, I would rather see that we need to work together to put in
there whatever abstract desire that seems to be lacking
to incorporate it in. I've said many times that I feel
that we're underutilized, that we can do a lot more with
this program than we're currently doing. Looking at
having my guys collect the fin clips for GSI analysis, so
we got that project going forward, that could be
incorporated in quite easy. And that's just one I toss
out right for the moment.

So we're looking for the answer here,
too, but to toss five years of establishing a very good
program out the window, I don't -- by cutting it back as
being proposed here by the recommendation, I don't see as
a good move.

MR. EDWARDS: Well, Mr. Chairman, you
know, and Steve, correct me if I'm wrong here but I kind
of get the sense that when the TRC looked at all the
priorities it had out there and the value that projects
added to helping us better decisions when it comes to
management, that this particular project doesn't seem to
rise to that same level, I mean is that unfair to say
that?

MR. KLEIN: Mr. Chair. Gary, I think the
main reason it was ranked low is based upon the technical
merit. And if these issues were resolved I think it
would be much -- it would not be below the line, it would
be much higher on the list. And Greg your comment that
sending the wrong signal, that causes -- this was a very
hard decision for us to recommend because this is --
anybody that knows me, you know, I'm all for capacity
building and working with local fishermen to get their
input and information into management, but when we looked
at the investigation plan at the TRC meeting, it really
didn't have the sound science that I feel comfortable or
the other 11 members of the TRC felt comfortable in
recommending to the Board. Can this be worked out, yes,
I think in 2006 we should -- we need to sit down and work
this out with Fish and Game and ONC and develop something
that I think would rise very high in the ranking for the
Kuskokwim region.

Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you.

MR. TONY: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.
MR. TONY: Yeah, Mr. Klein. I'm curious. So for the prior five years that were funded, the proposals had technical merit but this year's proposal lacks that merit or how does that work in terms of the justification for funding the three years from 2001 and then 2004?

MR. KLEIN: Mr. Chair. Mr. Tony, this project, it's evolved every year. For some years and for some regions, really, the information was not that valuable for some years in some regions, particularly in the Bethel region it's proved extremely valuable. But it was three projects in three different areas and each year it has gotten better. And, really, what we're asking now is, all right, we've got four years behind us, where are we going to take this project? How long are we going to continue to fund it? Where are we going to fund it? How many households? And those are the questions we would like to work with ADF&G and ONC to resolve and put together a scientifically sound proposal.

So it's evolved over the years. And I think it can evolve into a scientifically sound harvest monitoring project.

Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Judy.

MS. GOTTLIEB: Greg, and.....

CHAIRMAN DEMIENTIEFF: Okay, wait a minute, Judy, if you could just wait a minute, Paul has a follow up question, let's go ahead and.....

MS. GOTTLIEB: Yes.

MR. TONY: Yeah, I'm just trying to clarify. So this proposal that we're talking about is the in-season portion of it is 40,000, is that what we're talking about, and am I understanding the packet correctly, that there's something like 1,900 million plus available or I guess it's 2.1 million -- so there's 174,000 that's not being obligated that could be out of this total amount of monies?
MR. KLEIN: Mr. Chair. Mr. Tony,
actually the way the budget has evolved some of the
projects in 2005 have increased in cost and -- well,
actually we don't even know -- I see Mr. Boyd grimacing,
but actually we don't even know where our budget is
completely at.

But in terms of the projects that have
increased since July, the funding is fully allocated. So
if we were to move forward with an additional 40,000 for
this project, I would recommend that we would need to cut
40,000 off and then the next highest priority in the
Kuskokwim was that whitefish pit tagging study which was
the lowest priority that we are recommending in the
Kuskokwim region. So if you did want to fund this
component and I know I'm not allowed to overspend, so we
would need to take the next lowest priority off and I
would recommend the whitefish pit tagging project. If
you go to Page 75, all of the Kuskokwim region projects
are ranked there in order of priority.

And the next -- the project with the
lowest priority that we have the funding to actually fund
is the whitefish pit tagging project and it says 95,000
with 40,000 in parenthesis. What the TRC recommended was
a feasibility study at that $40,000 level.

Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you.
Further discussion. Judy.

MR. TONY: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Follow up, again,
okay, go ahead.

MR. TONY: So the cost of the in-season
portion is 40,000 a year, is that what I'm hearing?

MR. KLEIN: Yes.

CHAIRMAN DEMIENTIEFF: Okay, Judy.

MS. GOTTLIEB: Thank you, Mr. Chair.
Greg, and Steve, I mean this Board certainly does value
observations, local data, local knowledge. And I think
from the information collected and I think it sounded
like Dan agreed also it has been very useful, so I don't
think it would be lost if we do have to take a break to
kind of regroup, maybe provide some relief to people who
feel they've been asked too many times about what's going
on and solidify a study plan to have this continue for
next year.

So just a comment.

MR. ROCZICKA: If I could, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Further
discussion.

MR. EDWARDS: Mr. Chairman, would you
like a motion?

CHAIRMAN DEMIENTIEFF: I believe we've
pretty well answered all the questions. Go ahead.

MR. EDWARDS: Mr. Chairman, I move that
we accept the recommendation of the TRC as well as the
Staff Committee and just fund the -- how do you refer to
it, Steve, as the -- only the one portion of this study
and not fund the in-season management portion of it.

CHAIRMAN DEMIENTIEFF: Thank you.

There's a motion, is there a second?

MR. TONY: Mr. Chair. I just wondered, I
thought we were in the habit of stating motions regarding
our position on the Council recommendations.

CHAIRMAN DEMIENTIEFF: I was just going
to raise that point.

MR. EDWARDS: Well, the Western Interior
did support the TRC recommendation.

CHAIRMAN DEMIENTIEFF: Yeah, I think we
kind of went back to that, using the Regional Council
recommendation as a motion as opposed to Staff. As much
as value the Staff Committee work and the TRC in this
particular case, but that's kind of what we went back to,
is utilizing the recommendation -- a Regional Council
recommendation.

MR. EDWARDS: With that said, Mr.
Chairman, I move that we support the Western Interior
Council's recommendation, which was to support the
recommendation of the TRC on the funding portions of this
particular project.
CHAIRMAN DEMIENTIEFF: We have a motion, is there a second.

MS. GOTTLIEB: I'll second.

CHAIRMAN DEMIENTIEFF: Let me -- as far as my work on this particular issue, I guess I somewhat reluctantly intend to support the motion. But the fact of the matter that we are looking at having the Department, Staff and ONC work together is the one saving grace for me for next year. And I think I get a sense of commitment from everybody, certainly heard it from ONC, certainly heard it from our Staff. Will there be a willingness on the part of the State, I guess, to go ahead and participate in the work that needs to be done to add that component in?

MR. BERGSTROM: Yes, Mr. Chairman, that's -- I'm writing notes right now to do that.

CHAIRMAN DEMIENTIEFF: Yeah, so we will have all the players at the table. I do think, you know, the reluctant support is in recognizing the fact, and I was glad that Paul asked the questions of Staff, if we are fully allocated, we do have to prioritize, and I like the fact that that work has been done and will continue to be done to try to get that back in there. If we don't have the resources, it's pretty tough to -- pretty tough to -- and I did ask Tom if he wanted to take a cut in wages this year to fund that component but he was reluctant to do that as well.

(Laughter)

CHAIRMAN DEMIENTIEFF: But anyway, so that's kind of where we're at as far as this goes. And I think we're doing the best we can and if we have that level of cooperation then I, you know, I at least intend to support the motion and get that back on the table and get the work done that we need to get that component added in.

Paul.

MR. TONY: Mr. Chairman, I speak not in favor, but against the motion just because it seems like even the Staff comments indicate that this is valuable information that's being collected and that all that's needed is maybe some work to make sure that the future direction of the program is satisfactory to both Staff
and the Board and I think that that can be worked on in the future as the intent was stated. But I don't see any reason not to go ahead and support the continuation of this for the coming year.

CHAIRMAN DEMIENTIEFF: Thank you.

MR. EDWARDS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Gary.

MR. EDWARDS: Mr. Chairman, as you pointed out, any time you have more needs than you have money, tough decisions have to be made. And I think that's what we have asked the TRC to do, you know, each time these projects come in and we have many, many good projects, you know, they have to weigh each one of these and make some very tough decisions on where to set priorities. And I think we need to rely upon these folks to do that. I think it's interesting to note, even though this was kind of a State project also, the State has three people on the Technical Review Committee that also recommended not to approve this project. And I think the TRC is making tough decisions and, you know, I am for one, applaud the work that they have done, and think that we should continue to support, you know, the wise advice that they give us.

CHAIRMAN DEMIENTIEFF: Thank you.

Further.

MR. BSCHOR: Mr. Chair, I just have a question about the intent of the motion. Supporting the Council's position means full funding of all parts of the project; is that correct, was that your intent?

CHAIRMAN DEMIENTIEFF: No, it's the recommendation of the Western Interior Council.

MR. BSCHOR: Okay.

CHAIRMAN DEMIENTIEFF: Not the.....

MR. BSCHOR: So just the $45,000 ASL portion of it.

CHAIRMAN DEMIENTIEFF: Yes.

MR. BSCHOR: Okay, that helps me. The other comment is that realizing the concerns in this
system and the need for information, I'm very much in
favor of making sure we have the best information that we
can get in deliberation over these issues because they're
very serious.

Also that the question about inferring
that there'll be a long-term forever type project I'm not
in favor of, so if that's inferred here, I want to make
it known on the record that I think we need to
continually really monitor all these projects and not
really say that anything is going to be forever. So I
just wanted to make that clarification.

CHAIRMAN DEMIENTIEFF: Thank you.
Further discussion.

(No comments)
CHAIRMAN DEMIENTIEFF: Are we ready to
vote.
(No comments)
CHAIRMAN DEMIENTIEFF: Apparently we are.
All those in favor of the motion please signify by saying
aye.
IN UNISON: Aye.
CHAIRMAN DEMIENTIEFF: Those opposed.
MR. TONY: Aye.
CHAIRMAN DEMIENTIEFF: Motion carries.

Steve are you -- okay.
Mr. Chair, we have one other
non-consent agenda item and then we'll have the consent
agenda.
For the non-consent agenda item in Lake
Clark, Dr. Steve Fried will be doing the Staff analysis
for that.
Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you. Go
ahead.
MR. FRIED: Thank you. Good morning, Mr.
Chair. I'm going to do the Staff analysis for the second non-consent item, and this concerns Project 05-403, distribution seasonal movement and life history of humpback whitefish in the Lake Clark watershed. In the Council books, the non-consent agenda item information is on Page 7. There's also more information on this particular project on Page 115, there's an executive summary.

Essentially what this project would do would -- it would collect basic life history information on humpback whitefish in Lake Clark. And this would include things like the age and size, age and maturity fecundity and anadromy and this would be done by the investigators sampling whitefish within Lake Clark and also sampling subsistence harvest of whitefish in Lake Clark.

The second objective would be to determine the seasonal migration patterns and habitat use of these whitefish populations and this would be done through a radio telemetry study. The study was submitted in response to reports by local residents that harvest of humpback whitefish were declining and also the size of the fish in these harvests were declining. The project was submitted by USGS, National Park Service and Bristol Bay Native Association. It was supported and received letters of support from the Nondalton Tribal Council, Kijik Corporation and the Lake Clark National Park Subsistence Resource Commission, and the participating agencies would match about half of the cost of conducting this work.

The Bristol Bay Regional Advisory Council did not support the TRC recommendation to fund this work. They were concerned that this work, in their opinion, was of lower priority than the need to obtain more information on Lake Clark sockeye salmon, specifically smolt information for Lake Clark sockeye salmon smolt. Unfortunately there was no 2005 proposal that had been submitted for Lake Clark sockeye salmon smolt.

We do realize the importance of Lake Clark sockeye salmon of Federal subsistence users. We share the Councils concerns about the declining runs. The Monitoring Program has been responsive to this issue. It's funded several projects that collect information on spine distribution and stock structure in Lake Clark, we've been monitoring the spawning escapement through a tower in Newhalen River, in fact, the continuation of
this project is part of the consent agenda for 2005. And we also have an ongoing study that's looking at adult run timing for the Lake Clark component.

Since no 2005 proposal was submitted for smolt, FIS Staff worked with Alaska Department of Fish and Game to modify an ongoing project on Lake Clark, the run timing project on Lake Clark adults to allow us to conduct a pilot study on smolt. And this study would make use of genetic mixed stock analysis that would allow us to examine the timing and abundance of Lake Clark smolt at the Kvichak River smolt enumeration site.

Also Alaska Department of Fish and Game is very interested in developing a 2006 project proposal to continue smolt work probably over the next three years to look at using genetic mix stock analysis at their Kvichak River smolt site. And this approach to getting information on Lake Clark smolt was actually recommended by the Technical Review Committee when they reviewed an earlier smolt proposal.

So in summary we would support the Technical Review Committee recommendation to fund the whitefish project in Lake Clark and also as I've indicated we've modified an existing project to begin collecting smolt information for Lake Clark sockeye and we're looking forward to receiving a more detailed proposal to do this probably for two or three years for 2006. So if there's any further questions I'd take them now.

CHAIRMAN DEMIENTIEFF: Thank you.

MR. JACK: Thank you, Mr. Chairman. For the Staff Committee, the Staff Committee concurs with the FIS Staff analysis and supports the Technical Review Committee recommendation to fund this Lake Clark whitefish project.

The Staff Committee is also pleased that FIS Staff was able to work with ADF&G to modify an existing Lake Clark sockeye salmon run timing project to include analysis of Lake Clark sockeye salmon smolt information.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you.
Department comments.

MS. SEE: Mr. Chairman, we have no comments. Thank you.


MS. GOTTLIEB: Thank you, Mr. Chair. I'm sorry Dan isn't here, and I had meant to talk to him about this before the meeting, but my understanding is that while the Regional Advisory Council identified or felt that there was a stronger need to study Lake Clark sockeye salmon smolt, with no proposal in that doesn't really give us an alternative. What we've been seeing from the data on the Newhalen River is that there's been an approximate 81 percent decline in the amount of salmon getting up to Lake Clark and that's making the whitefish more and more important. Figures show that whitefish can contribute up to 20 percent of people's subsistence diet. So we really do have a need to learn more about the species that people are really dependent on.

CHAIRMAN DEMIENTIEFF: Thank you. Paul, you had a comment.

MR. TONY: A question. It mentions in the booklet here, it references the investigators but it doesn't say who they are.

MR. FRIED: For the whitefish study?

MR. TONY: Yes.

MR. FRIED: It's USGS and the investigator would be Julie Meka and Carol Ann Woody, and then they would also have some support from National Park Service. And I think this is primarily financial support, whether they would provide funding for the radiotags and some other things, and also the Bristol Bay Native Association which would provide probably some seasonal assistance and probably coordination with local communities and things like that.

MR. TONY: And the annual cost is roughly $70,000 a year, something like that?

MR. FRIED: Yeah, the first year is $70,000, I think it then increases to $100,000 for the second year and then for the third year it's down to
about $60,000. I think the second year is more expensive because there's going to be some more logistics involved to do the radio tracking, that's for capturing and tagging the fish and then following their movements.

CHAIRMAN DEMIENTIEFF: Other discussion.

MS. GOTTLEIB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Judy.

MS. GOTTLEIB: I guess one other comment would be, I mean whitefish has not been as studied because it hasn't been used for recreational or commercial purposes and there's way more available sources of funding for salmon studies than for whitefish and so I would endorse us approving this study.

MR. TONY: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Paul.

MR. TONY: I just need to comment on the fact that we just voted down funding a project that was less than this by saying that there's not enough money and then we turn around and the very next item on the agenda, and the project that we voted down was supported by the Regional Advisory Council, that is in the area, that the primary study is being conducted, we voted that down in favor of something -- but, you know, by saying there's not enough money in favor of something that is not supported by an Advisory Council, that the money is going to Federal agencies and I just think that fundamentally there's something wrong with this.

CHAIRMAN DEMIENTIEFF: Other discussion. I think I'm going to have to agree with you, Paul, if the Regional Council recommendation is not to fund. I'm wondering -- what I'm wondering is if there's room to downsize this study based on the Regional Council recommendation and expedite the process that we had just asked for in the previous proposal, to maybe come back and make that money available for that once we get the Staff work done with the Department and with ONC. Given the priority given to us by Bristol Bay Regional Advisory Council, and that may be something that we could choose to explore. I agree, and I do know that our people at home and people all over, I do know are dependent on these fish there's no doubt about that, but I'm just raising the question, is there the opportunity to
downsize and is there some interest in doing so?

MR. EDWARDS: Mr. Chairman, again, it's unfortunate that Dan's not here, but at least the way I read this is that the Council was not saying not so much that they opposed this project, but from a priority standpoint that they felt that the sockeye study would be more important. Well, when you don't have a study it's pretty hard to fund one. And my guess is if you ask them if they had a choice of losing some funding for the whitefish and having it go to somewhere else, my sense is that they would probably support the whitefish given the fact that there isn't a sockeye. I mean I can't speak for Dan, but I'm assuming that if I certainly was from that Council that's where I would be going.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: Did I hear Steve, one of you say that some of those concerns were going to try to be addressed, the salmon concerns were going to try to be addressed through Fish and Game or maybe I heard something else there?

MR. KLEIN: For the smolt work, they will be putting in a proposal for 2006 to propose smolt research.

MR. EDWARDS: But I think to answer Judy's question, didn't you also say that some existing projects are going to be modified that would also help address the issue that the Council raised?

MR. KLEIN: Yes. We did contact Alaska Department of Fish and Game and actually they had some archive samples so there wouldn't be any collection costs and typically with your genetic studies it's the collection costs that really drive the costs. So for about $10,000 the State Genetics Lab will be looking at those samples and to see if they can differentiate the sockeye stocks, which they felt fairly comfortable they could differentiate those and then that would support their more detailed research proposal for 2006.

MR. BSCHOR: I certainly can't argue with the point that Mr. Tony just made. However, looking at the projects it's been my past experience when we were dealing with other partners, other dollars involved,
which in this one it says that half the costs are funded
by other partners, my question would be what kind of
long-term arrangement is there with the partners and
would that money be lost in the process if we didn't fund
this?

MR. FRIED: Well, it wouldn't be
available for anything else. I mean that money is
provided to support this project and this project does
have an end point, it's not going to go on indefinitely.
This is, you know, specifically done to get a three year
study.

MR. BSCHOR: That was going to be my next
question, what is the end point again, it's probably in
here, and I missed it?

MR. FRIED: Yeah, it's a three year
study. And after the three years they would summarize
the information and, you know, a good point is there is
no information on whitefish in Lake Clark, none, so I
mean that's some of the interest by the TRC and also by
our Staff is here's a declining resource, we know nothing
about it so we probably should get some information on
it.

CHAIRMAN DEMIENTIEFF: Other discussion.

MR. TONY: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Paul.

MR. TONY: Could I ask who the partners
are and how much money is -- what is this 234,000, that
is just what we're funding, so the partners are funding
another 234,000 is that what you're saying or maybe I
missed that?

MR. FRIED: Yeah, the match varies over
the years. USGS for example would be matching in 2005
about $21,000 and 2006 $121,000 and 2007 $17,000. Park
Service it's about -- it's over $20,000 over each of
those three years, so that's basically the matches, so,
you know, if you add up the numbers it's about over a
$40,000 match the first year, it's about $150,000 the
second year and about 30,000 or 40,000 for the third
year. It's about a 50 percent match.

CHAIRMAN DEMIENTIEFF: Any other.....
MR. TONY: I guess just a comment, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. TONY: That's what strikes me as odd about this whole thing, you know, the Federal agencies have a process, you know, a budget process where they make requests, I mean that's my understanding, I've been -- I haven't been working for the Federal government very long but my understanding is, you know, there's a request that goes up for appropriations and it just seems odd to me that an agency would be able to ace out a local organization, you know, by matching money that they're getting through the Federal budget process to get other Federal money that we're allocating through this process. I mean it just seems like a very strange thing to me.

CHAIRMAN DEMIENTIEFF: Further discussion.

MR. TONY: I mean I guess what I'm saying without, you know, what I'm inferring is that there -- I'm assuming that this request could be made through the agency process, to Congress, and then if Congress found that there was merit in funding the agency to do this study they could fund them. Am I not correct in that?

MR. EDWARDS: Well, Mr. Chairman, I mean USGS doesn't submit their budget to Congress based on a project by project basis, they have X amount of dollars and then they make decisions with it just like the rest of us do. But I mean I just don't think that they would go forward with Congress and ask for a specific funding for a whitefish project on Lake Clark, I mean that's not how it works.

CHAIRMAN DEMIENTIEFF: Go ahead, Tom.

MR. BOYD: The US Geological Survey Branch of, BRD, they're a service support, a science support, if you will, agency, and they do receive funds from other agencies to conduct research and in this case monitoring in support of the other agencies mission. So it's perfectly appropriate for them to do so, it's what they were designed to do actually.

MR. TONY: And you were saying the USGS, is that what you were -- I didn't hear what you said the first part?
MR. BOYD: The USGS Biological Resources Division.

CHAIRMAN DEMIENTIEFF: Steve.

MR. FRIED: I don't know if this will help clear things up a little bit, but some of the matching is Staff time, it's existing equipment that we're able to use at the other agency will use for this project, it would be aircraft time. Some of the agencies have aircraft and we can use the aircraft to, you know, track fish or vessel or boats that they have to track fish instead of having to go out and by one or charter things, so I mean there's various things that come, it's not just necessary dollars.

And I guess the other thing I could point out is the Bristol Bay Native Association has some roll in this project also where they would provide some professional help, you know, with the sampling, with the tracking, with things like that, and it does have support from the residents of that drainage and also, you know, various Native and local associations in that drainage. And Carol Ann Woody at USGS has an excellent track record with working with people in the local communities and she's done quite a bit up there so if she's involved in the study I feel pretty comfortable that at least that part of the work is going to be pretty good.

CHAIRMAN DEMIENTIEFF: Well, I was hoping that we could get done with this agenda item prior to taking a break but I think I need a few minutes to digest the information that we've gotten so far and so I'm just going to go ahead and call a short break right now.

(Off record)

(On record)

CHAIRMAN DEMIENTIEFF: I'll go ahead and call the meeting back to order.

(Pause)

CHAIRMAN DEMIENTIEFF: Is there further discussion on the issue, Project No. 05-403.

MR. TONY: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.
MR. TONY: Yeah, I just want to make a comment and part of -- I probably have a bias, you know, I mean I'm a subsistence user, grew up in rural Alaska and I've just seen instances where it seems like local knowledge is discounted or ignored and not respected.

I'll give you an example, back when it used to be legal to hunt belugas in Cook Inlet, I used to hunt belugas, and when the decline began, I remember seeing, I don't remember if it was Marine Mammal, but it was one of the Federal agencies showing up at the docks down there in a big expensive Boston Whaler with twin 200 horse engines, 230 horse engines and then they ran around out there with biologists and researchers trying to tag a beluga, and all the Native hunters kind of looked at this with amusement and they spent the better part of the summer trying to do that without any success, and then they finally turned around and I think they hired a Native guy to tag a beluga for them you know. And I guess that's the kind of lack of respect that we see firsthand when we're out there on the ground and on the water.

And I've seen other examples as well and I think there's probably a notion that science is superior to traditional knowledge in all respects, there's sort of a view or a bias that that's true, and I think I talked about this example before where the agency for international development had gone into a country with engineers and told the local people that their system terracing that had existed for thousands of years was primitive, that it was inferior, and that it needed to be replaced with modern agriculture systems so they convinced the local people to let them tear out the terracing, put in piping and modern irrigation systems funded by probably the U.S. taxpayers and after spending all this money they found out that crop production fell by 30 percent and it forced them to reevaluate this idea that that system that had been around for a long time was inferior and what they ended up finding out was that that system of agriculture was the best available technology for that climate and they ended up putting the terracing back in and studying that model and exporting it to other regions.

But I think this story is meant to illustrate, you know, kind of the view that discounts traditional knowledge. And that just because something's been around a long time doesn't mean it's not the best thing around.
CHAIRMAN DEMIENTIEFF: Thank you.
Further discussion.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Judy.

MS. GOTTLIEB: If I could, and I really appreciate your concern, Paul, this study is based on the local knowledge and observations and the real concerns people have that they are seeing and experiencing declines in whitefish, as well as having very clearly seen declines of salmon. And so as a result of what the tribal council and the village corporation as well as our Subsistence Resource Commission, what we've heard from them prompted government managers and Bristol Bay Native Association to put together this proposal on a species that hasn't been studied and on one that people have to increasingly rely on because of the decline in salmon. So part of this study is to make use of that local knowledge and get some information for all of us to make better decisions. And if salmon runs continue to stay low, people will be even more dependent on whitefish and all the more reason for us to learn more about it as users and managers.

CHAIRMAN DEMIENTIEFF: Thank you.
Further discussion.

MS. GREGORY: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GREGORY: I'd like to speak. I'm from the YK RAC and I went around talking to people, I talked to Mr. Fried about this study and I get really emotional because most people, the Yup'ik people and different people living in the Kuskokwim, YK-Delta, and when people -- when we have this program that ONC and the fish people are studying or having the in-season studies going on and when you finally get the local people to help you, you're going to shun them again. I'd like for you to go back to the proposal from the ONC, the other one, we supported that, really supported that because when you finally get people to work with you you don't disregard them. And you're supposed to represent me as a subsistence Federal Board. And there's 22,000 people in YK-Delta and there's only 700 people in this study you're about to take action on. Hear us out.
And I don't see nobody from Bristol Bay area or some RAC people being here to support it in person. I think when you come to support in person that tells you a lot of support from that group. I'd like you to not take this one right now and research it before you take it up. I came here to represent my people and there's 22,000 of them who are thinking that I can to a better job for them. I don't let other people represent me, I represent my people and myself.

And there's a lot of humpback whitefish in the YK-Delta, they whitefish we're eating right now, they're not declining. The only whitefish that were declining were the other kind, that people use it for their main -- main food during the wintertime.

Hear me out. I'm 100 percent subsistence user, I only take (In Native) when I'm in town. We've been eating whitefish all winter long and they're all humpbacks, we got only one little whitefish, the other kind every now and then but I think you need to treat people with as much fairly as you can.

Thank you, sir.

CHAIRMAN DEMIENTIEFF: Thank you.

Further discussion.

MS. CROSS: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Where's that coming from?

MS. CROSS: Over here.

CHAIRMAN DEMIENTIEFF: Go ahead, Grace.

MS. CROSS: I was going to make a recommendation. It's unclear what the RAC is saying in this, they don't say they support this, they don't say they don't support it. Maybe this should be tabled until this is clarified further until a little bit later. It doesn't take but a phone call to call maybe Dan O'Hara or somebody else and find out what do they mean by this project is a lower priority. Do they mean that they do not support this project or they do? I think we're all kind of assuming that they don't support this, and some people are basing their argument that they're not in support of this but to me it's unclear. And some people are assuming they're supporting it.
It would make sense for me to have that clarified before you choose to vote on it. I don't think -- like I said it doesn't take much to make a phone call. It would be a more informed -- to me it would make sense to be a little more informed about that before making a decision. I mean it kind of seems like you're opening yourself to criticism from the RAC.

CHAIRMAN DEMIENTIEFF: Yeah, I can respond to that. We are rigged up to have Dan O'Hara participate but he must be busy doing something because we -- but we were rigged up specifically to include him in on the discussion. But like I said he's just busy, has other irons in the fire and needed to spend time with those.

And as far as the point of sockeye, there was no study request so we can't deal with that particular issue. We never had a proposal to begin with for that sockeye study that the RAC was more supportive of. There was no proposal.

Other discussion.

(No comments)

CHAIRMAN DEMIENTIEFF: I guess we're ready for a motion then.

(Pause)

CHAIRMAN DEMIENTIEFF: We didn't have a motion yet, did we?

MS. GOTTLIEB: No, not yet.

CHAIRMAN DEMIENTIEFF: If there's no other discussion.

MS. GOTTLIEB: Mr. Chair, as we discussed, we'll start with the Regional Advisory Council's motion or recommendation which, in this case, was not to fund this particular study.

CHAIRMAN DEMIENTIEFF: Is that a motion.

MS. GOTTLIEB: Well, I'll move that we discuss the Regional Advisory Council's recommendation to not fund this proposal.
CHAIRMAN DEMIENTIEFF: Is there a second to that motion.

MR. TONY: Second.

CHAIRMAN DEMIENTIEFF: Okay. I think the dependence of people on that particular resource and I know it's subsistence users all over the state that have them depend on them very heavily, and I think from the report it's 20 percent of their fish utilization that we have no knowledge of other than it's declining.

I do not support the Regional Council recommendation in this particular case because I know the dependence of those people on that particular resource. And the fact that other -- the users and Bristol Bay Native Association worked to put together this particular proposal gives me a strong indication that even though the RAC doesn't support it there is local requests for the need. I think in the case of the Bristol Bay RAC, and I don't mean no disrespect to them or anything like that but if there was a sockeye request in there I would tend to look at that a lot more strongly, but it was too late to get that particular study request in there.

So I can't support the Bristol Bay RAC and their recommendation not to fund because we do have people that are dependent on that resource, heavily dependent on that resource. The old formula that we use is 50 percent game, 50 percent fish, and 20 percent of their dependency in that area is whitefish, that's a strong, strong number. And we don't have the information, all we know is we're losing the population and we do need to try to find out how. So I agree with that part of it.

With regard to your comments, Mary, I don't know, I mean the difference is for the in-season management in the previous proposal we discussed is not 40,000 it's only 28,000, and so I'd just like to raise the question as we discuss this, what would 28,000 do to the whitefish study proposal and I'm not sure who is best equipped to answer that.

(Pause)

CHAIRMAN DEMIENTIEFF: Nobody. I know it's kind of a curve but I'm just looking at what the difference is, $28,000 less in this particular study would be? Would it heavily impact?
MR. KLEIN: Well, I think we could say the worst case scenario would be that the study would be delayed one year.

CHAIRMAN DEMIENETIEFF: Delayed?

MR. KLEIN: Yes.

CHAIRMAN DEMIENETIEFF: That's worst case with $28,000 less.

MR. KLEIN: Well, you know, they do have quite a bit of matching funds in there. I mean for that study you either do it right or I think it would be best to wait and start it next year. I think if you reduce the budget 40 percent the likely outcome would be that you would defer until next year.

CHAIRMAN DEMIENETIEFF: Thank you, that answers my question. Gary, you have something.

MR. EDWARDS: Yeah, Mr. Chairman. I guess my concern would be is that if we wanted to fund the other project, why would we particular necessarily target this one to reduce the funding to. My guess is there might be others that are even lower priority than this. So I think it becomes a slippery slope when you just automatically pick one project and say, okay, we're going to reduce it in order to fund this without looking at all the projects together.

MR. KLEIN: Mr. Chair.

CHAIRMAN DEMIENETIEFF: Yes.

MR. KLEIN: Gary's right. If you look at the Kuskokwim region, the next lowest priority we're recommending to fund is the whitefish pit tagging study and if that was the pleasure of the Board that study could be deferred a year if you wanted to proceed with the in-season monitoring in 2005.

MR. REAKOFF: Mr. Chairman.

CHAIRMAN DEMIENETIEFF: Yes.

MR. REAKOFF: Western Interior was in favor of that pit tag study, we have the same problem, we have declining whitefish in the Aniak Lake area and we're very concerned about those whitefish because they're also
a significant portion of our subsistence harvest. And so
the Western Interior would not be in favor of elimination
of that study because that issue has been floating to the
surface in that middle Kuskokwim area for several years
now. And so our Council wouldn't agree with that.

CHAIRMAN DEMIENTIEFF: Further
discussion.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: I'd like to make a motion
to amend my previous motion which will be to support
approving this project.

CHAIRMAN DEMIENTIEFF: There is an
amending motion on the table, is there a second to the
motion.

MR. OVIATT: Second.

CHAIRMAN DEMIENTIEFF: Yes, again, I
point out what I brought up earlier in terms of I intend
to support the amendment because of where the -- or the
importance of that resource. And there is a lot of local
support for that, so when I do vote to support the
amendment then I intend to vote for it and that's the
reason why, just because of the large participation in
the project and the local support for it.

(Pause)

CHAIRMAN DEMIENTIEFF: Any other
discussion on the amendment.

MR. BSCHOR: Mr. Chair, I want to comment
on the amendment. I believe also that that local support
is extremely important as I commented earlier about
having other partners on board and what bailing out a
project does to that whole group of folks, including the
communities, I think it extremely important.

I also would not jump to the conclusion
that the Council did not approve of this project, we
don't know since we haven't been able to contact the
Chair, but they said that the total cost was too much,
that doesn't say no. So I know we won't be able to
clarify that today but I'm going on the assumption that

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they weren't against the project, they might have been concerned from what it says in the write up about how much it was going to cost. There might be some ability to even go along with the project. So I'm going to go on that assumption relative to my vote.

CHAIRMAN DEMIENTIEFF: Thank you. Any further discussion on the amendment.

(No comments)

CHAIRMAN DEMIENTIEFF: Hearing none, all those in favor of the amendment, please signify by saying aye.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries. We now have the motion on Project 05-403 as amended before us. Is there further discussion on the amended motion.

(No comments)

CHAIRMAN DEMIENTIEFF: Hearing none, all those in favor of the motion as amended, please signify by saying aye.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries as amended.

We now have the consent agenda items before us with regard to the fisheries proposals. The Chair at this time would entertain a motion to adopt the consent agenda items with regard to the studies for 2005.

(Pause)
MR. KLEIN: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MR. KLEIN: The consent is on Page 3 of your books.

CHAIRMAN DEMIENTIEFF: Thank you.

MR. EDWARDS: Mr. Chairman, I move that we approve the 2005 Fisheries Resource Monitoring Studies that are identified on the consent agenda.

CHAIRMAN DEMIENTIEFF: There's a motion is there a second.

MR. BSCHOR: Second.

CHAIRMAN DEMIENTIEFF: Discussion.

(No comments)

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

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries.

And Gary, I think your point is well taken that as we review these, and once Department and ONC and our Staff can get together we can look to see if the possibility exists for the 28,000 but you're absolutely correct in jeopardizing one particular project. So if there is that kind of money available then I'm entirely open to coming back prior to the study in one of our work sessions to see if we can't find it.

That is the deal with us Steve, if you can, if there's any possible way that you can see as you're working through this then bring it to my attention and we'll go ahead and schedule a reconsideration of the previous proposal and the $28,000 shortfall. But, yeah, not at the jeopardy of another project.

So with that we'll move on.
MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: I was just wondering, with Steve and other Staff here, if I could ask two, I hope, just pretty quick questions because we're going to be dealing with issues on the Yukon River, and that will be very important. If I could get just a little bit of an update on the Yukon River on the age, sex and length study that's been done on the chinook and also if we know anything more on Ichthyoponus since our public session last year on that. I think that will help us as we go through our deliberations.

CHAIRMAN DEMIENTIEFF: Who's going to respond to that, Steve, are you?

MR. KLEIN: No, I've got Cliff Schleusner here to respond to that. I wanted to back up just for one moment and follow up on your comment, though, Mitch, Mary, I heard your message loud and clear and Greg, I think you presented very compelling arguments and maybe we overestimated what could happen by not doing the project for a year so I will commit that we'll go back and take a hard look at that and we'll look at potential funding so that instead of having a lapse in 2005 we could continue it in some shape or form.

And then on to Judy's question, Cliff, can address both of those issues.

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. SCHLEUSNER: Mr. Chairman. Ms. Gottlieb. My name is Cliff Schleusner. I'm the fisheries biologist assigned to the Yukon region for the Fisheries Resource Monitoring Program.

To answer your question first on the ASL study, Karen Hyer and I are working on that report. We finally received the data from the Alaska Department of Fish and Game in July of this year and she's been doing the analysis since that time. We did, however, receive a new data set that included some Canadian data from the '80s and we received that last week and actually we were in the office this weekend trying to run that data. Our intent is to have that report by the Council meetings and
have it presented at the three Council meetings on the Yukon.

CHAIRMAN DEMIENTIEFF: Thank you.

MR. SCHLEUSNER: And as a far as an update on Ichthyophonus, the Office of Subsistence Management, as you know, has supported Ichthyophonus research on Yukon River chinook salmon from 1999 to 2002. That data was presented to you by Dr. Cosan, the principle investigator, during the January work session. Also in 2003, the Alaska Department of Fish and Game received a grant to continue research on Ichthyophonus from the Pacific Salmon Recovery Fund. And since that time, 2003, the research focused on the development of a non-lethal test for Ichthyophonus. Oregon State University was contracted and developed a non-lethal test using palmaris chain reaction or PCR, and muscle punch biopsies. In 2004 the research focused on continuing the monitoring at Emmonak and Tanana River to get the rate of disease coming into the Yukon. They also looked at the Tanana River and specifically the Chena and Salcha on the spawning grounds to address the question of whether diseased fish were successfully spawning.

They have not compiled this data, it's being analyzed and has not been written up into a report yet. They have shared some preliminary data.

On the Chena River, for example, from the carcass surveys, there were 31 infected fish sampled. Of those 45 percent of the females were spawned out, providing some anecdotal evidence that Ichthyophonus infected fish are actually spawning. The State also, in conjunction with this, conducted a pilot study looking at the use of telemetry and the non-lethal test to track fish to their spawning grounds to ascertain the fate of these fish and the results of that, again, are currently being analyzed. But 109 fish were tagged this past summer at the mouth of the Tanana.

In 2005, the State has shared with me the intent to continue the monitoring, the rate of disease coming into the Yukon at Emmonak and also to continue the work on the spawning grounds to get a better idea of how this is affecting the reproduction.

Since this field season in October, YRDFA actually hosted a meeting, which was an Ichthyophonus scoping and planning meeting in which they invited
subsistence fishermen, commercial fishermen, researchers
and the agency staff to get together to try and
coordinate research and funding, kind of a long-term
vision for Ichthyophonus research, and the results of
that was the group developed kind of a gap analysis and a
prioritized list of research needs. The top three
research needs identified were prespawning mortality,
maintenance of monitoring program and the quantification
of undocumented harvest.

YRDFA is currently soliciting proposals
for salmon research in the Yukon River, and the YRDFA
Board of Directors has identified Ichthyophonus as a
priority project area for the '05 and '06 cycle. And I
know there's Staff from Commfish and YRDFA present here
today if there's further questions.

CHAIRMAN DEMIENTIEFF: Thank you.

Further discussion.

(No comments)

CHAIRMAN DEMIENTIEFF: If not we're going
to move on. We do have one bit of backing up, earlier we
took care of the motion on the consent agenda items for
Subpart C and D proposals, and I apologize, I hadn't even
looked at the agenda and we kind of jumped ahead of
ourselves on that motion but we left a little bit of
incompletion. It was one of the things in my packet that
I couldn't find, the agenda, I was so busy trying to put
the proposals together but we do have a little bit of
unfinished business. So with regard to the supplemental
material, so I'm going to go back to those issues and
have Tom clear it up.

MR. BOYD: Mr. Chair, I'll read into the
record the supplemental material that's contained in your
navy packets. These are additional materials that were
not available at the time we prepared the Board books.
The index for that is the first page in your folder, and
very quickly I'll read those into the record.

No. 1 is the Alaska Department of Fish
and Game final comments on the 2005 and 2006 Federal
Subsistence Proposals, they cover all of the proposals.

No. 2 is the regulatory history and
stock, status and trout in Southeast Alaska by the Alaska
Department of Fish and Game, and they refer to Proposals
28, 29, and 30.
No. 3 is the supplemental materials for Proposal 05-25.

No. 4 is a comment letter we obtained from Rain Country Flyfishers which comment on Proposals 28 and 30.

No. 5 is a general reference for all Southeast proposals. It's the customary and traditional use determinations for Southeast Alaska for the 2004/2005 regulatory year.

No. 6 is a correction item for Proposal 05-17, the replacement pages for Pages 191 through 196.

Similarly Item No. 7 is replacement pages for Proposal 05-30 and they're Pages 299 to 302.

And similarly replacement pages for Proposal 05-03 and they're Pages 425 to 426.

Mr. Chair.

CHAIRMAN DEMIENTIEFF: Okay, thank you very much. Since this information is brand new to us, I know I'm going to take the time to review it probably this evening. So I don't know that we need further discussion without us further understanding the supplemental material. Thank you, Tom, for pointing that out.

Now, we'll go back to agenda Item No. 7, and then having already completed our work on 8 then we'll be back on track as far as our agenda goes.

MR. BOYD: Okay.

CHAIRMAN DEMIENTIEFF: Okay. So Item No. 7 Partners Program and Capacity Building, who's going to do that, Tom.

MR. BOYD: Mr. Chair, Beth Spangler is coming forward, and before she comes let me just say a couple words about this.

I think one of the important aspects of the Federal Subsistence Program, and particularly the monitoring part of that program is the utilization of partnerships with local, rural and Native organizations. It's one of the several criteria that we use in selecting
projects, but it's also a primary reason for our Partners
for Fisheries Monitoring aspect of this program. In that
part of the program we set aside funds each year that
enables Native and rural organizations to hire
professionals, fishery biologists and anthropologists to
participate in the Fisheries Monitoring Program.

And I'm not going to say much more
because I know that Beth is going to say a lot more, but
it's my privilege to present Beth Spangler to you, who is
our coordinator for the Partners Program and who I think
has brought this program a long way and much further and
faster than we've even anticipated. So with that I'll
let Beth bring you up to date on what we're doing in our
Partners for Fisheries Monitoring Program.

CHAIRMAN DEMENTIEFF: Beth.

MR. SPANGLER: Good morning, Mr. Chair,
and members of the Board. This morning I was just going
to provide a brief overview of the program and some of
the accomplishments that we've had during the last few
years.

The Partners for Fisheries Monitoring
Program is administered through the Office of Subsistence
Management and it has been initiated since the fall of
2001. The goal of the program is to build the capability
and expertise of Alaska Native and rural organizations to
participate in subsistence fisheries management and
research on Federal lands. We strive to accomplish our
goal by hiring fisheries biologists and social scientists
that live and work in the communities that they serve.

Since its inception the Partners Program
has initiated two calls for proposals, the first was in
the spring of 2002 and the second was in the fall of
2003. This resulted in eight different partnerships we
have with Alaska Native organizations.

Currently our partners include three
fisheries biologists that are in the Yukon region, one
with the Association of Village Council Presidents, the
Tanana Chiefs Conference and the Council of Athabaskan
Tribal Governments. We have two in the Kuskokwim region
that are both fisheries biologists, one with the
Association of Village Council [sic] and one with the
Kuskokwim Native Association. We also have one fisheries
biologists and one social scientist representing Bristol
Bay and the Alaska Peninsula and that's with the Bristol
Bay Native Association, and we have one social scientist representing Southcentral Alaska and she's with the Native Village of Eyak.

The fisheries biologists and social scientists all work on three primary objectives that are administered through cooperative agreements with the U.S. Fish and Wildlife Service and they include participating in the Partners for Fisheries Monitoring Program providing community outreach and education and mentoring college interns.

The partners fisheries biologists and social scientists carry out the program objectives basically while incorporating key issues that face subsistence users on Federal lands.

The first objective participating in the Fisheries Resource Monitoring Program can address key issues facing subsistence users in their local regions, and obviously the studies can either be stock, status and trends, harvest monitoring or traditional ecological knowledge. And during the first year they participated in about 28 or in 28 studies through the Fisheries Resource Monitoring Program, and during the last year they participated in 27.

The partners assisted with project operations, technical support and coordination with project activities. And a large benefit of having partners out on these projects is that it provides additional assistance at no additional cost to the investigators. The partners have also been working to establish relationships to build future proposals that hopefully we'll see in the next few years.

Partners strengthen their work with the Fisheries Resource Monitoring Program by incorporating various organizations and groups from their communities into the project. This included 78 different organizations in the last two years, and they range anything from Native councils and organizations to the Alaska Department of Fish and Game, the five Federal agencies, different academic groups, and environmental groups. Partners work with the organizations on the Fisheries Resource Monitoring Program through proposals and projects, helping to identify issues and information needs, contracting opportunities, especially in their local areas and building community support.
With the second objective to provide community outreach and education, there are many different ways that the partners could reach out with community outreach. They have been going to public meetings, workshops and professional conferences, such as the American Fisheries Society, the Alaska Anthropological Association, the Alaska Native Health Boards Tribal Conference, Biannual Regional Advisory Council meetings, the BIA Providers Conference and the Alaska Forum on the Environment.

As far as helping to promote education in their local areas they have been visiting schools throughout the state developing science camps and supporting work programs. In the classrooms they go in and talk to the children about fisheries biologists and this basically helps connects the kids to the resources. Different science camps that they have conducted have been done in Bethel, Goodnews Bay, Cordova, Kalskag, and Tuluksak, and this upcoming year we'll be in Fort Yukon. Kids can spend the day sampling fish, understanding about habitats and learning from their elders. The older children also have the opportunity to learn about careers in biology. And these science camps have ranged anywhere from one day to about one week in duration.

We also have a few examples of different work programs that the partners have been involved with over the last few years. At the Kuskokwim Native Association students have the opportunity to spend one week out at different fisheries projects such as a weir and get real life experience to get the opportunity to know what it would be like to really be a fisheries biologist. Those that return a second year get the opportunity to spend two weeks out at a work site, and they do receive a stipend for their time out at the site.

At the Tanana Chiefs Conference kids have had the opportunity to participate in the Youth Opportunity Program. During the last two years either one or two children or students from eight different communities along the Yukon River have been able to be paired with a subsistence fisherman where they collect age, sex and length sample data, Ichthyophonus and heart tissue samples. And they do receive money for each of the samples that they collect. These students were in Galena, Nulato, Kaltag, Holy Cross, Minto, Northway, Venetie, Ruby, Allakaket and Huslia. Additionally at Tanana Chiefs Conference they've also been participating in the Americorp Program.
Our last objective, mentoring college interns is a real special component of the program because we really see it as the future of fisheries biology and social science in years to come. Each of our partners biologist and social scientists get the opportunity to mentor at least one student throughout the summer. During the past two summers, student interns were hired from the communities of Aniak, Chuathbaluk, Cordova, Bethel, Dillingham, South Naknek and Fort Yukon. Last year we also were able to implement a pilot program with the Marine Advisory Program and the University of Alaska to provide college credits for two of our student interns. And we're working currently on developing a curriculum so that all students will have that opportunity starting in the summer of 2005.

Additionally, this past summer we also partnered with the National Science Foundation to support a grant through the Tribal Colleges and Universities Program. This grant is titled Mending the Net, Helping Alaska Natives Achieve in Science, Physics, Mathematics and Engineering. We were able to hire four additional students for the summer through Bristol Bay Native Association through this program. And the students once again got to go out to fishery sites, weirs, anthropological studies in their region and get real experience. We will continue this program also in the summer of 2005, being able to hire an additional four students. This past year these students were from Ketchikan, New Stuyahok, and two were from Nondalton.

In closing, I'd just like to say we're really excited about the Partners for Fisheries Monitoring Program, and we feel it's showed really great success in the last two years and we expect this to continue with greater participation in the Fisheries Resource Monitoring Program in the future, hopefully developing stronger partnerships as well as development of new ones. And also the continuation of community outreach and education in which can be expanded in numerous different ways, and of course the continuation and the building of being able to mentor more students in rural areas.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Any questions or comments.

(No comments)
CHAIRMAN DEMIENTIEFF: Thank you, very much. I guess you satisfied everybody's curiosity. We're about to proceed into the proposals, I think we may just want to break a little bit early for lunch and come back a little bit early before we start in on those.

I do want to mention one thing, though, and that is we do have a request to have an executive session with regard to recent litigation. In my discussions with Keith this morning, he's finding out information right up through last night so we're not going to deal with that. First of all, I'm uncomfortable unless we absolutely have to go into executive session at a public meeting because people are making efforts to get here. So I will just say this, as soon as Keith is able to work it out we will have a work session, a Board work session. Since it is litigation we have to discuss that privately so we'll do that on another date, and we'll be working with the Board to arrange that. And also, because this thing is so new and so fast moving that we need to give our legal team the opportunity so that when we get a briefing we'll get a thorough one.

So with that it's about 11:30 right now, so maybe we'll try to get going about a quarter to 1:00 and this might actually help us out in terms of getting to restaurants and getting food to eat, beat the noon rush, so it works out very good. And then we'll come back with Southeast proposals, I believe, yes, No. 17 will be the first item up at about a quarter to 1:00.

Thank you.

(Off record)

(On record)

CHAIRMAN DEMIENTIEFF: Okay, it looks like we're all here, we'll go ahead and call the meeting to order.

I just want you to know on this lunch break we got our first official complaint about the process here, and Chairman Littlefield from Southeast has officially registered his complaint of why we always start out with Southeast proposals first. Well, we know the real reason is of course because they're Region No. 1, so why not just start out with No. 1. But if you want us to renumber you to like No. 10, we could do that John, just however you want to handle that.
MR. LITTLEFIELD: I've been called No. 10 but not since 1968.

(Laughter)

CHAIRMAN DEMIENTIEFF: Okay, a different kind of 10. But anyway, we are going into the Southeast proposals over Chairman Littlefield's strong objection, and we will begin to deal with that first. Analysis, who's going to do that, Cal, okay, no, Robert.

DR. SCHROEDER: Mr. Chairman, we'll begin with Proposal FP05-17. The write up for this proposal begins on Page 189 of your proposal book. I'd also alert the Board that your supplemental information No. 6 provides replacement pages for Pages 191 to 196. The main changes there are simply to make the Regional Council proposed language a little clearer for discussion.

Proposal FP05-17 was submitted by Ms. Wanda Culp of Hoonah and it would change regulations governing ceremonial harvest of fish in fishing subdistricts 14-B and 14-C. Ms. Culp would wish to reduce the regulatory burden placed on persons who wish to take fish for traditional ceremonial purposes. Under her proposed change the appropriate fisheries manager would be informed that an attempt to take fish for a ceremony was going to take place, the manager would not have the authority to limit or direct the take for conservation purposes and no reporting would be required.

We did clarify this proposal with the proponent. She believed that government regulations should not interfere in any way with the taking of fish for traditional funeral ceremonies and the taking fish for this purpose was protected under the American Indian Religious Freedom Act. The existing Federal regulation is reprinted on Page 197. The proposed language is on Page 198. It would change parts i, ii and iii, and say that in Subdistricts 14-B, 14-C, the manager would only be informed that there is going to be an attempt for fish for ceremony, that the provision talking about fisheries conservation et cetera would not apply, and that there would be no harvest report.

This regulation, if adopted, would apply to all Federal public waters in Subdistricts 14-B and 14-C. And we'll note that Glacier Bay National Park is within Subdistricts 14-B and that subsistence uses are
not permitted there. Also that Federal jurisdiction does not extend into marine waters and is limited to waters above mean high tide.

Residents of Hoonah and Chichagof Island Drainages on the east shore of Port Frederick have recognized customary and traditional use of salmon, Dolly Varden, trout, smelt and hooligan in Subdistricts 14-B and C. The ceremonial harvest regulation was passed in the Board's 2003 fisheries regulatory cycle. Prior to passage of that regulation, a special action request would have been required to provide fish harvest of this type. The Board passed a statewide regulation at that time.

In general the Board concurred with the provisions that the Southeast Regional Advisory Council recommended concerning ceremonial fish harvesting, although the Council at the time that proposal was discussed was against having a reporting requirement, the Council reasoning was that there were a limited number of memorial events and ceremonies, Koo.eex, held in Southeast Alaska averaging 20 to 25 a year, that ceremonies were well publicized and listed on the Central Council website, salmon were the species taken and that harvest of salmon under this regulation were very small compared to the commercial and sportharvest of these same species. The Council also believed that harvest were inherently self-limiting and recommended voluntary reporting.

Background on ceremonial use of fish in Southeast Alaska, very briefly, traditional funerary and mortuary practices in Southeast Alaska typically include three occasions where subsistence foods may be served to guests. Bereavement, shortly after a death has taken place, a 40 day Koo.eex, and a pay off Koo.eex generally held in September or October a year or more after a death. Fish are very important, both for feeding guests as gifts to attendees, particularly attendees from the opposing clans.

Almost all the salmon taken for subsistence uses in Southeast Alaska are taken in marine waters. Because marine waters are generally not under Federal jurisdiction harvest take place under state of Alaska regulations. There are no locations with Subdistricts 14-B and C where large quantities of salmon have traditionally been taken in waters under Federal jurisdiction. No Federal permits for ceremonial harvests
of fish have been issued under the current regulations in these or other subdistricts in Southeast.

The ceremonial needs for salmon for Hoonah residents are met through subsistence net fisheries for sockeye salmon at Haaktaheen (ph), Neva, Excursion and other rivers, and through rod and reel harvest of chinook, chum and silver salmon. Salmon are also removed from commercial net and troll harvest for ceremonial uses. Halibut also figure in importantly and they're clearly regulated by international treaty and are not subject to Board regulation.

The effects of this proposal would limit the information provided to a fisheries manager before an attempt to take fish for a ceremony would take place, and the new regulation would eliminate the applicability of regulatory paragraphs concerning conservation and reporting of ceremonial harvest in these two subdistricts. In practice Staff felt the proposal would have negligible effects on subsistence users and other uses of fisheries resources in 14-B and C, noting that no Federal permits have been issued for ceremonial harvests in these districts and that given that Federal jurisdiction is limited to freshwaters, we don't anticipate permits being issued in the future.

Mr. Chairman, that concludes our presentation.

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

DR. SCHROEDER: Mr. Chairman, we have no written public comments on this proposal.

CHAIRMAN DEMIENTIEFF: We have no request for public testimony at this time. Regional Council recommendation.

MR. LITTLEFIELD: Thank you, Mr. Chair. The Regional Advisory Council supported the modified language 10-0. Before we could get to that vote it took four hours of discussion, so hopefully it won't take you guys quite that long. But this brought up quite a few things that were different like the Religious Freedom Act, we had to get some input from our lawyers on that but anyway, in our justification for this we do not believe there is any conservation concern at all because as Dr. Schroeder mentioned and as we talked about
previously in 2003, the number of Koo.eex is limited, quite limited, and there should be no conservation concern. If you have two million in coho's returning to Southeast and you harvest a few hundred or 500 or a thousand for a Koo.eex, that's not a conservation concern in any way. It does recognize some religious practices of the people of Hoonah. It is beneficial for the subsistence users, and it has no effect on other users.

And for those reasons we supported it 10-0, the modified language, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you, very much. Staff Committee.

MR. KESSLER: Good afternoon, Mr. Chair, Members of the Board. I'm Steve Kessler with the USDA Forest Service and a member of the Interagency Staff Committee. I will be presenting the recommendations of the Interagency Staff Committee for all the proposals for Southeast Alaska. The recommendations of the Committee for FP05-17 starts on Page 193.

The Interagency Staff Committee members did not reach consensus on this proposal. We have two different options for you to consider.

Option A is to support the proposal with modification, the same as the recommendation of the Southeast Regional Advisory Council. Changes to the regulatory language are shown on Pages 193 and 194 of your book. The justification for this option is as follows:

The Southeast Regional Advisory Council's recommendation retains the existing requirement to inform the Federal manager that there'll be an attempt to take fish for a ceremony. This should significantly reduce the potential for conflicts with law enforcement officers when such activities are being conducted. The elimination of the post-harvest reporting requirement is necessary to address important cultural sensitivity concerns associated with these traditional practices. Even without such reporting adequate information on the species, their amounts and locations of harvest would still be available to the managers through the initial contact by the harvester and/or the tribal organization. Those holding this view do not find justification in rejecting the Council's recommendation based on the criteria outlined in ANILCA Title VIII, Section .805(c).
The Council recommendation does not present a conservation concern as the typically targeted species are abundant and the number harvested for the ceremonies are low. Additionally, the measures that currently exist in regulations to address potential concerns about overharvest of specific localized fish populations are retained. The Council's recommendation is not detrimental to subsistence users but instead more adequately provides for an important subsistence related activity and is supported by evidence provided to them via oral testimony at the fall 2004 Council meeting.

Now, Option B, is also to support the proposal for this option is different than the recommendation of the Southeast Regional Advisory Council. The only modification to the current regulation would be to allow an oral report in place of a written report. The modified proposed regulation would add one phrase as shown on Page 195 of your book.

The justification for this option is as follows: The existing regulation appears to be working well, including providing explicit authorization to take fish for traditional or religious ceremonies that are part of funerary or mortuary cycles including the memorial potlatches. And at the same time the regulation provides information needed for conservation of fish resources. There's no substantial evidence that the regulation is not working as anticipated on a Southeast wide basis. The proposed wording by both the proponent and the Southeast Regional Advisory Council does not provide sufficient information for the manager to assure conservation of the resource or allow for the unobstructed implementation of the take. Those holding this view would find justification modifying the Council's recommendation based on the criteria outlined in ANILCA, Title VIII, Section .805(c).

The modification to subjection i, which is the little i, proposed by the Council would require only informing a Federal fisheries manager that there will be an attempt to take fish for a ceremony. The revised regulation would not be specific in time or place. The informing could occur at the beginning of the regulatory year and be no more specific than "I plan to take fish in Southeast Alaska for a ceremony." The manager would have no basis to evaluate whether the taking violates recognized principles of fisheries conservation as required in the proposed regulatory subsection 2, and further required by ANILCA Title VIII,
Section .802 and .815. Since the take under Federal regulation must occur in inland waters there is some potential for overfishing of specific stocks. Regulatory Subsection 2 also states "only if necessary for conservation purposes the Federal fisheries manager will establish the number, species, and places of taking." Since Subsection 1 does not require specific identification of the proposed number, species and places of harvest, it would be internally inconsistent with the requirements of Subsection 2. Again, this is all in the language that's proposed by the Council.

If the presence of this language in Subsection 2 in effect implies or requires this information be providing in Subsection 1, then the existing regulatory language does that and it does not need modification. Regulations must not be vague or inconsistent otherwise they are unenforceable.

Implementation of the Council's recommendation would also not allow the manager to have a reasonable level of comfort, the persons taking the fish would not be harassed by others or unnecessarily contacted by law enforcement officials. Particularly during ceremonial times of harvest those taking fish should not be burdened by administrative concerns. If the manager and law enforcement are not aware of the location and time of the harvest there is substantially greater likelihood that those taking the fish will be stopped, questioned and potentially cited. No permit is required by those taking fish, therefore, there will be no record of whether the harvest is legal.

In the long-run, this could be more detrimental to the satisfaction of subsistence needs and the affecting of religious ceremonies than what is currently required.

This group of Interagency Staff Committee members does suggest that the reporting requirement after a harvest occurs could be modified to only require an oral report of the harvest that occurred. The manager would then document the harvest negating the need for the user to spend time writing a report. This suggestion is represented in the modification to Subsection 3 as shown on Page 195. Except that I would suggest that you would use the word oral rather than verbal if you select this option.

And that's the conclusion of the
Interagency Staff Committee comments on this proposal, Mr. Chairman.

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

MS. SEE: Thank you, Mr. Chair. The Federal Staff analysis for this proposal provides current and accurate information. We note that the development of the Option A and B is fairly recent and we note that many of the concerns that we have regarding fisheries managers needing that opportunity to coordinate with requesters, many of those points are raised fairly well in that Option B discussion. We want to see that the harvest and the subsequent reporting will help support sustainable salmon resources and that information would be of interest to the Department as well as to the Federal managers.

Therefore, our recommendation at this time is that we do not support the original proposal, however, we feel that Option B, as noted would, in fact, address most of our concerns that we feel that the verbal or oral reporting would satisfy the concern that there be an opportunity to find out what, in fact, was harvested.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. With that we'll advance to Board discussion, Regional Council Chairs, anybody have anything here.

MR. EDWARDS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. EDWARDS: And maybe this is for the Staff Committee. Under the justification for Option A, in the last sentence of the first paragraph it says, even without such reporting adequate information on the species, their amounts and locations of harvest would still be available to the manager through the initial contact by the harvester and/or the tribal organization.

Now, I thought all they had to do was just call in and say under the proposal that they were going to be harvesting and didn't have to provide any of this information, and so I'm a little unclear if that statement is true or not.
MR. KESSLER: If you take a look at Options A and B, you'll see that Option B does not really agree with that and that in the discussion for Option B is that all that would be required is sometime during the regulatory year it would need to be said, I plan to take fish in Southeast for a ceremony. That's all really that regulation would require.

Those supporting Option A think that more than that would be provided. And that there would be information provided on species, their amounts and location of harvest. The way that I read the regulation, I don't see that as necessarily being true. The regulation doesn't require that.

MR. EDWARDS: So I guess you're suggesting that that sentence may not be true or accurate, I should say?

MR. KESSLER: Well, I think that generally if a request for ceremonial harvest occurs or a notification, which is all that it would be, I think that generally it would occur associated with when this ceremonial harvest would occur, and therefore some of that information may be provided but it certainly does not have to be provided under the language that's proposed by the Regional Council.

MR. EDWARDS: So that's a yes?

(No response)

CHAIRMAN DEMIENTIEFF: Anybody else.

MR. BSCHOR: Mr. Chair, in line with our process of supporting the Regional Advisory Council's recommendation initially, I'd be prepared to move to do that but I would be, assuming that we get a second, I would be following that proposing an amendment.

CHAIRMAN DEMIENTIEFF: Thank you.

MR. BSCHOR: So I move to adopt the proposal as modified by the Southeast Regional Advisory Council.

CHAIRMAN DEMIENTIEFF: Is there a second to that motion.

MS. GOTTlieb: I'll second.
CHAIRMAN DEMIENTIEFF: Okay. Go ahead, I'm sorry, Denny.

MR. BSCHOR: I was going to add some comments. I think the question of a conservation issue is not really the importance here. I think the question of whether there is enough information -- well, first of all, I want to say I respect the need to have the ceremonial use that the least hassle possible is what we ought to be shooting for. We don't want to bureaucratically be in the way of that sort of exercise and also that on the other hand if there isn't any information it's very difficult for the manager and appropriate folks who are monitoring this type of use or other uses who might come across someone without the information would not be able to -- would possibly unduly contact folks and negate their experience of exercising the koo.eex.

So I think in that respect it's important that we at least have some sort of, as Steve just mentioned, some way of knowing at least a verbal report of what is happening, and without time or place the potential of interfering unduly would be heightened, I believe. So those are some concerns I have.

CHAIRMAN DEMIENTIEFF: Thank you.

Further discussion.

MR. EDWARDS: Mr. Chairman, for my own information, if we would approve this as recommended by the Council, then this would be different from how we do it throughout the rest of the state, would it not, for other types of ceremonial purposes when it comes to either game of fish, and, therefore it seems to me that if you were supportive of this you'd almost want to be supportive of it for statewide as opposed to just for one reason; would that be the case?

CHAIRMAN DEMIENTIEFF: I think that's a fair question. But we have to keep in mind that for these ceremonial events, the different cultures have ways to deal with it. For example, say in the taking of moose for potlatches, we are not allowed in most of the Interior to say we're going to go and try to do something like that. You'll hear people talk about, well, I'm going out camping, going for a boat ride, going for a snowmachine ride, but we don't talk about what we're going to do, and I see this is carefully worded, John, as far as going to attempt, and I don't know if that's an
issue in your region or not. But I know I've been very
strong in the past in working within the State system
about not violating the way that we were taught to do
things. And so that's a real interesting point with me
anyway. John, I don't know -- I know this is carefully
worded but I don't know what the cultures are there and
sometimes, Gary, the response is we do have to tailor to
people's customary and traditional way of operating and I
don't know if this is a case of a region specific issue
or not.

I think generally speaking, though, from
my perspective through the years we have worked with the
various proposals and have done, I think, a pretty good
job in terms of meeting with the people and meeting their
needs. But that is a question I do have and, you know,
some of these things need to -- one size doesn't
necessarily always fit all, it doesn't work for everybody
else. I mean I've heard different people from different
parts of the state say, well, we're going hunting for
seals today or, you know, we're -- and those are things
that maybe some of our younger people haven't learned
yet, but those are things we would never say at home,
those people that know, and that's just the way it is.
So some of these things we do have to tailor a little
bit. But generally speaking, statewide, I do know that
we have worked very hard to help with the opportunity to
keep this important tradition going

John, I don't know, that's kind of
lengthy, but I just had the one question.

MR. LITTLEFIELD: Okay, thank you, Mr.
Chair. This original proposal as presented by Wanda Culp
only talked about Subdistrict 14, which is in the Hoonah
area. The traditions for Southeast for the Tlingit-Haida
basically apply everywhere in Southeast and that's why it
was expanded to include all of the Southeast area. And
Southeast doesn't mind leading the way or being the only
one or being different. We felt this was appropriate for
us because of our respect for the resources.

We're talking about Koo.eex here,
ceremonies. Those are, not a ceremony to have a -- oh,
what do you call it, the 5th of May celebration, Cinco de
Mayo, or something like that, this is a celebration
that's religious and spiritual in context, which means
those people are not going to go out there and wantonly
waste fish. They're going to be gathering fish for a
ceremony, a pay off party, to pay the other clan back for
their duties. And if they need 50 fish or 100 fish.
that's what they're going to take. But it's real easy --
it was real easy in our estimation to extrapolate that by
looking at the number of Koo.eex as you said, as Mr.
Bschor said it isn't a conservation issue at all. And
the reporting, as you can just make an assumption if
there were 25 fish taken per koo.eex then you'd be real
close.

And the other thing is we were struck by
the fact that you want all these numbers from us, you're
all worried about these thousand fish that we take when
the sportfish, they take six a day and who knows how many
fishermen are out there every day all day and day out
through the whole summer and you're not worried about
their numbers, you're not telling them to count how many
fish they took, you just make an estimation. And you can
do this for this proposal, too. These numbers are --
there's nothing here that's going to break the bank, so I
hope that answers your question, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you. Judy,
did you have something.

MS. GOTTLEB: Yes, thank you. I was
there as John led the four hour or so discussion last
fall and it was a very in-depth, shall we say, and
explored lots of sides of the issues.

I guess we had developed this statewide
regulation in an attempt to simplify and not have
everybody need to ask us each time that there was a
ceremony for which they needed fish or wildlife out of
regular seasons, and so I appreciate some of the
refinements that were made here that will hopefully make
it still simpler, I guess, to accomplish what needs to be
done. But in terms of the data, I guess it could work
both ways and we'll be looking at some proposals later on
that will talk about reporting as well, and I guess maybe
there's two different philosophies on it, that by keeping
track of the records then one can not only demonstrate a
use but also demonstrate that there is not a conservation
risk by the taking or could be looked at as we've stated
here, too.

CHAIRMAN DEMIENTIEFF: Thank you. Any
other discussion. Denny.

MR. BSCHOR: Yes, Mr. Chair. I believe
that another thing we might want to look at is to look at
the current regulation and maybe look at a modification
of that yet relative to the idea of having an oral versus
a written report.

I would like to move to make an amendment
to the motion that we maintain the current regulation
with the allowance of an oral report rather than a
written report.

CHAIRMAN DEMIENTIEFF: Thank you. Is
there a second to that amendment.

MR. OVIATT: I'll second.

CHAIRMAN DEMIENTIEFF: It's been moved
and seconded. Discussion on the amendment.

MR. EDWARDS: Mr. Chairman, under that
amendment what would be the initial requirement to --
this is reporting after the fact, but what would be
required prior to the take?

MR. BSCHOR: Steve, do you want to
respond to that.

MR. KESSLER: Mr. Edwards, the
requirement would be as shown on the bottom of Page 194.
Prior to attempting to take fish the person or designee
or tribal government organizing the ceremony contacts the
appropriate Federal fisheries manager to provide the
nature of the ceremony, number of fish to be taken and
where it will occur. So that there would still be a
requirement to provide some information about the nature
of that ceremonial harvest and what was planned.

MR. EDWARDS: And that's pretty
consistent with our language, let's say for a moose for a
potlatch, it would be required to be the same.

CHAIRMAN DEMIENTIEFF: Yeah, and there's
a time that you have to report the harvest, it's not
something that needs to be done. I mean I know how these
things work and, you know, when the thing's over,
whatever ceremony you're having the people who are doing
such things, about the last thing they want to do when
it's over is report because quite frankly the effort that
they have put into the event and people really don't get
too concerned about doing that, so in my mind that has to
have a consideration as well.
Anybody else.

MR. BSCHOR: And the purpose of my amendment is to not require a written report afterwards, but an oral report.

CHAIRMAN DEMIENTIEFF: Any more discussion on the amendment.

MR. LITTLEFIELD: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes, John.

MR. LITTLEFIELD: Just a point of clarification, it seems to me that you put the proposal on the table and got a second for the Regional Advisory Council's recommendation and then the amendment was to just strike verbal; am I reading that correctly? In other words, you're not going for Option B, you're going for Option A with only the verbal report added.

CHAIRMAN DEMIENTIEFF: If the amendment passes.

MR. BSCHOR: I said the current regulation, which I believe is Option A -- B.

CHAIRMAN DEMIENTIEFF: Yes.

MR. LITTLEFIELD: That was the reason for my question, Mr. Chair, what you have on the floor right now is you have the Regional Advisory Council recommendation, not Option A or Option B, you have the Regional Council's recommendation which just happens to be Option A. So you'd probably have to dispose with that and I would say, once again we would support that, the Regional Advisory Council, and if you can disprove that, you know, by our not substantial evidence or conservation issue or beneficial to the subsistence users, then I would suggest that you vote no and default back to the existing regulations. And we run this through the process. The process is to come to us first. In other words, I kind of -- whenever I see things come out of the Interagency Staff Committee, I don't like it because that's not where the process starts, the process starts with Wanda Culp who made the request to the Regional Advisory Council. And when talking with Wanda Culp and getting information from the Interagency Staff Committee at that meeting as well as Staff, we decided that this proposal that we give you is the best proposal that fit
the need and we went through -- we vetted this, we went
through the conservation concerns and the substantial
evidence, and if you don't like it, I would suggest that
you vote it down but I don't like substituting
Interagency Staff Committee recommendations for anything
that the Council has done.

Anyway, that's my soapbox for now. I
would suggest that you take action on the -- if you want
to call it Option A, because that's the Regional Advisory
Council, and I again ask your support for it.

CHAIRMAN DEMIENTIEFF: Thank you. So in
the amendment, maybe I'm missing something here, but the
amendment is simply to add the oral report to Option A,
am I incorrect in that?

MR. BSCHOR: Yeah, you're incorrect.
What we would have to do, I think, right now to get back
to Option A is to probably rescind the amendment,
wouldn't we, or something like that. Because what I said
was the amendment was to maintain the current regulation
with the allowance of an oral report instead of written,
so that's really Option B.

MR. TONY: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. TONY: Yeah, this is kind of
confusing. Is there any way that we can address this so
that we get a written copy of what it will look like in
front of us before we vote because this is very, very
confusing?

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. EDWARDS: Mr. Chairman, just one
thing I want to, I guess, clarify from Mr. Littlefield.
What I thought I heard you say is that what you would
prefer as opposed to us modifying this, either vote it up
or down?

MR. LITTLEFIELD: Mr. Edwards, through
the Chair. What I'm saying is there's a process in
ANILCA that you're the Secretary up there, we're
addressing you as the Secretary now, not land managers,
and it says what the Secretary can reject our proposals
for. It doesn't say you can make options and flop around
and do whatever you like, like that, it says, the
proposal that we've given to you that went through the vetting process can be rejected for three specific reasons. And if you can find merit in those three reasons then you should reject it, if you can't you should support it, not substitute something else for it, that's what I'm saying. This should stand on its own merits, we don't need to add verbal or go to Option B, Option 1 should stand on its own because that was the Regional Advisory Council, if it meets those criteria, which we believe it does then support it. And if you can refute that, then you can vote no.

CHAIRMAN DEMIENTIEFF: Those are the rules of engagement. Go ahead.

MR. BSCHOR: I don't know what the proper language is but I tend to agree with Mr. Littlefield and I don't want to circumvent that. So if my amendment is in the way at this point and time, do I rescind or what's my option?

CHAIRMAN DEMIENTIEFF: You can with the consent of the second withdraw, and that brings us back to the Regional Council recommendation.

MR. BSCHOR: I think I need to do that. I'll put that in the record I withdraw.

MR OVIATT: My consent.

CHAIRMAN DEMIENTIEFF: The second concurs so the amendment is off the table. We are dealing with the Regional Council recommendation at this point.

Discussion on the original motion.

(No comments)

CHAIRMAN DEMIENTIEFF: As far as my feelings are, I think I've heard most of my questions answered. I intend to support the original motion as made. And particularly when we listen to one of our very responsible Regional Councils, and the work that they put in on this particular issue. I feel that they have done diligence. Also understanding the take of fish and wildlife resources for ceremonial purposes. People don't use that opportunity to help themselves even in the event of maybe somebody got -- went out in different directions for example, and I keep referring to what I'm most knowledgeable about, and that is, you know, potlatches at
home. That resource, if there, is in the even that
hunters go in two directions and both harvest that
resource doesn't go to anybody personally, it goes to
stores or for processing for utilization the next time it
becomes necessary. And I know this goes across the Board
statewide. So I feel they have done their job and have
taken the conservation issue head on and are recommending
to us that there is not a conservation issue.

So I intend to support the motion for
that particular reason.

Anybody else.

MR. EDWARDS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Gary.

MR. EDWARDS: As Judy said earlier, I
think this Board fully recognizes the importance and
value of providing subsistence fish and wildlife for the
various ceremonies and the customs around the state and I
also think that the Board has tried to expedite that
process wherever we can and to make it as less intrusive
as we can and certainly respect the various customs
throughout the state. And with that said it seems to me
that if we're going to try to address this, maybe we
should be addressing it in the broader context and relook
at the whole issue as to how we -- what we require in the
way of reporting up front and then reporting afterwards
as opposed to more or less, from my perspective, kind of
piecemealing approach here.

CHAIRMAN DEMIENTIEFF: Thank you, Gary.

Anybody else. Doug.

MR. MECUM: Thank you, Mr. Chairman. I
guess I have quite a bit of experience dealing with this
particular issue in Southeast Alaska, of course doing it
under the State regs. In fact, in the Hoonah area, in
particularly, we routinely provide what we call community
harvest permits to harvest large numbers of salmon. And
I kind of liked where Mr. Bschor was going on this
because as I was a little taken aback by his withdrawal,
that's not what he was saying was that this would, in
fact, be a benefit to subsistence users in that this
notification is made to the Federal fisheries manager.
They have that authority and approval in their hand when
they're contacted, let's say, by an enforcement officer.
I know I would if I was them, I would want to have that
So I guess in a way I thought he was in keeping with those criteria, that this was in fact beneficial for subsistence users.

That's just something that occurred to me in the discussion.

Thank you.

MR. BSCHOR: Yeah, and I wanted to acknowledge that that's exactly what I was trying to say and I am still concerned about that with the current proposal.

CHAIRMAN DEMIENTIEFF: John.

MR. LITTLEFIELD: Thank you, Mr. Chair. I agree. Mr. Bschor's amendment was, it was improperly placed. That's why I asked for the clarification of it. But I agree that if you voted this down and then did Option B, that would be beneficial to the subsistence users just to have that verbal report. That, in itself, would be beneficial, but that's not what the Council did. And I said, we spent four hours on this, Ms. Gottlieb was there as well as Mr. Boyd and Ms. Wilkinson, they know we had to -- I had to use my gavel after we got back because we would have been there for two weeks with that schedule, if it went four hours per proposal. So we did spend a lot of time on this, it's not an easy one and to Mr. Bschor, I would say thank you that would be beneficial if that's what -- if that's what you guys chose to do.

But like I say, I'd like you to address the Regional Council's recommendation, up or down, and then you can do -- you can make -- I would suggest the process, if you wanted to go that way. The process-wise would be to offer a motion to substitute Option B for Option A, which would accomplish exactly what Mr. Bschor was trying to do but it was just you can't make an amendment on Option B that came from A, and that was what I was questioning.

Mr. Chair.

CHAIRMAN DEMIENTIEFF: I was just going to explain that the proper procedure would have been just what Chairman Littlefield stated, to offer Option B in
the nature of a substitute and that if we're going to go
that way.

Go ahead, Paul.

MR. TONY: Okay, now, I'm confused again
here. Because in the supplemental materials that I got
beginning on Page 191 there's a proposal, it says, you
know, the Southeast Regional Advisory Council supports
with modification then there's regulatory language there.
And then when I go to Page 193 I get the beginning of the
Interagency Staff Committee split, which was two options
and there's an Option A and an Option B, so I really have
three things we're talking about here and I don't see in
the one that's on the front page here, I don't see any
reporting requirement that would be eased by an oral
report. If you put an oral report in you're creating a
requirement which would make it, which be more onerous to
subsistence users in Southeast and Yakutat in my
understanding.

So maybe I need some clarification.

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. KESSLER: Mr. Chairman. Mr. Tony.
The language on Page 191 and the language of Option A are
identical. So you can look at either one of them, it's
okay. The reporting requirement in the Regional
Council's position and Option A is in little iii, that's
iii, where it says except in Southeast Alaska and
Yakutat, each person who takes fish under this section
must as soon as practical and not more than 15 days, et
cetera, make this report. That's not required for
Southeast Alaska and Yakutat under the Council's proposal
or Option A.

Does that help?

MR. TONY: Okay, so what we're really
talking about doing is modifying this to ease the
statewide reporting requirement to just an oral
requirement instead of a written report? Is that what
I'm understanding then?

MR. EDWARDS: Only for the Southeast. It
would still be in effect for the rest of the state, and I
guess that was the point that I was trying to get at and
maybe consistency isn't needed here. It seems to me that
the most important thing would be the notification up
front and I guess from my standpoint, whether you report
what you did afterwards may or may not even be relevant.
You're assuming that if you authorize it up front it's
going to be taken and that the total number taken
statewide is probably insignificant anyway, but the
notification up front seems to me to provide the
coverage, if you want to use that term, or notification
that would be helpful when people would be out there and
that's why I guess I was suggesting that maybe we need to
look at the whole process, how we're handling this
statewide, both the notification up front and the
reporting afterwards, and maybe based upon this we might
want to modify that approach.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: I guess we'll leave it to
the other RACs perhaps to address that question when
they're looking at their fisheries proposals. But based
on what Southeast has recommended here, I mean I agree
that the notification up front is probably the most
important from the subsistence users viewpoint that
should there be any question about why someone is out
there off season, they have a reason and the managers
know about it. And I think all of this highlights, as
usual, the need for really close communication amongst
the managers, among subsistence users and the
continuation perhaps of some public outreach and
education about the ceremonies and the needs to do this,
which you can't plan out timewise always.

CHAIRMAN DEMIENTIEFF: Further discussion
on the motion.

MR. BSCHOR: Yeah, process-wise. So if
we vote against this motion then do we have a chance to
look at Option B, as I proposed the language, or do I
have to move for a substitute motion; what's the process?

I believe Mr. Littlefield and I are in
agreement, it's just a matter of how we get there
process-wise there.

CHAIRMAN DEMIENTIEFF: Yeah, you would,
right now, need to offer an amendment in the nature of a
substitute, which would then be where I think you are
going.
MR. BSCHOR: I propose to make an amendment for a substitute; is that correct?

CHAIRMAN DEMIENTIEFF: To offer Option B.

MR. BSCHOR: To offer the language in Option B with the slight modification for allowing for oral report instead of written report.

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

(Pause)

MR. EDWARDS: I second it. I'm trying to figure out exactly what I'm seconding but we actually haven't voted down the first amendment, we just modified it?

CHAIRMAN DEMIENTIEFF: We offering Option B under the motion in the nature of a substitute.

MR. EDWARDS: I second it.

CHAIRMAN DEMIENTIEFF: So if that's taken up and then we'll vote on the issue. I mean we do resolve the issue. I mean I don't hear any argument about the necessity for this, you know, I mean that's not even an issue. I don't think anybody cares about this. We get this amendment in the nature of a substitute and then we vote on the issue after that. So that's basically procedurally how we do this.

John.

MR. LITTLEFIELD: Thank you, Mr. Chair.

Just for the record, I would like to make sure that my Regional Advisory Council knows that I'm not agreeing with Option B, okay, I'm just saying a process of how you would do it. And I agree that your process is correct. What you would do is move and second to substitute Option B language for the Option A or for the Regional Advisory Council recommendation, and then you could vote that up or down. But if you vote down our proposal for the reasons that you're supposed to, you can't bring this back up again because you voted it down at this meeting, you can't bring it up again. The substitute language is the only option that you can go with.
CHAIRMAN DEMIENTIEFF: These people from Southeast are real good parliamentarians. But I'm just trying to keep the process straight, anyway, as far as where, I think the Board is going, just to make sure that we get there.

But if the amendment in the nature of a substitute fails, then we still have the main motion in front of us.

Paul.

MR. TONY: Yes, Mr. Chairman. So the effect then of the amendment would be to add an oral reporting requirement for Southeast is basically the effect of the amendment?

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: I think we had a question here that we need to -- we need to get that answered. I don't know who's going to take a stab at that.

MR. KESSLER: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MR. KESSLER: If Mr. Tony would ask the question again I think I can answer it.

MR. TONY: Well, on my reading of the small paragraph three, it's C 21 (iii), as it reads on the -- the one that the Regional Council supported, was that except in Southeast Alaska and Yakutat, okay, at the beginning of that, means that there's basically no reporting requirement because it's excepting those areas from that requirement that's spelled out in the rest of that subparagraph. And the effect of the amendment then would be to add that requirement to Southeast and Yakutat but only in the form of an oral report.

MR. KESSLER: Mr. Chair. Mr. Tony. I think that when we discussed it that way it maybe confuses us a little bit. What we have before us is the substitute which is Option B. Option B is the existing language as it now stands in Federal regulation which the change that in Southeast Alaska an oral report could be substituted for a written report. But otherwise, that Option B is precisely what's in regulation now, and I
think that's what's being debated among the Board right
now.

MR. TONY: And so the effect of the
amendment again is to add an oral reporting requirement
for Southeast and Yakutat, that's the difference between
what we're voting on and what the Regional Council
supported?

MR. KESSLER: The Regional Council, what
they supported is shown on Page 193 or 194, or actually
better yet, on Page 191, it's the same thing. They had
numerous changes to the existing regulations. As far as
the reporting following the take then the Southeast
Council recommended that no reporting was necessary. So
what's before you now is that reporting would be required
as is in current regulation, however, with the option for
an oral report rather than just a written report.

MR. TONY: Yeah, that's what I was
saying, right, or asking?

CHAIRMAN DEMIENTIEFF: I guess in terms
of the three criteria and the question that John had
raised for us going against the Regional Council
recommendation and looking at it, I can't find anything
that would put us out of compliance if we went with
Option B. I keep these things right in front of me and
these are things that we get looked at all the time and
it's just part of our routine process. It's part of our
normal process.

John.

MR. LITTLEFIELD: Mr. Chair, again, a
matter of process. I believe, I was having a couple
sidebars here, I guess they call it. You made a motion
to substitute and got a second and then you went straight
to discussion as if you had done it. In other words, the
process that I see is if you want to do this you need to
vote on this, whether to accept substitute language now
and then debate it because there is no substitute
language on the table at this time, there is no Option B.
All you've got is an attempt to get there, you haven't
got there yet.

So process-wise, I think you need to take
a vote on whether you want to take the substitute, and
then if that fails, in other words, your vote would
probably -- you say you would probably be against it
because you're going to default to Option A would be if it fails then you're back to the Regional Advisory Council, that's the process here. And if you guys want to go that way then you're now in the substitute language.

So, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Right. It is just a motion to amend in the nature of offering substitute language, that's where we're at exactly. But I was speaking directly to that issue when I was talking about evaluating the three criteria. So I was speaking exactly to that, I could see nothing in there that would put us out of compliance in the amendment to get there, but we're still going back to the main motion after -- if this is successful or not, either way.

Are we all on the same page now?

(Board nods affirmatively)

CHAIRMAN DEMIENTIEFF: Okay. Are we ready for the question on the amendment.

(No comments)

CHAIRMAN DEMIENTIEFF: Unless somebody else has anything on the amendment I'm prepared to vote at this time.

MR. EDWARDS: All right, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. EDWARDS: I'm going to vote no on this and I guess for several reasons. One, it seems to me that we haven't addressed what the proponent wanted or the Council wanted. All we simply have done, which both of them suggested or what they were requesting is that the notification up front had to be very minor and that there would be no reporting after the fact. But now all we've done is still require the reporting up front or notification up front and then a verbal response at the end which isn't really what they asked for and then in my view all we're going to end up with is having something that is disconnected from how we address the rest of the regions and that doesn't seem to make a lot of sense to me, so, I'm going to vote no on the proposal.
CHAIRMAN DEMIENTIEFF: Any further discussion on the amendment.

MR. BSCHOR: I just want to say if we vote this amendment down it would, once again, I think -- my personal view is that not requiring at least some notification, that sort of thing, would potentially go against the future of this particular subsistence use and I'm still concerned about that. I'm going to vote yes.

Anybody else.

CHAIRMAN DEMIENTIEFF: Thank you.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: The wording from the Regional Advisory Council about prior notification, I mean it's true we didn't really discuss that and it seems like that wording is similar to the existing rule but made specific by the Council. And so I hate to risk even yet another amendment but looking at that wording as to how Southeast Alaska and Yakutat would, prior to any taking inform the managers seems like good wording to me.

CHAIRMAN DEMIENTIEFF: Any further discussion on the amendment.

Paul.

MR. TONY: Yeah, Mr. Chairman. I'm going to also vote against the amendment because I think that it does basically go directly against the intent of the original proposal of the Regional Council.

CHAIRMAN DEMIENTIEFF: Further discussion.

MR. EDWARDS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. EDWARDS: Mr. Chairman. I just want to say when I'm voting no I mean I'm not opposed to the reporting up front, in fact, I think we should report up front. But I think what we have done here has accomplished really nothing. It hasn't accomplished what the Council has requested us to do and at the same time it's just made us out of synch with how we address this
issue across the rest of the state and that just doesn't seem to me to be a prudent approach.

I guess my preference would be, quite frankly, would be to vote the original motion down -- or proposal down from the Council and be done with it as opposed to trying to sit here and fix it which I don't think we're doing a very good job of personally, but, anyway.

CHAIRMAN DEMIENTIEFF: Any more discussion on the amendment.

MS. GOTTLIEB: Are you going to restate what we're voting on?

CHAIRMAN DEMIENTIEFF: We're voting on the amendment to offer Option B in the nature of a substitute, that's the amendment right now. With that, it appears that we have kind of a divided body and I'm going to ask Tom to help us with a roll call vote so we get an exact countdown.

MR. BSCHOR: Aye.

MR. BOYD: Mr. Tony.

MR. TONY: No.

MR. BOYD: Ms. Gottlieb.

MS. GOTTLIEB: Aye.

MR. BOYD: Mr. Edwards.

MR. EDWARDS: No.

MR. BOYD: Mr. Oviatt.

MR. OVIATT: Aye.

MR. BOYD: Mr. Chair.

CHAIRMAN DEMIENTIEFF: No.

MR. BOYD: Three, three.

CHAIRMAN DEMIENTIEFF: The motion dies -- amending motion, we now have the original motion in front of us.
Any more discussion on the original motion.

(No comments)

CHAIRMAN DEMIENTIEFF: Again, I intend to support that for the reason that what I see is that the Regional Council has done their job. They put the time and the effort into getting this proposal up for our consideration and that's the reason I intend to vote for the Regional Council recommendation, which is Option A.

MR. EDWARDS: Mr. Chairman, for the reasons that I previously stated I'm going to vote against the motion. I do think that the reporting or notification up front is an important factor and it's consistent with how we approach this across the state and we should maintain that approach.

CHAIRMAN DEMIENTIEFF: Further discussion. We better go to another roll call vote here Tom.

MR. BSCHOR: No.

MR. BOYD: Mr. Tony.

MR. TONY: Yes.

MR. BOYD: Ms. Gottlieb.

MS. GOTTLIEB: No.

MR. BOYD: Mr. Edwards.

MR. EDWARDS: No.

MR. BOYD: Mr. Oviatt.

MR. OVIATT: No.

MR. BOYD: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MR. BOYD: Four, two. Yes, four. two the motion fails. We move on to No. 19.

MR. CASIPIT: Thank you. Mr. Chair. My
name is Calvin Casipit. I'm the subsistence Staff biologist for the USDA Forest Service in Juneau. I'll be presenting Proposal FP05-19, your Staff analysis starts on Page 205 of your book.

I just wanted to preface, basically all my presentations today, Proposal 19 -- actually all the proposals except for, let me get this right, 28. 29 and 30 and 25 as well, was submitted by the Southeast Regional Advisory Council, this effort began almost two years ago when the Council identified some concerns with the Southeast Alaska subsistence fisheries regulations under Chairman Littlefield's direction. A subcommittee was put together to work with Federal Staff to come up with these proposals to try to clean up the Southeast Alaska subsistence fisheries regulations for the Federal program. Anyway, that was my preface for all these similarly grouped proposals, and so I'll start from there.

Proposal FP05-19 was submitted by the Southeast Regional Advisory Council. It simplifies the statewide list of legal gear to be more reflective of gear use in subsistence salmon fisheries in the Southeastern Alaska area.

The existing Federal regulations are shown on Page 2A of your book. Basically, again, this proposed regulation would reduce the statewide list of allowable gear to those gear types that are used in the freshwaters of the Southeastern Alaska area. The use of a gaff would be added and the following text on the top of Page 209 would be inserted into the Southeast Alaska area section.

The effect of this proposal would be to, again, list the allowable gear in Southeast Alaska, and that list of gear recognizes existing fishing practices in the salmon fisheries in the Southeastern Alaska area. This proposal would provide Federally-qualified subsistence users with a clear concise direction on allowable gear for subsistence salmon fishing. This proposed regulation would not result in increased harvest of salmon or change harvest patterns, it only identifies existing practices of harvest. There is no conservation concerns with adopting this proposal.

And that concludes my introduction and be happy to answer any questions.
CHAIRMAN DEMIENTIEFF: Thank you.

Written public comments.

DR. SCHROEDER: Mr. Chairman, we received no written public comments for this proposal.

CHAIRMAN DEMIENTIEFF: Thank you. We have no request for additional public testimony.

Regional Council recommendation.

MR. LITTLEFIELD: Okay, thank you, Mr. Chair. I believe I heard Mr. Casipit misstate something there and maybe he could correct that. On Page 208 is not restricted to salmon, that's subsistence, all subsistence fishing includes herring, groundfish and others, so that's why the Council took the action that it did, to restrict to salmon and steelhead because they were all covered. In other words, somebody might ask why did we add steelhead in there, but this 208 was for all subsistence fisheries, so we felt that we had the ability to restrict that to salmon and steelhead.

And in our discussions, you know, like we know the types of gear that are used for salmon and steelhead and fyke nets or whatever they are, I don't even know what they are, they're not used for salmon and steelhead that I know of and no one else could come up with them either, and we don't trawl for any of our salmon or steelhead down there so we felt that we were identifying all the gear that is customarily and traditionally used in the subsistence fisheries for salmon and steelhead and that's why we supported this proposal, and the vote was 9/1 in favor.

Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee.

MR. KESSLER: Mr. Chairman. Steve Kessler again with the USDA Forest Service.

The recommendation of the Staff Committee is on Page 206. The recommendation is to support the proposal with modification consistent with the recommendation of the Southeast Regional Advisory Council. And the language is there on Page 206.

Regulation would modify the statewide regulation by reducing the gear types available for
salmon and steelhead fishing in Southeastern Alaska. The
gear restriction recognizes subsistence fishing practices
in the Southeastern Alaska area and would provide
Federally-qualified users clear concise direction on
allowable gear types. The proposed regulation would not
increase the harvest of subsistence fish so therefore
there is no conservation concern.

Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you very
much. Department comments.

MS. SEE: Thank you, Mr. Chair. The
comment -- I meant to mention this earlier. The comment
package for the State's comments, this particular set of
comments appears on Page 9 and I'll just highlight some
of those points. The entire comment package is, in fact,
on the record by its submittal to the Office of
Subsistence Management.

The current list of allowable gear types
for Federal subsistence fishing is closely similar to the
State's list. Local fisheries managers currently
maintain flexibility to specify gear types in different
water sheds. This proposal then essentially represents a
divergence from the approach that's been taken with the
State, and that is really kind of at the heart of our
concern about this proposal. By deleting gear types from
the State-wide list then there's a divergent list that's
not the same as the State's list. We think that's really
unnecessary at this point in time because managers
continue to have flexibility to specify gear type by
areas and species.

We think that creates some complexity for
users having to look at two different sets of lists that
are not the same, and that in general we try to
avoid between the programs, is divergence in the
regulations unless there's a good reason for it. One of
the implications of that is that when we try to have
things like joint permits it's further complicated, the
more specific differences that are developed between the
two programs.

We recognize that the proposal does
highlight the subsistence harvest under Federal
regulations are in freshwaters where some gear types are
not practical but so saying it seems inconsistent that
the proposed language in this proposal would include
gillnets which are not further defined. And in most of
the waters under Federal regulations, gillnets are
actually impractical to use, whereas in marine waters
under State regulations drift gillnets account for more
than 80 percent of the subsistence harvest in terminal
areas, while set gillnets generally are not allowed.

It appears that because this proposal
includes fewer gear types than in the State list, that it
would limit the options for Federally-qualified users.
The one additional gear type on the proposed Federal
list, and this is a difference in programs, it does exist
at this point in time, is that, the Federal provisions
include rod and reel.

So in summary, the proposal offers
substantially divergent and generally more restrictive
provisions in Federal regulations compared with State
subsistence regulations. We think that increases the
burden on the public to assess differences between the
State and Federal lists for subsistence fishing gear
types. So our conclusion -- or our recommendation is
that we do not support the proposal at this time.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Board
discussion.

MR. EDWARDS: Mr. Chairman, I guess I'd
just like to ask the State maybe to elaborate how do you
think that it might actually limit options of the
subsistence user? I mean what we heard from the Chairman
is that the methods that they laid out are the methods
that are used in freshwater, but there seems to be a view
that in fact they will be limiting. What other methods
would there be that should be included in this from the
State's perspective?

MS. SEE: Through the Chair. We don't
dispute the information provided by the Council about the
gear types that are customarily and traditionally used,
we noted that it appears to -- if someone were to compare
the list it would appear that the Federal list, if it's
so modified, would be more restrictive than the State, in
practice that may not be the case.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: Mr. Chair.
CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: It seemed to me that the Council was doing real diligence in being self-regulating in kind of removing language that they felt was not appropriate but I would also assume that if there were changes in the future the Council would bring up other type of gear type that could be added back to the regulation. So I thought it was a good idea to be consistent with their traditional practices.

CHAIRMAN DEMIENTIEFF: Further discussion.

(No comments)

CHAIRMAN DEMIENTIEFF: Is somebody prepared to offer a motion?

MR. BSCHOR: I'm prepared to offer a motion to adopt the proposal as modified by the Southeast Regional Advisory Council.

CHAIRMAN DEMIENTIEFF: Is there a second.

MR. TONY: Second.

CHAIRMAN DEMIENTIEFF: It's been moved and seconded. Discussion.

(No comments)

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

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries.

MR. CASIPIT: Thank you, Mr. Chair. We'll be moving on to FP05-28. It's taken out of numerical order simply to highlight the issue of steelhead before we get into some of the other proposals behind it that kind of tier to it. Your Staff analysis begins on Page 210 of your Board book.
Proposal FP05-28 was submitted by Mr. John Littlefield of Sitka. It would establish a subsistence season and harvest limit for steelhead in the Southeastern Alaska management area except for Prince of Wales Island where there is already an existing Federal subsistence fishery for that species.

This proposal was submitted out of concern that rural residents of Southeast Alaska are being denied the opportunity to harvest steelhead for subsistence purposes except on Prince of Wales Island and can no longer use steelhead as a source of fresh fish during months when other salmon are unavailable. The proponent is concerned that the existing Federal subsistence regulation is too restricted to Federally-qualified subsistence users. The existing Federal regulations are the same as the current State sportfishing regulations which provide minimum harvest potential.

Through the Staff analysis you can see the regulatory history beginning on Page 215. It talks about Federal regulatory history as well and I won't repeat any of that unless you have some questions after my introduction.

For biological background, Table 1 in your book that's shown on Page 218, Table 1 displays the percentage breakout by length of steelhead sampled from the Karta River, this is where we found that there's the most amount of samples from that watershed. You'll notice that 36 inch and larger is only about six tenths of a percent of the population.

For harvest histories and subsistence harvest, Table 2, that appears on Page 218 as well, displays the results of household use surveys for steelhead for various communities in Southeast excluding Prince of Wales Island. I've put Yakutat on that list even though this proposal wouldn't cover Yakutat. Yakutat is included on that table to give you an idea of comparison. Basically there has been a subsistence steelhead fishery in the Yakutat area for several years, and I just thought that would be good information for you to have as comparison.

For other harvest, sport and commercial harvest, I'll refer you to Table 3 on Page 219. That displays the existing sportharvest and catch for the species as well as the commercial harvest up until nearly
when the requirement for keeping track of that was eliminated. I also wanted to point out that the data in the sport catch columns for 1993 to 2002 exclude the Yakutat information. For years before that the Yakutat information is included. So to be more specific to Southeast outside of Yakutat, you should probably pay more attention to the 1993 and beyond figures as far as existing sportharvest.

The effect of this proposal would be to legalize the harvest of steelhead for the Southeastern Alaska. It would have no effect on the existing Federal subsistence steelhead on Prince of Wales Island. A year-round season could potentially expose fall run stocks to overharvest and fall run steelhead stocks are generally smaller and not as widely dispersed as spring run stocks. Federal in-season managers still have the ability to adjust regulations and close specific streams as needed for conservation and to ensure the Federal subsistence priority.

With that, I'd be happy to answer any questions.

CHAIRMAN DEMIENTIEFF: Thank you.

Summary of written public comments.

DR. SCHROEDER: Mr. Chairman, we have no written public comments for this proposal.

CHAIRMAN DEMIENTIEFF: We have no additional request for public testimony at this time.

Regional Council recommendation.

MR. LITTLEFIELD: Thank you, Mr. Chair. The reason my name is on this is we simply ran out of time at the previous meeting to have this as a Southeast Regional Advisory Council proposal so I took it upon myself to write these. I had several people in Southeast who wanted these changed because they were being cited for overlimits and they were also saying their needs were not being met because they couldn't catch a 36 inch fish, and I know that from personal testimony.

So anyway, you should all be well aware of all the discussions that's gone on in the past years over steelhead. We've had a proposal every year on steelhead particularly on Prince of Wales, and the data is similar.
We did agree with the language that was fleshed out by the Staff. And that was one of the reasons I just submitted this as a placeholder with the intent that Staff and ADF&G would come in with their comments. And we agree with what Staff has proposed, with the exception that the dates that they originally suggested, which I believe was March 1st -- yes, March 1st. And we had testimony at the meeting from the people in the southern part of Southeast that said that they like to go out in January but it's really nasty weather and we agreed that anybody who wanted to go at that time to get two steelhead was more than welcome to it. So that was one of our recommendations that we changed. And this was supported unanimously 8/0. And we've heard a lot of information on this before, there's no conservation concerns as far as we could see in the fishery. It further recognizes an existing long-term subsistence practice. The substantial evidence is strongly there, lots of data that supports the actions that we took. This is a benefit to subsistence users, and we don't see the effect to other users that you may hear about, the sportfishermen, but if there is any, the subsistence users are the priority and the preference users of this resource.

So with that, that's all I have, Mr. Chair.

Chair.

CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee recommendation.

DR. SCHROEDER: Mr. Chair, I was unaware at the time I said there were no written public comments, it was brought to my attention that we did receive a letter on December 20th from Rain Country Flyfishers, a group in Juneau. Rain Country Flyfishers offer comments on Proposals 28 and 30. The Rain Country Flyfishers wish the Juneau road system be exempt from Proposals FP05-28 and FP05-30. And they state a number of reasons why they believe this is the case.

These mainly have to do with the case of rebounding of fish stocks in systems accessible to the Juneau road system as well as potential pressure on these stocks.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee.
MR. KESSLER: Mr. Chairman and Board members. The Interagency Staff Committee recommendation is on Page 213. The Staff Committee recommends that you support the proposal with modification consistent with the recommendation of the Southeast Regional Advisory Council.

The justification for the recommendation is as follows:

Documented household harvest surveys indicate that steelhead are being harvested in many areas of Southeastern Alaska despite the very restrictive State sportfishing regulations. Allowing subsistence steelhead harvest through Southeast Alaska provide a legal subsistence fishery opportunities to all Federally-qualified users in the region.

The proposed regulatory language is generally consistent with those for Prince of Wales Island. However, the harvest limits are less liberal than those on Prince of Wales, which should reduce potential conservation concerns. A total of seven fish annually per household may be retained by subsistence users on Prince of Wales Island while only two fish could be harvested, that's for each household, elsewhere in Southeast Alaska. While there is concern about very small populations of steelhead in some stream systems, this low annual harvest limit and the likelihood that subsistence users would focus their efforts in streams with the higher numbers of fish would reduce potential conservation issues.

If this proposal is adopted, harvesting steelhead would require a Federal permit and that would provide data on harvest locations. Such information would enable the manager to identify which streams may need to be monitored more closely to evaluate the effects of this fishery. If conservation concerns arise the manager has the authority to limit harvest and provide special protection to those systems.

I'd also like to point out to the Board that as worded, this recommendation allows the use of handline for taking steelhead and use of handline will be considered further for salmon and steelhead in Proposal FP05-20, which follows this proposal.

Thank you, Mr. Chair.
CHAIRMAN DEMIENTIEFF: Thank you.

Department comments.

MR. BOYLE: Yeah, the Department comments are on our packet on Page 17 for this proposal. The creation of a regionwide subsistence fishery for steelhead rather than continuing fisheries based on specific community customarily and traditional findings represents a step backwards in the application of the ANILCA subsistence priority.

ANILCA does not authorize fishing that is not customary and traditional. The harvest and usage data available to the Board does not support a finding that subsistence uses by all rural Southeast Alaska residents for all steelhead stocks in Southeast Alaska is customary and traditional. While the Board's initial regionwide findings for stock and populations may have been understandable as a way of not precluding some customary and traditional uses, now, that community specific findings have been adopted, there's no legal or factual justification for a regionwide subsistence fishery in this case.

The Department supports providing subsistence harvest opportunity for steelhead where the uses are part of a traditional and customary pattern and where stocks can support the harvest. Proposals focusing on specific areas and drainages where there is a question regarding harvest opportunity would be more properly addressed with specific stock and subsistence harvest assessment concerns. This would help provide a basis for a project request for cooperative research and local involvement in the areas of concerns. The resulting information would then be directly useful in crafting regulatory provisions that address customary and traditional use patterns, conservation concerns and other uses where harvestable surplus is sufficient.

The Department has several concerns with this proposal. These include conservation concerns for small spring and fall steelhead stocks. Lack of current data to evaluate the impacts on the stocks if this proposal is adopted. And the broad geographic scale of the proposal. Most steelhead stocks in the region are small with 205 of the 271 known systems to have an estimated annual escapements of 100 or fewer adults. So this raises conservation concerns with a stock which would be susceptible declines with overharvest.
Following an extensive literature review,
consultation with researchers from West Coast states and
British Columbia and an extensive public review process,
the Alaska Board of Fisheries substantially restricted
the harvest of Southeast sportfishery to rebuild the
steelhead stocks in Southeast. Prior to the 1994
regulatory restrictions, sportfishing harvest regulations
were associated with the declines in the steelhead
populations. The regional harvest potential that would
be created for steelhead under the proposed regulations
is a concern because we know from the recent past that
overharvesting can occur.

Now, all this information about the
State's regulatory history on these Southeast steelhead
conservation regulations are in that packet that Mr. Boyd
had mentioned earlier, of the regulatory history and
stock, status of trout in Southeast Alaska.

We note the modified proposal would have
a season starting date of January 1, which would expose
fall stocks to harvest. Fall steelhead stocks are more
susceptible to overharvest than spring stocks because the
fish hold in the freshwater longer, maybe six to eight
months. Also fall stocks occur in only a handful of
streams in Southeast Alaska and they are known to have
fewer number of spawners in spring steelhead stocks, as
Mr. Casipit noted.

This proposal's effect on small steelhead
stocks is especially important because few stocks
numbering more than 200 fish are known to occur in
Southeast outside of Prince of Wales. The lack of data
for steelhead harvest and stocks outside of that area is
a concern. In addition to the current Prince of Wales
steelhead fishery there's new information from the
respondent survey that was conducted by the Department of
Fish and Game Subsistence Division, it calls into the
question of validity of using the Federal subsistence
steelhead permits to assess what the subsistence harvest
is on Prince of Wales. The study concluded that the
actual harvest of steelhead is greater than the number
reported on the permits and this suggests that the new
regulations that the Board adopted may not be providing
the benefit of improved harvest reporting that was
originally intended. This heightens our concerns for
both the existing Prince of Wales subsistence steelhead
fishery and for the expansive scope of this proposal. It
would be problematic to assess and manage harvest of a
regionwide steelhead subsistence fishery without first
addressing these harvest assessment issues that have come
to light in Prince of Wales Island.

Federal and State Staff both previously
voiced concerns for fall stocks, small spring steelhead
stocks and did not support fishing regimes that
substantially liberalized opportunity without having
better harvest information and stock assessment data.
The analysis fails to explain what new information now
exists that suggests these stocks can support
substantially liberalized opportunity on a regionwide
basis.

We remain concerned that this proposal
does not assure that small stocks and fall stocks will be
protected from overharvest, and we have some additional
comments from the Department of Law.

Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Go ahead. Who's
going to do that?

MR. NELSON: Thank you, Mr. Chairman. My
name is Lance Nelson. I'm an assistant attorney general
with the Attorney General's Office here in Anchorage.

My comments address more than -- well, they don't focus on the specific provisions of this
proposal, rather, they address statements and some sort
of what would be premises about this proposal, Proposal
28, Proposal 29 and Proposal 30, statements that imply
that all non-subsistence uses must be eliminated before
imposing any kind of restriction on subsistence uses.
That's an issue that's come up a lot of times before the
Board of Fisheries and the Board of Game.

And the answer to that question really
depends on the specific factual circumstances
particularly when the stocks involve cover a large
geographic area or are spread among a number of streams.

ANILCA does not require and we basically
have the same kind of statutory requirement under the
State subsistence requirement as you do under ANILCA for
a preference priority for subsistence. ANILCA does not
require that all non-subsistence uses be eliminated
before subsistence uses are restricted in any way.
ANILCA requires that customary and traditional
subsistence uses be given a meaningful preference. The
Federal Subsistence Board certainly has the authority to identify customary and traditional subsistence uses of fish and wildlife by rural Alaska residents on Federal public lands, and open seasons and set bag limits that provide for those uses. As long as qualified subsistence users have a meaningful opportunity to harvest at customary levels then other uses for commercial and recreational uses are clearly authorized and arguably even mandated by ANILCA as explained in the Ninilchik Traditional Council Decision in the Ninth Circuit.

That authority is clearly reflected in the many Federal subsistence hunting and fishing regulations throughout the state that set seasons and bag limits on stocks and populations that are also being harvested for sport, personal use, and commercial uses.

Closures of some particular areas to steelhead subsistence harvest do not necessarily require closure of non-subsistence uses.

The Federal Subsistence Board must examine the data and if it finds that even with the closures of particular streams to subsistence fishing the residents with customary and traditional use of stocks still have a meaningful opportunity to harvest their expected subsistence needs and non-subsistence uses may still occur under ANILCA, otherwise closures of those non-subsistence uses would be arbitrary and capricious in that they would be imposed without furthering any of ANILCA's pro-subsistence legislative purposes and would arguably be inhibiting one or more of its other purposes.

On the other hand, if the Federal Subsistence Board finds that stream closures will mean that subsistence users will not have a meaningful opportunity to harvest expected subsistence needs, then other non-subsistence uses must be restricted until a meaningful opportunity is assured.

In this case, the best available data indicates that streams may be closed to Federal subsistence fishing without any significant impact on Federally-qualified subsistence user harvest and the ability to meet expected subsistence needs. Closures are not expected to result in any subsistence users not having a meaningful opportunity to meet their subsistence needs. This kind of measure would certainly be consistent with conservation goals of ANILCA as explained in the Ninilchik Decision. The best available
information also indicates that continued catch and release fishing in some areas will generally not have any significant impact on either expected subsistence uses or the conservation of the stocks involved.

Thank you, Mr. Chairman.

MS. SEE: Mr. Chair, we also note that we have Staff here from the Southeast Sportfisheries Offices who are quite expert in these steelhead issues and they're certainly available to help answer any questions you may have.

Thank you.

CHAIRMAN DEMIENTIEFF: I'm sure if questions do up we'll let you and your team, you can designate who we need to have talk.

At this time I think we're needing a break, so we'll go ahead and take a break.

(Off record)

(On record)

CHAIRMAN DEMIENTIEFF: Okay, we're going to go ahead and call back to order. As we begin deliberations, and on the first proposal we considered, I just want to point out that we did not respond to the three criteria that we have to respond to in order to reject a Regional Council recommendation.

And while I personally did diligence and I didn't see a reason personally, that's not good enough, we have to keep ourselves in line to build that record on why we're going to go against a Regional Council recommendation. So I encourage all of us to get the three criteria in front of us and take a careful close look at them formally on the record, we have to do that, that's the law.

Then also I know that there are a lot of people who traveled extensively yesterday and I could tell by this morning, the nodding heads, and I know personally I was up early this morning after traveling in, we're going to go to 4:00 o'clock today, period, that's it, and we'll pick it up in the morning on schedule. So those of you who live here and got your normal rest, you get a little bit of a bonus anyway, and
those of us and I know I'm not the only one in this room
that needs the rest, we will get off at 4:00 o'clock, and
if anybody has a problem with that, they'll have to
answer to the gavel and the gavel is not in a good mood.

Okay, so with that, let's go ahead and
begin the discussion on Proposal 28, we've advanced to
Board discussion at this point. Anybody have anything.

Gary.

MR. EDWARDS: Yeah, Mr. Chairman, I have
several questions. I'll ask a few of them and then let
somebody else ask some questions. But these are, first
of all, to Staff.

On Page 220 where we talk about the
effects of the proposal, it's sort of at least implies
that a year-round season could potentially expose fall
run stocks to overharvest. And in reading that it could
imply that there could be a conservation concern with
these fall run stocks; could you elaborate a little more
on how much we think that impact might be and if, in
fact, it could be a conservation issue?

MR. CASIPIT: Through the Chair. Mr.
Edwards. The reason that's in there is because of that,
we were concerned as Staff with the year-round season,
especially in terms of the fall stocks.

MR. EDWARDS: Okay. But what's being
proposed is not a year-round season, right?

MR. CASIPIT: Correct. The Council has
proposed January to the end of May season.

MR. EDWARDS: And we think that would
provide sufficient protection to fall run fish?

MR. CASIPIT: Well, with a January 1
start date you would be harvesting some fall fish,
however, as Mr. Littlefield alluded to, quite frankly
there's just not a whole lot of people out there fishing
for steelhead in January, it is just nasty weather,
you're breaking ice. I don't think there's going to be a
whole lot of people taking advantage of a January 1 start
date.

MR. EDWARDS: Then my second question is
that if you look at the proposed regulation, the last
sentence, both which the Council is recommending is that
the permit conditions and systems to receive special
protection will be determined by the local Federal
fishery manager in consultation with ADF&G. Could you
elaborate on how you see that process working? Have we
already started that process to look at it, and it's my
understanding there's some 271 steelhead streams
throughout that area, have we started looking at those
271 and starting to draw some conclusions and how will
this consultation process with the State take place and
how do you see all this thing playing out?

MR. CASIPIT: Thank you, Mr. Edwards,
through the Chair. Very similar to what we've done for
Prince of Wales Island. Unfortunately Jeff isn't here,
but, you know, before each season he gets together with
the State and the affected Council people and talks about
which streams will be restricted by permits and which
ones will be open under the regulation and that's done
kind of as a consultation process before the season
begins. So I expect that if the Board did approve this
regulation, that we would begin -- or our local managers
would begin the consultation process as soon as possible
after the regulation is approved.

MR. EDWARDS: On Prince of Wales, has
that resulted in folks coming to the conclusions that
some streams need to be closed?

MR. CASIPIT: Correct. Approximately 21
road accessible streams were closed by permit condition
last year in the spring fishery.

MR. EDWARDS: Mr. Chairman, I have some
other questions but I'll wait for another turn.

CHAIRMAN DEMIENTIEFF: Anybody else have
anything. Yes, Doug.

MR. MECUM: Yes, thank you, Mr. Chair.
One of the things that was said earlier peaked my
interest and that was that the permitting system on the
Prince of Wales Island had some problems, sounded like
some under counting or biased to the subsistence permit
system. I was just wondering if someone could quantify
for me the nature and extent of the problem and why it
was occurring?

CHAIRMAN DEMIENTIEFF: Cal.
MR. CASIPIT: Thank you, Mr. Mecum, Through the Chair. The blanket statement of the permit system not working on Prince of Wales Island, I think -- I don't think that's a fair statement. I think for the most part the permit system is working for most of the communities on Prince of Wales Island. There may be a couple communities where folks believe flat out that they don't need to get permits, they never did, they never will and they aren't going to get permits, no matter what. And no matter what we do, neither rescinding the regulation or putting another regulation -- that isn't going to change. The harvest is going to still continue from these communities because these communities have been harvesting for many, many years, they'll continue to harvest, and they flat out don't agree that they should have to get permits. And I don't know what we can do about that, they don't get State permits, they don't get Federal permits.

CHAIRMAN DEMIENTIEFF: Follow up.

MR. MECUM: Yes, I do, thank you, Mr. Chair. The second part of my question was, could you quantify to me the nature or the extent of the problem, is there any way to evaluate what the extent of that under-reporting or permit non-compliance is resulting in?

CHAIRMAN DEMIENTIEFF: Cal.

MR. CASIPIT: Well, Mike Turek is doing some work through an FIS project that we funded him for. I know he's still got some work to do on that and get a final report out, but hopefully that will point us in the right direction and give us more information. And unfortunately Jeff Reeves isn't here today to answer that question specifically but I think it's on the order of, you know, 200, 300 fish that probably aren't being reported. I don't know, that's my guess.

CHAIRMAN DEMIENTIEFF: I think also, Doug, if I might follow up a little bit with that. It's been my somewhat more than casual observation, I've said it, I know many times in this forum as well as in the State Board forum, if the people don't buy into the regulations it's just not going to -- you know, you don't get a whole lot of participation in terms of complying with that. And sometimes it's our job, at least, our job as I look at it right now as a regulator, that's why we always try to do diligence to make sure that the local people are in that process because that's where you get
the full compliance, and when the locals are in then life is good.

MR. MECUM: Mr. Chair, if I could. I understand that, and I agree with you completely. I guess where I was kind of heading towards this, I'm sure other people have questions, there are some practical implementation problems, for whatever the reason, with respect to the Prince of Wales steelhead fishery, and if you think about steelhead in Southeast, the rest of Southeast Alaska where you're talking about orders of magnitude more streams, and also all Federally-qualified users being able to participate in those fisheries as opposed to just Prince of Wales Island residents participating in the subsistence fishery on Prince of Wales Island, those implementation problems are going to be magnified and I was just trying to get some idea of the extent of the problem.

Thank you.

CHAIRMAN DEMIENTIEFF: Let me say this, too, Doug, we have really done well in the last few years, and I'm talking about the State as well as the Feds in working with the locals, and we have solved some real thorny issues. But you know, that's just one of them, and I think Cal put it just straight out and it just may be an area where we need to do some of that work. But we've been really successful in the last few years, but it's been a cooperative deal between the State and our program with the locals.

Okay, anybody else.

Okay, go ahead, Paul.

MR. TONY: Mr. Chairman. Just a comment, I heard the gentleman from the State use the word reasonable opportunity, and I'd just like to comment that right now the regulations for steelhead, that steelhead must be 36 inches long in order to be retained and my understanding is that that represents about less than one percent of the Southeast steelhead, and I'm talking about outside if Prince of Wales Island. And I was just thinking, you know, less than one percent, if all the yuppy lawyers that shop at Sagaya's market had less than one percent chance of getting food when they went there, you know, they probably wouldn't consider that a reasonable opportunity.
CHAIRMAN DEMIENTIEFF: Spoken like a true yuppie lawyer.

(Laughter)

CHAIRMAN DEMIENTIEFF: Anybody else.

Gary.

MR. EDWARDS: Mr. Chairman, in following along to what Mr. Mecum said, it's my understanding that based upon traditional use, the Prince of Wales steelhead fishery, is only available for residents of Prince of Wales. But what we are proposing here would be then for all the other 200 and some streams, they would be open to any rural resident in Southeast. And I guess it kind of brings me to in reading this letter from the Rain Country Fly Fishers, and first when I read it I was trying to say, well, why are they concerned, you know, because they're in Juneau and they're concerned about the streams around those, but I guess why they would be concerned is this action would allow somebody from Sitka or whatever visiting relatives in Juneau, while they're there to go out and subsistence fish those streams; would that be correct, or would we, through the permitting process actually close those streams in the Juneau area so they wouldn't be susceptible to that increased pressure?

CHAIRMAN DEMIENTIEFF: Cal.

MR. CASIPIT: Thank you, Mr. Chair. Mr. Edwards. I guess I would be -- either way. I mean the Board could prohibit -- or not allow the increased opportunity in the Juneau road system or we could do it through permit stipulation, either way works.

The other issue that you made of all rural residents being able to fish in Southeast outside of Prince of Wales, that isn't -- we do have specific C&Ts around communities like Sitka, Hoonah, Kake, we've got specific ones around Petersburg and Wrangell now after your actions you took last year, so there are areas of specific C&Ts for specific communities and that's displayed in your -- unfortunately Appendix A didn't make it into the book but it is in your supplemental materials that's in your blue folder. And I think it's called Appendix A or something like that. And that displays the existing C&Ts for Southeast -- oh, man, I should have brought that map that Larson made. But anyway, but the descriptions there are there.
MR. EDWARDS: Okay, so my understanding then there are around many of these villages, towns, and all that, there would be restrictions, but for example, an area such as Juneau, unless otherwise closed through the permitting process would be open to any rural resident throughout the Southeast including Prince of Wales?

DR. SCHROEDER: Through the Chair. Mr. Edwards. As you know, from other proposal discussions, Southeast has a patchwork of customary and traditional use determinations which cover most of the map of Southeast, and so in those areas, specific communities have customary and traditional use of trout in the areas where customary and traditional use determinations have been made.

There are other parts of Southeast where those haven't been made, and so the Juneau roaded area and some portions of waterways along Steven's Passage, for example, would be examples where there are no C&Ts on the books, so those would be potentially open to all rural residents.

Some of these areas are real close, as the written public comment notes, the Juneau road system would be areas that would be really easily accessible. Other areas with no C&T determinations on the books would be really remote and seldom visited at all.

So I think we have that range of territory that we'd be talking about.

CHAIRMAN DEMIENTIEFF: Thank you. John.

MR. LITTLEFIELD: Thank you, Mr. Chair. I guess I have to go into my -- I was reminded I should go into my preposterous speech, but I do want to say a couple things about it. If anybody thinks I'm going to go to Juneau for one steelhead a day, you know, under the guise of subsistence fishing or anybody else from Hoonah or any place else, that is preposterous. We're not going to do that. Subsistence is an economy of scale and money, and you want to do it in your own backyard, that's what it's all about.

So that's kind of a sky is falling defense that we're all going to come over and evade Juneau and take their fish, that's not going to happen.
MR. LITTLEFIELD: Better not, okay. Okay, when we're talking about -- earlier, reasonable opportunity came up, I want to address that too. Federal subsistence doesn't talk about that, it talks about meaningful priority and preference. And what this proposal does is actually establishes that because the 36 inch that's on the books right now is not at all meaningful, it's preposterous, again, I should say.

Another comment on the State, was that we not look at this as a regionwide basis. Now, in our book, if you look at our book we talk about 331 streams, they're talking about 271, I believe that's the Yakutat difference. But whatever. To expect us to submit 271 proposals on a stream basis and have you guys debate them doesn't make any sense. What this is is a regionwide proposal with a possession limit of one and an annual limit of two on all the streams area-wide. And as Mr. Edwards said, the last sentence in here is one of the key parts of this, and it says the permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G. And I might add in there, they will also consult with the Council member who is nearest to that stream or system as well as consult with me, and we are not going to stand in the way of any conservation concerns if they're documented to us that there are conservation concerns, every one of us will be right on board, we will agree, close those streams, it's the right thing to do. The protection is there.

But I think it's a little disingenuous to say that we need to do the 331 streams stream by stream, that just can't happen. If there's a problem let the Federal manager know about it, they'll get a hold of us and if it makes sense, nobody's going to stand in their way. We had two fall fisheries this year, one at Waite Creek (ph) and Dog Salmon Creek on Prince of Wales Island which were proposed for closure and during our discussion, Mr. Douville from Prince of Wales Island as well as myself were involved with several State people and several Federal people, and during the discussions we talked about the catch and release mortality. The State was unwilling to close their catch and release fishery before we -- in other words our stand was if you're going to impose a restriction on the people of Prince of Wales Island in these streams on the subsistence use and priority, it is impossible to leave a known mortality in
a catch and release fishery there on the books, because
we know we're killing fish at the same time we're telling
the subsistence user that they can't take a fish home to
eat. So during the discussion of those two streams, we
basically -- Mr. Douville and I both said that we would
not recommend approval of anything, any closures to those
streams and we're going to hold to this on the summer
stocks as well unless the State first closes the catch
and release fishery which is a known mortality.

And perhaps that's where this Department
of Law came into this because that is not a meaningful
preference when you're allowing other people to kill fish
and you're restricting subsistence users.

So I just wanted to talk about those and,
again, remind you that this proposal provides true
meaningful preference for the residents of Southeast
Alaska to catch a fish and take it home to eat, we're not
talking 10 fish, we're talking one a day, and I'm not
going to Juneau to catch that one fish.

Thank you, Mr. Chair.

MR. EDWARDS: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MR. EDWARDS: Mr. Littlefield, that does
seem to me that this, as proposed, this proposal would
actually do what you just said, it would allow streams to
be closed to subsistence use while still remain open for
sportfishing under the catch and release 36 inch size
limit, right?

MR. LITTLEFIELD: If you'll look at the
last sentence, it says, the permit conditions -- I don't
want to read it again, but what it says is that they're
going to consult with the ADF&G and the land manager and
the Council Chair and the member -- it doesn't say that,
but we have this in under sections where they're going to
get a hold of the Council Chair, we made that very clear
at the meeting, that we expect to be notified, and we're
not going to buy off on it as long as there's a catch and
release fishery. So the answer is no, we're not going to
agree to it. We don't think that a five percent morality
and when you add up the tens of thousands of fish that
are taken and take that five percent mortality and you
won't let a person take one home to eat, that's not a
priority or preference. So in our opinion the answer is
no, there cannot be a catch and release fishery when
you're applying subsistence restrictions on the rural
residents.

MR. EDWARDS: Philosophically, I guess I
don't disagree with you. I don't think that that's what
this says, and won't necessarily accomplish that.

MR. LITTLEFIELD: Mr. Edwards, through
the Chair. The land manager in Southeast Alaska is the
United States Forest Service, and I believe we have a
good rapport with them and we're kept well informed. So
far I've been able to trust them and they've worked with
us and they're the ones that have to apply these
restrictions. So unless they decide not to go along with
the Council Chair and the Council member in the area
says, that hasn't happened yet, so I'm going to say is
how it's going to work is we're going to close those
fisheries before we agree to it.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: Well, I'm glad to hear
that we've clarified that the RAC or the most local
member of the RAC would be involved in any of these
decisions because it's not spelled out in writing but I
know that really was the intent. And I really think that
the Board and the land managing agencies and the RACs and
the State have come a really long way since our initial
discussions on steelhead issues in Southeast Alaska, and
I think we have a pretty good, proven, now, track record
of working together, and I believe that this short season
and small take would not have any conservation concerns.
And I do believe that working together, streams of
concerns would be identified and properly taken care of.

CHAIRMAN DEMIENTIEFF: Further
discussion.

Gary.

MR. EDWARDS: Well, Mr. Chairman, I guess
where I'm trying to wrap my mind around this, I mean I
think everybody concurs and certainly in my discussions
with the State that the current regulations do not
provide a meaningful preference. I don't think -- it
seems to me that that's not up for debate, so that's
something that needs to be addressed.
I think there's also a view that not all of these 271 streams should probably be fished, either by subsistence users or by sportfishermen. I mean my personal view is that probably a bunch of them need to be closed. There's probably a bunch of them that nobody really gets to and ever fishes and so maybe they're not the issue. I'm just trying to understand, and that's why I asked the Forest Service earlier how they saw this process playing out because I'm not sure, if you're suggesting that the Forest Service, if they felt that they needed to close a stream to subsistence users that they would arbitrarily then close it to all use or would there be an expectation that the State then would have to follow suit through their regulatory process. I'm just trying to understand how this is all actually going to work on the ground.

And I guess the last thing is I guess I'm not totally convinced that there aren't people in the Southeast who are visiting relatives in Juneau who would like to fish are going to take advantage of the opportunity. I guess I would but maybe they're more scrupulous than I.

MR. LITTLEFIELD: You were looking at me, maybe I'd like to hand this off to Mr. Ustasiewski and get his opinion, he's the lawyer on this, and maybe he could counter the State's lawyer or agree with him or whatever he wants to do. I'm not a lawyer. But when I look at ANILCA, and it says there's a clear priority and preference, I interpret that to mean that priority and preference cannot exist when you have a closure to subsistence users and you're allowing sportfishermen or commercial fishermen to be there. I can't interpret ANILCA that way, and perhaps Mr. Goltz or Mr. Ustasiewski could answer this and put it in legal terms.

MR. GOLTZ: The legal term is meaningful preference, and I agree with Lance that that's going to depend on the individual context.

CHAIRMAN DEMIENTIEFF: Any other questions, comments.

Yes, Doug.

MR. MECUM: Thank you, Mr. Chair. I was wondering if I could direct a question to the Forest Service. I guess I'm a little bit uncomfortable with -- let me back up, I agree on the question of meaningful
preference not being provided in some context, and that's the intent of the proposal. Where I'm having difficulty with is, again, like Gary, getting my hands around how we're actually going to implement this. And if we're going to go -- the Forest Service is going to come to us and consult with us and then their decisions can somehow be vetoed by, you know, one person, even if it is the Regional Council Chair, I'm not sure that that's really a meaningful consultation process.

It seems like the entire Regional Council ought to be involved, in looking at the kind of steelhead trout management plan that the Forest Service and the Department -- or Fish and Game are coming up with.

That would just be my kind of approach to it. So what is the Forest Service's plan for doing this consultation, is my question?

MR. CASIPIT: Mr. Chair. Mr. Mecum. The way I see this working out is the way it's worked out in the past for Prince of Wales Island, again, before the season starts, the local manager sits down with the State, with the Council members, and through a collaborative process decides which streams are going to get additional protection and which ones are going to fall under this regulation.

To say that one group is going to have a veto over the other or what have you, that's just not the way it's happened.

The way it has happened is that folks get together and they agree or disagree and a decision is made but, you know, the decision is accepted by all the participants, I think. I mean I haven't heard where there's been a great disagreement over closures or not doing a closure or what have you. I haven't seen it happen yet.

MR. BSCHOR: I think I'd like to make a comment, Mr. Chair, on that point, and maybe I ought to defer to my attorney here. But it seems to me that the delegated authority to the in-season manager is where it stops. The in-season manager needs to consult as much as possible to make the best decision, but I don't think that the in-season manager can defer to someone else outside the Forest Service to make a decision for he or she.
CHAIRMAN DEMIENTIEFF: Keith.

MR. GOLTZ: Yeah, I'd like to second that. This is a Federal system. The decisions are made by Federal managers. The Federal manager can consult with the State without restriction, it can consult with other experts, but that Federal decision is not vetoed by anyone else, it has to be fully Federal otherwise we run into FACA concerns.

CHAIRMAN DEMIENTIEFF: I'm not sure who had their hand up first, John or Doug -- Doug, okay, go ahead.

MR. MECUM: Thank you. I just had a follow up. That's certainly more comfortable, you know, having that information in front of us.

I guess just one question then, are there streams on Prince of Wales Island that are closed to subsistence fishing through this consultative process that the Federal land manager makes the final decision on? Are there streams that are closed to subsistence fishing but that are open to catch and release sportfishing?

CHAIRMAN DEMIENTIEFF: Cal.

MR. CASIPIT: Last spring 21 streams were restricted in that only two fish greater than 36 inches could be kept by subsistence users, which is exactly the same as the sportfish regulation.

CHAIRMAN DEMIENTIEFF: Thank you. John.

MR. LITTLEFIELD: I want to concur with everybody else.

(Laughter)

MR. LITTLEFIELD: I'm giving recommendations to the Federal land manager as well as the Council member because I know what my Council said in September and they were adamant about it, that they want to be consulted. And as a matter of fact, we demanded that, that we be consulted, it doesn't mean you have to take our directions, we're just going to tell that land manager exactly what we think is correct in the best interest of the subsistence users. And so we're not directing to do anything. On Prince of Wales Island, Greg Killinger calls the shots. We tell him what we
the State tells him what they think, he reads
ANILCA and his own regs, and the Forest Service, and
makes his decisions, not me, or anybody else. I want to
make that clear, I second, third and fourth whatever's
going on, so that's clear to everybody.

And I want to read .802 again, so that
everybody understands what we're talking about here. I
didn't dream up this priority and preference.

It says, quote:

The non-wasteful subsistence uses of fish
and wildlife and other renewable
resources shall be the priority
consumptive use of all such resources on
the public lands of Alaska.

When it is necessary to restrict the
taking to assure the continued viability
of a fish or wildlife population or the
continuation of subsistence uses of such
population, the taking of such population
for non-wasteful subsistence uses shall
be given preference on the public lands
over other consumptive uses.

Now, you can call that personal use,
sport use, commercial, anything you want, subsistence
cannot be curtailed and be a priority. I mean to me it's
a clear reading of Title VIII, and Mr. Goltz is busy
having his sidebar right now but I think that's clear.
And I don't know if that was clear with his answer, but
that's the way I read Title VIII and I think it's clear
in its reading, that it is priority over all other
consumptive users.

MR. GOLTZ: FACA is a concern, I think we
probably can work through this though if it's clear that
the managers should work with either Jim or I on this.
CHAIRMAN DEMIENTIEFF: Ralph.

MR. LOHSE: Mr. Chair. I'd just like to say something in agreement with what John was saying before, and if I'm wrong in what I say I hope John will correct me.

He's saying that he's consulting with the Forest Service management, and that if the Forest Management decides to leave a stream open that still has another fishery on it, the Council members weren't going to agree to it, they have the right not to agree to it, they can't stop him from what the decision he wants to make, but they have the right not to buy off on it, not to agree with it.

That's just a statement. That's just a statement of what they think. That's not making regulation. And I think that's what you meant, wasn't it John, that basically if they do something like that you can't agree to it on principle.

MR. LITTLEFIELD: We won't agree to it.

MR. LOHSE: And won't agree to it on principle.

CHAIRMAN DEMIENTIEFF: Okay. Further discussion.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: Having said or heard all of this, it certainly sounds like Forest Service and State and other managers and the Council have worked really hard to arrive at consensus for as many different streams or issues as possible. And so good vigorous discussion is great but it sounds like you've been very successful for the most part in pleasing as many people as possible.

CHAIRMAN DEMIENTIEFF: Further discussion.

MR. EDWARDS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Gary.
MR. EDWARDS: I'm just sort of trying to understand here when you explain to me that you do have some areas that are only available for local residents to fish Prince Williams -- I mean you named a few others -- now, this proposal then still maintains that in place; is that correct, does it need to specifically say that or does it imply that or what?

DR. SCHROEDER: Through the Chair. Mr. Edwards. Where we have a sustained customary and traditional use determinations for steelhead trout, only those communities with that recognized use can harvest steelhead trout in those areas. So those C&T determinations aren't -- would not be affected in any way by your Board action on this proposal.

MR. EDWARDS: And so for those C&T folks, that would remove the restriction of the 36 inch and allow them to take the one fish a day plus two for the season?

DR. SCHROEDER: That's my understanding, Mr. Edwards. Just maybe to have a concrete example about this -- around this would be, earlier we talked about Hoonah's recognized customary and traditional use in Subdistricts 14-B and 14-C, I believe that Hoonah has customary and traditional use of trout in those subdistricts. If action on this proposal as written would recognize Hoonah's use of steelhead trout in those areas. Someone from Sitka could not subsistence fish for steelhead trout in that customary and traditional use area of Hoonah.

CHAIRMAN DEMIENTIEFF: Further discussion.

(No comments)

CHAIRMAN DEMIENTIEFF: Are we ready for a motion or is somebody prepared to offer one?

MR. BSCHOR: I'm prepared to offer a motion to accept the proposal with modification consistent with the recommendation of the Southeast Regional Advisory Council.

CHAIRMAN DEMIENTIEFF: There is a motion, is there a second.

MR. TONY: Second.
CHAIRMAN DEMIENTIEFF: It's been moved and seconded, is there any discussion on the motion.

(No comments)

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

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries.

No. 20.

MR. CASIPIT: Thank you, Mr. Chair. The Staff analysis for Proposal FP05-20 begins on Page 222 of your Board book.

Proposal FP05-20 was submitted by Mr. Michael See of Hoonah. He is requesting the use of a handline to take salmon in the Southeastern Alaska area. The proponent states that subsistence fishers have traditionally used a single handheld line attached to one treble hook to harvest salmon from streams. Recognizing the use of a handline would allow a traditional, convenient and inexpensive and target specific method for harvesting salmon. The proponent was contacted to clarify his proposal. He purposely did not include the use of a rod and reel in his proposal. He believes snagging with a rod and reel is not as selective as snagging with a handline. He stated that traditionally snagging fish with a treble hook and handline has been done to identify and harvest individual fish such as targeting female chum salmon when eggs are desired.

I just wanted to point out a couple things in the analysis for you. There's a section in there that says customary and traditional use of handlines, we've summarized preliminary reports from Mr. Michael Turek of the Alaska Department of Fish and Game Subsistence Division regarding his research on harvest methods for steelhead on Prince of Wales. This was a Fisheries Information Services funded Project 01-105. He found evidence of handline use for taking salmon even though the specific issue he was looking at was
steelhead.

The effect of this proposal would make handlines that are more suited for -- basically handlines are more suited for use in some streams than others. It could result in increased harvest of coho, however, the harvest of coho under Federal subsistence regulations have been very low and a moderate increase in coho harvest would not create a conservation concern. And coho salmon stocks in Southeastern Alaska area are considered healthy.

I also wanted to point out that handlines are not listed as gear types on State subsistence and personal use permits for Southeastern Alaska area, however, handlines are currently a legal gear type under the Federal subsistence regulations except for where specifically excluded.

So that ends my introduction, I'd be happy to answer any questions.

CHAIRMAN DEMIENTIEFF: Thank you.

Written public comments.

DR. SCHROEDER: Mr. Chairman, we had no written public comments on this proposal.

CHAIRMAN DEMIENTIEFF: Thank you. We do not have any request for additional public testimony at this time. Regional Council recommendation.

MR. LITTLEFIELD: Thank you, Mr. Chair.

The Regional Advisory Council supported this recommendation 8/2.

And at the meeting we were lucky that we had a concurrent tribal meeting going on that ended on the day that we started. It ended at noon on the day we started. So many of those members, as a matter of fact they were from Hoonah, Hydaburg, Kake, Kasaan, Ketchikan, Klawock and Sitka. So those members that were there all testified in favor of this and those that are old enough can remember that we used to do this all the time, it was a real selective method and it was very common and it's effective.

That's one of the things you can do with this. If you want to get one specific salmon, you can get it with a snagger where you may not be able to get it
with a sockeye fly, just throwing it in the water and
jerking, you can actually use these snaggers with a
little bit more accuracy.

As far as conservation concerns, we
didn't see any conservation concerns with this proposal.
The Council believes this recommendation is supported by
substantial information from the Staff report, knowledge
of the Council members and also the extensive testimony,
the recent FIS study as well as some information provided
by the State, Mr. Turek. This proposal will be a benefit
to the subsistence users and have no effect on
subsistence users. So for those reasons we did support
it and we urge your adoption.

Mr. Chair.

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

MS. SEE: Mr. Chair, we note that our
comments are on Page 9 of the package of State comments.
Under State permits for subsistence fishing the handline
and gear type is not specified but can be added on a case
by case basis. This proposal requests a specific type of
handline with one treble hook which is known to be
traditionally used for selective form of fishing in fresh
water.

The Federal Staff analysis for this
proposal accurately states that the Federal and State
regulations are not identical at this time nor would this
proposal align them. We also concur with the analysis
statement that it's not necessary at this point to
address this gear type in the Stikine River.

The proposal does not appear to propose a
potential conservation concern for salmon as noted in the
Federal Staff analysis does not address the affect of
this proposal on steelhead, the species that was added
during the Southeast Regional Advisory Council meeting.
And we just are concerned about the fact that this came
in pretty late in the process so our concern really is
one more of process and how this all gets adequate
vetting in the whole development of regulatory
provisions. We feel that these kinds of analysis should
be fully considered as part of the public process prior
to regulatory action. So we recommend that the proposal
revision which added steelhead be deferred until the next
regulatory cycle.
Our recommendation at this point is that we're neutral on the original proposal for salmon and we recommend deferring action at this time for the steelhead portion that was added.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Board discussion.

MR. KESSLER: The Inter-Agency Staff recommendation is on Page 225, and the Staff Committee recommends that you support the proposal with modification consistent with the recommendation of the Southeast Regional Advisory Council.

Justification is on Page 225 also. The only point I'm going to make is actually on Page 226, is that, the original proposal was just to allow the snagging of salmon. The Southeast Regional Advisory Council added steelhead to the species allowed for snagging since it has been a traditional method of taking fish, the Inter-Agency Staff Committee agrees with the Council, that the inclusion of steelhead in this regulation is covered by the public notice for this meeting, since the proposal in combination with FP05-19 addresses all methods and means for subsistence fishing in Southeastern Alaska.

The Inter-Agency Staff Committee also agrees with the Southeast Regional Advisory Council that snagging is a traditional harvest method for steelhead.

That concludes my comment, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you. Board discussion.

MR. EDWARDS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Gary.

MR. EDWARDS: I guess I'd just like to ask Staff, based upon what we just passed on Proposal 28, what do we see in the increasing in efficiency and catch that might occur by allowing this method?

MR. CASIPIT: Based on testimony we've heard and how this handline works, it would be no more
efficient than the already allowed gear types like
spears, gaffs, and rod and reel. It's not any more
efficient than any of those methods.

CHAIRMAN DEMIENTIEFF: Further
discussion.

MR. LITTLEFIELD: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MR. LITTLEFIELD: Perhaps I could follow
up on that a little bit. The efficiency is not really
what we're talking about here, we're talking about need.
And that hasn't changed at all, if you still need -- you
know, if a community still needs 25 steelhead or salmon,
they're going to get them, and this just allows you to
use a long-term traditional method. So the efficiency, I
don't think is really the key, is the need is going to
remain the same, so therefore the take should be the same
in my estimation.

Mr. Chair.

CHAIRMAN DEMIENTIEFF: So it just
provides additional opportunity basically.

MR. LITTLEFIELD: (Nods affirmatively)

CHAIRMAN DEMIENTIEFF: Thank you.

Further discussion.

(No comments)

CHAIRMAN DEMIENTIEFF: If not, is
somebody prepared to offer a motion.

MR. BSCHOR: I'll move to adopt the
proposal as modified by the Southeast Regional Advisory
Council.

CHAIRMAN DEMIENTIEFF: We have a motion,
is there a second.

MR. TONY: Second.

CHAIRMAN DEMIENTIEFF: Discussion on the
motion.

MS. GOTTLIEB: Mr. Chair.
CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: I believe that the public discussion was covered through Proposal 19 and there was a great deal of discussion and evidence of using this means. And I think this would be in support of subsistence uses and subsistence users.

CHAIRMAN DEMIENTIEFF: Thank you.

Further discussion.

(No comments)

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

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries.

It's 3:53 right now, and I promised we were going to break by 4:00 o'clock, and you can tell that your distinguished chairman is pretty tired when I'm losing track of the speaking procedure so we're just going to go ahead and break for the day. We'll begin at 8:30 in the morning.

So thank you very much for your work today.

(PROCEEDINGS TO BE CONTINUED)
CERTIFICATE

UNITED STATES OF AMERICA
STATE OF ALASKA

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

THAT the foregoing pages numbered 2 through 113 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME I taken electronically by Nathan Hile on the 11th day of January 2005, beginning at the hour of 8:30 o'clock a.m. at the Egan Convention Center 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 29th day of January 2005.

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