

1 FEDERAL SUBSISTENCE BOARD
2
3 PUBLIC REGULATORY MEETING
4
5 VOLUME III
6
7 EGAN CONVENTION CENTER
8 ANCHORAGE, ALASKA
9
10 DECEMBER 13, 2007
11 8:30 o'clock a.m.
12
13 MEMBERS PRESENT:
14
15 Mike Fleagle, Chair
16 Thomas Melius, U.S. Fish and Wildlife Service
17 Thomas Lonnie, Bureau of Land Management
18 Marsha Blaszak, National Park Service
19 Denny Bschor, U.S. Forest Service
20 Niles Cesar, Bureau of Indian Affairs
21
22 Ralph Lohse - Southcentral RAC
23 Randy Alvarez - Bristol Bay RAC
24 Bertrand Adams - Southeast RAC
25 Virgil Umphenour - Eastern Interior RAC
26 Victor Karmun - Northwest Arctic RAC
27 Robert Aloysius - Yukon-Kuskokwim Delta RAC
28 Jack Reakoff - Western Interior RAC
29
30 Commissioner Denby Lloyd, State of Alaska
31 Representative
32
33 Keith Goltz, Solicitor's Office
34
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1 P R O C E E D I N G S

2
3 (Anchorage, Alaska - 12/13/2007)

4
5 (On record)

6
7 CHAIRMAN FLEAGLE: Good morning. We
8 reconvene the Federal Subsistence Board meeting, day
9 three, December 13. I'd like to welcome everybody back
10 with us again as we move forward on our agenda. Before
11 I begin on the agenda items, I'd like to open up with
12 Board opening comments for the day if there are any.
13 I'd like to welcome John Hilsinger to the table on
14 behalf of the commissioner who cannot be here for the
15 rest of the day. Welcome, John.

16
17 (No comments)

18
19 CHAIRMAN FLEAGLE: Hearing no comments.
20 I'd like to just, before we get started, lay out some
21 thoughts. There were a couple of opportunities
22 yesterday where there were perceived moments of
23 disrespect between persons in the process and a couple
24 of those instances were raised to me after the fact.
25 I'd just like to remind everybody that everybody has an
26 opinion, everybody has their own interest and everybody
27 is representing those interests and we may disagree,
28 but we can certainly, especially in a public forum like
29 this, disagree agreeably. Especially moving forward on
30 the proposal that we're going to be considering first
31 where we not only have maybe a possible disagreement
32 between the state and subsistence users, but we now
33 have two distinct different regions of the state that
34 may differ in opinion and I just want to reiterate that
35 we need to respect one another's opinion. If we
36 disagree, let's do it courteously and I think we'll get
37 through this okay.

38
39 With that, we'll go ahead and start.

40 Oh, Pete. I'm sorry. Go ahead.

41
42 MR. PROBASCO: Thank you, Mr. Chair.
43 For those of you that want to testify and have not
44 signed up yet, you need to get a yellow card.
45 Currently for Proposal 13/14 we have 33 individuals
46 that will be signing up. That's it, Mr. Chair.

47
48 CHAIRMAN FLEAGLE: Thank you, Pete.
49 First order of business is the public comment period on
50 non-agenda items and this opportunity is provided at

1 the beginning of every day of the meeting. Pete, do we
2 have any interest in testimony on that?

3

4 MR. PROBASCO: Mr. Chair, I do not have
5 anybody signed up for that agenda item.

6

7 CHAIRMAN FLEAGLE: Thank you. Second,
8 we also have an open comment period on the consensus
9 agenda proposals. Do we have any interest in testimony
10 for that?

11

12 MR. PROBASCO: No, Mr. Chair.

13

14 CHAIRMAN FLEAGLE: Okay, thank you.
15 Now just a heads up....

16

17 MR. ADAMS: Mr. Chairman. Over here.

18

19 CHAIRMAN FLEAGLE: Bert.

20

21 MR. ADAMS: Mr. Chairman. I'm going to
22 have to excuse myself. I'm scheduled to return home
23 this afternoon at about noon. I don't have anything
24 prepared to make any comments on right now, but I'll
25 put my thoughts together. Hopefully before I excuse
26 myself I might have that opportunity.

27

28 CHAIRMAN FLEAGLE: Appreciate that,
29 Bert. Thank you. Just a heads up. Given the amount
30 of testimony that we're going to receive on this next
31 proposal, we're going to limit testimony time to three
32 minutes. That will still be about 90 minutes roughly
33 of testimony and with breaks and giving people time to
34 move to and from the table, we're probably looking at
35 at least two hours worth of testimony at three minutes.
36 Then there will be quite a bit of work after that. Tom
37 Melius.

38

39 MR. MELIUS: Thank you, Mr. Chairman.
40 Before we move into the upcoming proposals, I would
41 like to take a couple minutes to comment on action
42 taken yesterday on 09 dealing with the fishwheel on the
43 Kasilof.

44

45 Three short items I just want to draw
46 the attention of the Board to. We need to show some
47 flexibility while monitoring the total harvest limits
48 of the various species. There is a possibility, and I
49 think Ralph alluded to this yesterday, that the
50 fishwheel may catch enough fish of a particular species

1 that we may need to not allow the harvest of that
2 particular species with the fishwheels so that other
3 users who choose to use dipnets would also have then
4 that opportunity.

5
6 For example, total number harvest limit
7 for chinook salmon is 500 fish. If the fishwheel were
8 to actually harvest 400, then the in-season manager may
9 need to not allow the harvest of any more chinook
10 salmon for the remainder of the season by the fishwheel
11 so that people who want to use dipnets have that
12 opportunity to do so.

13
14 The second thing also involving the
15 bycatch of steelhead or spawning of chinook salmon if
16 the fishwheel is operating after August 15th. The
17 issue I brought up yesterday about our seasons. Our
18 season dates would allow the fishwheel to be used until
19 October 31st. There could be a higher bycatch of a
20 particular species and our in-season manager may need
21 to work very closely with the operators of the wheel to
22 either move the wheel to another location or stop the
23 wheel for a period of time if the bycatch becomes high
24 enough to become a concern. We just want folks to
25 realize that we may need to show some flexibility
26 during the season and adjustments may need to be taken
27 in trying this new gear type on the Kasilof.

28
29 Finally, in issuing permits under the
30 process that is envisioned, we would also be issuing a
31 special use permit in addition to the individual
32 fishwheel permits for this gear. We feel this would be
33 necessary to cover any particular land management
34 issues.

35
36 So the main point of these three items,
37 Mr. Chairman, was basically to put on the record the
38 need to be responsive and flexible in the season as we
39 move forward, addressing any management concerns or
40 issues that may arise. Thank you, Mr. Chairman.

41
42 CHAIRMAN FLEAGLE: Thank you, Tom.
43 Bob.

44
45 MR. ALOYSIUS: I strongly object to the
46 limitation of the testifiers for the upcoming proposal.
47 It doesn't seem fair to me or to them that everybody
48 else gets five minutes. Again, the people who are
49 sacrificing have to sacrifice more and this time it's
50 sacrificing time to testify. That's all I have. Thank

1 you.

2

3 CHAIRMAN FLEAGLE: Appreciate that,
4 Bob. I'm open for discussion on that. We were just
5 talking about the amount of time it would take, the
6 probability that most of the testimony is going to be
7 on the same topic or similar, and we made that call,
8 but I'm certainly willing to hear other Board's
9 comments on that.
10 Pete.

11

12 MR. PROBASCO: Thank you, Mr. Chair.
13 This meeting is scheduled to end at the end of this
14 day. We would have to get upstairs and if we were to
15 extend it to Friday, rework our agreement, and we don't
16 even know if it's available. So it boils down to time
17 management. That's your call, Mr. Chair, but we do
18 have these issues and we have today, right now, to deal
19 with the proposal before us.

20

21 CHAIRMAN FLEAGLE: Niles Cesar.

22

23 MR. CESAR: I agree with you, Mr.
24 Chairman and Pete. It is a time management issue.
25 With 33 or 34 testifiers now, I would envision that the
26 preponderance of them are going to be saying roughly
27 the same thing. If you don't limit them to three
28 minutes or some time, then we really are not doing, I
29 think, our end of the job, which is to take action on
30 these proposals in a timely manner.

31

32 CHAIRMAN FLEAGLE: Any other comments.

33

34 (No comments)

35

36 CHAIRMAN FLEAGLE: All right. We'll
37 let that stand at three minutes. I hear and understand
38 your objection, Bob. Thank you for bringing that up.

39

40 MR. ALOYSIUS: Thank you.

41

42 CHAIRMAN FLEAGLE: All right. It looks
43 like we're ready to begin on our proposal. We have
44 before us Federal Staff for the presentation. Pete, go
45 ahead..

46

47 MR. PROBASCO: Thank you, Mr. Chair.
48 Everybody is aware that 13/14 is a very complex
49 proposal. A lot of emotions are involved in this
50 proposal. It's very important that we get the

1 information on the table so that we understand the
2 information and issues surrounding the proposal.

3
4 So on your left here we have OSM Staff
5 that were the lead in the analysis, Steve Klein and Don
6 Rivard. And then we have our in-season manager, Russ
7 Holder, here also. He's the one that's in the trenches
8 in season dealing with this fishery. Immediately
9 following our presentation the State, who is also in
10 the trenches, will be making presentations on
11 additional data that they have provided earlier to us.
12 We have Dani, Eric and Steve here to do that as well.
13 So, Mr. Chair, that will be the sequence of events.

14
15 CHAIRMAN FLEAGLE: Thank you. Good
16 morning. Welcome. With that, we'll turn it over to
17 our OSM Staff. Don Rivard, good morning.

18
19 MR. RIVARD: Good morning, Mr. Chair,
20 Members of the Board and Regional Advisory Council
21 representatives. As stated, my name is Don Rivard.
22 I'm a fish biologist with the Office of Subsistence
23 Management and lead other of the analysis for Proposals
24 FP08-13 and 14. I'm going to be giving the
25 presentation of the analysis and then Steve Klein will
26 give some concluding statements. As mentioned, Russ
27 Holder, the Yukon River Federal in-season manager is
28 also at the table with us and will be available to
29 answer questions.

30
31 This analysis starts on Page 5 of the
32 supplemental handout that you had. This did not make
33 it in time to get into the regular Board book. It
34 starts with executive summary, but we're going to start
35 on Page 5 with the analysis.

36
37 CHAIRMAN FLEAGLE: Let me just give
38 folks a moment. Does everybody have that in front of
39 them. It was handed out yesterday, a big stapled
40 packet.

41
42 MR. RIVARD: I'd also mention here that
43 just prior to us starting this morning I also
44 distributed a map for everybody and this map is also up
45 on the wall in two places and then behind Mr. Melius
46 there and Mr. Bert Adams on the easel.

47
48 CHAIRMAN FLEAGLE: Okay, Don.

49
50 MR. RIVARD: Thank you. Both of these

1 proposals were submitted by the Eastern Interior Alaska
2 Subsistence Regional Advisory Council and pertain to
3 the Yukon River drainage. Proposal No. 13 restricts
4 gillnets with greater than 6-inch stretch mesh to not
5 more than 35 meshes in depth. Proposal No. 14
6 restricts maximum gillnet mesh size to 7.5-inch stretch
7 mesh.

8

9 In its proposal, the Council points out
10 that recent studies, as well as discussions Council
11 members have had with researchers, show that 7.5-inch
12 stretch mesh is the most efficient net size to harvest
13 chinook salmon, while still allowing the passage of
14 larger fish, generally females. The reduction in mesh
15 size would be phased in over a three-year period for
16 subsistence users and one year for commercial users to
17 reduce the economic burden and match the useful life of
18 most nets, which the Council identifies as three to
19 four years.

20

21 Now these proposals address the quality
22 of escapements, not exploitation or allocation, as
23 chinook salmon abundance is managed for escapement and
24 border passage goals through in-season actions. These
25 proposals also address long-term concerns regarding
26 decline in size of chinook salmon. The Eastern
27 Interior and Western Interior Councils have repeatedly
28 expressed their concerns over the state of Yukon River
29 chinook salmon during several of their meetings since
30 2004, frequently citing
31 declining fish size, decreasing occurrence of 50+ pound
32 Chinook salmon, extirpation of age-8 fish and loss of
33 age-7 fish, decreasing percentage of female Chinook
34 salmon, and more slender fish.

35

36 The effect of declining salmon size
37 appears to be more acute in the upper Yukon River,
38 confirmed by Yukon Flats National Wildlife Refuge Staff
39 and 2005 and 2006 fish camp surveys. Particularly in
40 2005, fishermen stated that they felt their fishing was
41 poor because they had to catch more fish to meet their
42 subsistence needs because of the small fish size.

43

44 There is no river-wide consensus on the
45 scope of the problem or possible solutions, including
46 from the Yukon River Drainage Fisheries Association-led
47 work group, which met four times between October 2006
48 and January 2007 to specifically address the declining
49 salmon size issue.

50

1 Now these proposed regulations would
2 pertain to subsistence and commercial gillnets used in
3 Federal public waters. Again, I'll refer you to the
4 map. There's also a map on Page 9 in your handout that
5 show the different numbered fishing districts as well.
6 Most commercial fishing and over half of subsistence
7 harvest takes place in Federal public waters. Similar
8 regulatory proposals have been submitted to the Federal
9 Subsistence Board and/or the Alaska Board of Fisheries
10 each year since 2001.

11
12 I'm going to speak a little bit now
13 about the trends and escapement quality. The average
14 weight of Yukon River chinook salmon in commercial
15 harvest has declined from 23 pounds to 19.3 pounds
16 between 1975 and 1993. The average from 1994 to 2006,
17 however, has been 19.7 pounds. It's basically stable,
18 but there's been no rebound.

19
20 Older fish are declining over time.
21 The data reported by the Joint Technical Committee of
22 the Yukon River panel showed a decline over time in the
23 relative abundance of age 7 and 8 Yukon River chinook
24 salmon in the total run. Displayed by brood year, the
25 percentage of Canadian-bound chinook ranged from 28 to
26 29 percent for brood years 1979 1982, and then declined
27 with percentages ranging from 2 percent to 16 percent
28 for brood years 1983 1997. This is also shown in
29 Figure 1 graphically on Page 15 of your handout. Most
30 of this decline is in age-7 Chinook salmon, from 18
31 percent to 8 percent of the brood. It's worth noting
32 that about 50 percent of the Yukon River chinook salmon
33 production comes from Canada.

34
35 Another trend in escapement quality is
36 the low percentage of females in the spawning
37 tributaries. In recent years, from 2001 to 2005, we've
38 seen 21 to 36 percent in the middle Yukon tributaries
39 and 45 to 46 percent in Tanana River tributaries. For
40 2005 through 2007, there's been 33 to 43 percent
41 females in the upper Yukon.

42
43 Talking about mesh size and mesh size
44 selectivity. A higher proportion of older and larger
45 chinook salmon are females. It is widely documented
46 that large mesh nets capture more females in larger
47 fish. Analysis of the data available from the ADF&G
48 AYK database and data reported by Bales shows that 8.5-
49 inch mesh gillnets used at the Big Eddy test fish
50 project captured an average of 50 percent females for

1 2001 through 2005, whereas 7.5-inch mesh gillnets
2 captured 32 percent females. And that data is for 2001
3 to 2004 as there's no data for 2005 on 7.5-inch mesh
4 gillnets.

5
6 In 2005, Bromaghin evaluated gillnet
7 catch data from the lower Yukon River, collected from
8 1990-2003, in conjunction with the Pilot Station sonar
9 study. His results were based on a dataset of nearly
10 7,300 chinook salmon and he found that gillnets with
11 the largest mesh sizes (6.5, 7.5, 8.5 inch mesh) caught
12 74 percent of the chinook salmon. The other 26 percent
13 were caught by smaller mesh nets ranging from 2.75 to
14 5.75 inch mesh. The 7.5-inch mesh nets caught the most
15 fish, more than the 6.5 inch or the 8.5-inch mesh nets.

16
17 Selectivity curves based on data from
18 the Pilot Station sonar project on the Yukon River show
19 that the larger the mesh, the longer the mean length of
20 chinook salmon caught. With 6.5-inch mesh, the mean
21 length is 25 inches. With 7.5-inch mesh, 30 inches.
22 And with 8.5-inch mesh, the mean length is 33 inches.

23
24 Going on to what's called fecundity or
25 the amount of eggs that a female produces. Larger
26 females have more eggs. About 26 percent higher for
27 the 33-inch chinook salmon caught by the 8.5-inch net
28 versus 30-inch chinook salmon caught by 7.5-inch mesh
29 as I pointed out just previous to this. In addition to
30 the 7.5-inch mesh nets catching less of the larger
31 females which have more eggs, the use of 7.5-inch mesh
32 gillnet strikes a balance between the harvest of
33 chinook salmon and chum salmon that are caught
34 incidently. When gillnet mesh size is decreased from
35 8.5-inch to 7.5 inch, chum salmon catch would increase
36 66 percent. When gillnet mesh size is decreased by 8.5
37 to 6.5-inch, the chum salmon catch would increase by
38 427 percent.

39
40 Mesh size has been investigated in
41 other places in Alaska to address similar concerns. In
42 the Kuskokwim River in 2004, Molyneaux and others
43 compared chinook salmon age/sex/length data collected
44 in the subsistence fishery which predominantly uses
45 8-inch or larger mesh gillnets with tributary
46 escapement projects in 2002 and 2003. The authors
47 reported that subsistence harvest samples had a greater
48 proportion of older aged chinook salmon than escapement
49 samples. In 2005 Molyneaux compared chinook salmon
50 age/sex/length data collected from the 2004 lower river

1 subsistence fishery, the chum salmon directed
2 commercial fishery and five escapement monitoring
3 projects. Differences in the age composition of
4 chinook salmon observed in these samples were
5 attributed by the investigators to gillnet size
6 selectivity. Fewer younger, and more older, chinook
7 salmon were harvested in the subsistence fishery which
8 uses gillnets of 8-inch or larger mesh.

9
10 In the Cook Inlet in 1981, in response
11 to increasing pressure on Susitna River chinook salmon
12 stocks, Alaska Department of Fish and Game submitted a
13 report to the Alaska Board of Fisheries reviewing
14 gillnet mesh selectivity. The Department found that
15 smaller mesh gillnets caught smaller fish than were
16 caught in larger mesh gillnets. In all cases examined,
17 male salmon considerably outnumbered females in catches
18 made with small mesh gear. The Department stated that
19 large mesh gillnets also affect average fecundity of
20 chinook females in the spawning population by removing
21 the larger, older females. Based on these findings,
22 the Alaska Department of Fish and Game recommended a
23 maximum legal mesh size of 6 inches for any additional
24 gillnet fisheries in Cook Inlet with the intention of
25 protecting chinook salmon spawning populations and
26 ensuring genetic integrity of
27 the stocks.

28
29 Now we're going to shift a little bit
30 to mesh depth, which is Proposal 13. Some fishers have
31 expressed their belief that the larger, stronger fish
32 migrate in the deeper waters. Burwen and Bosch's 1998
33 study found that chinook salmon migrated offshore 15 to
34 45 meters off shore bottom-oriented. In Candy and
35 Quinn's 1999 study, chinook salmon that migrated in
36 deep waters were significantly larger than fish that
37 remained nearer the surface in upper Johnstone Strait,
38 British Columbia.

39
40 Now, by reducing the maximum mesh size
41 from 8.5 to 7.5 inches, nets would fish approximately 4
42 feet shallower and that's based on each being of the
43 same mesh depth size. With 7.5-inch mesh size and a 35
44 mesh depth restriction, nets would fish approximately
45 10 feet shallower than nets of 8.5-inch mesh and 45
46 meshes in depth.

47
48 It should be known that there's only
49 one mesh depth restriction on the Yukon River for
50 Federally-qualified users and that's the 35 meshes deep

1 restriction in the subdistrict 4B and 4C drift gillnet
2 fishery.

3

4 The effects of adoption of these
5 proposals. Adoption of these two proposals would
6 follow recognized principles of fish and wildlife
7 conservation, by providing measures to conserve and
8 possibly restore large-sized fish in the Yukon River
9 chinook salmon run. Using gillnets of 7.5-inch mesh
10 gillnets would likely increase the incidental harvest
11 of chum salmon. However, the use of 7.5-inch stretch
12 mesh gillnets strikes a balance between a more
13 efficient harvest of chinook salmon and the incidental
14 harvest of chum salmon.

15

16 Adoption of these proposals would pose
17 an additional financial burden on all affected users
18 since they would either have to buy new nets and/or
19 modify existing gillnets to 35 meshes deep. The cost
20 of modifying and replacing nets, depending on how you
21 do it, ranges from \$300 to \$1,800. These proposed
22 regulations are intended to conserve healthy
23 populations of chinook salmon and redirect harvest to
24 reflect age, sex and size of fish entering the Yukon
25 River. The effects should also increase the percent of
26 females, the number of age 7 fish and the amount of
27 eggs on the spawning grounds.

28

29 With that, Mr. Chair, the OSM Staff
30 conclusion is to support Proposal FP08-14, which is the
31 one that restricts maximum gillnet mesh size to 7.5-
32 inch stretch mesh and also to support Proposal FP08-13
33 with modification to include wording that the nets will
34 be fishing from the surface of the water to no more
35 than 35 meshes deep in the water column. Both the
36 regulations will apply to both subsistence and
37 commercial gillnets in Federal public waters. The
38 modified regulation language for number 13 is found on
39 Page 19.

40

41 Thank you, Mr. Chair. Now for Steve
42 Klein.

43

44 CHAIRMAN FLEAGLE: Thank you, Don.
45 Before we go to Steve, are there any questions on the
46 portion of the report given by Don, Board members?
47 Bob.

48

49 MR. ALOYSIUS: Something really struck
50 me there that if you're going to take the size of the

1 mesh and the depth on the Yukon River, how is that
2 going to affect the salmon coming into the mouth of the
3 Yukon River? That's the question I have.

4
5 CHAIRMAN FLEAGLE: It sounds like.....

6
7 MR. ALOYSIUS: That's what was on the
8 thing if I look at it right.

9
10 CHAIRMAN FLEAGLE: What I was getting
11 at, Bob, is I'm not sure that that answer -- that we
12 can just have Don give that answer. It may be
13 something that we bring out in the course of our
14 deliberative process. Larry.

15
16 MR. BUKLIS: Mr. Chairman. I think I
17 can help Bob clarify a little bit. What that point is
18 trying to say is that the harvest that would be taken
19 by these nets would be more similar in composition to
20 the composition of the fish that are coming in. It's
21 not saying it's going to affect what comes in. It's
22 saying that the catch that's taken would be similar in
23 composition to the composition of the fish that are
24 coming in. That's what it's trying to say.

25
26 MR. ALOYSIUS: Thank you.

27
28 CHAIRMAN FLEAGLE: Thank you. Steve.

29
30 MR. KLEIN: Thank you, Mr. Chair. I
31 just wanted to conclude with five closing remarks on
32 the proposal analysis. First I wanted to state that
33 the analysis Don just covered has really been a team
34 effort within OSM. Don led that effort, but we had
35 substantial involvement of other OSM Staff, the Federal
36 in-season manager and other Federal Staff. Through
37 this team approach I believe we've provided foundation
38 for the Board to develop a solution to declining size
39 and age composition and poor sex ratios. Our Staff
40 analysis is a 66-page document with 62 citations,
41 including almost 30 peer-reviewed publications.

42
43 The second point is that the proposal
44 analysis has really been a dynamic document that has
45 been reviewed at least seven times and during each of
46 these reviews we've received valuable input from the
47 four affected councils, the State/Federal agencies and
48 the public. We use this input to improve the document
49 and present to you today a comprehensive analysis of
50 the best available science for your decision-making.

1 A third point is that we acknowledge we
2 didn't analyze everything possible and purposely chose
3 not to examine some types of information. For example,
4 we didn't examine chinook salmon abundance or
5 exploitation or escapement goals because this really
6 addresses the number of fish and the proposals before
7 you today are really addressing the quality of the
8 escapement.

9
10 Another issue we didn't address is
11 length at age, which there's been a lot of research and
12 continues to be research. We believe that's an
13 informative statistic, but, in our view, length at age
14 is really a measure of ocean productivity with a high
15 degree of variability. Within our team we believe the
16 best report card for escapement quality is a sex, age
17 and size composition on the spawning grounds and this
18 is what our analysis focused on.

19
20 Fourth, I wanted to acknowledge that
21 OSM had some spirited debate on the recommendations
22 before you today. This is a tough issue and the
23 possibility of forcing fishers to buy new nets is an
24 issue we took very seriously. In the end, we asked if
25 the fish could vote, what would be their recommendation
26 and we concluded that spawning grounds with males
27 outnumbering females two, three and sometimes four to
28 one was not healthy, that loss of the oldest age
29 classes is not healthy and declining fish size and
30 fecundity is not healthy.

31
32 OSM is very confident that a maximum
33 mesh size of 7.5 inches will harvest chinook salmon
34 more in proportion to what enters the river, letting
35 more females and older fish spawn while harvesting more
36 males. Reducing mesh size is not unprecedented and has
37 been implemented in multiple areas across the state.
38 When we further consider potential long-term genetic
39 impacts to heritable traits like age and size of
40 maturity, we believe a precautionary approach is
41 warranted. Too often, and not necessarily in this
42 state, managers wait until it's too late to heed the
43 warning signs and then are faced with decades of
44 reduced harvest and efforts to rebuild stocks.

45
46 I think here in the state of Alaska
47 we've been able to avoid those collapses through the
48 right management of the state, but if you look at like
49 the Pacific Northwest, you look at salmon in
50 Washington, Oregon, California, look at Atlantic salmon

1 on the east coast, we have some very poor examples of
2 not responding to red flags or warning signs.

3

4 Finally, our analysis provides a
5 beginning point for your decision-making, what their
6 differing views on the problem itself as well as
7 possible solutions. It would have been nice to bring
8 to you a recommendation with broad support from fishers
9 up and down the river as well as the support of our
10 Fish and Game colleagues, but this is not the case.
11 It's really an example that this is a really complex
12 and controversial issue.

13

14 These different viewpoints and
15 interpretations of data may make the Board's decision
16 harder, but open debate on complex issues should lead
17 to more informed decision-making. Thank you, Mr.
18 Chair. This concludes our presentation.

19

20 CHAIRMAN FLEAGLE: Thank you, Steve.
21 Questions. Mr. Hilsinger.

22

23 MR. HILSINGER: Thank you, Mr.
24 Chairman. I was going to hold this, but Mr. Klein
25 raised the issue again, so it kind of triggered my
26 curiosity in terms of the number of eggs in the gravel.
27 I was wondering if during the analysis the OSM Staff
28 looked at -- you said you didn't look at escapement
29 numbers, but did you look at the actual number of eggs
30 that are being deposited given the escapement
31 composition and the projected eggs per female? Did you
32 sort of look at the total egg deposition and how that
33 compares with the egg deposition that might provide for
34 maximum sustained yield or a high-level yield?

35

36 MR. KLEIN: Through the Chair. Mr.
37 Hilsinger. No, we did not specifically look at that,
38 the decreased fecundity. When you have smaller fish,
39 when you have smaller females, the science tells us
40 that you will have fewer eggs. That would result in
41 less eggs on the spawning ground just by decline in
42 fish size, but we didn't do an analysis of total number
43 of eggs deposited.

44

45 CHAIRMAN FLEAGLE: Thank you. Further
46 questions. All right. I will now turn the
47 presentation over to the State Staff. Good morning.
48 Introduce yourself, please.

49

50 MR. VOLK: Good morning, Mr. Chair. My

1 name is Eric Volk. I work in the commercial fisheries
2 division for the Alaska Department of Fish and Game.
3 I'm their regional research supervisor for AYK. Thank
4 you very much for the opportunity to provide some
5 additional information to the Board. We're going to
6 kind of do a tag team presentation this morning for you
7 with our PowerPoint slides.

8
9 First up will be Steve Hayes, our
10 summer season area management biologist, who will give
11 you an overview of the 2007 season, including our
12 decision-making process as the run develops, some
13 harvest and escapement data and finally give you a
14 little bit of an overview of what we might be looking
15 at in terms of strategies in 2008.

16
17 He'll be followed by Dani Evenson, our
18 summer season research biologist in the Yukon. She
19 will give you an often-heard presentation on our
20 gillnet mesh size selectivity study, which is some very
21 interesting information related to these proposals.

22
23 Finally, I'll conclude with a brief
24 summary of some ongoing research that is happening. A
25 number of different projects are going on right now or
26 are proposed that will have some direct bearing on
27 these particular proposals that I think you'll want to
28 hear about. So, with that, I'll introduce Steve Hayes
29 to begin our presentation.

30
31 MR. HAYES: Thank you, Mr. Chairman.
32 As Mr. Volk stated, my name is Steve Hayes. I'm the
33 Yukon area summer season manager for chinook and summer
34 chum. I've been asked to present a brief management
35 summary for the 2007 season and harvest and escapement
36 information for Yukon River chinook salmon.

37
38 I'll begin with the chinook preseason
39 outlook for 2007. Yukon River chinook salmon return
40 primarily is age 5 and age 6 fish, although age 4 and
41 age 7 fish also contribute to the run. The four-year-
42 old component in 2006 was below average, whereas the
43 five-year-old component was above average. The
44 previous two years runs in 2005 and 2006 were near
45 average, indicating good production from the poor runs
46 of 2000 and 2001.

47
48 In 2001 and 2002, the brood years
49 producing five-year-old and six-year-old fish returning
50 in 2007, aerial survey goals were generally met. Upper

1 ranges of the biological escapement goals for the Chena
2 in 2001 and 2002 and the Salcha River in 2001 were
3 exceeded. The Canadian Yukon River mainstem spawning
4 escapements in 2001 and 2002 were the second and third
5 largest on record and 2003 was the highest on record.

6
7 The 2007 run was expected to be average
8 to below average and similar in abundance to the 2006
9 run. We anticipated the run would provide for
10 escapement, support a normal subsistence harvest,
11 Canadian border obligations and a below average
12 commercial harvest.

13
14 In-season fishery management is based
15 upon in-season assessment of the run using our low
16 river test fishing project and Pilot Station sonar.
17 Additionally, weekly Yukon River Drainage Fisherman's
18 Association sponsored teleconferences and phone calls
19 to and from fishers also provided us with run
20 assessment information.

21
22 This chart shows the daily CPUE, the
23 blue bars, for the lower Yukon test fish in 2007. The
24 yellow bars are the first, mid and third quarter point
25 of the run. The black lines show the average daily
26 CPUE from 1989 through 2006. The lower Yukon test
27 fishing project is located in all three mouths of the
28 Yukon and uses 8.5-inch set gillnets from late May
29 through mid July to provide an index of run timing and
30 relative abundance. These data are combined with
31 subsistence reports to try to gain a more complete
32 picture of run timing.

33
34 The 2007 cumulative CPUE of 19.21 was
35 below the average of 22.99. The Department's lower
36 Yukon test fish nets observed the first and largest
37 pulse of chinook salmon from June 14th through June
38 17th. Subsistence fishers also reported good catches
39 of chinooks during that time frame. Based on the
40 timing of this pulse and runs being late in other areas
41 of the state, the chinook salmon run was estimated to
42 be three to four days later than average at that time.

43
44
45 A note from 2002 through 2006 we have
46 been able to reliably estimate chinook run timing in
47 season. One anomaly observed during this time frame
48 was the unusual entry pattern of the fish. The lower
49 Yukon test fish indicated chinook were entering the
50 middle and north mouths in higher abundance earlier in

1 the season, whereas typically chinook enter south mouth
2 first and then enter middle and north mouth in greater
3 proportions later in the run.

4
5 Pilot Station sonar is used to estimate
6 total fish passage and CPUE from variable mesh size
7 drift gillnet test fisheries applied to fish passage
8 numbers to estimate passage by species. This chart
9 shows the low passage numbers from June 14th followed
10 by an increase in passage beginning June 15th when the
11 first and strongest pulse began passing Pilot Station,
12 which translated into an estimated 40,000-plus chinook.
13 The first quarter point is shown in the yellow bar.

14
15 As the first pulse passed by the
16 station sonar, the in-season projection was for passage
17 of 160,000 or more chinook, which would provide for
18 escapement and subsistence in the small commercial
19 harvest. At this point in time, we were estimating the
20 run to be three to four days later than average and
21 that the first quarter point would be near June 21st.

22
23 This chart shows the entire run past
24 Pilot Station sonar. The first quarter point, mid
25 point and third quarter point are shown in the yellow
26 bars. The Pilot Station sonar project cumulative
27 passage estimate was 125,300 chinook salmon in 2007.
28 This was well below the preseason outlook and the 2006
29 season estimate of 165,000. Note the stronger first
30 pulse as shown in the previous slide followed by the
31 second pulse, which was much lower in abundance than
32 expected. However, the lower river test fish project
33 showed the second pulse as stronger than it appeared at
34 Pilot Station sonar. This could have been caused by
35 lower water conditions, making some nets more efficient
36 than normal in the lower river test fishery.

37
38 During the second pulse from June 20th
39 through June 24th at the lower river test fish, it
40 appeared that chinook salmon were entering the river at
41 a slow, steady rate rather than the typical pulse
42 pattern. Of course, a strong first pulse followed by a
43 significantly weaker pulse is very unusual. During
44 poor runs in 1998 and 2000, the lower river test fish
45 CPUE and Pilot Station sonar estimates were lower than
46 average throughout the run, which is different than
47 what was observed in 2007. In any case, the
48 synonymously low second pulse was a concern. As its
49 pulse was detected at Pilot Station, we realized the
50 run was not developing as anticipated and subsequently

1 no further chinook-directed fisheries were allowed in
2 the lower river after June 25th.

3
4 In 2007, early run assessment indicated
5 that chinook and summer chum salmon runs were of
6 adequate strength to allow subsistence salmon fishing
7 to continue on the regulatory fishing schedule.
8 Subsistence harvest information was gathered during the
9 summer season from several sources. Fishermen called
10 in reports to the Department's Emmonak office. Calls
11 were made to fishermen by State and Federal managers
12 and an in-season interview project conducted by U.S.
13 Fish and Wildlife Service.

14
15 Additional salmon run strength
16 information was also gained through weekly YRDFA
17 teleconferences. Through these sources, most
18 subsistence fishermen in the lower river reported good
19 catches of chinook and summer chum salmon and were
20 meeting their needs, although due to high gas prices
21 they were delaying their efforts until an increase in
22 the chinook abundance was observed.

23
24 Subsistence fishermen in the middle
25 river reported difficulties in catching chinook salmon.
26 By emergency order the Department allowed subsistence
27 fishing seven days per week in District 4 on July 16th
28 through July 23rd in subdistrict 4A.

29
30 The top chart shows the number of
31 chinook harvested in unrestricted periods in red and
32 the restricted periods in yellow and this is for
33 District Y1. The bottom chart is the same for Y2.
34 After the early commercial opening on June 15th in
35 District Y2, we delayed opening the next commercial
36 period targeting chinook salmon until June 18th in
37 District Y1, two days after the first quarter point of
38 the run at the lower river test fish. There were a
39 total of six unrestricted mesh size periods and 15
40 restricted periods in Y1 and Y2 combined.

41
42 In season, the harvest in the fifth
43 period in both Y1 and Y2 was lower than anticipated.
44 This contributed to the uncertainty about the chinook
45 salmon run strength. Based on the projected near
46 average run estimate for summer chum and market
47 interest, we initiated short commercial periods
48 restricted to 6-inch maximum mesh size. Because of the
49 uncertainty about the chinook salmon run strength, only
50 restricted mesh openings were allowed after June 25th.

1
2 Additionally, the Department attempted
3 to schedule these periods, chum-directed commercial
4 periods, when chinook abundance was low. About 9,000
5 chinook were harvested in chum-directed periods and
6 23,000 chinook were harvested in unrestricted periods.
7

8
9 The total commercial harvest for all
10 periods combined in Districts Y1 through 3 was about
11 32,000, which was 30 percent below the recent 10-year
12 average of 48,000. The total commercial harvest for
13 chinook salmon in Districts 1 through 6 was 33,600.
14

15 This chart shows ground-based
16 escapement numbers for selected rivers. The average
17 consisted of escapements from 2002 through 2006. The
18 2007 escapements were below recent averages; however,
19 the east fork Andreafsky was near average and the Chena
20 and Salcha met biological escapement goals or BEG's.
21 Additionally, all tributaries with aerial survey
22 sustainable escapement goals for chinook salmon were
23 met or exceeded in 2007.
24

25 These charts show chinook escapements
26 from 1987 through 2007. Male on top and female on the
27 bottom. The Chena and Salcha Rivers, tributaries of
28 the Tanana, are most likely the largest producers of
29 chinook in the drainage and are good indicators of
30 escapement trends in the middle river. As you can see
31 in these graphs, escapement goals have historically
32 been met on a consistent basis. Quality of escapement
33 is also important such as number of female spawners.
34 These graphs show that in one-third of the years
35 presented the low end of the current escapement goal
36 was met in females alone.
37

38 This chart shows a chinook harvest for
39 the Alaska portion of the drainage. Although the
40 subsistence harvest continues to remain relatively
41 stable the past two decades, commercial harvests have
42 been reduced by 60 percent in recent years to meet
43 escapement and subsistence uses. Overall, commercial
44 harvests have been reduced from an average of about
45 100,000 during 1989 through 1998 to an average of
46 40,000 during 2002 through 2007. Because of
47 conservative management, commercial harvest of chinook
48 have been foregone in 2001, 2003 and 2004, which have
49 resulted in more fish to upriver fishers and
50 escapements.

1 The subsistence harvest for 2007 is
2 unknown at this time, but based on in-season reports
3 from fishers the subsistence harvest was likely near
4 the five-year average of approximately 50,000.

5
6 This graph shows the estimated Canadian
7 chinook escapement on bottom and harvest on top in red
8 based on Canadian mark and recapture abundance
9 estimates. The rebuilding step escapement target of
10 28,000 in the Canadian mainstem Yukon River agreed to
11 and adopted by the Yukon River panel have been exceeded
12 each year since 2000, averaging 40,000 fish from 2001
13 through 2006 with record escapements in 2001, 2002 and
14 2003. Based on good recent escapements, this goal was
15 set at 33,000 for 2007. The preliminary border passage
16 estimate for 2007 is approximately 24,000 chinook. The
17 estimated spawning escapement of 19,000 chinook in 2007
18 is disappointing given the large escapement in 2001.

19
20 A new sonar project was initiated at
21 Eagle in 2005 to assess border passage. Passage
22 estimates were approximately 82,000 in 2005, 74,000 in
23 2006 and 41,200 in 2007. These estimates are higher
24 than the corresponding DFO mark recapture estimates.
25 And note that in 2007 the early portion of the run for
26 about one and a half weeks looks similar to the 2006
27 run only two days earlier, which is what we observed in
28 the lower river. In 2006, the run continued to
29 increase, whereas in 2007 it dropped off after July
30 18th. This drop was also observed at the Pilot Station
31 sonar.

32
33 This graph shows annual total run
34 estimates and associated U.S. exploitation rates on
35 Canadian origin Yukon River chinook from 1982 through
36 2007. Note that all estimates are based on the
37 Canadian DFO mark recapture border passage estimate of
38 chinook passing into Canada combined with the U.S.
39 harvest of Canadian origin fish.

40
41 The yellow bars represent total run,
42 which is border passage plus Alaska harvest of Canadian
43 origin chinook. The black line shows the exploitation
44 rate from the DFO fishwheel mark recapture. Note that
45 in 2007 estimates are preliminary. The black
46 horizontal lines indicate average exploitation rates.

47
48 The exploitation rate has gone from
49 averaging about 74 percent and 70 percent in the 1980s
50 and 1990s respectively to an average of 52 percent from

1 2001 to 2006. This has been a dramatic decrease. Keep
2 in mind that the DFO mark recapture border passage
3 estimate is biased low as evidenced by Eagle sonar in
4 our radio telemetry study. The red line shows the
5 exploitation rate from Eagle sonar for the last three
6 years, which is much lower than the values estimated by
7 mark recapture.

8
9 So, to summarize, the poor runs from
10 1998 through 2001 were not localized or caused by
11 overharvesting, declines were not species or age
12 specific and occurred in other areas of western Alaska.
13 However, runs have improved since 2000 with the
14 exception of the low run in 2007. Chinook escapement
15 goals were generally achieved or exceeded throughout
16 the Alaskan portion of the drainage the last seven
17 years. The rebuilding step escapement target of 28,000
18 in the Canadian mainstem Yukon River has been exceeded
19 each year from 2001 through 2006, averaging 40,000
20 fish. Although escapement goals in Alaska were met in
21 2007, the Canadian border escapement goal of 33,000 was
22 not met.

23
24 The 2007 chinook run was lower than
25 expected, although subsistence harvests have held
26 steady, commercial harvests have been reduced by 60
27 percent from 2002 through 2006 from the historical
28 average. The 2007 chinook commercial fishery in Alaska
29 was reduced from the preseason projection.

30
31 So this brings us to what's next. From
32 2002 through 2005 the Department delayed commercial
33 fishing until near the midpoint of the run to ensure
34 that escapement and subsistence needs would be met due
35 to the uncertainty of the runs in those years. Because
36 of the unexpected weak run in 2007, the Department will
37 be delaying any chinook-directed commercial fishery in
38 2008 until near the mid point of the run to ensure
39 escapement and subsistence needs and border obligations
40 will be met. At that time, chinook-directed openings
41 will be dependant on if a surplus of fish is
42 identified. Additionally, if a surplus of summer chum
43 salmon is identified above escapement and subsistence
44 needs, we may have directed chum commercial fishing in
45 2008 with gillnets restricted to 6-inch maximum mesh
46 size.

47
48 Additionally, we'd like to test the
49 feasibility of using in-season genetic mixed stock
50 analysis and have submitted proposals for funding this

1 work for both chinook and summer chum. Mr. Chairman,
2 that concludes my presentation.

3

4 CHAIRMAN FLEAGLE: Thank you, Steve.
5 Eric.

6

7 MR. VOLK: Thank you, Steve. Mr.
8 Chairman. I'd now like to introduce Dani Evenson, our
9 summer season area research biologist, who will give
10 you a summary of the comparative mesh size study that's
11 in its first year of operation.

12

13 CHAIRMAN FLEAGLE: Thank you. Welcome,
14 Dani.

15

16 MS. EVENSON: Good morning. This study
17 is a cooperative effort between the Alaska Department
18 of Fish and Game and the Yukon Delta Fisheries
19 Development Association. The project was initially
20 conceived of in response to these types of proposals
21 like the one we're discussing today because we maintain
22 an existing data did not adequately address the effects
23 of proposed mesh size changes.

24

25 The goal of this project is to get
26 catch composition data from 7, 7.5 and 8-inch stretch
27 mesh gillnets from a test fishery in District 1 near
28 Emmonak. In particular, the effects of mesh size on
29 the age, sex, length, weight and girth of chinook
30 salmon and the number of incidentally caught non-target
31 species such as summer chum salmon.

32

33 A third objective of this study is the
34 marketability of the catch from each of the three mesh
35 sizes. This information may provide insights for
36 management strategies and regulations to sustain
37 chinook salmon while continuing to maintain viable
38 subsistence and commercial fisheries.

39

40 A little bit about methods. The study
41 began on June 15th with four fishermen and two
42 alternate fishermen to collect harvest and sampling
43 data using the three different mesh sizes. Fishermen
44 were provided all three gillnets and a technician to
45 assist them. The test fishery occurred in two sites
46 near Big Eddy that are heavily used during the
47 commercial fishery, one on the north bank and one on
48 the south bank. We planned for 10 days of fishing with
49 two shifts per day, morning and afternoon shifts.
50 During each shift all three nets were fished by each

1 fisherman. To reduce variability and location and
2 fishing times since there's a lot of variability in a
3 study like this, fishermen were rotated between sites
4 and shifts. We also rotated the order in which nets
5 were fished each day. Each net was fished for 30
6 minutes. However, when it became apparent that catch
7 rates were lower than expected, nets were fished for 40
8 minutes and we had mandatory 20-minute breaks between
9 each drift to allow the fish to restock.

10

11 Technicians were hired to be on each
12 boat to assist with the fishing and record data. As
13 the drifts were checked for fish, each chinook salmon
14 was tagged with a colored floy tag and there was one
15 color for each mesh size.

16

17 When fishermen returned to the dock
18 with their catch, the chinook salmon were lined up in
19 rows according to size, like you see there. I wish we
20 had a little better resolution, but you can see some of
21 these floy tags right in here if you look closely.
22 They were tagged through the dorsal fin so as not to
23 damage the flesh of the fish. Locally hired
24 technicians sampled the chinook salmon for age, sex,
25 length, weight and girth. The chum salmon were not
26 sampled; however, catch per unit effort data was
27 collected for both. In this picture, she's examining a
28 scale for quality.

29

30 Girth was measured and weight was
31 measured as you can see from the photo on the left and
32 on the photo on the right you can see that we cut open
33 fish to visually identify sex in all fish that weren't
34 sold.

35

36 This is an image of the lower Yukon
37 Delta area. Emmonak is the red circle where the
38 project was based and the drift area was located right
39 here. I'm also going to include results from the drift
40 study and the District 1 commercial harvest, which is
41 everything above this line here. I'm also going to
42 include results from the test fishery, which is here
43 and here.

44

45 There are three primary mouths to the
46 river, as most of you know; north, middle and south
47 mouth. The typical entry pattern for the chinook run
48 is to enter the south mouth in the early part of the
49 run and then enter the middle and north mouths in
50 greater abundance as the run progresses. In 2007,

1 there was an unusual entry pattern. Chinook salmon did
2 not predominantly enter the south mouth in the early or
3 middle part of the run, which was where the study was.
4 This affected catch rates during the study.

5
6 Preliminary results. This table shows
7 456 chinook salmon and 605 summer chum salmon were
8 caught in the study. The 7.5-inch mesh caught the most
9 chinook and the 7-inch mesh caught the most chum and
10 you can see that right in here. The recommended goal
11 for statistical analysis was 400 chinook per mesh size
12 or 1,200 total for the season, but the chinook catch
13 was well shy of the sample goal, slightly more than
14 one-third of the goal was achieved. Reasons for the
15 low catch was partly due to the low chinook run size
16 and the unusual entry pattern of the fish this year.

17
18 These charts show the daily sample
19 sizes by mesh size for chinook on the top chart and
20 chum on the bottom chart. The blue columns are 7 inch,
21 yellow is 7.5 inch and red is 8-inch mesh. On June
22 28th, this area in yellow here, you can see that we've
23 got one-third. We got the highest catch for both
24 chinook and summer chum, which actually amounted to
25 one-third of our sample size.

26
27 This chart shows the chum to chinook
28 ratio from the mesh size study and the District 1
29 commercial harvest in 2007. Again, the blue, yellow
30 and red are from the mesh size study, so that's 7 inch,
31 7.5 inch and 8 inch. This is from our restricted
32 commercial harvest. That's a maximum of 6-inch mesh
33 size. And this is from our unrestricted mesh size
34 commercial fishery and you can see that generally the
35 chum to chinook ratio goes down with increasing mesh
36 size.

37
38 This chart shows age percentage by mesh
39 size. Mesh size increases along the X axis here with
40 the restricted commercial 7 inch, 7.5 inch, 8 inch. We
41 also added in our test fishery here from Big Eddy and
42 our unrestricted commercial fishery. One thing I
43 wanted to mention is that all our data sets, except for
44 the set gillnet here, are drift gillnets and they're
45 all 45 meshes deep except for our test fishery set
46 gillnet, which is 28 inches deep, but still seems to be
47 catching a similar amount of older age class fish.

48
49 So the blue, yellow, red and gray
50 columns are each four, five, six and seven fish

1 respectively and all the ages by mesh size some to 100
2 percent. You can see that the percentage of age six,
3 this is the red column here, and age six fish dominate
4 the run, increase with mesh size.

5
6 This is chinook average length and
7 girth from the mesh size study and other comparable
8 data. The Y-axis is in millimeters from 0 to 900 and
9 the columns are shown in increasing mesh size again
10 from left to right. Length from the restricted
11 commercial harvest, 7, 7.5 and 8 inch mesh size study
12 and then the 8.5 set gillnet and the unrestricted
13 commercial harvest go across this way.

14
15 Only four data sets were available for
16 girth because we don't collect girth in our commercial
17 fishery, so this one is the set gillnet from the test
18 fishery. You can see that length and girth and average
19 girth increases with mesh size slightly. There were
20 some statistically significant differences in length
21 among all three mesh sizes in the mesh size study.
22 However, for weight and girth the 7-inch mesh was
23 statistically different from the 7.5 and 8-inch mesh.
24 The largest fish measured in the mesh size study was
25 1,040 millimeters.

26
27 This chart shows the percentage of
28 large fish from commercial periods, the mesh size study
29 and the 8.5-inch set gillnet. From left to right the
30 mesh size increases. The first six values, P4 through
31 P10, are from the 6-inch or less restricted commercial
32 fishery. P stands for period, so P4 would be period 4.
33 The average for these six periods was lowest overall at
34 about 5 percent large chinook. I just want to point
35 out large chinook is defined as greater than 900
36 millimeters. The reason we chose that is because Hyer
37 and Schleusner chose that in their study and just to
38 keep consistent with how we refer to these things.

39
40 The next three values in here are from
41 the mesh size study. Those are these three in here and
42 that average was about 6.2 percent. The second highest
43 percentage of large fish was from the 8.5-inch set
44 gillnet test fishery at 12.5 percent. That's right
45 here. Then these are the unrestricted periods from P1,
46 P2 and P3 and those average about 21 percent.

47
48 Here's the same thing but for small
49 chinook. For the purposes of this study I defined
50 small chinook as less than 655 millimeters and that's

1 because Pilot Station refers to them again that way.
2 So, again, just for consistency. As expected, the
3 percentage is greatest in the 6 inch or less restricted
4 commercial harvest with an average of about 35 percent.
5 The smallest percentage was in the unrestricted
6 commercial harvest, which is a 3 percent average. The
7 small fish in the mesh size study ranged from 8.5 to
8 3.6 percent. Obviously a decrease with the larger
9 mesh, but not much difference with the 7.5 and the 8.

10
11 Same thing again, but for female
12 chinook. The percentage of females does appear to
13 increase through the season with the restricted
14 commercial harvest, so you can see that. The
15 percentage of female increases with increasing mesh
16 size in the mesh size study.

17
18 This chart shows average weight from
19 the mesh size study with other comparable data and the
20 Y-axis is scaled in pounds from 0 to 25. This is the
21 restricted commercial harvest, which we had an average
22 of 13.1 pounds. This is the 7 again, 7.5 and 8 inch.
23 You can see that it increases with mesh size. This is
24 the set gillnet 20.7 with the highest average weight
25 and the unrestricted commercial fishery at 20.5 pounds.

26
27
28 One thing I just want to quickly point
29 out is that we do individual fish weights for the mesh
30 size study and for our test fishery, but the commercial
31 fishery we can't weigh every fish, so it's done in
32 batch weights. So there's a slightly different metric.
33 The 7-inch mesh was statistically different from the
34 7.5 and 8-inch mesh, but there was no significant
35 differences between 7.5 and 8-inch mesh using a single
36 factor. The largest fish weight in the mesh size study
37 was about 42.5 pounds.

38
39 This is the last slide I have. I just
40 want to mention a few things for the future. This is
41 the first of a three-year study. We plan on continuing
42 this study in 2008 and 2009. We feel it's important to
43 have a minimum of three years of data as the percentage
44 by age can vary widely between years.

45
46 For example in 2006 the percentage of
47 age 6 chinook salmon in unrestricted harvest was 50
48 percent and in 2007 it was 82 percent. So that's
49 definitely going to affect what you get by mesh size.
50 The other thing about this year is we were disappointed

1 in our sample sizes, so we would like to have more
2 opportunity to bolster those.

3
4 With that, I thank you for your time
5 and we'll give it back to Eric.

6
7 MR. VOLK: Thank you, Dani. Mr.
8 Chairman, I'd like to give you a brief overview of some
9 of the other projects that are either ongoing in the
10 drainage or are proposed that are likely to have some
11 direct bearing on the proposals that you're
12 considering.

13
14 One of the things that came with my job
15 when I arrived was the U.S. chairmanship of the Joint
16 Technical Committee for the U.S./Canada/Yukon Panel.
17 In that capacity, I was immediately faced with the fish
18 size issue that many of you have wrestled with for
19 years. Recognizing that we had a huge amount of talent
20 on the Joint Technical Committee, we reasoned that it
21 was a good idea to establish a subcommittee to study
22 this problem in particular. So we established what we
23 call the Salmon Size Subcommittee. It includes a broad
24 array of people, scientists from four Federal agencies
25 on both sides of the border as well as scientists from
26 two NGO's. These folks are very talented folks. We
27 wanted to create an environment that was inclusive and
28 allow for objective analyses of historic data and try
29 to, most importantly I think, post some hypotheses for
30 future analyses.

31
32 This group included six objectives in
33 their goals of the subcommittee and they've contributed
34 substantially as you'll see to a lot of the studies
35 that I'll talk about as we go through these slides. In
36 many respects, the Salmon Size Subcommittee functions
37 as much as a research group as it does a consulting
38 group and you'll see their name on a number of these
39 proposed or ongoing studies coming up.

40
41 Most of you are aware of their first
42 product, which was an informational summary. This was
43 published under the auspices of the JTC and this
44 document has provided an excellent review of harvest
45 history and past ASL studies on the Yukon as well as an
46 overview of how net selectivity, ocean conditions,
47 inheritability of traits may affect chinook salmon size
48 decline on the Yukon.

49
50 This report, by the way, is available

1 on our website. It's published as a regional
2 information report in Alaska Fish & Game and it's
3 available over the web. My goal as chair of the U.S.
4 section of the JTC is to keep these folks engaged as
5 much as I can possibly prey upon them. They're very
6 busy people, but their products have been excellent so
7 far and most of you are aware that they've spring-
8 boarded us to a lot of discussion.

9
10 One of the analyses that they are
11 currently undertaking and will continue is to continue
12 an analysis of weights from commercial openings. As
13 you know, the work of Bigler in 1996 has provided us a
14 lot of insight in terms of what seemed to be apparent
15 declines in the average weight of commercial harvest.
16 One of the shortcomings of this study is that it
17 includes both restricted and unrestricted openings and
18 the committee would like to revisit that data and try
19 to remove the restricted openings from that analysis so
20 that we have a consistency because, as you know, it is
21 likely the difference between restricted and
22 unrestricted openings is very likely to bias this data.

23
24 A second study that came out of the JTC
25 is a scale-aging consistency study. As you are all
26 aware, the apparent decline in older age classes of
27 chinook on the Yukon River is an issue of great
28 importance and the Federal analysis has certainly
29 highlighted this as well. One of my questions about
30 this is how consistent are we and how accurate are we
31 in our scale age determinations, particularly for older
32 fish. One of the things about eight-year-old fish is
33 that they are likely to come from a life history
34 strategy that spends two years in freshwater. This
35 makes those scales particularly hard to age.

36
37 Now, I have to tell you there are very
38 few goal standards associated with scale aging or any
39 age technique. You have to have known age fish. They
40 are very rare. So we decided to approach this with a
41 study that at least looked at consistency of age
42 determinations between three well-established labs at
43 the Department of Fish & Game Douglas laboratory, the
44 Canadian Department of Fisheries oceans laboratory and
45 the NYMO and the Washington Department of Fish and
46 Wildlife laboratory. This study is happening right
47 now. We will have results from this next year. It's
48 being funded by the Restoration Enhancement Fund of the
49 Yukon Panel.

50

1 Another study that is happening right
2 now is being conducted by Drs. Bromaghin, McDonald and
3 Hard. This is being supported with AYK Sustainable
4 Salmon Initiative funding and the goal of this project
5 is to evaluate the long-term effect of large mesh
6 gillnet fisheries on Yukon River chinook. I am
7 particularly excited about this project and once I
8 could understand this modeling effort really was
9 supportive of it because it will not only help us
10 understand what the likely impacts are of our current
11 fishery strategies by doing this modeling exercise, but
12 it will also help us gain insight on the possible
13 outcomes of alternative strategies, which is one of the
14 things that you are considering today. So I'm very
15 excited about the results that these folks may get out
16 of this study and this is scheduled for completion in
17 the middle of the year in 2008.

18
19 Another study that was largely
20 conceived by the Salmon Size Subcommittee is a weight
21 and girth study. This is investigating what the weight
22 and girth parameters are of fish that are caught in
23 different size gillnets. The idea here is that
24 gillnets are largely capturing fish based upon girth
25 rather than length, so it's important for us to
26 establish what the relationship is between weight,
27 girth and length so that we can look back into our
28 historic data, which is full of length data, and be
29 able to interpret it better in terms of the real
30 selectivity measure of gillnets.

31
32 So I think this is going to provide
33 some really great insight about the specific problem
34 we're looking at. This study will be ongoing, I hope,
35 if we can continue to get it funded through the
36 restoration enhancement fund. That's a year by year
37 project. However, I will work strongly to keep this
38 project going until we can get biometric review of this
39 to say that, yes, we have sufficient data to establish
40 a good, solid relationship between weight, girth and
41 length.

42
43 The next study I don't really need to
44 talk about very much because Dani has just given you a
45 detailed assessment of the comparative mesh size study.
46 We appreciate the funding from the CDQ group and this
47 will be completed in 2009 and I think will give us a
48 lot of insight about what the potential biological
49 characteristics of fish captured in different mesh
50 sizes.

1 Finally, I want to say that we're not
2 stopping there. We are encouraging people to continue
3 thinking about this problem and continue to submit
4 proposals and there are two interesting proposals that
5 have been submitted for AYK SSI funding. The first is
6 a retrospective analysis using commercial harvest, test
7 fishery and escapement data proposed by Dr. Hamazaki at
8 the Alaska Department of Fish & Game and Dr. Bob DuBey,
9 the new biologist at Yukon River Drainage Fisheries
10 Association. The questions they are seeking to answer
11 is has length at age changed over time and has the
12 proportion of age changed over time. Are there
13 different proportions of different age classes now
14 available.

15
16 I, of course, have nothing to say about
17 this on the Scientific and Technical Committee, however
18 I hope that my colleagues will see the value in this
19 project. It is not terribly costly to do this
20 retrospective data analysis and I think we'll reveal a
21 lot of really interesting information we should see in
22 about 2010.

23
24 Finally, fecundity has been brought up
25 in the Federal analysis as an important topic. I
26 agree, it is clear that older and larger fish do carry
27 more eggs. They are more fecund. This is an important
28 issue. The problem is that the data we have right now
29 is not very good. Fish & Game did conduct a study on
30 fecundity of chinook. However, there are widely held
31 concerns about the quality of that study mostly due to
32 the way tissues were handled. As you'll see in the
33 Federal Staff report, the ranges of fecundity in the
34 different age classes are huge. They are really broad.
35 They overlap dramatically.

36
37 So we need better fecundity information
38 for several reasons. One is to just simply understand
39 the stock specific differences in length adjusted
40 fecundity but also because this is important input data
41 to the modeling effort that Jeff Bromaghin and his
42 colleagues are doing. This project has been proposed
43 by Dr. Jeff Bromaghin, who, as you know, has a long
44 history of experience with this issue and Dani Evenson
45 and Tom McLean at U.S. Fish and Wildlife Service are
46 co-proponents on that proposal.

47
48 Well, finally, one of the things that
49 has really amazed me in my short tenure in the region
50 in Alaska is the wide range of interpretations that are

1 generated from the available data and the number of
2 potential pitfalls that's associated with those
3 interpretations. The many spirited exchanges that we
4 have had as objective scientists over this data is
5 testament to that. But it's even harder to dissect
6 what the root cause is for these apparent trends are
7 and what concerns me the most is that we would embark
8 upon a course of action without having all of the
9 available data that we might get in.

10

11 I know that this sometimes sounds like
12 putting off -- to some people it sounds like putting
13 off the inevitable, but I think we are due to get some
14 really important information in the next few years, so
15 I'm really excited about the results of that work and
16 how it will have bearing on this important issue.

17

18 Thank you very much for your time. The
19 three of us would be happy to take any questions you
20 might have.

21

22 CHAIRMAN FLEAGLE: Certainly. And I'll
23 ask you to come back to the table for questions, but
24 right now we're going to call for a break. Thank you
25 for the report.

26

27 (Off record)

28

29 (On record)

30

31 CHAIRMAN FLEAGLE: We have a Forest
32 Service representative at the table, so we'll go ahead
33 and resume the meeting. I've asked the State Staff to
34 remain at the table for questions. I'd like to open it
35 up for questions. Tom Melius.

36

37 MR. MELIUS: Thank you, Mr. Chairman.
38 I appreciate outlining all the various studies that are
39 either ongoing or proposed, but I noted a lack of any
40 investigation into depth of nets. Are you satisfied
41 that we understand that issue fully or are there issues
42 that people are looking at or is this just a lower
43 priority on the variety of studies you have before you?

44

45 MR. VOLK: Mr. Chairman. Mr. Melius.
46 The short answer is, no, it is not a lower priority and
47 it is not something that we ignore as something
48 important to do. It's a very difficult study to try to
49 conduct. We have talked about it quite a lot. There
50 are a lot of issues around how you would measure the

1 impacts of different depths of nets and it's a very
2 difficult issue to approach.

3

4 CHAIRMAN FLEAGLE: Marcia.

5

6 MS. BLASZAK: Yeah, I have one question
7 regarding the summary information where you state that
8 60 percent reduction in commercial harvest occurred.
9 Was that due to availability of fish or through
10 management action?

11

12 MR. HAYES: Well, it was through
13 management actions. We had very limited commercial
14 fisheries during those years.

15

16 CHAIRMAN FLEAGLE: Steve, I have a
17 question. I'm not sure exactly how these years are
18 tied together, but you stated that the '07 escapement
19 was a disappointment based on the '01 escapements.
20 What's the correlation there? Dani, thanks.

21

22 MS. EVENSON: The correlation is that
23 in 2001 we had really good escapements and those would
24 have been age six fish returning in 2007. So that's
25 the brood year. That's the parent year that produced
26 the fish that returned this year. Last year we had a
27 very high number of five-year-olds and that was from
28 that same brood year, that 2001 brood year. So we
29 would have expected a high percentage of six-year-olds
30 and we did get a high percentage of six-year-olds, but
31 we didn't get that many of them. So we had good
32 production, lots of fish on the spawning grounds in
33 2001, 2002 and 2003, but we didn't see the fish back
34 from them. So that's a big concern when we put fish
35 out there and they don't return back.

36

37 CHAIRMAN FLEAGLE: Which I guess leads
38 to a lot of variability as to why they didn't come
39 back. Were they harvested somewhere else out on the
40 open sea or are they waiting to come in next year? I
41 guess probably no real answer to that, but I just was
42 curious about the correlation. Appreciate it. I refer
43 to the study that you presented and mentioned in the
44 comments about all of the different influences in the
45 fish that takes place out in the Bering Sea that we
46 have no control over.

47

48 I'd also just like to let you guys know
49 that during the break the slide presentations that they
50 gave are on your seats. Jack.

1 MR. REAKOFF: Mr. Chairman. My comment
2 is that's the issue at hand. The quality of escapement
3 on the spawning grounds in '01 is what's in question.
4 So if it's correlated to age class returning, my
5 position is that if the quality of escapement in '01
6 was bad, skewed towards younger and smaller fish, the
7 number of fish on the spawning ground is not correlated
8 to what returns. So my concern is that we're showing a
9 reducing effect of this fishery.

10
11 CHAIRMAN FLEAGLE: Thanks, Jack. Was
12 that a question?

13
14 MR. REAKOFF: That's a comment on the
15 reason why there were fewer of these six-year-old fish
16 returning this year.

17
18 CHAIRMAN FLEAGLE: Thank you.
19 Questions. Pete.

20
21 MR. PROBASCO: Eric, is this still a
22 stock of concern, the chinook?

23
24 MR. VOLK: Yes, Pete, it's a stock of
25 yield concern.

26
27 MR. PROBASCO: When was it listed?

28
29 MR. VOLK: 2001 I'm told.

30
31 MR. PROBASCO: Thank you.

32
33 CHAIRMAN FLEAGLE: Other questions.

34
35 (No comments)

36
37 CHAIRMAN FLEAGLE: All right. We
38 really appreciate the presentations. Thank you. With
39 that, we'll move on with our agenda. Next up is
40 summary of written public comments. Vince, welcome.

41
42 MR. MATHEWS: Thank you, Mr. Chair.
43 I'm Vince Mathews, coordinator for Eastern and Western
44 Interior Regional Advisory Council. In your packet of
45 information on Proposals 13 and 14 on Page 65 and 66 is
46 a summary of those comments. In my understanding,
47 there's full copies of the text available to the Board
48 members as well as some recent entries. We had 11
49 written comments on these proposals, eight in
50 opposition and three that we label as no actions.

1 The Association of Village Council
2 Presidents oppose this proposal. They're concerned
3 with the reoccurrence of these
4 proposals that are aimed at handicapping the Lower
5 Yukon River fishers and their families. Present
6 fisheries are different from the past with their
7 commercial fishery a fraction of what it once was and
8 their subsistence fisheries hampered with scheduled
9 openings. The schedules do not waver because of
10 weather, illness, absence of fishers or processors or
11 equipment breakdowns. AVCP stands firm that the Lower
12 Yukon River fishers have carried the brunt of the
13 burden of conservation for years and cannot afford any
14 more restrictions. Any further restrictions to
15 subsistence and/or commercial fishing will have a
16 negative impact on the people of the AVCP region
17 economically, culturally, and socially.

18
19 Also in opposition was the Native
20 Village of Alakanuk. The Traditional Council opposes
21 13 because areas of fishing across the Yukon River
22 drainage are not the same. Passage of this proposal
23 will cause even greater hardship for fishers that rely
24 on commercial fishing to sustain their subsistence
25 livelihood. The Traditional Council also opposes
26 FP08-14 because there is no hard data to support a
27 smaller net mesh size. Their elders mentioned that by
28 using smaller mesh gear for harvesting Chinook will be
29 hazardous. It will kill bigger Chinook salmon that
30 they are trying to save or let pass up river to spawn.
31 More damage will be done with reducing the mesh size
32 for harvesting Chinook salmon.

33
34 The Lower Yukon River Fish and Game
35 Advisory Committee also wrote in opposition. They
36 oppose both proposals. The Eastern Interior Regional
37 Council should apply these restrictions to their region
38 prior to requesting they be applied to other regions.
39 Districts Y1, Y2, and Y3 only have commercial fishing
40 for their economic base. These proposals will increase
41 the animosity between upriver and downriver users.
42 There needs to be a better understanding of the uses of
43 the resources.

44
45 Jack Schultheis of Wasilla also opposes
46 this proposal. These proposals will have a profound
47 effect on the lives of people living on the Yukon
48 River. These proposals are designed to place further
49 restrictions on traditional, long established
50 commercial fisheries that thousands of Native families

1 depend on for their livelihood and food. These
2 proposals are similar to previous proposals rejected by
3 the Alaska Board of Fisheries based on current
4 scientific data and overwhelming public testimony
5 against them. There is concern with how these
6 proposals were developed and allowed on the Federal
7 Subsistence Board s agenda. False statements were
8 given when the Eastern Interior Regional Council
9 approved these proposals and there was a questionable
10 procedure involved with the development of these
11 proposals. The proposals should be stricken from the
12 Federal Subsistence Board s agenda.

13

14 The Emmonak Tribal Council also opposes
15 Proposal 13. If the Eastern Interior Regional Council
16 should try out this proposal in their region before
17 recommending it for other regions. The proposal is
18 aimed at fishers in Y1, Y2, and Y3 where the Eastern
19 Interior Regional Council holds no authority nor do
20 they have any direct experience with these fishing
21 districts. The proposal will not be accepted by the
22 lower Yukon River communities because it is based on
23 unsound research. The proposal will increase animosity
24 between upriver and downriver communities.

25

26 They also oppose 14. It is easy for
27 those that are not directly dependent on commercial
28 fishing to pick on those who are dependent on
29 commercial fishing. In Y1, Y2, and Y3 districts,
30 residents do not have other exports, they only have
31 salmon. This proposal is based on unsound research and
32 will increase the animosity between the upriver and the
33 downriver fishers.

34

35 John Thompson, Sr. of St. Mary s also
36 wrote in opposition. He used an analogy that the Yukon
37 River salmon migration is like a pipeline with the end
38 of pipe being an agreed upon escapement between the
39 United States and Canada before commercial fishing can
40 begin. He recommended there should be one proposal for
41 the entire drainage except for the Koyukuk River,
42 instead of four proposals, with the entire river having
43 a 36-hour opening for the first year, then 42 drainage-
44 wide opening for the next year and so on. He wondered
45 if there are different proposals for parts of the
46 river. Are we trying to maintain the people or
47 maintain the fish. If we are to maintain the fish,
48 then there should be one proposal for uniform drainage-
49 wide fishing hours. If people attack the net size and
50 net depth, then we should get rid of all fishwheels and

1 use only nets of the same net mesh and depth. He
2 encouraged people to think it over and work together.

3
4 In your packet there on Page 66 there's
5 a summary of Alaska Outdoor Council. We got an update
6 dated December 10th to the Chair here and they wrote a
7 notification that the Alaska Outdoor Council withdraws
8 its recommendation to the Federal Subsistence Board to
9 adopt 13 and 14. AOC recommends that the Board does
10 not adopt those proposals. Our revised position is
11 based on additional information regarding the Yukon
12 River chinook stock.

13
14 No action was from Yukon River Drainage
15 Fisheries Association. Please note that the YRDFA
16 board works on consensus, so if there's not consensus,
17 they do not take action, but this is what was given to
18 us in their written comments. Most YRDFA board members
19 opposed this proposal FP08-13 except for a few upriver
20 fishers that feel this is a potential solution to the
21 issue of chinook salmon getting smaller. Most people
22 are resistant to changing their gear and practices
23 until more information is known about the problem and
24 the potential solutions.

25
26 I separated out 14 and that was again
27 Yukon River Drainage. Again, they didn't have
28 consensus and most YRDFA board members opposed this
29 Proposal 14 except for a few upriver fishers that feel
30 this is a potential solution. Most people are
31 resistant to change. They conclude it with purchasing
32 new nets is a big expense and effort when this may not
33 be the right size gear to change to, especially in
34 light of the increased efficiency shown in the
35 preliminary studies.

36
37 We received a joint resolution and I
38 apologize to the communities there. I don't want to
39 mispronounce their names in Yup'ik, so I'll use the
40 more common terms for them. This is a joint resolution
41 from the city of Mountain Village. Their tribal
42 council and also their Native village corporation.
43 It's resolution 07-05. It's a resolution to protect
44 salmon fisheries in the lower Yukon region. The city
45 of Mountain Village, the Mountain Village Tribal
46 Council and their Native village corporation, whereas
47 our entities work closely with one another and other
48 tribes and regional Native organizations in the lower
49 Yukon and maintaining and protecting our subsistence
50 way of life in our traditional fisheries. Whereas the

1 subsistence way of life is an alliable right of all
2 Alaskans and whereas communities of western Alaska are
3 reliant upon subsistence and commercial fisheries as
4 they are very much intertwined. Now therefore be it
5 resolved that the city of Mountain Village, the tribe
6 of Mountain Village and the Native village corporation
7 determined to protect our subsistence way of life and
8 our traditional fisheries hereby vote in the following
9 manner on the Federal Subsistence Board fishery
10 proposals. They're in opposition to Proposals 13 and
11 14.

12
13 The above listed proposals do not
14 benefit our fishery resources on the Yukon River for
15 these reasons. One, 13 would divide the requirements
16 of fishermen along the river. These additional
17 restrictions would place a negative effect on Y1, Y2
18 and Y3 fishermen. There's no substantial data
19 available to support this proposal. FP08-14 does not
20 have substantial data available to support this
21 proposal. This would create more diversity and
22 animosity between the upriver and downriver fishers of
23 the Yukon.

24
25 Changing gear for the fishermen is an
26 expensive process which would place a financial burden
27 on all users. It will not work towards an amicable and
28 acceptable cooperation between all fishermen on the
29 river. You have a copy of this in your materials.

30
31 The last one would be from Stan Zuray.
32 He provided a general comment and I just took one
33 section out of that to share with you. You should have
34 a full copy in your packet. He's involved with the
35 Rapid Research chinook sampling from 2004 through 2007.
36 He's the project manager for that. He would like to
37 share some considerations.

38
39 About 15 years ago and prior it was not
40 all uncommon for Rampart, Tanana rapids fishwheel
41 fisherman who fished the whole season to catch 50-pound
42 chinook salmon each year and a 30 to 35 pound fish was
43 not considered that large back then. Of note is the
44 fact that prior to that time our local fish buyer would
45 only buy 14-pound king and larger as a matter of
46 policy. Then it went to 12 pounds and 10 and now,
47 except for grayling size king we often sell any size.
48 Then he goes on and explains his data and the Board has
49 a full copy of that.

50

1 I just got from the Lower Yukon
2 Advisory Committee that met on August 13 they were in
3 opposition and I think this is related to the one
4 that's summarized in there. Anyway, they're in
5 opposition to 13 and 14. This is the first time I've
6 seen it. It's basically the same thing, that Eastern
7 Interior should utilize these ideas in their own area
8 prior to attempting them elsewhere. Y1, Y2 and Y3 only
9 have commercial to export, it's their economic base,
10 and this proposal increases animosity.

11
12 With that, Mr. Chair, I believe you
13 have a copy of this.

14
15 CHAIRMAN FLEAGLE: Okay, thank you. I
16 think we got the point, the opposition. Are there any
17 further written comments?

18
19 MR. MATHEWS: Yes, there's one here
20 that I did receive earlier, but I thought the person
21 was going to testify on it, so I apologize for not.....

22
23 CHAIRMAN FLEAGLE: Okay, thanks, Vince.

24
25
26 MR. MATHEWS: But it's basically from
27 David Blanket from Mountain Village. He says I'm
28 honored for the opportunity to testify concerning
29 proposals that affect our area, the lower Yukon, and
30 also support Mountain Village joint resolution 07-05.
31 In regards to the size of king salmon, in my opinion,
32 Fish & Game are overharvesting a certain pulse of
33 salmon runs. They need to alternate catching different
34 pulses of runs. Bycatch is definitely affecting salmon
35 returns. We need to know how many fishing boats are
36 intercepting the salmon in the high seas. Possibly
37 windows need to be installed while salmon are in that
38 area. We all need to work together to ensure the
39 survival of our fishing activities. He is in
40 opposition to Proposals 13 and 14. Thank you.

41
42 CHAIRMAN FLEAGLE: Thank you, Vince.
43 We're now going to turn to public testimony. Pete, you
44 said we're up to 30.....

45
46 MR. PROBASCO: Thirty-seven.

47
48 CHAIRMAN FLEAGLE: We have these in
49 order of sign-up. Again, when your name is called,
50 please come forward to the center table, turn the

1 microphone on, state your name for the record and
2 please confine your comments to within a three-minute
3 time period. We don't have an official timing system,
4 but Pete will signal to me and if you are still
5 talking, I'll ask you to summarize. We're doing this
6 for time constraints, as mentioned earlier. That's all
7 I've got to say. Pete.

8

9 MR. PROBASCO: Thank you, Mr. Chair.
10 So you keep track of when you're going to come up, it's
11 posted on the door. First person up is Loren Peterson.

12

13 MR. CESAR: Mr. Chairman.

14

15 CHAIRMAN FLEAGLE: Go ahead, Niles.

16

17 MR. CESAR: I'd like to suggest that we
18 bring up at least three in a row so that they can
19 continue the chain. It seems like it would take a
20 minute and a half to change each one and that seems to
21 me a waste of time.

22

23 CHAIRMAN FLEAGLE: Okay, I understand
24 what the intent would be, to have a couple people up on
25 standby so that we could just switch between folks more
26 easily. How about we do that. We've got one more
27 chair up there. How about we go ahead and get the next
28 person on deck as it were.

29

30 MR. PROBASCO: Francis Beans.

31

32 CHAIRMAN FLEAGLE: Loren, you're going
33 to go ahead and testify. We'll just get the next
34 person up ready. Thanks.

35

36 MR. PETERSON: Good morning. To the
37 honorable Federal Subsistence Board, I thank you for
38 the opportunity to testify. My name is Loren Peterson.
39 I am representing the Asa'carsarmiut Tribal Council of
40 Mountain Village located in western Alaska on the Lower
41 Yukon River Delta. Before I begin I'd like to state
42 that I fully support joint resolution 07-05 protecting
43 the salmon fisheries in the Lower Yukon Region.

44

45 I oppose Proposal 08-13 because the
46 proposed regulation is arbitrary. The Eastern Interior
47 of Alaska Subsistence Advisory Council encourages
48 adoption of the proposal in the hopes to increase
49 commercial and subsistence fishing for their own best
50 interest. Their claim is that fishing in the Lower

1 Yukon Drainage is preventing the chinook salmon from
2 returning to their spawning ground and the Y-K Delta
3 has not been harvesting much of the king salmon that
4 originates in western Alaska. According to YRDFA, 56
5 percent of the salmon bycatch are western Alaska
6 origin. If the majority of the bycatch originates in
7 western Alaska, western Alaska should be entitled to
8 the bycatch percentage loss, which makes up more than
9 half.

10

11 Proposal 08-13 is especially unfair to
12 the Lower Yukon people because the Lower Yukon already
13 suffers from the loss due to bycatch in the Bering Sea
14 and Aleutian Chain. If this proposal passes, several
15 families that depend on the fishing suffer twice as
16 much because the proposal will further restrict
17 subsistence rights.

18

19 Regarding 08-14, larger mesh size nets
20 tend to catch more larger fish. However, according to
21 a recent study conducted by YRDFA, any size mesh can
22 catch a fish of nearly any size. The proposal is based
23 on the assumption that the 8.5 stretch mesh nets are
24 preventing the larger chinook salmon from returning to
25 their spawning ground. This proposal still lacks
26 substantial evidence supporting the claim due to the
27 fact that there are too many factors that contribute to
28 the smaller fish sizes, including the prevalence of
29 global warming in Alaska and its effects, climatic
30 change regarding the rising of sea level and water
31 temperature, also improper disposal of solid waste and
32 hazardous waste flowing downstream from the Eastern
33 Interior, mainly the Fairbanks area, decreased water
34 quality. I'm citing a study, an analysis conducted by
35 the Yukon River Inter-Tribal Council last summer.
36 Along with competition, like hatchery and the
37 availability of prey, just to name a few.

38

39 Rather than more harsh fishing
40 regulations for the Lower Yukon Region, a fair and
41 reasonable solution is to resolve the issue at the
42 source, which is to make more stringent caps on the
43 amount of bycatch caught in the high seas.

44

45 I ask the Board to reconsider a passage
46 of these proposals because they are subjective and
47 unfair. The Alaska Natives of the Lower Yukon who
48 depend on this vital resource need your protection
49 under the Yukon River treaty obligations.

50

1 In ending, I'd like to restate my
2 opposition to 08-13 and 14. I'd like to add that I
3 have no opinion on 15 and 16 and also support the
4 upcoming Proposal 08-17 allowing more time for elders
5 to subsist in subsistence fishing. Again, I'd like to
6 express my appreciation for the opportunity to comment.

7
8 CHAIRMAN FLEAGLE: Thank you, Loren.
9 Questions.

10
11 (No comments)

12
13 CHAIRMAN FLEAGLE: All right.
14 Appreciate that. Pete.

15
16 MR. PROBASCO: Francis Beans. And
17 following Francis will be Paul Manupiat. I hope I
18 pronounced that correct, Paul.

19
20 MR. BEANS: Good morning, Mr. Chairman
21 and Members of the Board. My name is Francis Beans
22 from St. Mary's. I'm a subsistence and commercial
23 fisherman and have been for the last 44 years. I was
24 born in 1958 and started commercial fishing at age five
25 with my dad. At age nine I began fishing by myself to
26 help with my family's subsistence harvest and needs.
27 This included commercial fishing where the little money
28 I made went to my family's preparation for the long
29 winter months.

30
31 I have seen many changes in our salmon
32 fishery, including the loss of our fishwheels. We on
33 the Lower Yukon have sacrificed and given up a lot of
34 our salmon fishery, which is a legitimate state of
35 Alaska commercial fishery, so that we may help with
36 stock rebuilding and to provide our fellow Alaskan
37 Natives to Interior Athabaskans and also Canada's first
38 nation's people with their subsistence and commercial
39 needs.

40
41 I speak in opposition of Federal
42 Proposal 08-13 and Federal Proposal 08-14, which were
43 submitted by the Eastern Interior RAC, which is
44 comprised mostly of the Fairbanks area road system
45 communities. The restrictions that these proposals
46 have put on our indigenous people will have far-
47 reaching, unhealthy hardships on our social, economic
48 and spiritual well-being.

49
50 When I was about 10 years old, my late

1 grandmother, who was born in the mid 1890s and never
2 spoke English, told me that there will be a time when
3 people from the outside will attack our Native way of
4 living. I believe that time is happening as these
5 proposals are being pushed by a very small handful of
6 individuals who, over the years, have been trying to
7 get these restrictions in place at both the State and
8 Federal level.

9

10 The U.S. and Canada Panel and Yukon
11 River Drainage Fisherman's Association, which is
12 comprised of all the Alaska Native communities along
13 the Yukon River and its tributaries, have a rebuilding
14 plan for the Yukon River chinook and it is working. A
15 majority of the spawning grounds both in Alaska and
16 Canada have been reaching or exceeding their goals as
17 shown in the end of the season reports.

18

19 On the issue of smaller salmon size, we
20 know from studies that this is happening along the
21 Pacific coast in Alaska. The Alaska Department of Fish
22 and Game has started a three-year study on mesh size
23 and with two years to go on the study I humbly request
24 that the Federal Subsistence Board defer these
25 proposals until the study is done. The fact is that
26 the mesh size proposal may cause other problems. I
27 feel that if restrictions are going to be placed for
28 the sake of putting large fish on the spawning grounds,
29 then it should be done riverwide, including the
30 Canadian portion of the Yukon River, otherwise this can
31 be discriminatory to one user group, the Lower Yukon
32 Yup'ik Eskimo.

33

34 On behalf of my late grandmother, my
35 parents who are in their 90's, my 11 siblings and their
36 families, my wife Dolores and our five children and two
37 grandchildren, I thank you for allowing me to testify
38 here today. Lastly, I want to wish you and all your
39 families a very merry Christmas and a prosperous new
40 year. Thank you.

41

42 CHAIRMAN FLEAGLE: Thank you, Francis.
43 Questions.

44

45 (No comments)

46

47 CHAIRMAN FLEAGLE: Appreciate your
48 testimony. Pete.

49

50 MR. PROBASCO: After Paul we'll have

1 Robert Moore.

2

3 CHAIRMAN FLEAGLE: Go ahead, please.

4

5 MR. MANUPIAT: Good morning, Mr.

6 Chairman and Federal Subsistence Board members. Those
7 that are here in this room to testify for their
8 villages, I thank them for all coming before you again.

9

10 First of all, I'm a subsistence
11 fisherman and a commercial fisherman. We depend on
12 these resources for our own family's sustenance
13 throughout the whole winter months. I'm here to speak
14 against Federal Proposals 08-13 and 14. These
15 proposals have been coming up time and time again
16 throughout the years starting way back in 1982, I
17 believe, they've caused a lot of our salmon resources,
18 especially the king salmon, the chinook that you talk
19 about, from reaching their spawning grounds.

20

21 They come down floating, dead from not
22 being able to go against the current when they're
23 bumped against the 6-inch small mesh gear. After so
24 many hours they die and float down the Yukon. We see a
25 lot of these fish float out to the sea. There's sea
26 gulls waiting, taking king salmon right out to the
27 Bering Sea. That we don't appreciate from using small
28 6-inch mesh gear. They are our resources that are
29 being wasted by using small mesh gear in the Yukon
30 River.

31

32 Also for the fish study that you've
33 been performing, the weather should also be looked into
34 and the water temperature, air temperature and the
35 weather conditions that are occurring in the test net
36 fishery. Those factors will tell you also where the
37 fish are. On warmer days, the temperature is fairly
38 high, in the 70's, 80's, the fish tend to swim lower in
39 the river. They're way down on the bottom below our
40 gear depth.

41

42 Concerning the bycatch out on the
43 Bering Sea and down the Aleutian Chain, something needs
44 to be done. I know there's some measures already being
45 taken for escapement from those trawlers out there, but
46 there needs to be a cap where the fishery can stop and
47 let more salmon go past Dutch Harbor before they do any
48 more Bering Sea high-seas fisheries.

49

50 CHAIRMAN FLEAGLE: Thank you, Paul.

1 Your three minutes is up. Would you go ahead and wrap
2 up your comments.

3

4 MR. MANUPIAT: Okay. I thank you for
5 the opportunity to speak before you and I hope you all
6 have a merry Christmas and happy new year. Thank you.

7

8 CHAIRMAN FLEAGLE: Thank you.
9 Questions.

10

11 (No comments)

12

13 CHAIRMAN FLEAGLE: All right. Thank
14 you. Pete.

15

16 MR. PROBASCO: Next is Robert Moore and
17 following Robert will be Matt Joe.

18

19 CHAIRMAN FLEAGLE: Welcome, Robert.

20

21 MR. MOORE: Thank you, Mr. Chair. It's
22 my first time having the opportunity to testify before
23 the Federal Board and I do thank you. My name is
24 Robert Moore and I'm from Emmonak, Alaska. I've been a
25 fisherman for all my life and I'm going to try to top
26 off what Francis said. I've been fishing since the
27 king salmon were bigger than me and that's over 50
28 years.

29

30 One of the things I've noticed over the
31 years -- I've been also involved with the State
32 Advisory Committees for many years. One of the things
33 I've noticed throughout the years was everything was
34 going good, we had a very good fishery in Y1, 2 and 3.
35 The date the fire started -- I'll use fire, when our
36 fall chum commercial fishery crashed, and since the
37 crash of our fall chum commercial fishery the fire has
38 been growing. It's a flame now and I kind of see this
39 going out of control.

40

41 I wanted to summarize everything. I
42 wanted to also emphasize the price of gas we pay and
43 the oil we pay just to try to get some of our
44 subsistence activities. The oil we use to inject our
45 motors was running 40 to 50 dollars a gallon and right
46 now our gas price stands at \$5.91 a gallon. With the
47 way the crude oil prices are going, we can safely
48 expect to see that double this coming summer in our
49 area. It's a hardship we're facing.

50

1 Commercial fishery is so tied in with
2 what we do on our subsistence activity. This summer I
3 couldn't even afford to go get the salmonberries
4 because I didn't catch enough kings. It has an effect
5 throughout the year. What happens when we fish two or
6 three days, that's what it kind of boils down to in one
7 summer to try to make enough money to last us for the
8 winter. I kind of see it over the years as a hill
9 we're trying to climb, the people of Y1, 2 and 3.

10
11 I didn't know Area M existed until the
12 fall chum crashed. I really didn't know upriver
13 existed because our fishery was going so fine, but it's
14 to a point where this fighting among and trying to cut
15 the throats of other area fishermen doesn't really
16 work. One of the most important things I've always
17 heard from our elders, you fight over a resource, that
18 resource will disappear, and I think we're seeing that.

19
20 We depend so much on our kings. We've
21 been depending on the king fishery for a long time.
22 It's our main source of income. With the crash of the
23 fall chum, that was one of our other resources, that's
24 gone. The price we used to see on the fall chum will
25 never come back. Probably not within my lifetime.

26
27 CHAIRMAN FLEAGLE: Robert, your time is
28 up. Would you go ahead and summarize your comments or
29 finish, please.

30
31 MR. MOORE: To summarize, I think this
32 proposal will eventually lead to the devastation of the
33 economy, the well-being of our people. Thank you.

34
35 CHAIRMAN FLEAGLE: Thank you, Robert.
36 Questions.

37
38 (No comments)

39
40 CHAIRMAN FLEAGLE: All right. Hearing
41 none, thank you. Pete.

42
43 MR. PROBASCO: Next up is Matt Joe and
44 following Matt will be James Landlord.

45
46 CHAIRMAN FLEAGLE: Welcome, Matt.

47
48 MR. JOE: Good morning, Mr. Chairman
49 and Board members and RAC members. Before I go on with
50 my three minutes, is anybody else missing that 07-05

1 resolution from Mountain Village? Everyone's got it,
2 right? Okay, good. Would it be possible if I discuss
3 17 since I've got to leave this afternoon?

4

5 CHAIRMAN FLEAGLE: Sure.

6

7 MR. JOE: Thank you. My name is Matt
8 Joe. I'm a Yup'ik Eskimo from the community of
9 Mountain Village on the Lower Yukon River. Mountain
10 Village is predominantly a Yup'ik Eskimo community.
11 I'm a current subsistence user fisherman and I've been
12 also a past commercial fisherman. I serve as the
13 general manager for our village corporation, which is
14 called Azachorok, and then I also sit on the
15 Asa'carsarmiut Tribal Council as the
16 secretary/treasurer.

17

18 Mountain Village passed a joint
19 resolution 07-05 earlier in the year. It's difficult
20 in the village life to get three different
21 organizations together to come together for one purpose
22 and it was in opposition of these two proposals. If
23 you have had the chance to review the joint resolution,
24 it addresses the other Yukon proposals, but it's a lot
25 of work on their behalf. I was fortunate enough to
26 participate in that process.

27

28 13 and 14 will not benefit the
29 fisheries resources in the Yukon. Both proposals will
30 only further divide the requirements for fishermen all
31 along the Yukon River. They'll only place negative
32 impact on Y1, Y2 and Y3 fisheries. That's what it's
33 geared toward, the drainage area.

34

35 The financial burden is another issue
36 that is too great for them. Mountain Village is in the
37 Wade Hampton district, the poorest in the state of
38 Alaska. Poorest. I understand \$300 to \$1,800 may not
39 seem a lot of money, but coming from the poorest
40 district in the state, that's a year's salary for some
41 people. I mean they struggle every year just to make
42 ends meet.

43

44 I like what I heard earlier from the
45 Alaska Department of Fish and Game. Three-year study
46 specifically in the drainage area with the three
47 different mesh sizes. I feel that current research,
48 current data is needed for this. I understand that
49 there's been research in the past on the tributaries,
50 but this is specifically for the drainage, the

1 restriction. I'd like to see a three-year study and
2 the results of that. Hard physical data for you guys
3 to consider. That's why I feel that maybe postponing
4 your decision on these two would be beneficial, would
5 be rational.

6
7 For Proposal 17, our elders are the
8 most respected and treasured age groups in rural
9 Alaska. We place a high value on their contributions
10 to ensuring that our traditional way of life is
11 preserved and passed on to the younger generation.
12 It's important that we take care of our elders and I
13 feel this Proposal 17 will assist our communities in
14 doing that, in taking care of our elders. Many of our
15 elders have limited means of practicing their
16 subsistence way of life and by removing these windows
17 will ensure that they have sufficient time to harvest
18 their subsistence needs for salmon during the summer.

19
20 In closing, I want to thank you for
21 giving me the opportunity to come up here and give
22 testimony. I strongly feel that these issues are near
23 and dear to my heart and there's a lot of other people
24 that are coming that will share the same stories, as
25 the ones that did before me. Thank you very much.

26
27 CHAIRMAN FLEAGLE: Thank you, Matt.
28 And would you get with Vince Mathews and let him know
29 how to pronounce those names later.

30
31 (Laughter)

32
33 MR. JOE: I definitely will. Thank
34 you.

35
36 CHAIRMAN FLEAGLE: Pete.

37
38 MR. PROBASCO: Thank you, Mr. Chair.
39 Now up is James Landlord and following James will be
40 Mark Vinsel.

41
42 CHAIRMAN FLEAGLE: Good morning, James.
43 Welcome.

44
45 MR. LANDLORD: Good morning. The Chair
46 and Board members. Thank you for allowing me to
47 testify. It's an honor for me to testify on behalf of
48 our people at home. My names is James E. Landlord.
49 I'm the First Chief of Asa'carsarmiut Tribal Council of
50 Mountain Village. I've been subsistence fishing most

1 of my life. First I helped my parents with our
2 subsistence and now with my own family. I am also a
3 commercial fisherman since I've been a teenager.

4
5 I would like to make comments on 15 and
6 16 and 17 since Matt and I are going to be leaving this
7 afternoon. Thanks.

8
9 With the proposals affecting our
10 region, Lower Yukon River, our resolution 07-05, we
11 oppose 13 and 14. No opinion on 15 and 16. We support
12 17. We really couldn't swallow these two Proposals 13
13 and 14. We were in disbelief and surprised that
14 another proposal came from up the river attempting to
15 cut down on our catches of salmon that we hold so
16 dearly every summer. This onslaught of proposals
17 trying to blame the Lower Yukon fish users on the
18 decline of salmon is getting bothersome for many of our
19 people that depend on the fish.

20
21 Practically since the beginning of
22 proposals submitted from each region, the proposals
23 coming down from the Eastern Interior Region many of
24 them have not been based on scientific research such as
25 the non-Natives depend on when they make many or all of
26 their decisions. Therefore, we highly recommend to the
27 Board that they deliberate very carefully with open
28 minds when they decide on these two proposals.

29
30 The Board should also consider the
31 high-sea bycatch of salmon by the pollock fisheries
32 because they appear to be a contributing factor to the
33 decline of the salmon. There's evidence now since 2005
34 the salmon bycatch by the pollock fishers are
35 increasing. In 2005, 74,000 chinook salmon were taken.
36 In 2006, 84,000 and in 2007 over 100,000 were taken.
37 The bycatch is half or about 50 percent of the salmon
38 bound for the Yukon River for all the users to catch.
39 It is not only the Lower Yukon River subsistence
40 fisherman that catches these fish, but upriver
41 fishermen catch those also.

42
43 Every person from the mouth of the
44 Yukon River all the way up to Canada should work
45 together to cut down on the salmon bycatch by the
46 pollock fisheries. This would be a very honorable goal
47 for everyone. I think we should all do it.

48
49 Mountain Village falls in the Wade
50 Hampton Census District where it is declared by the

1 State of Alaska that it is the poorest region in the
2 state. It is the most poverty-stricken region in the
3 state and has the highest unemployment rates in the
4 state. It is going to cause hardship for nets to be
5 purchased by all people. It doesn't only affect the
6 nets to be purchased, but many of the fishermen
7 purchase boats and outboard motors and also where these
8 mechanical things tend to break down.

9

10 Gasoline and oil prices are high.
11 Right now a 50-gallon drum is \$491. Electricity is
12 high and the grocery prices went up due to freight
13 increases throughout the state affected by the increase
14 in jet fuel. Then along came this proposal trying to
15 require Lower Yukon subsistence fishermen or commercial
16 fishermen to purchase new nets. It's a very uncalled
17 for proposal.

18

19 As stated many times by our Native
20 people, whether they are Yup'iks or Athabaskans, that
21 we should not fight over any of our fish on the Yukon
22 River. We all use them for eating, to put away for the
23 winter every summer since immemorial. It is
24 contradictory of what they say. These two proposals
25 have a very bad feeling for our region. It hurts
26 everyone and all around.

27

28 On Proposal 17, it is an extremely good
29 proposal for the elderly. There are times when the
30 weather doesn't cooperate for elderly to fish when the
31 windows are open. Only when the weather is good, but
32 the windows are closed. So it's a proposal we support
33 wholeheartedly.

34

35 We (in Yup'ik) for this opportunity to
36 make testimony and happy holidays to all. Thank you.

37

38 CHAIRMAN FLEAGLE: Thank you.
39 Appreciate the testimony. Questions.

40

41 (No comments)

42

43 CHAIRMAN FLEAGLE: Thank you. Pete.

44

45 MR. PROBASCO: Next is Mark and then
46 after Mark will be Harry Wilde, Sr.

47

48 CHAIRMAN FLEAGLE: Welcome, Mark.

49

50 MR. VINSEL: Hello. Thank you for the

1 opportunity to testify. I'm Mark Vinsel, executive
2 director for United Fishermen of Alaska representing
3 commercial fishermen from throughout the state. UFA
4 does not feel that the science supports the intrusion
5 of Federal authority in this State commercial fishery
6 and we support the Alaska Department of Fish and Game
7 position to oppose.

8

9
10 It is the opinion of the UFA Board that
11 the Board of Fish process combined with Fish and Game
12 management capability is the appropriate and most
13 responsive forum for commercial fishing gear
14 regulation. We feel that the science that Fish and
15 Game has embarked upon will provide better data for the
16 next Board of Fish process and urge that this not be
17 adopted by this Board so that it can be addressed in
18 the proper forum. Thank you.

18

19 CHAIRMAN FLEAGLE: Thank you, Mark.

20 Questions.

21

22 (No comments)

23

24 CHAIRMAN FLEAGLE: Appreciate the
25 testimony. Pete.

26

27 MR. PROBASCO: We next have Harry
28 Wilde, Sr. and after Harry we'll have Joseph
29 Strongheart, Sr.

30

31 CHAIRMAN FLEAGLE: Thank you. Welcome,
32 Harry. Appreciate you coming before the Board to
33 testify. I'd like to recognize your many years on the
34 Regional Council in your area. Thank you. Go ahead.

35

36 MR. WILDE, SR.: Mr. Chairman and the
37 Federal Subsistence Board. My name is Harry Wilde. I
38 am 78 years old. Sometime I feel like I carry a heavy
39 load on my shoulders. I try to help the people whom I
40 represent by meeting their subsistence way of life. I
41 know that FP08-13 and FP08-14 will bring more hardship
42 to the subsistence and commercial fishermen and
43 fisherwomen and their families.

44

45 There are 750 gillnet permit holders in
46 the Lower Yukon District, Y1, 2 and 3, and about 564 of
47 these gillnet permit holders are subsistence fishermen
48 and fisherwomen. This new regulation that will come up
49 to the Lower Yukon District of Y1, 2 and 3 will change
50 the size of the subsistence and commercial chinook

1 salmon nets. Changing the size of the nets will bring
2 financial hardship for the Lower Yukon subsistence and
3 commercial fishermen and fisherwomen and their
4 families.

5
6 In addition, I am a member of Yukon
7 Kuskokwim Delta Regional Council ever since it start.
8 I am opposed to Proposal FP08-13. I oppose Proposal
9 FP08-14. No action on Proposal 15. No action on
10 Proposal 16. I support Proposal FP08-17. Thank you,
11 Mr. Chairman, for giving me this brief time to testify
12 before the Subsistence Board. I am here on behalf of
13 Lower Yukon Districts Y1, 2 and 3 and for the
14 subsistence and commercial fishermen, fisherwomen and
15 their families whom I represent. Thank you.

16
17 CHAIRMAN FLEAGLE: Thank you, Harry.
18 Questions.

19
20 (No comments)

21
22 CHAIRMAN FLEAGLE: Appreciate your
23 testimony. Thank you. Pete.

24
25 MR. PROBASCO: Thank you, Harry. Next
26 is Joseph Strongheart, Sr. Following Joseph will be
27 Billy Charles.

28
29 CHAIRMAN FLEAGLE: Thank you. Welcome,
30 Joseph.

31
32 MR. STRONGHEART: Thank you, Mr. Chair.
33 My name is Joseph Strongheart, Sr. I'm from Nunam'Iqua
34 formerly known as Seldon Point. Nunam'Iqua is located
35 in the Wade Hampton District, as you guys have heard
36 earlier and it's one of the poorest districts in the
37 state and I do believe the nation. I am here as a
38 subsistence fisherman and I do not own a commercial
39 fishing permit at all.

40
41 Several proposals being considered by
42 this Board that restricts the fishing gear, if adopted,
43 will have devastating consequences on my ability to
44 feed and provide for my family, as well as for our
45 elders and other members of our community who cannot
46 provide for themselves.

47
48 First is the cost of replacing my
49 gillnet. When a net is purchased, it does not include
50 the cork line, the lead line and nylon twine. This is

1 necessary to completion of the net. Not included in
2 this cost is to have the net hung and if I do not do it
3 I will have to hire someone else to do it, which will
4 be an additional three to four hundred dollars. And
5 the cost of freight from Anchorage to the hub is about
6 250 and that doesn't include the cost to my little
7 village. Therefore, the cost of the net will be around
8 1,700 or more. Most of us families have at least two
9 or three nets.

10

11 Secondly, using less efficient gear is
12 going to cost me more money to catch my fish. At the
13 current rate of gas at 5.91 at Emmo and anywhere to
14 6.04 or higher, depending on the year for gasoline, and
15 about \$7 to \$12 a quart of oil. It will cost about
16 \$150 per trip depending on where I go.

17

18 Thirdly, coupled with the restricted
19 gear is the window schedule. The Lower Yukon fishermen
20 are constrained by when they can subsistence fish.
21 Windows dictates when I can go and fish for my family
22 and I'm lucky if I can catch the fish I wanted at that
23 time.

24

25 Fourthly, we are all familiar with the
26 saying time is money, but, in my case, time is food.
27 By using restricted gear and fishing under the window
28 schedule it will take me longer to get my subsistence
29 fish. This means I will be spending more money on
30 gasoline and oil. The cost of making more trips to
31 fish will be cost prohibitive for many, leaving family
32 members, elders and those who cannot provide for
33 themselves with less food for the winter months to
34 come.

35

36 The fifth reason I speak in opposition
37 to proposals that restrict my subsistence fishing is
38 the type of fish we put up for winter and we'll be
39 confined to the fishing gear being used. Traditionally
40 chinook salmon are smoked and dried. We also preserve
41 the salmon through a salting process. We jar them and
42 pressure cook them. We also preserve them by burying
43 them in the ground for stink fish, which is a delicacy
44 in my region. Other species, such as the arctic keta
45 or the chum salmon are commonly dried and smoked.

46

47 By restricting the subsistence gear it
48 will impede on our traditional methods and customary
49 traditions on a stable food that has sustained our
50 people and culture for generations. It will forever

1 change if these restrictions are imposed.

2

3 Finally, I strongly believe that these
4 proposals are discriminatory to the indigenous people
5 of the Lower Yukon Region. There are no other tribes
6 that I know of on the Yukon that have to live by the
7 current Federal regulations, nor are there any other
8 proposals to restrict their traditions and customs when
9 it comes to salmon.

10

11 For these reasons I speak in opposition
12 to 13 and 14, to all the proposals that would restrict
13 my ability and other families to feed and provide for
14 their families and members of our communities out
15 there. Thank you.

16

17 CHAIRMAN FLEAGLE: Thank you, Joseph.
18 Appreciate your comments. I believe you're right. I
19 think I've heard the same statistic, that the Wade
20 Hampton District is recognized as the lowest income or
21 the poorest county in the nation. Other questions.

22

23 (No comments)

24

25 CHAIRMAN FLEAGLE: Hearing none. Pete.

26

27 MR. PROBASCO: Thank you, Mr. Chair.
28 Next is Billy Charles, followed by Jennifer Hooper.

29

30 MR. CHARLES: Thank you, Mr. Chairman.
31 A hard act to follow, to have to follow Joe. He's from
32 Nunam'Iqua and me in Lands End and I have to follow
33 after him. It's kind of hard.

34

35 Mr. Chairman, my name is Billy Charles.
36 I'm from Yukon Delta village of Emmonak and I'm a
37 lifetime resident, born and raised there. Been a user
38 of the resource since I was born. I'm not going to
39 distinguish between the subsistence user or the
40 commercial user while I make my position in opposition
41 to 08-13 and 14 because we are people. We are not
42 commercial, we're not subsistence. We tie those things
43 together.

44

45 We need this cash resource to be a
46 participant in the subsistence and you're going to hear
47 that over and over again from the people in the poorest
48 district in the nation. Not in Alaska, in the nation.
49 We're able to sustain for ourselves for a period of
50 time when fishing was good. Now we're getting more

1 restrictions, restricting number of fish that we're
2 allowed to harvest, number of hours, number of times
3 that we're allowed to fish out there. There's so many
4 restrictions now. I hear I'm limited to three minutes
5 now. I wonder what it's going to be next year.
6

7 But, Mr. Chairman, I just want to make
8 my point across. These guys are dependant on this
9 resource. They used to be able to sustain for
10 themselves. These are proud people. Now we cannot
11 sustain for ourselves anymore. We had welfare and look
12 what welfare did to those people that weren't able to
13 be fishing when they didn't get their permits.
14

15 You start to separate people that --
16 you know, the amount of time that they've lived out --
17 they've lived out there all their lives. The first
18 division that we had was when they did the permit
19 system. You don't count. Now we'll get the permit
20 system and we're cutting back on those people too.
21 There's a handful of people out there that are
22 sustaining for themselves anymore and you're going to
23 cut those people down too. Oh, my goodness, you're
24 talking about the last, the poorest of the poor, and
25 you want to cut them down and let them become
26 recipients of government -- I mean transfer payments.
27 Give us an alternative.
28

29 Mr. Chairman, that's all I have.
30

31 CHAIRMAN FLEAGLE: Thank you, Billy.
32 Appreciate your comments. Questions.
33

34 (No comments)
35

36 CHAIRMAN FLEAGLE: Thank you. Pete.
37

38 MR. PROBASCO: Next is Jennifer Hooper
39 and following Jennifer is Aloysius Unek.
40

41 CHAIRMAN FLEAGLE: Welcome, Jennifer.
42

43 MS. HOOPER: Thank you, Mr. Chairman.
44 Fellow Board Members. My name is Jennifer Hooper. I
45 work for the Association of Village Council Presidents
46 who works for and has 56 member tribes, including
47 pretty much the lower third of the Yukon River, Russian
48 Mission on down.
49

50 As has been stated earlier, AVCP did

1 submit written comments back in August and he gave a
2 good description of what the gist of the comments were.
3 I'd just like to highlight a few of them regarding
4 Proposals 13 and 14.

5
6 Our commercial fishery is a fraction of
7 what it was and our subsistence fisheries are quite
8 hampered, as you are well aware. You've heard lots of
9 testimony so far and I'm sure you'll hear more to those
10 points. The lower river districts are on a subsistence
11 windowed schedule. They are given two 36-hour openings
12 a week to gather their subsistence whether it's windy
13 and rainy or 85 degrees and sunny.

14
15 AVCP stands firm that the fishermen on
16 the Lower Yukon have carried the brunt of the burden of
17 conservation over the years. With the subsistence
18 window restrictions and self-imposed voluntary gear and
19 area restrictions that lower river fishermen have
20 volunteered themselves and the significantly reduced
21 exploitation rate. Further restrictions to subsistence
22 and/or commercial opportunities will have an obvious
23 negative impact on the people in our communities
24 economically, culturally and socially.

25
26 Now I'd just like to read a few points
27 from the Staff summary. I guess depending on which
28 side of the room you're on, you can pull pieces out of
29 it that will help your case, so I will do that here.

30
31 You have two RAC's that opposed
32 Proposals 13 and 14, one RAC took no action, but if you
33 read their comments, they lean toward opposition. Also
34 within the summary Jack Kelly presented information
35 that there is a Pacific coast-wide trend in salmon
36 species changing in size, weight, age at maturity in
37 salmon populations up and down the coast, including
38 western Alaska chinook.

39
40 Dr. Hamazaki's analysis in evaluating
41 historical trends in chinook salmon length suggested a
42 decline in sizes occurring regardless of the net mesh
43 size used. Dr. Bromaghin's analysis indicated a mesh
44 size of 7.5 inches would increase chum catches by 66
45 percent. That's great if the commercial fishery has a
46 market, but what are the subsistence fishermen going to
47 do with all those extra chums.

48
49 These proposed changes would put
50 additional financial burdens on fishermen, likely

1 reduce the number of fishable locations and create even
2 greater differences between the State and Federal
3 regulations.

4

5 The last point, finally, the ADF&G
6 already has the authority to limit the commercial and
7 subsistence fisheries by mesh depth and mesh size.
8 Therefore, we ask you before making such drastic
9 changes, at the least, please wait for definitive
10 results from all of the studies that are ongoing or
11 proposed that will look at the mesh size and potential
12 impacts before you make decisions. Thank you.

13

14 CHAIRMAN FLEAGLE: Thank you, Jennifer.
15 Questions.

16

17 (No comments)

18

19 CHAIRMAN FLEAGLE: Hearing none. Thank
20 you for your testimony. Pete.

21

22 MR. PROBASCO: Next we have Aloysius,
23 followed by Francis Thompson.

24

25 CHAIRMAN FLEAGLE: Good morning.

26

27 MR. UNEK: Hello. My name is Al Unek
28 from Kotlik. I'm a commercial fisherman and
29 subsistence user. I'm worried about our subsistence
30 users on the nets. I do not want to see any changes
31 for subsistence users on the nets they have. Whatever
32 they want to use, they can use that net. For
33 commercial fishermen, we've been having to change
34 regulations. I've been fishing for pretty close to 45
35 years commercial fishing. I've seen a lot of changes
36 happening. We follow all the rules and regulations.
37 Our net size went from 9-inch to 8.75. Now they want
38 to put it down to 7-inch. Maybe they could do a study
39 first.

40

41 When I went subsistence fishing this
42 summer, my catch was about 100 kings. They averaged 30
43 to 40-pounders. That's my report to you people. It
44 was not written down. Fish and Game don't know what I
45 caught. I'm telling you what I caught this summer.
46 The average fish of 100 subsistence fish were 30 to
47 40-pound fish. When I switch to commercial, they
48 changed.

49

50 I oppose Proposal 13 and 14. I never

1 thought we'd face the Federal Subsistence Board. We've
2 been fishing the State and this is the first time ever
3 we're facing the Federal. I hope you make a good
4 choice. We're hurting enough where we come from.
5 That's all I have to say. Thank you.

6

7 CHAIRMAN FLEAGLE: Thank you, Aloysius.
8 Questions.

9

10 (No comments)

11

12 CHAIRMAN FLEAGLE: All right. Thank
13 you. Pete.

14

15 MR. PROBASCO: Next we have Francis and
16 following Francis is Raymond Waska, Sr.

17

18 CHAIRMAN FLEAGLE: Welcome, Francis.

19

20 MR. THOMPSON: Thank you. Honorable
21 Federal Subsistence Board, I'd like to thank you for
22 giving me this opportunity to provide testimony before
23 you. (In Yup'ik) By now you are wondering what I'm
24 saying in my language. It is the same for me to listen
25 to the scientists when they present their thesis. I'd
26 like to say thesis because they were college students
27 at one time. In providing a thesis, you present to
28 your teacher what your topic points are and bring your
29 points across and you take bits and pieces from
30 different material that will justify and bring out the
31 point you want to bring out.

32

33 Anyway, I'd like to also say that Sue
34 Entsminger, I'm sorry if I didn't say the last name
35 right, a couple of days ago made a comment that I'm
36 sorry she didn't understand the content of these two
37 proposals and what kind of effect it will have on the
38 lower river villages. I'd like to express that point.

39

40 This letter is in reference to FP08-13
41 and FP08-14. I oppose these proposals. The Board of
42 Fish in 2001 implemented fisheries management
43 strategies for ADF&G to implement because the chinook
44 salmon was classified as a yield concern. Since the
45 revised policy for the management of sustainable salmon
46 fisheries, the Department's recommended action plan has
47 improved chinook salmon escapement both in the Yukon
48 Territory and Alaska as noted in the ADF&G report
49 submitted to the Board of Fish in December of 2006.

50

1 I would also like to mention that the
2 U.S./Canada Panel Agreement, which I am a member of, was
3 signed in 2001 after 16 years of hard negotiations by
4 both countries. Since the agreement, both countries
5 have worked very hard to rebuild the Yukon River
6 chinook salmon stocks and both the Department of
7 Fisheries and Oceans Canada and ADF&G have managed the
8 fishery very conservatively in providing above and
9 beyond the recommended BEG and SEG's intra-salmon
10 tributaries in both countries.

11
12 The U.S. Yukon River Salmon Panel is
13 composed of six panel members, six alternate panel
14 members and 8 to 12 advisors. I'd like to make a quote
15 from the Yukon Salmon Agreement. The Yukon Salmon
16 Agreement outlined steps to ensure the future of the
17 Yukon River salmon fishery to harvest sharing, research
18 and habitat protection. Ultimately the agreement was
19 the work of the people that depend upon salmon for
20 subsistence, cultural, commercial or recreational
21 purposes. There would have been no forward movement in
22 negotiations for the agreement without the people's
23 dedication and hard work to preserve the Yukon River
24 way of life. The people of the Yukon River should take
25 great pride in the Yukon River Salmon Agreement set in
26 place to protect their salmon resources.

27
28 If these proposals are adopted by the
29 Federal Subsistence Board as recommended by OSM, there
30 will be conflicts by managers and has the potential of
31 dividing the Yukon upriver and lower river fishermen.
32 The State Board of Fish and the Federal Subsistence
33 Board may review and address counter-proposals from the
34 lower river fishermen. The lower river fishermen have
35 not submitted any proposals that may affect the Native
36 communities and people of the upper river districts
37 because we respect and know that they need salmon.

38
39 CHAIRMAN FLEAGLE: Thank you, Francis.
40 Your time is up. Can we have you wrap up your
41 comments, please.

42
43 MR. THOMPSON: Okay. In conclusion,
44 the recommendation is to adhere to the policy on
45 implementation of customary and traditional use
46 determination and use the eight factors when evaluating
47 subsistence uses when implementing regulation to make
48 customary and traditional use determinations, to
49 support and continue the revised policy for the
50 management of sustainable salmon fisheries adopted in

1 2001 by the Board of Fish.

2

3 Three, the Federal Subsistence Board,
4 State Board of Fish, U.S./Canada Panel, AYK SSI, Yukon
5 River Fisheries Drainage Association and other agencies
6 that address fisheries issues need to work together to
7 address salmon concerns.

8

9 Four, reduce the net depth to 45
10 unrestricted and 50 mesh restrictions throughout the
11 Yukon River for both commercial and, if applicable, to
12 the subsistence fishers.

13

14 Five, if these two proposals are
15 adopted, eliminate the fishwheel and have everyone use
16 the same method of harvesting the salmon with gear type
17 as proposed and reduce the 6-inch mesh maximum for the
18 upriver districts as the fish get smaller as they go
19 up, adopt the State Board of Fisheries review method
20 for proposals every three years and not take them up
21 every year, not unless new evidence is provided to the
22 Board to consider for deliberation and action.

23

24 Lastly, oppose FP08-13 and FP08-14.

25

26 CHAIRMAN FLEAGLE: Appreciate that,
27 Francis. Thank you. I wasn't so much wondering what
28 you were saying, but how the transcript was going to
29 look.

30

31 MR. THOMPSON: You do have before you
32 my written comment and it outlines my other concerns.
33 Lastly, I'd like to do a free advertisement for
34 Interior Salmon. They have on the web page in
35 Cabella's Yukon salmon strips and Yukon River smoked
36 keta salmon for sale. So look in Cabella's. Thank
37 you.

38

39 CHAIRMAN FLEAGLE: Thanks, Francis.
40 Any questions, Board members.

41

42 (No comments)

43

44 CHAIRMAN FLEAGLE: Hearing none. Go
45 ahead, Pete.

46

47 MR. PROBASCO: Next is Raymond Waska,
48 Sr., followed by Don Mitchell.

49

50 MR. WASKA: Hi, my name is Raymond

1 Waska. I'm from Emmonak. I'm 65 years old and I've
2 been commercial fishing and a subsistence fisherman
3 most of my life. I do it every year. I oppose 13 and
4 14 because it's going to be a burden for Y1, Y2 and Y3
5 fishermen, especially fishermen like myself. I fish at
6 the eddies and I use 150 fathom commercially. The
7 people that are fishing out in the coastline they use
8 150 fathom. It's going to cost them more to change
9 their net.

10

11 All the things I wanted to say they
12 already spoke about, but I'm going to say this. Our
13 Native way of life is sharing. By that I say if we
14 restrict our mesh size to 7.5 I'm going to catch more
15 fish and if I use unrestricted, more fish will pass by.
16 I know that for a fact. I tried it a couple years ago
17 on my subsistence net. I left it. I got 50-plus kings
18 when I checked it. I got so happy. I says, oh, I'm
19 going to catch more, so I used unrestricted king size
20 gear. I set it. Later on I checked it. I only got
21 two. So I went back to my 6-inch.

22

23 If we go 7.5, I wouldn't be able -- the
24 fish that I was going to share with people upriver,
25 I'll be taking them. When you compare that with some
26 100-plus fishermen, how much are they going to take.
27 They're going to take more and less fish will escape
28 upriver.

29

30 All the things I wanted to say, they
31 were all said, but in a way it's going to cost us more
32 if we go on restriction. If we go 7.5, it's going to
33 cost us more. The people that are drifting, if they go
34 35 mesh deep, they will have to go in the shallow water
35 and you don't know what's in the shallow water. There
36 will be some snags. It would be tearing up the nets.
37 The drifters are used to using deeper mesh size and
38 fish in deeper waters. If they're forced to go to
39 shallow water, it will be scary for them. Further
40 upriver the current is strong, especially right after
41 breakup.

42

43 I'd rather have unrestricted mesh size
44 because I'm thinking about my fellow people upriver.
45 You've seen it on the chart earlier. The ones with
46 unrestricted mesh size there's more escapement in kings
47 than 7-inch or 7.5. That is all.

48

49 CHAIRMAN FLEAGLE: Okay. Thank you for
50 your testimony. Questions, Board members.

1 (No comments)

2

3 CHAIRMAN FLEAGLE: All right. We're
4 going to take two more testimonies before we break for
5 lunch. Pete.

6

7 MR. PROBASCO: Next is Don Mitchell,
8 followed by Eric Winegarth.

9

10 CHAIRMAN FLEAGLE: Don Mitchell.

11

12 MR. MITCHELL: Thank you, Mr. Chairman.
13 For the record, my name is Don Mitchell. I'm
14 testifying this morning on behalf of the Yukon Delta
15 Fisheries Development Association, which is the
16 organization that six Yukon River communities, five of
17 which are on the lower part of the river, have
18 organized to participate in the CDQ program.

19

20 I would like to make three quick
21 points, two of which deal with your regulatory
22 jurisdiction. I believe Mr. Goltz was kind enough to
23 distribute a map to you that I obtained from your Staff
24 and I think it's quite illustrative of the problem.
25 The Secretaries have delegated to you the regulatory
26 authority that has been delegated to the Secretaries by
27 Congress in Sections 804 and 805(c) of ANILCA.

28

29 What is that regulatory authority as it
30 applies to authority to regulate fishing. In 1995, the
31 Ninth Circuit Court of Appeals concluded in the Katie
32 John litigation that Congress intended to delegate to
33 the Secretaries regulatory authority over fishing only
34 in those segments of the navigable water columns of
35 Alaska that are subject to Federally-reserved water
36 rights. That is reflected in your regulations.

37

38 That then raises the question where are
39 those segments of the water column on the Yukon River.
40 That's why I have distributed the map. Without
41 diverting us into a long and very interesting
42 conversation about all this, as a practical matter, the
43 segments of the Yukon River that are bounded by the
44 pink are within your regulatory jurisdiction and the
45 segments of the water column that are bordered by the
46 white are not.

47

48 I have been informed, I do not know
49 whether it is true but you might ask other witnesses,
50 that if you were to adopt Proposals 13 and 14, people

1 could move all of their fishing effort into segments of
2 the water column that are bounded by the white, in
3 which case why put this blood on the floor by engaging
4 with any of this.

5

6 That then raises a second question.
7 That is, is there any way that the Secretary could
8 assert regulatory authority over the segments of the
9 water column that are bounded by the white. The
10 Eastern Interior RAC noticed this issue because I
11 assume you're all aware of the letter they sent, not to
12 you but to the Secretary, requesting him to exercise
13 jurisdiction other than the Section 804 and 805(c)
14 jurisdiction.

15

16 That then raises the question of what
17 jurisdiction is this. In the regulation that
18 established this body, 50CFR100.10(a), the Secretaries
19 acknowledged that they believed they had other existing
20 authority, quote/unquote, but they do not identify what
21 that existing authority is. That authority has got to
22 come from a statute. I have taken a fairly hard look
23 through the US Code and I cannot find such a statute
24 that would allow the Secretary -- not you folks, but
25 the Secretary to reach the segments of the
26 water column bounded by the white. The only one I know
27 of that would even be arguable is Section 4(d) of the
28 Wildlife Administration Act, which arguably does allow
29 the Secretary to regulate activities associated with
30 fishing that occur within, quote/unquote, a national
31 wildlife refuge.

32

33 I have handed, along with the map, to
34 Mr. Goltz, who I assume has distributed it to you, a
35 reprint of Section 103(c) of ANILCA in which Congress
36 was quite attentive to this issue. I can say from some
37 personal knowledge that they did not want either ANCSA
38 corporation lands or State lands, in other words the
39 white and the water column bounded by the white, to be
40 subject to the Wildlife Refuge Administration Act and
41 that is what Section 103(c) says. So that's the
42 regulatory situation should, in your discretion, the
43 proposals be adopted.

44

45 The last thing I would like to say
46 before I vacate this seat, speaking of your discretion,
47 is that every single witness opposing these proposals
48 other than myself has been up here this morning has
49 been a member of the Yup'ik Eskimo community. As
50 Mr. Cesar I'm sure will tell you, not only the Bureau

1 of Indian Affairs, not only the Secretaries of Interior
2 and Agriculture, but every single Federal agency has a
3 trust responsibility to these folks. That trust
4 responsibility as a matter of law means that you
5 exercise your administrative discretion that's been
6 given to you by the Secretary as a fiduciary to their
7 interest. That is a very high standard. It's not just
8 all of the things being equal, what should we do about
9 this.

10

11 The talk about having to make people
12 buy two \$1,500 nets because somebody upriver thinks
13 this is a good idea maybe, I would suggest to you is a
14 decision that would be very closely vetted based upon
15 the responsibility that the trust responsibility
16 imposes on the Secretary and that he has imposed upon
17 you. Thank you very much.

18

19 CHAIRMAN FLEAGLE: Thank you, Don.
20 Appreciate the comments. Questions.

21

22 (No comments)

23

24 CHAIRMAN FLEAGLE: Thank you. Our last
25 testifier before we break for the lunch break. Pete.

26

27 MR. PROBASCO: Thank you, Mr. Chair.
28 The last one is Eric. Go ahead, Eric.

29

30 MR. WINEGARTH: Thank you, Mr. Chair.
31 Board members. My name is Eric Winegarth. I'm from
32 St. Mary's and the Lower Yukon. I'm a subsistence and
33 commercial fisherman and I live in the poorest county,
34 Wade Hampton. This is one of my only ways to feed and
35 support my wife and five children. I'm here to tell
36 you that I'm very much against the Proposals 13 and 14
37 as they will present a hardship on all of us in the
38 Lower Yukon.

39

40 I was once young and had very little.
41 I have had up to this day to live off of the land and
42 the water. I have been raised through the Yup'ik
43 culture and to this day I'm very grateful and very
44 proud. My family all practice subsistence. My
45 children, my mother-in-law at 84 years old, we go to
46 fish camp and throughout the year harvest our supplies
47 for food. Three of us commercial fish and this is our
48 way of getting gas, getting supplies to harvest our
49 subsistence activities. I've always been taught to
50 take what I need. I've always been taught to respect

1 the animals, the land, the fish and the mammals and do
2 not waste.

3

4 This comes to the point of do not
5 waste. I testified at the Board of Fish last year
6 about size of mesh and depth. Again, I'll state this.
7 We all need to study the changes, the impacts of
8 changing gear. Gillnet is meant to catch the fish over
9 the gill. It's not meant -- a 7.5-inch gear, which
10 mostly will catch on the head or on the teeth, and many
11 fish fall off. Even in our 6-inch gear many fish fall
12 off. I don't want to lose those fish. I want to get as
13 much fish as I can into my boat efficiently, out of
14 respect for animals, and not waste. This is one of the
15 things that will happen with switching gear.

16

17 I think these proposals also have
18 impacts on other fisheries throughout the State too.
19 Yes, the fish are changing size. Is it the fishermen?
20 Maybe partial of it. Out in the ocean though we've got
21 bycatch going on. If you've noticed, ever since the
22 inception of the trawl fishery, it's impacted all fish
23 in western Alaska. Those pollock are feeding with
24 those king salmon out there and they are getting
25 smaller. The genetics are there. Those fish can't get
26 bigger. I think they're having a tough time out in the
27 ocean. We've had different water levels. We've had
28 different water temperatures in the river.

29

30 As noted, with 7.5-inch gear, it was
31 kind of missing in the reports by Fish and Game, but
32 there's sometimes when the data that's collected is
33 misinterpreted. There's a lot of trash that comes down
34 the river high water. This year we had low water and I
35 think that impacted the fish coming in the river.

36

37 I also want to say another things here
38 too. Right here is a paper from Stan Zuray's
39 fishwheel. It's funded by the U.S./Canada Panel. On
40 the bottom it says Rapids Research. Manipulating data
41 to suit our needs. Manipulating data. I mean
42 everybody in here can manipulate data to suit what they
43 think is happening. No disrespect, but we have to be
44 real careful on how we interpret this data. I think
45 one or two nets of 7.5-inch gear is not going to have a
46 straight answer just in a matter of a few years. I ask
47 you respectfully to take that into consideration.

48

49 Finally, fishing is our tradition in
50 all families. It's our culture. It's our way of life.

1 I'm asking you for protection on my opportunity to
2 subsist and commercial fish until true, sound science
3 and several years of study are made on gear and size.

4
5 Lastly, thanks to all the gentlemen and
6 ladies that came here today with little money and
7 precious time to testify before you. Thank you.

8
9 CHAIRMAN FLEAGLE: Thank you very much
10 for the testimony, Eric. Questions, Board members.

11
12 (No comments)

13
14 CHAIRMAN FLEAGLE: All right.
15 Appreciate your testimony. That will wrap up the
16 morning portion of testimony. We'll reconvene at 1:00
17 and we'll start with -- who do we have next on the
18 list. Niles, do you have a comment.

19
20 MR. CESAR: Just a housekeeping thing.
21 How many more public testimony do we have, Pete?

22
23 CHAIRMAN FLEAGLE: Pete.

24
25 MR. PROBASCO: Mr. Chair. That puts us
26 at halfway. We've got 16 to go.

27
28 CHAIRMAN FLEAGLE: With that, the Board
29 will stand down until 1:00 o'clock.

30 (Off record)

31
32 (On record)

33
34 CHAIRMAN FLEAGLE: Good afternoon. The
35 Federal Subsistence Board is back in session. Before
36 we resume public testimony, I do have a request from a
37 RAC chairman to speak. But before I even go there, are
38 there any announcements from Pete or Board members.

39
40 (No comments)

41
42 CHAIRMAN FLEAGLE: All right. When we
43 do start the public testimony, I do have a request from
44 a gentleman who was right at the bottom of the list who
45 is going to have to leave for a prior engagement and
46 I've agreed to slide him up on the list and we'll take
47 him right after the comments from Bert Adams if he's
48 here. Yeah, he's here. Bert.

49
50 MR. ADAMS: Mr. Chairman, I'm here.

1 CHAIRMAN FLEAGLE: I was talking about
2 the other guy.

3
4 MR. ADAMS: Oh. I think you for your
5 indulgence and the opportunity to express a few
6 thoughts before I leave this afternoon. I always like
7 to kind of summarize everything that has transpired
8 over the past few days and make some comments about it.

9
10 I'd like to share a story with you
11 though. Maybe sometimes when we get serious in
12 deliberations like this it's always a good idea to hear
13 a joke and share a joke and laugh a little bit. When I
14 was in college, I got a call from the librarian, wanted
15 to know what happened to a book I had checked out three
16 months ago. I, of course, couldn't recall it. It was
17 those days when I was checking out all kinds of books
18 and trying to learn everything about everything and I
19 couldn't remember what the name of the book was, so I
20 asked her what's the name of the book. She says, well,
21 let me see, the name of the book is How To Remember
22 Everything. So I remember now when I did check it out
23 and it, of course, was several months late. I had put
24 it up somewhere where I wouldn't forget, you know. So
25 the discussion came along as to why, you know, that
26 happened and I explained to her that I check out a lot
27 of books and sometimes I won't read them all and this
28 is one of them I put aside. One of the questions she
29 asked me was when you first got it, did you read it.
30 My reply was no. She says, well, why not. I guess I
31 kept forgetting.

32
33 Even at that age, you know, we have a
34 tendency to forget things. When I mentioned the other
35 day when I held my hand up to Chairman Fleagle that if
36 you don't catch me right away I might forget what I
37 want to say.

38
39 But I did take some points down here.
40 One of the things that I want to share with you and I
41 think is appropriate because we see some animosity from
42 some of the members on State issues and stuff. It was
43 made clear that we don't want to, you know, attack
44 personalities and I really support that. We all live
45 according to some very fundamental laws. Some of these
46 are the Creator's laws or God's laws as we might refer
47 them to, men's laws, Federal, State, local, tribal
48 laws, mom and dad's laws. We can go on and on here.
49 But these laws are supposed to come forth as a benefit
50 for us. As I mentioned earlier in my comments on the

1 first day that we should always be looking toward
2 making our rights as subsistence users and as citizens,
3 that they shouldn't be taken away from us. These are
4 natural rights that we adhere to.

5
6 There are certain natural laws that I
7 think are applicable here. I'd like to give you an
8 example of what a natural law is. Several years ago,
9 many, many years ago, I read this book called Chance
10 World. In the book it depicted how everything happened
11 by chance. For instance, if you jumped off a cliff,
12 there's a pretty good chance you might fall up instead
13 of down. Or if you planted asparagus, there's a pretty
14 good chance that when harvest time came along something
15 else might pop up, like peas or some other fruit or
16 vegetable. After I had finished that book I realize
17 that we don't live in a world where everything happens
18 by chance. There are laws of the universe that we need
19 to consider and abide by.

20
21 Another example is this. We know that
22 water freezes at 32 degrees. Never makes a mistake.
23 As soon as it hits 32 degrees, it begins to freeze. We
24 also know that water boils at 212 degrees, but it never
25 makes a mistake. When it reaches that temperature, it
26 begins to boil. My wife and I use this law every day.
27 I call it the law of the thermostat. When I get up in
28 the morning, the first thing I do is I turn the
29 thermostat up to an appropriate temperature where I can
30 be comfortable. In a couple hours she'll get up and
31 she'll turn it up. In a while I get to toasting and
32 too warm, so I'll go turn it back down. This kind of
33 thing goes on all day. So we use this law of freezing
34 and boiling, you know, a natural law to benefit our own
35 selves. When we come to understand the laws of nature,
36 then we can use them to benefit ourselves as well.

37
38 There's another one. This has to do
39 with the laws of human nature. If you wanted someone
40 to slap you across the face, which is the quickest and
41 surest way to get that. Why, you slap that individual
42 first. If you want someone to smile at you, what's the
43 quickest and surest way to get that smile. Why, you
44 smile at that individual first. If you wanted someone
45 to love you, what's the quickest and surest way of
46 getting that to come back to you. It's called the law
47 of the boomerang, the law of retaliation or the golden
48 rule. It always comes back to you.

49
50 In the course of my lifetime and even

1 in the past few years as a member of the RAC and
2 particularly as the chairman for the last couple years,
3 I might have said something, I might have written
4 something that might have been offensive to some
5 people. If that is the case, I just want to say I
6 really didn't mean it. When I started writing for the
7 Juneau Empire, I wrote a column for six years for the
8 Juneau Empire and I wanted to use my Tlingit name
9 Kadashan. Kadashan is known as a peacemaker. It comes
10 from the Wrangell area I was named after. He's my
11 great-great-grandfather. People who knew him, I went
12 to them for advice. Would it be appropriate for me to
13 use Kadashan as my pen name. The first response was
14 that is your real name. Sometimes I introduce myself
15 as that as my real name. But every one of those
16 individuals said it's okay to use it so long as you
17 don't use your name to harm anyone. Always speak well
18 of people.

19
20 If you read any of my articles, they're
21 always uplifting. I try to make them that way, with a
22 can-do attitude, but bring forth issues that also are
23 important to us and maybe might offer some ways that we
24 can positively solve those problems. With that, I just
25 wanted to share that as a matter of consideration for
26 all to take as you want.

27
28 Let me go through a few points here. I
29 reiterated a little of them on the first day. ANILCA
30 is the law. I appreciated Don Bremner's testimony the
31 other day. That was the crux of his message, is to use
32 the law. And ANILCA is the law. I just want to remind
33 us all again that ANILCA mandates that the State and
34 the Feds must work together to address and make
35 regulations on subsistence issues.

36
37 I see the State struggling and I see us
38 struggling as well with the things that are before us.
39 This is also a State's rights issue. They're
40 advocating for State's rights. Well, ANILCA says that
41 the State will manage subsistence resources in the
42 State of Alaska under Federal law and that is, again,
43 ANILCA. It goes back to ANILCA. However, when the
44 State came out of compliance with making subsistence a
45 number one priority, I'm saying here, and you've heard
46 me say this before and I'll probably keep saying it
47 until the State does come in compliance, it's your
48 right to be able to manage those resources. It's your
49 right to be able to say, yeah, we have management
50 authority over those things as long as we make

1 subsistence the number one priority. In so doing, then
2 you will come in compliance with ANILCA and I've talked
3 to a lot of Federal managers and Board members here
4 over the past couple years and they say, yeah, we
5 believe that too. We believe that the State should be
6 managing these resources. It says so in ANILCA and I
7 think that's a stumbling block right here.

8
9 How we solve that problem, I don't have
10 any answers for it. I know every governor that we've
11 had over the past few years have said, yes, we want to
12 take over the management of the resources. Of course,
13 in order to do that, the State had to come in
14 compliance. The real stumbling block, and we've seen
15 this over the years, is, of course, in the legislature.
16 We've got to get them to move in a positive manner on
17 that.

18
19 So, I am a State's rights person. I
20 really believe that every level of government has their
21 proper role to play and if they take on those
22 responsibilities and do them in a correct manner,
23 that's what I like to see. Unless the State does come
24 in compliance with ANILCA, I'll be sitting in this
25 chair over here continuing to express that but also
26 working on behalf of the people that I represent in
27 Southeast Alaska and subsistence issues.

28
29 Again, I want to address the ability or
30 inability of the RAC's to submit RFR's. I still feel
31 strongly that we should be able to. It was explained
32 the other day that in order for someone to submit an
33 RFR it has to be an aggrieved person or aggrieved
34 individual. The State is able to submit RFR's and they
35 represent the constituents of people like we in the RAC
36 do, so I have strong feelings about that. I don't know
37 whether it will ever get resolved to my satisfaction,
38 but I really believe that RAC's should have that
39 ability mainly because there are some of those
40 communities in Southeast or all throughout Alaska who
41 do not have the ability to be able to challenge a
42 decision that this Board might make. It's those people
43 that stand behind and represent and I really feel
44 strongly that this needs to be addressed seriously
45 somehow.

46
47 I just want to make a short statement
48 on the Makhnati Island issue. We were batting 1,000 up
49 until that issue came up. I think as an oversight on
50 our part and looking at hindsight as well that I feel

1 that if the Regional Advisory Council in their meeting
2 in Haines this fall had taken the issue of that
3 threshold and discussed it, we might have been able to
4 address it and also provide some scientific data that I
5 think might have changed your guys' minds. We failed
6 to do that and I have to go back and report to the
7 people of Southeast Alaska that we failed. I don't know
8 whether Sitka is going to want to challenge that any
9 further. If possible, you know, I think we'll try to
10 assist them to try to do it in a more scientific
11 manner.

12

13 That's about all I have, Mr. Chairman.
14 I just wanted to share these thoughts with you. I also
15 want to make note that -- you know, I've already
16 mentioned that I used to write for the Juneau Empire
17 for about six years and I'm taking all of these
18 articles and I'm compiling them for a book. I also
19 have a website and each week I try to whet people's
20 appetite about what these articles are about and I
21 ingest one article at a time. So if you're interested
22 in reading any of those articles, my website address is
23 kadashan.com.

24

25 In closing, Mr. Chairman, I appreciate
26 all of the work that has been done here. I hope we'll
27 be able to answer those issues and questions that the
28 people out there in the rural area are really suffering
29 and concerned about. We need to listen to them. We sat
30 here and listened to testimonies before we broke and
31 those people are really in need of some help and
32 they're hurting. If we can offer any relief to them in
33 any way that we can, I'm sure they would appreciate
34 that.

35

36 With that, I want to wish everyone a
37 happy holiday and a merry Christmas. For those of you
38 that are traveling, a safe trip back home. Thank you.

39

40 CHAIRMAN FLEAGLE: Thank you, Bert.
41 Appreciate your involvement in the meeting as well.
42 We'll see you next time. All right. Let's turn back
43 to public testimony. As stated right when we came
44 back, we're going to move one individual up on the
45 list. We're going to get somebody in the cue. Go
46 ahead, Pete.

47

48 MR. PROBASCO: Thank you, Mr. Chair.
49 First up is Carl Walker and that will be followed by
50 Alexie Walters, Sr.

1 MR. WALKER: Thank you, Mr. Chairman.
2 My name is Carl Walker. I'm from Y4-A. We do no
3 commercial fishing for king salmon in that area. We
4 subsistence fish there with 150-foot mesh, which we're
5 regulated to. For years we've been fishing in just one
6 spot area above Grayling on the east bank and we do the
7 best we can. On the east bank, where all the big kings
8 are, are all full of boulders and so we get hung up and
9 then tear our nets on the bottom all the way up and we
10 can't handle that side, so we have to switch to the
11 other side and we stay there.

12
13 Some factors on subsistence fishing, a
14 lot of our people can't afford a boat and motor or the
15 price of gas or even the price of buying a roll of
16 twine, some people. So my boat carries two or three
17 families for subsistence fishing. That's how we make a
18 lifestyle and we share. We have to to get away from
19 the welfare department, dependant on the food stamp
20 thing. That's why we would like to stay status quo
21 with our gear.

22
23 If you recall the numbers this morning
24 where they said 7.5 mesh they caught more fish, where's
25 the escapement going to be then if you catch more fish
26 in a 7.5 mesh. With 8-inch mesh you get escapement
27 going by. So that's my factor when you show us these
28 figures. You have more escapement going by, you leave
29 us alone the way we are instead of using that 7.5 mesh
30 and everybody have to get gear and cost 1,500 bucks a
31 shot to buy new gear. If you live where there's no
32 economy, it's very stressful on our people. I don't
33 like to see that happen now or any time.

34
35 It's the comradery in the boat and it
36 spreads out to the village and we're helping each
37 other. If they leave us alone, we won't have no
38 gripes. See what I mean? Thank you.

39
40 CHAIRMAN FLEAGLE: Thank you, Carl.
41 Appreciate your testimony. Good to see you.
42 Questions.

43
44 (No comments)

45
46 CHAIRMAN FLEAGLE: Thank you. Pete.

47
48 MR. PROBASCO: Next is Alexie Walters,
49 Sr. and then following him will be Frank Alstrom.
50

1 MR. WALTERS SR.: You should have a
2 revised copy of my testimony, I hope. I'll start off
3 like my elder Harry Wilde. I'm going on 68 this year,
4 but I feel like I'm 21. So here I am. To the
5 Honorable Federal Subsistence Board. My name is Alexie
6 Walters from Mountain Village. I am a subsistence
7 hunter and fisherman. I fully support Mountain
8 Village's joint resolution 07-05. Subsistence was a
9 way of life for our ancestors and it continues out to
10 this day. The Yukon River has provided much needed
11 king and chum salmon and other species of ancestors for
12 our ancestors. Dried and smoked salmon do not decay if
13 preserved right and it provides food for the winter
14 during lean times in the older days. Subsistence is
15 very strong in Mountain Village and throughout rural
16 Alaska to this day.

17
18 Fishwheels were used to catch salmon in
19 our area in the older days, but it is not used today.
20 Fishwheels are very efficient and were used quite
21 extremely in the area to catch basically the target
22 fish, the summer chum. The fishwheels would be stopped
23 during heavy runs to prevent spoilage of much needed
24 fish.

25
26 Subsistence fish was allowed seven days
27 a week in the older days. Right now the subsistence
28 fishermen are faced with regulated openings starting
29 June 1 of each year, much like the commercial fishery.
30 These windows pose a problem for us since fish are
31 sometimes not available when it is open. The older
32 schedule of opening for subsistence seven days a week
33 until commercial fishing opens would be a better way
34 since the sun is out more earlier in the spring and
35 less spoilage occurs. During the spring most families
36 prepare for the first run of chums to dry and put away
37 for the winter, much the same as in the past but on a
38 smaller scale.

39
40 In the old days, since there were no
41 more dogs, during early spring days or longer, which
42 provides more time to cut fish. As time goes by later
43 in the spring and into the summer there is sometimes a
44 lot of rain. There is a chance of spoilage when it
45 rains. This is not good because spoilage is a waste
46 and must be thrown away. Right now there are windows
47 that a subsistence fisherman is faced with and must
48 subsist only when he is allowed by Alaska Department of
49 Fish and Game. There is no large-scale drawing of fish
50 in the area for subsistence. Families generally take

1 what they need through the air.

2

3 CHAIRMAN FLEAGLE: Excuse me, Alexie.
4 Your time is up. Would you please summarize or wrap up
5 your comments, please. Thank you.

6

7 MR. WALTERS SR.: Yeah. Well, you got
8 the rest of my testimony in front of you. I'd like to
9 wish everybody here a merry Christmas and a happy new
10 year. Also, it would be nice for the Federal
11 Subsistence Board to give us a good Christmas present
12 by giving us good news.

13

14 CHAIRMAN FLEAGLE: Thank you, Alexie.
15 Questions.

16

17 (No comments)

18

19 CHAIRMAN FLEAGLE: Hearing none.
20 Appreciate the comments. Pete.

21

22 MR. PROBASCO: Thank you, Mr. Chair.
23 Frank Alstrom and that will be followed by Max Agayar.

24

25 CHAIRMAN FLEAGLE: Go ahead, Frank.
26 Welcome.

27

28
29 MR. ALSTROM: Thank you, Mr. Chair. My
30 name is Frank Alstrom. I'm from Alakanuk. I was born
31 and raised there and I fish in Y1 district, subdistrict
32 344-12. I started fishing a number of years ago and I
33 figured out I fished there for about 42 years. I found
34 out there's at least three problems with using big gear
35 that I found. Number one, I had small fish with large
36 gear. What small fish would do is tie up the gear into
37 little bundles. It might be 45 mesh deep, yeah, but
38 the gear gets awfully shallow. Back in the late '80s,
39 as a commercial fishermen, they put us on 6-inch gear
40 and we were fishing like two 24-hour periods a week and
41 we'd have just one setnet fisherman, like me for
42 instance. We'd come back and we'd ask the other setnet
43 fisherman how much fish did you catch. Well, I picked
44 over 1,000, I picked 1,500. That was with the small
45 6-inch gear.

46

47 Then another problem with any type of
48 nets we have in the setnet area is Beluga whales. I
49 could tell you all kind of stories about Belugas, but I
50 will tell you this story about what does Beluga whales

1 have in relation to 7.5-inch gear. Well, my neighbors
2 down the street, their dad is originally from Michigan
3 and he'd been to Vietnam and he doesn't walk very good,
4 so the kids go out and do their subsistence hunting for
5 their family. They asked me one day how do you catch
6 Beluga whales. I said, well, just shoot them in the
7 back where the blow hole is. About a week later I ran
8 into them again and I asked them did you catch that
9 whale. He said, no, it sunk.

10

11 The third problem we have with gear
12 down there is we have a lot of moss in that tidal area,
13 kind of like breeds back and forth. I'm trying to wrap
14 this up quick. All our gear is hung with a 2.1 hanging
15 ratio, which means that we get these salmon gear in 105
16 stretch meshes and we take that and divide it by 50 how
17 much you want to hang on a 50 fathom line and you come
18 out to 2.1 hanging ratio. You take your mesh size
19 times the number of web you want to pick up, divide it
20 by your hanging ratio and you've got your knots on your
21 cork line. To figure out your depth on your webbing,
22 normally I just take standard 65 percent of your meshes
23 deep and you multiply out by stretch mesh, then you
24 take 65 percent and that's your depth of gear. I was
25 trying to figure out like 45 mesh, that isn't very deep
26 when you think about it and your 30 mesh is only four
27 feet difference. And that's with 8.5-inch gear.
28 That's about all I have.

29

30 CHAIRMAN FLEAGLE: Okay. We appreciate
31 the comments. Questions.

32

33 (No comments)

34

35 CHAIRMAN FLEAGLE: Thank you. Pete.

36

37 MR. PROBASCO: Next is Max Agayar
38 followed by Ragnar Alstrom.

39

40 MR. AGAYAR: Good afternoon, Chairman
41 and the Board. My name is Max Agayar and I'm from
42 Alakanuk. I'm a subsistence and commercial fisherman.
43 At first I was a subsistence fisherman with my dad and
44 my older brother. Then in '96 I started commercial
45 fishing. I've lived in Alakanuk all my life. Being in
46 the Wade Hampton District, all the ones that have
47 testified before me and after me, we did not pay our
48 own way over here. It's too expensive. So we're
49 sponsored by either one or two different entities just
50 if you guys were wondering about -- you know, us

1 talking about being with the highest rate of
2 unemployment and being the poorest in the nation.

3
4 Within these few minutes I have I'll
5 try and educate and open your eyes to our way of living
6 a subsistence lifestyle. Things changed since when I
7 was younger. Many of us nowadays subsist from our
8 homes because the cost of living out in rural Alaska is
9 expensive and commercial fishing plays a huge role in
10 our subsistence lifestyle.

11
12 First of all, to live a subsistence
13 lifestyle nowadays it is intertwined with commercial
14 fishing. You need both for one to exist. You can
15 compare the Yukon River, the land and the sky to your
16 urban grocery stores, like Carrs, Fred Meyer, Wal-Mart
17 and all the other hardware stores because when we need
18 our food, you can say that we're in one of the largest
19 grocery stores in the world. That's the subsistence
20 way of life. We stock our freezers with various types
21 of animals, waterfowls, edible greens and berries. As
22 you know, when you walk into one of the urban stores to
23 shop for everyday necessities, this is what the Bering
24 Sea, the Yukon River, the land and the sky provides for
25 us out there to subsidize what we can buy from the
26 stores. Like I said, it's like shopping in one of the
27 largest shopping and hardware store.

28
29 Our fishing gear cannot be restricted
30 any more to what the extent of the regulations that are
31 implemented on them. Both the subsistence and
32 commercial users on the Yukon River have been receiving
33 many restrictions to restrict our livelihood for the
34 past several years. Last summer the chum prices that
35 the canneries were offering for the summer chum was 20
36 cents a pound. These proposals will not only have an
37 impact on the subsistence and commercial fisherman, but
38 on the local residents, the fish processors, the fish
39 collectors and the fish processor workers and also to
40 the local stores and other local and outside
41 businesses, i.e. like the ones here in town, in
42 Fairbanks and possibly down in the Lower 48.

43
44 The effect of these proposals affects
45 not only our local economy, it affects the economy
46 statewide, also nationally and, to a small amount,
47 worldwide.

48
49 Talking about what you heard in the
50 past, the guys that were testifying in front of us, I

1 fish both subsistence and commercial with my kids and I
2 have twins that are 13 now. Last year, when we
3 switched to our smaller gear, they'd be watching the
4 net and they'd say, Dad, look, we got a fish, the corks
5 are bobbing and when it's time to go pull it in they
6 ask me what happened to the fish. I said probably fell
7 off because the gear is too small and it was probably a
8 king that just got caught on the nose. That's all I
9 have.

10

11 CHAIRMAN FLEAGLE: Thank you, Max.
12 Questions.

13

14 (No comments)

15

16 CHAIRMAN FLEAGLE: Thanks for the
17 testimony. Pete.

18

19 MR. PROBASCO: Next is Ragnar Alstrom
20 followed by Emmanuel Keyes.

21

22 MR. ALSTROM: Mr. Chairman, my name is
23 Ragnar Alstrom. I'm the executive director of the
24 Yukon Delta Fisheries Development Association. The
25 association has six member villages all on the Lower
26 Yukon. I'm a subsistence and commercial fisherman. I
27 was born in Alakanuk and I live about 300 feet from
28 where I was born. I'm commenting on Proposals 13 and
29 14. We oppose both proposals going forward.

30

31 As I prepared my testimony, and I
32 thought it was going to be longer than this, the first
33 thing I did was I looked over Staff analysis. One
34 thing that jumps out in Staff analysis is there's a lot
35 of words in the justification for supporting these
36 proposals. Not the only factor. Other factors,
37 declining fish size is very difficult. Potentially may
38 affect, may result, may lead, is complex, may increase,
39 may reduce, may provide, will vary and so on.

40

41 So what did I do as executive director
42 of YRDFA. I got the best possible biologist I could
43 find with over 30 years fishery experience and we
44 started going through because it looked like to me this
45 analysis was on one side of the spectrum. It was as I
46 thought with these words here. There's other
47 possibilities.

48

49 Staff quotes various studies and here
50 came the sticking point and I confirmed this this

1 morning with ADF&G. One of these studies that were
2 quoted, you know the amount of fish in that study?
3 Eight fish. Is that the best available science? I
4 confirmed that as soon as I walked in this morning with
5 ADF&G Staff. Eight fish on a net they decided a couple
6 years ago to throw out on the south bank of the Yukon
7 River outside Emmonak. That is no study.

8
9 At that point, fisheries biologist, 30
10 years experience, that stopped. It came down to what
11 do I know. I know commercial fishery has been reduced
12 by 60 percent in the last 10 years. Windows, which is
13 very controversial in the area, have been imposed on
14 the subsistence fishery. There's been record
15 escapement into Canada. You've heard ADF&G Staff state
16 that. And this is using mark and recapture by the
17 Canadians. If you take a look at the sonar that ADF&G
18 utilizes, digit on one side, split beam on the other,
19 in 2006, using that sonar, it was 60,000 fish into
20 Canada. What did the Canadians say using mark and
21 recapture. I'm on the Yukon River Panel. I just heard
22 this presentation. What did the Canadians say using
23 mark and recapture. I think it was 27,990. We missed
24 escapement by 10 fish. 28,000 fish by using mark and
25 recapture. 40,000 fish using the sonar. ADF&G saying
26 record escapements using mark and recapture in 1, 2 and
27 3.

28
29 What else do I know. Ichthyophonus has
30 been mentioned in this analysis. I just heard a report
31 the other day, the scientists that are setting
32 ichthyophonus an eight-year decline. Sitting on the
33 panel, I specifically asked Department of Fisheries
34 Oceans Canada what are the -- do you see any problems
35 with spawning. If there's a problem, they should be
36 the ones raising holy hell here in front of you.
37 They're at the spawning beds. For four years in a row
38 they said no. The only time they've mentioned any
39 problems was this year. The fish in question, large
40 female. They had no problems with large female, but
41 they seen some jacks attending to, is the word they
42 used, these large females. Fish and Game management
43 manages to the midpoint of the chinook run. On top of
44 that, what Fish and Game didn't say in their
45 presentation was not only at the midpoint, the
46 individual pulse comes in the river to the back side of
47 the pulse, so they let the pulse go in -- individual
48 pulses float the river.

49
50 In closing, Mr. Chairman, I know I'm

1 running out of time. In the '80s -- I'm from the
2 village of Alakanuk. I've lived there all my life. In
3 the '80s, there was a socioeconomic study done there.
4 The best hunters and gatherers, the best hunters and
5 gatherers, the best subsistence fishermen were those
6 people who fished or worked. I can count on one hand
7 the jobs in Alakanuk. School, city, tribe,
8 corporation, post office. Those folks -- and I tried
9 to get a hold of the author of that study to get
10 permission to quote direct from it, but I didn't. I
11 couldn't.

12
13 It's really good in closing to have a
14 rural subsistence priority. We all support that. But
15 you must provide the means to subsist. The Lower Yukon
16 River has been using these means to subsist through
17 commercial fishing since the early 1900's. When the
18 commercial fishery was restricted or closed, you know
19 what the number one subsistence -- and I ran the
20 corporation for 10 years.

21
22 CHAIRMAN FLEAGLE: Excuse me. Ragnar,
23 you are out of time, so could you just consolidate,
24 please.

25
26 MR. ALSTROM: It sounds silly, so I'll
27 close with this. I ran the corporation for 10 years
28 and when the fishery was closed, I said this numerous
29 times, the number one subsistence food in Alakanuk,
30 Tyson Banquet chicken. That's the same. Thank you.

31
32 CHAIRMAN FLEAGLE: Thank you.
33 Questions.

34
35 (No comments)

36
37 CHAIRMAN FLEAGLE: All right. Thanks
38 for the comments. Pete.

39
40 MR. PROBASCO: Next, Mr. Chair, is
41 Emmanuel Keyes and then Jack Schultheis.

42
43 CHAIRMAN FLEAGLE: Emmanuel, go ahead.

44
45 MR. KEYES: Mr. Chairman. Members of
46 the Board. My name is Emmanuel Keyes. I'm from Kotlik
47 and I represent my people in the village. I also
48 represent our families, our grandchildren and the
49 children that will come after we are gone. I came up
50 with -- first off, I'd like to say I oppose Proposals

1 13 and 14 because it has an adverse effect in our
2 village. If we were to go with this 14, lower river is
3 not like upper river. We've got some places where it's
4 70-feet deep and 100-feet deep and that 35 mesh just
5 won't do. To change our gear will be costly. You
6 know, inflation right now is so high. If we got a
7 webbing right now, it would probably cost somewhere
8 from 400 to 600 dollars or maybe more. And a hung net
9 would probably cost 1,500 to 1,800 dollars. That money
10 is very hard to come by in the villages and jobs are
11 scarce as we all know.

12

13 In the springtime, if we're going to be
14 using that 35 mesh, the waters right after breakup are
15 high and those places where we drift is just too deep
16 for that 35 mesh.

17

18 Some things I was listening all morning
19 to the comments that were brought out. They failed to
20 mention the beaver dams. I served on the Yukon Panel
21 and these things used to come up between the Canadian
22 Panel and the U.S. Another thing they failed to
23 mention are the big boats that are running in the
24 narrow waters. The boats that are 50 horse and motors
25 that are stronger, bigger motors. If we were to reduce
26 the depth, not only that, that 8.5 to 7.5, it would
27 make it about -- if you had a 35 and then go down to 35
28 from 45, that would be about 10 inches shallower.

29

30 We've sacrificed a lot of things
31 downriver. These things come up year after year or
32 every three years. We've been reduced down to a mere
33 three to six hours of fishing from 48, 36. If you're
34 going to be fishing, you better make sure you're at the
35 right place if you're going to make any money at all to
36 cover your bills. This is the livelihood of our people
37 downriver and it's been going on for years. If you're
38 lucky enough, you get to pay for your fuel, your gas,
39 but still that three hours of fishing just don't cover
40 it. Some people don't make nothing at all. They don't
41 make enough to cover their bills, like our case, and
42 they get the opportunity to get the things that they
43 might use to sustain their subsistence livelihood, like
44 the snowmobiles and the boats and motor, and some
45 subsistence gathering.

46

47 CHAIRMAN FLEAGLE: You're time is up.
48 Would you go ahead and consolidate, please.

49

50 MR. KEYES: All right. In conclusion,

1 I'd like to -- I was looking at my grandchildren and I
2 was wondering what am I going to do. This has been
3 going on forever and they're next in line and they'll
4 be doing exactly the same thing that we're doing right
5 now further on down the line. Furthermore, I'd like to
6 ask when you come to your consensus to look back and
7 think about your grandchildren. If you are in our own
8 boots, you know, shoes, think about how much impact
9 this would be on them if this thing should be supported
10 by you. Thank you.

11
12 CHAIRMAN FLEAGLE: Thank you.
13 Appreciate the comments. Board member comments.

14
15 (No comments)

16
17 CHAIRMAN FLEAGLE: Hearing none. Pete,
18 go ahead.

19
20 MR. PROBASCO: Next will be Jack and
21 then following Jack will be John Riley, Sr.

22
23 MR. SCHULTHEIS: Chairman. Thank you.
24 My name is Jack Schultheis and I have been directly
25 involved in Yukon River salmon fisheries for over 35
26 years. These Proposals 13 and 14 are intentionally
27 designed to restrict and hamper the efforts of
28 fishermen who use gillnets all along the Yukon. The
29 justification for such restrictions is the belief by
30 proponents of these proposals is that king salmon is
31 getting smaller due to the large nets. So, in order to
32 fix the problem, let's change gear size.

33
34 First of all, there is very little true
35 scientific proof that there is actually a problem and
36 it is caused by large nets. The vast majority of
37 biological and true scientific available on this matter
38 is inconclusive. Bits and pieces of what little
39 information is available has basically been cherry-
40 picked to prove their points. All of this is being put
41 before your Board at the same time the sonar project on
42 the Lower Yukon classifies 80 percent of all kings
43 passing by the sonar as large fish.

44
45 There's no doubt the king run collapsed
46 in the late '90s as did every other salmon run in
47 western Alaska. Since that crash, the Department of
48 Fish and Game has put into effect an extremely
49 conservative management strategy for the river in order
50 to protect and rebuild the stocks. Commercial fishing

1 has been cut back to a fraction of what it was
2 traditionally. Most years barely 20 percent of the run
3 is harvested commercially in the lower river. The
4 commercial exploitation rate is intentionally set to be
5 at the lowest point of any commercial fishery in the
6 state.

7
8 Through the use of windows and closely
9 regulated short commercial openings spread out for
10 three weeks at a time, the Department of Fish and Game
11 safely escorts near 80 percent of the run on past and
12 through the lower Yukon. During the most recent five
13 year on average 176,000 kings per year are delivered
14 into the upper river by the Department.

15
16 Escapements into Canada have been at
17 record levels most of those years. It has been
18 documented that large size kings are caught in
19 fishwheels 730 miles upriver at Ramparts Rapids before
20 there is a commercial opening in Y1 on the lower river,
21 730 miles upriver before they even fish down below. At
22 the same time, fish are entering Canadian spawning
23 streams 1,000 miles from the mouth of the Yukon while
24 they're still entering the mouth of the river. King
25 salmon are running on the Yukon, entering the Yukon
26 River for over 45 days.

27
28 During this run king salmon gear is in
29 the water less than 4 percent of the time. On run
30 sizes as high as 268,000 fish going past the lower
31 Yukon unmolested, it is mathematically impossible that
32 high percentage of large male and female fish do not
33 make it to the spawning grounds. With king gear taking
34 such a minor portion of the run spread out over three
35 short openings, it is just not possible that net size
36 could influence or be blamed for lack of genetic
37 integrity and fish size. Pure logical math just cannot
38 support such propositions.

39
40 Based on this, I'm respectfully
41 requesting this Board to please consider this situation
42 for what it really is and the effects it will have on
43 the very people this Board is responsible for ensuring
44 their subsistence rights.

45
46 I feel there are several issues and
47 concerns that this Board needs to look at, consider and
48 try to answer some very fundamental questions.

49
50 CHAIRMAN FLEAGLE: Jack, your time is

1 up. Could you just wrap it up, please.

2

3 MR. SCHULTHEIS: Oh, my goodness. I
4 think one thing the Board needs to look at is how can
5 this Board possibly discriminate against one section of
6 the river and let other sections of other gear types
7 totally go unchecked. There's gear types upriver that
8 have absolutely no size or gear restrictions on them
9 whatsoever, such as fishwheels that can catch the
10 absolutely very biggest fish in the river. How can a
11 Federal Board such as this support such discrimination.

12

13 There's one more thing I want to say
14 and it's about the Rapids Research Project, which U.S.
15 Fish and Wildlife has supported and funded for the
16 first five years. Part of their website or on their
17 website it actually publishes a slogan that says Rapids
18 Research, manipulating data to suit our needs. I want
19 to know if this Board can support this type and
20 character of data that is used to support your Staff
21 facts. Is this the type of project your Board wants to
22 be associated with in making this decision.

23

24 I sincerely and hopefully you will not
25 pass these restrictions. Thank you.

26

27 CHAIRMAN FLEAGLE: Thank you, Jack.
28 Questions.

29

30 (No comments)

31

32 CHAIRMAN FLEAGLE: Thank you. Pete.

33

34 MR. PROBASCO: Thank you, Mr. Chair.
35 John Reilly, Sr. is next and then Marvin Akitkun.

36

37 CHAIRMAN FLEAGLE: Good afternoon and
38 welcome.

39

40 MR. REILLY, SR.: Yes, good afternoon.
41 Thank you for having me up here, Mr. Chairman and the
42 Board. My name is John Reilly, Sr. I commercial
43 fished all my life and subsistence user. I testified
44 last year at one of the State Board and this mesh size
45 came up again this year in front of the Federal Board.
46 You know, cutting us down is not the answer, especially
47 in month of June. If you cut our mesh down from 45 to
48 35 and 7.5, we are going to be wasting fish. We seen
49 this before. When the mesh size is too small, the fish
50 can't go through and you damage the gill and you're

1 going to lose the fish. We've seen that.

2

3 Please don't pass these when someone
4 thousands of miles make these proposals each year. Let
5 us go on living with what we have. You should think
6 twice or perhaps be very careful however you decide.
7 We cannot take this each year when we come to the Board
8 meetings. You know, if you cut the mesh down to 35
9 mesh, you're going to pull us closer to the beach
10 through the snags.

11

12 You need to understand subsistence and
13 commercial is only in my area at 1, 2, 3. Is only one
14 boat, one net for commercial and subsistence. We don't
15 have extra gear. It will be costly. Please, be very
16 careful. You're going to hurt a lot of people in our
17 area. I would like to go on, but I can hear my watch
18 here ticking pretty fast. Be kind and remember
19 Christmas is just around the corner. Give, not take.
20 Thank you very much.

21

22 CHAIRMAN FLEAGLE: Thank you, John.
23 Questions, Board members.

24

25 (No comments)

26

27 CHAIRMAN FLEAGLE: Appreciate your
28 comments. Pete.

29

30 MR. PROBASCO: Thank you, Mr. Chair.
31 Marvin, you're up next and then Paul Beans.

32

33 MR. AKITKUN: Thank you, Mr. Chairman.
34 Members of the Board. My name is Marvin Akitkun from
35 Kotlik, sponsored here by YRDFA. I'd like to thank
36 them for bringing me here and allowing me to speak
37 before you. I had my daughter here for a couple days
38 and I'm sorry if she disturbed anyone. She is the
39 youngest of my three children that I am going to start
40 fighting for for our subsistence way of life.

41

42 My group of people, Y1, Y2, Y3, the
43 Lower Yukon River, we have already given up so much in
44 our fisheries, not only during subsistence time but
45 commercially, both equally. I was taught since I was a
46 baby, since I was my daughter's age, I grew up in the
47 boat with my parents doing both commercial and
48 subsistence fishing and that is now what I do with her,
49 not even two months old. We brought her out fishing
50 with us because it is a family affair. That is what my

1 parents taught me, my grandparents, my extended family
2 of my uncles and my aunts. We have all done it
3 together to share our catch and we always leave fish
4 going up the river.

5
6 It just bothers me every time. We are
7 singled out more and more and I'm not going to stop
8 trying to make my voice. This is the first time I'm
9 speaking in front of a Subsistence Board or for our
10 salmon, Fish and Game. It's not going to only try to
11 help me, it's going to help my children and that's what
12 I want. So I'm against 13 and 14. You guys had me down
13 for 15 and 16 for later. I have no action on those.
14 But 17, for our elders, I do support it because they
15 need our help. Because they helped us, provided the
16 knowledge that we have. Through them we live. Thank
17 you.

18
19 CHAIRMAN FLEAGLE: Thank you, Marvin.
20 Appreciate the comments. Questions.

21
22 (No comments)

23
24 CHAIRMAN FLEAGLE: Thanks. Pete.

25
26 MR. PROBASCO: Paul, you're up now and
27 then following Paul is Virgil Umphenour.

28
29 MR. BEANS: To the Honorable Federal
30 Subsistence Board, I thank you for the opportunity to
31 testify. My name is Paul Beans and I was born and
32 raised in Mountain Village. I have lived here most of
33 my life except two years in school in the Lower 48 and
34 two years in the Army. I am a subsistence and
35 commercial fisherman. Our ancestors, my family,
36 Mountain Villagers, have depended on the Yukon River
37 for dry fish, salmon strips, dog food in the past to
38 get us through the long winters then and now.

39
40 There are 40-plus villages along the
41 Yukon and tributaries on the U.S. side of the Yukon
42 that depend on salmon and other species of fish much
43 the same way that Mountain Village does and has for
44 many generations. Hopefully this resource will be
45 there for many years for the younger generation to
46 enjoy and utilize much the same way as it is now.

47
48 We that live along the Yukon are very
49 fortunate up to this time that we have salmon coming to
50 the Yukon each summer. Sharing by villagers has been

1 going on both up and down the Yukon starting from our
2 ancestors and still exercise today for our fish and
3 game resource. That cannot change ever. We Alaska
4 Natives are called the First People and we cannot
5 forget that.

6
7 There has been too many Fish and Game
8 proposals introduced in recent years by other user
9 groups along the Yukon during Fish Board meetings that
10 has put a lot of pressure on the subsistence and
11 commercial fishermen in our area of the Yukon.
12 Mountain Village has formed a Fish and Game Working
13 Group to address Fish and Game proposals that are very
14 alarming to us. To name a few, reduction in mesh and
15 depth of our driftnets, windows of commercial and
16 subsistence time, salmon bycatch in the high seas to be
17 included in our commercial fishery. We have not yet to
18 this day introduced a fishing proposal that would
19 hinder other user groups along the Yukon in their
20 subsistence and commercial activities.

21
22 I say what I say from the heart, that
23 we need to work together to protect our fish resources
24 along the Yukon. We need to work together to make sure
25 that our salmon enter the Yukon each year and not be
26 intercepted in the high sea commercial fishery.
27 Bycatch of chinook salmon in the high seas have
28 exceeded over 100,000 this year. We must make sure
29 there is a limit placed so that most of our fish enter
30 the Yukon.

31
32 From the best estimate that is provided
33 to us, 50 percent of the bycatch is western Alaska
34 origin. I live in the Wade Hampton District and
35 considered one of the most economically depressed area
36 of the state. The villagers that live along the Yukon
37 from the mouth to the border should not be influenced
38 by outside user groups that are interested in a few
39 more dollars from the Yukon to propose regulations that
40 will hurt our livelihood, subsistence and commercial
41 fishermen. Our elders have told us that if we fight for
42 a fish and game resource, it will no longer be
43 available or lost forever.

44
45 Subsistence in Alaska has preference
46 over commercial activity and will not change. I
47 support Mountain Village joint resolution 07-05.
48 That's FP08-13 oppose, 14 oppose, 15 no opinion, 16 no
49 opinion, 17 I support. My opinions of each of the
50 above proposals are expressed in my testimony and joint

1 resolution 07-05. Thank you.

2

3 CHAIRMAN FLEAGLE: Thank you, Paul.
4 Appreciate the comments. Board members, questions.

5

6 (No comments)

7

8 CHAIRMAN FLEAGLE: All right. We're
9 going to take a break after Virgil, so we're not going
10 to call up another one. Go ahead, Pete.

11

12 MR. PROBASCO: Okay, Virgil, you're up.

13

14 MR. UMPHENOUR: Thank you, Mr.
15 Chairman. Board members. My name is Virgil Umphenour.
16 I'm going to give my personal testimony and Fairbanks
17 Advisory Committee testimony. You have a submittal
18 that I gave. If you turn to Page 15, you will see a
19 petition for regulation change to the Board of
20 Fisheries. It's submitted by Fairbanks AC chair, Mike
21 Kramer, who is an attorney. If you turn the page, you
22 will see an agenda change request that was submitted by
23 Mike Kramer, chairman, Fish and Game Advisory
24 Committee.

25

26 If you look on Page 53 of the Staff
27 comments, you will see -- which are Staff comments by
28 the State of Alaska Department of Fish and Game. They
29 speak to agenda change requests that went to the Board
30 of Fisheries and they say that the proponent is an
31 Upper Yukon commercial fishwheel operator. I am merely
32 the chairman of the Fisheries subcommittee from the
33 Fairbanks Fish and Game Advisory Committee. And I did
34 represent Fairbanks Fish and Game Advisory Committee at
35 that meeting; however, when the petition went forward
36 to the Board of Fisheries the actual chairman did.

37

38 If you turn that page, two more pages,
39 Page 18, there's a letter there that says why the big
40 fish matter and it's written by Mike Tinker, who serves
41 as chairman of the Fairbanks Fish and Game Advisory
42 Committee for an excess of 10 years and is now the vice
43 chair. He wrote that letter.

44

45 You probably wonder why there's no one
46 here from the upper Yukon testifying. It's because
47 they truly do come from the most poverty-stricken area
48 of the state. If you look up the Department of
49 Commerce and Economic Development's website, you can
50 take a look on there and look up each village and they

1 will give the mean average income per household. If
2 you do that, you'll find that Emmonak, for instance,
3 their mean income is over twice what it is if you go
4 400 miles up the river to Kaltag. The reason why
5 there's no one here from the upper Yukon is they truly
6 do not have anyone that's going to pay their way here
7 like the lower Yukon CDQ group has done with a lot of
8 people here. That's why there's no one here.

9

10 The rest of my testimony I will cover
11 as the representative for the Eastern Interior RAC.
12 Thank you.

13

14 CHAIRMAN FLEAGLE: Thank you,
15 Virgil. Questions.

16

17 (No comments)

18

19 CHAIRMAN FLEAGLE: All right. Hearing
20 none. Appreciate the testimony. The Board will stand
21 down for 10 minutes.

22

23 (Off record)

24

25 (On record)

26

27 CHAIRMAN FLEAGLE: Good afternoon.
28 We're reconvened. Continuing public testimony. Pete,
29 will you call the next two names, please.

30

31 MR. PROBASCO: Yes, the next
32 individuals, first up will be David Blanket and after
33 David it will be Martin Moore.

34

35 CHAIRMAN FLEAGLE: Welcome, David.

36

37 MR. BLANKET: Hello Federal Subsistence
38 Board. I am honored for the opportunity to testify
39 concerning proposals that affect our area, the Lower
40 Yukon, and also support Mountain Village joint
41 resolution 07-05. My name is David Blanket, born a
42 subsistence user and commercial fisherman since 1967.
43 I have seen a lot of changes on how we subsistence and
44 commercial fish over the years.

45

46 Today, escapement on the Lower Yukon is
47 the main concern. We live it even if it gives us
48 hardship. With windows installed in subsistence
49 fishing, escapement is met and harvest is just enough
50 to sustain the family through the winter. Commercial

1 fishing does not start until escapement is met in Y1,
2 Y2 and Y3. Utilizing technology today, Fish and Game
3 can monitor fish as it migrates up the river. When a
4 pulse of salmon enters the Yukon in District Y1, Fish
5 and Game will not open commercial fishing in that
6 district until that pulse passes Y1 and Y2 borders.
7 The same thing applies in Y2 and Y3, so escapement is
8 in the high percentage range. The majority of the
9 permit holders are commercial fishermen in these
10 districts. Once you pass these districts, permit
11 holders decrease.

12
13 Salmon egg roe, utilizing technology we
14 have today, why can't we incubate eggs in the Upper
15 Yukon River area for a higher rate of return and ensure
16 additional opportunity to reach their spawning grounds,
17 which would improve the survival of the salmon to
18 rebuild their genetic and stock composition for future
19 subsistence and commercial needs instead of selling
20 salmon eggs.

21
22 In regards to the size of king salmon,
23 in my opinion Fish and Game are overharvesting a
24 certain pulse of salmon runs. They need to alternate
25 catch in different pulses of runs. Example, Y1 and Y2
26 and Y3 districts catch the first pulse and alternate
27 fishing for different pulses of fish the following
28 year, providing flexibility and safeguards for both
29 management and users who depend on this valued natural
30 resource.

31
32 Bycatch is definitely affecting salmon
33 returns. We need to know how many fishing boats are
34 intercepting salmon in the high seas. Possibly windows
35 need to be installed while salmon are in that area. We
36 all need to work together to ensure the survival of our
37 fishing activities.

38
39 For Proposals FP08-13 and 14 we oppose.
40 FP08-15 and 16 no opinion. FP08-17 we support.
41 Comments on 13 and 14. Escapement is met using
42 existing gear. Hardship for people to change gear.

43
44 CHAIRMAN FLEAGLE: Excuse me, David.
45 Your time limit is up. If you would just wrap up your
46 comments, please.

47
48 MR. BLANKET: Okay. I'm almost done
49 here. Insufficient study using this type of gear.
50 Using smaller mesh does more damage to big fish. On

1 behalf of future subsistence users, thank you.

2

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

5

6 (No comments)

7

8 CHAIRMAN FLEAGLE: Hearing none. Thank
9 you. Pete.

10

11 MR. PROBASCO: Next is Martin Moore and
12 following Martin is Bill Alstrom.

13

14 MR. MOORE: Mr. Chairman and the Board.
15 I would like a special consideration. I am a senior
16 citizen 70 years old. I am partially blind. I cannot
17 read your proposals without a magnifying glass, so it
18 took me a long time to read your documents. I have
19 hard of hearing and I lose a lot of content of the
20 people testifying before you. I would like this
21 consideration from you.

22

23 Mr. Mike Fleagle, Federal Subsistence
24 Board Chairman, and members of the Federal Subsistence
25 Board. My name is Martin B. Moore, Sr., a commercial
26 fisherman and lives a subsistence lifestyle. Both
27 commercial and subsistence lifestyle compliment each
28 other in my daily life. Along with many other people
29 in Wade Hampton census district, my five children, 23
30 grandchildren and three great grandchildren depend on
31 commercial fishery and subsistence lifestyle. It's
32 indigenous and aboriginal, complimented by all
33 subsistence activity and to each cash flow fishery
34 economy.

35

36 Today I am here to represent my family,
37 703 commercial permit holders and over 8,000
38 subsistence users, men, women and children, all of whom
39 reside in Wade Hampton census district. Please reflect
40 upon the information from the Entry Commission document
41 submitted herewith to reflect the amount of money paid
42 for fishing permits and status information on
43 population of Wade Hampton census district for
44 commercial and subsistence district.

45

46 In the year 2003, 703 permit holders of
47 Y1, 2 and 3 paid \$42,900 in fees to Entry Commission.
48 Then in 1996 a new regulation went into effect,
49 reducing chinook salmon gillnet from 65 meshes deep to
50 45 meshes deep. This regulation came and started the

1 momentum of casualties, destroying our grandfather
2 rights and depleting our only historical economic base
3 that we ever knew.

4
5 To replace, to repair and change from
6 65 to 45 gillnet has been exorbitant. The price for
7 150 fathom prehung gillnet is invoiced at \$1,282.06.
8 How much more do we think we should impose upon these
9 delicate women, men and children whose survival is only
10 through subsistence lifestyle and cash economy to
11 commercial fishery.

12
13 Each year we are totally bombarded with
14 proposed regulations that affects our very existence.
15 How can anyone support FP08-13 when we are already
16 devastated and have no money to purchase new nets at 35
17 meshes in depth. How can anyone justify going into a
18 complete line item of nets 7.5 mesh size and phasing
19 out three years in one year for commercial fishing.

20
21 We have 703 permit holders, each
22 subsistence user must have at least 150 fathom chinook
23 salmon gear and at least two chum nets. We are not
24 prepared to continue buying new nets. 703 commercial
25 fishermen each purchasing 50 fathom net of 7.5 mesh, 35
26 meshes deep would cost us \$751,356.80. 703 commercial
27 fishermen buying two 50-fathom nets would be
28 \$1,523,712.06. 703 commercial fishermen buying three
29 50-fathom nets would be \$2,284,068.01.

30
31 Furthermore, the proponents of FP08-13
32 have stated that there has been continuing full returns
33 of Yukon salmon in most years since 1998. But in the
34 past 12 year average obtained from the Alaska
35 Department of Fish and Game, the return of large
36 chinook salmon has been 80 percent and 20 percent small
37 chinook salmon. The following is an excerpt from the
38 Alaska Department of Fish and Game record. In 2007,
39 90,184 passed the sonar in Pilot Station and small
40 kings of 35,369.

41
42 CHAIRMAN FLEAGLE: Excuse me, Martin.
43 We have your written comments and I've allowed you to
44 go amply over your time for the special consideration
45 you requested, but we do have your written comments
46 before the Board. If you want to make a final closing
47 statement, we'd appreciate that.

48
49 MR. MOORE: I did ask for a special
50 consideration because of my handicap and I couldn't

1 hear most of what people said because I can't hear. It
2 took me a long time to establish my statement because I
3 can't see these.

4

5 CHAIRMAN FLEAGLE: I understand. Thank
6 you. And I have given you about three times the time
7 allotted other people, so we need to move on. If you
8 want to make a final statement, I'd appreciate that.

9

10 MR. MOORE: Let me say my last comment
11 then. We cannot fight Mother Nature on so many of
12 these variables. It is better to use common sense and
13 experience and come to a more reasonable consensus.
14 Hopefully the rest of you people will be able to read
15 my document. It's about 40 pages long. I didn't count
16 them, but I hope you can read them because they make
17 common sense comments in opposition of 14 and 15.

18

19 CHAIRMAN FLEAGLE: Thank you very much.
20 Appreciate those comments. Pete.

21

22 MR. PROBASCO: Next is Bill Alstrom and
23 then following Bill is Mike Smith.

24

25 CHAIRMAN FLEAGLE: Good afternoon.
26 Welcome.

27

28 MR. ALSTROM: Good afternoon, Mr.
29 Chair. Members of the Board. For the record, my name
30 is Bill Alstrom and I am a lifelong resident of the
31 rural village of St. Mary's located on the Lower Yukon
32 River. I am primarily a subsistence user of the salmon
33 resource and a commercial fishermen when time is
34 allotted to us.

35

36 Thank you very much for allowing me the
37 opportunity to testify on Proposals 08-13, 14, which I
38 oppose. As the Board will hear, if not already heard,
39 testimonials before me on how these proposals will
40 directly affect the livelihood of people on the Lower
41 Yukon River in regards to the reduction of mesh depth
42 to 35 mesh deep for gear larger than 6 inches and
43 stretch mesh size and the proposal to limit the maximum
44 gear size to 7.5 inches of stretch mesh gear.

45

46 Commenting on Proposal FP08-13.
47 Reducing the depth of fishing gear greater than 6-inch
48 mesh size to 35 meshes deep would dramatically reduce
49 my ability to harvest chinook salmon for subsistence
50 purposes, which are targeted on the onset of our

1 subsistence activity, which is usually the first part
2 of June when these species of salmon start entering the
3 mouth of the Yukon River to start their journey to
4 their respective spawning grounds.

5
6 At this time of the year the river is
7 usually high after the spring breakup. This type of
8 gear would increase fishing time to meet subsistence
9 needs and with the high cost of fuel in our area would
10 cause further hardships on the users. And we'd
11 probably have to double our efforts to gather what we
12 usually gather with the amount when we didn't have to
13 switch over to 35 mesh from what we have now is 45 mesh
14 deep gear. To alter existing gear over 35 meshes deep
15 would cost a tremendous amount of time and money and
16 more than one shackle of gear is the norm for fishers
17 in this region.

18
19 Regarding Proposal 08-14, changing to a
20 7.5-inch stretch gear mesh would cost a user anywhere
21 from \$1,500 on up, depending on where they come from.
22 A backup net is always needed on hand in case of unseen
23 circumstances, which is always common on the river,
24 thus increasing the cost of changing gear. May even
25 double or triple depending on the situation. You can
26 lose your gear by snagging, ripping your gear in one
27 rip. Things like that happen. Subsistence fishermen
28 cannot afford to purchase a new net or even five years
29 down the road.

30
31 I would like to comment on the economic
32 burden these proposals will have on the communities of
33 this already economical depressed region. Also much
34 needed income derived from a small commercial fishery
35 on the Lower River will have a ripple effect on our
36 village governments, small businesses, who depend on
37 debts being paid off, and even larger hubs such as
38 Anchorage where essential items such as boats, outboard
39 motors, snowmachines are important to carry on a
40 subsistence lifestyle in Bush communities. Also, the
41 State of Alaska would see an increase in social
42 services as more people enter the need for State
43 assistance for basic needs to survive.

44
45 Accessibility to the Federal Board is
46 another subject that has to be considered and is
47 limited to not being tied into the road system and we
48 do not have the luxury and opportunities to talk to
49 these people on a face-to-face basis to express our
50 concerns, therefore putting us at a disadvantage on

1 issues that have detrimental consequences on our
2 livelihood.

3

4 CHAIRMAN FLEAGLE: Time is up. Please
5 wrap up your comments.

6

7 MR. ALSTROM: Okay. I strongly
8 recommend that these proposals not be acted on until
9 results of a study by the Alaska Department of Fish and
10 Game for their consideration. Upon conclusion, I am
11 very appalled that these proposals of this nature are
12 targeted to people hundreds of miles downriver who live
13 in a completely different environment and are being
14 dictated on how to live their subsistence way of life.
15 The Lower River people are historically known as a
16 docile people and would never submit proposals to harm
17 subsistence users upriver. Thank you very much for
18 your valuable time to listen to my testimony.

19

20 CHAIRMAN FLEAGLE: Thank you, Bill.
21 Appreciate the comments. Questions.

22

23 (No comments)

24

25 CHAIRMAN FLEAGLE: All right. Thanks.
26 Pete.

27

28 MR. PROBASCO: Next, Mr. Chair, is Mike
29 Smith and then Stanley Pete.

30

31 CHAIRMAN FLEAGLE: Good afternoon,
32 Mike. Welcome.

33

34 MR. SMITH: Thank you, Chairman
35 Fleagle. I hardly know where to start on this issue,
36 of course. I guess I'd like to start off with one
37 quick statement and that is very seldom in Fish and
38 Game management do we allow commercial operators to
39 take all the trophy animals and that is, in fact, what
40 is going on here, is that all the big king salmon are
41 leaving the Yukon River and we are allowing it to do
42 it.

43

44 One of the other things that I've heard
45 through numerous testimonies this morning was none of
46 these proposals seek to get rid of commercial or
47 subsistence harvest. In fact, if we are to accept the
48 Federal OSM presentation as well as the preliminary
49 results from the Department of Fish and Game, it's
50 actually going to allow them to catch more fish. So

1 I'm not real sure where this loss of commercial
2 activity or subsistence activity is coming from. None
3 of these proposals seek to do that.

4
5 One of the other questions during the
6 course of this, as mentioned by Virgil, we don't have
7 the resources to bring people in from the Interior.
8 The cost of that, of course, is prohibitive and we just
9 don't have the money to do that. One of the things
10 that I'm always asked about this particular issue since
11 2001 that we've been dealing with this is why. Why are
12 they opposed to us going to a smaller net. I guess I
13 don't understand that. If you look at the practical
14 nature of it, those fish that they catch down in Y1,
15 Y2, Y3 are put into a tote, that tote is weighed and
16 the fishermen get paid by that weight. The only
17 benefit of large fish goes to the buyers. They may
18 segregate those fish at some point and then offer them
19 as a premium to their markets, but that does not make
20 its way back to the local fishermen. So I'm not real
21 sure why the need for big fish is so prevalent in their
22 discussions.

23
24 The other thing I think is relatively
25 important here is do we wait. One of our frustrations
26 has been over the years, and not to disparage
27 Department of Fish and Game, but to reinvent the wheel
28 so to speak. There are numerous studies across this
29 country that talks to net selectivity, yet the
30 Department of Fish and Game wishes to study it again
31 for its applicability to Alaska and particularly Yukon
32 River king salmon. The only thing they're going to
33 find out is what the percentages are. The outcome is
34 going to be the same. There is net selectivity issues.

35
36 The other thing we've heard about is
37 the hardship that has been posed on the Lower Yukon
38 River over the course of the years. Let's remember that
39 -- Virgil is correct. They may be one of the poorest
40 districts in the state, but the very next one is the
41 people that I represent. Those people have seen huge
42 reductions. Their virtual commercial harvest is
43 virtually gone. One of the reasons why commercial
44 harvest in Y1, 2 and 3 is down 60 percent is because
45 there is no fish. That's why we're here today.

46
47 It's the quality of escapement. The
48 Department has indicated that we made escapement,
49 historical escapements over the last few years. Well,
50 that may very well be true, but why are we getting the

1 yield, because of the quality of that escapement is no
2 good. You ain't going to have no yield if all your
3 fish on the spawning ground are small fish and very few
4 large females. Most of them are jack fish, fish this
5 big. That's what we're seeing on the spawning grounds.
6 So I'm not real sure -- the quality of escapement is
7 the crux. You can sit here and listen that escapement
8 has been made. Well, it wasn't made last year.

9
10 Canadians who just recently -- by the
11 way, I want to mention that I sit on the Yukon River
12 Panel as an advisor. I also sit on the North Pacific
13 Fisheries Management Council Bycatch Committee and I'd
14 like to make a couple statements there as well. In
15 regards to Canada, what happened in Canada this year is
16 they did not have a commercial opening.

17
18 CHAIRMAN FLEAGLE: Mike, your time is
19 up. I'd like you to work on wrapping up, please.

20
21 MR. SMITH: They did not have a
22 commercial opening, they did not have a sports opening,
23 they did not have a personal use opening and the
24 aboriginal fishery was about half of what it should be.

25
26
27 One other thing that really needs to be
28 pointed out here is that bycatch. We've heard that
29 testimony a lot. I sit on the Bycatch Committee for
30 the North Pacific Council. That bycatch was 140,000
31 this year. Most of those fish were four, five and six
32 year old fish who would be coming back again next year.
33 Ladies and gentlemen, we're stuck with that for at
34 least three more years and we have no recourse except
35 to accept that until the new years of North Pacific
36 Fishery Management Council go into effect. So, once
37 again, you think 140,000 this year was expensive. It's
38 going to continue for the next couple years, ladies and
39 gentlemen.

40
41 So I'd like to offer my support for
42 Proposals 13 and 14. I'd also like to take this
43 opportunity to offer my support for 15 and 16 as well.
44 Those are legitimate subsistence users up in that
45 district. That's one of the things we need to remember
46 about that fishery, those are legitimate subsistence
47 users. So even if the amount went up, that would be
48 okay because they're legitimate users.

49
50 Mr. Chairman, I thank you. I want to

1 thank all you Board members. I understand that a lot
2 of you don't necessarily want to be here, but I think
3 it's very important to us as subsistence users that you
4 are here and I want to thank all you new Board members
5 to the process. Chairman Fleagle, I'd like to thank
6 you for changing the process. I think that some of the
7 procedural things that you've implemented are real
8 beneficial to this process and offer the public a good
9 opportunity to participate. Mr. Chairman, thank you.

10

11 CHAIRMAN FLEAGLE: Thanks for the kind
12 comments, Mike, but those didn't gain you anything.

13

14 (Laughter)

15

16 MR. SMITH: Mr. Chairman, I realize
17 that. I was going to say that first, but I got so
18 wrapped up.

19

20 CHAIRMAN FLEAGLE: I'm just kidding
21 with Mike. We know each other from a long time back.
22 Thanks, Mike. Pete.

23

24 MR. PROBASCO: Thank you, Mr. Chair.
25 Next is Stanley and following Stanley will be Sue
26 Entsminger.

27

28 CHAIRMAN FLEAGLE: Welcome. Good
29 afternoon.

30

31 MR. PETE: Thank you, Mr. Chairman. My
32 name is Stanley Pete. I'm from Nunam'Iqua. I will be
33 speaking in opposition to FP08-13 and 14. First, FP08-
34 13 will extend my subsistence fishing time using a less
35 efficient gear, costing me and others in my community
36 more time and money. With the high cost of fuel and
37 oil and already restricted by the window schedule.

38

39 FP08-14 will cost me and people in my
40 community more money to purchase new gear. The 2005
41 study shows that 7.5-inch mesh gear is the most
42 effective gear. Although there is a decline in female
43 percentage, that is because the gear is more effective
44 in catching more fish and with more fish you get more
45 males in the net. Another thing I would like to point
46 out. Using 7.5-inch mesh gear is like stretching a
47 7.5-inch mesh gear across a stream and the only fish
48 that will get to the spawning grounds will be the fish
49 that could swim past the 7.5-inch mesh gear.

50

1 In 2007, escapement goals were met or
2 exceeded and I think the State had a big responsibility
3 for that. They have been managing the fishery very
4 conservatively and I think they're doing a great job.
5 Also, you guys heard a lot about the Bering Sea high
6 bycatch rate of chinook salmon bound to the Yukon.

7
8 I'd like to make a comment on the
9 individuals that came before me saying the Wade Hampton
10 District is the poorest financially, but in my opinion
11 I reside in one of the richest subsistence lifestyles
12 in the world. I have all this salmon swimming past my
13 back yard. I can sit on my porch front and shoot swans
14 and geese from my porch and seals and belugas are
15 plentiful in our region because the Board is doing a
16 great job at making sure we have our subsistence
17 lifestyle in place.

18
19 I would like to make a comment on
20 Virgil's opinion about everybody being sponsored by the
21 CDQ group, but that's not true. There's been tribal
22 involvement and there's been local corporations that
23 have sent individuals here to testify before the Board.
24 Thank you, Mr. Chairman.

25
26 CHAIRMAN FLEAGLE: Thank you, Stanley.
27 Appreciate the comments. Questions.

28
29 (No comments)

30
31 CHAIRMAN FLEAGLE: All right. Pete.

32
33 MR. PROBASCO: Next is Sue Entsminger
34 and then following Sue will be Jack Reakoff.

35
36 CHAIRMAN FLEAGLE: Good afternoon.
37 Welcome.

38
39 MS. ENTSMINGER: Thank you, Mr.
40 Chairman and Members of the Board and everyone here.
41 At first I was considering jumping in my van and
42 heading home because I can see how difficult this is
43 for everyone and then I decided it takes guts to be in
44 these positions and I should, even though I don't have
45 the same guts I had when I wore a skunk hat in front of
46 the Park Service many years ago telling them they
47 stank, but I have grown, I hope, since those days. I
48 live in the very southern portion of the Eastern
49 Interior, which borders the Southcentral, so the Yukon
50 is a little bit more remote for me to understand the

1 issues like the people that live there.

2

3 As our Council met, I remember all the
4 discussion and the information given to the Council at
5 the time, even Amy Wright who was raised on the Yukon
6 and now living in Tok, came to the Council wanting to
7 vote opposing these two proposals and once she heard
8 the testimony she changed her vote and she heard a lot
9 of the concerns because her relatives live in the Lower
10 Yukon. Richard Carroll also lives in the Upper Yukon
11 there. When you hear everybody that lives there and
12 you think of the resource, you say the resource is
13 first. The stuff that we heard made us vote
14 unanimously in favor of these two proposals.

15

16 But I want to speak just briefly on
17 something I brought out earlier on management and
18 authority. I really appreciated Bert Adams saying he's
19 a State's rights person and I believe I am also, but
20 I'm watching these two systems evolve since they
21 started and I believe they're both broke. I believe
22 the State system is broken and some of the things I'm
23 seeing going on. I don't see that there's a lot of
24 working together. We had a caribou program in the 40
25 Mile that we worked together and we came up with a
26 permit that was both State and Federal and that was an
27 awesome thing that happened to work out. Now it just
28 appears to me that even the Federal system is broke.
29 There's got to be ways we as users can get together and
30 join hands and work together. I feel like it's just
31 separating even further.

32

33 I wrote down a couple things maybe to
34 make you feel how I feel about this. I almost feel
35 like a child that has divorced parents. You would like
36 to be with both of them and I feel this is what's
37 happening here with this situation. I wanted to really
38 let the people in the Lower Yukon know I personally
39 have been living a subsistence lifestyle for a long
40 time. I'm close friends with Katie John. Some of her
41 family consider me their adopted family, which I am
42 honored by. In order to live in rural Alaska sometimes
43 you are a commercial user like these people. I
44 understand that because it happens to us. I commercial
45 fished in my life. I was introduced to commercial fish
46 by Jack's family and it was a way to give you a
47 livelihood. But I have to come back down to the
48 resource and the resource is first.

49

50 I can see you going for the button, so

1 I'm done.

2

3 CHAIRMAN FLEAGLE: Good catch. Thank
4 you, Sue, for those comments. Board members,
5 questions. Bob Aloysius.

6

7 MR. ALOYSIUS: I didn't get her name
8 and who she represents and where she's from.

9

10 CHAIRMAN FLEAGLE: Would you restate
11 that, please.

12

13 MS. ENTSMINGER: Do I look different
14 than I did two days ago? My name is Sue Entsminger. I
15 apologize. And I'm the chairman of the Eastern
16 Interior RAC. Virgil is sitting in. I apologize.

17

18 CHAIRMAN FLEAGLE: All right. Pete.

19

20 MR. PROBASCO: Thank you, Mr. Chair.
21 Jack Reakoff is next and then following Jack will be
22 Rebecca Gisclair.

23

24 MR. REAKOFF: Thank you, Mr. Chairman.
25 First off, I've commercial fished in Bristol Bay for 20
26 years, drift gillnet, have lots of experience, have
27 picked hundreds of thousands of fish in my life for 32
28 years. I'm very familiar with using gillnet. I oppose
29 Proposal 08-13. Salmon, king salmon especially, when
30 the wind blows, they come to the surface of the water,
31 so limiting the gear size to 35 mesh is ineffective if
32 the wind is blowing and the Lower Yukon is a windy area
33 and that is ineffective as far as I'm concerned in
34 protecting the larger fish. I've caught fish right
35 under the cork line in 30-knot blows or pick them right
36 on top of the water. That's an ineffective proposal.

37

38 I support 14. I'm highly appreciative
39 of the State's studies that they're doing and the JTC,
40 but this is a real issue of a size decline. I'm
41 speaking for people in the upper drainage that are not
42 here. They do not have somebody to send them down
43 here. There are people that have been telling us for
44 years and years that the size of the fish in the
45 spawning grounds in the upper drainage are going down.
46 This is TEK. This has to be listened to. There's been
47 a 17 percent documented decline in the salmon size on
48 the Yukon River. The lower river fishery uses 8.5 to
49 8.75-inch gear. There's basically under a long
50 duration straining of the waters to attain their

1 commercial needs and subsistence needs.

2

3 The presentation by the State of Alaska
4 this morning on the selectivity on Page 4 of this
5 document that's laying on your desk there, there's a
6 picture and a picture is worth 1,000 words. The center
7 on Page 4 at the top right shows three columns of fish
8 laying on the dock. The center column is the 7.5-inch
9 net. It catches almost twice as many fish in this
10 picture. They say statistically it will increase
11 harvest by 20 percent. So, in reality, Proposal 08-14
12 is beneficial to the subsistence users. You have a
13 less -- you have more catch per unit of effort. So, in
14 reality, this proposal is beneficial to the subsistence
15 users. I support it fully.

16

17 In my own personal perspective, it's
18 beneficial. The people on the Yukon spoke in my region
19 about this cost issue. I feel that the implementation
20 period has to be extended. People have to have time to
21 accumulate the resource to change. People tear up
22 gear. The gear that they're using right now is not
23 impervious to degradation. It gets torn up fishing it.
24 So if '08-14 was implemented over a three or four-year
25 period, it would allow the State of Alaska to complete
26 the selectivity study, it would allow the Board of Fish
27 to have one year to look at it and it would start the
28 clock because this is a real resource issue. We are
29 harvesting on the upper end spectrum of what's present.
30 In reality, 7.5 harvest at the optimum of what's
31 present. You fish for a shorter period of time to meet
32 your needs, so it's the best thing to do for the
33 fishery. Thank you.

34

35 CHAIRMAN FLEAGLE: Thank you, Jack.
36 Appreciate those comments. Questions.

37

38 (No comments)

39

40 CHAIRMAN FLEAGLE: All right. Thank
41 you.

42

43 MS. ENTSMINGER: Mr. Chairman. For the
44 record, I did not state that my testimony was from me
45 as an individual. I apologize for that and I just
46 wanted to clear that.

47

48 CHAIRMAN FLEAGLE: Thanks for the
49 clarification. I understood that. Appreciate that.
50 Because we do have a RAC rep at the table who is going

1 to talk on the RAC position later. Pete.

2

3 MR. PROBASCO: The last two is
4 Rebecca, who is up at the seat, and then Sky Starkey.

5

6 MS. GISCLAIR: Mr. Chair. Members of
7 the Federal Subsistence Board. My name is Rebecca
8 Robbins Gisclair and I'm representing the Yukon River
9 Drainage Fisheries Association, otherwise known as
10 YRDFA. YRDFA is an association of commercial and
11 subsistence fishermen and women the length of the Yukon
12 River in Alaska. Our board is composed of 16 fishermen
13 and women from the Alaska portion of the river as well
14 as one non-voting member from Canada. The YRDFA board
15 takes action on fisheries proposals on a consensus
16 basis and if we do not have consensus from all of our
17 members, we do not take a position on a proposal. For
18 this reason, the YRDFA board did not have consensus on
19 Proposals FP08-13 and 14.

20

21 YRDFA has dedicated a great deal of
22 time and resources to the issue of changing size of
23 fish on the Yukon River. Our work has included a
24 series of stakeholder meetings to address this issue,
25 the documentation of which you have in the OSM comments
26 in your books as well as continued attention at YRDFA
27 board and annual meetings. Despite our efforts,
28 upriver and downriver fishers remain divided on this
29 issue and, thus, the YRDFA board did not have consensus
30 on these proposals.

31

32 While considering changes to
33 subsistence fishing in river, I'd like to address a
34 related but distinct issue of salmon bycatch in the
35 Bering Sea/Aleutian Islands pollock fishery, which
36 you've heard mentioned by previous testifiers. As
37 you've heard, over 130,000 chinook salmon were caught
38 as bycatch in that fishery this year and were either
39 discarded or given to food banks. According to a study
40 by Kate Meyers of the University of Washington, which
41 looked at the 1997 to '99 samples from that fishery, 56
42 percent of the chinook salmon caught as bycatch are
43 from western Alaska and 40 percent of that is from the
44 Yukon River specifically.

45

46 This year, accounting for marine
47 mortality, that meant over 25,000 Yukon River fish were
48 intercepted by the pollock fleet before they could even
49 begin their journey back to the river. The Eastern
50 Interior and Western Interior Regional Advisory

1 Councils as well as AVCP, TCC, Bering Sea Fisherman's
2 Association, YRDFA and the Bristol Bay and Yukon Delta
3 CDQ groups have been actively requesting the North
4 Pacific Fishery Management Council and NMFS to take
5 immediate action to reduce this bycatch.

6

7 We would strongly urge this Board in
8 providing for the subsistence priority provided by
9 ANILCA to weigh in with both the North Pacific Fishery
10 Management Council and NMFS to take immediate action to
11 reduce salmon bycatch. Thank you.

12

13 CHAIRMAN FLEAGLE: Thank you, Rebecca.
14 Appreciate those comments. Tom Melius.

15

16 MR. MELIUS: I do have one question.
17 You mentioned that you were not able to reach consensus
18 and looking through your meeting notes, how close were
19 you, how far apart were you in your final decision not
20 to move forward with a consensus but provide a variety
21 of options?

22

23 MS. GISCLAIR: Mr. Chair. Mr. Melius.
24 I believe what you're referring to is the work group,
25 which I should distinguish is separate from the YRDFA
26 board, which is a smaller subset of that group. In
27 both cases, we were far from having consensus. People
28 remained very divided on the issues.

29

30 MR. MELIUS: Thank you.

31

32 CHAIRMAN FLEAGLE: Other questions.

33

34 (No comments)

35

36 CHAIRMAN FLEAGLE: Hearing none. Thank
37 you for the testimony. Pete.

38

39 MR. PROBASCO: Mr. Sky Starkey has the
40 red lantern.

41

42 MR. STARKEY: Thank you, Mr. Chairman.
43 I'll be testifying on behalf of AVCP. I'm going to
44 focus in on what you've heard repeatedly today and that
45 is that the resource is first. I don't think that
46 there's any disagreement on that point among any of the
47 Regional Councils, upper or lower river, the State or
48 hopefully the Federal Subsistence Board. What you've
49 got is users upriver and downriver fighting over fish
50 in the river because there's not enough fish in the

1 river for subsistence needs and they're losing classes.

2

3 Of course, what's happening and what's
4 obvious to everybody who's following this is that tens
5 of thousands of chinook salmon are not making it to the
6 river in the first place. They're being intercepted in
7 a high seas fishery that's regulated by the Secretary
8 of Commerce. In talking to Commissioner Lloyd
9 yesterday, he assured me that the State is very
10 concerned about the bycatch and is taking what actions
11 it can to try to cap that bycatch. So are the users
12 and I believe the users up and down the river are joint
13 and united in this effort.

14

15 What I haven't heard and what I don't
16 see in the analysis is what the Secretary of the
17 Interior and this Board is going to do about the
18 bycatch. It seems myopic to me that the Board would
19 focus in and base some action on conservation which it
20 knows is going to have consequences on users without
21 looking at its broader responsibility to weigh in in a
22 positive and forceful way with the Secretary of
23 Commerce in getting this bycatch capped.

24

25 The North Pacific Fishery Management
26 Council may not be able to take immediate action on the
27 cap, but NMFS can and has that authority and so does
28 the Secretary of Commerce. It would seem appropriate
29 that this Board, in taking any action that it takes,
30 also move in the affirmative to make it known through
31 the Secretary of the Interior to the Secretary of
32 Commerce that the Secretary of Commerce should take
33 immediate action to cap the bycatch of chinook salmon
34 in that pollock fishery this season and I urge the
35 Board to do that. Thank you, Mr. Chairman.

36

37 CHAIRMAN FLEAGLE: Thank you, Sky.
38 Questions.

39

40 (No comments)

41

42 CHAIRMAN FLEAGLE: All right.
43 Appreciate the testimony. Are there any more, Pete?

44

45 MR. PROBASCO: No, Mr. Chair. That
46 completes our public testimony.

47

48 CHAIRMAN FLEAGLE: All right. Thank
49 you. That concludes open public testimony on the
50 Proposals 13 and 14. We now turn to the Regional

1 Council recommendations. I don't have an order to call
2 on the Advisory Councils, so whoever raises their hand
3 first will get to go first. Bob Aloysius.

4
5 MR. ALOYSIUS: Before you do that, I
6 have a question regarding what I can and cannot say
7 because I have never been briefed on the procedures of
8 this type of meeting. I explained that to -- you know,
9 this is my first time here and nobody has ever queried
10 me on what I can say as a RAC member or what I can say
11 personally, so I need a clarification on that.

12
13 CHAIRMAN FLEAGLE: I appreciate that,
14 Bob, and I do remember you addressing me on day one
15 about this and just forgot to bring it up, but I had
16 intended on it. Pete, do you want to go ahead and
17 address the question.

18
19 MR. PROBASCO: Thank you, Mr. Chair.
20 Mr. Aloysius. You representing your Regional Council,
21 Yukon-Kuskokwim area, you can speak on behalf of that
22 Council on items that your Council acted upon and on
23 the area that they discussed, so you're confined to
24 what took place at your meeting. Mr. Chair.

25
26 CHAIRMAN FLEAGLE: And that's not
27 absolute. We do often rely on Council chairs for
28 additional knowledge, as we did with other chairmen of
29 the regions that were up. When you do give your
30 position, please confine it to the RAC's position, the
31 comments, and if we ask questions that might pertain to
32 the issue, then we'll rely on your knowledge.

33
34 MR. ALOYSIUS: Thank you.

35
36 CHAIRMAN FLEAGLE: Do you want to go
37 first?

38
39 MR. ALOYSIUS: Sure.

40
41 CHAIRMAN FLEAGLE: Okay, Bob.

42
43 MR. ALOYSIUS: My name is Bob Aloysius.
44 I'm the vice chair for the Yukon-Kuskokwim Delta
45 Regional Advisory Council. The RAC of the Y-K Delta
46 opposes Proposals FP08-13 and 14 based on what you
47 heard from all the constituents of this area.
48 Basically lower Kuskokwim fishermen have already made
49 many sacrifices to protecting salmon. Evidence isn't
50 compelling yet and there's no justification for this

1 level of action at this time. King salmon subsistence
2 and commercial fisheries are very important to the
3 people of the Lower Yukon.

4

5 Emphasis is placed on this following.
6 There is concern about the impact that high seas
7 fisheries are having on king salmon numbers, age and
8 size. There are significant impacts on the king salmon
9 populations before the king salmon reach the mouth of
10 the Yukon River. That is their justification for
11 opposing these two proposals.

12

13 CHAIRMAN FLEAGLE: Thank you, Bob.
14 Questions, Board members.

15

16 (No comments)

17

18 CHAIRMAN FLEAGLE: Okay. We appreciate
19 that. Jack Reakoff.

20

21 MR. REAKOFF: Jack Reakoff, Western
22 Interior Regional Advisory Council. Our Council
23 deliberated these proposals extensively and the Council
24 took no action. I asked the Council for justification
25 because I wanted this Board to be aware that we didn't
26 just decide they had no merit. The Council felt they
27 had merit. They didn't want to be stuck in the middle.
28 They didn't want to be the bad guys. So the Council
29 had various reasons. I went down the table and the
30 Council went through the various reasons.

31

32 The primary discussion at our Council
33 meeting from the public is cost of implementation. The
34 high cost of re-tooling for this fishery, so that was a
35 huge issue. We were in Galena. Sidney Huntington
36 spoke against the proposal because of this cost. When
37 you're in Galena and Sidney Huntington says jump, you
38 ask how high. So our Council locked up at that point.

39

40 The other discussion revolved around
41 not knowing what the Board of Fisheries is going to do.
42 They don't want to start recommending certain gear size
43 if the Board of Fish comes up with a different gear
44 size, so they didn't want to be out of step with what
45 the Board of Fish is doing.

46

47 They don't want to cause confusion
48 between State and Federal waters. That was another
49 reason given. The State has a selectivity study that's
50 still in progress. That hasn't been completed. That

1 was given as a reason.

2

3 The preponderance of the testimony
4 revolved around the salmon size decline. The Western
5 Interior has transmitted to this Board several
6 different times, we've been hearing it for many years,
7 there is a salmon size decline in the upper part of the
8 drainage. It's not apparent as the fish move up the --
9 the lower drainage it's not apparent. As the fish move
10 up the drainage, it becomes very apparent. They've
11 been weeded down to the smaller sizes.

12

13 Our past chair Ron Sam says the Western
14 Interior is stuck in the middle literally and in other
15 issues and didn't feel like -- because of the testimony
16 that we received about this high cost and what the
17 proposal was, it's my impression as the chair that the
18 board felt the proposals had merit. They would have
19 voted them down otherwise. But they did not take
20 action because they didn't want to be the bad guys and
21 didn't want to be a tie-breaker, so that's why the
22 Western Interior took no action. Thank you.

23

24 CHAIRMAN FLEAGLE: Appreciate that
25 explanation, Jack. Thank you. Up next we have Virgil
26 Umphenour.

27

28 MR. UMPHENOUR: Thank you, Mr. Chair.
29 I have a question on procedure. What I would like to
30 do and I don't know if you want me to do it now or
31 under item 7. What our RAC, our Council, the subjects
32 -- I've got some documentation on how our deliberation
33 went, on how we came about making our decisions. Sue,
34 our chair, in her personal testimony spoke that some
35 people changed their mind. Do you just want what we
36 did?

37

38 CHAIRMAN FLEAGLE: Yeah, at this point
39 just explain your action and we will provide an
40 opportunity for you to discuss with the Board the
41 merits of those actions within the discussion.

42

43 MR. UMPHENOUR: Thank you. Our Council
44 has discussed this issue I don't know how many times.
45 Numerous times for numerous years. So what our Council
46 did is after we went through the discussion -- well,
47 first we had Staff report from OSM Staff and then we
48 had the presentation from Fish and Game similar to the
49 one we had, but now they've changed it and added more
50 stuff to it today than what was presented to us, and

1 then we had Council discussion after that in our
2 deliberation process.

3
4 During the Council discussion one of
5 the people, and Sue mentioned that a while ago, Amy,
6 who has family that lives in the Lower Yukon, she came
7 right out and said that after talking to her family she
8 was prepared to vote against our two proposals. But
9 then she thought the information, the way our
10 discussion went, was compelling enough to change her
11 mind and we had a unanimous vote to support both
12 proposals, although some of us have concern.

13
14 Like Sue said, she feels kind of like
15 being a child of divorced parents, pulled in both
16 directions. So we have that, but our responsibility
17 is, number one, the health of the resource and, number
18 two, subsistence opportunity for the people we
19 represent. So, based on those two priorities, what our
20 mission is as Council members, we voted unanimously to
21 support our proposals. Thank you, Mr. Chair.

22
23 CHAIRMAN FLEAGLE: Thank you, Virgil.
24 Appreciate those comments. Vince Mathews.

25
26 MR. MATHEWS: Mr. Chair. I'll cover
27 the Seward Pen action, which you find on Page 3 and 4.
28 Basically they oppose 13 and 14. They had similar
29 justification as the Yukon-Kuskokwim Delta Regional
30 Advisory Council. They felt that the Lower Yukon
31 fishermen have already made enough sacrifices to
32 protect the king salmon and evidence wasn't compelling
33 yet and there's no justification for this level of
34 action at this time. Thank you, Mr. Chair.

35
36 CHAIRMAN FLEAGLE: Thank you, Vince,
37 for that explanation. Virgil.

38
39 MR. UMPHENOUR: I left out with
40 modification, the way Office of Subsistence Management
41 modified Proposal 13.

42
43 CHAIRMAN FLEAGLE: Okay. Thanks. That
44 brings us now to the Department of Fish and Game
45 comments. We heard a lengthy biological explanation
46 earlier. I'd ask that this just be considered the
47 opportunity to put the Department's position on record
48 and then we'll certainly allow you to participate in
49 the discussion further, John. Thank you.

50

1 MR. HILSINGER: Thank you, Mr.
2 Chairman. Ms. Cunning is going to provide the
3 preliminary comments and then I had some follow up.

4
5 CHAIRMAN FLEAGLE: Thank you. Go
6 ahead, Tina.

7
8 MS. CUNNING: Prior to making our
9 comments, I'd like to clarify that and thank OSM who
10 requested our Department's research and management
11 staff to make presentations similar to what they did
12 today for each of the RAC meetings as well as at your
13 meeting today. That was not at our request. That was
14 at OSM's request. Consequently, when they made those
15 presentations at the RAC meetings, they did it right in
16 the middle of season before they had all the data in
17 and they worked very hard to get that to the RAC
18 meetings, so that is why some of the data has changed
19 because it's been added to.

20
21 As we've agreed to the first day of this
22 meeting, our official comments we'd like to enter into
23 the transcript of this meeting so that they're
24 available to people. Our comments are in the packet of
25 supplemental materials which OSM provided. They're
26 near the end of that. These comments were prepared in
27 November in time to be included in your Board book and
28 available on the website for the public; however, OSM
29 held our State comments while they recrafted their own
30 comments. Then OSM twice requested our review of their
31 analysis and in both instances we provided corrections.
32 Some of the problems still remain uncorrected in the
33 final Federal analysis.

34
35 Consequently, for the record, I'm going
36 to summarize the Department's two key points and then
37 Mr. Hilsinger is going to provide some important
38 supplemental information regarding mesh net sizes, fish
39 sizes, other management considerations regarding the
40 health of stocks that are very important to your
41 deliberations.

42
43 Our two key points. The first regards
44 your authority and the second addresses the
45 conservation of chinook salmon. The State of Alaska is
46 responsible for the sustainable management of fish and
47 wildlife. Our Boards allocate and regulate those
48 resources among the users with a preference for
49 subsistence on all lands in Alaska. The Federal Board
50 is responsible for assuring a subsistence priority on

1 Federal lands for rural residents. Our Federal and
2 State regulations overlap in Federal areas. The
3 Federal Board has authority to close Federal areas
4 under ANILCA when necessary for conservation of healthy
5 populations or to continue subsistence uses of such
6 populations.

7

8 Action by the Board on these proposals
9 is not necessary to meet the amounts necessary for
10 subsistence. Action is not necessary for conservation.
11 This is not a conservation issue. This is an
12 allocation issue between upriver and lower river users.
13 Similar proposals have been before the Board of Fish
14 for the last several years.

15

16 As eloquently stated by many who
17 testified today, these proposals create unnecessary
18 division between the upriver and down river users. In
19 such cases we ask that OSM please schedule such issues
20 to be addressed by all the Yukon RAC's together in the
21 future. It may be a challenge scheduling, but it is
22 inappropriate to set up the users along the Yukon River
23 to compete with each other. The State has worked with
24 the user groups for many decades to meet together and
25 respect each other's needs. OSM's having the RAC's
26 meet separately is reviving the ill will and
27 divisiveness of the old days.

28

29 Lastly, on the issue of conservation,
30 let me clarify that the available data shows fish size
31 trends consistently decreased across many watersheds
32 for nearly 15 years in the '80s and '90s, regardless of
33 mesh size used in the rivers. However, chinook salmon
34 sizes have been increasing in the Yukon River since the
35 crash in 2000.

36

37 The second key point is in response to
38 the proposal to regulate the State's fisheries. This
39 proposal is a major Federal action significantly
40 affecting the human environment and because it involves
41 an attempt to actively manage State subsistence and
42 commercial fisheries it goes beyond the scope of the
43 programmatic EIS supporting the development of the
44 Federal Subsistence Management Program. As such, it
45 should not be adopted without first performing an
46 analysis of the impacts of the proposals under the
47 National Environmental Policy Act.

48

49 The Federal Staff analysis makes the
50 unsupported statement that in addition to its closure

1 authority the Federal Subsistence Board, quote, also
2 has the authority to impose methods, means, time and
3 harvest restrictions on all users fishing in Federal
4 public waters, unquote. This statement is contrary to
5 the clear language of ANILCA and conflicts with the
6 traditional constitutional balance between the State
7 and Federal government.

8

9 The Board may restrict non-subsistence
10 hunting or fishing by closing an area of the Federal
11 public lands to hunting or fishing by non-subsistence
12 users, but it has no authority to authorize or regulate
13 hunting or fishing that is not conducted under Federal
14 subsistence regulations. The Board's purposes can be
15 satisfied without preempting State management of its
16 fisheries through limitations on the Federal
17 subsistence fishery and closures to non-Federal
18 fisheries.

19

20 Title VIII of ANILCA grants no
21 authority to the Secretary to authorize or regulate
22 State fisheries. Under Section 805 of ANILCA, the
23 Secretary's authority for consideration of Regional
24 Advisory Council reports and recommendations is limited
25 to recommendations, quote, concerning the taking of
26 fish and wildlife on the public lands with respect to
27 reaches for subsistence uses, unquote.

28

29 While this Section 805 might be
30 construed to authorize pure restrictions of
31 non-subsistence use, such as time and area closures, it
32 does not authorize the Federal government to
33 affirmatively allow, that is to regulate hunting or
34 fishing on Federal public lands by persons other than
35 Federally qualified subsistence users. The attempt to
36 regulate gear in the State commercial and subsistence
37 fisheries would constitute a preemption of traditional
38 State authority to regulate game within the State's
39 boundaries and would cause a change in the usual
40 constitutional balance between the State and Federal
41 government.

42

43 For Federal preemption to be valid in
44 such cases, Congress must make its intention
45 unmistakably clear in the language of the statute.
46 There is nothing in ANILCA that clearly states the
47 authority of the Federal government to displace
48 Alaska's authority to regulate methods and means.

49

50 State law should be preempted only to

1 the extent necessary to protect the achievement of the
2 aim of the Federal act in question. Even if assumed to
3 be within the Secretary's authority, which we
4 vigorously asserted is not, imposing methods and means
5 restrictions on State fisheries is that same type of
6 interference with normal Federal/State relationships
7 that is involved when the Secretary considers exercise
8 of extraterritorial jurisdiction beyond Federal lands.

9
10

11 The Secretary has not delegated
12 authority to claim extraterritorial jurisdiction to
13 this Board and the Secretary has indicated that because
14 of the risk of damage to Federal/State relationships in
15 the letter from Secretary Norton to the Chairman of
16 this Board, such jurisdiction will not be claimed
17 absent, quote, a clear demonstration that the State's
18 action constitutes a substantial and impermissible
19 interference with a Federally protected right.

20

21 It is the Department's recommendation
22 that the Board oppose both proposals. The Alaska Board
23 of Fisheries will be reviewing the results of the
24 three-year mesh size study in two years. Until those
25 studies are completed there is little hard information
26 or specific data upon which to judge the potential
27 effects of the proposals. If it is determined that a
28 gear change is necessary in the future, the State would
29 support a riverwide approach and a thorough review of
30 data options and specific management objectives with
31 the public to gain their input and concurrence.

32

33 Making a change in only Federal
34 regulations will be costly to subsistence users apply
35 only in some areas and may not have the desired effect
36 on chinook salmon for decades. Making a gear change
37 now may mean subsistence users would have to change
38 gear again depending upon the results of the mesh size
39 studies, which would be a necessary hardship for most
40 Yukon residents. If a modification in gillnet gear is
41 necessary, the State would also, as a delegate on the
42 treaty, work through the Yukon River Panel to make the
43 changes in the Canadian fisheries.

44

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

47

48 FP08-13 and FP08-14 YUKON RIVER GILLNET
49 MESH AND GILLNET DEPTH RESTRICTIONS

50

1 Introduction: FP08-13 would limit all
2 gillnets with a stretch mesh size of greater than 6
3 inches to a maximum depth of 35 meshes for all users
4 (subsistence and commercial) in waters of the Yukon
5 River where federal subsistence regulations apply.
6 FP08-14 would restrict all gillnets fished in waters
7 where federal regulations apply to a maximum of 7.5
8 inch stretch mesh size, phased in over a 3-year period
9 for subsistence fishers and 1-year for commercial
10 fishers. Proposals similar to Proposal FP08-13 were
11 submitted to the Federal Subsistence Board (Board)
12 twice before (FP05-03 and FP06-04), and the Board took
13 no action or opposed these proposals. Proposals to
14 restrict either gillnet mesh size or depth submitted at
15 the Alaska Board of Fisheries February 2007 regulatory
16 meeting for the Arctic-Yukon-Kuskokwim Region were not
17 adopted. Both the federal and State proposals were
18 thoroughly reviewed in an open public process¹.

19
20 Impact on Subsistence Users: The
21 stated intent of both proposals is to reduce the catch
22 of large female Chinook salmon in Yukon River gillnet
23 fisheries. If either proposal is adopted, the gear
24 restrictions would apply only to participants in
25 federal subsistence fisheries on the Yukon River. The
26 federal subsistence users would potentially be required
27 to fish longer hours to harvest the same number of fish
28 with less efficient nets and would need to purchase new
29 nets at an approximate cost of \$1200 to \$1400 per net
30 and \$500 for mesh only. Those who could not afford new
31 nets would have significant additional fuel costs to
32 travel to waters where federal regulations do not
33 apply, or they may not be able to meet their
34 subsistence needs. Gear used under State regulated
35 subsistence and commercial fisheries would not be
36 affected unless the Federal Board seeks to close waters
37 where the federal government claims jurisdiction to
38 non-federally eligible participants, creating a
39 conflicting patchwork of waters under state and federal
40 regulations. Although Upper Yukon use of fish wheels
41 would not be directly affected, adoption of these
42 proposals could result in effectively reallocating
43 harvest of Chinook salmon from gillnet users to fish
44 wheel operators.

45
46 Issues: Some of the public and one
47 Regional Advisory Council have expressed concerns that
48 deeper nets or nets with larger mesh size may take more
49 of the larger female fish. A thorough review of
50 results of current studies regarding fish size and gear

¹ The proponent for mesh/depth changes, an upper river fish wheel commercial fisherman, subsequently filed an agenda change request to the Alaska Board of Fisheries. At their October 2007 public meeting, the Alaska Board of Fisheries rejected the request (4-3) and a motion to reconsider the request also failed (5-2).

1 and status reports for the projects in progress
2 indicates that existing data do not adequately address
3 the effects of proposed mesh size and depth changes on
4 gillnet catch composition. For instance, while data
5 exist for various mesh sizes from the Pilot Station
6 sonar project, commercial fishermen typically hang or
7 fish their nets differently. Thus, catch composition
8 from Pilot Station nets is not directly transferable to
9 expected catch composition in the lower river
10 commercial fishery.

11
12 A decline in the proportion of 7-year-
13 old Chinook salmon was observed in the commercial
14 harvest in the mid-1980s, and this proportion has
15 remained low but stable since the mid-1990s. An
16 analysis of Chinook salmon age, sex, and length from
17 selected tributaries by USFWS Office of Subsistence
18 Management (Hyer and Schluesner 2005) concluded that
19 there has been a small decrease in large spawning fish
20 in 4 out of 7 tributaries evaluated. No clear time
21 trends were found in proportions of either female or
22 older Chinook salmon or for length-at-age of Chinook
23 salmon. At this time it is not possible to determine
24 whether size-selective harvests or variation in
25 environment or a combination of factors is the cause
26 for these trends. Other studies are underway to
27 determine trends in size or age of fish.

28
29 Currently, the State is working with
30 Yukon Delta Fisheries Development Association on a
31 comparative mesh size study. The goal of this project
32 is to gain information about catch composition from 7 ,
33 7 , and 8 stretch-mesh drift gillnets from a test
34 fishery in District Y-1 near Emmonak. Of particular
35 interest is the effect of mesh size on the size of
36 Chinook salmon caught, the number of incidentally
37 caught non-target species such as summer chum salmon,
38 and the marketability of the catch from these three
39 mesh sizes. This information may provide insight into
40 ways to implement management strategies and regulations
41 to sustain Yukon River Chinook salmon while continuing
42 to maintain subsistence, commercial, and sport
43 fisheries.

44
45 The U.S./Canada Joint Technical
46 Committee has directed a subcommittee to address this
47 issue. The U.S./Canada Joint Technical Committee
48 Salmon Size Subcommittee compiled relevant literature
49 and existing analyses pertaining to these trends and
50 potential causes of these trends in their Potential

1 Causes of Size Trends in Yukon River Chinook Salmon
2 Populations report (JTC 2006). This informational
3 summary was divided into six sections: history of the
4 Alaskan Yukon River Chinook salmon harvest and fishery
5 sampling, history of the Canadian Yukon River Chinook
6 salmon harvest, summary of prior age, sex and size
7 investigations, summary of Yukon River gillnet
8 selectivity, heritability of traits and potential
9 effects of selective fisheries, and oceanic influences
10 on salmon size. The evidence that Yukon River Chinook
11 salmon have undergone phenotypic alteration over time
12 is limited, but suggestive. Analyses document a
13 decrease in the weight of commercial harvests (Bigler
14 et al. 1996), a reduction in the prevalence of the
15 largest fish (Hyer and Schleusner 2005), and the
16 apparent near disappearance of age-8 fish, although
17 age-8 fish were never a large component of the run
18 (typically <1%) (JTC 1998).

19
20 Whether the changes observed within
21 Yukon River Chinook salmon have resulted from
22 environmental or fishery-induced selective pressures,
23 or a combination of both, is difficult to determine
24 with certainty. The Department is committed to
25 continue monitoring of size and age trends in Yukon
26 River Chinook salmon populations and will use this
27 summary report as a means to develop hypotheses for
28 further study. In addition, the Department is
29 evaluating size trends in other drainages, including
30 those with and without mesh size restrictions and
31 commercial fisheries. See attached memo, Trends of
32 Chinook Salmon Length in the AYK Region, by Toshihide
33 Hamazaki. This evaluation indicates that mean length-
34 at-age of returning salmon has decreased since the
35 1980s but has been increasing since the late 1990s to a
36 level comparable to that of the early 1980s. These
37 changes were observed not only in escapements in Yukon
38 River tributaries, but also in Goodnews Bay (Kuskokwim)
39 where a restricted fishery has been conducted since its
40 inception. This suggests that fishery mesh size may
41 not be the primary factor driving changes in length-at-
42 age.

43
44 Conservation Issues: Although poor
45 runs occurred from 1998-2000, the Yukon River Chinook
46 salmon stocks are not classed as either a conservation
47 concern or a management concern. The Yukon River
48 Chinook salmon stock is currently classified as a yield
49 concern. In all years, except for the very poor
50 Chinook salmon run in 2000, there has been reasonable

1 opportunity for subsistence fishers to meet amounts
2 necessary for subsistence. A majority of the Yukon
3 River drainage escapement goals have been met or
4 exceeded since 2000. Specifically, the agreed-to
5 escapement objective for the Canadian mainstem has been
6 met every year from 2001 2006, with 2001, 2003, and
7 2005 being the three highest spawning escapement
8 estimates on record. The escapement objective for the
9 Canadian mainstem was not met in 2007. Escapement
10 goals in the Chena and Salcha rivers, the largest
11 producers of Chinook salmon in the U.S. portion of the
12 drainage, have been met or exceeded annually since 2000
13 with escapement levels twice that of the upper end of
14 the goals in the Chena River in 2003 and in the Salcha
15 River in 2003 and 2004. The 2006 Chinook salmon
16 escapement in the Salcha was 10,400 (the upper end of
17 the biological escapement goal is 6,500). The 2007
18 Chinook salmon escapements were within spawning
19 escapement goal ranges in both rivers.

20

21 Although commercial average weights
22 have decreased (Bigler et al. 1996), there is no
23 evidence that the size-at-age of Chinook salmon has
24 changed (Hyer and Schluesner 2005), and the age class
25 composition of the brood year return has remained
26 relatively stable since the mid-1980s. The
27 exploitation rate on the Canadian-origin stock by
28 Alaskan fishers has gone from an average of about 74%
29 and 70% in the 1980s and 1990s, respectively, to an
30 average of about 47% from 2001-2006. Although the
31 subsistence harvest continues to remain stable near
32 50,000 Chinook salmon annually, commercial harvests
33 have decreased over 60% from an average of 100,000
34 annually (1989 1998) to the recent 5-year average
35 (2002 2006) of nearly 40,000 fish. This has been a
36 dramatic decrease but does not necessarily reflect run
37 size because available harvest has been foregone in a
38 number of recent years due to conservative management
39 since 2000 by the Department.

40

41 To address some of these issues, the
42 Department intends to develop escapement goals based on
43 5-year old and older Chinook salmon during the next two
44 years. These escapement goals will be more directly
45 related to quality of escapements and aimed at
46 assisting in sustaining Chinook salmon runs.

47

48 Opportunity Provided by State: Salmon
49 may be harvested under state regulations throughout the
50 majority of the Yukon River watershed, including a

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

26
27 Jurisdiction Issues: (1) Maps are
28 needed showing the specific boundaries and areas where
29 federal regulations are claimed to apply, along with
30 providing the justification for claiming those
31 boundaries. (2) A large percentage of the lands along
32 the Yukon River are state or private lands where
33 federal subsistence users cannot stand to use gear
34 types illegal under state regulations. (3) The federal
35 Board has no authority to adopt gillnet mesh size
36 regulations that would apply to State commercial and
37 subsistence fisheries.

38
39 Department Recommendation: Oppose both
40 proposals. The federal Board should defer any action
41 for two years, when the Alaska Board of Fisheries
42 reviews the results of the three-year mesh size
43 studies. Until those studies are completed, there is
44 little hard information or specific data upon which to
45 judge the potential effect of the proposals. If it is
46 determined that a gear change is necessary in the
47 future, the State would support a river-wide approach
48 and a thorough review of data, options, and specific
49 management objectives with the public to gain their
50 input and concurrence. Making a change in only federal

1 regulations would be costly to subsistence users, apply
2 only in some areas, and may not have the desired effect
3 for decades. Making a gear change now may mean
4 subsistence users would have to change gear again,
5 depending upon the results of the mesh size studies²,
6 which would be an unnecessary hardship for most. If a
7 modification in gillnet gear is necessary, the State
8 would also work through the Yukon River Panel to make
9 changes in Canadian fisheries.

10

11 Cited References:

12

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14 Helle. 1996. A review of size trends among North
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16 Fisheries and Aquatic Sciences 53:455-65.

17

18 Hyer, K.E. and C.J. Schleusner. 2005.
19 Chinook salmon age, sex, and length analysis from
20 selected escapement projects on the Yukon River. Alaska
21 Fisheries Technical Report Number 87. U.S. Fish and
22 Wildlife Service, Anchorage, AK.

23

24 JTC (Joint Technical Committee of the
25 Yukon River US/Canada Panel). 2006. Potential causes
26 of size trends in Yukon River Chinook salmon
27 populations. Alaska Department of Fish and Game,
28 Division of Commercial Fisheries, Regional Information
29 Report No. 3A06-07, Anchorage, AK.

30

31 JTC (Joint Technical Committee of the
32 Yukon River US/Canada Panel). 1998. Yukon River Joint
33 Technical Committee report to the March 1998
34 negotiation session, Anchorage, Alaska.

35

36 Attachment.

37

38 MR. HILSINGER: Thank you. Mr.
39 Chairman, I have a few comments to add and I think this
40 will actually save us quite a bit of time in the long
41 run because we address some of the more obvious
42 questions.

43

44 The Department certainly understands
45 the concerns about the size of chinook salmon on the
46 Yukon River and the potential impacts from large mesh
47 harvest. We've tried to address that in the most
48 responsible way by implementing a broad suite of
49 research projects that will give us a good
50 understanding of those effects as well as what we can

² Fish and Wildlife Service is also conducting a stochastic modeling study of potential long-term effects of large-mesh gillnet fisheries on the Yukon River with AYK SSI monies. Parameters of interest include productivity, age, sex and size structure of Yukon River Chinook populations. Data should be available in another year.

1 do effectively to deal with those if that's necessary.

2

3

4 We've been working very closely with
5 the Alaska Board of Fisheries, the Yukon River Drainage
6 Fisheries Association, the Yukon River Joint Technical
7 Committee, the Yukon River Panel, to deal with these.
8 These groups have vast experience on the Yukon River.
9 Each has supported this approach of developing a clear
10 and directed research program to gather this
11 information.

12

13 The Yukon River is not unique in having
14 a large mesh directed chinook fishery. Those
15 fisheries, besides the U.S. portion of the Yukon, occur
16 in the Canadian portion, they occur in Norton Sound,
17 they occur in the Nushagak, they occur in Southeast
18 Alaska and they occur throughout the Alaska Peninsula.
19 Some of these areas have very small chinook populations
20 and, therefore, very few if any people actually use
21 large mesh gear, but they're certainly allowed to.

22

23 In other areas, such as were mentioned
24 in the Staff analysis, such as Cook Inlet and the
25 Kuskokwim and now in the Copper River flats, large mesh
26 gear is not allowed because those chinook populations
27 are extremely important to subsistence, recreational
28 and personal use fisheries, so those stocks have been
29 allocated to those fisheries, so there are no directed
30 commercial fisheries on those stocks.

31

32 The Kuskokwim is an interesting case.
33 There is a commercial fishery, but it's not a directed
34 commercial fishery. The chinook are taken only
35 incidental to the harvest of chum and sockeye and,
36 therefore, it's primarily a six-inch maximum mesh size
37 fishery. But the primary harvest there, about 97
38 percent of the harvest, occurs in the subsistence
39 fishery with large mesh nets. About 2 percent to 3
40 percent of the harvest actually occurs in the
41 commercial fishery, so it's a tiny fraction of the
42 total harvest. So really whether that 2 or 3 percent of
43 the harvest occurs in 6-inch mesh nets or in 8-inch
44 mesh nets is really immaterial. I don't think we could
45 ever gauge the effect.

46

47 The thing about the Kuskokwim also is
48 that the harvest rates are extremely low. They're
49 about 30 percent. Only a few years ago we didn't know
50 that the harvest rates on the Kuskokwim were only about

1 30 percent. It wasn't until we implemented the
2 research programs to estimate the total population
3 size.

4
5 Similarly on the Yukon the harvest
6 rates are very low and we know now that those harvest
7 rates are in the range of 35 to 50 percent. As you saw
8 in the Staff presentation by Steve Hayes, we've
9 discovered that only in the last three years. So
10 whereas historically we thought that we had very high
11 harvest rates and we were very concerned about it, we
12 know now that those harvest rates are substantially
13 lower than we previously thought and that's because we
14 know that counting the number of fish going into Canada
15 substantially underestimates the actual escapement. It
16 underestimates it probably estimates about 40 percent
17 of the actual escapement. So, when you increase that
18 escapement, of course that substantially lowers your
19 harvest rates.

20
21 Again, the Canadian stock in the Yukon
22 probably has the highest harvest rate. It's subject to
23 the most fisheries, the longest gauntlet of harvest and
24 the harvest rate on that is still only 35 to 50
25 percent. So we've substantially reduced the harvest
26 rate.

27
28 This fishery is managed extremely
29 conservatively. Besides having a very low harvest
30 rate, we don't even normally fish until the first
31 quarter to a half of the run has passed through the
32 major commercial fishing districts, Y1 and Y2. We also
33 have the closure windows in the subsistence fishery and
34 we try the best to spread out the harvest so that
35 commercial periods don't impact any one portion of the
36 stock too much. Beside that, a good portion of that
37 catch in some years when there's a directed chum
38 fishery actually comes in 6-inch mesh nets.

39
40 So, certainly we recognize that there
41 can be effects of extreme mesh size selectivity. The
42 Staff analysis cited many papers, peer reviewed
43 literature, so we looked at some of those. One we
44 looked at, which was cited, was the Conover and Munch
45 study in 2002 and I looked at this one because it was
46 written up in the newspaper and it was reported on
47 national public radio and I had people at parties come
48 up to me and talk to me about that particular study.
49 It got quite a bit of press. What you find with that
50 study is that it wasn't done on salmon, it was done on

1 the Atlantic silver sides. The harvest rates that they
2 used was about 90 percent. In other words, they
3 harvested every single fish bigger than the smallest 10
4 percent of the population and they did that generation
5 after generation and they did see some effects of
6 selectivity there. But that's extremely different than
7 the type of management that we have on the Kuskokwim
8 and Yukon Rivers where our harvest rates are 30 to 50
9 percent.

10

11 Had we used their style of harvest in
12 2007, we would have doubled the harvest. We would have
13 taken about 155,000 fish out of a run that was about
14 170,000. There arguably wouldn't have barely been a
15 fish pass into Canada. Besides looking at some of
16 these studies, I think you really have to see how they
17 relate to the actual management on the river.

18

19 We also talked a little bit earlier
20 about the Bigler paper. I actually reviewed that paper
21 before it was published and pointed out to the author
22 that he had combined the average weights from both the
23 unrestricted and restricted mesh periods. On the
24 Kuskokwim he used the time before 1987 when it was
25 unrestricted and then he compared that to the average
26 weights after 1987 when they were limited to 6-inch
27 mesh. This was pointed out to him beforehand, but it
28 was never changed in the report. As the Staff
29 mentioned now, the Salmon Size Subcommittee has to go
30 back through the data in his report and reanalyze it to
31 separate that out.

32

33 I don't bring these up to say that
34 there's no possible effect. As I said, there certainly
35 could be. But I do bring these up as examples to show
36 how complex this issue is. An example of that
37 complexity is that many people may have the impression
38 that the 7.5-inch mesh harvest fish in this range and
39 the 8.5-inch mesh harvest fish in this range and
40 there's a fairly obvious difference between the catch
41 by those different mesh sizes, but that's not really
42 true.

43

44 The 8.5-inch mesh targets fish in the
45 six-year-old size class. The mean size of a six-year-
46 old chinook on the Yukon River is very similar to the
47 mean size in the center of the selectivity curve for an
48 8.5-inch mesh net. So those nets are targeting the
49 six-year-old fish, which are also the most abundant age
50 class on the river.

1 The 7.5-inch mesh net, when you look at
2 the selectivity curve, on the upper side of that curve
3 it's very similar to the 8.5-inch mesh net. The 7.5-
4 inch mesh net will catch just very close to the same
5 number of chinook salmon, large chinooks, as in 8.5-
6 inch mesh net. Where the difference comes is that the
7 7.5-inch mesh net catches a lot more of the medium-
8 sized fish.

9
10 So, while they catch more fish, they
11 also catch about the same number of large chinook. In
12 the subsistence fishery where the harvest numbers are
13 not limited, it's not clear how that will affect the
14 overall catch of large fish. It's feasible that if
15 people catch more fish and they catch the same number
16 of large chinook, you may simply have a larger harvest
17 with the same number of large fish in it that you would
18 before.

19
20 The Department of Fish and Game is
21 named in the Yukon Salmon Act as the responsible
22 management entity under the treaty. As the responsible
23 management entity, we are certainly concerned what
24 wholesale change of gear would mean to our ability to
25 manage and meet treaty obligations. So one of the
26 things we're doing right now is contacting the
27 Department of State to get their interpretation of our
28 role as the responsible management entity and how that
29 may be affected by the Federal Subsistence Board
30 adopting regulations which apply or claim to apply to
31 State fisheries.

32
33 It's clear that there was a long period
34 of poor growth of Yukon River chinook. The work by
35 Hamachan Hamazaki, our biometrician, shows that there
36 was a decline in size at age for about 15 years from --
37 throughout the 1980s and well into the 1990s. And
38 there's other work now sponsored by the AYKSSI and done
39 by Greg Rugaroni (ph) that confirms that there was
40 about a 15 year period of well below average growth.
41 This started, again, in the Rugaroni study in the 1980s
42 and went through the late 1990s, and we're just now
43 coming out of that period. And we are seeing sizes of
44 fish begin to increase again, and it's not surprise we
45 saw some declines in size given that change in growth.
46 That growth change occurred, though, in the freshwater
47 stages and it occurred in each of the saltwater years
48 and both in the five year old and in the six year old
49 chinook that he looked at. And actually interestingly
50 there was a similar period of low growth in the

1 Kuskokwim but it was much shorter and they came out of
2 it much earlier and so you don't see this change in
3 size effect near in the Kuskokwim even though they've
4 been fishing with similar harvest rates in large mesh
5 gear, you don't see the change because it was a shorter
6 period of low growth and it ended about 1989 whereas on
7 the Yukon it ended about eight or 10 years later.

8

9 The final point that I really want to
10 talk about is the eggs -- number of eggs in the gravel.
11 And the thing that I really would like people to
12 understand is that only two river systems in the Yukon
13 have biological escapement goals. We set a biological
14 escapement goal when we have the data to do a spawn and
15 recruit analysis and actually determine the level of
16 escapement that will produce a good yield, a high
17 yield. A yield is the part that you get to harvest.
18 If there's no yield then there's no harvest and there's
19 no fisheries.

20

21 So we don't really know for the rest of
22 the tributaries that have what we call a sustainable
23 escapement goals, we don't really know what those goals
24 mean in terms of productivity. We know that they will
25 sustain the stocks and that's why they're called
26 sustainable escapement goals, but we don't know that
27 they represent a high level of productivity and we
28 don't know whether better, larger escapements would
29 produce better or whether smaller escapements would
30 produce better. And so we wonder if the purpose of
31 having the mesh size change is to put more eggs in the
32 gravel, you know, what are the criteria for that when
33 right now we don't know how many eggs are in the
34 gravel. We don't know how many eggs in the gravel it
35 takes to produce a good yield. What does it really
36 mean to increase the eggs in the gravel by 25 percent.
37 Why is -- why would that be our goal.

38

39 In both the Yukon and the Kuskokwim,
40 since about 2001, we've had some extremely large
41 escapements.

42

43 On the Kuskokwim we have had
44 escapements up to the three times the historical
45 averages, huge escapements. Do we need to add 25
46 percent more eggs in the gravel to an escapement that's
47 maybe already doubled the goal, you know, we don't even
48 have a way to evaluate whether that would be a good or
49 a bad thing.

50

1 So the other thing about that, I think
2 you have to be real careful, when you look at the egg
3 numbers for fish caught in those two net sizes, the
4 confidence intervals around those egg numbers are so
5 large that the two numbers are not statistically
6 significantly different so you really can't even say
7 that one's 25 percent greater than the other with any
8 kind of assurance.

9

10 So what are the down sides of taking
11 action now in the absence of knowledge or are there
12 any.

13

14 We know that there's a cost. We've
15 heard a lot of testimony about the price of nets. But
16 we also know that it will be virtually impossible to
17 ever evaluate this action. We've heard a lot of
18 testimony about drop outs, we've heard testimony about
19 people hanging their gear differently to increase the
20 harvest of larger fish, and there's really no way,
21 given the inter-annual variability and the size, these
22 things are highly variable from year to year. If you
23 look at the percent females by age class or some metric
24 like that, it can vary from one year to the next, one
25 year it can be 40 percent, the next year it can be 70,
26 the next year it can be 50, they're just highly
27 variable. And so trying to ever evaluate this will be
28 very difficult whereas if we continue these studies we
29 may have some sense before we take action what that
30 will do.

31

32 The final down side to taking action
33 now is that any action that purports to take effect on
34 the State subsistence or commercial fisheries will
35 result in court actions and probably what will happen
36 in that case is we'll all spend a lot of time and
37 energy and money dealing with that rather than dealing
38 with the research that needs to be done. And this is
39 not just the agencies, this is the public as well,
40 because they get entrenched into their positions. So I
41 think that there's really a lot of benefit to waiting
42 until the results of these studies are in. Maybe we'll
43 all agree that 7.5 inch mesh is the thing to do and the
44 people in the Lower Yukon can look at the data and say,
45 yep, we need to do this. I think that's a lot better
46 scenario than doing it in the absence of that data,
47 entrenching everybody, furthering the division, and
48 spending money on attorneys that should better go to
49 research.

50

1 Thank you, Mr. Chairman.

2

3 CHAIRMAN FLEAGLE: Thank you, John.
4 I'm going to call for a break, the Board will stand
5 down for 10 minutes.

6

7 (Off record)

8

9 (On record)

10

11 CHAIRMAN FLEAGLE: Good afternoon, the
12 Federal Subsistence Board is back in session. And just
13 completed Department of Fish and Game comments. Before
14 we move on, I want to ask Board members if there's any
15 questions for the Department at this time.

16

17 Pete, do you have a comment.

18

19 MR. PROBASCO: Yes, Mr. Chair. If it'd
20 be appropriate, I'd just like to say a few things, or
21 if you'd like us to wait until we get into the Board
22 discussion with Council Chairs and State liaison then
23 I'd wait until then.

24

25 CHAIRMAN FLEAGLE: Pertinent to the
26 proposals or procedurally or what are the questions,
27 Pete.

28

29 MR. PROBASCO: This would be pertinent
30 to the proposals as we work through it, Mr. Chair, and
31 maybe possibly help with our deliberations.

32

33 CHAIRMAN FLEAGLE: All right. Let's
34 hold that for the round-table discussion, or, you know,
35 not round-table, but the discussion that we're going to
36 have after the InterAgency Staff Committee comments.
37 And for that we're turning to Larry, good afternoon,
38 Larry.

39

40 MR. BUKLIS: Good afternoon, Mr.
41 Chairman. I have prepared written Staff Committee
42 comments and I'll highlight the main points from Page
43 52 of the supplement. Also, Mr. Chairman, in listening
44 to the State's written comments, being summarized, and
45 then their additional information, I had some points
46 that may help contribute to that. I don't know if you
47 want that now or later. Later. Okay, I'll proceed
48 with the Staff Committee written comments, which I will
49 summarize.

50

1 The Federal InterAgency Staff Committee
2 found the Staff analysis for Proposals FP08-13 and 14
3 to provide sufficient information to demonstrate a
4 conservation concern for large female chinook salmon in
5 the Yukon River drainage.

6
7 The Staff Committee discussed the
8 benefit of looking at additional information noting
9 that there have been gillnet mesh size restrictions for
10 fisheries targeting chinook salmon on both the
11 Kuskokwim River and the Copper River over the last 10
12 to 20 years. Information has since been summarized by
13 OSM Staff for the Kuskokwim River, and that is found in
14 Appendix F of the analysis.

15
16 Mr. Chairman, I would also note that
17 OSM invited ADF&G to review the revised Staff analysis,
18 as a courtesy, but that that review was not required.

19
20 The Staff Committee also felt that it
21 is important to emphasize that this would be the first
22 time that the Federal Subsistence Program would
23 restrict a gear type used in a commercial fishery
24 occurring on Federal public waters. If adopted, this
25 would create the need for increased law enforcement
26 efforts to monitor gillnet mesh size used in the
27 commercial and subsistence fisheries in Federal public
28 waters of the Yukon River. If the State of Alaska does
29 not adopt the same gear type restriction then fishers
30 would be allowed to continue to use larger mesh gear in
31 State waters, thus reducing the effectiveness of the
32 restriction in Federal public waters. It should also
33 be noted that subsistence users have stated that their
34 nets can be used for up to 10 or 15 years rather than
35 the three to four years mentioned.

36
37 A modification that the Staff Committee
38 discussed would be to add one year to the phase in
39 period for both commercial and subsistence fishermen.
40 This would result in a two year phase in for commercial
41 and a four year phase in for subsistence. This would
42 provide more time for fishers to change their gear,
43 would allow for completion of two studies being done to
44 address this issue and would provide an opportunity for
45 the Alaska Board of Fisheries to address this issue
46 prior to implementation.

47
48 Thank you, Mr. Chairman.

49
50 CHAIRMAN FLEAGLE: Thank you, Larry.

1 Questions.

2

3

(No comments)

4

5 CHAIRMAN FLEAGLE: All right, hearing
6 none, then I'll move this to the Board discussion
7 portion of the meeting and I had first Bob Aloysius.

8

9 MR. ALOYSIUS: Thank you very much, Mr.
10 Chairman. I just have very little to say and first of
11 all, you know, I'm not a very diplomatic person as many
12 of you probably observed and I'm not diplomatic as many
13 cultured people. I have a tendency to be blunt and to
14 being so I know that I offend some people. That being
15 said I apologize if I offend anybody in any way in what
16 I've said and what I will say.

17

18 The thing that really keeps coming to
19 my mind is the discussions we've had over this thing, I
20 mean these two proposals, is that we Native people have
21 one law and that's being (In Native) it simply means
22 the pursuit of carrying forth and feeding our families.
23 That means yourself, your immediate family, extended
24 family, and those not able to care for themselves, by
25 taking only what is needed at the immediate present.
26 And we do this by hunting, fishing, trapping, gathering
27 for food, not sport. You know we hunt for shelter. We
28 gather for clothing. Comfort. Companionship. Art.
29 Art means practically everything you can ever think of.
30 There's a guy from yesterday who really touched me when
31 they said the observations of this explorer who came
32 through the Yakutat area, the people hunt, they fish,
33 they trap, they feast and they sing and they dance.
34 That's what subsistence does for us. It does not only
35 feed our body, it feeds our minds, hearts and spirit,
36 it's gives us a good feeling about being human. And in
37 return, we are obligated. Like I said the other day,
38 we are responsible to make sure that our older
39 relations have a good life also. I'm not going to
40 repeat all those relations we have that I mentioned
41 before.

42

43 But this has come up time and time
44 again by our people, that we cannot impose and cannot
45 be imposed by other people and it is not right for
46 someone from the outside of our area to regulate and
47 dictate the methods and means that we have used for
48 countless generations. And they cannot restrict our
49 ability to pursue the subsistence that we are so --
50 that is so ingrained in us. And they've said that over

1 and over again during our meetings.

2

3 And the other fear that the old people
4 have is that, simply stating, that the (In Native) we
5 must not fight over, argue over or discuss in very bad
6 terms our food source, we cannot fight over it
7 otherwise the spirit of the food source is going to be
8 offended and say, well, these people don't need me
9 anymore, I don't need to come back to them. See these
10 are things that are ingrained in us as Native people.
11 And when you start imposing something on them, you
12 know, it's like this imposition of the -- as an
13 example, the depth of the salmon nets, it's like saying
14 every person in Alaska can only hunt with a .22 rifle
15 when they hunt moose, it's as simple as that. It's
16 just that basic.

17

18 So I am very humbled and very honored
19 to sit in this position. I know that, like Harry has
20 more eloquence than I would in saying what our people
21 have expressed time and time again. This is my first
22 time here and Harry's been with the RAC ever since it
23 started, so I honor him and I hope that even if I get
24 one percent of what he has shown and given to me in
25 expressing the feeling of our people, you know, I think
26 I'm doing okay, I can address that much. But one of
27 the most important things that my two grandmother's
28 always tell me is be nice, be fair, be gentle and be
29 kind. And being the kind of person I am I have to
30 fight with that every day of my life because these two
31 grandpa's are here with me in spirit, so are my two
32 grandpa's and every now and then I get carried away
33 because I get so frustrated being -- not being able to
34 be free to exercise my right to hunt, fish, trap,
35 gather and work for the benefit of all of my people;
36 myself, my family, my immediate family, my extended
37 family and all the people that we place first of those
38 people who are not able to hunt, fish, trap and gather
39 for their families.

40

41 Thank you, very much.

42

43 CHAIRMAN FLEAGLE: Thank you, Bob.
44 Appreciate those comments. Board members.

45

46 (No comments)

47

48 CHAIRMAN FLEAGLE: Virgil.

49

50 MR. UMPHENOUR: Thank you, Mr. Chair.

1 What I would like to do is go through the information
2 that the Eastern Interior RAC went over so that the
3 Board can have a good feeling of the information that
4 we looked at and that we considered and why we made the
5 decision. So in order to do that you need three things
6 of paper.

7
8 The first one will be the letter that I
9 wrote that says to the Federal Subsistence Board, it's
10 all stapled together, everyone has it, I think.

11
12 The second one will be the report of
13 the Alaska Board of Fisheries January 1981.

14
15 And the last one will be this 2008/2009
16 Federal Subsistence Fisheries Public Comments.

17
18 If you could get all three of those
19 documents I'll try not to take too long but I think
20 it's important that I go over this so that the Board
21 understands the feelings of the members of the Eastern
22 Interior RAC. If the public doesn't have all this
23 information what I'll do is I'll read my letter, some
24 of this stuff I'll read, some of it I'll just kind of
25 refer to but I'm going to go as fast as I can and I
26 don't want to bore people. This is my letter, cover
27 letter I wrote on this information to the Federal
28 Subsistence Board.

29
30 This issue has been before the State of
31 Alaska, Board of Fisheries since
32 January 2001 when the Board implemented
33 windows. I was the Chairman of the
34 Committee of the Board that implemented
35 the windows and considered mesh size
36 reductions at that time.

37
38 The Board, in January 2004, modified
39 the windows regulation and made it
40 optional at the discretion of the
41 manager. The Eastern Interior RAC and
42 the Fairbanks/Tanana/Rampart/Manley and
43 Eagle AC's have been trying to get
44 positive action for the conservation of
45 Yukon River chinook salmon ever since.

46
47 The Department Staff comments -- in the
48 Department Staff comments they point
49 out that the Yukon River chinook, now,
50 this is a quote, harvest has been

1 foregone in a number of recent years
2 because of conservative management
3 since 2000. They failed to mention
4 that the foregone harvest has been
5 identified in post-season summaries.
6 The Department is foregoing harvest
7 because their management tools are
8 imprecise. In excess of 70 percent of
9 the chinook salmon pass Tozitna River
10 Weir and the Districts 5 and 6
11 commercial fisheries and the rapids
12 test fisheries are jacks, which 8.6
13 inch mesh will pass. In other words at
14 least 70 percent of this foregone
15 harvest were jacks, which large mesh
16 nets are ineffective at catching.
17 That's what's going into the
18 escapement.
19

20 The Department neglects to state the
21 Treaty with Canada's obligation goals
22 for both 2006 and 2007 were not met for
23 harvest and escapement. The border
24 passage goal for 2007 was 45,500
25 chinook salmon and only 23,000 chinook
26 salmon crossed the border. The
27 Canadians curtailed commercial fishing
28 both years.
29

30 The Department also fails to mention
31 the fact that commercial fishing for
32 chinook was curtailed, that means no
33 directed commercial fishery for king
34 salmon in District 6 of the Yukon River
35 fishing district, which is the Tanana
36 River in both 2006 and 2007 and that
37 was in order to make the minimum,
38 minimum escapement goal for the Chena
39 River.
40

41 The eight year old chinook have been
42 exterminated. They're extinct.
43

44 The seven year old chinook have went
45 from over 28 percent of the harvest in
46 the early '80s to less than two
47 percent, 2005 to 2007.
48

49 The seven year old chinook are less
50 than one percent in the up river weir

1 projects and the District 5 harvests.

2

3 We don't need to reinvent the wheel.
4 The Board needs to demonstrate moral
5 courage and apply precautionary
6 principle and pass these two proposals.

7

8 If you turn the page over you'll see at
9 the bottom, it says Page 538. I copied this from the
10 Codified Regulations from my last year on the Board of
11 Fisheries. It says Policy for the Management of
12 Sustainable Salmon Fisheries. What we're doing here
13 today is an example of the reason the Board of
14 Fisheries in the '90s wrote the Sustainable Salmon
15 Policy. They were awarded an award by the Association
16 of Fish and Wildlife Agencies for that policy. Mr.
17 Probasco participated in it, I participated in it, Mr.
18 Kron, and maybe Mr. Buklis, a few others in the room
19 participated in writing that policy. We wrote it for a
20 number of reasons. But what caused us to write it was
21 because of disagreements over terms. What is sustained
22 yield. There was no definition of sustained yield.
23 What's a conservation concern. Different regions in
24 the state had different definitions for what is a
25 conservation concern. So what ended up happening is
26 the Board worked with the Commissioner and Dr. John
27 White, at the time, was the Chairman of the Board of
28 Fisheries, worked with the Commissioner and what we did
29 was we formulated a draft Sustainable Salmon Policy.
30 And the Board of Fisheries goes around and addresses
31 each region of the state every third year and so then
32 after they got this thing all prepared, and I found my
33 copy of all the working papers and I think we started
34 it in either '96 or '97 and completed it in 2001. So
35 then we took public comment at each one of these
36 meetings, and this is what we came up with.

37

38 So I'd like you to turn to the next
39 page, to Page 539. And you'll see that what I've done
40 is I have put little brackets around certain parts of
41 it so I'm going to read just a little bit of this.

42

43 It says:

44

45 Salmon escapement should be managed in
46 a manner to maintain genetic and
47 phenotypic characteristics of the stock
48 by assuring appropriate geographic and
49 temporal distribution of spawners as
50 well as consideration of size ranges,

1 sex ratios and other population
2 attributes.

3
4 You go to the next page and it says:

5
6 In the face of uncertainty, salmon
7 stocks, fisheries, artificial
8 propagation and a bunch of other stuff,
9 shall be managed conservatively as
10 follows: A precautionary approach
11 involving the application of prudent
12 foresight that takes into account the
13 uncertainties in salmon fisheries and
14 habitat management and it says that you
15 shall make decisions based on
16 incomplete knowledge, and use the
17 precautionary approach.

18
19 We spent a lot of time talking about
20 precautionary approach in what we do, and to have the
21 moral courage to make these hard decisions.

22
23 Now I want to go through -- now we did
24 discuss the precautionary principle in our RAC meeting
25 and I told everyone in my opinion that the Department
26 is violating the Sustainable Salmon Policy but some
27 people in the State say, well, you don't have to go by
28 that, it's a policy, that's bologna, all the State
29 people know who Bill Caldwell is, I don't know how many
30 of the Federal Subsistence Board do but you should know
31 who he is, he's a very well known attorney that's
32 retired now, him and I are good friends, he helped us a
33 little bit on the Sustainable Salmon Policy, kind of
34 off the record, but he told me that because it's in the
35 Codified he thinks he could win a lawsuit against the
36 State on this very issue.

37
38 But, anyway, what I want to do is show
39 -- just extracts -- what -- that I've taken from
40 various reports from Federal agencies and Department of
41 Fish and Game both, and it will take just a few minutes
42 to run through them and this is what our RAC has looked
43 at. Page 2 of this thing I have, it's percent age
44 composition of female chinook salmon in the Eastfork
45 Andrafsky River weir, 1994 to 2006. You can see the
46 age five year olds increasing in the graph and this was
47 made by one of the Fish and Wildlife Service biologists
48 did this graph for me, and the six year old is going
49 straight down, that shows what's happening. And the
50 seven year olds are practically -- are gone in 2006 at

1 that weir. Then you go to Page 3 of my handout and it
2 says Table 9, comparison of preliminary chinook salmon
3 age composition by sex at the East Fork Andreafsky
4 River weir, Gisasa River, Henshaw Creek and Tozitna
5 River weir, Alaska 2004. I have 2004, 2005, 2006 and
6 2007 of course isn't available yet.

7
8 But if you go over here where I've
9 wrote down seven year old, now, these are weir projects
10 and it tells what the sample size was on each one of
11 these.

12
13 Andreafsky River weir three-tenths of a
14 percent in 2004, two-tenths of a percent on the Gisasa
15 River weir, Henshaw Creek weir eight-tenths of a
16 percent and then the Tozitna River weir eight-tenths of
17 a percent. That's the seven year olds. Remember the
18 eight year olds are extrapolated now. But they made up
19 3.5 percent of the commercial harvest in 1980.

20
21 Turn over to 2005, the very next year.
22 Andreafsky weir, five-tenths of a percent, Gisasa River
23 weir four-tenths of a percent, Henshaw Creek zero,
24 Tozitna zero. That's 2005.

25
26 Then we get to 2006, the most recent
27 information that we have because all these scales have
28 to get aged and et cetera. Andreafsky zero percent
29 seven year olds, Gisasa one-tenth of one percent seven
30 year olds, Tozitna River weir zero.

31
32 Then you get this next thing I got, it
33 says summary Y5 from 2002 to 2006. What this is, is
34 this is the ages of the fish that were sampled from the
35 Y5 commercial fishery, which most of those fish are
36 caught between the rapids and the bridge on the Yukon
37 River. In it you look at the five -- I've put some
38 circles on it, the five year olds, six years olds and
39 the seven year olds and this goes from 2002 to 2006,
40 but this is in the commercial harvest. The commercial
41 harvest in 2006 of seven year olds was four tenths of a
42 percent. They went in 2002 from 7.1 percent to four-
43 tenths of a percent in 2006. The six year olds went
44 from 54.7 percent to 21.1 percent. The five year olds
45 30.5 percent to 67.9. That shows the same thing as the
46 females on the Andreafsky River weir, that the five
47 year old age class is getting on the spawning grounds
48 are going way up, in the upper river, this is what's
49 going way up the river. The six and seven year olds
50 are going down. That's what it's demonstrating.

1 Then we have another page here and this
2 comes from the study done for 2003 by the Department of
3 Fish and Game called the ASL notebook. And there, the
4 reason I put it in, is it shows -- and this with me and
5 some other people on our Council, RAC, and other AC's
6 up and down the Yukon River is what really gets our
7 goat. The Department wants to put their eggs in the
8 basket of carcass surveys. Carcass surveys -- there's
9 plenty of science. Oregon State University has done a
10 lot of science on this issue. The difference between a
11 carcass survey and a weir survey. The Chena River and
12 the Salcha River are carcass surveys. The run, we
13 heard from public testimony runs six, seven weeks.
14 When they do their carcass surveys they're on the
15 spawning grounds and they do these for six to eight
16 days. The female king salmon has a lot of fidelity to
17 her red, her nest where she lays eggs, she stays there
18 until she dies. The male fertilizes the eggs and he's
19 done, he's done his job, he's not going to stay there
20 and protect the next, he just kind of meanders along
21 slowly, drifts off with the current and he's gone and
22 so we have a highly biased sex ratio when we do those.
23 But the weirs are a different story. So I just showed
24 what was caught in the commercial fishery here of six
25 and seven year olds and then what made it to the weirs.
26 You get an 80 percent -- 80 percent of the seven year
27 olds don't get to the weirs. If you got a 7.9 percent
28 harvest in Y1 and on the weirs it ranged from four-
29 tenths of a percent to one percent. But that's why I
30 put that in there.

31
32 And there was on more of these type
33 things here just showing basically the same thing, the
34 age class is going down hill.

35
36 Now, these next few pages came from the
37 Department's report that they presented to the RAC at
38 our meeting in October this year. I show the age
39 classes caught at the bottom of Page -- bottom of Page
40 4 it has the age classes caught from the unrestricted
41 commercial fishing periods, there's six of them, what
42 they were, three percent age four, 16.9 percent age
43 five, 78 percent age six and then at the top of the
44 next page it shows what it was in the restricted
45 openings where it was six inch mesh. Now, which brings
46 us to this point, why were there so many six year olds
47 this year, it's because 2001 there was no commercial
48 fishery and there was windows throughout the entire
49 fish run, absolute true windows in 2001 because that
50 year I was still on the Board of Fisheries and the

1 Board told the Department there will be no commercial
2 fishery in 2001 and there wasn't, period. And that
3 also shows why there were a few more seven year olds
4 this year in the harvest because in 2000 when the run
5 was horribly poor, the worst run since they've been
6 keeping records, there was very little commercial
7 fishing.

8

9 But then this is what gets me as to
10 what Mr. Hilsinger said a while ago, he said the king
11 salmon are getting larger, this Page 11 and 12 is what
12 you need to look at. You read average weight on
13 chinook salmon, District 1, if you go down to the
14 bottom it will have unrestricted mesh subtotal, you
15 know, that's hours fished, and it goes 20.5 pounds.
16 Then you go down to District 2, same thing,
17 unrestricted mesh subtotal 19.5. Turn it over and you
18 go to District 5 and 6, of course there was no directed
19 fishery for king salmon in District 6 but they did have
20 a summer chum fishery but they didn't open it up until
21 after they got escapement on the Chena River, but
22 District 5 where I bought all these fish, the average
23 weight was 14.3 pounds. Now, about half those fish
24 were caught with fishwheels and about half with large
25 mesh gillnets. So we've dropped down to 14.3. But
26 then go to the District 6, which is the Tanana River,
27 the average weight, and my son caught every one of
28 these fish was 9.8 pounds. We weighed every fish that
29 that fishwheel caught and that fishwheel is in a site
30 at the head of a long eddy where the current is 13
31 knots, right beside the fishwheel, it catches as big a
32 king salmon that are swimming up that river and the
33 average weight was 9.8 pounds. That is what we're
34 putting on the spawning grounds on the Chena and the
35 Salcha.

36

37 This is the last one of these type
38 tables, I want to bore you with, but it says Table 2,
39 2007 Yukon River summer season summary, you go over to
40 the last column, comparison of 2007, the 10 year
41 average, chinook salmon commercial harvest, minus 29
42 percent, minus 30 percent Y1 and Y2. Y6 minus 77
43 percent. Canada minus 59 percent. And then it goes to
44 assessment projects, the weirs and the surveys and
45 there, the same thing, going way down.

46

47 And then we've got this thing,
48 fecundity, the Department says maybe their fecundity
49 study was messed up but I can personally tell you how
50 they got all these eggs because they got them all from

1 me and if they didn't count them properly then I don't
2 know why they didn't, but we took each fish's eggs out,
3 put them in a baggie and quick froze them in my blast
4 freezer so that they would have the appropriate number
5 of eggs and they've been taking samples at my plant
6 since 1985. It's cost me thousands of dollars in
7 employees standing around waiting for the Department to
8 finish picking scales off the salmon.....

9

10 CHAIRMAN FLEAGLE: Virgil, excuse me, I
11 think we're bordering on business discussions here and
12 should refrain from that and just continue with the
13 Advisory Council's position please.

14

15 MR. UMPHENOUR: Well, I did present
16 this stuff to them.

17

18 CHAIRMAN FLEAGLE: Well, I understand
19 but you're presenting it as being the person involved
20 in the business doing it and it appears to me, anyway,
21 and maybe I need to get a legal counsel.....

22

23 MR. UMPHENOUR: Well the Department did
24 buy the eggs from me, it's no different from the CDQ
25 group paying for this mesh study, I don't think. If
26 I'm out of order, I'm out of order, but I don't really
27 think I'm out of order.

28

29 CHAIRMAN FLEAGLE: Yeah, would you just
30 go ahead and just summarize your Advisory Council's
31 comments.

32

33 MR. UMPHENOUR: Okay, I will. Anyway
34 the Advisory Council did discuss this thoroughly, the
35 reduction in the fecundity of the eggs and so we have
36 this chart here that I didn't make up, that a scientist
37 made up, that simply points out that in 1989, Y6, the
38 analysis done by the Department, there was 9,150 eggs
39 per female, 2005 it's 6,999, so that's a decrease of
40 over 25 percent. I wanted to point that out, so that
41 over time, in the same area, the fecundity has went
42 down tremendously.

43

44 Okay, I think that the rest of this
45 thing, in fact, it is, I covered in my personal
46 testimony, it was from Fairbanks AC.

47

48 I don't have that much longer, but I
49 would like to go through it and it won't take me long.

50

1 And what this paper is, it's a report
2 of the Board of Fisheries from January of 1981, right
3 in the center of it is a report -- or one of the
4 annexes, or appendix, it's Appendix 5, it's done by an
5 individual by the name of Ricker, and everyone that's
6 involved in arguments over fish knows who Ricker is,
7 the guy that figured out a model on how you are trying
8 to predict how many salmon are coming back. But a very
9 famous scientist. I'm going to read just a little bit
10 about what Ricker says on this issue, this specific
11 issue.

12
13 The average size of chinook salmon
14 caught in the Eastern Pacific Ocean has
15 been declining since at least 1920 and
16 continues to decline. Present average
17 weights are half or less than half of
18 those obtained 50 years ago. This is
19 in his abstract. Age of maturity has
20 been shown to be partly heritable and
21 modified by selections so there has
22 been a progressive deterioration of the
23 genetic basis from maturation at older
24 ages. This is cumulative in effect and
25 by now is probably the most important
26 cause of reduced size. In addition,
27 selective fishing by both gillnets and
28 trolls may have reduced
29 disproportionately the abundance of
30 certain stocks of large size fish. It
31 says there's no evidence that trends in
32 the ocean environment have contributed
33 to the downward trend and size of
34 chinook salmon. Size has decreased
35 during a regime of ocean warming up to
36 1940 and during a cooling regime since
37 that time.

38
39 Now, I get over to his reasons why and
40 I -- and this is on Page 8 of his report, the second
41 paragraph.

42
43 The early reduction of the large summer
44 runs of big fish on the Columbia was
45 probably mostly a result of selective
46 removal of large fish by large mesh
47 gillnets.

48
49 Go to Page 10. And it's the third
50 paragraph down.

1 The serious aspect of the situation is
2 that effects of cause five are long
3 lasting, even if completely non-
4 selective fishing gear were to be
5 adopted tomorrow and only maturing
6 individuals were captured it would take
7 many generations of natural selection,
8 perhaps 50 to 100 years before stocks
9 could completely readjust their ages
10 and maturity to their previous optimum
11 positions.

12
13 And I think the Yukon River is in that
14 position right now.

15
16 Thank you, Mr. Chair.

17
18 CHAIRMAN FLEAGLE: Thank you, Virgil.
19 Appreciate the clarification comments.

20
21 Pete.

22
23 MR. PROBASCO: Thank you, Mr. Chair. I
24 think at this time it might be appropriate for me to
25 say a few words and then I'd like to turn the mic over
26 to Larry for a couple of additional points.

27
28 As the Board has looked at this data
29 and information you're going to find a lot of studies
30 that suggest various factors that may affect size and
31 quality escapement on the spawning grounds. You're not
32 going to find in any of these reports a direct link or
33 something in black and white that you can hang your hat
34 on. I think what's important to point out is that the
35 information studies that's before you provide you with
36 the information that will take you to the point of
37 trying to determine if action to be taken at this time
38 is prudent or do we wait down the path.

39
40 I think one thing that I'd like to
41 point out is that when you look at the various
42 scientists, the various groups that have dealt with
43 mesh size, Board of Fisheries and now us and you look
44 at committees like the Joint Yukon River/US/Canada
45 Panel, they all say that the data is suggestive, they
46 have some concerns but they can't quite put their
47 finger on exactly what's happening. And I think if you
48 were to look on Page 14 of the Staff analysis and the
49 paragraph that says:

50

1 That salmon size subcommittee of the
2 Joint Technical Committee of the Yukon
3 River/US/Canada Panel recently
4 summarized the finding of prior
5 investigations and the scientific
6 literature on facts and influence
7 morphology. Evidence that morphology
8 of Yukon River chinook salmon has been
9 altered over time is limited but
10 suggestive. Existing analysis document
11 a decrease in the mean weight of
12 commercial harvest, a reduction of
13 prevalence of the largest fish and the
14 apparent near disappearance of age
15 eight fish.

16
17 This is a group of scientists that
18 cover not only Federal, State but also Canada.

19
20 I don't want my Staff and I hope the
21 Department, where we get into dueling biologists. I
22 think if we got into that we'd be here for a long time.
23 But I think that it's important that we put in proper
24 context the information that's before us and then it's
25 up to the Board to determine if that information is
26 sufficient to make whatever decision they have.

27
28 So with that, Mr. Buklis.

29
30 CHAIRMAN FLEAGLE: Larry.

31
32 MR. BUKLIS: Thank you, Mr. Chairman.
33 Larry Buklis, Office of Subsistence Management, the
34 Deputy ARD and Chair of the Staff Committee -- Federal
35 Staff Committee.

36
37 Mr. Chairman. There were a few points
38 I heard during the State's supplemental comments that I
39 felt needed to be spoken to but I know we don't intend
40 a technical debate. I just had four points and it will
41 take just a moment.

42
43 First, the Bigler study was noted, and
44 that study involves an assessment of the decline in
45 size of chinook salmon which was shown for the Yukon
46 River but the comment today may have unnecessarily
47 undercut our confidence in those results. While it is
48 true that both restricted mesh and unrestricted mesh
49 chinook catches were pooled in that study, we need to
50 keep in mind, however, that because the unrestricted

1 mesh nets catch most of the fish and drive the results,
2 screening out the restricted mesh catches will not
3 likely have any significant effect on the results. In
4 other words, the downward trend line. So while
5 proceeding with that finer analysis is worth while, we
6 don't expect the results to significantly change.

7

8 Secondly, it was mentioned that more
9 fish in numbers may be harvested in 7.5 inch mesh
10 gillnets and that that could lead, in fact, to more
11 large fish being taken even though the percentage of
12 large fish is lower.

13

14 Mr. Chairman, this presumes that the
15 overall catches will increase offsetting the savings of
16 large fish through the percentage drop in large fish
17 catch. But the commercial fishery, in fact, is managed
18 for target harvest levels in numbers linked to run
19 assessments and subsistence catches were shown by the
20 Department to be relatively stable over the last two
21 decades. It has also long been said and was said today
22 that subsistence users only take what is needed. So
23 catch numbers aren't expected to go up, but the
24 expectation is that if catch numbers stay relatively
25 stable and well managed, that the escapement of larger
26 and older fish would be expected to improve or
27 increase.

28

29 Third, eggs in the gravel. To the
30 extent that size and age are genetically heritable,
31 eggs from large older aged chinook would contribute to
32 the health and size and age diversity of the chinook
33 population.

34

35 And, lastly, Mr. Chairman, number 4,
36 measurability of the benefit or effect. It was
37 suggested that we aren't going to measure the
38 improvement in size or age quality so it isn't of
39 benefit. When dealing with offshore fisheries it has
40 often been claimed by marine water fishermen, that
41 savings from restrictions out in those fisheries won't
42 be noticed in-river because the fish return to many
43 different systems and we won't be able to measure the
44 effect. We have heard it said in response, though,
45 that every fish counts and a positive benefit, even if
46 not measured by the agencies is still of benefit, in
47 fact, to the resource.

48

49 Thank you.

50

1 CHAIRMAN FLEAGLE: Thank you, Larry.
2 Board discussion.
3
4 (No comments)
5
6 CHAIRMAN FLEAGLE: Continued
7 discussion.
8
9 (No comments)
10
11 CHAIRMAN FLEAGLE: Ready for
12 discussion, Board members.
13
14 (No comments)
15
16 CHAIRMAN FLEAGLE: There's a lot of
17 thinking going on I know, a lot of information to
18 digest.
19
20 Tom Melius.
21
22 MR. MELIUS: Yeah, a lot of information
23 to digest. I really appreciate all the testimony that
24 was received today. It's been a full day on this issue
25 and I have several questions that I would just like to
26 explore with a number of different people so bear with
27 me on this. It's been awhile since we had the OSM
28 Staff study, but I did want to ask of OSM Staff, I do
29 believe that a lot of the studies that were mentioned
30 were talking about a decrease of size of chinook, and I
31 guess I'm trying to ascertain in my head whether or not
32 with the study that the State reported on, which is
33 another two years, what, if anything, might be the
34 impact of the current population and I know we don't
35 have black and white studies on this but if you could
36 give me a little bit of an understanding. What would
37 be the impact of a delay of several years, three years,
38 while this study is completed on the current population
39 and the trend you believe it's going into or what the
40 studies are indicating its heading into. Just expound
41 on that a little bit, either -- I don't know who over
42 there would like to respond to that, but, Larry, maybe
43 you can start it and point it in the right direction.
44
45 CHAIRMAN FLEAGLE: Larry.
46
47 MR. BUKLIS: Thank you, Mr. Chairman.
48 I think what we see in the analysis is a concern about
49 the situation but as Mr. Probasco said without the
50 precision to model very specifically what one or two

1 years for fine points and adjustments would make, I
2 think the analysis indicates the direction of the
3 problem and the benefit of the direction of the
4 proposed action. But finer resolution as to
5 consequences to the resource of different years of
6 delay, I don't think we have the information to deliver
7 a precise answer.

8

9 I think you're left with the judgment
10 on the scale of the problem and the benefit of the
11 direction of the proposed action.

12

13 MR. MELIUS: So I would ask then of the
14 State, kind of the flip side of this. With two years
15 what are the benefits that your study is going to be
16 providing over what we have heard today or is it going
17 to give us that delineation, are we going to get some
18 more clarity on this question in two years?

19

20 MR. HILSINGER: Mr. Chairman. With the
21 suite of research that was outlined, I think we will be
22 able to answer a number of important questions that
23 will help all the decision-makers deal with this issue.
24 And it's complicated enough that it's hard to put all
25 the pieces together and that's part of the reason I
26 think it's hard to understand and it's hard to get
27 clarity.

28

29 I think back to Mr. Volk (ph)
30 discussion of the aging. We have a concern that age
31 eight salmon have been extrapated. These fish are
32 thought to be age eight because somebody looked at the
33 scale and, you know, decided that was an age eight and
34 those percentages are based on those judgments by those
35 individuals over a long period of time and our
36 perception of, especially when you get something that
37 is typically less than one percent of a population, and
38 only maybe -- in the data I looked at, I think there
39 was only a few years when the eights went up over one
40 percent. Some of these little changes, for instance,
41 in aging may make a huge difference in our perception
42 of the status of that stock so we're going to have
43 information on that type of thing. We're going to --
44 so I think we're going to have a better sense of, you
45 know, whether there is a savings, whether, you know,
46 maybe we come up with 7 and 3/4 inch mesh or eight or,
47 I don't know, I mean it's hard to pre-judge what the
48 results will be at this time, but, yeah, I think it's
49 definitely worth.....

50

1 MR. MELIUS: Okay.

2

3 MR. HILSINGER:it and I think
4 we'll have better information.

5

6 MR. MELIUS: I appreciate that. If I
7 can follow up with another question.

8

9 Virgil, in your RAC's analysis and
10 discussions and the proposal that you have put forth,
11 you make a distinction of phasing in from one year and
12 then I think it's subsistence three years later, why a
13 shift or why a phase between the two if there is a
14 conservation concern and from what I was hearing, a lot
15 of the subsistence users are also commercial, why isn't
16 it for all at one time?

17

18 MR. UMPHENOUR: The reason we didn't do
19 it for all at one time is because the average, depends
20 on where you fish and et cetera, but the average life
21 expectancy for a gillnet is three to five years unless
22 you snag it and then you tear it up -- you can tear it
23 up when it's brand new, and so in the upper Yukon the
24 people really are poor and we didn't want to put -- we
25 wanted to give them at least two years, which would be
26 half the life of a net, if you're careful, to have to
27 replace the net and we did the -- we made the
28 distinction between subsistence and commercial because
29 the commercial people are out there using their gear a
30 lot more often and they have to replace it a lot more
31 often and then -- and so that's why we made the
32 distinction between the commercial users and the true
33 just pure subsistence user.

34

35 MR. MELIUS: Thank you. With the
36 Chairman's indulgence, I have one more question, maybe
37 for this round.

38

39 I know that the Fish Board had this
40 issue before it back in February and rejected the
41 proposal, can you enlighten me a little bit more. I
42 know the Fish Board meets on a cycle to address issues.
43 So when would -- when's the next time, if someone would
44 want to bring a similar proposal again to the Fish
45 Board, are we talking two years down the road, three
46 years, what -- can you enlighten me on the schedule of
47 the Board, please.

48

49 MR. HILSINGER: Mr. Chairman. Mr.
50 Melius. In the normal schedule the Fish Board would

1 meet again -- they met just this past January so they
2 would meet again in January of 2010. Now, there's
3 adequate opportunity through either petition or agenda
4 change requests for people to get items in front of the
5 Board in a given year, so if there was a consensus
6 opinion that this was something really important for
7 the Board to take up sooner than the regular meeting
8 there's a good chance the Board could do that.

9

10 MR. MELIUS: The two year study that we
11 had a panel discussion on earlier, that is projected to
12 be done when?

13

14 MR. HILSINGER: They've done one
15 summer, so '07, then '08 and '09, so that work should
16 be ready for the next Board meeting.

17

18 MR. MELIUS: Thank you, Mr. Chairman.
19 I'll yield.

20

21 CHAIRMAN FLEAGLE: Thank you, Tom.
22 Marsha.

23

24 MS. BLASZAK: I appreciate, Mr.
25 Hilsinger, your discussion about the role that ADF&G
26 has in exercising the Treaty responsibility with Canada
27 and I think I track correctly that they've not had
28 adequate fish in the last, correct me if I'm wrong, two
29 years for -- a harvest for either commercial or
30 subsistence; is that incorrect?

31

32 MR. HILSINGER: Mr. Chairman. Ms.
33 Blaszak. In 2006 the escapement target was 28,000 and
34 the final escapement -- spawning escapement was 27,990,
35 and I don't know off hand what their exact harvest was
36 but they didn't have the massive closures that they had
37 in 2007. 2007 really was the year when they closed
38 their commercial fishery and the numbers of fish into
39 Canada were short, the Canadian run was extremely weak.
40 We now estimate there was -- the total return to Canada
41 was only about 82,000 fish and that was off of that
42 large 2001 escapement so if you look at the return per
43 spawner off that escapement it was very poor. And
44 prior to 2006, 2005 -- 2001 through 2005 they had
45 excellent returns, more in the neighborhood of 130,
46 140,000 fish and we had escapements and large
47 harvestable surpluses that they did not take because of
48 lack of markets in those years.

49

50 So these runs vary up and down and

1 there are some years when that Canadian run is weak and
2 we may be a little short and that could happen again in
3 the future. But since 2001 we've got an excellent
4 record of making adequate border passage.

5
6 And, this, I think, it's important here
7 to talk a little bit about the Pilot Station sonar
8 counts. This has really changed our appreciation of
9 what's going on in Canada and so in a time when we
10 think the border passage is say 30,000, we find it's
11 really about 60,000. And so as I mentioned earlier,
12 that really reduces those harvest rates and so there
13 may actually be times when they could allow fisheries
14 that they don't allow because the perception of the
15 numbers is much lower because we're all used to
16 thinking in terms of the mark/recapture. But we've had
17 recent years when I think we've put as many as 85,000
18 fish across the Canadian border which could support a
19 substantial harvest even though that didn't occur.

20
21 So I don't know if that helps you at
22 all but there are years there where there's really
23 substantially more fish available in Canada than anyone
24 ever thought.

25
26 CHAIRMAN FLEAGLE: Other questions.
27 Tom Melius.

28
29 MR. MELIUS: Sure. Thank you, Mr.
30 Chairman. Larry, could I ask again, you were
31 commenting on the Staff Committee comments about a
32 possible modification to the proposal that was
33 presented that expanded for another year, the phase-in
34 period. Could you elaborate again some of the
35 discussion and why you thought that was a possible
36 modification.

37
38 CHAIRMAN FLEAGLE: Larry.

39
40 MR. BUKLIS: Mr. Chairman. Mr. Melius.
41 The Staff Committee discussed that, again, without a
42 clear handle on the effect to the stocks as we
43 discussed a moment ago to your prior question, but that
44 discussion was keyed to minimizing disruption and
45 hardship to fishermen. It was seen as a way to make an
46 accommodation to make this more workable in the
47 fisheries, to provide more time for fishermen to use
48 the gear they have and prepare to acquire new gear. So
49 it wasn't keyed to a technical assessment of the risks
50 or benefits of delaying in terms of the resource, but

1 in terms of practically with the fishermen. And I
2 think, as I read, it was a one year additional phase-
3 in.

4

5 MR. MELIUS: And I believe there was
6 possibly some discussion that also this study would
7 have been completed, you might have opportunities for
8 the Fish Board to act if they so choose or would choose
9 to take a proposal before them?

10

11 MR. BUKLIS: Mr. Chairman. Yes, Mr.
12 Melius. That was -- as I said, I think it was
13 primarily driven by trying to soften the blow to
14 fishermen, practical awareness of the consequence of
15 that but we also noted what that would mean on the
16 calendar of analysis and State Board process, yes.

17

18 CHAIRMAN FLEAGLE: Thank you. I've got
19 a question that's, I think, going to be pertinent to
20 the discussion as well and this is based on the
21 testimony that we got -- I'm drawing a blank -- yeah,
22 Don Mitchell, I'm drawing a blank, it's not on any of
23 his documents and I couldn't think of it real quick,
24 but the question is one of jurisdiction. And I believe
25 I understand our position, is that, any water that
26 flows within the external boundaries, which would
27 include those portions of the river that run through
28 State and private lands but Keith, can you clarify our
29 understanding of that authority and then isn't that
30 being currently challenged in court.

31

32 MR. GOLTZ: Yes. It is, in fact, being
33 challenged in court and I appreciate Mr. Hilsinger's
34 concern with attorney employment, but I can assure you
35 that it's not necessary in this case. The entire
36 spectrum of jurisdictional issues is now before the
37 U.S. District Court. And I could leave it at that
38 because as you, yourself, do know, we're bound by our
39 own regulations and we don't have authority to change
40 them at this meeting.

41

42 But Don Mitchell cast a very big shadow
43 and it's probably worth talking a little bit about what
44 he said.

45

46 I don't know if the members of the
47 audience got a good look at the maps, he distributed
48 them among the Board members, in fact, I was his clerk
49 for that distribution.

50

1 (Laughter)
2
3 MR. GOLTZ: But basically what he's
4 done is depict inholdings alongside Federal public
5 lands and I'm color blind so what's that color?
6
7 CHAIRMAN FLEAGLE: It's purple, I
8 guess.
9
10 MR. GOLTZ: Purple.
11
12 CHAIRMAN FLEAGLE: Pink.
13
14 MR. GOLTZ: So if you can see it.....
15
16 CHAIRMAN FLEAGLE: Purple or pink.
17
18 (Laughter)
19
20 MR. GOLTZ: So if you can see in back,
21 it's the purple is where he says we do have
22 jurisdiction and the white is where he says we don't.
23
24 If you look at the practical effect of
25 that, if you take a salmon that enters around Emmonak
26 and is traveling toward Marshall, at the very best you
27 would have nine jurisdictional changes in there and you
28 might have more, depending on where the salmon actually
29 came in and whether or not you count these small
30 scattered parcels. So if Sue thinks there's conflict
31 between State and Federal now you could imagine what
32 there would be if we tried to manage in those small
33 blocks.
34
35 Now, we did consider this when we put
36 together the regulations and we explained in our
37 introduction that we thought it simply would not be
38 responsible management to approach it that way. So
39 what we did is say that we will manage from border to
40 border in the Federal reservation, beyond that will be
41 State jurisdiction, until you reach another Federal
42 border. And there depicted on the watershed map that's
43 posted in the back of the room.
44
45 In the litigation there are other
46 attorneys, of course, than just Don Mitchell, and
47 primarily the NARF attorneys who suggest that we have
48 actually cut it too short and that as a matter of
49 principle related to the purposes of ANILCA and pure
50 simple biology, we ought to be managing the entire

1 tributary and stem of the Yukon River. We do not know
2 what the court is going to say. We are about half done
3 with the briefing, but for our purposes today, we rely
4 on our regulations and our regulations say that we
5 manage all waters within the external boundaries or
6 adjacent to certain named community reservations.

7

8 CHAIRMAN FLEAGLE: So the short answer
9 is under current definitions, would manage that entire
10 river up to about Marshall -- well, actually it would
11 be probably further up and then we would pick up each
12 one of those Federal systems along the river where the
13 river either goes next to or through.

14

15 MR. GOLTZ: That's correct. We honor
16 Don Mitchell, we follow our regulations.

17

18 CHAIRMAN FLEAGLE: Okay, thanks. I
19 just wanted to make sure that Board members were clear
20 about what our interpretation at this point of our
21 jurisdiction is. I know it's been questioned on
22 record.

23

24 Keith.

25

26 MR. GOLTZ: This gets complicated and
27 Pete just told me to clarify. That what I just said
28 applies to fish only. That if you take a look at this
29 same map for wildlife, we do, in fact, confine our
30 regulations to the purple, and that also is for very
31 practical reasons which are explained in our Federal
32 Register notice.

33

34 CHAIRMAN FLEAGLE: So looking at the
35 map that is in the back of the room, the map that we
36 were handed out earlier, this regulation -- these
37 regulations, if adopted, would apply from the mouth of
38 the Yukon River up to the extent or the boundary of the
39 Yukon Delta National Wildlife Refuge, there would be a
40 space -- a section of the river that it would not apply
41 to until it reached the Innoko National Wildlife Refuge
42 and then another short interlude and the Innoko
43 National Wildlife Refuge north portion, a section
44 between Galena and Ruby that it would not apply to and
45 then from Ruby almost to Tanana for the Nowitna
46 National Wildlife Refuge, and then another portion is
47 State land, or State or private, not within Federal up
48 above Rampart where the Yukon Flats National Wildlife
49 Refuge starts and the print's really small, I think
50 that's Circle, and then up by Circle, another gap,

1 where then it goes into the Yukon-Charley Rivers
2 National Preserve, so we're talking -- how many is that
3 -- we're talking six different sections of public lands
4 that this would apply to and five sections of State or
5 private that it would not, so pretty impressive
6 patchwork of regulatory regime on a salmon's trip up
7 the Yukon through Alaska.

8

9 I just wanted to clarify that on the
10 record as well.

11

12 Other discussion, Board members.

13

14 (No comments)

15

16 CHAIRMAN FLEAGLE: Are we ready for a
17 motion and keep in mind that OSM's recommendation is
18 that we take up Proposal 14 first.

19

20 (No comments)

21

22 CHAIRMAN FLEAGLE: Do we need a brief
23 at ease to.....

24

25 MR. MELIUS: I'm ready.

26

27 CHAIRMAN FLEAGLE: Tom Melius.

28

29 MR. MELIUS: It's been a long day, we
30 have a few more proposals ahead of us but we'll start
31 this out.

32

33 Mr. Chairman, I move to adopt Proposal
34 14, consistent with Eastern Interior Regional Council
35 with a modification to have this change implemented in
36 three years to all gillnets in Federal public waters in
37 the Yukon River drainage.

38

39 And I will provide further
40 clarification and justification, if there's a second to
41 this motion.

42

43 MR. CESAR: Second.

44

45 CHAIRMAN FLEAGLE: Got a second from
46 Niles, go ahead, Tom, please.

47

48 MR. MELIUS: Mr. Chairman. I believe
49 we have heard substantial evidence that there -- that
50 it is appropriate for us to take action for the

1 conservation of a healthy population of chinook salmon
2 on the Yukon River. A reduction in the mesh size will
3 help reduce the selective pressure on these larger
4 sized chinook salmon in the population. Without this
5 change it may lead to the evolution of the species
6 towards smaller, younger fish. It is in the best
7 interest of species conservation to restrict gillnets
8 to a smaller mesh size. This action will help conserve
9 the larger female chinook salmon which are vital to a
10 productive healthy population of Yukon River chinook
11 salmon throughout the drainage.

12
13 Action needs to be taken before there
14 is further decline of these large female chinook.

15
16 It also appears that 7.5 inch gillnets
17 will likely be more efficient at harvesting more
18 chinook salmon overall, while also protecting the large
19 females and thus could be a benefit to all users
20 throughout the river.

21
22 The three year phase in period is
23 consistent with part of the Eastern Interior Regional
24 Council's recommendation and using the same timeframe
25 then for all users would allow time to plan and prepare
26 for the change, especially since many of the users in
27 the lower river are both subsistence and commercial
28 users.

29
30 This would also allow time for the
31 Alaska Board of Fisheries to take action if they so
32 choose, and it would also allow the study to be
33 completed, as was indicated.

34
35 This would make the 7.5 mesh size
36 restriction effective starting April 1st, 2011 for all
37 gillnets in Federal public waters on the Yukon River
38 drainage.

39
40 While there are likely other
41 environmental factors contributing to the decline in
42 these large chinook salmon, this is the best tool
43 available to us today to address the overall health of
44 the Yukon chinook population.

45
46 If we are provided additional new
47 information in the future, prior to the implementation
48 of this gear type in 2011, then we can evaluate that
49 information and take any appropriate Board action that
50 we would choose at that time.

1 This action would be contrary to the
2 recommendations of the Yukon-Kuskokwim and the Seward
3 Peninsula Regional Councils, however, these
4 recommendations do not appear to be consistent with
5 recognized principles of fish conservation which could,
6 in the long-run, be detrimental to the satisfaction of
7 subsistence needs if there is a continued decline in
8 these large female chinook salmon returning to the
9 Yukon drainage.

10

11 I would hope that my Board members,
12 following some more discussion, would be able to
13 support this motion.

14

15 Thank you, Mr. Chairman.

16

17 CHAIRMAN FLEAGLE: Thank you, Tom.

18 Niles Cesar.

19

20 MR. CESAR: Thank you, Mr. Chairman. I
21 speak in favor of the motion. I was struck when Don
22 Mitchell reminded me of my trust responsibility to the
23 tribes in the lower Yukon. The part that he left out
24 was my trust responsibility to the tribes in the upper
25 Yukon. And lawyers are like that often.

26

27 (Laughter)

28

29 MR. CESAR: You know they'll put a
30 teaser out there to kind of trap you. I am sympathetic
31 and I understand the position that this will put the
32 folks in the lower Yukon, although I believe that this
33 phase-in is a reasonable, which will allow for both
34 sections of the Yukon to have this particular problem
35 resolved in the near term and allow for both segments
36 of the Yukon to both cooperate and as well have a
37 commercial harvest and a subsistence harvest.

38

39 For those reasons I plan to support
40 this.

41

42 CHAIRMAN FLEAGLE: Tom.

43

44 MR. LONNIE: Mr. Chairman. I have some
45 concerns regarding the motion. The State of Alaska
46 will have their study done in two years. Some of my
47 concerns are related to what's the potential, in terms
48 of this phase-in, and I view a longer phase-in as a
49 good thing, but if it is really a phase-in we'll have
50 people purchasing new nets during this period while the

1 study's still going on and might that not result in
2 potential gear change at the time that the State
3 completes its study and if the Board of Fisheries
4 decides to do something different than this.

5
6 Also I am not where you are, Tom, in
7 terms of the compelling evidence at this point. I
8 would prefer to wait for the study to be completed and
9 we've already identified that the effectiveness of this
10 decision would be decreased if the State were not
11 participating.

12
13 So for those reasons I don't intend to
14 support the motion.

15
16 Thank you, Mr. Chairman.

17
18 CHAIRMAN FLEAGLE: Thank you, Mr.
19 Lonnie. Other discussion.

20
21 MR. BSCHOR: Yes, Mr. Chair, and
22 everyone involved today. An unbelievable amount of
23 information and compelling testimony, legal issues, you
24 name it. All I know is that, I can tell you I'm not a
25 fisheries biologist, I'm a little overwhelmed, but on
26 the other hand I think there is some comparisons to
27 forest management that I deal with a lot. And if we
28 lose all of the old growth trees or even come close to
29 cutting all the old growth trees, which you can see
30 happen when it happens, it's not a good thing.

31
32 Now, should we not cut any trees, no.
33 You need to thin trees, you need to have age class
34 distribution.

35
36 What I'm hearing is an age class
37 distribution problem here especially of the older age
38 class, that definitely concerns me. What the reasons
39 for that are, I have no -- you know I've heard many
40 reasons why that could be, I don't think it's any one
41 reason but I think it's more than just what's happening
42 within the river system.

43
44 That said the only thing we have really
45 to do with this Board at this point is what happens in
46 that river system.

47
48 It sounds to me like the older fish,
49 seven and eight year old fish, the larger females, the
50 ones that really will determine the future of what

1 happens are in trouble for whatever reason.

2

3 Does mesh size affect this, I think
4 I've heard some evidence that it does. Will an
5 immediate -- is there an immediate action needed right
6 now, I'm not sure, but I am concerned about those
7 issues.

8

9 Maybe related to more specific wide
10 reductions, we've heard -- we've talked a lot about
11 Canada, I haven't heard a lot about what they are doing
12 once they get the fish up there or whether that has any
13 effect, but it seems like since we have, I think, the
14 majority of the river system it's probably more
15 important what we do.

16

17 I am very concerned about the effects
18 on the people who have to change net sizes and the
19 economy related to that, the cost of that, but I do
20 think that if we have a phase-in that can be reduced.

21

22 I also think that what Mr. Melius
23 described as a, you know, you know, the capability of
24 being able to revisit at some point in time is a
25 flexibility we have.

26

27 And relative to that I'm tending
28 towards supporting the motion.

29

30 That said, I'm also concerned about the
31 ability to continue to work with the State because I
32 really think that the State is key into managing the
33 systemwide situation. I may change my mind before the
34 vote, but right now I'm tending towards supporting for
35 those reasons related back to the importance of having
36 the older age class back into the system.

37

38 Thank you, Mr. Chair.

39

40 CHAIRMAN FLEAGLE: Thank you, Denny.
41 I'll throw my thoughts out for consideration.

42

43 And I'll just say right at the onset,
44 I'm not going to support the proposal and I have
45 several reasons for reaching that conclusion.

46

47 First, I question this Board's ability
48 or authority to manage a commercial fishery that we
49 have no apparent authority over. I know that we have
50 the authority to manage subsistence fisheries and when

1 that is in conflict with any other uses then we can
2 close those other uses but I don't agree that we have
3 the authority to put a small restriction, which may not
4 be small, but it is a restriction to that. That point,
5 I'm clear on.

6
7 I feel that the data that has been
8 presented to us, although it's vast, is really
9 inconclusive that the larger mesh net is what's
10 reducing the number of larger fish reaching the upper
11 rivers, the river period. Refer to a study that was
12 presented to the Board earlier this year and it was
13 referenced in the three members that presented from the
14 State, the United States and Canada/Yukon River Joint
15 Technical Committee, salmon size subcommittee that's
16 looking at this salmon size issue and there are so many
17 factors that can be considered in a reduced salmon size
18 and most of those were oceanic that we don't have any
19 control over. There's just lots and lots of farmed
20 salmon out there competing for the food source. We
21 heard evidence that the huge storm systems that mix the
22 nutrients from the lower portions of the water up to
23 the upper water where the salmon are feeding haven't
24 been occurring as frequently in the last years. We've
25 heard that with the warming of the water it increases
26 the salmon's metabolism so they, therefore, need more
27 food that they're competing for. Those are some pretty
28 compelling arguments but they're not even conclusive
29 yet.

30
31 So I guess my mind is not clear on any
32 one specific reason for smaller fish.

33
34 I also object to the patchwork
35 implementation that this Board action would take as I
36 referred to in discussion about the National Wildlife
37 Refuges and the National Preserve that this river
38 system would cross through on its way north and I think
39 that it would just unfairly distinguish between similar
40 people on a similar system as to what methods and means
41 are available to them. I would rather see something
42 that were managed systemwide, which is what I think the
43 State proposes to do if they find that the result of
44 two more years of the study that they're ongoing now
45 may lead them to do. And I would rather see an
46 approach that does not do this patchwork application.
47 And I can just see down the road as our testifiers from
48 the lower Yukon have already pointed out, we're -- we
49 have the potential -- well, we have the potential for
50 pitting different subsistence users against one another

1 in the state and that really isn't the direction I'd
2 like to see us go and I think that by passing this
3 patchwork proposal would not only pit the lower Yukon
4 against the upper Yukon villages, but then you would
5 have little sub-systems within those areas because
6 there's some villages that do not have Federal lands
7 near or around them, that would still be able to
8 operate under the State's guidelines.

9

10 I'm also really concerned with the
11 numbers that were presented to us on the pollock
12 fisheries bycatch, it's really alarming that we heard
13 anywhere between 130 to 140,000 fish, chinook salmon
14 being harvested incidentally, out on the high seas. To
15 me if we start addressing some of these other problems
16 and let the fish make it to the river, then we don't
17 have to go to the lengths of forcing our people in the
18 state to fight over the ones that do make it to the
19 river.

20

21 And I'd like to just explore the
22 opportunity as we move further along on this, the
23 option of somehow getting involved with that discussion
24 on the marine portion, that we don't have the authority
25 over, but maybe we could try to exercise some
26 influence. But that's a separate discussion.

27

28 With that, I'm going to close and just
29 putting out there I do not support the motion, I don't
30 support the -- and I'm going to be straightened out on
31 my interpretation of jurisdiction, I sense.

32

33 (Laughter)

34

35 CHAIRMAN FLEAGLE: Go ahead, Keith.

36

37 MR. GOLTZ: Okay. I always try to
38 balance or find the balance between saying too little
39 and too much. I've never got it right yet, this time
40 I've probably said too little. On the issue of
41 jurisdiction, the State makes the argument that we can
42 close to other subsistence users, we can open, but we
43 can't do anything in between. That's not the position
44 of our office or the Department of Justice. Section
45 .815 says restrict, we think that our tools do not have
46 to be draconian, that if we can close we can do less
47 than close. I'm not sure that it would make any
48 difference to the voting but I did want to make that
49 point on the record.

50

1 CHAIRMAN FLEAGLE: Thank you, Keith.
2 Appreciate that.

3
4 Marsha.

5
6 MS. BLASZAK: Thank you, Mr. Chairman.
7 I know that for all of us that this has been a very
8 long, long day, and we've heard, you know, I think
9 compelling testimony from a number of individuals who
10 are affected by the decision or decisions that we make
11 in this body. I'm having, I think, a difficult time,
12 as I'm sure all of you are, trying to decide on behalf
13 of one part of the river corridor against another and
14 that puts us in a very difficult position. And I think
15 what we fundamentally need to make sure of is that
16 we're meeting the requirements under ANILCA that manage
17 -- or direct the management for healthy populations.

18
19 We've heard a lot of, I think,
20 interesting and sometimes conflicting information
21 that's difficult to digest and understand.

22
23 And I think the proposal that Mr.
24 Melius from Fish and Wildlife has presented us, gives
25 us an alternative that infers and I think you even said
26 that if we find more information in the interim from
27 the study from the State and perhaps action that the
28 Board of Fish may take in the interim, that come the
29 implementation date that you're proposing, we may
30 change our mind, is that correct in my interpretation.

31
32 MR. MELIUS: (Nods affirmatively)

33
34 MS. BLASZAK: And, you know, while I
35 don't want it to be hanging over people as a concern
36 that we wouldn't change our mind, I would hope that
37 with compelling additional information, other bodies
38 who have responsibility in this conversation would do
39 diligence and exercise that authority.

40
41 And, I think, like, Denny, I'm still
42 stewing on where I'm going to ultimately lie on this
43 topic. But I'm very concerned that if the Board of
44 Fish and Federal Subsistence Board continue to study
45 and do nothing that we're punting, we continue to punt
46 this issue back and forth amongst one another. It's
47 been brought up before both bodies multiple times and,
48 you know, ultimately the healthy population of the
49 fisheries has got to be in the forefront of our
50 decision-making.

1 CHAIRMAN FLEAGLE: Appreciate that.
2 Any more discussion.

3
4 (No comments)

5
6 CHAIRMAN FLEAGLE: Anyone want to add
7 some more discussion to the debate that might swing the
8 maybes.

9
10 Denny.

11
12 MR. BSCHOR: I don't think I'm punting
13 anymore, I was really compelled by your comments, Mr.
14 Chair, on, you know, what's really the problem here and
15 what needs to be solved. I don't think I want to do
16 anything that would pit people against each other and
17 I'm afraid that if I vote yes for this, that would
18 continue. And I also want to personally, my -- my
19 viewpoint is that we still need to work together, this
20 is a serious problem. And whether we -- it's not just
21 the people on the river, it's the agencies, I think we
22 need to work together to solve this thing.

23
24 So I'm going to vote against it.

25
26 CHAIRMAN FLEAGLE: Appreciate that.
27 Tom Melius.

28
29 MR. MELIUS: Yeah, I thought long and
30 hard on this motion and I tried to craft it in a way
31 that does, as Marsha said, hold the feet to the fire
32 and try to get information in front of the Board so we
33 can be making decisions on the best science that we
34 have available and that we're all working together on
35 this and so that was a part of the modification that I
36 made on it.

37
38 If the motion does not prevail, I do
39 believe, though, that we are starting to move in the
40 right direction with addressing this issue and I'm sure
41 this won't probably be the last time we'll be
42 discussing this.

43
44 Thank you, Mr. Chairman.

45
46 CHAIRMAN FLEAGLE: Thank you, Tom.
47 Further discussion.

48
49 (No comments)
50

1 CHAIRMAN FLEAGLE: Are we ready for the
2 question.
3
4 MR. LONNIE: Call the question.
5
6 CHAIRMAN FLEAGLE: Question's called.
7 Pete, on Proposal 14, please, poll the Board.
8
9 MR. PROBASCO: Thank you, Mr. Chair.
10 Final action on FP08-14, adopt the proposal as
11 recommended by the Eastern Interior Subsistence
12 Regional Advisory Council, with modification for a
13 three year phase-in period for subsistence and
14 commercial fishers and the intent is April 2011 to
15 comply with gillnet specifications.
16
17 Mr. Cesar.
18
19 MR. CESAR: Aye.
20
21 MR. PROBASCO: Mr. Bschor.
22
23 MR. BSCHOR: No.
24
25 MR. PROBASCO: Mr. Melius.
26
27 MR. MELIUS: Aye.
28
29 MR. PROBASCO: Ms. Blaszak.
30
31 MS. BLASZAK: Aye.
32
33 MR. PROBASCO: Mr. Fleagle.
34
35 CHAIRMAN FLEAGLE: Nay.
36
37 MR. PROBASCO: And Mr. Lonnie.
38
39 MR. LONNIE: No.
40
41 MR. PROBASCO: Mr. Chair. Motion
42 fails, three/three.
43
44 CHAIRMAN FLEAGLE: Thank you. Before
45 we take up Proposal 13, let's take a brief at ease, a
46 10 minute at ease and then we need to come back and
47 discuss whether we want to take a dinner break or
48 continue on but let's stand down for a brief break.
49
50 (Off record)

1 (On record)

2

3 CHAIRMAN FLEAGLE: All right, the
4 Federal Subsistence Board is back on record. And we
5 spent a great deal amount of time and discussion on
6 that last issue about user conflicts and we're coming
7 up on a user conflict right here in this building that
8 Pete's going to address that's going to dictate our
9 meeting procedures.

10

11 Go ahead, Pete.

12

13 MR. PROBASCO: Thank you, Mr. Chair. If
14 you're not aware, tonight is Thursday Night at the
15 Fights upstairs and we can have this room until
16 approximately 11:00, however, the problem is they lock
17 the doors here right at 6:00 so if you leave the
18 building you have to pay to come back in.....

19

20 (Laughter)

21

22 MR. PROBASCO:to attend this
23 meeting.

24

25 (Laughter)

26

27 MR. PROBASCO: And the other thing, I
28 don't know if you saw the promotor come in the corner
29 but he sort of watched our proceedings and wanted to
30 know if John and I wanted to enter in the fight
31 upstairs.

32

33 (Laughter)

34

35 MR. PROBASCO: So thank you, Mr. Chair.
36 Don't leave the building you'll have to pay to get back
37 in.

38

39 CHAIRMAN FLEAGLE: And I don't suspect
40 that we're going to need the building until 11:00 but
41 we are going to continue working on our proposals until
42 we conclude our business here tonight.

43

44 With that our next proposal up is
45 Proposal 13, which was essentially treated like a
46 companion proposal to 14, and there's some debate as to
47 whether or not the Board should even take it up. But
48 my feeling is that since it is on the agenda for
49 consideration we should at least have a motion for
50 adoption, brief discussion if the Board doesn't intend

1 to -- if the Board intends to apply the same arguments
2 that it applied to 14, just reference those statements
3 and take a vote rather than just let the proposal die.
4 And I mean I may be surprised maybe Proposal 13 has
5 merits on its own so it probably should be treated
6 separately.

7

8 Tom.

9

10 MR. MELIUS: I think that's a good way
11 to proceed, Mr. Chairman, and I can move forward a
12 motion.

13

14 And in the spirit of as we started
15 yesterday, putting these in a positive statement, I
16 would move to accept Proposal 14 consistent with the
17 recommendations of the Yukon-Kuskokwim and the Seward
18 Peninsula Regional Councils. But, Mr. Chairman, I do
19 believe, though that there is not substantial evidence
20 to demonstrate that a reduction in the depth of
21 gillnets would provide protection to only large class
22 -- the larger female chinook salmon that are of
23 concern.

24

25 If I get a second to my motion, I will
26 also explain why I will be voting against my own
27 motion.

28

29 MR. CESAR: I'll second.

30

31 CHAIRMAN FLEAGLE: All right, we got a
32 second from Niles, go ahead, Tom, please.

33

34 MR. MELIUS: Okay. While reducing the
35 depth of gillnets would likely reduce the overall
36 harvest of chinook salmon by making the gear less
37 efficient, it would not provide protection to only the
38 larger size fish but would harvest fewer fish in
39 general. We could also accomplish this by reducing the
40 time allowed to fish.

41

42 For this reason the recommendation of
43 the Eastern Regional -- Eastern Interior Regional
44 Council could be detrimental to subsistence users by
45 requiring people to fish harder to meet their needs.

46

47 I don't believe we had very much in the
48 way of studies or justifications that would also lead
49 me to believe that this was the proper way to go, so,
50 Mr. Chairman, I will be voting against my motion.

1 CHAIRMAN FLEAGLE: Pete.
2
3 MR. PROBASCO: Mr. Chair. For the
4 record, Mr. Melius, you meant Eastern Interior,
5 correct?
6
7 MR. MELIUS: Correct.
8
9 MR. PROBASCO: Thank you.
10
11 MR. MELIUS: Sorry.
12
13 CHAIRMAN FLEAGLE: Discussion.
14
15 (No comments)
16
17 CHAIRMAN FLEAGLE: I'm going to vote
18 against the proposals for the reasons stated on
19 Proposal 14. And if I don't hear any interest in
20 further pursuing this proposal on its separate merits,
21 I will recognize a call for the question.
22
23 Go ahead, Tom Lonnie.
24
25 MR. LONNIE: My intention is to not
26 support this proposal also, Mr. Chairman, and for all
27 the reasons Tom Melius just outlined.
28
29 CHAIRMAN FLEAGLE: All right, question
30 is now recognized on Proposal 13. Pete.
31
32 MR. PROBASCO: Thank you, Mr. Chair.
33 Final action on FP08-13 to adopt with modification as
34 recommended by the Eastern Interior Subsistence
35 Regional Advisory Council.
36
37 First up is Mr. Bschor.
38
39 MR. BSCHOR: No.
40
41 MR. PROBASCO: Mr. Melius.
42
43 MR. MELIUS: No.
44
45 MR. PROBASCO: Ms. Blaszak.
46
47 MS. BLASZAK: No.
48
49 MR. PROBASCO: Mr. Fleagle.
50

1 CHAIRMAN FLEAGLE: No.
2
3 MR. PROBASCO: Mr. Lonnie.
4
5 MR. LONNIE: No.
6
7 MR. PROBASCO: And, Mr. Cesar.
8
9 MR. CESAR: No.
10
11 MR. PROBASCO: Motion fails, zero/six.
12
13 CHAIRMAN FLEAGLE: Thank you. That
14 concludes discussion on Proposals 13 and 14. We now
15 move forward with consideration on 15 and 16. And we
16 turn to Staff for analysis, Don Rivard, welcome, again.
17
18 MR. RIVARD: Thank you, Mr. Chair.
19 Members of the Board. The analysis for Proposals FP08-
20 15 and 16 begin on Page 364 of your book.
21
22 Proposal FP08-15 submitted by the
23 Louden Tribal Council of Galena requests an expansion
24 of fishing time for the Federal drift gillnet fishery
25 in Subdistricts 4-B and 4-C, the Yukon River to include
26 the entire weekly regulatory openings instead of just
27 the last 18 hours of each, which is currently in
28 regulation.
29
30 Proposal FP08-16 was submitted by the
31 Alaska Department of Fish and Game and requests the
32 elimination of this Federal drift gillnet fishery in
33 Subdistricts 4-B and 4-C.
34
35 The proponent of No. 15 states that
36 adoption of this proposal would reduce competition for
37 Federal subsistence drift gillnet fishing sites near
38 the village of Koyukuk in Subdistrict 4-A, allow
39 Federally-qualified users from Subdistricts 4-B and 4-C
40 more time to explore, find and utilize viable drift
41 gillnet sites, and three, reduce fuel consumption costs
42 and safety concerns by traveling shorter distances to
43 fish by drift gillnet.
44
45 The proponent of Proposal No. 16 claims
46 that the drift gillnet fishery in Subdistricts 4-B and
47 4-C is not a traditional fishery and is not consistent
48 with the definition of customary and traditional use in
49 regulations.
50

1 The proponent of No. 16 made similar
2 claims when opposing Proposal 05-04 three years ago.
3 Claims that the Federal Subsistence Board considered
4 when it established the drift gillnet fishery in
5 Subdistricts 4-B and 4-C in January of 2005.
6

7 The proposed regulations are on Page
8 365 and there's a little bit of -- I'll read just a
9 little bit of the regulatory history for the newer
10 members of the Board. And this is brief.
11

12 In March 2003, the Western Interior
13 Alaska Regional Advisory Council submitted Fisheries
14 Proposal 04-05 to the Federal Subsistence Board and
15 this proposal was rejected because of some of the
16 concerns that were expressed at the time. But a year
17 later in March 2004 the Western Interior Council
18 submitted a similar fisheries proposal to the Board
19 again, again, requesting expansion of the subsistence
20 drift gillnet fishery to include Subdistricts 4-B and
21 4-C as well as District 5. At its fall Council meeting
22 that year, the Western Interior Council recommended the
23 proposal only apply to 4-B and 4-C and be limited to
24 chinook salmon from June 10th to the 14th and the
25 harvest of chum after August 2nd. In January of 2005
26 the Board adopted this proposal with modification to
27 allow the harvest of only chinook salmon but not chum
28 salmon by drift gillnet in the Federal public waters of
29 Subdistricts 4-B and 4-C [sic] during the final 18
30 hours of the weekly regulatory openings under a Federal
31 subsistence fishing permit.
32

33 In other words, this drift gillnet
34 fishery has just recently completed its third year with
35 the summer 2007 season.
36

37 Now, your map is on Page 367 and it
38 shows the Federally-managed waters and State waters and
39 so where this applies is in 4-B and 4-C where drift
40 gillnet fishing is allowed in Federal public waters is
41 Galena downstream to the border with Subdistrict 4-A,
42 Ruby upstream to the border with Subdistricts 5-A and
43 5-B as you're heading towards Tanana. And, then,
44 again, there's State waters between Galena and Ruby.
45

46 Now, if you go to your Page 368 I'm
47 going to briefly touch on what happened these last
48 three years.
49

50 Looking at Table 1, 70 permits were

1 issued, nine permit holders fished for a total of 60
2 hours and 54 chinook salmon were harvested. Feedback
3 from Federal subsistence users indicated that
4 productive drifting spots had not been located within
5 the Federal public waters of Subdistrict 4-B and 4-C
6 but fishing effort would likely increase if productive
7 drift sites were found.

8
9 In 2006, this is looking at Table 2 now
10 on Page 369. Interest in the Federal subsistence
11 fishing opportunity declined somewhat with only 18
12 permits issued, 16 to Galena residents, one to a Ruby
13 resident and one to a Koyukuk resident. Of the 18
14 permit holders who reported their fishing activity 13
15 people did not fish and five fished approximately 18
16 hours resulting in the harvest of 19 chinook and 11
17 chum salmon.

18
19 Now, for 2007 and Russ Holder provided
20 me with up to date information and so I've incorporated
21 this into my talking points, it's not in the analysis
22 itself.

23
24 In 2007 the season, again, began with
25 two 48 hour openings per week in Subdistricts 4-B and
26 4-C for the regular State and Federal subsistence
27 fisheries with the final 18 hours open for the drift --
28 Federal drift gillnet fishery.

29
30 The State and Federal regular fisheries
31 openings were progressively liberalized on July 1st,
32 July 6th and July 8th with the Federal drift gillnet
33 fishing time liberalized by a similar prorated amount
34 first two 22 hour openings and then to two 31 hour
35 openings.

36
37 In 2007 the interest in the Federal
38 subsistence drift gillnet fishing opportunity continued
39 to be exploratory. A total of 12 permits were issued
40 eight from Galena, one to a Koyukuk resident, three to
41 Ruby residents, all 12 permittees reported with their
42 fishing activity at the end of the season. Only four
43 permittees actually fished with a reported harvest of
44 13 chinook salmon and 28 and a half hours of fishing
45 effort by drift gillnets.

46
47 Now, the effects of the proposals if
48 adopted, this is starting on Page 370, talking about
49 Proposal No. 15, which would liberalize the current
50 openings. Adoption would provide additional harvest

1 opportunities to Federally-qualified subsistence users
2 by giving them additional time to explore, find and
3 utilize productive drift gillnet fishing sites. It
4 would also align the subsistence drift gillnet fishing
5 time period to be the same as other legal subsistence
6 gear fishing times in Subdistricts 4-B and 4-C. This
7 would result initially in increasing the time by 60
8 hours per week from 36 to 96 hours, in other words the
9 two 48 hour periods under the windows schedule.
10 However no increase is anticipated in the combined
11 harvest of chinook salmon in Subdistricts 4-A, 4-B and
12 4-C as Federally-qualified users would likely only be
13 changing the locations of where they fish and not the
14 amount of chinook salmon needed and/or harvested.

15
16 Should more viable sites for drift
17 gillnet fishing be found in Subdistricts 4-B and 4-C
18 fishing pressure and competition for the few desirable
19 fishing sites near the village of Koyukuk in
20 Subdistrict 4-A would likely decrease.

21
22 Federally-qualified subsistence users
23 from and fishing in Subdistricts 4-B and 4-C would be
24 able to utilize their time and resources more
25 efficiently by being able to use drift gillnets closer
26 to their own communities and in doing so consume less
27 fuel. Safety concerns of these fishers from 4-B and 4-
28 C associated with the time and distance required
29 traveling to productive sites in 4-A would also be
30 reduced by being able to fish closer to their home
31 villages. Aligning the drift gillnet fishing time with
32 other legal subsistence gear fishing times will likely
33 result in less confusion by fishers and less
34 administrative actions that the Federal in-season
35 manager would need take.

36
37 As always the Federal in-season manager
38 will continue to have the authority to make in-season
39 adjustments in fishing time and gear type in response
40 to chinook salmon run strength.

41
42 Now, the effects for Proposal 16. This
43 would eliminate the drift gillnet fishery and negate
44 the Federal Subsistence Board's January 2005 action
45 establishing the fishery in the first place.

46
47 Federally-qualified subsistence users
48 in Subdistricts 4-B and 4-C would no longer be able to
49 use fishing gear that is legally used in Districts 1, 2
50 and 3 and the adjoining Subdistricts 4-A.

1 With that, Mr. Chair, the OSM Staff
2 conclusion is to support Proposal 15 and oppose
3 Proposal 16.

4
5 Thank you, Mr. Chair.

6
7 CHAIRMAN FLEAGLE: Thank you, Don.
8 Questions.

9
10 (No comments)

11
12 CHAIRMAN FLEAGLE: Can we wait until we
13 get to your presentation point?

14
15 MR. PROBASCO: He said yes.

16
17 CHAIRMAN FLEAGLE: Okay. All right,
18 summary of written public comments, Vince.

19
20 MR. MATHEWS: Yes, thank you, Mr.
21 Chair, they're found on Page 377 of your book.

22
23 For Proposal 15 there were two written
24 comments submitted, one in opposition, one no action.

25
26 Lower Yukon Fish and Game Advisory
27 Committee opposes the proposal because of additional
28 pressure on the fishery and impact on lower river
29 users.

30
31 Again, as we explained earlier YRDFA
32 works on consensus but they did share this comment that
33 they were split between people on their board feeling
34 that expanding the drift gillnets in 4-B and 4-C would
35 not be fair to other users, while others felt that the
36 difficulty of fishing in that area, it should be
37 allowed.

38
39 On Proposal 16 there was a total of two
40 submitted. One in support, one in opposition.

41
42 Again, the Lower Yukon Fish and Game
43 Advisory Committee supports the proposal because they
44 feel that it's not a traditional fishery.

45
46 The Yukon River Drainage Fishery
47 Association opposes Proposal 16. People should be
48 allowed to use the most efficient gear, i.e., drift
49 gillnets in areas where it's more difficult to fish and
50 to allow for reasonable subsistence opportunity.

1 Mr. Chairman, that's all the public
2 comments I'm aware of.
3
4 CHAIRMAN FLEAGLE: Thank you, Vince.
5 Public testimony, Pete.
6
7 MR. PROBASCO: Thank you, Mr. Chair.
8 We have three now here to testify on this proposal.
9 The first one up is Harry Wilde. Harry.
10
11 CHAIRMAN FLEAGLE: Harry Wilde.
12
13 MR. PROBASCO: Public testimony. And
14 following Harry will be Rebecca Gisclair, is Rebecca
15 here.
16
17 CHAIRMAN FLEAGLE: Uh-huh, yep.
18
19 MR. PROBASCO: And after Rebecca will
20 be Mike Smith.
21
22 MR. WILDE: All right. Welcome, Harry,
23 if you'd turn your microphone on and please confine
24 your comments to within a three minute period again.
25 Appreciate you being here, thanks, go ahead.
26
27 MR. WILDE: Yeah, I don't see it here.
28
29 CHAIRMAN FLEAGLE: Why don't we go
30 ahead and let Rebecca testify first and then we'll come
31 back to Harry while he gets his thoughts in order.
32
33 Rebecca, welcome.
34
35 MS. GISCLAIR: Thank you, Mr. Chair.
36 Members of the Federal Subsistence Board. I'll be
37 brief as Vince has already noted many of YRDFA's
38 comments.
39
40 On Proposal 15 the YRDFA did not have
41 consensus on this proposal. Some Board members felt
42 that expanding the time for drift gillnets would not be
43 fair to other users in the lower river who have less
44 time to fish, and others felt that fishers in regions
45 such as this where it is hard to fish should be allowed
46 additional time, as in Koyukuk and Eagle. And that
47 this would allow fishers additional time to locate
48 fishing locations, which people have had great
49 difficulty doing so far.
50

1 On Proposal 16 the YRDFA Board opposes
2 this proposal. While the YRDFA did not have consensus
3 on expanding the fishery, they did agree that it should
4 not be eliminated. Board members felt that people
5 should be allowed to use the most efficient gear, drift
6 gillnets, in areas where it is more difficult to fish
7 to allow for a reasonable subsistence opportunity.
8 Since the number of fish harvested has been low
9 continuing this fishery does not pose a conservation
10 concern.

11
12 Thank you.

13
14 CHAIRMAN FLEAGLE: Thank you.
15 Questions, Board members.

16
17 (No comments)

18
19 CHAIRMAN FLEAGLE: All right, thank
20 you, Rebecca.

21
22 Harry Wilde.

23
24 MR. WILDE: Yeah, Mr. Chairman. When
25 we testify 14 and 15, we didn't support it or against
26 it because we understand what is going on here. I was
27 asked for -- to testify on 17, No. 17, so all of us --
28 some of us, we -- we didn't, against 15 or against 16.
29 So to us -- to me it's this 15, No. 15, that District
30 4, 5 and 6, we didn't against this. Because we're
31 elders we were trained when we were young, never fight
32 over fish in the Yukon River. All the fish in the
33 Yukon River, it belongs to the people who are hungry.
34 That's the lifesaver for the people. And I tell you
35 why I am continuously -- I am on Advisory -- Lower
36 Yukon Advisory Council. When I grew up I was very
37 poor, no parents, I had sister -- three -- two sister
38 and one brother take care of. My brother was four
39 years old and me, I was, 14. I tell you this so you
40 will know, subsistence is a very important thing. I
41 used to go out there and sometime beg to feed my sister
42 and brother. And when we're -- when Federal Board is
43 going to start here, Alaska, we went out to Washington,
44 D.C., and we were supporting Federal to start here in
45 Alaska because my elders, that time I was young, they
46 told me, Harry, never fight over for any subsistence or
47 food, what the people want, even commercial.

48
49 So to let you know, this 15 or 16, I'm
50 not against it, but I am not say anything to -- because

1 I am not against it.

2

3 Up river people, I know them. I know
4 them, those people up there, I know people in Canadian
5 because I used to be Advisory Council so to let you
6 know whatever the people want, it's up to you, you're
7 the one is to -- you know what it would become.

8

9 Thank you.

10

11 CHAIRMAN FLEAGLE: Okay, thank you,
12 Harry, appreciate the comments.

13

14 MR. PROBASCO: And, Mr. Chair, I don't
15 see Mike Smith in the room.

16

17 Mike Smith.

18

19 (No comments)

20

21 MR. PROBASCO: That concludes public
22 testimony, Mr. Chair.

23

24 CHAIRMAN FLEAGLE: Thank you.
25 Alrighty, Regional Council recommendation. We're going
26 to go to Jack Reakoff for that.

27

28 MR. REAKOFF: Thank you, Mr. Chairman.
29 Western Interior Regional Advisory Council proposed and
30 was successful in getting the passage of this proposal
31 through. Louden Council wanted the additional fishery,
32 time, there's people from Galena who are going way down
33 the river and at these fuel prices, it was reported in
34 our meetings that they were spending up to \$140 per
35 trip to go way down by Koyukuk to fish. This
36 particular subsistence fishery has restrictions in gear
37 size, it's rural subsistence users and they're fishing
38 closer to home and reducing their cost. The reason it
39 hasn't been used to a very large degree is because they
40 only have 18 hours to fish, you got a 48 hour period,
41 they're moving way down the river and it's not cost
42 efficient to go back up and test. Nobody's really
43 tested it out, there's a lot of concerns about snags,
44 there's only very limited places where a drift fishery
45 can be used in this particular area. There's people
46 who want to be able to test but they don't want to risk
47 all that time of fishing to explore.

48

49 These are rural people. The allocation
50 is to subsistence, commercial and sport. These are

1 rural subsistence users and subsistence is not
2 allocated on gear type.

3

4 So the Western Interior Council
5 supports this proposal and feels that it will help
6 alleviate and diffuse the cost of economy of time,
7 effort and expense.

8

9 Thank you.

10

11 CHAIRMAN FLEAGLE: Thank you, Jack. I
12 recognize your hand, Virgil, I just got a question.
13 Being that the area in question is in your domain
14 there, I got a question about the use. The people that
15 are trying to participate in this fishery are
16 subsistence fishers who do have the privilege to
17 participate in other subsistence fisheries in the same
18 area, with other gear type.

19

20 MR. REAKOFF: There's limited set net
21 areas in this particular area and the population of
22 people, there's not enough set net locations for
23 everybody that lives in Galena so there's people that
24 are having to travel way down the river to go down and
25 it's caused this combat fishery down at Koyukuk.
26 There's one good drift area there and so everybody's
27 competing with the people from Koyukuk right in front
28 of their village, plus they're having to spend a lot of
29 fuel. And so the people from Galena are the primary
30 driving force of this proposal to allow them to travel
31 a shorter distance and there'll be still a limited
32 number of people who are going to be willing to risk
33 their nets. And so they're wanting additional fishing
34 time. The harvests have been exceedingly low and
35 that's not a reason to eliminate the fishery as the
36 State's proposal 08-15 is trying to do. We're supposed
37 to provide a reasonable opportunity for subsistence
38 harvest with respect to economy of time, effort and
39 expense and that's under State regulations also. And
40 so these are people who want to spend less money and
41 with the rising cost of fuel and at \$95 a barrel for
42 oil this isn't going to go away.

43

44 And so we feel it's imperative to
45 continue to provide an opportunity that has a
46 meaningful participation.

47

48 CHAIRMAN FLEAGLE: Thank you, Jack.
49 Other questions.

50

1 (No comments)

2

3 CHAIRMAN FLEAGLE: Virgil, for the
4 Eastern Interior Regional Advisory Council.

5

6 MR. UMPHENOUR: Thank you, Mr. Chair.
7 Our Council took this proposal up, it's just down the
8 river from our boundary and we support the proposal.

9

10 It was brought out in our meeting that --
11 or the way we -- we discussed the proposal and we
12 consider it a fair treatment issue. In the lower Yukon
13 they're allowed to drift gillnet fish, this fishery has
14 what our Proposal 13 would have done in it, they can
15 only use a 35 mesh deep net.

16

17 And we also brought out information --
18 or information was brought out when we discussed this
19 issue is the drift gillnet fishing is actually new in
20 the lower Yukon as well, they didn't start it until the
21 late '70s. And so we feel what's good for the goose is
22 good for the gander, that was our RAC's feeling and we
23 support the proposal wholeheartedly.

24

25 Mr. Chair.

26

27 CHAIRMAN FLEAGLE: Thank you, Virgil.
28 Questions.

29

30 (No comments)

31

32 CHAIRMAN FLEAGLE: Bob, for the Yukon-
33 Kuskokwim Delta Council.

34

35 MR. ALOYSIUS: Thank you, Mr. Chairman.
36 The Yukon-Kuskokwim Delta Subsistence Regional Advisory
37 Council opposed FP08-15 and their justification is:

38

39 The creation of this new fishery in
40 District Y4-B and Y4-C could negatively impact the
41 lower Kuskokwim -- I mean, forgive me, I'm from the
42 Kuskokwim River, lower Yukon fishers over time. Yukon
43 River chinook salmon fishery is already fully
44 allocated.

45

46 Just for your information this was not
47 a unanimous or consensus vote. I voted in support of
48 this against the wishes of all my other Council members
49 basically on the fact that we are there to provide
50 subsistence fishing opportunity for all the people and

1 that was the way I stood.

2

3 Thank you.

4

5 CHAIRMAN FLEAGLE: Thank you, Bob. All
6 right, and then Vince for the Seward Penn RAC.

7

8 MR. MATHEWS: Yes, Mr. Chairman, it's on
9 Page 362. They support Proposal 15 and oppose Proposal
10 16.

11

12 Their justification is they support
13 subsistence users within the region.

14

15 Thank you.

16

17 CHAIRMAN FLEAGLE: Okay, thank you.
18 Alaska Department of Fish and Game comments, John
19 Hilsinger.

20

21 MR. HILSINGER: Thank you, Mr.
22 Chairman. George Pappas will read the comments but I
23 did just have one question first. I had heard that
24 there was a lot of snags in that area and so I just was
25 wondering if that was much of a problem losing nets to
26 snags and did the Federal Staff have any concern about
27 those nets fishing after they're lost or anything of
28 that nature.

29

30 CHAIRMAN FLEAGLE: Russ Holder.

31

32 MR. HOLDER: Mr. Chairman. Mr.
33 Hilsinger. Russ Holder, Federal fisheries manager for
34 the Yukon River. John, I'm aware of one net lost last
35 year, and prior years I'm not aware of other nets being
36 lost. I believe fishermen have been using some of
37 their older nets to do some of the prospecting but as
38 you saw there hasn't been a considerable amount of
39 effort because people are still prospecting.

40

41 Thank you.

42

43 CHAIRMAN FLEAGLE: John.

44

45 MR. HILSINGER: Mr. Pappas.

46

47 CHAIRMAN FLEAGLE: George.

48

49 MR. PAPPAS: For the record, George
50 Pappas, Department of Fish and Game.

1 FP08-15 would liberalize the hours
2 allowed for the Federal subsistence drift gillnet
3 fishery in Subdistricts 4-B and 4-C. FP08-16 would
4 eliminate this recently implemented Federal subsistence
5 drift gillnet fishery because it was not a traditional
6 fishery.

7
8 The creation in 2005 of the Federal
9 subsistence drift gillnet fishery in Subdistricts 4-B
10 and 4-C of the Yukon River by the Federal Subsistence
11 Board incorrectly expanded fishing opportunity on a
12 fully utilized stock classified as a yield concern.

13
14 Additional liberalization of the
15 Federal subsistence drift gillnet fishery could
16 increase competition with traditional subsistence users
17 and customary fishing sites. State and Federal
18 subsistence fisheries harvest may move between
19 districts and between drift gillnet and set gillnets
20 and fishwheels in State waters and waters under Federal
21 subsistence jurisdiction. Continuing this unnecessary
22 divergence and liberalization of State regulations
23 creates confusion for users, administrative and
24 enforcement burdens, regulatory complexity and
25 complicates management.

26
27 Concerns for potential impacts to the
28 users, Canadian chinook salmon stocks and fisheries
29 management appear to be the reasons for the YK-Delta
30 and Eastern Interior RACs, the Alaska Board of
31 Fisheries and YR DFA and the Department originally
32 opposed this fishery.

33
34 The State is very concerned about the
35 potential biological impacts caused by changes in stock
36 composition of harvest taken by a new gear type.
37 Although this fishery is new, fully development of this
38 fishery could potentially impact chinook salmon stocks.

39
40 Use of drift gillnets may not increase
41 the overall subsistence harvest but this gear type
42 could eventually change the composition of stocks
43 harvested. Stationary set gillnet and fishwheel gear
44 will likely harvest more local chinook salmon stocks
45 while mobile drift gillnet gear will likely harvest
46 more Canadian origin chinook salmon stocks.

47
48 While there's little hard information
49 or specific data upon which to judge the potential
50 significant effects of Proposal FP08-15 and due to the

1 harvest expansion beyond the historic levels and
2 potential shift in stocks harvested there is no basis
3 for a conclusion that no future impacts will develop if
4 this fishery is liberalized.

5
6 The Federal Board and the Alaska Board
7 of Fish each carefully considered proposals to develop
8 similar drift gillnet fisheries in Subdistrict 4-B and
9 C in 2003 and 2004 and opposed them based on many
10 concerns.

11
12 There is nothing new that justifies
13 increasing the fishery time by 166 percent. The intent
14 of FP08-15, the same fishing periods as for other
15 subsistence fishing gear types has been before the
16 Federal Board twice before in previous proposals, FP04-
17 05 and FP05-04 and was clearly rejected.

18
19 Eliminating this fishery would result
20 in little or no change to the subsistence fishery.
21 This is an extremely difficult area to fish and most
22 fishers find it preferable to fish in the upper end of
23 the District 4-A where drift gillnetting is legal.
24 While the drift gillnet gear in this area might provide
25 some opportunity for new fisheries or transient fishers
26 with shorter histories of participation in subsistence
27 fishing in Subdistricts 4-B and C does not provide an
28 opportunity for efficient and cost effective
29 participation characteristic of subsistence use and
30 elimination of the drift gillnet fishery will not
31 likely impact the established -- excuse me -- will not
32 impact the established subsistence fishery.

33
34 The Department recommendation is to
35 oppose FP08-15, which would liberalize this fishery and
36 support FP08-16 which would eliminate this fishery.

37
38 Thank you, Mr. Chair.

39
40 CHAIRMAN FLEAGLE: Thank you.

41 Questions. Jack Reakoff.

42
43 MR. REAKOFF: I would like to comment
44 to the State's comment.

45
46 The stock composition would not be
47 changed because there's a coincidental drift fishery in
48 4-A, right below there, the fishers don't change
49 because they're the same fishers that fish down there
50 that are trying to fish in this area. And it's not a

1 fully allocated fishery because they're subsistence
2 users and it wasn't a fully utilized fishery, these are
3 the same people trying to meet their subsistence needs.
4 And so the State's position has tremendous amounts of
5 flaws and Mr. Hilsinger's comment about lost gear, the
6 State has the same problem in State waters.

7

8 And so all of those are flawed
9 arguments and I wanted to point that out.

10

11 CHAIRMAN FLEAGLE: Okay, I didn't mean
12 to open it up for debate at this time. I thought that
13 you were just going to ask a question on the -- that's
14 what I opened it up for so I'm going to hold off,
15 Virgil, until we get to that portion of where we do
16 have the open discussion.

17

18 (Laughter)

19

20 CHAIRMAN FLEAGLE: With that then we're
21 going to move on with the InterAgency Staff Committee
22 comments.

23

24 Larry.

25

26 MR. BUKLIS: Thank you, Mr. Chairman.
27 The InterAgency Staff Committee found that the
28 recommendations of the Western Interior, Eastern
29 Interior and Seward Peninsula Regional Advisory
30 Councils to be consistent with ANILCA, Section .805c.
31 However, the recommendation of the Yukon-Kuskokwim
32 Delta Council on these proposals, which taken together
33 would eliminate the existing drift gillnet fishery in
34 4-B and 4-C could be considered inconsistent with
35 ANILCA .805c in terms of being detrimental to the
36 continuation of subsistence uses.

37

38 Thank you, Mr. Chairman.

39

40 CHAIRMAN FLEAGLE: Thank you, Larry.
41 We now go to Board discussion with Council Chairs and
42 State liaison.

43

44 Virgil.

45

46 MR. UMPHENOUR: Yeah, I neglected to
47 point out the fact that the price of gas in Galena last
48 summer was 5.32 a gallon when I had to buy gas there
49 for my boat. And the people at Ruby, Jack didn't speak
50 about the people at Ruby, but Ruby's right on the edge

1 of the Nowitna Refuge and from there to Galena it's 50
2 miles by boat so -- and I know some of those people
3 have been participating in the fishery in the past down
4 by the village of Koyukuk, which is actually 30 miles
5 by boat, from Galena to Koyukuk, so they have 80 miles
6 to go if they wanted to go down there. And so I just
7 wanted to point that fact out.

8

9 And the fact that the whole allocation
10 criteria thing, and a fishery being fully allocated,
11 the first priority is to the subsistence user, and so I
12 just wanted to reemphasize that.

13

14 Thank you, Mr. Chair.

15

16 CHAIRMAN FLEAGLE: Thank you, Virgil.

17 Other comments.

18

19 John Hilsinger.

20

21 MR. HILSINGER: Thank you, Mr.

22 Chairman. I merely asked a question about the snags.

23

24 One of the reasons that this fishery
25 hasn't developed in my understanding is because people
26 haven't found good areas to fish because of snags so I
27 think it's a reasonable question to wonder what kind of
28 an effect that might have on the gear.

29

30 I think it's also reasonable to think
31 that if this was a successful area to fish you might
32 find people who normally would fish with set gillnets
33 or with fishwheels who would rather drift and so you
34 might actually pull more drift effort into the area and
35 it wouldn't solely be the same people who go down to 4-
36 A to fish and so you may actually see that 4-B and C
37 harvest would tend to be taken in the middle of the
38 river more than on the shores in the set nets and
39 fishwheels. And so that was the concern that we had,
40 and the basis of that concern about changes in the
41 stock composition in the harvest.

42

43 Thank you.

44

45 CHAIRMAN FLEAGLE: Thank you, John.

46 Further discussion, Board members.

47

48 Bob.

49

50 MR. ALOYSIUS: Yeah, I'm a little lost

1 here, are we still on 15 or did we cover 15 and 16 at
2 the same time.

3

4 CHAIRMAN FLEAGLE: The discussion right
5 now is on both. So if you want to.....

6

7 MR. ALOYSIUS: Both.

8

9 CHAIRMAN FLEAGLE:discuss either
10 one, yeah.

11

12 MR. ALOYSIUS: Okay. I didn't mention
13 the fact that the Yukon-Kuskokwim Delta Subsistence
14 Regional Advisory Council supported Proposal FP08-16.
15 And their justification is, this is not a traditional
16 fishery and could negatively impact the lower Yukon
17 fisheries over time.

18

19 Thank you.

20

21 CHAIRMAN FLEAGLE: All right, thank
22 you. Other discussion. Jack.

23

24 MR. REAKOFF: One point I wanted to
25 make is in our statistical area census area of the
26 middle Yukon and Koyukuk, there's been a 10 percent
27 decline in human population because of the high cost of
28 living in rural Alaska and so I'm very concerned about
29 these high costs driving some of our more productive
30 members of our subsistence community out and making it
31 harder and harder and I would -- I feel that there
32 should be a sense of compassion about this issue, that
33 we do need to think about the subsistence priority and
34 ever last nickel and dime that it takes, people are
35 pooling their funds to go catch these fish. This isn't
36 a joke, they're spending big bucks to go down river to
37 try and get their fish. Because I walk into the stores
38 in Galena, you can't buy salmon, you can barely find a
39 few packages of beef. It's very expensive to live in
40 Galena. This is a very important issue to people.

41

42 This is not -- this is a real, real
43 thing. People are wanting to be able to fish there.

44

45 Thank you.

46

47 CHAIRMAN FLEAGLE: Thank you, Jack.
48 Further discussion.

49

50 (No comments)

1 CHAIRMAN FLEAGLE: Are we ready for a
2 motion. Tom Melius.

3
4 MR. MELIUS: Here we go again. Thank
5 you, Mr. Chairman. Appreciate the comments and the
6 testimony received on this.

7
8 I would move to adopt Proposal 15
9 consistent with the Western Interior, Eastern Interior
10 and the Seward Peninsula Regional Councils. I will
11 provide further justification if I get a second to the
12 motion.

13
14 MS. BLASZAK: Second.

15
16 CHAIRMAN FLEAGLE: Okay, we do have a
17 second.

18
19 MR. MELIUS: Mr. Chairman. I believe
20 there are no conservation concerns for the level of
21 harvest in this small subsistence drift gillnet
22 fishery. Expanding the time allowed to use this
23 fishing method will allow people more time to find good
24 fishing locations and this may help people in Galena
25 and Ruby meet their subsistence needs more efficiently.

26
27 This action would be contrary, though,
28 to the recommendations of the Yukon-Kuskokwim Regional
29 Council, however, their recommendation could be
30 detrimental to the satisfaction of subsistence users
31 needs in Subdistricts B and C.

32
33 So I would urge support of the motion.

34
35 CHAIRMAN FLEAGLE: Other discussion.
36 Marsha.

37
38 MS. BLASZAK: I agree with the proposal
39 that Mr. Melius put before us and for the same reasons
40 will be supporting FP08-15 and opposing FP08-16.

41
42 CHAIRMAN FLEAGLE: Denny.

43
44 MR. BSCHOR: Yes, Mr. Chair. Just one
45 question relative to the conservation side of this.
46 What is the situation as far as the ease of the -- or
47 the ability of the in-season manager to make sure that
48 if there becomes a problem that it can quickly be dealt
49 with.

50

1 CHAIRMAN FLEAGLE: Russ Holder.
2
3 MR. HOLDER: Mr. Chairman. Mr. Bschor.
4 I believe it's -- as far as timewise, it's fairly easy
5 for me to be able to respond to with my in-season
6 management authority.
7
8 CHAIRMAN FLEAGLE: Niles.
9
10 MR. CESAR: I just wanted to respond to
11 Jack's comment about the population in the villages and
12 we, in the Bureau, view that as a very, very serious
13 problem. We have observed large numbers of people from
14 many, many villages moving from the villages into hubs
15 and into communities like Anchorage to where the Native
16 population in Anchorage is somewhere between 30 to
17 40,000 people now. And every person that we lose in a
18 village has an impact, both on the schools and the
19 stores and everything that makes a village a village,
20 and so I mean I support any proposal that helps the
21 folks fish closer to home, to get their fish in an
22 efficient manner so that we can hold back the tide.
23
24 I don't know that it necessarily will
25 long-term, but I do know that we have a responsibility
26 to do that and for those reasons I intend to support
27 the RAC's positions on both 15 and 16.
28
29 CHAIRMAN FLEAGLE: Was that a call for
30 the question.
31
32 MR. CESAR: Call for the question.
33
34 CHAIRMAN FLEAGLE: All right,
35 question's been called, final action.
36
37 MR. PROBASCO: Final action, Mr. Chair,
38 on FP08-15, to adopt the proposal as recommended by the
39 Seward Peninsula, Western Interior and Eastern Interior
40 Regional Advisory Councils.
41
42 Mr. Melius.
43
44 MR. MELIUS: Aye.
45
46 MR. PROBASCO: Ms. Blaszak.
47
48 MS. BLASZAK: Aye.
49
50 MR. PROBASCO: Mr. Fleagle.

1 CHAIRMAN FLEAGLE: Aye.
2
3 MR. PROBASCO: Mr. Lonnie.
4
5 MR. LONNIE: Aye.
6
7 MR. PROBASCO: Mr. Cesar.
8
9 MR. CESAR: Aye.
10
11 MR. PROBASCO: And, Mr. Bschor.
12
13 MR. BSCHOR: Aye.
14
15 MR. PROBASCO: Motion carries,
16 six/zero.
17
18 CHAIRMAN FLEAGLE: Thank you. Tom.
19
20 MR. MELIUS: Mr. Chairman. Noting the
21 action of adopting Proposal 15, I would suggest that we
22 don't need to take action on Proposal 16.
23
24 CHAIRMAN FLEAGLE: Any objection.
25
26 (No comments)
27
28 CHAIRMAN FLEAGLE: Hearing none, that
29 will be the action. Thank you, Tom.
30
31 That now moves us to Proposal 17, and
32 it looks like we need a moment for Staff change. Let's
33 stand down briefly for a Staff change.
34
35 Thanks.
36
37 (Off record)
38
39 (On record)
40
41 CHAIRMAN FLEAGLE: All right, we're
42 back on record and we now have Staff ready to do the
43 analysis presentation on Proposal 17. Helen, welcome,
44 good evening.
45
46 MS. ARMSTRONG: Thank you, Mr. Chair.
47 My name is Helen Armstrong. I'm with the Office of
48 Subsistence Management.
49
50 Proposal FP08-17 can be found, the

1 analysis starts on Page 383, the actual executive
2 summary and the Regional Council recommendations all
3 start on Page 378. I'll try to be really pretty quick
4 on this.

5
6 Proposal FP08-17 was submitted by the
7 Yukon River Drainage Fisheries Association and it
8 requests that in the Yukon River drainage community
9 elders 60 years of age and older who are participating
10 in salmon fishing not be subject to the windowed
11 subsistence schedules and, therefore, be able to
12 subsistence fish 24 hours per day, seven days per week.

13
14 The proposal also includes the
15 provision that the elder may be assisted by one
16 individual less than age 60. This proposal would not
17 apply to subsistence fishing closures before, during
18 and after commercial openings.

19
20 The subsistence fishing schedule
21 requires the fishers to stop fishing and remove their
22 gear from the water at the end of every subsistence
23 period and that gear be redeployed no earlier than at
24 the beginning of each subsistence period. This can be
25 a physical hardship when fishing with set gillnet if
26 they do not have someone to assist them.

27
28 The proponent, however, did not
29 identify the fishing gear in the proposal but referred
30 to fishing activity. The allowable gear type allowed,
31 under Federal subsistence regulations for harvesting
32 salmon in the Yukon River area includes drift and set
33 gillnets, beach seines, fishwheels and rod and reel.
34 Rod and reel fishing is already allowed 24 hours a day,
35 seven days a week. Beach seining is not commonly a
36 method used for taking salmon and fishwheels are used
37 primarily in the middle and upper portions of the Yukon
38 River drainage, above Holy Cross.

39
40 The proposed change for drift gillnet
41 fishing would still include the physical demands of
42 deploying and retrieving the nets, thus, there is less
43 of a physical advantage to the proposed exemption for
44 elders when drift gillnet fishing.

45
46 The expanded opportunity would still
47 remain for fishwheel and drift gillnet fishermen but
48 there is no physical advantage to elders fishing with
49 drift gillnets or fishwheels.

50

1 Set net fishing is a traditional method
2 of taking salmon and is most common in the lower Yukon
3 River. There are not extensive numbers of productive
4 set net sites available.

5
6 It appears that the age exemption for
7 elders would only be a significant physical advantage
8 when set net fishing.

9
10 Providing an exemption for elders 60
11 years and older to the subsistence windows schedule
12 would exempt them from the requirement to stop fishing
13 and remove their set nets from the water at the end of
14 every subsistence period and reset them at the
15 beginning of every subsistence period.

16
17 While the proposal's not expected to
18 significantly increase subsistence harvest, it could
19 condense the harvest into a shorter timeframe, thus
20 hitting a portion of the run harder going against the
21 intent of the windowed schedule.

22
23 The proposal would provide a greater
24 benefit for fishers in Districts 1 to 3 than to the up
25 river Districts 4 to 60. The lower Yukon is subjected
26 to more limited windows due to a higher volume of fish
27 passing through and the greater harvest efficiency in
28 the lower river fishery.

29
30 As written the proposal does not
31 provide a physical advantage to elders fishing with
32 drift gillnets or fishwheels.

33
34 When this proposal went to the Regional
35 Councils, the OSM Staff conclusion was actually to
36 support the proposal with a lot of modifications. That
37 recommendation has been changed to oppose. But there
38 is an addendum on Page 391, it starts, and the reason
39 why we changed it is that in November, after the
40 Councils met, the YR DFA meeting met to discuss this and
41 it was after the Councils so they didn't have any
42 ability to hear what they had to say, and there was a
43 lot of disagreement about what they originally wanted.

44
45 The original intent and discussion was
46 for elders 70-something, something older than 60 with
47 physical hardship, and there was a resolution, which is
48 in the analysis, to exempt elders 65 years of age or
49 older from adhering to the subsistence windows schedule
50 and those with physical hardships. Then they took that

1 resolution and turned it into the existing proposal,
2 and the YRDFA Board had a lot of discussion about why
3 did it get changed from 65 years to 60, what were they
4 actually discussing -- talking about, were they talking
5 about set net fishing, there were some people who
6 thought it was just for set net fishing, some said no
7 it wasn't, so they -- there was a lot of, sort of,
8 discussion that was going on and they did then make a
9 motion, which failed, there was no consensus to support
10 their own proposal.

11
12 I specifically asked if they intended
13 that the proposal be for set net gillnets or all
14 gillnets and they weren't in consensus about that
15 either.

16
17 YRDFA also had a vote, they asked the
18 Federal Board to take no action and they couldn't reach
19 consensus on that as well.

20
21 So based on the comment that were at
22 the YRDFA meeting and then the lack of consensus from
23 the Councils, we decided that it would probably be best
24 to oppose this proposal at this time. This would give
25 YRDFA the opportunity to revisit the proposal and
26 decide if it would like to modify and resubmit at
27 another time.

28
29 I also wanted to note that we were in
30 support of the concept of providing an exemption to
31 elders but at this time the proposal needs to be
32 refined to assure that all Councils will support it and
33 that conservation concerns are eliminated.

34
35 Thank you, Mr. Chair. That concludes
36 my presentation.

37
38 CHAIRMAN FLEAGLE: Thank you, Helen.
39 Board members, questions.

40
41 (No comments)

42
43 CHAIRMAN FLEAGLE: All right, hearing
44 none, we'll go ahead and move on. Summary of written
45 public comments, Vince.

46
47 MR. MATHEWS: Yes, Mr. Chair, they're
48 found on Page 399 of your book. There was a total of
49 three, one in support, one in opposition and one no
50 action.

1 The Lower Yukon Fish and Game Advisory
2 Committee opposes this proposal even if
3 it seems like a nice guy proposal. If
4 an age exemption was warranted, they
5 felt that the Advisory Committee should
6 be putting in their own proposal or it
7 should come from the tribe, if needed.
8

9 The no action one, I don't know if
10 Becca's going to speak on this. I don't -- okay.
11

12 Anyways, they, again, if they don't
13 have consensus they don't have action, but they did
14 share some comments on it and they didn't have
15 consensus on what age and gear type should be applied.
16 And I think Helen already covered that.
17

18 Finally, the Mountain Village City
19 Tribal Council and Village Corporation
20 joint resolution 07-05 took up Proposal
21 17 and they support 17. We honor and
22 respect all elders along the Yukon
23 River. This proposal will allow them
24 to harvest their subsistence needs as
25 was done traditionally prior to the
26 implementation of the windows schedule.
27 It will allow them sufficient time to
28 successfully harvest their subsistence
29 needs for salmon. It's important we
30 take care of our elders and this
31 proposal will assist in ensuring their
32 needs are met.
33

34 Mr. Chairman, that's all that I'm aware
35 of for written comments.
36

37 CHAIRMAN FLEAGLE: Appreciate that,
38 Vince, thank you. Pete, do we have any interest in
39 public testimony.
40

41 MR. PROBASCO: Yes, we do, Mr. Chair,
42 but I'm not sure if they're all here.
43

44 The first one on the list is Matt Joe.
45

46 (No comments)
47

48 MR. PROBASCO: Matt is gone. Harry
49 Wilde, Sr., and after Harry would be Alexie Walter,
50 Sr., Alexie's gone. After -- James Landlord -- gone.

1 Marvrel Kitkan (ph) -- gone. Rebecca, you're up. So
2 we got Harry and Rebecca.

3

4 Thank you, Mr. Chair.

5

6 CHAIRMAN FLEAGLE: Good evening, Harry,
7 welcome.

8

9 MR. WILDE: Yeah, good evening. Yeah,
10 my name is Harry Wilde.

11

12 I have been fishing down in 36 miles
13 from Mountain Village for 48 years. Bring my family
14 down there and we stay down there until the water start
15 going down. We do everything there, teach my
16 grandchildren, take them out to subsist. Pretty soon I
17 let them start going out and let the kids go fishing.
18 I just stay in there inside the boat. Once in awhile
19 in my time of the fishing there, one elderly man
20 calling ask for help. I want you to understand and I
21 want you to know in the Yukon River, lower Yukon, we
22 don't have no fishwheels, our fishwheels were taken
23 away. And where I am at, about 10 miles down there's a
24 lot of subsistence camps. This old man couldn't make
25 it across the Yukon because there's no -- hardly any
26 eddies down there. So I had to put the -- when I hear
27 him, it was about five miles across the river, I was
28 really surprised when I get to him, me and my son, this
29 old man tried to pull the net out and he was alone.

30

31 I think, to me, those people who need
32 help, elderly, if they got no sons or grandchildrens to
33 help them, I think it's -- they need some kind of
34 person to help them. Because subsistence is the
35 highest priority in Federal and State. These people
36 need to be take care of just like me because I grow up
37 with no parents.

38

39 These elderly people, I do everything
40 to help them. That's why down in the camp, even if
41 it's kind of rough because we had a bigger boat, tow
42 him to his house, camp, we take his net out in eddy,
43 small eddy and bring him to the camp, he said, Harry, I
44 got nothing to give you. I tell him, no, I am not
45 looking for anything to get pay, only thing I want you
46 to remember me when you pray.

47

48 So that's why we support this in the
49 lower Yukon. We don't have no fishwheels and there's
50 hardly any eddies.

1 When I first came there to the camp
2 there used to be some eddies, but those beach caving in
3 -- caving in, there no -- hardly any fish in 10 mile
4 fish village, it's about middle Yukon there from
5 Mountain Village down to the mouth of the Yukon.

6
7 So some of us, like me, I got 14 year
8 old son -- grandson and two younger ones, I let them go
9 -- train them to go out there fishing. That's why that
10 -- these elders, the ones that they have no help, their
11 families, their wives are really worried, so I think
12 because they're subsistence fishermen, they try to do,
13 put up a few fish for themselves. They should have some
14 person help, some kind of help.

15
16 Thank you, Mr. Chairman.

17
18 CHAIRMAN FLEAGLE: Thank you, Harry,
19 appreciate the comments.

20
21 Next we have Rebecca. Welcome.

22
23 MS. GISCLAIR: Thank you, Mr. Chair.
24 Members of the Board. I'll just clarify a few things,
25 as I think Vince and Helen already covered the majority
26 of YRDFA's comments on this proposal, which we did
27 originally submit. And I just wanted to clarify that
28 when the YRDFA board met and didn't have consensus on
29 this, they understood at the time that they couldn't
30 withdraw a proposal once it had been submitted and so
31 they didn't take a vote on whether to withdraw it or
32 not.

33
34 And, secondly, I just wanted to convey
35 that the YRDFA Board does hope to be able to further
36 refine this concept and potentially resubmit it to the
37 Federal Subsistence Board.

38
39 Thank you.

40
41 CHAIRMAN FLEAGLE: Okay, great, thanks
42 for the comments.

43
44 Regional Advisory Council recommendations. Anybody
45 want to go first.

46
47 Bob Aloysius.

48
49 MR. ALOYSIUS: Thank you, Mr. Chairman.
50 The Yukon-Kuskokwim Delta Regional Advisory Council

1 supported FP07-18 [sic] with modification to eliminate
2 reference to the allowance of only one assistant less
3 than age 60 and add that the exemption be temporarily
4 discontinued by the Federal in-season manager if there
5 were substantial concerns raised by real time in-season
6 run returns.

7

8

The modified regulations should read:

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The justification was -- one of the
greatest concerns often expressed to the RAC is the
loss of cultural integrity brought about by the
increasing level and complexity of rules and
regulations being put into place on our people,
especially the elders to personally engage in customary
and traditional subsistence uses and is increasingly
conducive to inhibiting the passing of their knowledge
to their -- elders views to the younger generation.

The extra conditions listed by OSM
review committee in their modification reflect
additional burden are unnecessary or redundant.

Federal subsistence regulations are
supposed to or should work towards conserving and
encouraging these inter-generational interactions
rather than promote higher levels of cultural
assimilation. Providing this exemption would be a
large step towards reversing a trend, give elders a
level of respect and recognition they deserve, and
promote the passing on of subsistence use, knowledge
between elders and youths of the Yukon River Drainage.

It was a consensus vote and if I get a
chance I'd like to address this at another time. I
mean later on. Or would that be appropriate now.

1 CHAIRMAN FLEAGLE: If it's pertinent to
2 the issue you may or if you want to wait until we have
3 the discussion with the Board, that's -- it's your
4 call.

5
6 MR. ALOYSIUS: I'll wait until
7 discussion. Thank you.

8
9 CHAIRMAN FLEAGLE: Okay. Jack.

10
11 MR. REAKOFF: The Western Interior
12 Regional Advisory Council opposed FP08-17 because of
13 concerns for the stocks of salmon. With deliberation
14 on 14 and no -- it was said over and over in our
15 meeting that the only thing that is allowing some fish
16 to get through is the window schedule and so the
17 elimination of the window schedule, there's extended
18 family members, there's Council members that are 58
19 years old on our Council that are saying, heck, I'm
20 going to be an elder, they're active fishers so 60
21 years old is not an elder as far as our Council was
22 concerned. We're very concerned about that low age.
23 Concerned about basically doing away with up to 150
24 relatives, you know, you can have many, many people
25 utilizing one elder. And so that was a very big
26 concern, was doing away with the window schedule for
27 conservation measures.

28
29 A lot of elders are being assisted by
30 relatives and so we didn't feel that that was a viable
31 argument.

32
33 And then the YK's proposal to include
34 drift gillnet was completely unacceptable.

35
36 And so for those various reasons, law
37 enforcement issues and so forth, the Western Interior
38 Regional Council opposed this proposal. It sounds good
39 but it has a lot of bad, it's a Pandora's Box.

40
41 CHAIRMAN FLEAGLE: Thank you, Jack.
42 Virgil.

43
44 MR. UMPHENOUR: The Eastern Interior
45 RAC, we discussed the proposal, the pro's and con's and
46 with the modification -- a whole bunch of
47 modifications, we approved it -- or recommended
48 approval.

49
50 With the -- I know I had concerns and I

1 think some of the other Council members did, if you
2 just did it, because it would do away with the windows,
3 but with the modifications we had, where it would be
4 setnet and fishwheel only, then we decided, well, maybe
5 that'll be okay, but then I think that our Council, if
6 we would have known that YRDFA -- the proposer was
7 going to withdraw their proposal, we would have
8 probably just said if the proposer wants to refine
9 their proposal then we should honor that and take no
10 action.

11
12 But we did support it with the
13 modifications, a whole bunch of modifications and
14 they're all listed here in the book. But the main
15 thing was setnets and fishwheels.

16
17 Thank you, Mr. Chair.

18
19 CHAIRMAN FLEAGLE: Thank you, Virgil.
20 And, Vince, maybe I'll save you a little time, the
21 Seward Penn RAC written statement is identical to the
22 one read into the record by the Yukon-Kuskokwim Delta
23 RAC so will that suffice.

24
25 MR. MATHEWS: (Nods affirmatively)

26
27 CHAIRMAN FLEAGLE: Thank you. All
28 right. Department of Fish and Game comments. John
29 Hilsinger.

30
31 MR. HILSINGER: Mr. Chairman. Mr.
32 Pappas will give the comments.

33
34 CHAIRMAN FLEAGLE: You bet. Good
35 afternoon -- good evening.

36
37 MR. PAPPAS: Thank you, Mr. Chair.
38 George Pappas, Department of Fish and Game. This
39 proposal has significant potential impacts on
40 subsistence users. This proposal was intended to help
41 elders to subsistence fish in the Yukon River, however,
42 providing a super priority for elders at all sites an
43 boats on the Yukon River and allowing assistance by
44 another fisher effectively eliminates closures for
45 conservation and the management purposes, undermining
46 windowed management for passing fish up river because
47 every family could try to fish with an available elder.

48
49 Adoption of this proposal would also
50 effectively reallocate available subsistence harvest

1 between Federal and State subsistence fisheries,
2 between 60 year old subsistence users and those under
3 60 and between State waters and those claimed under
4 Federal jurisdiction and between up river and down
5 river users.

6
7 If adopted all subsistence and other
8 fisheries along the Yukon River could be impacted as
9 this fishery develops because most subsistence users
10 will no longer have period, time or gear restrictions
11 so long as they find an elder to go fishing with them.
12 Allowing Federal subsistence users 24/7 during years
13 the Yukon River salmon runs are below average or weak
14 could impact spawning escapements and future
15 productivity and stability of the stocks.

16
17 Additionally a large portion of the
18 commercial fishing permit holders for both the lower
19 and upper Yukon Rivers are over 60 years of age. That
20 information could be found on Page 396 in your book.
21 Total removal of fisheries closure windows without
22 installing safeguards in place to address numerous
23 concerns is inconsistent with the sound fisheries
24 management practices.

25
26 And for jurisdiction issues, nothing in
27 ANILCA authorizes the Federal Board to discriminate
28 amongst Federally-qualified users based on age.

29
30 Additionally, if this proposal were
31 adopted enforcement of all fishing regulations in the
32 Yukon River would likely be reduced and negatively
33 impacted as the work load per officer would increase.
34 If any significant percentage of extended families
35 along the Yukon River were to take advantage of this
36 ability to fish in the Federal subsistence fisheries
37 24/7 as long as an elder was present, the work load of
38 enforcement officer would likely significantly increase
39 as law enforcement officers would be unable to assess
40 from the air whether nets are legally or illegally
41 being fished.

42
43 Enforceability of regulations is the
44 foundation of sustainable fisheries management.
45 Enforcement of regulations would be difficult if
46 subsistence net -- excuse me -- subsistence setnet
47 users are allowed to fish all day, seven days per week
48 throughout the season.

49
50 Adoption of this proposal would lead to

1 further regulatory complexity and divergence between
2 the State and Federal regulations and the results could
3 impact neighboring fishing sites along the Yukon River
4 differently.

5
6 The Department's recommendation is to
7 oppose this, and Tina has some additional comments,
8 sir.

9
10 MS. CUNNING: Just a reminder that
11 Trooper Waldron, when he came in, he testified
12 specifically on this proposal as one of those that
13 would significantly increase the subsistence users
14 opportunity to sell subsistence caught fish and have
15 migration problems. And there's actually a long list
16 of the enforcement problems described in OSM's
17 preliminary analysis on Page 388 of your book, so we're
18 not going to reiterate that.

19
20 Thank you.

21
22 CHAIRMAN FLEAGLE: Thank you. All
23 right. InterAgency Staff Committee comments.

24
25 Larry.

26
27 MR. BUKLIS: Thank you, Mr. Chairman.
28 Based on comments by the proponent and positions taken
29 by the Councils, the Staff Committee agreed that it is
30 not appropriate take positive action at this time.

31
32 In considering the proposal, the
33 proponent could not agree on various issues raised by
34 the proposal, nor could the affected Councils. The
35 issues and the degree to which all parties diverged in
36 their consideration of them are covered in the addendum
37 provided by OSM. The Staff Committee found that the
38 level of divergence over unresolved issues strongly
39 suggests that this proposal is not ripe for action at
40 this time.

41
42 Thank you, Mr. Chairman.

43
44 CHAIRMAN FLEAGLE: Thank you, Larry.
45 Board discussion. Bob.

46
47 MR. ALOYSIUS: Thank you, Mr. Chairman.
48 After our meeting in Marshall addressing this proposal,
49 I went home and I mentioned this to several of the
50 elders at home and one of my many prolific uncles who

1 has 10 sons and 50 grandchildren, of which 25 are able
2 to be included in the assisting of the elder to fish,
3 said it's very -- it was very dangerous, there's too
4 much room for abuse based on the numbers, on the
5 possibility of fishing 24 hours a day, seven days a
6 week. And he said if people are concerned about
7 teaching their children and grandchildren to fish and
8 how to fish, the wintertime is an appropriate time to
9 do the teaching, and then in the summertime, when the
10 fish are there for catching, let them go out there and
11 do it.

12
13 So he was very concerned that, you
14 know, we've been talking about the decline of the
15 salmon, especially the chinook, and that we need to do
16 everything we can to protect that resource and try to
17 bring it up what it used to be years ago. And so he
18 has a very legitimate concern that there's too much
19 chance for abuse of this when you open up something
20 like that.

21
22 And the other thing he said, why should
23 we exempt one certain group of people from following
24 the regulations, especially the windows.

25
26 Thank you.

27
28 CHAIRMAN FLEAGLE: Thank you, Bob.
29 Marsha.

30
31 MS. BLASZAK: Mr. Chairman. I think
32 that we've heard from a number of folks that this
33 proposal may not be ready for prime time, and I'm going
34 to suggest that we consider deferring as we move
35 forward. If you would like me to make a motion I'd be
36 happy to do that.

37
38 CHAIRMAN FLEAGLE: Go ahead.

39
40 MS. BLASZAK: I move to defer FP08-17
41 for one year, which would be contrary to the
42 recommendations of the YK-Delta, Eastern Interior, and
43 Seward Peninsula Regional Advisory Councils to adopt
44 this proposal with varied modifications. I think many
45 modifications, perhaps. This motion to defer also is
46 contrary to the Western Interior Council which is
47 opposed to this proposal.

48
49 And following a second, I may speak a
50 little bit more to the motion.

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MR. CESAR: Second.

CHAIRMAN FLEAGLE: All right, you got a second, go ahead.

MS. BLASZAK: Again, I support the concept of the proposal but I can't support any of the specific recommendations at this time because there appears to be little agreement amongst the Councils regarding the concerns and the practical applications of the proposal in the field. I think deferring this proposal will provide more time for the proponent and the Councils, the participants in the fishery, managers and Staff to look more closely at the proposal and at various possible solutions.

Therefore, I will support deferral of this proposal for one year with the expectation that the parties will be provided sufficient time to more thoroughly discuss the issues and potentially achieve some greater measure of agreement on the possible solutions.

Thank you, Mr. Chair.

CHAIRMAN FLEAGLE: Niles.

MR. CESAR: I also support the deferral for the reasons that Marsha's outlined. What was most troubling to me was the fact that it's taken me all these years to become an elder and now Jack tells me that 60.....

MS. BLASZAK: You're not old.

MR. CESAR:is the new 50.

(Laughter)

MR. CESAR: And I'm not sure I like that, you know.

(Laughter)

CHAIRMAN FLEAGLE: Tom Melius.

MR. MELIUS: I do believe that there's a lot of unanswered questions on this and the proponent even has indicated a willingness to refine it. I would

1 hope that there is a riverwide consensus when this does
2 reappear, if it does reappear, so I would be supportive
3 of the motion to defer.

4

5 CHAIRMAN FLEAGLE: I think I've heard
6 adequate reason to just vote it down, but I'll go along
7 with the will of the Board. There isn't any reason
8 that we can't address this in the future, maybe it will
9 come back in a more supportable form.

10

11 Are we ready for the question.

12

13 MR. CESAR: Question.

14

15 MR. PROBASCO: Let me ask one question.

16

17 CHAIRMAN FLEAGLE: One question, Pete.

18

19 MR. PROBASCO: Larry, my question to
20 you when I held up two fingers is remember we're moving
21 into the two year cycle.

22

23 MR. BUKLIS: Yes, Mr. Chairman, the
24 next regular Federal Subsistence Board will be in late
25 April, early May for wildlife, then we will have a
26 January '09 meeting for fisheries and that will be our
27 first fisheries two year set of regulations.

28

29 Mr. Chairman.

30

31 CHAIRMAN FLEAGLE: Pete says one year
32 will work.

33

34 All right, the question is now
35 recognized on Proposal 17, Pete.

36

37 MR. PROBASCO: Mr. Chair.

38

39 CHAIRMAN FLEAGLE: On the motion to
40 defer, excuse me, go ahead.

41

42 MR. PROBASCO: Yes, Mr. Chair, motion
43 to defer Proposal FP08-17 for one year.

44

45 Ms. Blaszak.

46

47 MS. BLASZAK: Aye.

48

49 MR. PROBASCO: Mr. Fleagle.

50

1 CHAIRMAN FLEAGLE: Aye.
2
3 MR. PROBASCO: Mr. Lonnie.
4
5 MR. LONNIE: Aye.
6
7 MR. PROBASCO: Mr. Cesar.
8
9 MR. CESAR: Aye.
10
11 MR. PROBASCO: Mr. Bschor.
12
13 MR. BSCHOR: Aye.
14
15 MR. PROBASCO: Mr. Melius.
16
17 MR. MELIUS: Aye.
18
19 MR. PROBASCO: Motion carries,
20 six/zero.
21
22 CHAIRMAN FLEAGLE: All right, that
23 concludes all of the individual proposals that the
24 Board had before it. We now need to address the
25 remaining proposals that are on the consensus agenda.
26 On the first day of this meeting we announced the
27 consensus agenda. Opportunities have been provided for
28 comment on the consensus agenda each day. There have
29 been no changes to the consensus agenda.
30
31 I'm now looking for a motion from a
32 Board member on the consensus agenda as announced,
33 which are Proposals 08-01 to support, 08-03 to support
34 with a modification and 08-06 to oppose.
35
36 Is there such a motion.
37
38 MR. BSCHOR: I so move.
39
40 CHAIRMAN FLEAGLE: Denny moves. Is
41 there a second.
42
43 MR. MELIUS: Second.
44
45 CHAIRMAN FLEAGLE: Is there any
46 objection.
47
48 (No comments)
49
50 CHAIRMAN FLEAGLE: Hearing none, the

1 consensus agenda passes.

2

3

4 That now concludes all regulatory
5 action before the Board. There was some indication of
6 possibly discussing how this Board may get involved
7 with the discussion on the Department of Commerce issue
8 as to the high seas fisheries and I'm not sure if we
9 want to explore that at this time or maybe just see
10 where -- Denny's got a thought.

11

12 MR. BSCHOR: Mr. Chair. I just suggest
13 that, as a suggestion, I don't know if you need a
14 motion or not, that we consider a letter from the Board
15 to the appropriate agencies and entities documenting
16 where we got with the decisions, what the concerns
17 were, what our interests are as far as the future of
18 that situation and working in a positive way towards
19 it.

20

21 CHAIRMAN FLEAGLE: Denny, I sure like
22 the idea of doing it. I'm just wondering -- I'm new to
23 the Federal system, I don't know what a regulatory
24 Board of this nature going to a different commerce,
25 Secretary, basically, Department of the Secretary, I
26 wonder if that would be appropriate to do or if we
27 should maybe have concurrence from Interior and
28 Agriculture before we get involved with something of
29 that level.

30

31 Maybe we can just ask for those -- how
32 about we take this in concept and say we'll do it upon
33 concurrence with -- go ahead, Pete.

34

35 MR. PROBASCO: Mr. Chair. With that
36 question in all of our minds, I think what you just
37 laid out is probably the way to go is that Ken and I
38 and Staff can explore and then get back to the Board
39 via email and then, if necessary, schedule it to a work
40 session.

41

42 CHAIRMAN FLEAGLE: All right. So the
43 concept doesn't die. I think the Board is willing to
44 move forward with it, just need to find the right
45 avenue and the appropriate avenue.

46

47 MR. BSCHOR: You know I don't want to
48 just to the Department of Commerce, I think we have the
49 Board of Fisheries and the Fish and Game also that we
50 might want to have some communication with so I'll just
51 throw that out for something else. to Staff out.

1 CHAIRMAN FLEAGLE: You mean to have a
2 joint position on, I was.....
3
4 MR. BSCHOR; No, just to describe what
5 we dealt with here and what our concerns are.
6
7 CHAIRMAN FLEAGLE: Okay. I guess my
8 suggestion was a little more pointed and that was
9 dealing with that high seas intercept, but if we can --
10 I appreciate your suggestion to try to work with the
11 other players on the overall issue as well and if there
12 isn't any objection we can look at some solution for
13 that as well.
14
15 Pete, is that all right, a little extra
16 work.
17
18 MR. PROBASCO: Mr. Chair. The way I
19 understand Mr. Bschor's additional request is that we
20 would also explore with the Board of Fish/State of
21 Alaska, ADF&G on the issue of just the bycatch, Mr.
22 Bschor or are you looking beyond that?
23
24 MR. BSCHOR: I don't want to get into
25 designing the letter here, but I think we have a lot of
26 issues before us and I think we just need to indicate a
27 desire to work towards solutions.
28
29 MR. PROBASCO: I have the concept, Mr.
30 Chair.
31
32 CHAIRMAN FLEAGLE: All right, thanks.
33 That concludes everything that I'm aware of.
34
35 MR. BSCHOR; Mr. Chair, I got one more,
36 and it's.....
37
38 CHAIRMAN FLEAGLE: Is there a motion
39 to.....
40
41 MR. BSCHOR: Hold on just a second.
42
43 CHAIRMAN FLEAGLE:oh, Denny, go
44 ahead.
45
46 (Laughter)
47
48 MR. BSCHOR: It relates to consent
49 agenda item FP08-03 which is Stikine River to move the
50 start date for the coho season to August 1st and adjust

1 the permit reporting requirements. I think that that
2 also would require -- would be good to write a letter
3 stating the actions that we took and requesting the
4 TransBoundary Panel and the Pacific Salmon Commission
5 to take positive action on that and a letter to Mr.
6 David Bedford would probably be in order and we even
7 have a draft of that so that Staff work is already
8 started, if that's appropriate.

9

10 CHAIRMAN FLEAGLE: Okay. Is there any
11 objection.

12

13 (No comments)

14

15 CHAIRMAN FLEAGLE: I don't think -- it
16 sounds good Denny, thanks.

17

18 Now, are there any other discussion
19 items that need to come before the Board before we
20 adjourn.

21

22 (No comments)

23

24 CHAIRMAN FLEAGLE: Since we offered
25 adequate opportunity for testimony and it's been a long
26 meeting, I want to thank everybody that stuck with us.
27 There's a pretty sizeable crowd actually for being 7:30
28 with a fight going on upstairs.

29

30 (Laughter)

31

32 CHAIRMAN FLEAGLE: So I appreciate all
33 the involvement and I feel good about the meeting, the
34 results and wish everybody well. And with that is
35 there a motion to adjourn.

36

37 MR. MELIUS: Motion to adjourn, sir.

38

39 CHAIRMAN FLEAGLE: Okay, we got a
40 second.

41

42 MR. LONNIE: Second.

43

44 CHAIRMAN FLEAGLE: Any objection.

45

46 (No comments)

47

48 CHAIRMAN FLEAGLE: Meeting's adjourned,
49 thank you.

50

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(Off record)

(END OF PROCEEDINGS)

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

I, 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 322 through 518 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME III taken electronically by Computer Matrix Court Reporters on the 11th day of December 2007, 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;

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Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 03/12/2008