

1 SOUTHEAST ALASKA FEDERAL SUBSISTENCE  
2 REGIONAL ADVISORY COUNCIL MEETING

3  
4 PUBLIC MEETING

5  
6 VOLUME II

7  
8  
9 James and Elsie Nolan Center  
10 Wrangell, Alaska  
11 October 22, 2014  
12 9:00 a.m.

13  
14  
15 COUNCIL MEMBERS PRESENT:

16  
17 Bertrand Adams, Chairman  
18 Michael Bangs  
19 Arthur Bloom  
20 Michael Douville  
21 Donald Hernandez  
22 Aaron Isaacs  
23 Kenneth Jackson  
24 Harvey Kitka  
25 Cathy Needham  
26 Patricia Phillips  
27 Robert Schroeder  
28 Frank Wright  
29 John Yeager  
30  
31  
32  
33  
34  
35 Regional Council Coordinator, Robert Larson

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45 Recorded and transcribed by:  
46  
47 Computer Matrix Court Reporters, LLC  
48 135 Christensen Drive, Suite 2  
49 Anchorage, AK 99501  
50 907-227-5312/sahile@gci.net

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

2  
3 (Wrangell, Alaska - 10/22/2014)

4  
5 (On record)

6  
7 CHAIRMAN ADAMS: I really appreciate,  
8 people, when we call the meeting to order or go back  
9 into session, you know, the quick response that you do  
10 take your seats.

11  
12 I need to tell you about Wrangell, St.  
13 Elias. Sometimes we have to get enforcement people out  
14 there to bring people in to help us get the meeting  
15 started. I've never had that problem here. So thumbs  
16 up to you all.

17  
18 (Laughter)

19  
20 CHAIRMAN ADAMS: We're going to call  
21 this meeting back into session. The first thing we  
22 want to do is have Lee Wallace, who is online right  
23 now, to give a testimony on rural determination.

24  
25 So Lee, the floor's all yours.  
26 Welcome. Good morning to you.

27  
28 MR. WALLACE: Good morning, Mr.  
29 Chairman. Good morning Southeast RAC.

30  
31 I wanted to give some public comment  
32 yesterday and I pushed the wrong button on my phone and  
33 disconnected myself so here I am.

34  
35 I was planning to be at the RAC meeting  
36 but we just had a road construction project start and  
37 I'm the supervisor and I just came back from the  
38 construction site and we're in the process of moving  
39 our offices, too, so I'm involved with that. So I've  
40 been listening to the meeting, information needs,  
41 update on where we are with the rural determination and  
42 wrote a letter to the Secretary's office.

43  
44 (Bad telephone connection)

45  
46 .....harassed by law enforcement, they  
47 took all of the fish, totes and -- they were all legal  
48 and within the limits but the parting comments that the  
49 law enforcement officer told the young men and women  
50 that you're putting a strain on the system. You're

1 putting a strain on the system. You all know that for  
2 fish and game in the state of Alaska, we're only taking  
3 two percent of the harvest, you know, so fish, maybe  
4 it's one percent. I haven't seen the breakdown on  
5 that, but overall fish and game is two percent as you  
6 all know and here's law enforcement saying, you guys  
7 are putting a strain on the system. Yet, when  
8 (indiscernible) maybe getting 20, 30 fish at a time and  
9 you look out the bay there and you can see a commercial  
10 seiner pulling in a bag of, you know, hundreds,  
11 thousands of fish and for law enforcement to say you're  
12 putting a strain on the system, that is just totally  
13 wrong.

14

15                   And every year at these RAC meetings,  
16 for all the ones I've attended throughout the years,  
17 and, again, as much as I have heard everybody going  
18 around the table and reporting for your area and every  
19 meeting you hear about the low limits that we are given  
20 to harvest so between fish, maybe it's 12 fish, and,  
21 you know, every year we keep on hearing that it's a  
22 small amount of illegal catch, and so for this body I  
23 think this body should actually put a recommendation to  
24 the state of Alaska in some of these sockeye streams  
25 that the harvest rates go up because each year we keep  
26 on hearing that same report, the harvest levels are  
27 really low, the limit. So that needs to be changed.  
28 When you have all the other users, harvesters of the  
29 resource and we're only getting two percent, that  
30 really needs to be changed and I think the enforcement  
31 that -- you know, you see them heavy-handed, how often  
32 do they check the other harvesters, the commercial  
33 fishermen and the sportfishermen and the people that  
34 are allowed to bring out charter fishermen, you know,  
35 how often are they checked, probably not as much as us.

36

37                   After the RAC meeting in Ketchikan  
38 here, I do thank the RAC for spending a lot of time  
39 that they did on Saxman this year in the rural  
40 determination. I really thank the RAC for their  
41 support all these years with the issue of Saxman. Your  
42 support is very valuable to us. And I want to -- those  
43 statements from the RAC at the FSB meeting in Anchorage  
44 in April and totally supportive of the changes that  
45 they recommended for the Secretary, to make some  
46 changes, it really simplified the whole thing. And so  
47 right now it's in the Secretaries hands and, you know,  
48 hopefully, there'll be some kind of decision soon. I  
49 understand Vilsack's up at AFN this year, hopefully  
50 he'll have some encouraging news for us.

1 I know noted that Cathy made a comment  
2 on Saxman filed a lawsuit with the Federal government  
3 and we really had to because our statutes of  
4 limitations were up July 27th, 2014 so we had to file  
5 as a placeholder even though we're optimistic in the  
6 outcome of the rural determination, but it was one of  
7 those things that you just had to do, we just had to do  
8 it and that's what we did.

9  
10 In regards to, you know, whether this  
11 helps Saxman or whether it -- you know, nobody wants to  
12 go to court, you know, Saxman didn't want to go and,  
13 you know, hopefully we'll find the Federal government  
14 doesn't want to go to court either because really it's  
15 up to the Secretaries to make an administrative  
16 decision and agree what is recommended from the FSB  
17 from their April meeting and go forth and note some  
18 changes and go through the process.

19  
20 That's my comments, Mr. Chair, and I  
21 thank you for your time.

22  
23 CHAIRMAN ADAMS: Thank you, Lee, for  
24 being willing to come at this time in the morning to  
25 address us.

26  
27 Does any Council members have a  
28 question for Lee.

29  
30 (No comments)

31  
32 CHAIRMAN ADAMS: Great. Lee, so once  
33 again thank you for coming here and taking the time to  
34 address us. One of the things that you made that kind  
35 of struck me was that you thought that a recommendation  
36 should be submitted to the State to increase the  
37 harvest limits.

38  
39 So, you know, what I was going to  
40 suggest is maybe Saxman can make that recommendation,  
41 you know, and let it go through the process and so  
42 forth or were you expecting the Regional Advisory  
43 Councils to do that?

44  
45 MR. WALLACE: Well, I would think, you  
46 know, I've seen many recommendations for Alaska coming  
47 to the RAC and you guys review it and you give your  
48 guys yea or nay on it and I don't know if it ever, you  
49 know, I'm assuming a recommendation coming from a body  
50 like the Southeast RAC to say let's increase bag

1 limits, catch limits in each of the streams throughout  
2 Southeast Alaska, because I hear it every year, you  
3 know, we risk our lives going out into open bodies of  
4 water with some of them only catching limits of 12, 20  
5 and that's what I see, I think it should be both.

6  
7 Like my own experience with addressing  
8 the State Fish and Game when they had a meeting here in  
9 Ketchikan, then I was representing the tribe, the  
10 president was in -- they were very strict with their 10  
11 minute limit and I was just about ready to finish and  
12 I said, well, let me summarize it real quick here and  
13 the Chair just, you know, no, you're done, your 10  
14 minutes is up and I wrote a letter right after that to  
15 the Commissioner and, you know, I never got a response  
16 back so my experience with working with the State of  
17 Alaska Fish and Game isn't the best. So I just think  
18 that if really both of us should put in  
19 recommendations, overall, in local streams throughout  
20 Southeast. All the harvesters, we go out there, we're  
21 fishing for multiple families, we're fishing for aunts,  
22 for uncles, for elderly people, we're fishing for  
23 single mothers. the list goes on and on and, you know,  
24 whoever we're trying to harvest for, there are a lot of  
25 those that aren't able to go out there on the water.

26  
27 CHAIRMAN ADAMS: Okay, well, thank you,  
28 Lee.

29  
30 What I was trying to suggest is that  
31 instead of a recommendation, you know, should maybe be  
32 in the form of a proposal of some sort and it could  
33 come from an individual or an organization, you know,  
34 who has an interest in pursuing this. So that's how I  
35 would recommend, you know, we pursue that.

36  
37 Anyhow, any comments from the Council.  
38 Anyone.

39  
40 (No comments)

41  
42 CHAIRMAN ADAMS: Thanks again, Lee.  
43 Thanks for being here -- or being there.

44  
45 MR. WALLACE: All right. Thank you,  
46 Mr. Chair.

47  
48 CHAIRMAN ADAMS: You bet.

49  
50 MR. WALLACE: You have a good meeting.

1 CHAIRMAN ADAMS: Good luck to you, Lee.  
2  
3 MR. WALLACE: All right. Thank you.  
4  
5 CHAIRMAN ADAMS: Good morning.  
6  
7 So now we're going to move on to the  
8 next item on the Agenda. Mr. Chris Zimmer is going to  
9 do a presentation on the Transboundary mining issue.  
10  
11 MR. LARSON: And then when that starts  
12 we'll have to kind of.....  
13  
14 CHAIRMAN ADAMS: Yeah.  
15  
16 MR. LARSON: I put this in your --  
17 where your place is.  
18  
19 CHAIRMAN ADAMS: They won't show that  
20 on my forehead, so I'm going to have to move. If he  
21 wants to -- is he here?  
22  
23 MR. LARSON: He is here.  
24  
25 CHAIRMAN ADAMS: I saw him.  
26  
27 MR. LARSON: I just saw him.  
28  
29 CHAIRMAN ADAMS: Okay. (In Tlingit)  
30  
31 Do you know what that means, Chuck.  
32  
33 MR. ARDIZZONE: No.  
34  
35 CHAIRMAN ADAMS: (In Tlingit)  
36  
37 MR. ARDIZZONE: No.  
38  
39 CHAIRMAN ADAMS: It means hurry up.  
40  
41 (Laughter)  
42  
43 CHAIRMAN ADAMS: My microphone gives me  
44 a bad time all the time. Mic and I don't get along  
45 very well.  
46  
47 (Laughter)  
48  
49 MR. BANGS: Which Mike?  
50

1 CHAIRMAN ADAMS: Which Mike, yeah.  
2  
3 (Laughter)  
4  
5 (Pause)  
6  
7 CHAIRMAN ADAMS: Right after we're done  
8 with this portion -- you know, the Transboundary -- the  
9 report from Jeff and the other two items there -- and  
10 we're going to go into the proposals. So I hope maybe  
11 we can take care of that all this morning.  
12  
13 MR. LARSON: Yeah, as far as I know we  
14 just have three public testimonies so.....  
15  
16 CHAIRMAN ADAMS: We were going to  
17 substitute someone else for you, Chris, but as long as  
18 you're here.....  
19  
20 MR. ZIMMER: I had to go to the  
21 bathroom.  
22  
23 CHAIRMAN ADAMS: Well, couldn't you  
24 hold it.  
25  
26 (Laughter)  
27  
28 MR. ZIMMER: I'm getting old.  
29  
30 CHAIRMAN ADAMS: Okay.  
31  
32 (Laughter)  
33  
34 CHAIRMAN ADAMS: Okay, we'll turn the  
35 time over to you and I'll move so that you'll have this  
36 space here.  
37  
38 (Pause)  
39  
40 MR. ZIMMER: All right. I'm Chris  
41 Zimmer. I'm the Alaska Campaign Director for Rivers  
42 without Borders, and I work up in Juneau. We're part  
43 of a growing campaign in the Transboundary, concerned  
44 about the upstream mining on the BC side and the  
45 potential effects on our resources and activities on  
46 this side.  
47  
48 The next slide, please.  
49  
50 What's changed is the introduction of

1 electrical power to the region. The northwest  
2 transmission line is built and about ready to supply  
3 power to the region. And what has hindered development  
4 on the BC side of the Transboundary to date has been a  
5 lack of electrical power. And what the mining industry  
6 and the BC government are promoting is this now opens  
7 up an area the size of France to mining development in  
8 Northwestern BC, much of it up and down the  
9 Transboundary -- or much of it up and down the border.

10

11 Will be a number of very large open pit  
12 mines, several underground mines, and then the  
13 associated infrastructure like roads and energy  
14 projects. And BC has a very purposeful vision of  
15 transforming the region here based on an aggressive  
16 expansion in mining. And as I look at it, we don't  
17 really see wild salmon as a prominent of the BC vision  
18 for the region.

19

20 Next slide, please.

21

22 This is going to be somewhat  
23 indecipherable there, but that is a map of the current  
24 and proposed development in BC. And the reason it  
25 looks like that is there is so much development.  
26 There's a copy up over there and several copies on the  
27 table if folks want to take them. But this is I think  
28 really a sign of just the scope and the pace of the  
29 industrial development on that side.

30

31 Next one, please.

32

33 The main rivers we're concerned about  
34 right now would be the Iskut, the Unuk, the Stikine, and  
35 the Taku. Primarily because the mines are in very  
36 close proximity to those rivers and those are some of  
37 the most valuable rivers in the region to Alaska.

38

39 Next one, please.

40

41 This should not be any news to anybody  
42 in the room here, but these rivers are the lifeblood of  
43 the region. They support commercial sport, personal  
44 use fishing, customary and traditional hunting fishing,  
45 other activities. Recreation, tourism, hunting, and  
46 trapping. The health of these rivers are vital to the  
47 health of the people that live in Southeast Alaska.

48

49 Next one, please, Robert.

50

1                   This is some of the major and the  
2 larger proposed mines. On the Taku, there's the  
3 Tulsequah Chief, an underground mine that's proposed  
4 for reopening. In the Unuk, there's the Kerr-  
5 Sulphurets-Mitchell, which is a massive mine with an  
6 underground aspect and three open pits. It could also  
7 have impacts on the Nass. And people don't think the  
8 Nass is important to Alaska but Alaskan fishermen catch  
9 a lot of fish out of the Nass and if we see problems  
10 with Nass fish, that can result in constraints on  
11 Alaska fishing.

12  
13                   And then in the Stikine-Iskut  
14 watershed, there were three big ones, Galore Creek, Red  
15 Chris, and Schaft Creek.

16  
17                   Next one, please.

18  
19                   I'm going to go through this section  
20 pretty quickly because I know the Board has heard some  
21 of this before. If I go too fast, please stop me and  
22 ask me a question here or if something's unclear. But  
23 the Tulsequah Chief, right on the banks of the  
24 Tulsequah River, it's directly upstream of prime salmon  
25 habitat. It's had an ongoing acid mine drainage  
26 pollution problem since the '50s. And it continues to  
27 be opposed by the Taku River Tlingit First Nation, in  
28 whose territory the mine is in.

29  
30                   Next one, please.

31  
32                   Yeah. That didn't look as good as I  
33 thought.

34  
35                   That is a blowup of the map you saw  
36 before that shows the Tulsequah, which is up in the top  
37 left. And there's also the Big Bull Mine in New  
38 Polaris, which are nearby, and are in very early stages  
39 of development and exploration.

40  
41                   Kerr-Sulphurets. This is a big one.  
42 Right in the head waters of the Unuk River, 19 miles  
43 from our border. It's an underground mine with three  
44 giant open pits -- and with three giant, open pits.  
45 More than two billion tons of tailings, most of them  
46 acid-generating. Those tailings are going to be put  
47 behind several dams, a couple of them the size of the  
48 Hoover Dam. The Unuk, as most of you I believe would  
49 know, is a major king and eulachon producer.

50

1                   The Nass is the third largest salmon  
2 producer in BC. And this area is prime wildlife  
3 habitat, especially goat, moose, and bear. We have a  
4 significant acid mining draining potential here. We  
5 have an unprecedented proposed water treatment system  
6 that's going to have to at times treat 118,000 gallons  
7 of water a minute, which we've never seen a proposal  
8 like that. And there's no plant operating anywhere on  
9 Earth processing that much contaminated water. And  
10 what we see across the board with these mines is  
11 they're going to need in perpetuity monitoring,  
12 management, and treatment. The acid mine drainage  
13 doesn't go away. It doesn't decay like radioactivity.  
14 It will be there forever. Meaning that those tailings  
15 dams are going to have to be monitored for structural  
16 stability. The leakage that always happens through  
17 tailings dams is going to have to be monitored,  
18 treated, and pumped back. This is going to have to  
19 happen essentially forever. And we don't see any plans  
20 or funding in place that's going to guarantee that type  
21 of treatment forever.

22  
23                   Forever I think is a long time and it's  
24 a very hard thing to grasp. So part of our questions  
25 here is what bank account is going to pay for this in  
26 500 years. The promises from the mining companies --  
27 the people that made those promises are going to be  
28 long gone in a few hundred years. So the major issues  
29 with these mines is really the long term acid mine  
30 drainage potential and how on Earth are we going to be  
31 able to pay to monitor, to clean up, to maintain that  
32 over the course of many centuries.

33  
34                   Next one, please.

35  
36                   This is again a blow up of the map we  
37 saw before. It's pretty hard to see here, but there is  
38 a cluster of mines, you can see, and KSM is up high in  
39 the Unuk there. I guess roughly at kind of top right.

40  
41                   But I did leave a couple of copies of  
42 the map there. And if folks do want others, let me  
43 know. It'll be a little clearer.

44  
45                   Next one, please, Robert.

46  
47                   Same thing. This is the Stikine-Iskut.  
48 Kind of Stikine to the left. The Iskut the big  
49 tributary coming off to the right. But it's a little  
50 bit hard to see at that scale.

1                   How about next one, please.

2

3                   Galore Creek is one of the mines in the  
4 Stikine drainage. As proposed, it would be the fourth  
5 largest mine in North America. It is on the -- near  
6 Galore and Scud into more creeks which drain in the  
7 Iskut, which is the largest tributary to the Stikine.  
8 And like KSM, this has a tremendous amount of acid mine  
9 drainage and tailings that would need to be monitored  
10 again and treated and possibly cleaned up in  
11 perpetuity.

12

13                   Next one.

14

15                   Oh, ahead of me.

16

17                   There you go.

18

19                   Red Chris. You might have heard of  
20 this one because the Klabona Keepers, who are members  
21 of the Tahltan Nation, have been blockading this mine.  
22 This mine is owned by Imperial Metals, which is the  
23 same company that owns Mount Polley, where they had the  
24 tailings dam blowout a while ago. This is close to  
25 Iskut BC. It's not as big as the other two mines, but  
26 it does have a couple hundred million tons of toxic  
27 tailings. Again, it will be needed to be treated in  
28 perpetuity. And they'd be dumped into Black Lake,  
29 which drains into the Iskut and then to the Stikine.

30

31                   Next one.

32

33                   Schaft Creek. Up in the Stikine-Iskut  
34 as well. Near the Cassiar. It's got a billion tons of  
35 tailings right along side Schaft Creek, which  
36 eventually drains into the Stikine.

37

38                   Next one.

39

40                   These mine developments are also  
41 happening under regulations and permitting processes  
42 that have been dramatically weakened over the last  
43 decade. There have been changes to the Federal  
44 Fisheries Navigable Waters Protection Act,  
45 Environmental Assessment Act. Ten years ago, BC went  
46 through a major overhaul of its environmental laws and  
47 permitting processes. There is no overall or big  
48 picture cumulative effects analysis, meaning that when  
49 they look at the mines, they look at them one at a  
50 time. Nobody's asking the question what happens across

1 this broad region if you get half a dozen mines in  
2 there over the long term. And it's proven by I think  
3 Mount Polley, enforcement and monitoring is weak.  
4 Mount Polley had a number of problems that are starting  
5 to come to light now that should have come up in  
6 inspections and should have been enforced. It could  
7 have been prevented, but certainly it wasn't. So we  
8 have a major mining boom happening under dramatically  
9 weakened regs.

10

11 Mines in Salmon. These are very large  
12 mines with massive amounts of tailings and waste rock.  
13 All acid-generating deposits with heavy metals and  
14 selenium, which are very toxic for fish. Very wet,  
15 challenging terrain. The mines are in close proximity  
16 to the rivers. Environmental safeguards are weaker on  
17 that side and we have uncertainty over long term  
18 monitoring and water treatment. So it's a fair amount  
19 of things coming together here.

20

21 Next one.

22

23 Rob Sanderson from the Tlingit Haida  
24 Central Council I know has been in front of the Board  
25 here several times. And I think he nailed it here of  
26 how are you going to pay and protect these things after  
27 the mines are done.

28

29 I mean that is the big question.

30

31 This is Mount Polley. You can see the  
32 tailings dam has failed and the tailings are heading  
33 into Quenell Lake, which is part of the Fraser River  
34 system, which has a tremendous sockeye run. This is a  
35 real world example of what we are trying to prevent and  
36 what we do not want to see as these other mines are  
37 developed by BC.

38

39 Next one.

40

41 All right.

42

43 So what do we do about this.

44

45 There's a Transboundary rivers campaign  
46 that Rivers Without Borders and Trout Unlimited, my  
47 colleague Jill Weitz Whites is here from Trout  
48 Unlimited, and a number of other groups have formed to  
49 address this. And this is one of the most diverse  
50 campaigns I've ever seen. We have participation from

1 tribes, a variety of different fishermen, tourism  
2 businesses, local governments in Petersburg, Wrangell,  
3 and Sitka, conservation groups, the Juneau delegation.  
4 The Congressional delegation has weighed in on these  
5 issues. Unlike the timber wars and fish wars, there  
6 seems to be broad agreement across Southeast Alaska  
7 that this is an issue and we all have common interest  
8 here at risk.

9

10 Next one.

11

12 There was also -- I don't think there's  
13 anybody from the workgroup here to speak to this, but  
14 the tribes have formed the United Tribal Transboundary  
15 Mining Workgroup. And not all 19 Federally-recognized  
16 tribes are yet participating. I believe about half of  
17 them are. And this group meets regularly, coordinates  
18 with a Transboundary campaign, and is the way the 19  
19 Federally-recognized tribes have come together to try  
20 to protect their interests here. Rob Sanderson is the  
21 Chairman of that and I know he's testified here before.  
22 So we have basically a very strong campaign here,  
23 representing almost every constituency in Southeast  
24 Alaska.

25

26 Next one.

27

28 Now we get to what can we do about  
29 this. One of the problems is these mines are in  
30 Canada. They're not subject to U.S. law. We don't  
31 have the NEPA Act. We don't have the legal system to  
32 use. They're another country. And we can't just tell  
33 Canada what to do. So we've looked at a variety of  
34 things. We've looked at angles under the U.N. We've  
35 looked at the Pacific Salmon Treaty. We've looked at  
36 other cooperative agreements between Canada and the  
37 U.S.

38

39 And at this point, it seems to us that  
40 the Boundary Waters Treaty is probably the best vehicle  
41 to try to get an international conversation here going  
42 to get Canada and the U.S. together and do something  
43 that has teeth. That isn't just talk. And Article 4 of  
44 the Boundary Waters Treaty is very simple. The waters  
45 falling across the boundary shall not be polluted.  
46 Very simple in theory there. A little bit more  
47 difficult in practice to enforce.

48

49 Next one, please.

50

1 Under the Boundary Waters Treaty,  
2 there's something called the International Joint  
3 Commission. And these are set up to resolve  
4 Transboundary water disputes. One of the problems  
5 though is that both countries have to agree to create  
6 an International Joint Commission. Canada's so far  
7 balking at that.

8  
9 There's an excellent precedent set in  
10 Montana's Flathead region where people in Montana  
11 became concerned about existing and proposed coal mines  
12 and selenium pollution upstream in BC. In 1988, the  
13 IJC came together and issued a report, which I'll talk  
14 about in a minute.

15  
16 So there's a very strong precedent.

17  
18 A couple of other reasons for looking  
19 at the IJC. The BC permitting process on the  
20 individual mines isn't designed to protect Alaska's  
21 interest. We've been told for years the permitting  
22 process was going to halt the pollution from the  
23 Tulsequah Chief in the Taku. And as of this date, it  
24 still continues. And you can't expect the BC  
25 permitting process to protect our interests. It's not  
26 designed to do that. As I said before, the BC and  
27 Canadian laws have been weakened recently. And also  
28 the last point is our analysis to date has pointed to  
29 the Boundary Waters Treaty as probably the most potent  
30 vehicle here.

31  
32 Next one, please.

33  
34 This is the cover of the 1988 IJC  
35 Report. And the next slide has -- oh, we have a couple  
36 of excerpts here. So this was one of the  
37 recommendation -- or they lead up to the  
38 recommendations here, where they -- the IJC determined  
39 that the threat here clearly constituted a breach of  
40 Article 4. And I think very relevant to the mines  
41 we're talking about now, they questioned the  
42 mitigation, the water treatment, the plans to deal with  
43 accidents. And when we look at KSM, that's one of our  
44 biggest issues. Is how do we know that water treatment  
45 is going to work. Unprecedented amount of close to  
46 120,000 gallons a minute. And how do we know that the  
47 mitigation over the long term, meaning thousands of  
48 years, is going to work. So this is directly relevant  
49 to our situation here.

50

1                               Next one, please.

2

3                               These are the actual recommendations  
4 from the IJC Report in 19 -- oh, that's a mistake.  
5 That is 1988. I'm sorry about that. Poor  
6 proofreading. Their recommendation was basically that  
7 some of the mines not proceed. That there be more work  
8 done on impact assessment. Since this, they have  
9 undertaken some efforts to try to address the selenium  
10 problem. So this is the type of Report -- the type of  
11 recommendations -- the type of dialogue we'd like to  
12 see in the Transboundary here. And under the Boundary  
13 Waters Treaty and the IJC is really the only way to do  
14 it.

15

16                               Next one.

17

18                               Again, back to my point before. I mean  
19 this seems to have united Southeast Alaska different  
20 than past issues that have pitted Southeast Alaskans  
21 together. And this is an issue really that I think our  
22 future generations are going to look back and see did  
23 we do the job right or not. This is a long term threat  
24 I think from the BC side and it's going to take quite a  
25 bit of work to address it. But I think we've passed  
26 the first hurdle, which is getting Southeast Alaskans  
27 together, united with a common vision here.

28

29                               Next one.

30

31                               I also wanted to advertise this.

32

33                               On the 28th, Trout Unlimited and a  
34 couple of our other groups are sponsoring several  
35 community meetings around Southeast Alaska. The next  
36 one of them will be in Wrangell on the 28th. We'll  
37 also be in Ketchikan, Petersburg, Juneau, and Sitka.  
38 Dr. David Chambers, who is a mining engineer and a  
39 mining reclamation expert, and Sarah O'Neal, who is a  
40 fisheries scientist, are going to be the lead speakers  
41 there. And they'll discuss in general the issues of  
42 salmon mining and also very specifically the mines  
43 proposed in the Transboundary. So this is a good way I  
44 think to get the word out and provide people a forum to  
45 find out more about this and ask questions.

46

47                               And if I remember right, that's the  
48 last slide. Oh, no.....

49

50                               For more info, Rivers Without Borders

1 -- that's my organization, we have two websites. The  
2 first one and then Wild Border Watersheds. And then  
3 the campaign -- we're part of Salmon Beyond Borders.  
4 We have a website there. And then that's my phone  
5 number and email. We've got cards over there. Please  
6 don't hesitate to call or email if you have questions.

7

8 And at this point I'll either turn it  
9 over to other people to testify or a discussion here.

10

11 Let's see.

12

13 How long did I do.

14

15 CHAIRMAN ADAMS: Mr. Bloom.

16

17 MR. BLOOM: I'm just curious what the  
18 impact of the IJC and the Flathead Mines was with those  
19 mines. Were they developed or what was the outcome of  
20 that?

21

22 MR. ZIMMER: That's an excellent  
23 question.

24

25 I should put another point on the  
26 slide. A couple of the coal mines were not developed,  
27 largely because of this. There was also programs set  
28 up at the existing coal mines to try to address the  
29 selenium problem, which was really the main toxin of  
30 concern. So we look at this as a pretty strong  
31 success. A couple of the mines were stopped and  
32 programs were set up to try to address the issues at  
33 the other mines. That process set up by that IJC in  
34 1988 continues to this day. So there continues to be  
35 the dialogue, the study, and the attention on those  
36 mines there.

37

38 So whereas the IJC can't force Canada  
39 to do anything, their recommendations are not binding.  
40 When the IJC makes a recommendation, it comes with a  
41 very strong, if you will, moral force. And since both  
42 countries have agreed to put the IJC together, the  
43 assumption is both countries are going to follow their  
44 recommendations.

45

46 The problem we have right now is Canada  
47 did not like those recommendations and they do not want  
48 to go back to the IJC right now because they didn't  
49 like the way that went. But I think the pressure we're  
50 starting to build here with the contacts we're making

1 in BC, I think will slowly and continue to push the  
2 Canadians. If there's another option on the table  
3 similar to the IJC, we'll take it. But as of now, we  
4 don't see one and no one has offered one up there.

5  
6 And I could get you a copy of that IJC  
7 Report, if you'd like, or if you'd like more details  
8 about the Montana situation.

9  
10 CHAIRMAN ADAMS: Thank you.

11  
12 Any more.

13  
14 Cathy, go ahead.

15  
16 MS. NEEDHAM: Thank you. I'm wondering  
17 if this is a good time to ask if we could get a report  
18 on the letter that we put forth from this Council, that  
19 went to the Secretaries regarding Transboundary mining  
20 issues. Since the Council here has actually talked  
21 about this issue in the past and we put a letter out  
22 asking the Secretaries to make sure -- I think it was  
23 the Department of Commerce, make sure another  
24 department understood that we feel Transboundary mining  
25 issues may impact important subsistence resources.

26  
27 Where is that letter, and will we  
28 expect a response from it?

29  
30 CHAIRMAN ADAMS: Okay.

31  
32 Steve, do you want to address that,  
33 please.

34  
35 MR. KESSLER: Thank you, Mr. Chair and  
36 Ms. Needham. I've got to apologize for the, you know,  
37 Department of Agriculture on this.

38  
39 So what happened was that the Council  
40 sent a letter to the Federal Subsistence Board for  
41 forwarding on to the Secretary of Agriculture, asking  
42 the Secretary of Agriculture to engage the Secretary of  
43 State on this issue. And so as requested, the Federal  
44 Subsistence Board forwarded that on to the Secretary of  
45 Agriculture.

46  
47 And at that point I had a lot of  
48 discussions with the offices there, with the Office of  
49 the Undersecretary for Natural Resources and  
50 Environment. And it ended up stopping there. There

1 was never a letter forwarded -- sent from the Secretary  
2 of Agriculture to the Secretary of State asking for  
3 engagement on this topic. And it wasn't that I didn't  
4 try and push it, because I did, but it never did  
5 happen.

6  
7 So, you know, I think that this Council  
8 could reemphasize the need for that sort of engagement,  
9 and, you know, we can push again to get that moving.  
10 But it was asking the Secretary of State, you know, on  
11 behalf of subsistence users in Southeast Alaska to  
12 engage with the Canadians; that this was a very  
13 important issue.

14  
15 That's the status.

16  
17 CHAIRMAN ADAMS: Okay. Did that --  
18 I'll get to you after Cathy.

19  
20 MR. ZIMMER: Uh-huh. (Affirmative)  
21 Sure. Thank you.

22  
23 CHAIRMAN ADAMS: Go ahead, Cathy.

24  
25 MS. NEEDHAM: Well, I just wanted to  
26 follow up with a comment that I think that we should  
27 re-engage and make sure that the work that we do at  
28 this table that represents subsistence users in this  
29 region gets forwarded on. I mean I don't -- I'm not  
30 sure why the Secretary of Agriculture wouldn't pay much  
31 attention it. But, you know, we've decided as a  
32 Council, after hearing testimony from numerous  
33 subsistence users, that this issue has impacts to them  
34 and even though we don't have regulation over it, we  
35 want to remain involved in the process and make sure  
36 that the powers that be understand that we acknowledge  
37 the fact that subsistence resources can be impacted in  
38 that.

39  
40 You know, I mean I appreciate Mr.  
41 Zimmer coming and giving us an update and having that  
42 for information purposes, but we took action, and I'd  
43 like to see some follow-up on it.

44  
45 CHAIRMAN ADAMS: So Cathy, do you think  
46 that another letter from here would help move the  
47 process, or is Steve's, you know, explanation okay?

48  
49 MS. NEEDHAM: I think at a minimum we  
50 should put it into our annual report that the Federal

1 Subsistence Board needs to -- I mean if they forwarded  
2 it to the Secretaries, obviously they supported the  
3 work that we did and honored that request that they put  
4 it on to the Secretary. I think we should ask them to  
5 make sure that it continues to go through that process  
6 and that -- I mean I think that they should ask for  
7 follow-up as well because this is something that they  
8 specifically asked to come out of that.

9

10 CHAIRMAN ADAMS: Okay. Thank you,  
11 Cathy. I think we could probably do that and also  
12 include it our annual report.

13

14 Okay.

15

16 Do you want to respond to that, Steve.

17

18 MR. KESSLER: Yes, Mr. Chairman. I  
19 think that this has become an even more timely issue.  
20 The whole thing is raising a notch. And my  
21 recommendation would be that the Council would not wait  
22 for the next annual report. I would send a separate  
23 letter to the Federal Subsistence Board asking for  
24 follow-up with the Secretary of Agriculture and ask to  
25 get this thing moving. That might help. I don't know.  
26 But I -- you know, I think that this is becoming more  
27 and more an issue that's getting the attention at the  
28 Washington, D.C. level. So it's time to follow-up.

29

30 CHAIRMAN ADAMS: Sure. We could do  
31 that. And get the letter out. But also, you know,  
32 include it in our annual report.

33

34 Do you mind if I.....

35

36 MR. ZIMMER: Oh, no. Not at all.

37

38 CHAIRMAN ADAMS: No. Okay.

39

40 Go ahead.

41

42 MS. NEEDHAM: Thank you.

43

44 CHAIRMAN ADAMS: Ladies first.

45

46 MS. NEEDHAM: I appreciate that -- the  
47 recommendation in terms of the timing of it. And this  
48 letter that we sent was the first time that this body  
49 has actually asked for recognition of an important  
50 issue on subsistence outside of the current process. I

1 mean we -- apparently we -- we just learned that we had  
2 this ability to ask the Secretaries to engage  
3 Secretaries of other departments in issues and I'm  
4 curious what we're actually expecting in response.

5  
6 I mean the fact that it got stopped in  
7 one place, we ask that our message be given to the  
8 Secretary of State that subsistence resources are  
9 impacted. I would like to see a letter in return that  
10 they're going to acknowledge that and incorporate it  
11 somehow. But aside from this process that we entered  
12 into a year ago that hasn't gone anywhere, is there  
13 anything else as a Council that we can do beyond that  
14 because right now that communication is stopped  
15 somewhere and maybe we can give it a little push.

16  
17 But is that enough or are there other  
18 things out there we could be considering?

19  
20 CHAIRMAN ADAMS: Sure. Thank you,  
21 Cathy. And we sure will, you know, handle that.

22  
23 Is it okay if I give my Council  
24 priority?

25  
26 MR. ZIMMER: Oh, absolutely.

27  
28 CHAIRMAN ADAMS: Okay.

29  
30 MR. ZIMMER: I wouldn't expect you to  
31 ask me for permission for that, Mr. Chairman.

32  
33 CHAIRMAN ADAMS: He probably has a  
34 question for you anyhow.

35  
36 Go ahead, Don.

37  
38 MR. HERNANDEZ: Yeah. Thank you.

39  
40 Steve, I mean we asked the Board to  
41 forward a letter. And -- I don't know -- I think it's  
42 my recollection -- maybe I'm wrong but it seems like we  
43 should have done this, if we hadn't, I mean the Federal  
44 Subsistence Board is under the jurisdiction of two  
45 Secretaries, you know, Agriculture and Interior. I  
46 thought we asked to be forwarded to Secretary of  
47 Interior as well. And if Agriculture was so reluctant  
48 to do anything, was there any contact with Interior  
49 Department. I mean this kind of sounds like politics  
50 to me. But, you know, I don't know if we covered all

1 of our bases there.

2

3 CHAIRMAN ADAMS: Hmm. Steve, go ahead.

4

5 MR. KESSLER: Thank you, Mr. Chairman.

6

7 Mr. Hernandez, my recollection -- and  
8 I'll go find it in my computer because I'm sure it's  
9 there -- is that the -- it was seen that the lead was  
10 the Department of Agriculture because of the Tongass  
11 National Forest and the direct effects on the Tongass  
12 and the subsistence uses in the vicinity of the  
13 Tongass. So that's my recollection it was not  
14 requested to send it to both Secretaries. But I'll  
15 check up on that. And I probably could give you an  
16 answer on that in a few minutes.

17

18 CHAIRMAN ADAMS: Great. Thank you.  
19 And I think, you know, if that's the situation, this  
20 new letter that we're going to draft up could be cc'd  
21 to the Department of Interior as well.

22

23 Okay.

24

25 Go ahead.

26

27 Well, it's our prerogative, isn't it.

28

29 Any more questions.

30

31 Okay. Chris, I know if you're like me  
32 -- if you're not called on, you know, right away when  
33 you've raised your hand, I forget what -- I forget --  
34 always forget what I'm going to say. So do you  
35 remember what you were going to say?

36

37 MR. ZIMMER: I have to write it down.  
38 I guess my comment was to -- one -- recommend another  
39 letter because I think it's easy to kind of get  
40 discouraged here. But this is an issue that doesn't  
41 fall in a lot of the easy boxes. There's not an  
42 existing process that's like oh, okay, here's what we  
43 do about this. So I think it's easy for some of the  
44 Secretaries to put this one off because they've got  
45 other things to do and this is a difficult one.

46

47 So I think what this is going to  
48 require is a fair amount of pressure and education.  
49 The good thing here is I think we have a growing  
50 consensus. We have support from the Congressional

1 Delegation for the IJC. There's support from  
2 constituencies across Southeast Alaska. The Juneau  
3 legislators have supported more review and more look at  
4 this. So I think as this pressure grows and starts to  
5 focus on Washington, D.C., we will start to see action  
6 at the Secretary level.

7

8 But to get something up to the  
9 Secretary of Agriculture and then to Secretary John  
10 Kerry's desk -- he's got a few other problems in the  
11 world he's dealing with these days, and if this was 15  
12 years ago, that would be one thing. But after 911 --  
13 and national security issues now are very prominent, so  
14 to try to get the State Department's attention on this  
15 I think will take a lot more pressure. And my  
16 recommendation would be just not to get discouraged,  
17 keep the pressure up, and understand that there is a  
18 huge coalition around this issue that's going to  
19 continue to put pressure on D.C.

20

21 I believe we're planning another  
22 Washington, D.C. trip in February or March, and I could  
23 make this offer as well, if it would help for Jill and  
24 I to draft a sample letter, is that useful to the  
25 Board, or would that be something you would want to  
26 take up on your own. If we could be of help in  
27 drafting that, I'm more than happy to provide language  
28 or answer questions around that.

29

30 CHAIRMAN ADAMS: Okay. What's the wish  
31 of the Council. Do you think we can handle it with the  
32 Staff that we have. Or.....

33

34 MR. LARSON: Sure. Do you want to  
35 review this letter on the screen here.

36

37 CHAIRMAN ADAMS: Yeah. Let's do that.  
38 There's a letter on the screen here. We can review  
39 that right now. Okay. Go ahead. He's going to put it  
40 on the screen.

41

42 Steve, do you have something else to  
43 add here?

44

45 MR. KESSLER: Well, thank you, Mr.  
46 Chairman. Once again, Ms. Needham's got perfect  
47 memory. Yes. The letter was addressed to both  
48 Secretaries and we didn't hear back from either of  
49 them. So already it was sent to the Secretary of  
50 Interior also.

1 CHAIRMAN ADAMS: Okay. So we're  
2 getting communication from.....  
3  
4 MR. KESSLER: And by the way, that went  
5 from the Federal Subsistence Board to the Secretaries  
6 on May 20th, 2013. And enclosed with the letter to the  
7 Secretaries was the letter from the Council to the  
8 Federal Subsistence Board. That letter was dated --  
9 let's see here, that letter was dated March 18th, 2013.  
10  
11 CHAIRMAN ADAMS: Okay. The letter is  
12 on the screen now. Do you want to review that or do  
13 you think it's necessary?  
14  
15 MR. LARSON: No. It just says it went  
16 to both Secretaries.  
17  
18 CHAIRMAN ADAMS: Okay.  
19  
20 MR. LARSON: That's what our letter  
21 says.  
22  
23 CHAIRMAN ADAMS: Just take note that it  
24 went to both Secretaries. Okay. And we'll follow up.  
25  
26 Anything else you want to talk about,  
27 Chris?  
28  
29 MR. ZIMMER: No. I think that covers  
30 it. I'm happy to see the Board continuing to follow-up  
31 on this issue. And I think the way to success on this  
32 is.....  
33  
34 CHAIRMAN ADAMS: Keep.....  
35  
36 MR. ZIMMER: .....basically keep this  
37 entire constituency together.  
38  
39 CHAIRMAN ADAMS: Yeah. Would you do us  
40 a favor and shut that other one off there, please.  
41  
42 MR. ZIMMER: Oh. There we go.  
43  
44 CHAIRMAN ADAMS: So any more questions,  
45 comments.  
46  
47 Have a piece of candy, Chris. And  
48 thank you very much.  
49  
50 MR. ZIMMER: All right. And please

1 don't hesitate to call or email if there are questions  
2 or anything I can do here.

3

4 CHAIRMAN ADAMS: Oh. Does the pretty,  
5 young lady beside you -- she has something to say?

6

7 MR. ZIMMER: Oh.

8

9 MS. WEITZ: My name is Jill Weitz. I'm  
10 with Trout Unlimited, a part of the Salmon Beyond  
11 Borders Coalition as well. And I just wanted to add a  
12 couple of things to Chris's presentation. Thank you.

13

14 I handed out to the entire Council a  
15 few documents. There are two different fact sheets.  
16 One that focuses on the issue as a whole. Kind of an  
17 overview. The other one is specifically focused on the  
18 IJC and ours a Coalition. There's also an example of a  
19 resolution that was submitted from the Wrangell  
20 Cooperative, correct?

21

22 MR. ZIMMER: No.

23

24 MS. WEITZ: Or Wrangell Assembly.

25

26 MR. ZIMMER: That was the Wrangell --  
27 that was the Mayor.

28

29 MS. WEITZ: Yeah. And then a draft  
30 resolution example that we as a Coalition have created.  
31 This resolution we're taking around, as Chris mentioned  
32 before, doing a tour of Southeast Alaskan communities,  
33 talking to business owners, boards, city councils. As  
34 many folks as we can to encourage them to get on board  
35 with this. And we've had, as Chris mentioned, multiple  
36 communities already submit resolutions.

37

38 This is a huge push. This is a big  
39 effort on our part to engage and educate Southeast  
40 Alaskans and we've had wonderful turnout thus far. And  
41 as the Council considers this issue and decides what  
42 the next step is, I too would encourage action sooner  
43 rather than later. This is a huge issue, especially in  
44 light of Mount Polley. The recent events that occurred  
45 in Southern BC.

46

47 Again, it's just gaining momentum. And  
48 I agree that representing subsistence users throughout  
49 this region -- this is a very, very important issue.

50

1                   And again, one thing that I wanted to  
2 mention, too. The IJC historically has only really  
3 worked when both countries bring it forward. However,  
4 by law it's not necessary for both. That's just what's  
5 worked in the past. So if we can engage our Federal  
6 government -- if we can get more momentum from our  
7 Federal government, this definitely has potential to go  
8 there.

9  
10                   So I encourage you to keep moving it  
11 forward and thank you so much for your time.

12  
13                   CHAIRMAN ADAMS: Thank you, ma'am.

14  
15                   Any questions or comments.

16  
17                   Gunalcheesh.

18  
19                   Okay. Next is Mr. Reeves.

20  
21                   Go ahead, Mr. Reeves.

22  
23                   MR. REEVES: Thank you, Mr. Chairman.  
24 Good morning, Council. For the record, my name is Jeff  
25 Reeves. I'm a biologist with the Forest Service.  
26 Robert should have my thumb drive.

27  
28                   CHAIRMAN ADAMS: Oh. Are you going to  
29 use this again?

30  
31                   MR. REEVES: Yes, we are.

32  
33                   CHAIRMAN ADAMS: I'll get out of your  
34 way.

35  
36                   MR. REEVES: And so we may need the  
37 lights dimmed again, please.

38  
39                   So to begin, I will forewarn Robert  
40 that I may be using a laser during this presentation so  
41 I am not liable for any singed hair or eyebrows. So  
42 can you go ahead and switch the slide, please.

43  
44                   Typically, when I've done this  
45 presentation every couple of years, the first slide I  
46 like to use is to look at the average harvest as  
47 reported by both the State, personal use, and  
48 subsistence permits. And the one thing that you'll see  
49 when you look at the data for Southeast is that  
50 subsistence users are primarily targeting sockeye

1 salmon with those permits. So the average here is  
2 basically just over 40-some thousand. That has jumped  
3 when I did look back at previous presentations, but  
4 this average has only risen by a couple of thousand.

5  
6 So next slide, please.

7  
8 Now, this shot is basically typical of  
9 what you would see for a fishery under State  
10 management. It's typically marine water fisheries,  
11 done with seine nets. You know, targeting ocean bred  
12 fish as they're getting ready to enter the system.  
13 Whereas our Federal fisheries are going to be more  
14 representative of this next slide, where it's going to  
15 be contained to within the river. Typically our  
16 management is the mean high tide line and up. So --  
17 and this is where pretty much most of the presentation  
18 is going to look at, is the Federal salmon fisheries in  
19 general.

20  
21 So next slide, please.

22  
23 The Federal fisheries are governed by  
24 Federal regulations. They're split between 36CFR and  
25 50CFR. And the reason that they're split is the Forest  
26 Service uses one set, while Department of Interior  
27 agencies do use the other. But when you look at them,  
28 they are the same regulations. So this is the cover of  
29 the current valid set of regulations.

30  
31 And next slide.

32  
33 The fisheries that we have in Southeast  
34 and governed and do require typically the use of a  
35 subsistence permit. The one on the right in the  
36 screen, that's the current permit. It's the bottom  
37 two-thirds of what you see there is what is in the  
38 fisherman's possession. The top one-third piece is  
39 basically the signed stub that the fisherman agrees to  
40 the terms and conditions. The bottom corner there we  
41 have listed is there's five fisheries that require  
42 separate permits. The Southeast General Salmon Shark  
43 Permit. There's the Stikine River permit, Yakutat  
44 Steelhead is under its own permit. And then on Prince  
45 of Wales Island there's two separate Steelhead permits  
46 that are typically used. There's a spring season and a  
47 winter season.

48  
49 So next slide.

50

1                   This slide represents -- is the rough  
2 management zones. And each of these zones typically  
3 has a ranger or two that's responsible for their own  
4 district. And these rangers have been delegated as the  
5 in-season managers. So you'll find the list of names  
6 there on the right. The zones -- the management  
7 biologists -- some of us, we have our typical zones.  
8 Like I cover the Prince of Wales, Ketchikan zone.  
9 Justin covers Sitka, Hoonah. Ben's responsible for the  
10 Juneau, Admiralty, and the Yakutat. And Robert --  
11 besides being a Council Coordinator -- covers the  
12 Petersburg, Wrangell area there. Our zones are  
13 slightly different than the typical area management  
14 biologist for the State. And when you look closely on  
15 this slide, you will see that there's some hash marks  
16 as to where kind of those State biologists would -- the  
17 areas that they would cover.

18

19                   So next slide, please.

20

21                   This slide kind of gives you a typical  
22 overview of the customary and traditional use areas as  
23 defined under the Federal Regulations. And not each  
24 area is associated to one, particular community. And  
25 what you will see is in the next slide that we will  
26 have some areas, like this northeast corner of Prince  
27 Wales Island here in District 6, where this is a  
28 convergence of multiple C&T usages.

29

30                   So next slide, please.

31

32                   The next couple here that we have are  
33 going to basically list the legal gears for particular  
34 species under the Regulations in the Southeast. So if  
35 you're -- for a fisherman targeting sockeye, pink or  
36 chum, the gears that can be used include gaffs, spears,  
37 gillnets, seines, dipnets, cast nets, hand line, and  
38 rod and reel.

39

40                   For those that are typically targeting  
41 coho under the general permit, you'll see that the list  
42 is slightly reduced. Dipnet, spear, gaff, hand line,  
43 and rod and reel.

44

45                   The Stikine Fishery -- it has its own  
46 limitations to gear. And there is also some specific  
47 regulations that apply to what size gillnet mesh that  
48 you can use and the length of that net.

49

50                   Next slide.

1                   You see that for Steelhead that that  
2 list gets a little shorter. And even for trout and  
3 char it's more limited. But if you are targeting one  
4 species, the next slide will show you that incidental  
5 harvest is okay. So if you were targeting particularly  
6 say sockeye or pinks and you did catch a coho or a  
7 whitefish, yes, you may retain that under the terms of  
8 a Federal permit.

9

10                   So next slide, please.

11

12                   Now is when we're going to really start  
13 looking at the statistics and the fishery. And what  
14 this slide shows is it's the percentage of species  
15 harvested from 2002 to 2013. This does not contain  
16 data from the Stikine River. So what you're going to  
17 notice here is that the predominant species that are  
18 being harvested in terms of the Federal permit are  
19 sockeye and coho. It's a fairly close match there.  
20 There is some growing harvest of pink salmon. And  
21 you'll notice that chinook, chum, dolly varden, and  
22 trout just make up a pretty small portion.

23

24                   So next slide, please.

25

26                   This is showing the harvests by year,  
27 by species. So each species has its own colored bar.  
28 And this is for salmon only. The red line that you'll  
29 see -- it shows numbers of permits that have been  
30 issued for each year. There has been a slowly growing  
31 trend that you see more permits are being issued  
32 Federally in the last seven years or so. And of course  
33 we do -- permits right now, for this year, are pretty  
34 much being done as we're pretty much at the tail end of  
35 most salmon returns but we don't have any data yet as  
36 our permits for the salmon fishery don't expire until  
37 the end of December.

38

39                   So next slide.

40

41                   This chart is showing a breakdown by  
42 community and who's using these Federal permits. So  
43 what you'll see here is that the Prince of Wales  
44 communities, which there's about 11 of them, are pretty  
45 much the main user, comprising about three-quarters of  
46 the permits being issued. The other communities --  
47 there is some permits being issued, but overall most of  
48 the use is being concentrated to Prince of Wales. And  
49 it's probably most likely due to the fact that Prince  
50 of Wales has a very extensive road system that does

1 access a large number of salmon streams with that road  
2 system.

3

4 So next slide.

5

6 This one is a breakdown of the  
7 communities on Prince of Wales. And you'll see that  
8 the majority of the harvest is occurring by residents  
9 of Thorne Bay, followed by Craig and Klawock. So I was  
10 actually shocked that -- my assumption was going to be  
11 that with Craig being the largest community on the  
12 island, that would be the largest use, however, Thorne  
13 Bay, which is about half the size of Craig, seems to be  
14 where the majority of the effort is. But I think  
15 possibly what could be happening is Craig and Klawock  
16 sit next to a large, major state manage subsistence  
17 fishery, whereas Thorne Bay, on the other side of the  
18 island, does not. So perhaps the folks in Thorne Bay  
19 are utilizing the Federal system a little bit more.

20

21 Next slide, please.

22

23 This is a history over time of the  
24 Stikine River harvest, along with the number of permits  
25 issued. What you do see is that since about 2008,  
26 there was a pretty good increase in the number of  
27 permits issued and the harvest, especially of sockeye,  
28 did increase. But what you kind of notice out of three  
29 of the last four years on here, is you see that the  
30 harvest kind of has been staying at a fairly consistent  
31 level. So I'm sure Robert will be elaborating more on  
32 this when he gets into the analyses of the upcoming  
33 proposals.

34

35 Next slide, please.

36

37 This is a breakdown of the Stikine  
38 harvest by community. And what you notice here is  
39 Wrangell pretty much contributes two -- is doing about  
40 two-thirds of the harvest. And most likely it's based  
41 on proximity. It is a little closer than Petersburg.  
42 When I was setting up earlier, I did kind of glance  
43 through past presentations that I've done. And these  
44 percentages have only changed up and down by like one  
45 percent in the past four presentations that I've done.  
46 So this seems to be pretty consistent.

47

48 So next slide, please.

49

50 What this is doing is showing the use

1 of gear. And this is all the fisheries under Federal  
2 management, so this has Yakutat involved in it, the  
3 Stikine River, and the rest of Southeast. And what  
4 you'll notice that the predominant gear type seems to  
5 be gillnet and followed by dipnet and then rod and  
6 reel. But if you remove Yakutat and Stikine, what  
7 you're going to see with the next slide, please -- you  
8 jumped one too many.

9  
10 Or it might be the next one, my  
11 apologies.

12  
13 This is a gillnet deployed on the  
14 Stikine, so try the next one, Robert. There we go.

15  
16 What you see is that the gillnet  
17 component drops dramatically and that for typical  
18 Federal harvests in the remainder of Southeast, it's  
19 predominantly a dipnet fishery, followed by rod and  
20 reel. So the next couple of pictures are just going to  
21 show these type of gears in action.

22  
23 This is the Karta River. And this is  
24 actually a spot on Hatchery Creek that's a pretty  
25 conducive spot to use a rod and reel.

26  
27 Next slide, please.

28  
29 With this year -- and I'll elaborate a  
30 little more when I do the special action stuff, these  
31 are some actions that have happened of recent, related  
32 to Federal salmon fisheries. So there was the Stikine  
33 action. And the Situk one was not so much a special  
34 action, as it was a -- the chinook closure was actually  
35 implemented as a term of the permit this year for the  
36 area.

37  
38 So next slide, please.

39  
40 This is a combination. There's the  
41 winter and spring steelhead statistics for Prince of  
42 Wales. The blue bar and blue line is representative of  
43 the spring fishery. The red is the winter fishery. On  
44 this side here, this is permits issued. So this is  
45 what the lines would correspond to. The bars would  
46 correspond to this side here. And this is the total  
47 harvest. And what you see is that initially in the  
48 spring fishery there was a lot of permits. And it  
49 dropped off, which we kind of believe was a response to  
50 the fishery, where some folks thought I think that by

1 getting permits, they would keep from steelhead from  
2 being harvested.

3

4                   Once the fishery kind of got into play,  
5 then what we've seen is we've seen a slow growth over  
6 time, a number of permits issued, and then it's dropped  
7 off. And what you also see is that the harvest slowly  
8 built with the number of permits issued and then it has  
9 dropped off. The lower harvest I don't believe is so  
10 much conducive of stocks being in crisis as it's just  
11 the amount of effort that has been occurring.

12

13                   The winter effort has slowly increased  
14 over time and you'll that its harvest is up and down.  
15 But what really happens in this fishery is it can be  
16 severely limited by winter conditions on Prince of  
17 Wales. Other than the Klawock River, most of the other  
18 winter steelhead systems do require vehicle access.  
19 And if snow hits, the roads will get snowed in. And  
20 they are not maintained.

21

22                   So next slide, please.

23

24                   This shows you a breakdown of the  
25 steelhead harvest by gear type. And obviously it's  
26 predominantly a rod and reel fishery. There has been  
27 some use of some more traditional gears, of gaff and  
28 spear and handline. And we actually have had one fish  
29 that was reported with a dipnet.

30

31                   So next.

32

33                   Obviously, this is springtime. Here  
34 you can see rod and reel fishing.

35

36                   Next.

37

38                   Here we have a traditional Haida  
39 steelhead spear. This is a late Haida elder here  
40 showing us that. In the corner here you get more of a  
41 closeup image of what the business end does look like.  
42 It's a very unique system where this hook will separate  
43 once the fish is hooked, so the fish isn't fighting  
44 against the hook. It fights more against the rope.  
45 And it seems to be a pretty successful piece of gear.

46

47                   The next slide that I have shows  
48 handline. Can be more selective, especially in these  
49 areas where steelhead might tuck up under a log or take  
50 some cover. And proper positioning, you can get the

1 hook on it. It's not as easy as one thinks. I will  
2 have to admit I tried handlining with a big school of  
3 pink salmon in front of me and I couldn't catch one of  
4 them. So just because you're throwing a hook out  
5 there, it doesn't mean that you're going to get  
6 everything.

7

8 So next slide.

9

10 No actions related to steelhead taken  
11 last winter or this spring.

12

13 So next slide.

14

15 That completes this.

16

17 And if you have any questions, we'd be  
18 open to try to answer any.

19

20 Thanks.

21

22 CHAIRMAN ADAMS: Questions or comments  
23 for Jeff.

24

25 Gunalcheesh. I guess.....

26

27 MR. REEVES: Well, that's part one.

28 So.....

29

30 CHAIRMAN ADAMS: Part one. Oh, okay.

31

32 MR. REEVES: Part two is yesterday you  
33 were handed out a table that looks like the signature  
34 -- it's in your stack. What this has is basically it's  
35 a list of the special actions that have been taken  
36 under for both Federal Wildlife and Federal Fisheries  
37 during the course of 2014. And there's just a brief  
38 list here. When you look at the special action number,  
39 the set of letters at the beginning, FSA is a Fishery  
40 Special Action. WSA would be a Wildlife Action.

41

42 Then the next set of numbers is  
43 basically the harvest area or harvest region. There's  
44 a letter code, which is the species. And then the next  
45 set is basically the order of special actions within  
46 the year.

47

48 So most of these are -- you would  
49 probably recognize from past presentations. The only  
50 that is any different was this year we did have to take

1 a special action to shut down the wolf trapping season,  
2 which was a joint action done with the State. It  
3 actually occurred while you guys were meeting in  
4 Anchorage, during the Joint Meeting with the  
5 Southcentral Council.

6

7 So I'll just -- you can glance through  
8 the list. If you have any questions regarding any of  
9 these actions, feel free to ask.

10

11 Thank you.

12

13 CHAIRMAN ADAMS: Thank you, Jeff.

14

15 Questions. Comments.

16

17 (No comments)

18

19 CHAIRMAN ADAMS: You're excused.

20

21 Okay. Terry and Ben.

22

23 (In Tlingit)

24

25 That means it's your turn.

26

27 MR. SUMINSKI: Good morning, Mr.  
28 Chairman, Council members. Terry Suminski with the  
29 Forest Service, and up here with Ben Van Alen, also  
30 from the Forest Service. We'll be talking about the  
31 call for proposals for the Fisheries Resource  
32 Monitoring Program. And you should have -- well,  
33 there's a table that I handed out this morning called  
34 Council Discussion Worksheet, Fisheries Monitoring  
35 Projects.

36

37 So the draft Fisheries Resource  
38 Monitoring Program starts on page 67 of your Council  
39 books. The Fisheries Resource Monitoring Program is  
40 designed to provide information needed for management  
41 of Federal subsistence fisheries. Every two years we  
42 have a call for proposals for fisheries information  
43 projects. The upcoming call in November will be for  
44 the 2016 Fisheries Resource Monitoring Program. These  
45 are projects which would begin generally in the summer  
46 of 2016.

47

48 We just completed the process for  
49 projects started this year, in 2014. Those projects  
50 have been approved by the Federal Subsistence Board for

1 four years, through 2017. We are now asking for your  
2 recommendation on the list of priority information  
3 needs, which will be included in the call for fisheries  
4 monitoring proposals, so this is an action item for  
5 you.

6

7

After the request for.....

8

9

CHAIRMAN ADAMS: Excuse me, Terry.

10

11

MR. SUMINSKI: Uh-huh. (Affirmative)

12

13

CHAIRMAN ADAMS: Could I just interrupt  
14 you for a second.

15

16

MR. SUMINSKI: Sure.

17

18

CHAIRMAN ADAMS: I was just informed by  
19 Robert that, you know, we're going to be taking  
20 testimonies after your guys' presentation. And he also  
21 told me that there's a lot of people in the room who  
22 want to testify.

23

24

So what you need to do is you need to  
25 go over to that desk. Fill out one of those blue  
26 forms. And then bring it over here, or who would take  
27 that to bring it up here.

28

29

MR. LARSON: You can just bring it up  
30 to me.

31

32

CHAIRMAN ADAMS: Bring it up to Robert.  
33 Okay. And I wanted to announce that ahead of time so  
34 that you guys can be prepared, and we will be prepared.

35

36

Sorry about the interruption, Terry.

37

38

MR. SUMINSKI: No problem, Mr.

39 Chairman.

40

41

So after the request for proposals in  
42 November, proposals and later investigation plans will  
43 be reviewed and a draft Monitoring Plan will be  
44 compiled for your review at the Fall meeting in 2015.

45

46

The Federal Subsistence Board will then  
47 review the draft Plan in January of 2016 and funded  
48 projects can begin by April of 2016.

49

50

Specific to the Southeast Alaska

1 Region, a strategic plan was developed for Southeast  
2 Alaska Region in 2006 and was reviewed to ensure that  
3 priority information needs are identified. For the  
4 Southeast Alaska Region, the 2016 call for proposals is  
5 focused on the following priority information needs  
6 found on Page 74 of your Council books.

7  
8                   So what we have so far is the reliable  
9 estimates of sockeye salmon escapement. And stocks of  
10 interest include Gut Bay, Red, Kah Sheets, Karta,  
11 Salmon Bay, Sarkar, and Hoktaheen.

12  
13                   We're also looking for in-season  
14 subsistence harvest of sockeye salmon. Stocks of  
15 interest include Hatchery Creek, Gut Bay, Red, Kah  
16 Sheets, Salmon Bay, Sarkar, Kanalku, and Hoktaheen.  
17 And we would also like to continue the escapement  
18 estimates for Yakutat Forelands eulachon.

19  
20                   So it should be noted that current  
21 Department of Agriculture funding levels for the  
22 Monitoring Program in Southeast Alaska will be fully  
23 committed to continuation projects initiated in 2014.  
24 However, we will ask for proposals for 2016 as to  
25 maintain options should additional funding become  
26 available.

27  
28                   If you'd refer to your handout, if you  
29 remember from your last meeting I kind of gave you a  
30 heads up. And this is pretty much the same thing that  
31 you saw at that meeting. And all it shows is the --  
32 all the projects that we had identified in that  
33 lefthand column. Of those we received Investigation  
34 Plans for the ones in the middle column. So those  
35 projects in the middle column have been approved by the  
36 Federal Subsistence Board. So those are the projects  
37 that are approved through 2017.

38  
39                   The projects in the righthand column  
40 are all those that weren't -- or we didn't receive  
41 Investigation Plans for in 2014, so we just carried  
42 them over as a starting point for the Council, you  
43 know, just to look at to see if there's any of those  
44 that should be included in this plan. And that's  
45 pretty much what's included in that draft Monitoring  
46 Plan.

47  
48                   But at the last meeting we also got  
49 input from Ms. Needham. And she said that she'd like  
50 to add some of the systems in the Hydaburg area. And

1 those specifically are Kasook, Hunter Bay, and  
2 Manhattan Lake.

3  
4 We've also heard that we should add  
5 some Klawock to the list to get some harvest monitoring  
6 information for sockeye. So that's what I have so far.  
7 So if you'd like to add those to that list on Page 74,  
8 that's -- certainly we can do that. And any others  
9 that you might have.

10  
11 So I've mainly just went through the  
12 process and if you have any specific questions on  
13 locations or projects, Ben is up here to help us out.

14  
15 So all right.

16  
17 Thank you.

18  
19 CHAIRMAN ADAMS: Okay. Thank you.

20  
21 Any -- okay. I saw Don and then Patty.

22  
23 Go ahead, Don.

24  
25 MR. HERNANDEZ: Yeah. Thank you,  
26 Terry. Are all the projects which have been approved  
27 for 2014, 2017 -- are they fully funded?

28  
29 MR. SUMINSKI: Through the Chair. Mr.  
30 Hernandez, good question. Eek is the only one on that  
31 list that's not funded. It's approved, but not funded  
32 at this point.

33  
34 CHAIRMAN ADAMS: Okay, Don?

35  
36 (Nods affirmatively)

37  
38 All right. Patty, go ahead.

39  
40 MS. PHILLIPS: Thank you.

41  
42 Terry, are you asking us if this  
43 Southeast Alaska Region Priority Information needs is  
44 still our strategic plan?

45  
46 MR. SUMINSKI: Basically, yeah.  
47 Strategic Plan is probably a little larger. Looking at  
48 everything, including the projects that are already  
49 funded whereas now we're just trying to -- basically  
50 we're trying to, you know, add more projects that are

1 funded to the overall strategic plan.

2

3 MS. PHILLIPS: Mr. Chair.

4

5 CHAIRMAN ADAMS: Go ahead, Patty.

6

7 MS. PHILLIPS: Thank you, Mr. Chair.

8

9 So what I'm understanding is there's a  
10 request for proposals for 2017 and those proposals are  
11 going to follow these information need priorities  
12 unless we identify other information need priorities.

13

14 MR. SUMINSKI: Through the Chair. Ms.  
15 Phillips. What will actually happen is this call for  
16 proposals will go out to investigators and people that  
17 run the projects. And what we're trying to do is be as  
18 specific as possible to let those people know what the  
19 Council needs in order, you know, for priority  
20 information needs. What sockeye systems or whatever.  
21 A lot more information on to make, you know, regulatory  
22 or in-season management decisions.

23

24 So the more specific we can make the  
25 call for proposals, you know, the more focused those  
26 proposals will be on what we want. So this is --  
27 probably the easiest way to think about this is this is  
28 just at this point a wish list of what you'd want to  
29 get information on. And then this fall we'll ask  
30 investigators to put it in investigation plans. And  
31 then after that, once we have investigation plans that  
32 have been reviewed and made sure they're technically  
33 sound proposals, then we'll come back to the Council  
34 and ask you to prioritize those projects.

35

36 But at this point it's just a wish  
37 list.

38

39 You know, you can either take things  
40 off that list, you can add them.

41

42 It's pretty wide open right now.

43

44 CHAIRMAN ADAMS: The Chair recognizes  
45 Cathy.

46

47 MS. NEEDHAM: Thank you, Mr. Chair.

48

49 Is it possible to move Eek onto the  
50 list of call for proposals for 2016 if it's not going

1 to be funded in the four-year period that it's  
2 currently accepted as? I know this system has not  
3 actually been on the priority information needs out of  
4 the strategic plan. It wasn't originally put in there.  
5 But repeatedly Hydaburg has put in the proposal to have  
6 a project funded there because it's a system that is  
7 sometimes their largest harvest area, because Hetta  
8 doesn't produce an escapement large enough for them to  
9 receive fish there. And they don't have any recent  
10 escapements for Eek Lake.

11  
12 And so right now it's been approved for  
13 funding twice, but always doesn't make the list for the  
14 dollars that are available. And so personally I think  
15 it should continue to be put on a priority information  
16 needs list so that eventually maybe something can get  
17 funded there for them.

18  
19 MR. SUMINSKI: Ms. Needham -- through  
20 the Chair. Yeah. It could certainly be added again.  
21 There's nothing to prevent that from happening. It's  
22 just what will end up happening is then it will just be  
23 in the mix of when you go to prioritize these projects  
24 in the future. So that's totally acceptable.

25  
26 Thanks.

27  
28 CHAIRMAN ADAMS: Anyone else.

29  
30 Cathy and then Ken. Go ahead, Cathy.

31  
32 MS. NEEDHAM: Thank you, Mr. Chairman.

33  
34 The strategic plan that was built for  
35 the region was done in 2006. And again I said Eek  
36 wasn't identified in that and I'm wondering if there's  
37 other communities out there that are using secondary  
38 systems, that they're starting to shift some of their  
39 harvest to -- and if there are, if any of those systems  
40 needed to be added to the list as a place where we need  
41 to get additional information.

42  
43 I only know about down on Prince of  
44 Wales in that respect, but I know -- like I look at  
45 this list and another thing I know about Prince of  
46 Wales is as some of the systems that have been a  
47 priority in the past are not being used, a place like  
48 Sarkar is being more heavily harvested. And we don't  
49 know escapement for that. But aside from Prince of  
50 Wales, I'm wondering if there are other systems in the

1 region that we know about, that harvest is occurring  
2 that don't occur on this list.

3

4 MR. SUMINSKI: Through the Chair. Ms.  
5 Needham, yeah. We've tried to include those type of  
6 systems on here. But if there's some we're missing,  
7 that's what we're looking for right now. So if any  
8 Council Members are hearing of those type of systems,  
9 we want to add them to the list.

10

11 Thanks.

12

13 CHAIRMAN ADAMS: Okay. Go ahead, Ken.

14

15 MR. JACKSON: Through the Chair. The  
16 proposal was supposed to be submitted already by the  
17 communities that are interested in getting some work  
18 done before today or is it something that -- I know we  
19 had talked -- or one of our Council members or their  
20 Staff had talked about it. They said it probably  
21 wouldn't come probably till 2017 or somewhere around  
22 there.

23

24 But I would like to add Pillar Bay and  
25 probably Port Hooten, one of the ones that we haven't  
26 really used, but we're going to them now because  
27 they're closer. And Pillar Bay's just totally almost  
28 done because of the beaver ponds. So it was all dried  
29 up. And I don't know what you can do to help us or --  
30 it was actually one of the main streams for Kake to go  
31 to. And this last summer one family went down, made a  
32 set, and that was it because they were all in the  
33 saltwater.

34

35 So I'd just like some information on  
36 how he can help us there.

37

38 Thank you.

39

40 MR. SUMINSKI: Mr. Jackson -- Through  
41 the Chair. Yeah. Definitely those are the type  
42 systems we could add to the list. So your question as  
43 far as submitting the proposals. This is the first  
44 step, in that we're putting the list together to put  
45 out and advertise to the people that we'll eventually  
46 put together these projects. So in November this will  
47 go out on the street. Basically be advertised. And  
48 then people can start putting these projects together  
49 and submitting them.

50

1                   So yeah, we're right in the very  
2 beginning of this process. And we'll have Staff  
3 available to work with people in your community to put  
4 together projects if you'd like to do that.

5  
6                   So thank you.

7  
8                   MS. PHILLIPS: Mr. Chair.

9  
10                  CHAIRMAN ADAMS: Patty.

11  
12                  MS. PHILLIPS: So where is traditional  
13 ecological knowledge? I mean I thought that was one of  
14 our priorities is that. On this list, on Page 74, it  
15 doesn't even mention it.

16  
17                  MR. SUMINSKI: Ms. Phillips -- through  
18 the Chair -- good observation. Through the years we've  
19 had that category on there. And we've basically run  
20 out of projects in that category. But that doesn't  
21 mean that it's, you know, closed by any means. So if  
22 you have ideas for that, we can certainly address  
23 those, too.

24  
25                  Thank you.

26  
27                  MS. PHILLIPS: Mr. Chairman.

28  
29                  CHAIRMAN ADAMS: Go ahead, Patty.

30  
31                  MS. PHILLIPS: I'm glad Ken from Kake  
32 mentioned about the Pillar Bay and that Kake having to  
33 shift their efforts to other systems. But I'm  
34 wondering if we can have a more -- like a holistic type  
35 project that combines some of these. Like you know,  
36 what is the spawning habitat like at Pillar Bay. What  
37 is impeding, you know, spawning in the system that  
38 traditionally had a significant amount of sockeye. And  
39 what can be done to bring the spawning back up to  
40 historical levels. And the amounts necessary for  
41 subsistence that Kake has on that system.

42  
43                  I mean it seems like we could do a  
44 holistic type project and would be kind of not  
45 piecemeal, but as a whole. I don't know if that can be  
46 considered.

47  
48                  Thank you.

49  
50                  MR. SUMINSKI: Ms. Phillips -- through

1 the Chair. That can certainly be part of the stock  
2 assessment project. You know, we've done that in  
3 other areas where it's a more, you know, broader  
4 approach than just counting the number of sockeye  
5 coming into the stream. It just depends how we, you  
6 know, work with the community to write it up. So if  
7 that's something that's important, we can certainly  
8 help investigators write, you know, good projects to  
9 do that.

10

Thanks.

12

CHAIRMAN ADAMS: Ken, go ahead.

14

MR. JACKSON: Thank you, Mr. Chairman.

16

17 Another question I'd like to ask is I  
18 know we're hitting heavily Gut Bay and Falls Lake. And  
19 I brought up the fact before that sports fishermen are  
20 able to take more fish than we can take. And we have  
21 families, like some people have six people and they  
22 have grandparents, uncles, aunties, and they're only  
23 allowed 20 annually on one permit.

24

25 But sports fishermen can go in there  
26 and, you know, get six fish per person in the family,  
27 if they have the sportsfishing permit and process it  
28 and get more and they can stay there indefinitely.

29

30 And I guess what I was asking was --  
31 and I don't know if this comes in under the same thing  
32 -- but do we need a proposal to say that we would like  
33 the sportsfishermen to be limited to what we're limited  
34 to, to 20 annually in Gut Bay. And same thing with  
35 Falls Lake.

36

37 But the other thing that I didn't see  
38 was the Sanders have been telling me that they're  
39 catching a lot of sockeye on the outside of these  
40 places, and, you know, they're impeding the runs. So I  
41 don't know where that information comes in on your  
42 circle of the pie there.

43

Thank you.

45

46 MR. SUMINSKI: Mr. Jackson -- through  
47 the Chair. The first question about, you know,  
48 limiting sportfishing would -- that would be best for a  
49 Board of Fisheries proposal. But where this program  
50 could help -- and it's happening right now at Falls

1 Lake -- is if we have a harvest monitoring component of  
2 the project, we're not only -- at Falls Lake  
3 specifically we're not only getting the harvest  
4 information from subsistence users, but also from the  
5 sport fishermen up front. So that's the kind of  
6 information you need to inform a proposal like that.

7  
8 So, you know, and you can see Gut Lake  
9 is on this list both for harvest monitoring and stock  
10 assessment. So then you could get that same type of  
11 information that you're gathering at Falls Lake at Gut  
12 Bay, you know, and then from there you can decide, you  
13 know, how much of a problem that is, you know, and have  
14 some numbers to go with it. But when you possibly  
15 submit a, you know, proposal to the Board of Fisheries.

16  
17 So thanks.

18  
19 CHAIRMAN ADAMS: Okay. Thank you. So  
20 a proposal would be in order.

21  
22 And, you know, Ken, it could be  
23 submitted or prepared by an individual with the help of  
24 the Council or an organization from Kake, you know, or  
25 some other village or we might even talk about doing it  
26 ourselves, you know. So that would be the process if  
27 we want to do a proposal.

28  
29 Thank you.

30  
31 Any more questions.

32  
33 Yes. Mr. Wright.

34  
35 MR. WRIGHT: Thank you, Mr. Chair.

36  
37 You know, I like the program because,  
38 you know, we've got some young people that are working  
39 in Hoonah and it's good for them.

40  
41 I was just wondering about Hoktaheen.  
42 Because, you know, Hoonah Indian Association has been  
43 wondering about it and, you know, a lot of people use  
44 that system. You know, I'm just curious to how that  
45 little stream can continue to have fish go up it.  
46 Because, you know, last time I went there, I said  
47 where's the stream, you know, but fish somehow get up  
48 in there. You know, and it's not only Hoonah that uses  
49 it, but pretty much most of the Icy Straits area  
50 communities that use that system. So it would be

1 interesting to see what goes into that system to make  
2 it be viable like that.

3

4 So, you know, we were wondering about  
5 it. Because I asked our administrator what the status  
6 was, but he says well, we're waiting. We're waiting,  
7 you know, for something to happen.

8

9 Okay.

10

11 Thank you.

12

13 CHAIRMAN ADAMS: Thank you, Frank.

14

15 Any more.

16

17 Okay. Mr. Bangs.

18

19 MR. BANGS: Thank you, Mr. Chairman.

20

21 When would the appropriate time for the  
22 Council to add to the list of projects considered in  
23 our next call for proposals?

24

25 MR. SUMINSKI: Mr. Bangs, through the  
26 Chair. That's right now. Yeah.

27

28 So what I would suggest is that you use  
29 the lists that are on Page 74. And through a motion  
30 you could add these other systems we've talked about,  
31 you know, and any others that you might think of.

32

33 Thank you.

34

35 CHAIRMAN ADAMS: Sure. Mr. Bangs, do  
36 you want to do that now?

37

38 MR. BANGS: Yes. Thank you, Mr.

39 Chairman.

40

41 I move that we take the list that was  
42 mentioned by Mr. Suminski and add it to our list of  
43 proposals that we already have down here. And include  
44 the proposals or the projects that Mr. -- well, I think  
45 he mentioned -- Ken, you mentioned a couple of projects  
46 that you were interested in.

47

48 MR. JACKSON: Well, it would be Pillar  
49 Bay basically.

50

1 MR. BANGS: Pillar Bay?  
2  
3 MR. JACKSON: Yeah. And the new one  
4 that they just opened up. So.....  
5  
6 MR. BANGS: Possibly add Pillar Bay to  
7 the list that Ms. Needham had submitted. And include  
8 those in our proposals.  
9  
10 CHAIRMAN ADAMS: Okay. Thank you.  
11  
12 Do I hear second.  
13  
14 MR. ISAACS: I'll second it, Mr.  
15 Chairman.  
16  
17 CHAIRMAN ADAMS: Thank you, Aaron.  
18  
19 We're under discussion.  
20  
21 MS. PHILLIPS: Mr. Chair.  
22  
23 CHAIRMAN ADAMS: Patty.  
24  
25 MS. PHILLIPS: So are you talking about  
26 the third column or what list are you talking about?  
27  
28 CHAIRMAN ADAMS: The list in the book.  
29 And they added one or two more onto that list on Page  
30 74.  
31  
32 (In Tlingit)  
33  
34 CHAIRMAN ADAMS: There's Pillar Bay and  
35 another one. What was the other one. Do you remember,  
36 Mike. Okay.  
37  
38 MR. BANGS: Mr. Suminski, he mentioned  
39 it.  
40  
41 CHAIRMAN ADAMS: Oh. For the purpose  
42 of the Motion, we need to be reminded which ones were  
43 added, you know, Mr. Suminski, if you don't mind  
44 sharing that with us.  
45  
46 MR. SUMINSKI: Sure, Mr. Chairman.  
47 What I heard so far is Kasook, Hunter Bay, Manhattan  
48 Lake. Some harvest monitoring at Klawock. Moving Eek  
49 onto the list and Pillar Bay and Port Hooten.  
50

1 I think that's it.  
2  
3 CHAIRMAN ADAMS: Thank you.  
4  
5 Any more discussion.  
6  
7 Harvey.  
8  
9 MR. KITKA: I'm just wondering if we  
10 can talk to Jeff from our tribe, whether he had any  
11 river systems that he wanted to add to the list.  
12  
13 CHAIRMAN ADAMS: If we're going to add  
14 any more to the list, it will have to be by way of  
15 amendment. Okay. But that's the plan. He can do it.  
16  
17 Okay.  
18  
19 You are on the hot seat, sir.  
20  
21 MR. FELDPAUSCH: Mr. Chairman, Members  
22 of the Council, my name is Jeff Feldpausch. I'm the  
23 Resource Protection Director for the Sitka Tribe. We  
24 would like to see Klag be continued to be added to it.  
25 This is one of those systems that in season is a very  
26 flow dependent system. We have had years when the  
27 creel census and the escapement data that we've  
28 collected has allowed ADF&G to close that system down  
29 to subsistence fishing to present an over harvest.  
30  
31 In years when it is low creek flow, the  
32 sockeye can't make it up that system and are  
33 susceptible to an over harvest by the subsistence  
34 users.  
35  
36 So, you know, again we would request  
37 that that system be added.  
38  
39 CHAIRMAN ADAMS: Thank you.  
40  
41 So Harvey, it would be in your position  
42 to go ahead and make an amendment to the Motion to add  
43 that.  
44  
45 Terry, you have something to add.  
46  
47 MR. SUMINSKI: I just wanted to let you  
48 know, Mr. Chairman, that Klag is one of those projects  
49 that was funded in 2014 and it's approved through 2017.  
50

1 CHAIRMAN ADAMS: Okay.  
2  
3 MR. SUMINSKI: So it's -- you know,  
4 they could submit a proposal, but it's probably not  
5 necessary.  
6  
7 CHAIRMAN ADAMS: Okay. So that's  
8 covered already. Okay.  
9  
10 MS. PHILLIPS: Mr. Chair.  
11  
12 CHAIRMAN ADAMS: Go ahead, Patty.  
13  
14 MS. PHILLIPS: Thank you. Where is Red  
15 Bay or Red, it just says Red.  
16  
17 MR. SUMINSKI: Ms. Phillips -- through  
18 the Chair. It's on the north end of Prince of Wales.  
19  
20 CHAIRMAN ADAMS: Okay. So we have a  
21 motion. It's been seconded. We've talked about it.  
22 Any more discussion.  
23  
24 (No comments)  
25  
26 MR. KITKA: Question.  
27  
28 CHAIRMAN ADAMS: Question. Question's  
29 been called. All in favor, please say aye.  
30  
31 IN UNISON: Aye.  
32  
33 CHAIRMAN ADAMS: Opposed, same -- not  
34 the same sign, but nay.  
35  
36 (No opposing votes)  
37  
38 CHAIRMAN ADAMS: Motion carried. Thank  
39 you.  
40  
41 Anymore questions of these gentlemen  
42 before they leave.  
43  
44 (No comments)  
45  
46 MR. SUMINSKI: No. Thank you, Mr.  
47 Chairman.  
48  
49 CHAIRMAN ADAMS: Yeah. Thank you.  
50

1                   We're going to take a -- you know, a  
2 five-minute break. And then we're going to start  
3 taking testimonies. After the testimonies are done,  
4 then we're going to go into the proposals. So that's  
5 kind of the agenda items we're going to take care of  
6 right now. So let's go.....

7  
8                   And anyone in the room who wants to  
9 testify, there's a blue form on the desk over there.  
10 You need to fill that out and turn it into Mr. Larson  
11 and that's how we are going to recognize you. If you  
12 don't submit one, we can't recognize you. So go ahead  
13 and take care of that right now.

14  
15                   (Off record)

16  
17                   (On record)

18  
19                   CHAIRMAN ADAMS: We're back in session  
20 now. We're going to take testimonies now. We've got a  
21 whole bunch. So I've got a list of people here. I'm  
22 going to just take them as they come off I think the  
23 top of the list.

24  
25                   Our first person is Kim Covalt. Did I  
26 say your last name right, Kim?

27  
28                   MR. COVALT: (Nods affirmatively)

29  
30                   CHAIRMAN ADAMS: Okay.

31  
32                   MR. COVALT: Mr. Chairman and Board, my  
33 name is Kim Covalt. I'm a Wrangell resident. And I've  
34 been fishing the Stikine River subsistence fishery  
35 since it was established, with the exception of one  
36 year when I had open heart surgery.

37  
38                   This last year, knowing that this  
39 concern with the seal predation was going on, I  
40 actually tracked the number of fish loss due to seals.  
41 I might just add that I'm also a designated fisher.  
42 And I either fished or helped other permit holders fish  
43 eight different permits.

44  
45                   And during that time, approximately a  
46 three-week period, I lost eight sockeye to seals. I  
47 had another six where the heads were gone, but the body  
48 was there. And so I still fileted them and used them.  
49 And I didn't count those as the loss.

50

1 I also counted those towards my total  
2 on my permits. You know, that even though they weren't  
3 there, they were lost. So I counted those.

4  
5 One of the things that I wanted to  
6 mention that I was opposed to was the staying with the  
7 net the whole time. I stay up at Farm Island and fish.  
8 And in between pulling the net, I'm usually on shore  
9 processing fish. Either getting them ready for the  
10 smokehouse or have a pressure cooker going and canning  
11 fish. So that would stop me being able to do that if I  
12 had to stay with a net the whole time.

13  
14 I do check my net three times a day.  
15 Usually morning, noon, and night.

16  
17 So I think that's all I had, unless you  
18 have any other questions.

19  
20 CHAIRMAN ADAMS: Questions of the  
21 Council.

22  
23 Go ahead, Donald.

24  
25 MR. HERNANDEZ: Yeah. Thank you, Mr.  
26 Covalt. How long of a period would you say it takes  
27 for you to typically catch your limit? Like how many  
28 days of fishing?

29  
30 MR. COVALT: Well, it depends on the  
31 river level, number one. This year it was kind of  
32 unusual. It just kept going up and down. And what  
33 I've noticed over the years, when the river is rising  
34 you don't do very well at all. But when it starts to  
35 fall you can catch your fish. But normally within a  
36 three-week period.

37  
38 CHAIRMAN ADAMS: Okay.

39  
40 Anymore questions.

41  
42 Oh, Cathy. Go ahead.

43  
44 MS. NEEDHAM: Thank you. I appreciate  
45 the fact that you took the time to account for the  
46 number of fish to bring a number. And I'm wondering.  
47 This is kind of along the same lines of what Mr.  
48 Hernandez just asked, how long did you spend -- like  
49 over how long of a time period or how much effort did  
50 you put forth in which you lost eight sockeye and had

1 damage to at least six other fish this season?

2

3 MR. COVALT: That was about a three-  
4 week period.

5

6 MS. NEEDHAM: Three weeks.

7

8 MR. COVALT: Uh-huh. (Affirmative)

9

10 MS. NEEDHAM: Okay. Thanks.

11

12 CHAIRMAN ADAMS: Okay. Mr. Schroeder.

13

14 MR. SCHROEDER: And Mr. Covalt, could  
15 you indicate your support or opposition to the  
16 proposals before this Council?

17

18 MR. COVALT: There's the -- I am  
19 opposed to staying with the net the whole time. I'm  
20 not sure of the other ones. What are the other?

21

22 CHAIRMAN ADAMS: Mr. Yeager.

23

24 MR. YEAGER: Thank you. I think what  
25 he was asking is if you're opposed to the entire  
26 proposal, which has the restricted hours of fishing,  
27 the net tending, and the documenting of the fish at the  
28 site, and keeping the permit with you at all times.  
29 Those are the other aspects of it.

30

31 MR. COVALT: Yes. I support  
32 documenting it and keeping the permit with you. I do  
33 that all the time anyway. The daylight hours I  
34 opposed. If I'm not catching fish, I'll leave my net  
35 in overnight. If I have enough fish to process, I'll  
36 pull my net. And this year it was about half and half.  
37 If I had enough fish that I was working on, I would  
38 pull my net at night just so I wouldn't be overwhelmed  
39 with work. And what was the other one? Was that it?  
40 Yeah.

41

42 CHAIRMAN ADAMS: Okay. Thank you.

43

44 MR. COVALT: Thank you.

45

46 CHAIRMAN ADAMS: Some more.

47

48 Patty.

49

50 MS. PHILLIPS: Thank you. Mr. Covalt,

1 so you said you're a designated fisher for eight  
2 different permits?  
3  
4 MR. COVALT: Either I fished them or I  
5 was with the permit holder. Because they didn't have a  
6 boat or a net, so I just helped them.  
7  
8 MS. PHILLIPS: So then that means  
9 within the three-week period you helped catch eight  
10 different permits?  
11  
12 MR. COVALT: Correct. Not -- we didn't  
13 max out on all of them. But yes.  
14  
15 MS. PHILLIPS: Was that for just  
16 sockeye?  
17  
18 MR. COVALT: Correct.  
19  
20 MS. PHILLIPS: Or was it for cohos?  
21  
22 MR. COVALT: Sockeye.  
23  
24 MS. PHILLIPS: Is cohos outside that  
25 window or.....  
26  
27 MR. COVALT: Well, I tried cohos, but I  
28 think I caught one coho the whole time.  
29  
30 MS. PHILLIPS: Thank you.  
31  
32 CHAIRMAN ADAMS: Mr. Bangs.  
33  
34 MR. BANGS: Thank you, Mr. Chairman.  
35 Thanks again for the crab cakes last night. Those were  
36 great.  
37  
38 CHAIRMAN ADAMS: Was that all?  
39  
40 MR. BANGS: (Nods affirmatively)  
41  
42 CHAIRMAN ADAMS: Yeah. They were good.  
43  
44 Uh-huh. Thank you.  
45  
46 Next person up is Brenda Yeager.  
47  
48 MS. YEAGER: My name is Brenda Schwartz  
49 Yeager. I'm a Wrangell resident and I'm a user of the  
50 Stikine River sockeye fishery.

1                   It's an important fishery for me  
2 because it's a food source for my family and some of  
3 the elder family members that can't do that anymore.  
4 It's also an important fishery for me because it's part  
5 of a lifestyle.

6  
7                   Some of the things that are important  
8 for me and my family is the Stikine River as a whole  
9 ecosystem and a sustainable kind of known food source.  
10 And the whole process of acquiring that food source and  
11 processing it and consuming it is an important part of  
12 our lifestyle that I like to hand down to my children.

13  
14  
15                   And I like to look at this as like why  
16 are we looking at this issue. And another thing that's  
17 really important to me is the resource. And so I think  
18 we need to consider are we looking at this because  
19 there's a concern with the resource. Because that  
20 needs to be, you know, the utmost of our importance  
21 whether we're a subsistence user, a commercial user, or  
22 a sport fisherman.

23  
24                   And I don't want to overlook, since  
25 much of the issue here seems to be driven with the  
26 concern of seals. I'd like to remind the Council that  
27 these seals -- the whole ecosystem on the Stikine is  
28 really important. And sometimes as human consumers,  
29 whether we're subsistence or commercial or sport, we  
30 can see it from our perspective. But these seals have  
31 been here eating these salmon for thousands of years.  
32 And when we're gone they probably -- or when our nets  
33 are not in the water, there's still eating seals there.

34  
35  
36                   And my comments I'd like to make are  
37 from as a user of this fishery, but also I'm a tour  
38 operator. So I spend much of my year when there isn't  
39 ice on the Stikine. I'm on the Stikine almost daily,  
40 eight to ten hours a day.

41  
42                   And so when I'm not using this fishery  
43 myself, I'm watching the other users of this fishery.  
44 And I would just like to share what I see. Mostly I  
45 see families from Petersburg and Wrangell that are  
46 using this for a food fishery. Most of the users are  
47 up there for like a couple of days. A weekend or  
48 something. And they want to catch their summer sockeye  
49 in a few days period of time.

50

1                   So possibly net restrictions or having  
2 to tend their nets might be difficult for them to get  
3 the amount of fish that they need for a season in a  
4 couple day period of time.

5  
6                   The climate and kind of the habitat on  
7 the river, it would maybe create some hardship or  
8 difficulties in tending your nets. You know, you're in  
9 current in bad weather. You don't necessarily have the  
10 refrigeration and things that you need to keep a high  
11 quality product.

12  
13                   Like Kim Covalt said, many of us that  
14 are fishing have some sort of fish processing going on  
15 nearby, within a mile or so of our nets. And so while  
16 we're fishing, we're also stoking a smokehouse and  
17 running a canner because we have a certain amount of  
18 fish that we want to put up in a short, few days.

19  
20                   I really don't know how to address the  
21 seal problem. Furthermore, by tending my net I can  
22 say, you know, I have come to my net and found fish  
23 that have been taken. And we do count those against  
24 our allocated fish. And I watch seals on that river  
25 from the beginning to the end of the year taking salmon  
26 when there's no nets in the water. And I think there's  
27 a certain number of salmon that are going to be taken  
28 off the river by those seals. Whether they're coming  
29 out of my net or they're just coming out of the river,  
30 I'm not sure how we can really address that.

31  
32                   I have had seals attempt to take fish  
33 out of my net while I'm right there, ten feet from  
34 them. So as a very Caucasian person, I'm not really  
35 sure what I'm supposed to do about that.

36  
37                   And I kind of feel like there's a lot  
38 of seals on the river. There's more seals than ever on  
39 the Stikine. And I watch most of the users of this  
40 fishery and they're diligent folks that are trying to  
41 put up a bit of fish for the summer. And while they  
42 might not be right there, they might just be around the  
43 corner trout fishing or something like that. Due to  
44 the nature of the fishery, they really kind of have to  
45 stay close by in order to get the amount of fish they  
46 need and properly take care of it.

47  
48                   But I don't think they should have to  
49 sit at their net and monitor them. I think it would  
50 kind of create a hardship for the way that we conduct

1 that fishery. And like I said, I'm on the river  
2 watching these people almost daily. There's not that  
3 many people fishing really. Not fishing that often and  
4 they're usually somewhere not too far away. And it  
5 doesn't seem to make a lot of difference whether, you  
6 know, they're 30 feet from the seal or two miles. It's  
7 like the seals are there doing their thing. And the  
8 seals are there doing their thing when there's no nets  
9 in the water.

10

11 So it's an important fishery for our  
12 community. And I would like to be able to continue to  
13 fish it in the manner that we have been since its  
14 inception.

15

16 CHAIRMAN ADAMS: Thank you, Brenda.

17

18 Is there any questions from anyone.

19

20 Mr. Schroeder.

21

22 MR. SCHROEDER: Brenda, thank you very  
23 much for your testimony. And just so I'm really clear  
24 since I don't know this fishery real well, could you  
25 state whether you -- very clearly whether you oppose  
26 the requirement to stay on the net and your opinion of  
27 the restriction to daylight hours.

28

29 MS. YEAGER: I don't mind documenting  
30 any fish and carrying the permits. We already do that.  
31 That's not a problem. I don't want to be restricted by  
32 daylight hours. And I would like -- while we don't  
33 always do it, sometimes it's beneficial for us to leave  
34 our nets in overnight if we only have a couple of days  
35 to try to catch our fish. You know, you're trying to  
36 get this fish in over a two, three day period of time  
37 sometimes. And those few fish that you catch overnight  
38 might be beneficial to filling up that canner.

39

40 So I don't want daylight restrictions  
41 and I don't want to take the net out at night. But I  
42 don't mind the -- the permits and documentation seems  
43 like that shouldn't be a problem.

44

45 CHAIRMAN ADAMS: You've got a follow  
46 up, Bob.

47

48 MR. SCHROEDER: Just a follow up having  
49 to do with that, you know, I know you're really on the  
50 river a lot. And I'm not very familiar with this

1 fishery, but have you seen nets that someone just kind  
2 of leaves in there and sort of forgets about or doesn't  
3 tend properly?

4

5 MS. YEAGER: No. I can't really say  
6 that. And like I said, I spend a tremendous amount of  
7 hours on the river. And it's like usually if I see  
8 somebody's net in, then I run into them, you know, a  
9 mile upstream trout fishing or I know they're down at a  
10 cabin or something like that. I don't -- you know, a  
11 lot of times when I come up on a net, this person isn't  
12 right there, but I run into them up around the corner  
13 somewhere.

14

15 I mean I don't see everybody all the  
16 time. It's a big river. It's a vast place. But  
17 people are there trying to catch fish. And because  
18 that's what they're trying to accomplish, you know,  
19 they're usually at their nets multiple times a day.

20

21 CHAIRMAN ADAMS: Patty, go ahead.

22

23 MS. PHILLIPS: Thank you, Brenda. You  
24 asked the question is there a concern of the health of  
25 the resource. Can you answer your own question.

26

27 MS. YEAGER: No. I mean I can't. And  
28 that's why I guess I'm asking you, you know, why are we  
29 proposing to change a fishery that to me seems okay.  
30 And I remind you I see -- since I'm on the river a lot,  
31 I watch the Canadians both on the commercial and the  
32 Canadian subsistence users using this fishery in a  
33 similar manner that we do. You know, their gear's not  
34 tended either.

35

36 And I see seals 165 miles up the river,  
37 taking salmon out of the river and out of nets on the  
38 Canadian side also. So it's a regional issue. And by  
39 regional, I mean it's a -- we're sharing this river and  
40 its resources.

41

42 But I'm asking you why are we looking  
43 at this issue. And why are we proposing to change.  
44 You know, do we need to change this fishery because  
45 we're concerned about this resource.

46

47 I don't know the answer.

48

49 CHAIRMAN ADAMS: Good question.

50

1                   Anymore comments, questions.  
2  
3                   Mr. Bangs.  
4  
5                   MR. BANGS: Thank you, Mr. Chairman.  
6  
7                   Brenda, is it a hardship if you have to  
8 tend your net everyday?  
9  
10                  MS. YEAGER: Well, if you're up there  
11 fishing, you need to tend your net everyday. You're  
12 not going to catch fish unless you're monitoring your  
13 net multiple times. So no. But to have to sit by your  
14 net -- I guess what you mean by tending, that needs to  
15 be further defined.  
16  
17                  I mean it's like we're checking our net  
18 multiple times in a day, but we're not sitting right  
19 there within eyesight of it all the time because we're  
20 down putting another round of fish in the smokehouse or  
21 something like that, and then we're going to run back  
22 up.  
23  
24                  And a lot of the people that don't -- a  
25 lot of us that fish have homes and things on Farm  
26 Island, so we're close by. And then I see a lot of say  
27 Petersburg users and stuff that are camped up there.  
28 And they might be picnicking or trout fishing, so  
29 they're not sitting right on their nets.  
30  
31                  And that could be difficult with the  
32 wind and the current and the rain and things. But  
33 they're usually not too far off. And the nature of the  
34 fisheries is you need to be monitoring your gear  
35 multiple, you know, times a day. You can't just put it  
36 in and leave it.  
37  
38                  CHAIRMAN ADAMS: You got a follow up.  
39  
40                  MR. BANGS: Yes. Thank you, Mr.  
41 Chairman.  
42  
43                  The reason I asked -- I was just  
44 wondering if it's common practice to set your net out.  
45 Maybe check it that day and then go to town. And maybe  
46 you can't get out the next day because of the weather.  
47 Does that happen? Or does everybody take their net out  
48 if they're going to town?  
49  
50                  MS. YEAGER: Well, of course I can't

1 speak to everybody. But what I see -- and I've heard  
2 there was an allegation that somebody set a net and  
3 came to town. I don't know that for sure.

4

5 But for the users that I watch and  
6 fish, it's like that certainly would be an unusual  
7 practice. If you're up there fishing, you're up there  
8 fishing. You're somewhere around. You're going to  
9 your net. You're up there to catch fish. So it would  
10 be the akin of sportfishing and putting a rod out on  
11 your boat and then going back to town and leaving it  
12 out. You're not going to successfully fish or  
13 accumulate the fish that you need for the winter for  
14 your family if you're not monitoring the fishery.

15

16 So I would say that would be a real  
17 anomaly to see that. The people that I see that are  
18 fishing the river are there to get food for their  
19 families. And they're somewhere around. And that's  
20 their goal.

21

22 CHAIRMAN ADAMS: Thank you.

23

24 Anyone else.

25

26 (No comments)

27

28 CHAIRMAN ADAMS: I see a real important  
29 issue with the seals. We ought to be able to figure  
30 out a way how they can get their own permits and  
31 account, you know, for how many they get.

32

33 (Laughter)

34

35 MS. YEAGER: Yeah. And I think it  
36 might be -- you know, I've spent a lifetime on the  
37 Stikine. A lot of times. And I see more and more  
38 seals all the time on the river. And it's like -- it's  
39 certainly an issue that we're going to have to look at,  
40 you know, from all of the user groups of this fishery.  
41 But then I'm a little bit of a champion of the river as  
42 its environment as a whole. And I don't necessarily  
43 personally think we can tell those seals they can't  
44 have their fish either. They're a part of the whole  
45 picture, too, from my -- that's from my perspective.

46

47 CHAIRMAN ADAMS: I know in Yakutat, you  
48 know, we're under State jurisdiction when we  
49 subsistence fish. And we go out as a family on  
50 Saturdays, you know, to do our subsistence fishing.

1 But we're on the net all the time.

2

3 And we do the same thing as you. You  
4 know, we process the fish not very far from where our  
5 set is. So the seals bother us, too. But we have ways  
6 of keeping them, you know, away from the net.  
7 Sometimes they'll get away with a fish or something,  
8 but that's how we handle our situation.

9

10 We just stay on the net all the time.  
11 And it's only maybe for one tide and then we're done  
12 for the week. And then again we go out again the next  
13 week until we get our quota, you know.

14

15 MS. YEAGER: I think that might be one  
16 of the things that's a little bit different about  
17 fishing the Stikine. You know, we're fishing  
18 relatively small nets.

19

20 CHAIRMAN ADAMS: Yeah.

21

22 MS. YEAGER: And it's like rarely are  
23 you just like really corking them. It's like you pull  
24 your net and you have three or fish. And then you go  
25 back an hour later and you have a couple more fish.  
26 And it's like a lot of times we catch like maybe ten  
27 fish a day if the fishing is kind of good.

28

29 You know, so it's not like -- it takes  
30 a bit of time. And sometimes you can pull a net and  
31 you just catch one or two fish a day. So you have to  
32 devote a fair amount of time to it to get your fish.  
33 So sitting there all day for two fish.....

34

35 CHAIRMAN ADAMS: Yeah.

36

37 MS. YEAGER: .....might be difficult.

38

39 CHAIRMAN ADAMS: That is an issue.  
40 Another thing that we do is that when we're not -- we  
41 can keep our net set out. And when we're not going to  
42 be attending it, we just take the lead line and use  
43 some string or something and tie it up next to the cork  
44 line. And it won't be fishing during the time that  
45 we're not there.

46

47 Okay. But anyhow, that's how we do it.  
48 And like you said, I realize that it's different. You  
49 know, the Stikine and the Yakutat fishing is completely  
50 different.

1 But anyhow, thank you.  
2  
3 Do you have any more comments to make.  
4  
5 MS. YEAGER: No. Thank you for hearing  
6 my comments.  
7  
8 CHAIRMAN ADAMS: Any more questions.  
9  
10 Robert.  
11  
12 I want to remind us that we need to,  
13 you know, recess here at quarter to so we can be sure  
14 of getting us a place to eat, you know, during lunch  
15 time.  
16  
17 But go ahead.  
18  
19 MR. SCHROEDER: Lunch is pretty  
20 important, Mr. Chairman. I concur with that.  
21  
22 Just how long a time period does it  
23 usually take for you to get the fish that you harvest  
24 on your permit? A week or a day? If you could give us  
25 some idea of that.  
26  
27 MS. YEAGER: That really varies. It's  
28 very difficult to answer because the way the runs work  
29 and when you're fishing. We're allowed to fish for a  
30 pretty big amount of time, but just due to work  
31 schedules. You know, sometimes you can go up and you  
32 can fish for one day and then you have to go back to  
33 work.  
34  
35 So I mean it's like I had my permit  
36 from the beginning of the season to -- I just fished  
37 cohos here a few weeks ago or something like that. And  
38 it was like -- so I had that permit for the whole  
39 summer, but I fished like three days out of that whole  
40 summer to get my season's fish.  
41  
42 And it might be like -- I don't know.  
43 It's like we might go put in the net if we have part of  
44 a day up there and fish for half of a day. And then  
45 pull it out because we have to go to town or something  
46 like that.  
47  
48 So, you know, that's maybe a kind of  
49 good thing. That maybe we could start keeping track  
50 of, is like what are the hours of effort that we have

1 here. And I don't have an answer for that. I don't  
2 know how many hours or days of fishing effort that I  
3 had for those fish that I processed this season.

4  
5 CHAIRMAN ADAMS: Thank you, ma'am.  
6 Appreciate it.

7  
8 MS. YEAGER: Thank you.

9  
10 CHAIRMAN ADAMS: Brendan Eagle.

11  
12 MR. EAGLE: Good morning. Welcome to  
13 Wrangell, everybody. Thanks a lot for coming to  
14 Wrangell to have this meeting. This is important to  
15 the community.

16  
17 My name's Brendan Eagle and I'm going  
18 to be representing the Wrangell Fish and Game Advisory  
19 Committee. It's the State Fish and Game Advisory  
20 Committee, so it's part of the State Fish and Game  
21 Advisory Committee. We're a body of 15 people. And we  
22 actually were the -- put in one of the proposals and  
23 we'll be supporting that proposal.

24  
25 The proposal that we're supporting is  
26 FP15-14. This proposal was developed over the course  
27 of a little more than a year. We have four different  
28 meetings over a little more than a year and then  
29 finally submitted this proposal in February of 2014.

30  
31 We had various members of the public  
32 come to that and we heard different anecdotal stories  
33 of what was happening on the river. And this seemed  
34 like a good -- a lot of what we were hearing on the  
35 river -- or what people wanted to see changed in that  
36 -- was mostly associated with making the accountability  
37 of the fishery a little bit higher and a little bit  
38 more responsible use of the resource.

39  
40 So the Wrangell AC -- we felt that  
41 there were improvements that could be made to this  
42 fishing area up there to reduce predation, encourage  
43 responsible fishing practices, and facilitate  
44 enforcement efforts and have the reported harvests more  
45 accurately reflect the fishery's impact on the  
46 resource.

47  
48 So we chose -- there was four different  
49 areas that are a part of the proposal. And to give  
50 those to you in what we would consider our rank of

1 importance would be having the nighttime closures on  
2 the fishery, having the nets be closely attended to  
3 make sure that the fish are reported on the form before  
4 they leave the fishing site, and then the change in the  
5 cap from 600 on the sockeye up to 2,000 on the sockeye.  
6

7                   So -- and then our rationale -- I'd  
8 like to explain our rationale for the four different  
9 components that we used there. So one of the biggest  
10 rationale's for the nighttime closure was to lower the  
11 predation problem going on with the seals up there. We  
12 just felt that, you know, during the nighttime you  
13 can't see what the seals are doing to the net, and it  
14 was real important to try and lower what that number  
15 was.  
16

17                   The other thing that the nighttime  
18 closure we felt would accomplish was we had stories  
19 coming to us of people that had a shorter amount of  
20 time to work on the river. And some of the people up  
21 there had a longer time to work on the river and they  
22 were kind of monopolizing the small percentage -- the  
23 areas that are good fishing areas. Those nets were  
24 being left in the water for days and sometimes up to  
25 weeks at a time, and people that had a shorter time to  
26 go up there weren't able to access the good spots.  
27

28                   So the nighttime closure we also felt  
29 really kind of addressed allowing a better opportunity  
30 for all the permit holders to access the area. Because  
31 it would clean the nets out at one point in time.  
32

33                   The closely attended -- the reason we  
34 included that is we really felt strongly that -- it  
35 comes back to the seal predation problem to a large  
36 degree again. And to a small degree to the enforcement  
37 issues that are going on on the river. We felt that if  
38 it was closely attended, you would either do something  
39 to dissuade the seals from taking fish from your net or  
40 as you caught fish, you would remove those from the  
41 net. You would be aware that there was fish in your  
42 net and you would remove those. And once you removed  
43 the fish, then the seal predation isn't a problem.  
44

45                   We struggled with what to do with  
46 closely attended. We left it a very loose definition  
47 of closely attended because we just didn't want to be  
48 too tight on it. We didn't want to force somebody to  
49 have to be sitting in a skiff on the net or something  
50 like that. So that's why we didn't put in a tight

1 definition. We felt we wanted somebody, you know,  
2 within visual sight that could actually act on that  
3 net. And then also, you know, as enforcement was  
4 there, they could find somebody that was responsible  
5 for that net. So that was our rationale for closely  
6 attended.

7  
8 We really wanted reporting requirements  
9 to more accurately reflect what the removal was from  
10 the fishery. There was a little bit of question within  
11 the community as to whether people were reporting their  
12 stuff. And that was a small thing from an enforcement  
13 standpoint that we wanted to record fish before those  
14 fish even left the site there. That we wanted those  
15 recorded on the permit.

16  
17 And that just seems like it kind of  
18 comes down to, you know, a responsible -- you know,  
19 part of being a responsible fisherman out there is  
20 accounting for what you were fishery were.

21  
22 And then the change in the cap on the  
23 sockeye fishery from 600 up to 2,000 seemed like a good  
24 idea because it would more accurately reflect what the  
25 real use is in going on, on that river. When that 600  
26 was initially proposed, there was initially -- yeah,  
27 proposed -- there was no idea really what the use was  
28 going to be on that fishery. And the managers don't  
29 know what to account for in that fishery or what to  
30 plan for in that fishery.

31  
32 And it seemed like going up to a 2,000  
33 cap would more accurately reflect kind of what that  
34 fishery has matured into. And would help -- and in  
35 times of -- when conservation may be necessary on that  
36 river, it would help the managers know what to plan  
37 for, for that subsistence fishery.

38  
39 And then I wanted to draw your  
40 attention to the WCA letter that was on Page 204.  
41 That's the Wrangell Cooperative Association. And they  
42 held two workshops also during the Spring. And then in  
43 quotation marks there, it says they identified two  
44 major concerns regarding the subsistence fishery on the  
45 Stikine River -- unattended nets and waste.

46  
47 And while WCA didn't agree with the  
48 methods that we put forth, I really think it's  
49 important to state that we had the same goals. We had  
50 the same end goal in place. And they might not have

1 agreed with the methods and means that we proposed, I  
2 think it's real important to recognize that common area  
3 of concern that they as a group had along with us, as  
4 the Fish and Game Advisory Committee had.

5  
6 And again I think probably one last  
7 thing I'd leave you with is kind on a little lighter  
8 note. It's kind of rare for Wrangell and Petersburg to  
9 agree on something. And our proposals are in about 95  
10 percent agreement that both communities developed  
11 there.

12  
13 So I guess if you have any questions  
14 about why we put this forward or how our process worked  
15 or anything like that, I'd be glad to answer them.

16  
17 CHAIRMAN ADAMS: Okay. He's open for  
18 questions. Anyone.

19  
20 Mr. Bangs.

21  
22 MR. BANGS: Thank you, Mr. Chairman.

23  
24 Yeah. I appreciate your comments. Do  
25 you participate in that fishery up the river?

26  
27 MR. EAGLE: No. I don't personally  
28 participate in that fishery. But we had a number of  
29 people that do participate in that fishery that came to  
30 us with some of these concerns.

31  
32 CHAIRMAN ADAMS: Patty.

33  
34 MS. PHILLIPS: Thank you, Mr. Chair.

35  
36 So has the Wrangell AC met since this  
37 draft analysis came out to discuss that analysis?

38  
39 MR. EAGLE: No, we haven't. We're  
40 usually more active through the winter. And since this  
41 draft analysis came out, we haven't had a chance to get  
42 together and look at the draft analysis that's included  
43 in the report here.

44  
45 MS. PHILLIPS: Mr. Chair.

46  
47 CHAIRMAN ADAMS: Go ahead.

48  
49 MS. PHILLIPS: I recognize that you're  
50 speaking on behalf of the Wrangell Advisory Committee,

1 but do you have an opinion on the draft analysis?

2

3 MR. EAGLE: Here we would be going into  
4 my personal opinion on the draft analysis. And I would  
5 temper that with some of -- I've been a commercial  
6 gillnetter for 35 years. I've fished in District 8. I  
7 fished at the mouth of the river and I've seen seal  
8 predation at different times and I really don't think  
9 it would be that much of a hardship to give up the  
10 nighttime fishing. And I think it would do a lot to  
11 lower the seal predation that's going on up there.

12

13 So while I will admit it's losing some  
14 opportunity, I think when you look at the end goal of  
15 what you're accomplishing with something like that, I  
16 think it's a worthwhile tradeoff to do there.

17

18 Was there anything else specifically  
19 within that draft analysis that you had a question on?

20

21 MS. PHILLIPS: (Shakes head negatively)

22

23 MR. EAGLE: Thanks.

24

25 MS. PHILLIPS: Thank you.

26

27 CHAIRMAN ADAMS: Thank you.

28

29 Anyone else.

30

31 Donald.

32

33 MR. HERNANDEZ: Yeah. Thank you, Mr.

34 Chairman.

35

36 Yeah. Brendan, it's kind of seeming to  
37 me, you know, from the testimonies that there is kind  
38 of a divide of opinions within Wrangell itself on, you  
39 know, how to proceed with this. I was just wondering  
40 within the Advisory Committee, how would you say it  
41 broke down on making this decision to, you know, come  
42 up with these proposals. Was there a lot of diverse  
43 opinions within the Committee or was the Committee  
44 pretty much united on this?

45

46 MR. EAGLE: There's definitely  
47 diversity within the Committee. The Committee was not  
48 unanimous in this, which is a good thing. But the  
49 majority of the Committee supported this. And some of  
50 the same issues that you're hearing today -- and I'm

1 sure that you'll hear after me -- and that you guys  
2 will be having to decide on, we also had to decide on.

3

4 So yes. Yeah.

5

6 CHAIRMAN ADAMS: Thank you.

7

8 Robert.

9

10 MR. SCHROEDER: Thank you very much for  
11 your testimony. I'm not too familiar with the way  
12 gillnet fisheries are -- proceed in -- throughout the  
13 region. Is there a nighttime closure in any gillnet  
14 fisheries, that you're aware of in the commercial  
15 fisheries in Southeast Alaska?

16

17 MR. EAGLE: At times there can be  
18 nighttime closures, but they're not related to the same  
19 issue that's going on here. They're related to a king  
20 salmon issue.

21

22 CHAIRMAN ADAMS: Mr. Bangs.

23

24 MR. BANGS: Thank you, Mr. Chairman.

25

26 So when you're gillnetting in your area  
27 where you do most of your fishing and you fish at  
28 night, what do you do about tending your net for seals?  
29 I mean do you sleep? Or I mean how does that work?

30

31 MR. EAGLE: I don't personally fish at  
32 night anymore. I've gone past that stage in my life  
33 where I like to fish at night, I've had too many bad  
34 things happen to me at night.

35

36 But when I did fish at night, we would  
37 generally, you know, try to haul the net on a very  
38 regular basis, you know, just so that there was less  
39 opportunity once those fish became entangled in the net  
40 to be out there and available, you know, to the seals.

41

42 And also I'm not sure there's a great  
43 way to tend the night at night. And that's probably  
44 one of the things, you know, that's led me to stop  
45 doing that. You just lose more fish at night.

46

47 CHAIRMAN ADAMS: Thank you.

48

49 Patty.

50

1 MS. PHILLIPS: Thank you.

2

3 So the analysis talks about allow  
4 enforcement to seize abandoned or lost nets. Is there  
5 any way to know if it's an abandoned or a lost net?

6

7 MR. EAGLE: I think if you adopted our  
8 proposal, where we require the net to be closely  
9 attended, and if nobody was attending that, that would  
10 be an enforcement issue. But I would think if nobody  
11 was attending that net for some period of time, with  
12 the adoption of this proposal you can assume that it's  
13 an abandoned net. And enforcement would be able to do  
14 that. I'm not sure currently what the regulations  
15 would -- or what the practice of enforcement would be.

16

17 CHAIRMAN ADAMS: Got a follow up,  
18 Patty.

19

20 MS. PHILLIPS: Yes. Thank you,  
21 Chairman Adams.

22

23 So the Staff recommendation is that it  
24 be tended once a day. So I mean I don't know how -- I  
25 guess do we have enforcement going to be -- oh. I'll  
26 bring that up under deliberation.

27

28 Thank you.

29

30 CHAIRMAN ADAMS: Okay. Thank you.

31

32 Any more.

33

34 (No comments)

35

36 Thank you, sir. Appreciate your  
37 testimony.

38

39 MR. EAGLE: All right. Again, thanks  
40 for coming to Wrangell.

41

42 CHAIRMAN ADAMS: You bet.

43

44 Just for your information, my Tlingit  
45 name is Kadashan. I was named after my great-  
46 grandfather John Kadashan, whose totem poles are on  
47 Chief Shakes Island here. Which I haven't seen since  
48 it's restored. So I'm going to have to make it a point  
49 to go down there. But I'm very proud to be in Wrangell  
50 at this time.

1 Thank you.  
2  
3 Okay. We've got Arnold.  
4  
5 After Arnold, we're going to have a  
6 James Stoffell (ph). Is that it.  
7  
8 MR. LARSON: Stowe. Stowe.  
9  
10 CHAIRMAN ADAMS: James Stowe (ph).  
11  
12 Depending on how long your testimony  
13 lasts, we need to -- you know, take your time. Do your  
14 thing. But we need to recess at about quarter to so we  
15 can be sure of a lunch table at one of the restaurants  
16 here.  
17  
18 But the floor's all yours now.  
19  
20 Thank you.  
21  
22 MR. ENGE: Yeah. Good morning,  
23 Council. My name is Arnold Enge. I'm a commercial  
24 fisherman from Petersburg. I'm a fourth generation  
25 fisherman on the mouth of the Stikine.  
26  
27 I'm on the Petersburg Fish and Game  
28 Advisory Committee. I was the Chairman when we drafted  
29 this proposal. I've stepped down since that time. I'm  
30 also the gillnet panel member on the Transboundary  
31 River Panel of the Pacific Salmon Commission. So I am  
32 one of the guys that gets to sit across the table from  
33 a bunch of Canadians and deal with these sort of  
34 things, and other things.  
35  
36 I've been on the Salmon Commission  
37 since right after the Treaty was signed in 1985, so  
38 I've seen just about all of the regulation changes.  
39  
40 That being said, that's who I am.  
41  
42 We put this proposal in. One of the  
43 reasons was after a number of years of looking at  
44 Canadians and them not liking much of what we do down  
45 here, and I'll say it, sometimes it is difficult to get  
46 things through the Salmon Commission. Initially  
47 through the Transboundary Panel or the Northern Panel,  
48 whichever panel you happen to be on, you reach  
49 agreement and then forward it to the Commission.  
50

1                   There became some things that it looked  
2 like that -- you know, I mean this is negotiations.  
3 It's give and take. It's compromising. And knowing  
4 that sometime we were going to have to do something.  
5 That those people like to get some other things dealt  
6 with, including raising the amount of fish or getting  
7 rid of the guideline harvest. And I started asking,  
8 you know, who's going to put something like this in.  
9

10                   I came to some of the Federal people  
11 that you have in your system here and they weren't  
12 wanting to, you know, get my -- take my back. Fish and  
13 Game was reluctant to it. We finally decided on the  
14 Transboundary Panel it wasn't a good idea to go through  
15 there because it would have to be bilaterally agreed to  
16 and we probably wouldn't get what we wanted to see come  
17 before, you know, our system if we let the Canadians,  
18 you know, have at us.  
19

20                   So it was suggested that I go home and  
21 get some guys together or get somebody together or do  
22 it myself. And in talking with the Wrangell folk over  
23 there, the Chairman of their Committee -- and I was the  
24 Chairman at the time -- we decided let's go through the  
25 AC process. We're going to pick up at least a  
26 reasonable part of the community. You know, I mean  
27 they have the ability to come to AC meetings and  
28 present their thoughts and slap us down when they don't  
29 like stuff.  
30

31                   So at the end of the day, that's how  
32 Petersburg and Wrangell both AC committees put a  
33 proposal in. They're quite similar. We didn't want  
34 to, you know, start going in different directions, so  
35 we've huddled a little bit and looked their stuff over.  
36

37                   I would say that the one thing that  
38 differs, the Petersburg guys basically listening to  
39 several of the subsistence users from Petersburg who go  
40 on that river, the closely attended nets. I remember  
41 one guy said I can see my net from my cabin, but it  
42 might take a while to get there. And you've heard  
43 other people today talking about smoking and canning  
44 and other things. So we diverged from Wrangell's  
45 position a little bit by putting a couple of hours in  
46 there. Two hours I believe was what we came up with.  
47 And I don't remember who popped that up at our  
48 committee meeting, but it met with acceptance. And it  
49 met with the audience -- the users that were there  
50 listening.

1                   And so you have a -- on net tending,  
2 you have Petersburg position and Wrangell's position.  
3 And I'm sure if you take these things seriously and  
4 start deliberating on them, you'll have your position.  
5 So there is that.

6  
7                   But I would like to point out as a  
8 member of the Transboundary River Panel and one of the  
9 negotiators is that to change anything in that Treaty  
10 -- I mean we spent a lot of time dancing back and forth  
11 of who's got authority over who. Whether it's ANILCA.  
12 Whether it was the Pacific Salmon Treaty. And I think  
13 at the end of the day -- I don't know if we've all  
14 completely -- I don't know that the Department of  
15 Interior and the Department of State's lawyers have  
16 ever sat down and talked about this, but I think we  
17 kind of got -- the last time I talked to Pete Probasco  
18 when he was at one of our meetings -- and I think in  
19 Vancouver -- and we kind of agreed that to change  
20 anything in the Treaty, it has to go through the Treaty  
21 process.

22  
23                   So you kind of have to get us on board  
24 if we were going to raise the number by quite a bit.  
25 And that's where it's important to eventually get the  
26 Canadians calmed down enough so that they're willing to  
27 go to that level. And I think they're starting to come  
28 around to a lot of the things we've been telling them.  
29 You know, it's our 50 percent of the salmon and it's  
30 our business. And when you get within the State, we  
31 have ANILCA. We have subsistence takes priority over  
32 other consumptive users.

33  
34                   And I guess, you know, if you looked at  
35 it in -- I mean it's not the way I'm going to think  
36 about it. But if you looked at in that context, I  
37 think we could take all 50 percent of those sockeye  
38 under subsistence if the needs of subsistence were that  
39 great. I don't think they ever will be. It looks like  
40 600 guideline harvest was not near enough. The fishery  
41 grew to a couple of times that. It looks like it's  
42 leveled off. I think it will continue to grow a little  
43 bit. There will be more and more people interested in  
44 doing this.

45  
46                   And, you know, more people will get jet  
47 skiffs and why not participate in stuff on the river.  
48 So I do want to point out that I think that to change  
49 those things there -- the number or your interest in  
50 getting rid of the guideline harvest does have to come

1 back through the Treaty.

2

3                   Beyond that, I think that you're not in  
4 violation by being a couple of times over the 600  
5 guideline harvest because we're now within the State's  
6 -- what we do in the State here and ANILCA does take  
7 precedence and subsistence.

8

9                   If we have an ongoing fishery -- if  
10 there's a fishery being prosecuted, let's just say, and  
11 we always have one every year, we haven't had any  
12 actual sockeye salmon closures -- not since I was a lot  
13 younger than I am now. Subsistence isn't constrained,  
14 nor should it be. And that's become a very, very, very  
15 successful fishery. And a lot more people that didn't  
16 have access to that particular resource in Southeast --  
17 I mean you can catch all the king salmon you can stand  
18 on a rod and reel, as with coho.

19

20                   And I think that's why we saw a graph  
21 this morning where sockeye is by far the biggest  
22 amount. People catch their coho and their king salmon  
23 usually on a rod and reel. And that's why we only get  
24 maybe a dozen king salmon taken directly on the Stikine  
25 River. Nobody wants to go up in the river and go  
26 through that business when you can go out to Babblers  
27 Point and catch king salmon on a fishing rod.

28

29                   But sockeye -- they're not that  
30 susceptible to sportfishing in most cases. It's a  
31 whole lot easier to catch them in a gillnet. And  
32 that's the way to catch sockeye, it seems like, you  
33 know, subsistence fishery.

34

35                   And a lot of people who -- I mean I  
36 don't subsistence fish. I'm qualified. I don't  
37 subsistence fish. I don't sportfish. All the fish I  
38 can stand are in my hatch and I just take whatever I  
39 want home. And that's how I get my fish. All the  
40 salmon and all the halibut and all the other stuff.

41

42                   But there's a lot of people that  
43 sockeye is a very -- you know, everybody likes sockeye.  
44 There's all kinds of things you can do with them. And  
45 this is a way to get them. And so I wouldn't want us  
46 to be tinkering with the subsistence ability to go take  
47 fish.

48

49                   And at the end of the day, some of it  
50 has to come through the Salmon Commission. And I am a

1 part of that and I just wanted to make you aware that  
2 it may be worthwhile to adopt some things. I mean this  
3 is not an old fishery, it's probably a decade old now,  
4 since I think it got authorized in 2004 or something  
5 like that and something that is that new probably  
6 warrants a review and possibly some tinkering at some  
7 point in time.

8  
9                   The rest of the stuff -- the things we  
10 put in there that our Advisory Committee approved --  
11 and that's why I was able to write the proposal to send  
12 to you guys. You know, nighttime closures and things  
13 like that -- I just think -- I don't know how many  
14 people fish all night. I mean you can leave a net out,  
15 but I don't know how much fishing goes on at night. So  
16 it's not like you're going to go pick the net every  
17 several hours in the middle of the night. You're  
18 probably in bed in a sleeping bag somewhere; and that's  
19 fine, too.

20  
21                   And the rest of the stuff I could point  
22 out. I've heard all the anecdotal stories about people  
23 going into town when they got their fish. And calling  
24 their neighbor and said why don't you get up the river.  
25 My net's still in the eddy. Why don't you go pick fish  
26 out of it for a while. I hope that doesn't happen very  
27 often.

28  
29                   And I don't -- it probably doesn't  
30 happen a lot. I just think having a.....

31  
32                   CHAIRMAN ADAMS: Arnold, could you kind  
33 of wind up.

34  
35                   MR. ENGE: I'll wind up. Yeah. I am a  
36 long-winded guy and I am sorry, Bert -- Mr. Chairman.

37  
38                   (Laughter)

39  
40                   CHAIRMAN ADAMS: Yeah. So.....

41  
42                   MR. ENGE: So I've probably.....

43  
44                   CHAIRMAN ADAMS: We'll probably allow a  
45 question or two, but then we've got to, you know.

46  
47                   MR. ENGE: I've probably covered about  
48 what I need to cover so thank you very much.

49  
50                   CHAIRMAN ADAMS: Okay. Do you have a

1 question.

2

3 MR. BANGS: Thank you, Mr. Chairman. A  
4 real quick question.

5

6 Say if we adopted the 2000 Guideline  
7 Harvest, would that cause any heartburn with the  
8 Canadians or the Panel?

9

10 MR. ENGE: I think they would want to  
11 argue with us on that. And we might have to eventually  
12 find something -- I don't actually think we would get  
13 this changed until 2018, when the Treaty gets  
14 renegotiated. Because at that point you get to hold  
15 things back and trade and stuff.

16

17 I think they understand now that it's  
18 our half of the resource and we ought to be able to do  
19 whatever we want to. They just pick on us for  
20 something to do.

21

22 CHAIRMAN ADAMS: Okay. Any more.

23

24 (No comments)

25

26 CHAIRMAN ADAMS: Thank you, Arnold.

27 Appreciate it.

28

29 Oh, Cathy, did you have a question.

30

31 MS. NEEDHAM: I just had a question.  
32 When we deliberate or hear additional testimony on  
33 these proposals, will we be able to ask questions and  
34 have him come back to the table especially if it has  
35 something to do that he might be able to represent the  
36 Pacific Salmon Commission on.

37

38 CHAIRMAN ADAMS: We could make time for  
39 that. But we've got to be mindful, you know, that we  
40 do have an agenda to get through.

41

42 MS. NEEDHAM: Yeah.

43

44 CHAIRMAN ADAMS: So okay.

45

46 MS. NEEDHAM: Thanks.

47

48 CHAIRMAN ADAMS: We'll keep that under  
49 consideration, Cathy. Thank you.

50

1 Thank you, sir. Appreciate it.  
2  
3 MR. ENGE: Thank you, Mr. Chairman.  
4  
5 CHAIRMAN ADAMS: Okay. Let's get back  
6 here at 1:00 o'clock. Everyone have a nice lunch.  
7  
8 (Off record)  
9  
10 (On record)  
11  
12 CHAIRMAN ADAMS: If you'd all take your  
13 seats, please, Council Members. Okay. It's about one  
14 minute after 1:00. So we're back in session now.  
15  
16 We have online Mr. Peter Naoroz so we  
17 want to give him an opportunity to address us at this  
18 time.  
19  
20 Pete, are you there? Pete Naoroz, are  
21 you online?  
22  
23 (No comments)  
24  
25 CHAIRMAN ADAMS: Okay. He'll probably  
26 show up later. We'll give him an opportunity then.  
27  
28 So let me see. Where are we on the  
29 Agenda, Robert?  
30  
31 MR. LARSON: Well, we can.....  
32  
33 CHAIRMAN ADAMS: Do we start the  
34 proposals now, or what?  
35  
36 MR. LARSON: Sure. And maybe George is  
37 online.  
38  
39 CHAIRMAN ADAMS: Hmm?  
40  
41 MR. LARSON: Right here. Statewide  
42 proposal.  
43  
44 CHAIRMAN ADAMS: Oh, yeah. Okay.  
45 Okay.  
46  
47 MR. LARSON: Statewide proposals.  
48 Yeah.  
49  
50 CHAIRMAN ADAMS: Uh-huh. So what I'm

1 going to do right now, since we're going to be going  
2 into proposal, I'm going to turn the gavel over to Mr.  
3 Bangs and you can take over conducting the meeting from  
4 here.

5  
6 Okay.

7  
8 We're on proposals.

9  
10 MR. BANGS: Are we going to be taking  
11 testimony?

12  
13 CHAIRMAN ADAMS: Huh?

14  
15 MR. BANGS: Are we taking testimony?

16  
17 CHAIRMAN ADAMS: We're going to take  
18 testimony. Oh, yeah. We're going to take testimonies  
19 from people that relate to these proposals, you know,  
20 at the time. You know, they'll have an opportunity to  
21 share their testimonies with us when they're on that  
22 particular proposal.

23  
24 Okay.

25  
26 MR. BANGS: So do we have more for the  
27 Stikine River?

28  
29 CHAIRMAN ADAMS: We have more. Uh-huh,  
30 but we'll -- let's see.

31  
32 Are these some new ones that got,  
33 Robert -- or are they the same ones?

34  
35 MR. LARSON: I don't think we have any  
36 proposals or any people that would wish to testify on  
37 the barbless hook proposal.

38  
39 CHAIRMAN ADAMS: Are you going to --  
40 you wanted to testify? Do you have a blue thing? You  
41 do? Okay.

42  
43 Okay. Jim, we'll go ahead and take  
44 your testimony now, if you don't mind. Go ahead. The  
45 floor is all yours, sir. Push that button there and  
46 talk right into the mic.

47  
48 MR. STOWE: Okay. Gotcha. Okay. My  
49 name is James Stowe, Sr. I reside on the Stikine River  
50 at this point in time. I moved up there almost six

1 months ago. This is my third time at living on the  
2 Stikine.

3  
4 I come because of the proposals that  
5 were put forward to you guys that are listed in the  
6 book here. My concern was different regulations that  
7 have been imposed on us. I'm also Alaska Native from  
8 Wrangell -- Tlingit. I've been fishing subsistence  
9 since Mr. Stokes got it put into effect that we could  
10 use nets on the Stikine. I've known him and other  
11 people for a long time.

12  
13 I've lived all my life in Wrangell.  
14 I'm 65. And as I said, I'm residing on the Stikine  
15 River right now.

16  
17 The proposals that you have in front of  
18 you for time and net and those, I'd like to go through  
19 them. The first one that concerns me is that non-  
20 availability or the proposal to not leave your net  
21 overnight. This Fall I am probably one of the few that  
22 fished for cohos. I didn't fish for sockeyes. I went  
23 and set ones for sockeyes and I got a dog and I think a  
24 humpy and I didn't go back again.

25  
26 And a lot of that has to do with, you  
27 know, your availability to fish. To be there to fish.  
28 But when I set for cohos, I set four times and I never  
29 got any fish at all on the last three times I set.

30  
31 One of the things that is tough on the  
32 Stikine River is there's only four spots that you can  
33 basically set nets. And each of these spots there's a  
34 lot of current that doesn't allow numerous nets to be  
35 set.

36  
37 The one spot that we have on the  
38 Stikine River is at the upper end of Government (ph).  
39 It's an island. And most people catch most of their  
40 fish right there. They can do it up at Klukwan. They  
41 can do it over at Shakes. Or we do it at that rock.  
42 Or we do it down at what we call Seal Camp. Seal Camp  
43 there's only room for one net. And the other places  
44 are kind of that way.

45  
46 At the rock, there's been up to five or  
47 six nets at one time. But the problem with that is the  
48 same as gillnet fisheries. Once you set a net and  
49 somebody else sets 30 feet from you, you don't really  
50 catch a whole lot.

1                   And so you're restricted on when you  
2 set your nets to how much you catch by the availability  
3 of the area that you're fishing. The problems that  
4 those are is in these areas is the river itself. This  
5 summer was extraordinary in the fact that we had lots  
6 of current. And when you have lots of current, it  
7 limits down the area that you can fish. But the other  
8 thing it does, it puts lots of sticks, trees, and  
9 everything else in the river. So, you know, if you're  
10 not there tending your net, you're going to lose the  
11 doggone thing or you're going to have a lot of troubles  
12 with it.

13  
14                   One of the things we're not mentioning  
15 -- or a couple of things we're not mentioning is the  
16 fact that us people that do that and fish on the river,  
17 we get our nets from the gillnetters. And we set up  
18 our nets. And if you buy a net, you're spending a  
19 couple hundred bucks and not everybody can afford that.  
20 I make my own because I get web from family members or  
21 elsewhere.

22  
23                   And when you consider the other fact  
24 that when this is on the Stikine River, it's up there a  
25 ways. And it costs a lot of money nowadays to run back  
26 and forth and tend your nets.

27  
28                   I'm probably one of the few that leaves  
29 its net out overnight. I haven't had a lot of success.  
30 And like Brenda and some of the others have mentioned,  
31 when we fish we try to maintain just what we normally  
32 would use or try to catch to fulfill our needs and  
33 according to our permits. So consequently we're  
34 limited already.

35  
36                   Most of us don't fish proxy. I don't  
37 fish proxy. And then there's a few that do. There's a  
38 couple of problems that go with that. As the seal  
39 predation you're talking about on the river has  
40 increased over the years, it's at a high right now.  
41 And far as I can see, it will continue to grow.

42  
43                   In my lifetime, when we used to have  
44 seals and had the bounty on them, the seals on this  
45 river was kept down. We used to get \$3 for the scalps.  
46 And I've shot my share of seals. Now we have no  
47 bounty, and all we have is predation by seals and sea  
48 lions.

49  
50                   Nobody's mentioned sea lions here. We

1 have an island out here called Lesnoi. When I grew up  
2 there was no sea lion at all on that rock. And now  
3 we've got a couple hundred living on that rock. And  
4 they eat quite a bit.

5  
6 And the seals on the river -- I just  
7 came down to testify today off the river and there was  
8 three groups of seals on the way down.

9  
10 In the summertime and not just too long  
11 ago before the weather got bad and there was more fish  
12 on the river, there was three different groups that  
13 probably had over 100 seals in each group. And that's  
14 not counting up farther where I take a cutoff to come  
15 back down here.

16  
17 That amount of predation is quite a bit  
18 on the river. And the concern by some that they take  
19 fish out of our nets, I can understand that. But  
20 that's not where the predation is.

21  
22 And we normally know if a seal takes a  
23 fish out of a net. Number one, is he's going to make a  
24 big hole in the net. Or number two, you're going to  
25 have evidence of it. You're going to have part of the  
26 fish in the net yet. And so you pretty much know where  
27 they do that.

28  
29 And in my setting of the nets this  
30 year, I didn't have any predation. But the seals right  
31 there. Being a Native -- I'm a quarter Native -- I can  
32 shoot those seals. Most people can't. And so I can  
33 tend my net and do that. And if I get a seal, I eat  
34 him. Our family likes them.

35  
36 So I think that the amount of fish that  
37 we're catching isn't real high. In most of the  
38 fisheries that you're seeing on the river that you're  
39 getting reported are weekend warriors -- what we call.  
40 They're coming on a Friday night and leaving on Sunday.  
41 And consequently there's a high usage of those areas at  
42 that particular time.

43  
44 And like I said, you've got to remember  
45 that we're limited to where we can set nets. And  
46 that's mostly due to the fact that that river runs at  
47 about four knots or five knots. And so that really  
48 limits a lot of the river for setting any nets  
49 anywhere. It's not like we can go out and just anchor  
50 it and set it in the current because, like I say, it

1 sticks in the trees and the rest of that.

2

3 I would like to see the proposals --  
4 not the proposal, but the way we've been doing it,  
5 which is the current rule, I support that.

6

7 I support the idea that we have to keep  
8 a log and keep a count of our fish, and do that, but  
9 attending our nets and having the availability to come  
10 back and forth or set it at any time, that's one of the  
11 things we do.

12

13 I live probably two miles from where we  
14 set nets. And so I've got to run back and forth a  
15 couple of times during the day. And, you know, like I  
16 take care of all my fish at my house. And so that  
17 consequently, you know, we catch them, bring them right  
18 back, and take care of them and can them or smoke them  
19 or dry them. The cohos I caught, I dried half of them.

20

21 The proposals in here that were made by  
22 Fish and Game, I wanted to make one point on that. The  
23 Wrangell Fish and Game had meetings and stuff, but I do  
24 want to say that unless the people are attentive or  
25 know about the meetings or can attend, it makes it  
26 hard. One of their Board meetings I showed up to, I  
27 was the only person in the public that gave testimony.  
28 I was the only person in the public. So it kind of  
29 gets hard for a lot of people to come and testify or  
30 give their opinions. And I think it's proper that we  
31 have the availability to come do that.

32

33 Like I said, I appreciate you guys  
34 having the meeting here in Wrangell. I welcome you  
35 here. And like I said, it's a little extra effort for  
36 me because I've got to run all the way from up on the  
37 Stikine down to here. You know, I appreciate the idea  
38 that you had this meeting now. Because three weeks  
39 from now, I wouldn't be able to come for four months  
40 because the river freezes over and I can't get out of  
41 there, and so I do appreciate your time and effort that  
42 you've brought here to hear testimony.

43

44 I think go back and hit on the idea is  
45 one of the main things I'd like to make a point of  
46 again is the amount of sea lion that we have around  
47 here. The sea lion -- there's quite a herd of sea lion  
48 that come here. They live in our harbors. They get  
49 out here. And like I said, they live on Lesnoi out  
50 here now and are there quite a bit of the year. We

1 never used to have that.

2

3                   And again seconding that point again is  
4 about the seals on the river. The amount has increased  
5 and I kind of look for it to increase. It's the same  
6 problem that we're having with the sea otter. The sea  
7 otter started way out by Rocky Pass. We got them  
8 there. And they've moved all the way in to Lovell (ph)  
9 Island now. And we have -- you know, they're  
10 devastating the areas. They move in.

11

12                   And the same thing is kind of with the  
13 seals. We've got no way to control them. I mean  
14 they're not on the endangered species. Only the  
15 Natives could shoot them. And you've got to be quarter  
16 Native to do it to begin with. So there's not much in  
17 a line of taking those and help stopping the predation  
18 on our fisheries.

19

20                   One point I would like to make to the  
21 Board about our nets is our nets are short. And the  
22 other thing is the regulations recall for a five and a  
23 half inch mesh net. And that is actually a problem in  
24 itself because you're not following the commercial  
25 industry.

26

27                   We get our nets from the commercial  
28 people and the fisheries and your nets for humpies and  
29 dogs and cohos and kings are all different sized web.  
30 And I'd like to see the regulations more regulated  
31 toward that.

32

33                   The size of the king salmon web is  
34 seven inches or so. And a, you know, sockeye web you  
35 can use down to five and a half, six and a quarter.  
36 But those six-inch, those are common sizes for sockeye  
37 in the fishing industry.

38

39                   So I wish our regulations would reflect  
40 that. It would be more truthful about what they're  
41 trying to catch and what allows. Because, you know,  
42 early in the season it's king salmon. And if you're  
43 targeting king salmon you want to be able to use the  
44 proper web.

45

46                   Let me put my glasses on.

47

48                   The daylight fishing is part of that,  
49 what I just said they're proposing of 4:00 to 9:00 p.m.  
50 One of the problems I have with that is the fact that

1 when we fish the river and then as within any stream,  
2 most of the fish go up at night. If you know anything  
3 about weirs and the rest of that, that's when a lot of  
4 the fish go up the creek.

5  
6 And it's the same on the rivers. The  
7 rivers produce the fish and they run a lot at night.  
8 They come in on the tides. And that's that idea of  
9 tending your net. Most people don't realize that those  
10 fish are moving on the tide. When the tide's coming  
11 in, they're moving up the river. Tide's going out,  
12 there's less fish.

13  
14 You know, I mean there's some common  
15 sense in these things that needs to be, you know, out  
16 there in front as part of our fisheries that we're  
17 utilizing. Because, like I said, I set my net a few  
18 times and never got a thing. But happens to do with  
19 high river or conditions that are warranted out there.  
20 It's not necessarily lack of fish a lot of times.

21  
22 Yeah. The establishment of 125 and  
23 2,000 sockeye, 400 cohos, I wholly support that. I  
24 knew that the quota was up there at 2,000 a while back.  
25 My daughter works for Fish and Game, so I knew that.  
26 When we had our Fish and Game meetings in Wrangell, I  
27 knew that they were already looking at that. So I  
28 agree with those numbers. And they should reflect  
29 whatever our agreements are or our treaties and also  
30 our usage.

31  
32 Since they've opened this net fisheries  
33 for subsistence, there has been an increase in the  
34 amount of fishermen on the river. Like I said, we used  
35 to go up there and set a net and it would be only like  
36 two nets at the rock. And now there's -- on the  
37 weekends there's lots.

38  
39 So those are the main points that I  
40 wanted to come down and make. If you have any  
41 questions.....

42  
43 CHAIRMAN ADAMS: Thank you, James. I  
44 was just going to ask you if you would mind summarizing  
45 your comments, but it looks like you're done now.

46  
47 However, if there's any questions from  
48 the Council.

49  
50 You have a question, Patty.

1                   Go ahead.  
2  
3                   MS. PHILLIPS: Thank you, Chairman  
4 Adams.  
5  
6                   So are you catching incidental kings?  
7  
8                   MR. STOWE: I didn't fish for king  
9 salmon. I didn't fish -- set my net early for that.  
10 And again that goes back to when they open the king  
11 salmon, they're using five and a half inch mesh is what  
12 the rules say. So most of the king salmon are either  
13 going to be tangled or they're not going to get.  
14 That's an awful small web for king salmon. Otherwise  
15 you'd be getting jack salmon or the smaller ones.  
16  
17                   MS. PHILLIPS: So you say there's a lot  
18 of weekend warriors. Do you avoid fishing then?  
19  
20                   MR. STOWE: I normally do because I  
21 live up there. And it is just easier for me to not  
22 fish during that period of time, knowing that there's  
23 more nets.  
24  
25                   MS. PHILLIPS: Thank you, Mr. Chair.  
26 This will be my last question.  
27  
28                   So we've heard from the public  
29 testimony that there's increasing effort or increasing  
30 permit holders on the river. And are they learning by  
31 going out with other people and then going and getting  
32 their own permit? Or are they just going on the river  
33 and just doing it -- I mean and learning as they go?  
34 And I mean should -- maybe there should be some sort of  
35 an information public awareness on how to do it  
36 properly or something.  
37  
38                   But I'm just wondering how is it these  
39 people are figuring it out. I mean a lot of them of  
40 course are already in the commercial fishing industry  
41 and come with some of the knowledge. But do you have  
42 any local knowledge on that?  
43  
44                   MR. STOWE: My local knowledge on that  
45 would be that most of the increase is due to our family  
46 members and their family members that are fishing up  
47 there.  
48  
49                   My relatives and my kids are starting  
50 to fish now, where they didn't before. So yeah. So

1 you see an increase in the numbers. But yeah.

2

3 CHAIRMAN ADAMS: Okay. Any more  
4 questions. Let's kind of, you know, if we could wind  
5 up on this particular issue. So we'll take a couple  
6 more questions and then we'll have to excuse you, Jim.

7

8 Please.

9

10 MR. SCHROEDER: Yes. A quick question.  
11 And I'd like to thank you for making the effort to come  
12 and testify to the Council.

13

14 And I understand your opposition to the  
15 night fishing provision and the net minding in this  
16 proposal. And your concern with overall level of seal  
17 and sea lion predation. In your opinion, is there  
18 anything that does need to be addressed concerning this  
19 fishery. In other words, do you see any real problems  
20 in this fishery or are things going acceptably well.

21

22 MR. STOWE: I haven't seen any real  
23 problems that I can identify. I've heard the same  
24 rumors that were brought forward here. That somebody  
25 might leave a net or be away from it. But most of the  
26 time they're close by.

27

28 I mean somebody could have said that  
29 about me. I mean I set my net once this year and ran  
30 to Wrangell. And came back and checked the net and  
31 went back home. So, you know, you might see something  
32 like that. But I haven't seen any abuse that I know  
33 about. I mean it could be out there, but I haven't  
34 seen it.

35

36 CHAIRMAN ADAMS: Thank you, James.  
37 Appreciate it.

38

39 Is there -- oh. We saw some new people  
40 coming in. There's a sign in sheet over here. So if  
41 you don't mind signing in, we'd appreciate it. And  
42 then if you want to do a testimony, there's this blue  
43 form and you can fill in and turn it over to Robert and  
44 we'll hear your testimonies.

45

46 Right now we want to find out who is  
47 online. Would you please identify yourselves, please.

48

49 MR. PAPPAS: George Pappas, Office of  
50 Subsistence Management.

1 CHAIRMAN ADAMS: Hi, George.  
2  
3 MR. NAOROZ: And this is Peter Naoroz,  
4 Mr. Chairman. And Matt Kookesh wanted to speak, but  
5 he's having a hard time dialing in.  
6  
7 CHAIRMAN ADAMS: Okay.  
8  
9 MR. KOOKESH: I'm on Peter.  
10  
11 MR. NAOROZ: Are you on, Matt?  
12  
13 MR. KOOKESH: Yeah. We are on. This  
14 is Matt Kookesh. Yeah.  
15  
16 MR. NAOROZ: Okay. Thank you.  
17  
18 CHAIRMAN ADAMS: Okay. Anyone else.  
19  
20 And then we'll hear your testimony,  
21 Pete, after we get identified who else is online.  
22  
23 Anyone else online.  
24  
25 MR. SHARP: Yes. This is Dan Sharp  
26 with Land Management in Anchorage. Good afternoon.  
27  
28 CHAIRMAN ADAMS: Okay. Thank you.  
29  
30 Anyone else.  
31  
32 (No response)  
33  
34 CHAIRMAN ADAMS: Okay. Hearing no one  
35 else, Pete, we'll go ahead and listen to you and Matt.  
36 We'll remind you, you know, that I think we're getting  
37 into a pretty tight schedule here. So I hope you guys  
38 will respect that. But anyhow, we'll turn the time  
39 over to you.  
40  
41 Okay.  
42  
43 MR. NAOROZ: Thank you, Chairman Adams.  
44 I appreciate that. Members of the Regional Advisory  
45 Council, Peter Naoroz here. I've also asked Matt  
46 Kookesh, who's the Mayor of Angoon, to join me. And in  
47 the interest of time, maybe Matt you could go first.  
48  
49 And my understanding is that we're  
50 really here to talk about the regulatory proposals that

1 are in front of the Board of Fish.

2

3 Is that correct, Mr. Chairman?

4

5 CHAIRMAN ADAMS: Yes, sir.

6

7 MR. NAOROS: Okay. And I know that  
8 Angoon took the deadline for regulatory proposals very  
9 seriously and there was a couple of joint meetings.  
10 Mayor Kookesh attended those meetings, as well as  
11 Kootznoowoo and Angoon Community Association.

12

13 So Matt, if you have no objection, I'll  
14 ask you to go first.

15

16 MR. KOOKESH: No. I'm still kind of in  
17 the grey area of what's going on here. But we did --  
18 in the City of Angoon, we did submit a couple of  
19 proposals. I know from the Angoon Community  
20 Association -- on there submitted one proposal.

21

22 And from what I understand, I  
23 understand the RAC also has a proposal in there. And  
24 had the day of the gillnet fishing; am I correct?

25

26 MS. NAOROS: Matt, this is Peter. Yes.  
27 There's a gillnet proposal and then there's a proposal  
28 to close certain areas that have been closed  
29 historically. So.....

30

31 MR. KOOKESH: Okay. As far as the  
32 gillnet fishery, you know, that's not addressing, you  
33 know, the interception of sockeye by commercial and  
34 you're only addressing subsistence. And, you know,  
35 that's just doesn't rub this community right because  
36 every time there's a problem, the first thing they do  
37 address is subsistence. And I know they're trying to  
38 expand this gillnet fishery, but I don't think that's  
39 the answer -- or the solution to our problem.

40

41 We're still trying to deal with a lack  
42 of fish. We're still trying to deal with restrictions,  
43 you know, in our own area. And believe it or not, the  
44 only two areas that are restricted from sockeye are the  
45 ones we own. We own the mouth of Basket Bay. We own  
46 the mouth of Kanalku. Those are what they restricted.

47

48 Everything else, if you look at by Lake  
49 Neva. If you look at, you know, Sitkho Bay. If you  
50 look at other areas, they're not restricted. It's just

1 the one the community owns. And it's like, you know,  
2 and see we're not the problem. But yet we're being  
3 treated like we're the problem.

4  
5 And so it just -- a gillnet fishery, I  
6 don't think it's going to help this problem. And in  
7 fact it might create some conflicts, in my opinion.  
8 We're already dealing with other user groups. You  
9 know, sportfishing or other commercial groups. And all  
10 want to be taken away from the mouth of our stream, and  
11 to own it, I don't want it to be taken away. And if  
12 you have this sockeye fishery in a gillnet form outside  
13 of the mouth then that would be another way for it to  
14 taking away from there.

15  
16 So that's all I have.

17  
18 MR. NAOROZ: Thank you, Mr. Mayor.

19  
20 Mr. Chairman, I'll continue.

21  
22 You know, the proposals as we were  
23 discussing them in Angoon and as we're reviewing them  
24 online right now are -- at least ours are -- and I  
25 think some of the others are based on the idea that the  
26 number of fishing coming back home, whether it's to  
27 Kanalku or Basket Bay wherever to the terminal areas is  
28 largely dependent on the commercial effort out in  
29 front. That's our primary assumption.

30  
31 And so going through the proposals that  
32 are out there, there's some proposals that we support,  
33 but they're not entirely applicable here. But I would  
34 like to talk about like for instance Amalga Harbor.  
35 You know, we don't have any comments about that.

36  
37 But our proposals are basically lined  
38 up to address the North and Southeast Seine Fishery  
39 Management Plan. And a UC190, 191 -- or I'm sorry --  
40 192, which requires data to be provided is something  
41 that we think is essential. Because what we've learned  
42 in the last three years is that there is no good data  
43 that we can rely on in terms of -- or that the State  
44 can rely on in terms of managing that seine fishery.

45  
46 So we propose, you know, getting fish  
47 tickets type of information on sockeye that the  
48 commercial guys keep and don't sell. So I mean the  
49 fact that they catch them affects us directly and when  
50 they're coming home. So we need better data. That's

1 what 192 is designed to deal with.

2

3 193 is additional restrictions on time  
4 and area. And we think those make sense and especially  
5 in light of the fact that the orders of the day usually  
6 are that we're more conservative when we don't have  
7 good information.

8

9 So what we've done is we've added some  
10 closure time and some additional restrictions on area  
11 and time. So 193 is something that we would ask the  
12 RAC to -- you know, to look at carefully. Either right  
13 now or, you know, as part of this meeting elsewhere.  
14 And I'm glad to be available for that to talk about  
15 that.

16

17 Patty Phillips' proposals look like  
18 really good proposals but they're really outside of our  
19 area and we don't want to talk to that.

20

21 And the proposals in terms of closing  
22 the water around Angoon -- you'll see ours there. It  
23 number 200. I believe that's the number. And we --  
24 you know, we're saying use a proclamation boundary.

25

26 And I'm going to pause, Mr. Chairman,  
27 on that a little bit because today I was informed that  
28 Judge Holland in the Peratrovich case is looking for a  
29 deadline for the Federal agencies to identify those  
30 submerged land areas of historical nature. And I think  
31 that is something that the Council should be aware of  
32 and should think about and should be looking towards  
33 future planning on. And particularly, you know, its  
34 recommendations of under -- when the time comes for  
35 Kootznoowoo's petition to be reviewed by the Council.

36

37 So area, time, and effort are the basic  
38 tools we're looking at. We of course, you know,  
39 support the closures that ADF&G is putting permanently  
40 into regulations. That's within the areas that we're  
41 talking about.

42

43 We support the RACs proposals for  
44 closure of certain areas. But those are areas that  
45 have historically been closed. We don't see that  
46 simply doing that is enough. I mean all that does is  
47 bring us back to the status quo.

48

49 As the Mayor said, Proposal 199, which  
50 was submitted by the Angoon Community Association, is

1 probably one of the best thought out proposals.  
2 Because what it does is it gives us the potential for  
3 putting baseline data out there. And baseline data  
4 being, you know, what is actually happening from a  
5 scientific process without the interception taking  
6 place in the meantime. So we very much support that.

7  
8 And then -- let's see. Number 200, I  
9 spoke to that already. I'm just going through this.  
10 201 which is your proposal, we don't think that goes  
11 quite far enough. But in the abstract we support it.

12  
13 And then looking at 202 by Mr.  
14 McAllister and 203 by Mr. Shoal (ph), who talks about  
15 things that we're surprised to learn, which is that the  
16 seiners are actually pulling their nets in trawler like  
17 fashion with big, powerful boats that exceed the 58-  
18 foot limit at least by some measures. So we support  
19 both of those.

20  
21 And then finally Larry Demerts  
22 suggestions, and Proposal 204, 205 that we not use  
23 spotter aircraft or drones to hunt down the salmon, so  
24 that these big fishing operators can come -- the big  
25 seiners could come in and scoop them up. If you recall  
26 during my testimony, that was one of the main points I  
27 made, is that the seiners can go pretty much wherever  
28 the fish are. I mean they're big and powerful, if  
29 they're not in Northern Chatham Strait, they can go to  
30 Southern Chatham Strait. And it's really the  
31 communities that need to be protected. And the  
32 advancement of technology is -- you know, is hurting  
33 our community as much as anything.

34  
35 Mr. Chairman, that concludes really my  
36 comments. And really where we are with these  
37 proposals.

38  
39 CHAIRMAN ADAMS: Thank you, Pete, for  
40 your and Matt's comments on these proposals. It's too  
41 bad you weren't here when we were going through them.  
42 Then we could have taken notes, you know, as we went  
43 along. But you are so noted now on the record. So we  
44 appreciate.....

45  
46 MR. NAOROZ: Thank you very much.

47  
48 CHAIRMAN ADAMS: So we appreciate that.  
49 And I want to know if there's any questions from the  
50 Council to you.

1 (No comments)

2

3 CHAIRMAN ADAMS: I guess not, Pete.  
4 So, you know, thank you for -- and Matt -- again for  
5 coming to the phone and share your thoughts with us.  
6 We appreciate it very much.

7

8 MR. NAOROZ: Thank you, Mr. Chairman.

9

10 CHAIRMAN ADAMS: All right. We'll sign  
11 you off now. And have a good afternoon.

12

13 MR. NAOROZ: You, too.

14

15 CHAIRMAN ADAMS: Okay. Here's what I  
16 would like to do, as I was going through the  
17 testimonies that are forthcoming here, is we have four  
18 here that pertain to the proposals that we are going to  
19 be talking about here this afternoon.

20

21 And then we have one Transboundary  
22 testimony by Douglas Dobyns. I think we'll hear -- is  
23 Mr. Dobyns here. Okay. We'll take your testimony  
24 right now.

25

26 And then if it's okay with the Council,  
27 we'll take the testimonies from these individuals. It  
28 all pertains to the Stikine River fishery. And we'll  
29 take those testimonies, you know, when those proposals  
30 come forth.

31

32 So Mr. Dobyns, the floor is all yours.

33

34 MR. DOBYNS: Yeah. Good afternoon, Mr.  
35 Chairman, Members of the Council. I'll try and be  
36 brief. You've had a good.....

37

38 CHAIRMAN ADAMS: We've heard that  
39 before.

40

41 (Laughter)

42

43 MR. DOBYNS: You had a good briefing  
44 this morning on the Transboundary issues and I hope to  
45 be able to add just a couple of things to that.

46

47 I worked for about 13 years on the  
48 Tulsequah Chief.

49

50 MR. LARSON: I need to interrupt.

1 Could you state your name for the record, please.

2

3 MR. DOBYNS: Oh, yeah.

4

5 MR. LARSON: Thank you.

6

7 MR. DOBYNS: My name is Douglas Dobyns.

8 I live here in Wrangell about a little over half time.

9 I have a boat here. I'm a retired biologist. And I've

10 worked for several of the IRAs in Southeast Alaska.

11 I've actually been here presenting to the Board in

12 other capacities before.

13

14 Part of my job was working with the

15 Douglas Indian Association from time to time over the

16 period from 1997 till 2010. And during that time there

17 were a lot of discussions going on with the British

18 Columbia and Canadian government about the Tulsequah

19 Chief Mine. And I was the technical biologist working

20 for the tribe on the technical issues.

21

22 There were policy people working as

23 well. Clarence Lightey (ph). Some of you probably

24 know him. He was involved with you previously on a

25 couple of issues. Andy Abona (ph). They both came to

26 Vancouver to confer with the Canadian and the British

27 Columbia government.

28

29 Now, during that time the habitat

30 issues were being first covered by the Governor's

31 Office in the State of Alaska. And there was a pretty

32 strong push by the State of Alaska to try and get a

33 referral to the IJC. There were a number of letters

34 that went forward. Ultimately what happened was the

35 State Department did weigh in and came to the meetings

36 in Vancouver. And they allowed the Douglas Indian

37 Association to have standing and attend those meetings

38 to represent their own viewpoint under the government

39 -- the government and consultation policy of the day,

40 starting in 1998 by President Clinton.

41

42 So the Canadians did not want to have a

43 referral. And they did not want to have the Douglas

44 Indian Association at the table. But we were providing

45 some of the technical information which we collected

46 jointly with the U.S. Geological Survey, which was the

47 water quality testing on the river. And it turned out

48 that our data was better and more regular and provided

49 a baseline that the Canadians didn't have because they

50 were doing snapshots.

1                   So that's real brief history, but what  
2 I want to suggest is that since that time, there's been  
3 a very strong movement in Canada to weaken their  
4 obligations to do environmental assessment and  
5 regulatory control. And I totally agree with what  
6 Chris Zimmer said to you this morning.

7  
8                   And it strikes me that you, as a Board  
9 -- and I realize your jurisdictional limitations that  
10 you have being Advisory to the Subsistence Board, et  
11 cetera. But I think consultation has been ringing a  
12 pretty strong bell in British Columbia because of the  
13 recent Supreme Court decisions. And this is being  
14 pursued by the First Nations as we speak now.

15  
16                   And it just strikes me that you, as a  
17 body, represent a collective opinion of rural people in  
18 Southeast Alaska that is listened to. And so it feels  
19 to me like whatever you do is going to be getting a  
20 wider audience that just simply going to the  
21 Secretaries of Interior and Agriculture.

22  
23                   And so there is something under the  
24 environmental laws in the United States that speaks to  
25 justice, and especially to environmental justice. And  
26 that is that minority and under-represented groups have  
27 to be heard at the standard that would be heard to make  
28 sure that they get a fair representation, that their  
29 interests are not being avoided and denied.

30  
31                   And I would just like you to think  
32 about that. And also to use the consultation avenues  
33 that are available through the kinds of inter-agency  
34 consultations that have been taking place under the  
35 Obama Administration that obligate the Secretaries to  
36 sit and listen to tribal concerns.

37  
38                   And I wouldn't go so far as to advise  
39 any IRA about a position that they should take, but I  
40 know that you members here go back to your communities  
41 and confer with and talk with the Councils of the IRA  
42 communities that you are associated with.

43  
44                   And so I think that some of these  
45 things will have some traction. I know that it's been  
46 discussed previously. Unfortunately, some of the very  
47 best people that worked in that period of '97 to about  
48 2005 have now retired. But Bill Reilly with the EPA,  
49 who is the Mining Coordinator for Region 10, I think is  
50 still available to at least answer correspondence.

1                   Pete Kristich (ph), who was the  
2 appointment person to the State Department on IJC  
3 Affairs, could perhaps weigh in on this and simply say  
4 whether or not the State Department directly could  
5 speak to the communities in Southeast Alaska, rather  
6 than having to go through Secretaries that have not  
7 responded to you. And I'll stop there.

8  
9                   CHAIRMAN ADAMS: Thank you, sir.

10  
11                   Questions or comments for the  
12 gentleman.

13  
14                   (No comments)

15  
16                   I guess not. Thank you for your  
17 testimony, sir. Appreciate it.

18  
19                   MR. DOBYNS: Thank you. And thank you  
20 for allowing me the time to speak.

21  
22                   CHAIRMAN ADAMS: Yeah. Would you mind  
23 turning your thing off there. Thanks.

24  
25                   CHAIRMAN ADAMS: I'm going to turn the  
26 gavel over to Mr. Bangs, who will conduct that portion  
27 of the agenda today. So these are the people who are  
28 signed up to do testimonies.

29  
30                   VICE CHAIRMAN BANGS: Thank you, Mr.  
31 Chairman. These testimonies are in regards to the  
32 proposal that we're going to address here. And I'm not  
33 real certain, Mr. Chairman, your method and means of  
34 the order of things. Maybe we could listen to the  
35 testimonies first. Is that what your plan was that we  
36 have started. Or.....

37  
38                   CHAIRMAN ADAMS: Follow this. No.

39  
40                   VICE CHAIRMAN BANGS: No. I mean  
41 public testimonies.

42  
43                   CHAIRMAN ADAMS: As they are coming  
44 up.....

45  
46                   VICE CHAIRMAN BANGS: As on here.

47  
48                   CHAIRMAN ADAMS: Yeah. The proposals  
49 will -- it'll be the testimonies of.....

50

1 VICE CHAIRMAN BANGS: Right. I follow  
2 you. I just wondered, because we've already listened  
3 to some testimonies.

4  
5 CHAIRMAN ADAMS: Yeah.

6  
7 VICE CHAIRMAN BANGS: You just want to  
8 change the order in which we do things.

9  
10 CHAIRMAN ADAMS: Yeah. We're changing  
11 it. Yeah.

12  
13 VICE CHAIRMAN BANGS: Okay. I just  
14 wanted to make sure that was clear. Thank you.

15  
16 CHAIRMAN ADAMS: Yeah. We should have  
17 done that at the beginning. Then we would have been  
18 halfway through our proposals already. But let's work  
19 it that way for the remainder.

20  
21 VICE CHAIRMAN BANGS: So the proposal  
22 which we're going to start with is the Stikine River.  
23 Is that what you want to start with?

24  
25 CHAIRMAN ADAMS: And go right on down  
26 the line.

27  
28 VICE CHAIRMAN BANGS: Okay. Defining a  
29 fishhook as -- it's FP15-01, defining fishhook as with  
30 or without a barb.

31  
32 And I think Mr. Pappas is online. But  
33 I think he would want to give us comments. Are you  
34 there, George.

35  
36 MR. PAPPAS: Yes. I am. Yeah, Mr.  
37 Bangs. Yes. I am. I'm ready to give a presentation.

38  
39 VICE CHAIRMAN BANGS: Thank you. Go  
40 ahead.

41  
42 MR. PAPPAS: Good afternoon. As your  
43 Advisory Council, I propose FP15-01. It can be found  
44 on Page 76 of your RAC Book. And I'll be summarizing  
45 from there.

46  
47 Let's see. Proposal 15-01 was  
48 submitted by the Southcentral Alaska Subsistence  
49 Regional Advisory Council. And it requests the  
50 definition of hook be described in Federal Regulation

1 as a hook with or without a barb.

2

3 The Southcentral RAC requests a change  
4 to existing statewide Federal regulatory language to  
5 eliminate the potential for adoption of default methods  
6 and means restrictions in a Federal subsistence fishery  
7 to the use of barbless hooks.

8

9 In many parts of Alaska, stand alone  
10 Federal subsistence fisheries and regulations do not  
11 exist. Federal subsistence fisheries methods and means  
12 regulations are the same for taking a fish under State  
13 of Alaska sportfishing regulations unless specifically  
14 modified in Federal regulation.

15

16 Now, about this -- excuse me -- to the  
17 Southcentral RAC following the Board of Fisheries  
18 meeting for the Cook Inlet area, which adopted the  
19 proposal to restrict to barbless hooks for king salmon  
20 for the sportfishery when the fishing was catch and  
21 release only. So that was the first barbless hook  
22 regulation in Alaska. And in theory by default, if the  
23 State of Alaska sportfishing was in catch and release  
24 mode in the Kenai due to conservation concerns and  
25 restricted to barbless hooks it was considered --  
26 because we don't have a definition of hook in our  
27 regulations, and in theory the Federal subsistence king  
28 salmon fishery could have been restricted to barbless  
29 hooks.

30

31 And in a sidebar conversation with the  
32 Chair, to him it made as much sense as using a barbless  
33 harpoon, in some different subsistence hunts, it did  
34 not make sense.

35

36 So shifting to the regulatory history  
37 section.

38

39 Over the years numerous proposals  
40 requesting restriction of different sportfishing's  
41 method and means around the State had been submitted to  
42 Alaska Board of Fisheries. Recently the Alaska Board  
43 of Fisheries adopted this barbless hook regulation as a  
44 stepdown measure for conservation in the Kenai. And in  
45 theory, that act could impact Federal subsistence users  
46 and the Southcentral Regional Advisory Council wanted  
47 to submit this proposal on a statewide basis to  
48 maintain the ability of Federal subsistence users to  
49 use barbed hooks if they choose.

50

1                   And this is a very simple way of  
2 addressing the default adoption of State regulations in  
3 fisheries where we don't have regulations. Now, at the  
4 time of the RAC meeting, the Southeast RAC meeting, we  
5 didn't have a definition available. We just said the  
6 intent was captured and we were assigned to come up  
7 with, with the Solicitor, with the regulation.

8  
9                   So if you look into your pages of your  
10 book here, if you look on page -- the top of Page 79,  
11 you'll see in the bold language definitions offered  
12 from OSM as approved by the Solicitor. And that is in  
13 bold. It says hook means a single shank fishhook with  
14 a single eye constructed of one or more points with or  
15 without barbs.

16  
17                   At the time when we drew up with this  
18 language with the State, we did not have the State's  
19 new regulatory language for Kenai. And so you will see  
20 on the top of Page 81 an alternative to what the OSM  
21 had supported. And the idea of incorporating the State  
22 of Alaska's regulatory language along with our  
23 regulatory language would be potentially an option.  
24 Several of the Regional Advisory Councils did support  
25 that. And most recently I think the Eastern Interior  
26 voted this morning or last night to support this  
27 modified alternative.

28  
29                   And in conclusion, adoption of this  
30 Proposal to the simple language -- the first language  
31 that I discussed would add definition of hook to  
32 Federal Regulations and that in turn would protect the  
33 ability of Federal subsistence users who use rod and  
34 reel and hook in the fisheries where it's authorized  
35 under Federal subsistence to maintain your choice. If  
36 you want to use a barbed hook, you can. If you don't  
37 want to use a barbed hook, it's up to you.

38  
39                   Interesting testimony from the North  
40 Slope RAC. We had the public up there testify they do  
41 not use barbed hooks in the wintertime because it's  
42 easier to shake the fish off when they're jigging  
43 through the ice. I hadn't heard that before. So new  
44 information has come up along the way.

45  
46                   That's my conclusion, Mr. Chair.

47  
48                   And I'm available to answer any  
49 questions you have.

50

1 Thank you.  
2  
3 VICE CHAIRMAN BANGS: Thank you, Mr.  
4 Pappas, for your presentation.  
5  
6 Is there any questions from the  
7 Council.  
8  
9 (No comments)  
10  
11 Hearing none. Thank you again. And we  
12 will ask for comments from Federal agencies.  
13  
14 (No comments)  
15  
16 VICE CHAIRMAN BANGS: Is there any  
17 Federal.....  
18  
19 MR. PAPPAS: On standby. Thank you.  
20  
21 VICE CHAIRMAN BANGS: There's no  
22 Federal comments. Do we have any tribal village  
23 comments.  
24  
25 (No comments)  
26  
27 VICE CHAIRMAN BANGS: InterAgency  
28 Staff.  
29  
30 (No comments)  
31  
32 VICE CHAIRMAN BANGS: Alaska Department  
33 of Fish and Game. Oh. There she is.  
34  
35 Ms. Yuhas.  
36  
37 MS. YUHAS: Thank you, Mr. Chairman.  
38  
39 As the Department recommended and the  
40 RACs have passed, if you choose to adopt the definition  
41 that's before you, that we would recommend it be the  
42 same as what we've got in the pamphlet for what the  
43 State has, so that it says with or without a barb, so  
44 the choice is there. Splitting hairs there on the --  
45 on the definition, rather -- rather than simply  
46 changing the Federal regulation to say all subsistence  
47 gear is allowed. So if you're going to define hook,  
48 that it should say with or without a barb.  
49  
50 VICE CHAIRMAN BANGS: Thank you, Ms.

1 Yuhas.  
2  
3 Any questions.  
4  
5 (No comments)  
6  
7 VICE CHAIRMAN BANGS: Thank you. Okay.  
8 We heard from Fish and Game -- we haven't heard from  
9 Fish and Game Advisory Councils on -- or Committees on  
10 this one.  
11  
12 Is there any comments from either of  
13 the Fish and Game Advisory Committees.  
14  
15 (No comments)  
16  
17 VICE CHAIRMAN BANGS: Regional  
18 Councils.  
19  
20 MR. LARSON: Okay.  
21  
22 VICE CHAIRMAN BANGS: Pardon. Go  
23 ahead.  
24  
25 MR. LARSON: Mr. Chair, there's been at  
26 least four Regional Councils that I know of that have  
27 considered this proposal. And if there are more, then  
28 maybe George can add to this list. But they have all  
29 supported the proposal, mostly as modified to have a  
30 common definition.  
31  
32 Thank you.  
33  
34 VICE CHAIRMAN BANGS: Thank you,  
35 Robert. That shows up on Page 76 in our Council book.  
36  
37 So do we have any written comments.  
38  
39 MR. LARSON: Mr. Chair, we have one  
40 written comment that is from the Alaska Fisherman's  
41 Alliance. They are in support of 15-01.  
42  
43 Thank you.  
44  
45 VICE CHAIRMAN BANGS: Thank you, Mr.  
46 Larson.  
47  
48 Is there any public testimony on this  
49 proposal.  
50

1 (No comments)  
2  
3 VICE CHAIRMAN BANGS: Seeing none,  
4 what's the wish of the Council.  
5  
6 Mr. Schroeder.  
7  
8 MR. SCHROEDER: I'd move to adopt the  
9 proposal.  
10  
11 MS. NEEDHAM: Second.  
12  
13 VICE CHAIRMAN BANGS: It's been moved  
14 and seconded to adopt this proposal, FP15-01.  
15  
16 Comments from the Council.  
17  
18 Bert.  
19  
20 CHAIRMAN ADAMS: Thank you, Mr.  
21 Chairman. This proposal was brought before the  
22 Wrangell, St. Elias Subsistence Resource Commission  
23 meeting and they adopted it as well.  
24  
25 I wanted to -- I made a comment there  
26 that I remember when I just a little kid -- nine, ten,  
27 eleven years old -- we used to fish underneath the  
28 dock, you know, for tomcods and stuff. And we used  
29 safety pins. Any of you ever done that?  
30  
31 So to me that was traditional and  
32 customary. So I wanted to amend it to include safety  
33 pins. But it didn't make it.  
34  
35 (Laughter)  
36  
37 CHAIRMAN ADAMS: Thank you, Mr.  
38 Chairman.  
39  
40 VICE CHAIRMAN BANGS: Thank you, Mr.  
41 Adams.  
42  
43 Any other discussion.  
44  
45 Ms. Phillips.  
46  
47 MS. PHILLIPS: Thank you, Chairman  
48 Bangs. I move to amend the motion to the modified  
49 version on Page 81. Hooks means a single shank  
50 fishhook with a single eye constructed with one or more

1 points, with or without barbs. Hook without a barb  
2 means the hook is manufactured without a barb or the  
3 barb has been completely removed or compressed so the  
4 barb is in complete contact with the shaft of the hook.

5  
6 VICE CHAIRMAN BANGS: Thank you, Ms.  
7 Phillips. Do we have a second.

8  
9 MR. SCHROEDER: Second.

10  
11 VICE CHAIRMAN BANGS: It's been moved  
12 and seconded to adopt the amended proposal on Page 81.

13  
14 Any discussion.

15  
16 CHAIRMAN ADAMS: I'd call for the  
17 question -- the amendment.

18  
19 VICE CHAIRMAN BANGS: Oh, yes. Thank  
20 you. The question's been called for. All those in  
21 favor respond by saying aye.

22  
23 IN UNISON: Aye.

24  
25 VICE CHAIRMAN BANGS: All opposed, nay.

26  
27 (No negative votes)

28  
29 VICE CHAIRMAN BANGS: Motion carries.

30  
31 Back to the main motion as amended.

32  
33 Any more discussion.

34  
35 MR. KITKA: Question.

36  
37 VICE CHAIRMAN BANGS: Question's been  
38 called for.

39  
40 MR. LARSON: Mr. Chair.

41  
42 VICE CHAIRMAN BANGS: Mr. Larson.

43  
44 MR. LARSON: I would like to note that  
45 we do have a second public testimony. And it's in the  
46 book on Page 84. It's from the AHTNA Corporation and  
47 they are also in support of this proposal.

48  
49 Thank you.

50

1 VICE CHAIRMAN BANGS: Duly noted.  
2 Thank you, Mr. Larson.

3  
4 MS. PHILLIPS: Mr. Chairman.

5  
6 VICE CHAIRMAN BANGS: Yes. Patty.

7  
8 MS. PHILLIPS: Is this proposal as  
9 adopted, it would maintain Federally-qualified  
10 subsistence users' ability to select the type of  
11 fishing hook with or without barbs they want to use.  
12 Once a definition of hook is in the Federal regulation,  
13 Federally-qualified subsistence users will not have to  
14 be concerned if the State of Alaska changes the  
15 definition of a hook or restricts other fisheries to  
16 use barbless hooks.

17  
18 Adoption of this proposal is not  
19 expected to have any effect on Federally-qualified  
20 subsistence users, practices, fisheries or fish stocks  
21 targeted.

22  
23 Adoption of this proposal will not  
24 result in additional impacts Federal subsistence users  
25 have on Alaska's fisheries resources because Federal  
26 subsistence users most likely utilized barbed hooks  
27 where hooks are authorized to increase harvest  
28 efficiency as subsistence fishing is characterized by  
29 efficiency of harvest. Adoption of the modified  
30 proposal will establish a Federal subsistence  
31 regulatory definition of hook to include both barbed  
32 and barbless hooks which will supersede both current  
33 and future State barbless hook regulations.

34  
35 Thank you.

36  
37 VICE CHAIRMAN BANGS: Thank you, Patty,  
38 for reading the justification.

39  
40 The question has been called for. All  
41 those in favor of this proposal as amended, respond by  
42 saying aye.

43  
44 IN UNISON: Aye.

45  
46 VICE CHAIRMAN BANGS: Opposed, nay.

47  
48 (No opposing votes)

49  
50 VICE CHAIRMAN BANGS: Motion carries.

1                   Okay. The next proposal is FP15-12,  
2 use of bow and arrow for fishing.

3

4                   Mr. Koller.

5

6                   MR. KOLLER: Good afternoon, Mr. Chair,  
7 Council. I'll be presenting a short summary of  
8 Proposal FP15-12 and then open up the floor for  
9 questions.

10

11                   Proposal FP15-12, submitted by Mark  
12 Kruse of Craig, Alaska, requests that bow and arrow be  
13 added as a method to take salmon in the Southeast  
14 Alaska area.

15

16                   The proponent states that allowing bow  
17 and arrow to harvest salmon would provide another  
18 opportunity using a customary and traditional method.  
19 The proponent states that the precedent has been set in  
20 other regions in Alaska to allow bow and arrow as a  
21 legal method to take salmon.

22

23                   Indeed, Federal Subsistence Board  
24 adoption of Proposals FP07-06 and FP08-11 have added  
25 bow and arrow as a legal means to harvest salmon in  
26 Lake Clark and Bristol Bay area. And also the Alaska  
27 Peninsula and Chignik areas.

28

29                   Also relevant is Proposal FP05-19,  
30 submitted by the Southeast Regional Subsistence  
31 Advisory Council, and subsequently adopted by the  
32 Board. This proposal defined legal gear types for  
33 taking salmon and steelhead in the Southeast Alaska  
34 area. Bow and arrow was not among the gear types  
35 recommended by the Council at that time for use in the  
36 Southeast Alaska area.

37

38                   Although bow and arrow is a traditional  
39 method to harvest land animals and marine mammals, no  
40 literature or evidence has been found indicating that  
41 salmon were traditionally taken by bow and arrow in  
42 Southeast Alaska. If this proposal is adopted, it will  
43 provide an additional gear type to harvest salmon in  
44 the Southeastern Alaska area, thereby expanding  
45 subsistence opportunity for Federally-qualified  
46 subsistence users.

47

48                   It is unknown how many harvesters will  
49 choose to use this gear type to harvest salmon because  
50 it has only recently been permitted in Federal

1 regulation as a method to take salmon in a relatively  
2 small, sparsely populated portion of Alaska.

3

4 Other options are available to harvest  
5 salmon, including more efficient methods and gear types  
6 that could be used in similar circumstance as a bow and  
7 arrow. Depending on the skill of the archer, this can  
8 be a selective gear type. There is a possibility for  
9 waste, but perhaps no more so than other allowable gear  
10 types like spears, gaffs, snagging by handline, which  
11 are also dependent on the skill of the user.

12

13 Furthermore, general regulations  
14 contain as provisions specifically prohibiting the  
15 intentional waste or destruction of shellfish. Where  
16 necessary, harvest limits for salmon are in place and  
17 there is no expectation that the use of bow and arrow  
18 would lead to an unsustainable level of harvest. In  
19 order to address the potential for waste, one  
20 alternative could be to support this proposal with  
21 modification to define specialized bow and arrow  
22 equipment used for taking fish. However, this does not  
23 seem necessary. And if it is needed in the future, it  
24 could be addressed as a permit condition defining that  
25 specialized bow and arrow equipment.

26

27 The OSM preliminary conclusion is to  
28 support this proposal. The proposal is similar to  
29 proposals supported by the Board in other areas of  
30 Alaska. Adoption of this proposal will result in  
31 additional opportunity for Federally-qualified  
32 subsistence users. It is unknown how many people would  
33 choose to use this gear type. However, its use is not  
34 expected to lead to an unsustainable level of harvest.

35

36 That concludes my summary. And this  
37 proposal can be found on Page 84 in your books.

38

39 And I'll open the floor to questions.

40

41 VICE CHAIRMAN BANGS: Thank you, Mr.  
42 Koller.

43

44 Any questions from the Council.

45

46 (No comments)

47

48 VICE CHAIRMAN BANGS: I have one  
49 question. Is the alternate method of use of bow -- is  
50 that like a string attached to the arrow or is that one

1 of the main alternate use.

2

3 MR. KOLLER: Through the Chair. Yes.  
4 The specialized equipment would be something like a  
5 barbed tip and a way to retrieve the arrow, which would  
6 be a line attached to the arrow.

7

8 VICE CHAIRMAN BANGS: I just want to be  
9 clear on that. Thank you. Well, hearing no questions  
10 -- oh. Mr. Wright.

11

12 MR. WRIGHT: Thank you, Mr. Chair. So  
13 everything depends on the skill of the person using a  
14 bow. So if you got some young person up there and uses  
15 a bow and he hits a fish, so -- and that fish gets  
16 away, then the mortality rate for that fish would be  
17 kind of high, right.

18

19 MR. KOLLER: Through the Chair. Mr.  
20 Wright, yes. If the fish was not retrieved, it could  
21 be likely that it would not survive that event.

22

23 MR. WRIGHT: Thank you, Mr. Chair. I  
24 know that, you know, using a gaff could be a lot more  
25 efficient than using arrows. And when a fish fights,  
26 he's going to -- and just has a piece of string with a  
27 stick going through the fish, he's definitely going to  
28 fight so hard that he might pull out. So my concern is  
29 how many fish are going to get away before -- you know,  
30 because when you're gaffing a fish, you just gaff and  
31 you pull it as hard as you can and it comes on shore.  
32 And then you're pulling fishes fighting so hard that  
33 you've got on a little piece of string on there. And  
34 it's going to -- because I know you're using an arrow  
35 with a string on it, it's not going to be very --  
36 you're not going to be able to hang onto that well  
37 because you have to have kind of a small piece of  
38 string to -- so that arrow can go through.

39

40 So that's one of my concerns.

41

42 Thank you, Mr. Chair.

43

44 VICE CHAIRMAN BANGS: Any other  
45 questions.

46

47 Mr. Isaacs.

48

49 MR. ISAACS: My question would be  
50 directly at your -- is this bow and arrow hunting as a

1 sport or is it for subsistence use?

2

3 MR. KOLLER: Through the Chair. This  
4 is a proposal for subsistence taking of salmon with a  
5 bow and arrow.

6

7 VICE CHAIRMAN BANGS: Any other  
8 questions.

9

10 Ms. Phillips.

11

12 MS. PHILLIPS: Thank you, Mr. Chairman.

13

14 Do we have any indication of success  
15 rate with bow and arrows in the areas where it's open.  
16 I mean like at this Lake Clark and Nondalton, Port  
17 Alsworth, Pedro Bay, Iliamna.

18

19 MR. KOLLER: Through the Chair. Ms.  
20 Phillips, this is not a very widely used method to take  
21 fish, even in the areas where it's recently been deemed  
22 legal under the Federal system. So we do not have any  
23 sort of accurate data on mortality rates or any of that  
24 at this time.

25

26 VICE CHAIRMAN BANGS: Anyone else.

27

28 (No comments)

29

30 VICE CHAIRMAN BANGS: Hearing none.  
31 Thank you, Mr. Koller.

32

33 MR. KOLLER: Thank you.

34

35 VICE CHAIRMAN BANGS: Ms. Yuhas, do you  
36 have -- pardon?

37

38 MS. YUHAS: Thank you. Your  
39 prerogative, Mr. Chairman. I'm used to the Department  
40 going after the public and tribal testimonies though,  
41 is why I was hanging back there.

42

43 The bow fishing -- I've seen some  
44 videos of it. It looks like it's a really neat  
45 experience that a lot of folks are doing in the Lower  
46 48. I would love to try it myself, but the Department  
47 is opposed to this proposal for what you just heard  
48 from Member Wright.

49

50 It has not been identified as a

1 customary and traditional method. And then under our  
2 regulations, under 5AAC01730, subsistence fishing  
3 permit gear which is efficient and economical and which  
4 provides for an orderly harvest without waste is what  
5 is identified. So it would be contrary to what the  
6 State recognizes as efficient because of the testimony  
7 you already heard from Member Wright.

8  
9 So the State is opposed to the  
10 proposal.

11  
12 VICE CHAIRMAN BANGS: Thank you, Ms.  
13 Yuhas.

14  
15 Any questions from the Council.

16  
17 Hearing none.

18  
19 Next is any other Federal agencies.

20  
21 (No comments)

22  
23 VICE CHAIRMAN BANGS: Tribal village.

24  
25 (No comments)

26  
27 VICE CHAIRMAN BANGS: InterAgency Staff  
28 comments.

29  
30 (No comments)

31  
32 VICE CHAIRMAN BANGS: Hearing none. Do  
33 we have any Advisory Group comments.

34  
35 (No comments)

36  
37 VICE CHAIRMAN BANGS: From other  
38 Regional Councils or Advisory Committee comments.

39  
40 (No comments)

41  
42 VICE CHAIRMAN BANGS: Park Service.

43  
44 (No comments)

45  
46 VICE CHAIRMAN BANGS: Do we have any  
47 written comments, Mr. Larson.

48  
49 MR. LARSON: No, Mr. Chair. We do not.

50

1                   VICE CHAIRMAN BANGS: Did we have any  
2 public testimony on this proposal.  
3  
4                   (No comments)  
5  
6                   VICE CHAIRMAN BANGS: What's the wish  
7 of the Council.  
8  
9                   Mr. Adams.  
10  
11                  CHAIRMAN ADAMS: I move that we adopt  
12 FP15-12. Thank you. Oh. And let me see. Is there a  
13 modification that is suggested on here.  
14  
15                  VICE CHAIRMAN BANGS: No.  
16  
17                  CHAIRMAN ADAMS: Okay. As written.  
18  
19                  VICE CHAIRMAN BANGS: Do I have a  
20 second.  
21  
22                  MR. KITKA: I second it.  
23  
24                  VICE CHAIRMAN BANGS: It's been moved  
25 and second to adopt FP15-12, allow the use of bow and  
26 arrow for fishing.  
27  
28                  Discussion.  
29  
30                  Mr. Adams.  
31  
32                  VICE CHAIRMAN BANGS: Mr. Chair, when I  
33 was, you know, 12, 13 years old, we had an elder who  
34 taught my brother and I a lot of survival skills. And  
35 he taught us how to shoot, you know, fish with a bow  
36 and arrow. But he said that this is not something that  
37 they always do. It was only used in a case of  
38 emergency when you don't have a spear or a gaff or  
39 something, you know. But he was pretty expert at it.  
40  
41                  And he did maybe one or two of them,  
42 but never lost them. Had that string attached to it,  
43 you know. Pretty strong. But I just wanted to share  
44 that.  
45  
46                  And I also want you to know when it  
47 comes time to vote for this, I'm going to vote negative  
48 on it.  
49  
50                  Thank you.

1 VICE CHAIRMAN BANGS: Thank you, Mr.  
2 Adams.

3  
4 Any other comments.

5  
6 Mr. Schroeder.

7  
8 MR. SCHROEDER: Mr. Chair, although I  
9 generally would be in favor in anything that increased  
10 the opportunity for subsistence users, I am a little  
11 distressed with this proposal because the proponent  
12 hasn't appeared before the Board or availed himself of  
13 the ability to testify on this proposal and justify it.

14  
15 And also in my experience in going  
16 through subsistence literature for Southeast Alaska and  
17 for the rest of the State, I can't recall any instance  
18 where subsistence use of a bow and arrow appeared  
19 either in the literature or in interviews. This isn't  
20 to say that someone hasn't done this somewhere. So I'm  
21 a little bit uneasy about passing a regulation that  
22 would introduce new methods and means under these  
23 circumstances.

24  
25 VICE CHAIRMAN BANGS: Thank you, Mr.  
26 Schroeder.

27  
28 Any other comments.

29  
30 (No comments)

31  
32 VICE CHAIRMAN BANGS: I'd like to say  
33 one thing. I was wanting to be clear about the altered  
34 bow and arrow with the string. I personally have used  
35 them before in the State of Washington and the  
36 equipment is very effective. The barb on the arrow  
37 actually collapses in. It's a very large barb.  
38 Collapses in against when it goes through the fish and  
39 then pops out. And the string is very heavy cordage  
40 and there's a spool on the front of the bow and it's  
41 pretty accurate.

42  
43 It is an effective way of catching  
44 fish. But, you know, you have to be really good not to  
45 destroy some of the fish.

46  
47 So anyway, I just wanted to share that.

48  
49 MR. JACKSON: Mr. Chairman, I was up in  
50 Anchorage and I saw the way some of the northernmost

1 Natives, Eskimos use a bow and arrow. It was the same  
2 method that you're talking about, where the head  
3 becomes detached and turns sideways and they're able to  
4 hold onto the line and pull either a seal or a fish  
5 right up through the ice.

6

7 But that was something that I saw in  
8 one of the displays that they had up there. So it is  
9 in some places customary and traditional even though we  
10 don't know about it here. I've never used it. I've  
11 never seen anybody use it. I did see where they used  
12 it up north.

13

14 Thank you.

15

16 VICE CHAIRMAN BANGS: Thank you, Ken.

17

18 Anyone else.

19

20 Frank.

21

22 MR. WRIGHT: Thank you, Mr. Chair. One  
23 of the concerns I had was that if this is a new method  
24 and we don't have any data on the mortality rate or  
25 anything about what would happen to the fish if it got  
26 away. You know, will it make it or will it not. So as  
27 a person that subsists, you know, we go after  
28 everything and try to keep everything. And a wounded  
29 fish is not going to make it if it's in a river.

30

31 So without data telling us what their  
32 mortality rate is or what their survival rate is, I  
33 don't know what I'd do.

34

35 Thank you, Mr. Chair.

36

37 VICE CHAIRMAN BANGS: Thank you, Frank.

38

39 Any other comments, discussion.

40

41 Don.

42

43 MR. HERNANDEZ: Thank you, Mr.

44 Chairman.

45

46 I'd be pretty hesitant to vote for this  
47 proposal unless it had the modification to have an  
48 arrow with a barb and a line attached. So maybe it  
49 would be appropriate that I might propose to amend the  
50 proposal to include that stipulation, that the arrow

1 have a barb with a line attached to the bow.

2

3 VICE CHAIRMAN BANGS: Do we have a  
4 second on the amendment.

5

6 MR. DOUVILLE: I'll second.

7

8 VICE CHAIRMAN BANGS: Okay. It's been  
9 moved and seconded to amend it to require that fishing  
10 with a bow and arrow would require a barbed arrow with  
11 a line attached to it. Any discussion, question for  
12 the amendment.

13

14 MS. NEEDHAM: Question.

15

16 VICE CHAIRMAN BANGS: The question's  
17 been called for on the amendment to the proposal to  
18 include the advanced gear for bow and arrow. All those  
19 in favor of the amended version, respond by saying aye.

20

21 IN UNISON: Aye.

22

23 VICE CHAIRMAN BANGS: All those  
24 opposed.

25

26 VARIOUS COUNCIL MEMBERS: No.

27

28 VICE CHAIRMAN BANGS: Okay. So I've  
29 got two. Is there two nos.

30

31 MR. LARSON: Roll call.

32

33 VICE CHAIRMAN BANGS: Roll call. Mr.  
34 Larson -- excuse me -- Harvey.

35

36 MS. NEEDHAM: Mr. Chair, can you make  
37 it known exactly what we're voting on. We're voting on  
38 the amendment, correct?

39

40 VICE CHAIRMAN BANGS: We've voting on  
41 the amendment to the proposal.

42

43 CHAIRMAN ADAMS: And the amendment is.

44

45 VICE CHAIRMAN BANGS: The amendment is  
46 to require a barbed arrow with a line attached to the  
47 bow; is that correct, Mr. Hernandez?

48

49 MR. HERNANDEZ: Yes, Mr. Chairman.

50

1 VICE CHAIRMAN BANGS: Thank you.  
2 Harvey.  
3  
4 MR. KITKA: Bert Adams.  
5  
6 CHAIRMAN ADAMS: No.  
7  
8 MR. KITKA: Michael Bangs.  
9  
10 VICE CHAIRMAN BANGS: Yes.  
11  
12 MR. KITKA: Arthur Bloom.  
13  
14 MR. BLOOM: Yes.  
15  
16 MR. KITKA: Michael Douville.  
17  
18 MR. DOUVILLE: Yes.  
19  
20 MR. KITKA: Donald Hernandez.  
21  
22 MR. HERNANDEZ: Yes.  
23  
24 MR. KITKA: Aaron Isaacs.  
25  
26 MR. ISAACS: No.  
27  
28 MR. KITKA: Kenneth Jackson.  
29  
30 MR. JACKSON: Yes.  
31  
32 MR. KITKA: Harvey Kitka votes yes.  
33  
34 Cathy Needham.  
35  
36 MS. NEEDHAM: Yes.  
37  
38 MR. KITKA: Patricia Phillips.  
39  
40 MS. PHILLIPS: No.  
41  
42 MR. KITKA: Robert Schroeder.  
43  
44 MR. SCHROEDER: No.  
45  
46 MR. KITKA: Frank Wright.  
47  
48 MR. WRIGHT: No.  
49  
50 MR. KITKA: John Yeager.

1 MR. YEAGER: Yes.  
2  
3 VICE CHAIRMAN BANGS: The amendment  
4 passes. So I don't know exactly what the number is,  
5 but it's -- yeah. It passes with five nos. And the  
6 rest are positive. So the amendment passes.  
7  
8 So now is there any discussion on the  
9 amended version of the proposal.  
10  
11 Ms. Phillips.  
12  
13 MS. PHILLIPS: Thank you, Chairman  
14 Bangs. I'm going to be voting no on the motion. It  
15 would have been good to have a Staff analysis with the  
16 modification, which we didn't have. It's not what the  
17 proposal asked for.  
18  
19 I would have supported the Staff  
20 recommendation to support the proposal as originally  
21 submitted, but I will not vote in favor of the modified  
22 version.  
23  
24 Thank you.  
25  
26 VICE CHAIRMAN BANGS: Thank you, Ms.  
27 Phillips.  
28  
29 Any other comments.  
30  
31 Mr. Schroeder.  
32  
33 MR. SCHROEDER: Mr. Chairman, I'll be  
34 voting no on this. I don't believe the need for this  
35 change is supported by substantial data and that I  
36 would encourage the proponent to come back and make a  
37 stronger case for inclusion of this method, which would  
38 appear to be a new method of harvest in Southeast  
39 Alaska.  
40  
41 Thank you.  
42  
43 VICE CHAIRMAN BANGS: Thank you, Mr.  
44 Schroeder.  
45  
46 Mr. Adams.  
47  
48 CHAIRMAN ADAMS: Thank you, Mr.  
49 Chairman. I'm going to be voting no on this proposal  
50 as well, even though we have heard, you know, that in

1 other areas of Alaska they have done it, are doing it.  
2 You know, and that their arrows, you know, are equipped  
3 properly, you know, to not allow the fish to escape.  
4 However, I don't see any evidence that it is a  
5 Statewide, you know, C&T issue.

6  
7 And even though I saw, you know, an  
8 elder do it, he was emphasizing that it was just for  
9 survival purposes only. If you get into a situation  
10 where you really need to use a bow and arrow to catch a  
11 fish or something, then you will know how to do it.

12  
13 And I don't see any evidence, you know,  
14 that this is tradition or customary in the whole State  
15 of Alaska, so I'm going to vote no against this  
16 proposal.

17  
18 Thank you.

19  
20 VICE CHAIRMAN BANGS: Thank you, Mr.  
21 Adams.

22  
23 Mr. Aaron Isaacs.

24  
25 MR. ISAACS: Yes, Mr. Chair. I guess I  
26 can make my point known also. To me, the use of a bow  
27 and arrow is a sport. I went to school in Kansas where  
28 they have what they call these clubs where they learn  
29 how to use a bow and arrow. For Indians, it's just a  
30 sport mechanism. So I don't believe that our fishes is  
31 like a target for them to -- I just don't support it.  
32 The using of bow and arrow is just a sport to me.

33  
34 Thank you.

35  
36 VICE CHAIRMAN BANGS: Thank you, Mr.  
37 Isaacs.

38  
39 Anyone else.

40  
41 (No comments)

42  
43 VICE CHAIRMAN BANGS: I just would like  
44 to add that I'm kind of on the fence on this one. I  
45 really think that it adds another opportunity for some  
46 individuals to increase their options for fishing. And  
47 I think that's part of our mission is to help  
48 subsistence users. And I think this would be another  
49 method that could be used.

50

1                   And on the other hand, I feel like Mr.  
2 Schroeder has a good point. That maybe this proponent  
3 of this proposal should come forth with a more clear --  
4 in the way that this Council is think -- a majority of  
5 us are thinking that it could be a good thing, but it  
6 needs to have the proper equipment attached to it. And  
7 so I just talked myself into voting no for this  
8 proposal, but I think it's got merit.

9

10                   Thank you.

11

12                   Anyone else.

13

14                   Mr. Kitka.

15

16                   MR. KITKA: Thank you, Mr. Chair. I  
17 know I voted yes for the amendment, but as amended I  
18 really think that for subsistence -- and usually if  
19 we're going after subsistence a bow would be really a  
20 cumbersome thing. I know that when we go, we usually  
21 try to get as many in as fast as we can. And I think a  
22 bow would take too long. And I also believe, like  
23 Aaron Isaacs, that for us in the Southeast it would  
24 probably be more of a sport type thing. Thank you. So  
25 I'll vote no.

26

27                   VICE CHAIRMAN BANGS: Thank you, Mr.  
28 Kitka.

29

30                   Ken.

31

32                   MR. JACKSON: Mr. Chairman, even though  
33 I voted yes on the amendment, had it been presented  
34 that way and if there was more evidence to show that it  
35 was better to get fish like that, I think that, I think  
36 that I would vote no on the proposal itself because  
37 it's nothing -- even though we are looking for new ways  
38 to help subsistence fishermen, I think the (in  
39 Tlingit), which is a push gaff hook that the guy showed  
40 when they showed the Haida. But the Tlingits call it  
41 (in Tlingit). And you can catch about 100 fish. And  
42 my grandfather and them used to do that. They'd put in  
43 a piece of lead there and they'd just shove it under  
44 the fish and pick it up. But that's one of the reasons  
45 why I would vote no on the proposal.

46

47                   Thank you.

48

49                   VICE CHAIRMAN BANGS: Thank you, Ken.

50

1 Mr. Douville.

2

3 MR. DOUVILLE: Thank you, Chairman.  
4 Most of the stuff we do is based on customary and  
5 tradition. I kind of look at it this way, that we've  
6 always harvested these fish. It's customary to take  
7 deer or seal or whatever it is. We've always done  
8 that. But does that also apply to our methods that we  
9 use to do that. Also, does that -- like we're able to  
10 use fishing rods and reels. A hundred years ago you  
11 didn't have rods and reels. But, you know, as time  
12 evolves your methods also become more efficient, if you  
13 will.

14

15 So some of the methods used today that  
16 we think are fine -- like a beach seine, we didn't have  
17 that many years back either. So to me, it adds a  
18 little layer of confusion in my mind that we're focused  
19 on what's customary and traditional, but on the other  
20 hand we've had things in the last 50 years added to  
21 that to me relatively new.

22

23 I have a tendency to support it because  
24 I don't think it's going to be harmful. But, you know,  
25 also the methods and means, some of them that we use  
26 now is kind of modern really.

27

28 Thank you.

29

30 VICE CHAIRMAN BANGS: Thank you, Mr.  
31 Douville. I agree with you wholeheartedly. Like I  
32 explained, I just don't feel like the proponent worded  
33 the proposal properly. And I don't know if our  
34 amendment would make the difference. As far as the  
35 wording of the proposal, plus our amendment, I just  
36 don't feel comfortable with that.

37

38 Anyone else.

39

40 (No comments)

41

42 MR. KITKA: Question.

43

44 VICE CHAIRMAN BANGS: The question's  
45 been called.

46

47 CHAIRMAN ADAMS: Call for a question.

48

49 VICE CHAIRMAN BANGS: Question's been  
50 called for. So the proposal number is FP15-12, use of

1 bow and arrow as amended for use with a barbed arrow  
2 attached to the bow. That's what the proposal is. All  
3 those in favor -- well, maybe we should do a roll call.

4  
5 Mr. Kitka.

6  
7 MR. KITKA: Bert Adams. Sorry about  
8 that.

9  
10 CHAIRMAN ADAMS: (In Tlingit).

11  
12 MR. KITKA: Michael Bangs.

13  
14 VICE CHAIRMAN BANGS: No.

15  
16 MR. KITKA: Arthur Bloom.

17  
18 MR. BLOOM: Yes.

19  
20 MR. KITKA: Michael Douville.

21  
22 MR. DOUVILLE: Yes.

23  
24 MR. KITKA: Donald Hernandez.

25  
26 MR. HERNANDEZ: Yes. Yes.

27  
28 MR. KITKA: Aaron Isaacs.

29  
30 MR. ISAACS: No.

31  
32 MR. KITKA: Kenneth Jackson.

33  
34 MR. JACKSON: No.

35  
36 MR. KITKA: Harvey Kitka votes no.

37  
38 Cathy Needham.

39  
40 MS. NEEDHAM: Yes.

41  
42 MR. KITKA: Patricia Phillips.

43  
44 MS. PHILLIPS: No.

45  
46 MR. KITKA: Robert Schroeder.

47  
48 MR. SCHROEDER: No.

49  
50 MR. KITKA: Frank Wright.

1 MR. WRIGHT: No.  
2  
3 MR. KITKA: John Yeager.  
4  
5 MR. YEAGER: No.  
6  
7 MR. KITKA: Mr. Chair, the nays have  
8 it. Let's see. We've got four in favor and nine  
9 against.  
10  
11 MR. DOUVILLE: So I don't have to go  
12 buy a bow now then.  
13  
14 (Laughter)  
15  
16 VICE CHAIRMAN BANGS: Thank you, Mr.  
17 Kitka.  
18  
19 MR. KITKA: Yes, sir.  
20  
21 VICE CHAIRMAN BANGS: Mr. Chairman,  
22 okay. The proposal fails.  
23  
24 CHAIRMAN ADAMS: I'd like to take a  
25 little bit of a break. So I move for that at this  
26 time.  
27  
28 VICE CHAIRMAN BANGS: Okay, Mr. Adams.  
29 We're going to recess for ten minutes.  
30  
31 CHAIRMAN ADAMS: (In Tlingit) I've got  
32 to go to the bathroom.  
33  
34 (Laughter)  
35  
36 (Off record)  
37  
38 (On record)  
39  
40 VICE CHAIRMAN BANGS: Okay. We're back  
41 on the record. And we've had a little discussion here  
42 during the break. And I'd like to have Ms. Needham  
43 address one of the issues.  
44  
45 Cathy.  
46  
47 MS. NEEDHAM: Thank you, Mr. Chair. I  
48 would like to request that our Council here defer  
49 Proposal FP13-19 prior to FP15-13/14, the new proposals  
50 with respect to the Stikine River.

1                   And the reason I'm making the request  
2 is I believe that our original proposal -- we took  
3 specific action on that the last time the proposal was  
4 before us. And I want to make sure that we put  
5 ourselves back in that mind frame of what we were  
6 thinking previously before we go into hearing the new  
7 proposals.

8  
9                   And the new proposals -- I think some  
10 of the language in some of new proposals it will be  
11 clearer of what we want to do with those parts once we  
12 decide how we're addressing the proposal that has  
13 already been deferred.

14  
15                   VICE CHAIRMAN BANGS: Thank you, Cathy.

16  
17                   What's the wish of the Council. Do you  
18 guys want to go through this again and decide if that's  
19 what we had intended originally and we still want to go  
20 forward.

21  
22                   Anybody have any comments.

23  
24                   (No comments)

25  
26                   VICE CHAIRMAN BANGS: So this proposal  
27 is one that we adopted back a few years, but it was  
28 deferred. And there are some issues in it that -- it's  
29 found on Page 154 in your book. And I think Mr. Larson  
30 has something he would like to share with us.

31  
32                   MR. LARSON: Thank you, Mr. Chair.

33  
34                   If you look on Page 154 of your book,  
35 you'll find the executive summary for FP13-19. This is  
36 the Council's proposal and it was made during the last  
37 fishery cycle.

38  
39                   The concern at that time was that the  
40 600 fish guideline harvest level was no longer truly  
41 representative of where we were in this fishery. They  
42 submitted a proposal to change that to 2,000 fish. And  
43 what that would do is generated a Staff analysis. I  
44 provided that Staff analysis to the Council at their  
45 Fall meeting in -- this was two years ago.

46  
47                   The proposal was to change the  
48 guideline harvest only for sockeyes from 600 fish, the  
49 way it was first implemented in 2004, to 2,000 fish,  
50 which is approximate the number that we were catching

1 in the last couple of years.

2

3                   The Council -- and let me just back up  
4 really quick and remind the Council of the issues. If  
5 you look on Page 156 under their discussion, it really  
6 captures it pretty well. And it reminds us that there  
7 are portions of regulations that control the conduct of  
8 the Stikine River subsistence fishery that are  
9 contained within the annex four of the U.S. Canada  
10 Pacific Salmon Treaty. That Treaty was initiated in  
11 1985. It was last amended in January of 2009. And in  
12 there, it has guideline harvests for king salmon,  
13 sockeyes, and coho salmon.

14

15                   Those original guideline harvest level  
16 numbers were estimates of what the total harvest was,  
17 based on an estimate of what the fishery would look  
18 like once it was implemented. They're not harvest  
19 caps. What they are is a recognition that the  
20 subsistence program may be unable to provide accurate  
21 in season harvest estimates to the State and Canadian  
22 fisheries managers. And they needed a number to  
23 account for the subsistence catch so they could catch  
24 their allowable catch.

25

26                   Now, the allowable catch is a number  
27 that is derived by looking at estimates of total  
28 returns, subtracting off the numbers necessary  
29 escapement, and then dividing the number in half. Half  
30 goes to Canada, half goes to the United States. So  
31 that number is the U.S. allocation. We are a part of  
32 the U.S. allocation.

33

34                   So anyway, at the time there was  
35 uncertainty whether or not the subsistence program  
36 would be able to provide accurate in season harvest  
37 estimates. So they asked us -- and it was myself and  
38 the area biologist for the Stikine River -- to put our  
39 heads together and estimate what a potential fishery  
40 would look like and how many fish we would guess would  
41 be harvested.

42

43                   And at the time we were talking about,  
44 you know, a 20 fish annual limit and a three-week  
45 fishery. And it was real unclear what this fishery was  
46 going to look like. And we didn't have much experience  
47 in how many people would participate, so there was lots  
48 of unknowns. So we provided an estimate of harvest of  
49 600 sockeyes.

50

1 Well, since that time it's clear that  
2 this fishery has matured somewhat and you can expect  
3 closer to 2,000 fish being taken. So that was the  
4 impetus for the proposal to just change the guideline  
5 harvest from 600 to 2,000.

6  
7 But as it turns out, that because we  
8 are part of the allowable catch and we have developed a  
9 methodology for providing fairly accurate in season  
10 harvest estimates -- so we provide the Canadian and  
11 U.S. managers a weekly harvest estimate -- that they  
12 use those estimates to provide for the catch from the  
13 subsistence fisheries. They don't use the 2,000 number  
14 or the 600 number. They don't use any pre-season  
15 estimate number. They use the in season estimate of  
16 harvest.

17  
18 So in fact it's not really necessary to  
19 have -- and it's actually confusing to have a guideline  
20 harvest to manage this fishery.

21  
22 And certainly there was -- at the time,  
23 there was a feeling that this domestic fisheries  
24 management issues is in fact no business of Canada's.  
25 It's the business of the United States components of  
26 this fisheries. It's the State of Alaska, working with  
27 the Department of Fish and Game and the Federal  
28 Subsistence Program, to manage this fishery within the  
29 U.S. allocation.

30  
31 So we could go through some of the  
32 other components of the background, but I don't think  
33 it's necessary at this time. We'll pursue that as what  
34 the Council feels necessary when we talk about  
35 proposals 13 and 14.

36  
37 But suffices to say that the end result  
38 of that conversation was that the OSM -- or the  
39 Council's recommendation back to the Board was that if  
40 we don't use this number for anything, that maybe we  
41 should just eliminate it. And even if it was somehow  
42 necessary in our regulations, that it certainly wasn't  
43 necessary to be in the Treaty.

44  
45 The Board -- that kind of a decision  
46 where you need to train -- where you need to change  
47 Treaty language -- that requires concurrence and  
48 approval by the Pacific Salmon Commission. The first  
49 step in that regard is to inform the Commission that  
50 this is the intent of the Board. And the mechanics

1 would be for the Board to have some feedback from the  
2 Pacific Salmon Commission. The Board would in fact  
3 adopt a regulatory change that was consistent with  
4 direction of the Pacific Salmon Commission. That  
5 regulatory change would be approved through the Pacific  
6 Salmon Treaty process in bilateral agreements with  
7 Canada. And finally it would be fully implemented by  
8 changing the Treaty.

9  
10 The Board wanted to engage the Pacific  
11 Salmon Commission before they made a final  
12 determination just to make sure that in fact what they  
13 were doing was the appropriate step along the way. So  
14 they deferred and directed me to attend both the U.S.  
15 section meeting of the U.S. Panels in Northern and the  
16 Transboundary Panel to have some advice from that body.  
17 And then subsequently to attend the Pacific Salmon  
18 Commission -- it's called the Post-Season Meeting of  
19 the Pacific Salmon Commission. And the Bilateral  
20 Transboundary Panel is meeting at that same time. And  
21 to present what the Board was considering adopting and  
22 making sure that it was in fact timely and appropriate  
23 and if there was any administrative glitches along the  
24 way.

25  
26 They did remind us that the Pacific  
27 Salmon Treaty is not normally amended on a short term  
28 basis. It has a process of its own that it goes  
29 through in order to be amended. And so we are  
30 developing -- we, meaning the U.S. position -- U.S.  
31 sections, which includes mostly State of Alaska  
32 stakeholders -- developing our positions. There will  
33 be a renegotiation with the Treaty in 2017, with full  
34 implementation in 2018. So whatever the Treaty is  
35 going to be changed, it's going to be changed in 2018  
36 and not before.

37  
38 Now, these kind of changes -- because  
39 in fact we don't manage with these numbers -- it's not  
40 really necessary. It's of -- of sort of no consequence  
41 right now because we don't use them for anything.

42  
43 But that's the process. And what you  
44 have before you is the deferred proposal. And the  
45 Board is expected to take a position -- adopt, amend,  
46 oppose -- at the January Board meeting. And they do  
47 that probably at the same time as they act on your  
48 recommendation from 13, 14.

49  
50 VICE CHAIRMAN BANGS: Thank you, Mr.

1 Larson.

2

3 Do we have any questions from the  
4 Council.

5

6 Mr. Schroeder.

7

8 MR. SCHROEDER: Through the Chair. Mr.  
9 Larson, I think I understand what's going on, but I'd  
10 like you to just clarify things for me. It would  
11 appear that the guideline harvest level is not used for  
12 management at this time. Does the guideline harvest  
13 level appear in the international Treaty, such that it  
14 can't just be dropped?

15

16 MR. LARSON: The short answer is yes,  
17 it does. There are several provisions that are common  
18 to both the Pacific Commission and Federal regulations.  
19 There are some issues that are strictly part of Federal  
20 regulations. And then there are a couple of provisions  
21 that are contained within the Treaty that control our  
22 fishery that are not contained in Federal regulations.

23

24 So the short answer is yes.

25

26 And if you want to go into those other  
27 things, we can.

28

29 MR. SCHROEDER: Somehow that didn't  
30 make anything at all clearer to me. And, you know, I  
31 know Canada has subsistence fishers. And I just don't  
32 understand why a guideline harvest level is part of an  
33 international level because the United States gets a  
34 certain amount of the fish. That's the deal. And  
35 whether they go to gillnetters, sport fishermen,  
36 personal use fishermen, seiners or some other gear  
37 group if there is one, doesn't seem to be germane to  
38 what the international agreement's about.

39

40 MR. LARSON: I think you have a very  
41 clear understanding. Yes.

42

43 VICE CHAIRMAN BANGS: Mr. Schroeder.

44

45 MR. SCHROEDER: Then why are we dancing  
46 around to provide -- I don't understand what we provide  
47 or don't provide with our guideline harvest level. Why  
48 don't we just say this isn't needed for management.  
49 There is no problem that's addressed by a guideline  
50 harvest level. And to anticipate the inchoate needs of

1 the international process is not what we're about.  
2 We're about providing subsistence opportunity.

3  
4 MR. LARSON: Mr. Chair, specifically to  
5 answer Mr. Schroeder, I don't see -- maybe you could  
6 give me a minute and I'll see if it shows up here. But  
7 I don't see -- oh, here it is. On Page 171. And the  
8 Council the year before last, in their justification  
9 said very much the same of what you just said. Is that  
10 this is unnecessary. And if there was going to be  
11 controls on the subsistence fishery it should be done  
12 within a domestic fishery setting and not part of an  
13 international negotiation.

14  
15 So if you look on Page 171, that's the  
16 justification from the Council when this was considered  
17 before.

18  
19 VICE CHAIRMAN BANGS: Thank you, Mr.  
20 Larson.

21  
22 Anyone else have any questions.

23  
24 (No comments)

25  
26 VICE CHAIRMAN BANGS: Okay. What we  
27 wanted to do here was to address this proposal we  
28 deferred and see how the Council felt about taking any  
29 information that we might want to take into the other  
30 proposals based on the Stikine fishery.

31  
32 So how does the Council feel.

33  
34 Cathy.

35  
36 MS. NEEDHAM: Thank you, Mr. Chair. In  
37 terms of procedure, because we're hearing this proposal  
38 again during this cycle, do we need to go through the  
39 regular procedure for proposals that on our card? Like  
40 since we're taking this up again, if there's any new  
41 information that needs to be presented through the  
42 other organizations before we.....

43  
44 VICE CHAIRMAN BANGS: I'm not sure.

45  
46 Mr. Larson, we're not going to change  
47 anything or we are changing things. We would have to  
48 if we're going to change things; is that correct?

49  
50 MR. LARSON: Mr. Chair, if you are

1 looking for an informational review that -- I don't  
2 know that you need to go any further. If you wish to  
3 at the end of this process reconsider your positions,  
4 then I would suggest you go through the entire motions.

5  
6 Thank you.

7  
8 VICE CHAIRMAN BANGS: What's the will  
9 of the Council.

10  
11 Patty.

12  
13 MS. PHILLIPS: We've already taken  
14 action on this. We have a Council recommendation on  
15 171. Is that.....

16  
17 MR. LARSON: Mr. Chair.

18  
19 VICE CHAIRMAN BANGS: Yes, Mr. Larson.

20  
21 MR. LARSON: I think we're at the stage  
22 now that we should go through the normal process. So  
23 we've moved far along down that road that it's  
24 appropriate to go through the normal process about  
25 considering the proposals.

26  
27 Thank you.

28  
29 VICE CHAIRMAN BANGS: Thank you, Mr.  
30 Chair (sic).

31  
32 Is that the will of the Council.

33  
34 Okay. So what we need to do now is go  
35 through the presentation and analysis of this  
36 proposal.

37  
38 MR. LARSON: Mr. Chair, the Staff  
39 analysis for deferred Proposal 13-19. The executive  
40 summary is on Page 154. The proposal is to change the  
41 guideline harvest for sockeye salmon from 600 fish to  
42 2,000 fish. The OSM preliminary conclusion is to  
43 support FP13-19 with modification to eliminate the  
44 subsistence sockeye salmon annual harvest limit from  
45 Federal regulations.

46  
47 The proposal was heard two years ago.  
48 The Council supported the proposal, with modifications,  
49 as suggested by the Office of Subsistence Management.  
50 And that was specifically to eliminate that guideline

1 harvest level from Federal regulations that would in  
2 fact give direction to the Board to engage the Pacific  
3 Salmon Commission to remove it from the Treaty  
4 language.

5  
6 Thank you.

7  
8 VICE CHAIRMAN BANGS: Thank you.

9  
10 Any more questions.

11  
12 (No comments)

13  
14 VICE CHAIRMAN BANGS: I think that even  
15 though we've been over this, I think it's important  
16 because some of the Council members weren't present  
17 when we originally went over this, I believe. And I  
18 think that's the reason why I'd feel more comfortable  
19 if we just briefly give a good summary and go over  
20 this.

21  
22 So what I'd like to do now is get any  
23 other questions for Mr. Larson on the Staff analysis.

24  
25 Mr. Schroeder and then Mr. Hernandez.

26  
27 MR. SCHROEDER: Mr. Chair, Mr. Larson,  
28 why would we keep in our guideline harvests for chinook  
29 and coho salmon. Are they contained within the Treaty  
30 or are they needed for management on our side of the  
31 border.

32  
33 MR. LARSON: They are both within the  
34 Federal regulations and they are included in the  
35 language of the Treaty exactly the same as sockeyes.

36  
37 At the time that this proposal was  
38 submitted by the Southeast Council, the issue was  
39 specifically sockeyes. And that was what they decided  
40 to concentrate on right now.

41  
42 VICE CHAIRMAN BANGS: Mr. Schroeder,  
43 follow up.

44  
45 MR. SCHROEDER: That answered part of  
46 my question. Is there any purpose, sir, by having  
47 these guideline harvest levels present either in our  
48 regulations or in the Treaty.

49  
50 MR. LARSON: Mr. Chair, the situation

1 for king salmon and coho salmon is very similar to the  
2 sockeyes. There is a allowable catch calculation that  
3 is provided for king salmon, so that brings it into  
4 exactly the same situation as sockeyes.

5  
6 The situation for cohos is a little bit  
7 different in that what the U.S. -- the agreement with  
8 Canada says is that they will be -- the escapements  
9 will be adequate to provide them with a 5,000 fish  
10 harvest. But there is no specific allowable catch,  
11 except that the number will be -- you know, will be  
12 large regarding what the escapement will be.

13  
14 And so there is fish up the river.  
15 I've never -- to the best of my knowledge, we haven't  
16 had issues with meeting escapement needs in Canada.

17  
18 We have had -- the last two years we  
19 have had closures for subsistence fishing on the  
20 Stikine River for king salmon. So we don't use this  
21 guideline harvest either to -- you know, change our  
22 regulations to either increase or decrease our catch,  
23 you know, based on that number. What we base our  
24 fisheries management on is the U.S. allocation of king  
25 salmon.

26  
27 And in that regard, there was no  
28 allowable catch for king salmon, which is that -- it's  
29 calculated by a total return to the terminal area. And  
30 then they subtract from that total return base level  
31 harvests. That's those interception fisheries for  
32 sportfishing and incident commercial fisheries. Plus  
33 the escapement.

34  
35 And then there's a uncertainty estimate  
36 put into that calculation, so the number needs to be  
37 bigger pre-season than it does post-season or in  
38 season. The uncertainty is felt to be of that total  
39 return estimate is less in season than it is pre-  
40 season. But suffice it to say that what we do for  
41 managing the fishery is based on real numbers. It's  
42 not based on a guideline harvest at all.

43  
44 Thank you.

45  
46 VICE CHAIRMAN BANGS: Another quick  
47 follow up.

48  
49 MR. SCHROEDER: Just real quickly. The  
50 only direction I'm going with this is that if we're

1 trying to clean up regulatory language, I can't imagine  
2 why we would want to keep other kind of weird guideline  
3 harvest information if it's not operant and -- you  
4 know, I don't know why we keep it around. But that  
5 will come up when we're deliberating the proposal.

6

7 Thank you.

8

9 VICE CHAIRMAN BANGS: Thank you, Bob.

10

11 Don.

12

13 MR. HERNANDEZ: Thank you. That was my  
14 exact same question as Bob had. So it's been answered.

15

16 VICE CHAIRMAN BANGS: Any other  
17 questions.

18

19 (No comments)

20

21 VICE CHAIRMAN BANGS: Hearing none.

22

23 Thank you, Mr. Larson.

24

25 So I guess we would entertain any new  
26 information or if the State has anything to say about  
27 it. I know they were deferring this till the  
28 Transboundary Panel met.

29

30 MS. YUHAS: Thank you, Mr. Chairman.  
31 And I was ready this time.

32

33 The information isn't new, but with  
34 your permission I'd like to walk through the process  
35 and where the Department stands because, as you stated,  
36 you have some new members who have some questions as  
37 well.

38

39 So you can see on Page 173 that the  
40 Department's position procedurally was to defer until  
41 the Transboundary Commission could take action. And  
42 that was procedural. The department has previously and  
43 remains in support of the RAC and their wishes. As you  
44 know, our deputy commissioner, previously David Bedford  
45 and now Stephanie Moreland, is the Council's advocate  
46 on the Transboundary Commission and carries those  
47 wishes forward.

48

49 We still support the Council's wishes  
50 in this area. And just like Mr. Schroeder said, the

1 applicability may not be necessary, but previously we  
2 were thinking deferral meant two years. And as you can  
3 tell, you know, we thought this process moves slowly.  
4 You're already looking at 2018 before there's going to  
5 be implementation of anything.

6  
7 Our position says defer, but we'd like  
8 to listen to your debate and make things as easy as  
9 possible. Nothing's going to change the fact that our  
10 Deputy Commissioner will be advocating for your wishes,  
11 but should you decide to take no action and send a  
12 letter to the Commission stating what you want -- and  
13 what you want changes a little bit -- as far as the  
14 Federal Subsistence Board is concerned, we'd be happy  
15 to change our position to match what you're talking  
16 about if you wanted to, you know, let this fall and  
17 then have something introduced once you've seen what  
18 the Council has taken as a position.

19  
20 If you want to keep deferring so it's  
21 in front of you every year, we'll go along with that.  
22 We just need to listen to your deliberation so that we  
23 know how to make our position make that procedurally so  
24 that this can go on the consent agenda before the  
25 Federal Subsistence Board. If it's going to remain in  
26 front of you, you don't have to have the same dialog  
27 repetitively.

28  
29 But we're there for you.

30  
31 That's our comment.

32  
33 VICE CHAIRMAN BANGS: Thank you, Ms.

34 Yuhas.

35  
36 Any questions for Jennifer.

37  
38 Cathy.

39  
40 MS. NEEDHAM: Thank you, Mr. Chair. So  
41 if you look on Page 173, so this proposal was addressed  
42 during the last regulatory cycle and then it went  
43 through -- the Federal Subsistence Board deferred it.  
44 And it says the next bilateral meeting of the  
45 Transboundary River Panel was in January of 2013. And  
46 so was this proposal put that process at that time.  
47 And were there -- like what was -- like essentially  
48 what's happened since it's been deferred the first  
49 time, before we talk about if we're going to defer it  
50 the second time.

1 MS. YUHAS: Member Needham, through the  
2 Chair. I'm going to defer to my colleague Robert  
3 Larson since he was present at that meeting and  
4 understands the intricacies of that arena much more  
5 than I do.

6  
7 MR. LARSON: Thank you, Mr. Chair. And  
8 I would like to say that we have a subject matter  
9 expert here in the audience and a member of the  
10 Transboundary Panel of the Pacific Salmon Commission  
11 who has considerable experience in this regard. And I  
12 would like to say that, you know, we don't see eye-to-  
13 eye with the State on everything, you know, between the  
14 Federal ones and the State programs. But in this case  
15 the U.S. Commissioner is our advocate for the Federal  
16 Subsistence Program and has been very supportive. And  
17 I expect that to -- you know, to continue.

18  
19 Two years ago the Council asked if  
20 myself and John Yeager would attend both the U.S.  
21 section and the post-season meeting of the Pacific  
22 Salmon Commission. John was unable to attend the U.S.  
23 section meeting, but the deputy director of the Office  
24 of Subsistence Management was able to attend. And we  
25 had a nice visit with the U.S. section and explained  
26 what the Council's intention was.

27  
28 And then we went to the Pacific Salmon  
29 Commission meeting as -- the post-season meeting and  
30 the bilateral Transboundary Panel meeting, as we did  
31 this year as well in January of 2014. As we expect to  
32 do in January of '15. In January of '15, the new  
33 deputy director of the Fish and Wildlife Service who  
34 was in charge of the Office of Subsistence Management  
35 -- he will accompany me to the Pacific Salmon  
36 Commission meetings and address that body with the  
37 results of -- well, you won't have the results of the  
38 Board meeting.

39  
40 The Board meeting will occur that next  
41 week. But that body will be able to speak to him  
42 directly on some of the intricacies of what exactly the  
43 Board should adopt as to regulatory changes and what  
44 could be expected in the future regarding  
45 implementation of those regulations by changing the  
46 Pacific Salmon Treaty.

47  
48 So we can change our regulations, but  
49 the process that gets to be very cumbersome is changing  
50 the Treaty. That requires involvement by more people

1 and -- you know, and another country.

2

3 I think it's safe to say that both the  
4 U.S. section and the bilateral panel -- Transboundary  
5 Panel -- is very much aware of the Council's intention  
6 to remove the guideline harvest levels. And there was  
7 considerable discussion at those meetings and there was  
8 I think a feeling within that body that there was --  
9 having no restrictions on net tending was an issue.  
10 That there was a -- having nets that were unattended  
11 for long periods, days, weeks, lost nets, ghost fishing  
12 -- in other words, they were very uncomfortable that  
13 there was no regulations in place regarding net  
14 tending.

15

16 So that was the message that I heard  
17 when I left that body, was that there was -- they  
18 understood the position of the Council regarding  
19 guideline harvests, but they wanted you to understand  
20 their position that there should be some controls over  
21 net tending. And if Arnold wanted to, you know, add to  
22 that, he has a long history with that body, too.

23

24 VICE CHAIRMAN BANGS: Okay. Thank you,  
25 Mr. Larson. We're just going to at this point just  
26 deal with this particular proposal and not go into the  
27 net tending and all that stuff. If we could just stay  
28 focused on this one and get through this proposal so we  
29 can go to the next stage.

30

31 Thank you.

32

33 Mr. Enge, did you have anything  
34 particular to say.

35

36 Ms. Needham, I don't know if it  
37 answered your question or not.

38

39 MS. NEEDHAM: It answered my question  
40 if the answer was nothing's happened essentially. The  
41 meeting happened, but there isn't anything to report  
42 back that is going to change it. So if that's actually  
43 the answer, then he answered my question.

44

45 (Laughter)

46

47 VICE CHAIRMAN BANGS: Yes, Mr. Adams.

48

49 CHAIRMAN ADAMS: Mr. Chairman, I would,  
50 you know, ask the presenters, you know, from here on if

1 they could be really short and to the point. I  
2 promised you some time, you know, for your workshop  
3 meeting, you know, during this day, so I think we're  
4 running a little bit late right now for that. So I  
5 just want to, you know, remind everyone, you know,  
6 we're getting pretty short on time now.

7

8 So thank you.

9

10 VICE CHAIRMAN BANGS: Okay. Thank you  
11 for that, Mr. Adams. I agree.

12

13 So what is the Council wishes on this  
14 proposal.

15

16 Cathy.

17

18 MS. NEEDHAM: Are you going to go  
19 through the rest of the groups in case there's  
20 additional -- this process.

21

22 VICE CHAIRMAN BANGS: If that's the  
23 wish of the Council, we'll just continue on here.

24

25 Is there any other Federal agencies,  
26 Native tribal village, other InterAgency Staff  
27 committee comments.

28

29 (No comments)

30

31 VICE CHAIRMAN BANGS: I'll read through  
32 these fairly quickly. And if there is any, just raise  
33 your hand and then I'll stop.

34

35 Okay. So is there any written comments  
36 that we need to consider at this point.

37

38 MR. LARSON: Mr. Chair, we don't have  
39 written comments specifically to the deferred proposal  
40 that the Council has not heard previously. We do have  
41 a couple of written comments that are more general to  
42 the proposals for the Stikine River subsistence  
43 fishery. And I think they'd be more appropriate when  
44 we talk about the other proposals.

45

46 Thank you.

47

48 VICE CHAIRMAN BANGS: Thank you. So  
49 the public testimony that we'll get on the Stikine  
50 fishery, we're going to wait until we address the

1 latest proposal. We're just going to go over this  
2 proposal as it was. We've already approved it.

3  
4 So now we go to the Council  
5 recommendation. What is the wish of the Council on  
6 this proposal.

7  
8 Cathy.

9  
10 MS. NEEDHAM: Thank you, Mr. Chair. I  
11 move to support Proposal FP13-19 with the modification  
12 to eliminate the subsistence sockeye salmon annual  
13 guideline harvest level from Federal regulations.

14  
15 VICE CHAIRMAN BANGS: Do I have a  
16 second.

17  
18 MR. YEAGER: Second.

19  
20 VICE CHAIRMAN BANGS: It's been moved  
21 and second to go ahead and actually re-approve this  
22 proposal.

23  
24 And do I hear any more discussion.

25  
26 Yes.

27  
28 MS. PHILLIPS: Would we want to further  
29 modify it to eliminate chinook and coho.

30  
31 VICE CHAIRMAN BANGS: It's the wish of  
32 the Council.

33  
34 Mr. Bloom.

35  
36 MR. BLOOM: Yes. I'd like to make a  
37 motion to amend by eliminating all reference to the  
38 harvest guideline numbers. In other words, eliminate  
39 the capital E at the bottom of the proposed regulation.

40  
41 MS. PHILLIPS: Second.

42  
43 VICE CHAIRMAN BANGS: Okay. It's been  
44 moved and second.

45  
46 MR. LARSON: Mr. Chair.

47  
48 VICE CHAIRMAN BANGS: Yes.

49  
50 MR. LARSON: Mr. Chair, a friendly note

1 that the second sentence of capital E regulation is  
2 actually an important concept that the -- there's  
3 personal guidelines. And I don't know. We'll have to  
4 make sure that what we're talking about is a -- the  
5 annual limit for chinook is five. And the annual limit  
6 of sockeye is 40. So I think E -- yes. Okay. I just  
7 wanted to -- before we went any further I wanted to  
8 make sure we were all square. So I think that E in its  
9 entirety talks about the guideline harvest, so that  
10 should be appropriate.

11

12 Thanks.

13

14 VICE CHAIRMAN BANGS: Thank you, Mr.  
15 Larson.

16

17 So the amendment is to remove guideline  
18 harvest on chinook and coho. And that's the removal of  
19 E. Plus the sockeye, which we've already put into the  
20 proposal. So the amendment though is to remove the  
21 other guideline harvest. Do I have a second.

22

23 Oh. It's seconded. Okay. Sorry,  
24 Patty. So it's moved and seconded to accept it. Any  
25 other discussion.

26

27 Mr. Schroeder.

28

29 MR. SCHROEDER: Just to make sure that  
30 we have a pretty good record on this, it would seem  
31 that very much the intent of this proposal as amended  
32 is basically almost a housekeeping proposal to come up  
33 with clear and accurate regulations that are  
34 intelligible to the public and to managers, so that  
35 they know exactly where they stand.

36

37 In that respect, this proposal does not  
38 raise a conservation concern that we have heard of.  
39 The recommendation we've had substantial discussion on  
40 the various regulatory processes and the international  
41 Treaty situation and how this may proceed.

42

43 The recommendation would be beneficial  
44 for subsistence users in that it would clear up  
45 potential confusion over how this very successful  
46 subsistence fishery will proceed. And there's no  
47 indication that enacting this proposal to eliminate  
48 Section E would unnecessarily restrict any other users.

49

50 Thank you, Mr. Chair.

1 VICE CHAIRMAN BANGS: Thank you for  
2 that clarification. But we are just voting on the  
3 amendment at this point.  
4  
5 So to entertain the question.  
6  
7 MS. PHILLIPS: Question.  
8  
9 VICE CHAIRMAN BANGS: Question's been  
10 called for. All those in favor of amending this  
11 proposal to include the removal of guideline harvest  
12 for chinook and coho, respond by saying aye.  
13  
14 IN UNISON: Aye.  
15  
16 VICE CHAIRMAN BANGS: Opposed, nay.  
17  
18 (No opposing votes)  
19  
20 VICE CHAIRMAN BANGS: Okay. Motion  
21 carries.  
22  
23 Now back to the original motion as  
24 amended.  
25  
26 Any other discussion.  
27  
28 MS. PHILLIPS: Mr. Chair. Could you  
29 read what our recommendation is.  
30  
31 VICE CHAIRMAN BANGS: Do you have that  
32 page, Patty? Would you like to read the.....  
33  
34 MS. PHILLIPS: 171.  
35  
36 VICE CHAIRMAN BANGS: 171. I've got  
37 about eight pages here.  
38  
39 Our recommendation was to support  
40 Proposal FP13-19 with modification to eliminate the  
41 subsistence sockeye annual guideline harvest level from  
42 Federal regulation and amend it to include the  
43 guideline harvest for chinook and coho.  
44  
45 MS. PHILLIPS: To eliminate.  
46  
47 VICE CHAIRMAN BANGS: To eliminate.  
48 Correct.  
49  
50 MS. PHILLIPS: Mr. Chair, the amendment

1 was to replace. By eliminating E, under the modified  
2 regulation it would eliminate E, which is the total  
3 annual guideline harvest level for the Stikine River  
4 fishery is 125 chinook, 600 sockeye, and 400 coho  
5 salmon. All salmon harvested, including incidentally  
6 taking salmon, will count against the guidelines for  
7 that species. It would eliminate E.

8

9 VICE CHAIRMAN BANGS: It would  
10 eliminate E.

11

12 MS. PHILLIPS: That's our modified  
13 recommendation.

14

15 VICE CHAIRMAN BANGS: Recommendation is  
16 what we said at the top there, which our recommendation  
17 was. And then add the removal of E. Correct.

18

19 MS. PHILLIPS: Okay.

20

21 VICE CHAIRMAN BANGS: Okay. Is  
22 everybody clear on that.

23

24 (Council nods affirmatively)

25

26 MR. KITKA: Question.

27

28 VICE CHAIRMAN BANGS: Question's been  
29 called for. All those in favor of our recommendation  
30 to support this proposal with the two modifications,  
31 including the removal of E. All those in favor,  
32 respond by saying aye.

33

34 IN UNISON: Aye.

35

36 VICE CHAIRMAN BANGS: All those  
37 opposed, nay.

38

39 (No opposing votes)

40

41 VICE CHAIRMAN BANGS: Okay. Motion  
42 carries.

43

44 Okay. Now, this is the issue at hand  
45 here now. We talked at the break about the next  
46 proposal is in regards to the harvest quotas and  
47 fishery restrictions on the Stikine River, FP15-13/14.  
48 And we talked about it. Several of us talked about it.  
49 And some of the stakeholders were interested in  
50 possibly entertaining a workgroup to conduct some time

1 after we're recessed for the evening. While the  
2 fishery proposal workgroup works on those proposals,  
3 they could go over in a smaller group with the  
4 stakeholders and discuss with the Council members the  
5 options and the problems and issues around these  
6 proposals.

7  
8 And then come back tomorrow and give  
9 their recommendations to the entire Council. And then  
10 we would deal with those proposals then, instead of  
11 doing them tonight and try to get through it as a whole  
12 Council without the input.

13  
14 But we would -- it depends on the will  
15 of the Council. We would like to hear -- go through  
16 the proposal Staff analysis and all that and get the  
17 entire public testimony before this workgroup goes, so  
18 they can take all that information into the workgroup  
19 and then come back to the Council with their  
20 recommendation. And then the Council can discuss it.

21  
22 That was the gist of it. What is the  
23 Council wishes on that.

24  
25 Patty, do you have anything to add.

26  
27 MS. PHILLIPS: Thank you, Mr. Chairman.  
28 It was a suggestion of the Advisory Committees from  
29 Wrangell and I thought it was a good suggestion. And  
30 we brought it to your attention and I think you pretty  
31 well spelled it out.

32  
33 If the other working group is willing  
34 to meet after we recess today -- and meet to discuss 13  
35 and 14 after we hear Staff analysis and public comment.

36  
37 VICE CHAIRMAN BANGS: Does everybody  
38 understand the proposed method of going through this  
39 proposal. Anybody have any questions about it or  
40 problems.

41  
42 Mr. Bloom.

43  
44 MR. BLOOM: Yeah. I'm sorry. I'm just  
45 not really quite clear on the necessity of going into a  
46 workgroup. This is something that's before the whole  
47 Council, so why wouldn't everyone want to be in on  
48 those discussions?

49  
50 VICE CHAIRMAN BANGS: Well, I think

1 that we will all be in on those discussions when the  
2 workgroup comes back with their summary and the working  
3 group's proposals or recommendations to the Council.  
4 It's similar to what we're doing with the fisheries  
5 proposals and the Board of Game proposals. We had a  
6 workgroup to kind of work through all these different  
7 issues. And these proposals have a lot of different  
8 kinds of issues and I don't know if we -- I've been on  
9 this Council for a while and I know that could spend  
10 hours and hours and hours going over these things. And  
11 I think a workgroup would help expedite that.

12

13 Yes. Art.

14

15 MR. BLOOM: Thank you. I think there  
16 is a little bit of a difference because these are  
17 Federal and the other ones were State. And if some of  
18 us aren't in on the discussions and we just get a  
19 summary, then stuff gets lost. And we don't --  
20 sometimes it's hard enough to follow everything that's  
21 going on sometimes. And if you're just getting a  
22 summary, you've missed out on how you got to that  
23 summary and those conclusions.

24

25 VICE CHAIRMAN BANGS: Well noted.  
26 Thank you.

27

28 Ms. Needham.

29

30 MS. NEEDHAM: Thank you, Mr. Chair. I  
31 appreciate your comments on that, Art. I just want to  
32 bring to your attention though that this Council has  
33 worked very effectively with workgroups before when it  
34 comes to things that come before the Council in a  
35 Federal capacity and having to make decisions. And I  
36 think the major place where it saves time is during our  
37 deliberation.

38

39 So what that means is this entire  
40 Council is still going to hear everything that they  
41 would normally hear. And then the workgroup would  
42 probably tease out the more complicated parts of it and  
43 then bring it back to us. And there would still be  
44 during that deliberation time for clarifications and  
45 still going through that process. But it's to  
46 potentially reduce some of that deliberating time by  
47 having something clear and concise.

48

49 And we've done this before, especially  
50 with like the C&T workgroup and had it be very

1 effective in doing that. Otherwise we could spend all  
2 night here just deliberating this combined two  
3 proposal.

4  
5 VICE CHAIRMAN BANGS: Thank you, Ms.  
6 Needham.

7  
8 Anyone else.

9  
10 Mr. Adams and then Patty.

11  
12 CHAIRMAN ADAMS: Yeah. I just wanted  
13 to reiterate that I think this would expedite the  
14 process quite a bit. It would eliminate a lot of the  
15 stuff that we would be taking, you know, a long time  
16 to go over.

17  
18 MR. LARSON: Mr. Chair.

19  
20 CHAIRMAN ADAMS: But this would be one  
21 way of, you know, making sure that we can get through  
22 the process a lot quicker.

23  
24 Thank you.

25  
26 VICE CHAIRMAN BANGS: Thank you, Bert.

27  
28 MR. LARSON: Mr. Chair, I apologize for  
29 interrupting. But I think that at this stage in your  
30 discussions you would benefit from hearing from Chuck  
31 Ardizzone, the representative from the Office of  
32 Subsistence Management.

33  
34 Thank you.

35  
36 VICE CHAIRMAN BANGS: Thank you, Mr.  
37 Larson.

38  
39 MR. ARDIZZONE: Mr. Chair, I am a bit  
40 concerned about this process. This is out of the norm.  
41 I mean I know you've had workgroups in the past to  
42 discuss issues, but I don't believe you've had  
43 workgroups break out in the middle of proposal analysis  
44 and, you know, have side discussions that are not on  
45 the record. That does concern me a bit that you'll  
46 have discussion off here on the side. It won't be on  
47 the record. And then you'll come back. I know it will  
48 be a summary of what occurred, but as Mr. Bloom said,  
49 not everyone will be involved in the discussion. And  
50 it is a little concerning to me that it's out of the

1 norm on -- I'm not going to go as far as to say that  
2 you can't do it, but it does raise some concerns in my  
3 mind.

4

5 VICE CHAIRMAN BANGS: Thank you.

6

7 Patty.

8

9 MS. PHILLIPS: Thank you. I'm willing  
10 to have full deliberation by the Council on Proposal  
11 FP13, 14. But I think you guys better be prepared to  
12 stay here after dinner and probably go till 9:00 on  
13 just that one 13, 14. And I'm willing to do that.

14

15 VICE CHAIRMAN BANGS: Thank you, Patty.

16

17 Yes. Mr. Adams.

18

19 CHAIRMAN ADAMS: I have a question for  
20 Chuck. Is this concern a FACA issue, or what.

21

22 MR. ARDIZZONE: I'm not sure. I mean  
23 it's just not a full and open public process. I mean  
24 it just -- I mean normally when we do proposals we're  
25 on the record. I mean maybe Mr. Kessler has some more  
26 information, but.....

27

28 MR. KESSLER: Thank you, Chuck.  
29 Council, the way I view it -- this is an Administrative  
30 Procedure Act concern. So under the Administrative  
31 Procedure Act we have a certain rule making process  
32 that we follow.

33

34 As you no doubt know, that starts with  
35 the proposed rule that's published in the Federal  
36 Register. We go through the process of taking in  
37 proposals, analyzing proposals, deliberating on  
38 proposals, taking the Regional Advisory Council's  
39 recommendations and the public, consistent with the  
40 requirements of ANILCA. And then back to the  
41 deliberations of the Federal Subsistence Board and we  
42 publish a final rule. Very sort of strict  
43 administrative procedures. We don't want to get  
44 outside of that process.

45

46 This seems like it's a little bit  
47 outside of the process where we don't have that formal  
48 record of exactly what this group would be doing. So  
49 if the group meets, if there's separate groups that  
50 meet outside of this process, that can happen. But if

1 that happens, everything that occurs needs to come back  
2 before this deliberative body and we need to have on  
3 the record what the deliberative body has discussed.

4

5                   And I don't really see that it saves  
6 time. Because you're going to have to talk about it  
7 all over again. But that's my opinion. I don't think  
8 that -- as Chuck said, I think you can do it, but  
9 whether it's an efficient way to do it, I can't tell  
10 you.

11

12                   But it's an Administrative Procedure  
13 Act and I don't believe it has to do with the Federal  
14 Advisory Committee Act in this case.

15

16                   Thank you.

17

18                   VICE CHAIRMAN BANGS: Thank you, Mr.  
19 Kessler.

20

21                   Mr. Hernandez.

22

23                   MR. HERNANDEZ: Yeah. Thank you, Mr.  
24 Chairman. I think Mr. Bloom kind of hit it exactly  
25 right there. And we break out into workgroups, but we  
26 broke out into workgroups to prepare a proposal, which  
27 is quite a different process. Breaking out into a  
28 workgroup to consider State proposals is essentially  
29 outside of our process. So this is -- to me definitely  
30 falls within the Procedures Act. And I don't think we  
31 should do a workgroup on this.

32

33                   VICE CHAIRMAN BANGS: Thank you, Mr.  
34 Hernandez.

35

36                   Anyone else.

37

38                   Mr. Yeager.

39

40                   MR. YEAGER: Thank you, Mr. Chair. I  
41 feel that there is a proposal in front of us and the  
42 intentions of the authors of the proposal are very  
43 clear. And it my thought that we deliberate on the  
44 proposal, make a decision like we're supposed to and if  
45 they don't like that decision, they can submit a new  
46 proposal at a later time and come back to us.

47

48                   But we have the work in front of us and  
49 their intention, so I don't see why we'd delay that  
50 process.

1 Thank you.  
2  
3 VICE CHAIRMAN BANGS: Thank you, Mr.  
4 Yeager.  
5  
6 Ms. Phillips.  
7  
8 MS. PHILLIPS: Thank you. I would like  
9 to respond that I was asked a question, I did not know  
10 the answer and we had to go through this whole process,  
11 so thank you very much.  
12  
13 VICE CHAIRMAN BANGS: Okay. So how do  
14 you want to proceed. Should we just take up this  
15 proposal and go through it. We should get started  
16 then.  
17  
18 Mr. Adams.  
19  
20 CHAIRMAN ADAMS: Yeah. That seems to  
21 be the consensus of the Council. And I'm willing to do  
22 that. However, if we're going to go until, you know,  
23 late in the evening, I have to be excused because I  
24 have some relatives -- honest to goodness, true  
25 relatives that have invited me out for dinner tonight.  
26 So, you know, when that time comes, I'm going to have  
27 to excuse myself.  
28  
29 Thank you, Mr. Chairman.  
30  
31 VICE CHAIRMAN BANGS: Thank you, Mr.  
32 Adams.  
33  
34 Okay. I think we should move ahead  
35 then so we can get through this as quickly as possible,  
36 if that's the wish of the Council.  
37  
38 So Proposal 15-13/14, harvest quotas,  
39 fishery restriction on the Stikine.  
40  
41 Mr. Larson.  
42  
43 MR. LARSON: Mr. Chair, I would like to  
44 direct your attention to Page 90 in your Council book.  
45 That is the executive summary that contains a general  
46 description of the proposed regulatory language and the  
47 OSM preliminary conclusion.  
48  
49 The proposal itself is composed of two  
50 parts. They're very similar proposals. FP15-13 was

1 submitted by the Petersburg Fish and Game Advisory  
2 Committee and it suggests five changes to the Stikine  
3 River subsistence salmon fisheries. Those changes  
4 include establishing a harvest quota of 125 chinook  
5 salmon, 2,000 sockeye salmon, and 400 coho salmon. And  
6 that's the first change that's been proposed. We have  
7 guidelines. Those would be harvest caps.  
8

9                   The second change would be to specify  
10 that the annual individual harvest limit in subsequent  
11 years would be reduced if the total fishery annual  
12 harvest limit exceeds the quota.

13  
14                   The third would be requiring the day,  
15 location, species, and number of fish harvested be  
16 recorded prior to leaving the fishing location.

17  
18                   Number four is that establishes a 4:00  
19 a.m. to 9:00 p.m. daily fishing schedule. That means  
20 that from 9:00 p.m. to 4:00 a.m. the fishery will be  
21 closed.

22  
23                   Number five requires nets be closely  
24 attended, with the permit holder or member of the  
25 household listed on the permit present at the fishing  
26 site with the permit available for inspection while the  
27 net is in the water. Closely attended is defined as a  
28 member of a household listed on the permit must be  
29 available within two hours.

30  
31                   There is a similar proposal submitted  
32 by the Wrangell Fish and Game Advisory Committee.  
33 That's proposal 15-14. Those provisions are exactly  
34 the same except that the Wrangell Fish and Game  
35 Advisory Committee's proposal does not include the  
36 definition of tending net as a member of the household  
37 listed on the permit must be available within two  
38 hours. It appears that their intent is to have a  
39 permit holder at the fishing site while the net is  
40 fishing.

41  
42                   Currently the Stikine River subsistence  
43 salmon fishery guideline is 125 chinook salmon and 600  
44 sockeyes and 400 coho salmon. The first provision  
45 would be to establish the numbers as caps, but increase  
46 that sockeye salmon number from 600 to 2,000.

47  
48                   According to the other proponents, the  
49 other regulatory changes would be to facilitate  
50 accurate accounting of the total subsistence fishing

1 mortality. As listed in the discussion on Page 93,  
2 it's the opinion of the proponents that these  
3 regulatory changes will minimize predation of salmon  
4 captured in gillnets by seals. Reducing the number of  
5 fish taken or maimed by seals would result in  
6 additional fish to fishermen and more accurate  
7 accounting of the total fishery mortality.

8  
9                   And there is -- we discussed previously  
10 the deferred proposal. It's the intent of the Board to  
11 consider the Stikine River subsistence fishery as a  
12 whole. And they will consider FP15-13/14 and 13/19  
13 together this January.

14  
15                   There's a regulatory change on Page 94.  
16 There is no State subsistence fishery on the Stikine  
17 River. This is very different than any other place in  
18 Southeast Alaska, where waters under Federal  
19 jurisdiction also have a State subsistence fishery.  
20 This is the only situation where there is only a  
21 Federal subsistence fishery.

22  
23                   There's a map on Page 95 that has the  
24 Stikine River extent. You can see not very clearly,  
25 but if you look closely there is a difference in  
26 shading of the upper portions of the river. That lower  
27 portion is called Point Rothsay. And above that point  
28 your water's under Federal jurisdiction. Below that  
29 point is waters that are not. We're only concerned  
30 with waters -- Federal jurisdiction above that line  
31 that's initiated at Point Rothsay to the Canadian  
32 border.

33  
34                   All this land is Federal public land  
35 and waters. It's contained within the LeConte  
36 Wilderness Area. There's a customary and traditional  
37 use determination. Only those residents of Wrangell,  
38 Petersburg, and Meyers Chuck -- and that's defined as  
39 the -- north of the latitude of Point Alexander in  
40 District 6 to exclude residents of Prince of Wales  
41 Island. Those are the only residents that can  
42 participate in the Stikine River subsistence fishery.

43  
44                   The fishery has regulatory controls  
45 that are contained in both the Federal regulations and  
46 in the U.S., Canada Treaty. The Pacific Salmon  
47 Commission has a couple of provisions. I think we've  
48 discussed this a little earlier. One is that the in  
49 season manager would provide a summary of activities to  
50 -- or of the subsistence fishery to the Pacific Salmon

1 Commission on an annual basis. The other is that they  
2 provide a weekly harvest estimate to the Canadian and  
3 Alaska fish managers to account for the subsistence  
4 harvest.

5  
6 Those items that are clearly affect  
7 only the domestic portions of the management of this  
8 fisheries -- they can be changed independent of the  
9 Pacific Salmon Commission process. Those items that  
10 are part of the Pacific Salmon Treaty -- and they must  
11 be negotiated and changed within that Treaty process.

12  
13 There are some of these items,  
14 including the guideline harvest levels, that are part  
15 of both the Pacific Salmon Treaty and the Federal  
16 regulations. I do not believe that any of the proposed  
17 regulation changes would necessarily need to be  
18 included in the Pacific Salmon Treaty. They could be  
19 part of our Federal regulations.

20  
21 Generally speaking, stocks of salmon in  
22 the Stikine River are healthy. There are concerns with  
23 the Stikine River chinook salmon fishery. Although the  
24 subsistence fishery has been closed the last couple of  
25 years, the escapements have been attained. And there  
26 has been, you know, fish taken in the -- as incidental  
27 harvest in both the sports fishery and other commercial  
28 fisheries to the extent that it hasn't required, you  
29 know, a -- or it hasn't affected the escapements of  
30 chinook salmon to the river.

31  
32 The sockeyes numbers are -- they have  
33 always had -- since 2004, since this program has been  
34 implemented, there's always been an allowable catch.  
35 So that number goes up and it goes down, but it's --  
36 there has been an allowable catch.

37  
38 I think if you look on Page 97, it has  
39 a summary of those numbers. There's some tables that  
40 are -- maybe make a little more sense of the scale and  
41 scope of where we are with our harvests. You can see  
42 on Table 1 on Page 98, there's a preseason and a post-  
43 season forecast for chinook salmon. Table 2 is the  
44 sockeye salmon. Table 3 is coho salmon.

45  
46 One of the items that I think we  
47 referenced earlier in our conversation was that we  
48 don't have an in season run estimate for cohos. Of,  
49 you know, in season, in river estimates for cohos.  
50

1                   So if you look on Page 100, they talk  
2 about some harvest history. There's a long history of  
3 harvest of salmon in the Stikine River. Indigenous  
4 peoples relied on the Stikine River to provide fish and  
5 that tradition has remained with us until today.

6  
7                   If you look on 101, the table has the  
8 subsistence harvest of salmon in different species and  
9 also has the number of permits. I'd like to show in  
10 2014 we also have 124 permits issued, exactly the same  
11 as 213. And that is very much consistent with what  
12 we've seen in 2011, 2012 as well.

13  
14                   About 50 chinook -- we won't know the  
15 total number officially until we have all of our  
16 permits back, but I would guess that we will be  
17 someplace near 50 chinook. And those are almost all --  
18 and they may be all incident harvest in the sockeye  
19 fishery. So 50 chinook and approximately a little less  
20 than 2,000 sockeyes and about 100 cohos. Very similar  
21 to the last few years.

22  
23                   When we discuss harvests, there's a  
24 total harvest number. But there's also a harvest  
25 within the season. So if you were to look at a Pacific  
26 Salmon Commission publication and look to see what the  
27 sockeye harvest was, you will see not the number that's  
28 on Page 101. You'll instead see the number that's in  
29 Table 6 in 2002. So the harvest we care about is the  
30 harvest -- and that's reported within that venue is the  
31 harvest within that season. So you just need to be  
32 aware that that's the harvest that you may see in a  
33 Pacific Salmon Commission publication. It's not the  
34 total harvest. It's the harvest within the season.

35  
36                   And also for chinook salmon, in order  
37 to evaluate the quality of the escapements, we're only  
38 talking about king salmon that are 32 inches or longer.  
39 Those shorter king salmon are not part of the catch and  
40 they're not part of the total return estimates that you  
41 see that were used for determining what, you know, our  
42 allowable catch would be.

43  
44                   There's a discussion of the U.S. Canada  
45 Treaty process. And that's on Page 104 and 105 and  
46 106. We've referenced some of those items before  
47 regarding how the sockeye fisheries are managed. How  
48 the king salmon fisheries are managed. How the coho  
49 fishery is managed. How the allowable catch is  
50 calculated. That's all contained within those pages.

1 It's for your information and to make what is probably  
2 somewhat confusing and complicated -- it's actually  
3 not. It's just different. And it's something that is  
4 normally not part of our process. But it's important  
5 to understand that there really is this other set of  
6 regulations and this other process that is parallel to  
7 our own.

8

9 I think this is the first Staff  
10 analysis that you've seen that contains a color photo.  
11 If you look on Page 107, you will see -- hopefully one  
12 photo will suffice for a number of years. And I think  
13 in this photo, the main point of which is that you can  
14 see the layout of the net and the water movement, that  
15 the river is fairly swift with lots of water movement.

16

17 The trees in the summertime are right  
18 at the surface of the water. Sometimes it's hard to  
19 put your boat against some of these banks where the  
20 trees are growing down against it. That's not the case  
21 where there's large sandbars and things of course. But  
22 some of the places where people fish are very thickly  
23 grown over with bushes and trees.

24

25 The river is large. It's a very swift,  
26 very large river, and it's not for the faint of heart  
27 just to use this river without caution.

28

29 We have a preliminary conclusion. And  
30 I would like to just go through this because you've  
31 already taken one of these actions. The OSM  
32 preliminary conclusion is to support the two proposals  
33 with modification to eliminate the subsistence  
34 chinooks, sockeye, and coho salmon annual guideline  
35 harvest levels from Federal regulations and in the  
36 Treaty.

37

38 It's recommended that you do not  
39 require changing household annual harvest limits. You  
40 do not change existing Federal regulations that require  
41 recording fishery harvest information on permits.

42

43 You do not establish a daily fishing  
44 schedule. But you do require nets to be checked at  
45 least once a day. The idea being that that is a  
46 responsible way of conducting this fishery. If there  
47 are -- this is not the normal situation. People do not  
48 normally leave nets for long periods of time. That's  
49 my experience with this fishery. If there is somebody  
50 that leaves a net overnight or for more than 24 hours,

1 then that's a problem and we should have a regulation  
2 that prevents that. Because that's not responsible  
3 fishing.

4  
5                   And I think that I will -- the  
6 justification for that position is on Page 108 and 109.  
7 I could say that in addition to the information in  
8 here, I have done a number of interviews with  
9 subsistence fishers that -- during the course of the  
10 summer. And I have asked about the impact of seals or  
11 fish that they thought they may have harvested, but  
12 drop out later out of the net. And dropouts are  
13 something that is some concern in some fisheries.

14  
15                   It appears that in some cases,  
16 especially towards the end of the season where there  
17 are few fish in the river and very few -- maybe only  
18 one or two nets in the river, that they can attract a  
19 seal. And there is an effect by that seal on that net.  
20 If there is -- during the bulk of the season when there  
21 are numerous nets in the water and the fish are  
22 numerous, the effects of seal predation appear to be  
23 negligible.

24  
25                   I have also asked -- or negligible I  
26 think is not the right word. Because that's in the eye  
27 of the beholder. But it's at very little, low levels.

28  
29  
30                   I've also asked permit holders when  
31 they've reported and I do a weekly in season estimate  
32 by contacting people and doing telephone interviews.  
33 So I've asked them if they have a fish that is maimed  
34 or bitten by seals, do they count that fish or do they  
35 not count that fish. Under what conditions is it  
36 counted or not.

37  
38                   In all situations, if a person has fish  
39 that's salvageable, they salvage what they can and they  
40 count that fish. It is very much a personal preference  
41 whether a person that catches a fish knowingly has had  
42 that fish removed from their net and there's some  
43 evidence -- a piece of the fish, a jawbone or something  
44 -- whether or not they count that fish.

45  
46                   There's a number of people that count  
47 that fish without actually having collected that fish.  
48 But it seems to be that that's more of a personal  
49 preference and how they view their role in the world  
50 here. And so it doesn't seem to be that there's a

1 pattern there. But suffices it to say that some people  
2 count them if they know that they've killed them  
3 already and some people do not. If they don't take  
4 them, they don't count them.

5  
6 And if -- we can deal with some  
7 specifics of this proposal, but I think that that's  
8 probably good enough for now.

9  
10 Thank you.

11  
12 VICE CHAIRMAN BANGS: Thank you, Mr.  
13 Larson.

14  
15 Do we have any questions.

16  
17 MR. ISAACS: Mr. Chairman.

18  
19 VICE CHAIRMAN BANGS: Yes, Mr. Bloom.

20  
21 MR. ISAACS: Yes. Mr. Chairman, I'd  
22 like to just offer a grammar error. The word is  
23 chinook is chinook. It's part of the Haida language.  
24 It's not like Schindler's List. C-H-I-N. And I get a  
25 little -- I get perked up when I hear it pronounced  
26 like shinook. It's chinook. But it is part of the  
27 Haida language though. And I remember learning this  
28 from two my two Haida chinaws (ph).

29  
30 Thank you.

31  
32 VICE CHAIRMAN BANGS: Thank you, Mr.  
33 Isaac.

34  
35 So Mr. Bloom.

36  
37 MR. BLOOM: Thank you, Mr. Chairman.

38  
39 Mr. Larson, regarding your comments  
40 about responsible fishing, I'd like to ask you if you  
41 would consider that it's really -- often there are  
42 problems with making rules that can't be enforced. And  
43 so requiring nets to be checked at least once a day  
44 seems to me to be a very difficult regulation to  
45 enforce. You're not going to have an enforcement agent  
46 sitting, watching a net for 24 hours a day. Whereas  
47 establishing a fishing schedule would actually require  
48 that the net be checked once a day.

49  
50 So to me it would seem to be more

1 responsible in some ways if you -- if, you know,  
2 checking the net is really an important regulation that  
3 we want to get into effect, that if you established a  
4 fishing schedule you would automatically then have a  
5 rule that would be enforceable.

6

7 MR. LARSON: Mr. Chair. Thank you.  
8 That's a good observation and it's one that I should  
9 have dwelled on because it's, you know, a concern about  
10 if you have the regulations, you need to have only  
11 those regulations that are enforceable.

12

13 And we've had a discussion with the  
14 enforcement officers regarding this. And their first  
15 question was well, what is the intent. Well, the  
16 intent is to prevent people from leaving nets to the  
17 extent that any fish caught in those nets are not  
18 usable for food for people. And if that is the intent,  
19 then what we have is we have a whole bunch of users  
20 that will quickly identify nets that are set in a  
21 manner and long enough that they will be identified and  
22 there will be enforcement officers informed that this  
23 net has been left and it's no longer part of a  
24 responsible subsistence fishery. And they will deal  
25 with it. And they were comfortable with that.

26

27 They did not want to be put in a  
28 position where they were watching with a stopwatch  
29 about exactly when this net was going in and when it  
30 was going out. But if the intent is to have a fishery  
31 that results in fish that's suitable to eat and to  
32 prevent nets that are set and not being watched and  
33 wasting fish, well then they could enforce this  
34 provision.

35

36 Thank you.

37

38 VICE CHAIRMAN BANGS: Thank you, Mr.  
39 Larson.

40

41 Mr. Schroeder.

42

43 MR. SCHROEDER: Mr. Chair. Mr. Larson,  
44 since you mentioned enforcement, perhaps you could give  
45 some background. This fishery was very controversial  
46 when it was established. And now we're ten years into  
47 the fishery and this would be an appropriate time to  
48 address concerns that did come up because there were  
49 enforcement problems or other things that were brought  
50 to the attention of enforcement officers, such as

1 wanton waste or over-fishing or things like that.

2

3                   So could you comment on enforcement  
4 issues that have arisen or have not arisen during the  
5 ten years that this fishery has been executed.

6

7                   MR. LARSON: Mr. Chair. To the best of  
8 my knowledge, there has been regular patrols by the  
9 enforcement officers. We have representatives of the  
10 Forest Service that are in daily contact in the course  
11 of their other business up and down the river. I talk  
12 to most of those people, you know, during the course of  
13 the season. A number of them on a weekly basis.  
14 Different people -- I try to do different people. And  
15 there is both the State and Federal law enforcement  
16 officers that have an occasion to spend time on the  
17 river.

18

19                   There's been contacts -- a number of  
20 contacts. There's been advice given regarding the  
21 legibility of a person's name. Sometimes it gets --  
22 their buoy gets a little worn on one side and you can't  
23 quite see the name, so their guys contact them. And  
24 they make sure that your buoy stays legible and those  
25 sort of issues. They look at permits. Make sure that  
26 everybody has a permit. I am not aware of any  
27 citations that have been given by our law enforcement  
28 officers regarding inappropriate conduct on the Stikine  
29 River fisheries.

30

31                   VICE CHAIRMAN BANGS: Ms. Phillips.

32

33                   MS. PHILLIPS: Thank you, Chairman

34 Bangs.

35

36                   Mr. Larson, so when do they have to  
37 fill the permit out. When does a harvester fill it  
38 out. Do they fill it out everyday.

39

40                   MR. LARSON: Ms. Phillips, the  
41 provision that is in the regulatory proposal that  
42 specifies that the day, location, species, and number  
43 of fish harvest to be recorded prior to leaving the  
44 fishing location. The day, the species, and the number  
45 of fish harvested is already a requirement. So.....

46

47                   MS. PHILLIPS: And where is that.

48

49                   MR. LARSON: Well, if you look on Page  
50 93, it might be the easiest. At the very top, where it

1 talks about what the proposal is. So that proposal  
2 under part three, it says that it wants to require the  
3 day, location, species, the number of fish harvested be  
4 recorded prior to leaving the fishing location. That  
5 information, except for the specific location, is  
6 already required. But however, we do leave a space  
7 on the permit for the specific location.

8  
9 A lot of times these -- you know, the  
10 locations are essentially the same. So we don't use  
11 that. It's whether it's the -- you know, 100 yards  
12 here or 100 -- that's not the requirements that we  
13 require. But we do provide a place if they wish to  
14 include that.

15  
16 But the day, species, number of fish  
17 harvested is a requirement prior to leaving the fishing  
18 location. The idea is that if you have fish, then you  
19 need to have some document that explains how you have  
20 these fish in your possession. So that's how that  
21 does. It's for the protection of the fisherman.

22  
23 And the best of my knowledge that that  
24 is well understood. And when we have contacts with the  
25 fishers, that we have that discussion with them. And I  
26 don't see that as something that's not being done  
27 presently and it is a requirement.

28  
29 MS. PHILLIPS: Thank you. I didn't  
30 realize it was a requirement when the AC is requesting  
31 it be a requirement. So it was kind of confusing to  
32 me.

33  
34 So thank you.

35  
36 VICE CHAIRMAN BANGS: Thank you, Patty.

37  
38 Anyone else.

39  
40 Patty.

41  
42 MS. PHILLIPS: Thank you, Mr. Chair.  
43 So you mentioned earlier that the Treaty discussions  
44 about net tending needed to be addressed. Does this  
45 modification address net tending that would suffice the  
46 Treaty process?

47  
48 MR. LARSON: It's my opinion and the  
49 opinion of the Staff that's produced the OSM  
50 recommendation that it does.

1 VICE CHAIRMAN BANGS: Mr. Douville.

2

3 MR. DOUVILLE: Thank you. On the  
4 Canadian side they have a subsistence fishery; is that  
5 correct? And how does their regulation read for net  
6 tending. Do you have any idea what the wording might  
7 be.

8

9 MR. LARSON: It's -- I do not. And  
10 it's not for lack of trying. But the subsistence  
11 fishery on the Canadian side is done through an  
12 agreement with the First Nations. They have an  
13 integral part in the management of that fishery. It's  
14 my understanding -- and I believe this is an accurate  
15 statement -- that they have a very close and accurate  
16 way of evaluating and accounting for their fish. But I  
17 don't know exactly the wording of their net tending.

18

19 I have been in the areas and been on  
20 the river to see those nets. The technique is very  
21 similar to the technique that is most effective on the  
22 U.S. side. As a matter of fact, if you can recall  
23 there was a picture in the presentation regarding  
24 subsistence fisheries from Jeff Reeves that had a  
25 picture of the Stikine River and a set net. And that  
26 was not a U.S. set net. That was a Canadian set net.  
27 And at the time that was taken I did not see a person,  
28 you know, there. There were persons around, but I --  
29 you know, there was not anyone obviously at that net.

30

31 So I don't really know. But I do know  
32 that their total number of fish that is reported to the  
33 Pacific Salmon Commission as harvested under their  
34 program -- I have no reason than to they're anything  
35 other than completely accurate, and it's very closely  
36 monitored.

37

38 VICE CHAIRMAN BANGS: Mr. Douville,  
39 follow up.

40

41 MR. DOUVILLE: Thank you. While I'm  
42 reluctant to add layers of regulation onto subsistence  
43 users, it seems to be of concern by the Canadians and  
44 also the two AC's, Wrangell and Petersburg, is  
45 accountability. We have a concern here that, you know,  
46 you're not going to be accountable just with a simple  
47 regulation. Was any thought given to adding a  
48 provision on a permit where you would keep a daily log  
49 of when you checked your net?

50

1 VICE CHAIRMAN BANGS: Mr. Larson.

2

3 MR. LARSON: Mr. Chair. I just wanted  
4 to double check and make sure I was exactly accurate in  
5 my characterization of the aboriginal fishery in Canada  
6 and I didn't misspeak somehow. So I was getting some  
7 review -- kind of ex parte review of that discussion.  
8 So I apologize. I wasn't clearly understood the  
9 question that Mike had. So if it could be repeated.

10

11 VICE CHAIRMAN BANGS: Okay. Mr.  
12 Douville.

13

14 MR. DOUVILLE: Okay. Thank you. I  
15 guess the basic question I had -- was any thought given  
16 to because there's so much concern over accountability  
17 by both the Canadians and the AC's in Wrangell and  
18 Petersburg, was any thought given to providing a space  
19 on the fishing permit for a daily log or a log of when  
20 you attended your net. I mean that would give a little  
21 more accountability and still perhaps not be such a  
22 burden.

23

24 MR. LARSON: Mr. Chair. Not in  
25 changing the content or the format of the permit  
26 themselves. I have had -- this summer, as part of my  
27 communications with permit holders, I've asked them,  
28 you know, when did you check it. You know, did you  
29 leave it overnight. How long was it set between these  
30 time periods. And it's somewhat variable, but it --  
31 you know, typically -- depending upon if people are  
32 catching one fish a day or one fish an hour, you know,  
33 it's quite variable.

34

35 And it's not the kind of information  
36 that -- I don't think that we would need for management  
37 of the fisheries. And as far as accountability of the  
38 harvest, I think this is maybe an appropriate time to  
39 convey comments made by the Canadian co-chair of the  
40 Transboundary Panel at our meeting last year, this  
41 January of this year when that discussion came up  
42 regarding accountability.

43

44 And I explained, you know, how we go  
45 about developing our in season estimates and then  
46 determining what the total post-season catch was. And  
47 that's really the number that most people care about,  
48 is the post-season catch. What's the total catch.

49

50 And the Canadian co-chair told me that

1 this appeared to be one of the most accurate  
2 methodologies that he's experienced both in -- and he  
3 has experience with the Yukon River as well as the  
4 Transboundary Panels. That this is, you know, one of  
5 the best estimates of a catch that he's seen. And it's  
6 a fairly high confidence that the number of fish we're  
7 reporting is exactly what we caught. So that was a  
8 commendation from the Canadian co-chair.

9

10 VICE CHAIRMAN BANGS: Thank you.  
11 Anyone else.

12

13 MS. PHILLIPS: Mr. Chair.

14

15 VICE CHAIRMAN BANGS: Ms. Phillips and  
16 then Mr. Schroeder.

17

18 MS. PHILLIPS: So this -- you know, the  
19 Council has had the support of the Federal Subsistence  
20 Board in the allocation of time of our Council  
21 coordinator and our Council member to attend these  
22 Transboundary Pacific Salmon Treaty Commission  
23 meetings. And so that we could as a Council have good  
24 information from which to base our decision-making  
25 upon. But that being said, is it responsible of us to  
26 ignore anecdotal reports of nets left with, you know,  
27 less than quality fish for subsistence purposes.

28

29 And I mean Mr. Schroeder indicating  
30 that -- and he's correct. Ten years later. It took us  
31 a while to get it through in the first place. And it  
32 wasn't a new fishery. It was a revitalization of a  
33 traditional practice that used to occur.

34

35 So is it appropriate of us to find --  
36 or to evaluate and to make recommendations for changes  
37 to make it an even better fishery that -- you know,  
38 because we are concerned -- you know, we do have  
39 responsibility for conservation of a sustainable stock.  
40 So I have to ask myself. I've heard anecdotal reports.  
41 And so what am I to do as a member of the Council when  
42 I hear that.

43

44 And then I appreciate that you make  
45 weekly phone calls to fishers, but those are the good  
46 guys. They're not the ones that are breaking the  
47 rules. So what are we to do about that. I don't know.  
48 I mean just ignore that they're there and they're not  
49 very much of a percentage of the actual harvest? I  
50 mean those are the kind of questions that I'm asking

1 myself.

2

3                   So anyways, I just wanted to -- I don't  
4 know what my question is, other than I'm expressing a  
5 concern.

6

7                   Thank you.

8

9                   VICE CHAIRMAN BANGS: Thank you, Patty.

10

11                   MR. LARSON: Mr. Chair, may I. I, too,  
12 have heard that there are nets that are not being  
13 tended properly and there is fish wasted. I have spent  
14 years investigating and trying to identify whether or  
15 not there's any truth to that. And I have not found  
16 one instance where that is in fact true.

17

18                   VICE CHAIRMAN BANGS: Thank you, Mr.  
19 Larson.

20

21                   Mr. Schroeder.

22

23                   MR. SCHROEDER: Just maybe a quick  
24 question to Bob on the issue of tending nets. I know  
25 there are quite a few both Federal and State fisheries  
26 around the State where there is either subsistence or  
27 personal use fishing with nets. And if you could give  
28 just a very quick review of what the net tending  
29 requirements are. Because my impression that  
30 occasionally nets have to be very closely tended. And  
31 I believe that's true for sockeye and the Situk, but  
32 not for king salmon -- excuse me. Yes. Not for king  
33 salmon in Yakutat. Probably isn't true at all on the  
34 Kuskokwim and Yukon Rivers.

35

36                   And I expect there's quite a bit of  
37 variability there. If you just could give us a just a  
38 quick thumbnail of what the overall situation is for  
39 net tending.

40

41                   MR. LARSON: Mr. Chair, I can try. And  
42 I think the most accurate thing I could say about that,  
43 it's very variable. And it's very much site specific.  
44 In the Chilkat River, it's a fairly recent requirement  
45 that nets are tended. So you hold on. You're there at  
46 your net while it's fishing.

47

48                   I don't think that within the Federal  
49 program there is anyplace that requires a constant  
50 monitoring of nets. As a matter of fact, I don't know

1 that there's anyplace within the Federal fishery where  
2 there is a requirement for a net tending schedule. I  
3 think you'll be breaking new grounds here.

4

5 Now, that's not true for fishwheels.  
6 So for instance in the Copper River, there's a  
7 requirement that a fishwheel catch box must be emptied  
8 at least once a day. In the State -- the personal fish  
9 fisheries, there are -- and then I believe that the  
10 Taku River is one of those that has a net tending  
11 requirement. But I believe that it's not the standard  
12 for State subsistence fisheries.

13

14 There is a requirement in Kodiak, I  
15 believe, where you have to be within sight of your net.  
16 But I don't think there's a requirement that you  
17 actually tend it or do something with it.

18

19 So it's variable. And I think it's  
20 site specific. And I think that it's very much  
21 dependent upon the need.

22

23 VICE CHAIRMAN BANGS: Thank you, Mr.  
24 Larson.

25

26 Mr. Yeager.

27

28 MR. YEAGER: Thank you, Mr. Chair. I  
29 understand this specific time is designed for questions  
30 with Mr. Larson. But would you allow me to make one  
31 comment regarding this that I feel might be helpful to  
32 the Council?

33

34 VICE CHAIRMAN BANGS: Go ahead.

35

36 MR. YEAGER: And I don't mean to break  
37 the rules of the proceedings here, but if you would  
38 allow me to do that.

39

40 VICE CHAIRMAN BANGS: Yeah. As long as  
41 you can kind of summarize.

42

43 MR. YEAGER: Yes, sir. I'm just going  
44 to straight shoot this. The net tending issue here --  
45 I don't feel it needs to be blown out of proportion.  
46 Seal predation is basically the premise for the net  
47 tending.

48

49 Whether it's the Canadian or AC's or  
50 whoever saying we need to tend the nets, if we focus on

1 the fact that the Canadians say we're not tending nets  
2 -- well, the two entities that I feel -- and have  
3 contacted with -- that say we're not tending nets or  
4 running commercial fish up and down the Stikine. Who  
5 knows.

6

7                   They could have gone by and that net  
8 could have just been pulled and that guy could be  
9 cleaning his fish at his cabin, ready to go. Okay.  
10 They could be in Wrangell and going right back up  
11 again. And miss another opportunity that this person  
12 has already pulled their net. Both times up and down  
13 the river they see no one at that net.

14

15                   The proposal put in by the Wrangell AC  
16 was done by one person two years ago pulled a net and  
17 there's six sockeye heads in it. Okay. All I'm trying  
18 to say here is that we've heard the seal predation is  
19 not a huge issue. It's not creating a stock concern.  
20 I understand the resource and need for accountability;  
21 however, I hope that can kind of bring it down a little  
22 bit into some context that people understand.

23

24                   Thank you.

25

26                   VICE CHAIRMAN BANGS: Thank you, John.

27

28                   Do you have any comment on that, Mr.

29 Larson.

30

31                   MR. LARSON: (Shakes head negatively)

32

33                   VICE CHAIRMAN BANGS: Okay.

34

35                   Thank you.

36

37                   Anyone else have a question for Robert.

38

39                   (No comments)

40

41                   VICE CHAIRMAN BANGS: I just have one  
42 quick comment. The way the preliminary conclusion came  
43 out on the justification on the part of OSM, I was a  
44 little bit taken by the additional concerns about being  
45 a very responsible fisherman. You know, we don't leave  
46 our nets in for long periods of time. But OSM really  
47 didn't give us any kind of a feeling on what their  
48 thoughts were for any kind of regulation or requirement  
49 for it. Although they say you've got to check it once  
50 a day, but there's no indication other than being

1 responsible and there's no guidelines for being  
2 responsible. That's why I was a little confused.

3

4 But anyway, thank you.

5

6 So thank you for your presentation.  
7 And if there's no more questions, we'll move on to the  
8 State's presentation.

9

10 MS. YUHAS: Thank you, Mr. Chairman.  
11 And I can be concise. For the record, my name is  
12 Jennifer Yuhas, representing the Alaska Department of  
13 Fish and Game at this meeting.

14

15 For these two proposals, procedurally  
16 you would like us to bring an official position. And  
17 so our official position for the meeting at the  
18 beginning of the meeting is to support the proposal 13  
19 and then take no action on Proposal 14, based on action  
20 taken on 13.

21

22 We fully expect you to make some  
23 modifications to the specifics. And, you know, we  
24 heard new public testimony. All we get is the proposal  
25 and then we're supposed to read the Staff analysis and  
26 make a recommendation.

27

28 We're curious to see how your  
29 modifications will turn out and what product will come  
30 from this meeting. And so we may have a different  
31 recommendation by the time it goes to the full Board.

32

33 That's all I have.

34

35 VICE CHAIRMAN BANGS: Thank you,  
36 Jennifer.

37

38 Any questions.

39

40 (No comments)

41

42 VICE CHAIRMAN BANGS: Thank you.

43

44 Okay. Are there any other Federal  
45 agencies with comments.

46

47 (No comments)

48

49 VICE CHAIRMAN BANGS: Native Tribal  
50 Village.

1 (No comments)  
2  
3 VICE CHAIRMAN BANGS: Other InterAgency  
4 Staff comments.  
5  
6 (No comments)  
7  
8 VICE CHAIRMAN BANGS: Park service.  
9  
10 (No comments)  
11  
12 VICE CHAIRMAN BANGS: Okay. The  
13 summary of written comments. Mr. Larson.  
14  
15 MR. LARSON: Thank you, Mr. Chair. The  
16 written comments for these two proposals are part of an  
17 Appendix A. It's included in your book on Page 197.  
18  
19 In the executive summary, on Page 92 of  
20 your book, you'll see there is four in support, two in  
21 opposition, one with support with modifications.  
22 However, those comments are generally fairly detailed  
23 and not clearly categorized in words so simple.  
24  
25 There is a comment from Chris  
26 Guggenbickler and he is in support of the proposal.  
27 And references that this proposal was done as part of a  
28 public process, both the Wrangell Advisory Committee  
29 and the Petersburg Committee. And he's witnessed that  
30 some nets are in the water for extensive periods at a  
31 time. During the summer, there's a few places on the  
32 Stikine River where people can fish. And there are  
33 seals. And the intent of their proposal is to minimize  
34 the harvest of fish by seals such that subsistence  
35 users -- they would be available to subsistence users.  
36  
37 There is a comment from a John Hoag.  
38 He's a resident of Petersburg. And he opposes these  
39 two proposals. He's a subsistence fisher that fishes  
40 on the river and has done for a number of years. And  
41 recommends that -- well, not just recommend. He says  
42 he disagrees that these proposals would have the  
43 desired effect. And he has a recommendation that, you  
44 know, another requirement would be that nets be  
45 checked at least, you know, once every eight hours and  
46 a log be kept on the net so the owner could record when  
47 he was there.  
48  
49 James Edens of Wrangell has comments on  
50 these two proposals. He's concerned that these two

1 proposals would diminish the subsistence priority for  
2 taking fish and wildlife. We certainly don't need  
3 those regulatory changes to conserve healthy fish and  
4 wildlife populations. Establishing a harvest cap does  
5 not provide for a preferential use. And he has an  
6 observation that attending nets has only a moderate  
7 impact on any predation that might be happening by  
8 seals. They're not easily intimidated if they want to  
9 take a fish from your net. So there's a number of  
10 people that have observed fish being chased or fish  
11 being taken from nets, you know, by seals.

12

13                   The United Southeast Alaska Gillnetters  
14 -- they support these two proposals. They support the  
15 harvest caps and they support nets being tended. They  
16 suggest that the Forest Service provide an estimate of  
17 wasted fish, fish that are somehow impacted by the  
18 fishery and not counted towards the harvest.

19

20                   The Wrangell Cooperative Association --  
21 that's the Tribal government in Wrangell -- they  
22 support the idea of having a guideline possibly as a  
23 percentage of the total predicted run. They're not in  
24 favor of harvest caps. They are in favor of limiting  
25 waste and providing for accurate for accurate harvest  
26 counting. Timely net tending would help ensure that  
27 all subsistence users have fair access to a limited  
28 number of fishing sites. Nets should be properly  
29 identified.

30

31                   And the Petersburg vessel owners --  
32 they support the two proposals. They're in favor of  
33 avoiding fish, wasting fish that may be captured in  
34 gillnets, and there should be an annual estimate of any  
35 fish that may be killed, but not counted.

36

37                   The Southeast Alaska Fisherman's  
38 Alliance supports these two proposals. They would be  
39 in favor of a harvest cap. And they're in favor of  
40 adjusting limits to stay within the cap. The hours is  
41 reasonable fish management if you wanted to avoid  
42 wastage of fish that are captured by seals.

43

44                   And there are two additional public  
45 comments that have been submitted that are not part of  
46 Appendix A. If I could, I would like to just read  
47 those into the record so everybody could hear it.

48

49                   The first is by Penny Allen. She's a  
50 resident of Wrangell.

1 She states I am unable to attend the  
2 meeting, so I am writing a quick letter  
3 to oppose the proposal that would limit  
4 sockeye fishing hours to 4:00 a.m. to  
5 9:00 p.m. and that nets will be closely  
6 attended while in the water. There is  
7 no difference in the number of fish  
8 eaten by seals whether you are there or  
9 not. This season we caught very fish,  
10 not even close to the quota. We let  
11 our net sit all day and all night.  
12 There was no loss to seals. The years  
13 we did see loss to seals, we moved our  
14 net. We don't want to pick out a half-  
15 eaten fish.  
16

17 There are a few people who disregard  
18 the rules. I'm assuming this may be  
19 another reason for the proposal was  
20 brought forward. But no matter how  
21 many rules you put out, the rule  
22 breakers are paying no attention until  
23 the regulations are enforced.  
24

25 The other written public comment that's  
26 not in Appendix A is from Greg Wood, a resident of  
27 Wrangell.  
28

29 He says I am writing in support of the  
30 OSM preliminary conclusion that's  
31 listed in the Council book for  
32 Proposals FP15-13 and 14. The fishery  
33 is important to my household. It's a  
34 part of our lifestyle. And it's from  
35 this perspective that I wish to  
36 comments. I believe the OSM  
37 preliminary conclusion reflects an  
38 understanding that this is a  
39 subsistence fishery and must be managed  
40 for the benefit of subsistence users.  
41 I feel OSM's justification is on track  
42 and well-stated.  
43

44 I agree that a daily fishing schedule  
45 is not necessary and that there is not  
46 a justifiable need to require all nets  
47 be closely attended while they're in  
48 the water. As a practice, I tend my  
49 own net closely. I have fished at  
50 least as many days without witnessing

1 any seal predation as I have with. The  
2 worst predation I have experienced  
3 resulted in a 20 percent loss of fish I  
4 assume to seals. The average on days  
5 when the predation was less. Overall,  
6 I have not experienced substantial  
7 losses to seals.  
8

9 He ends with it appears obvious to me  
10 that nets in place for -- I'm going to  
11 read the whole last paragraph. I'm not  
12 going to -- okay. I appreciate the  
13 reference in the OSM preliminary  
14 conclusion to standard practices for  
15 responsible fishers. I believe that  
16 practices by fishers who are not  
17 responsible present a potentially far  
18 greater concern than seal predation. A  
19 well set net in a prime location during  
20 the peak of the run does not need to be  
21 in the water for days on end to secure  
22 a household limit. It appears obvious  
23 to me that nets in place for extended  
24 periods relative to the strength of the  
25 run are extremely likely to catch more  
26 than allocations allow. This is an  
27 issue for enforcement that needs to be  
28 addressed.  
29

30 VICE CHAIRMAN BANGS: Thank you, Mr.  
31 Larson.

32  
33 Okay. We have two more public  
34 testimonies regarding this proposal. And then it would  
35 be time for the Council to go into deliberations. And  
36 I think at that point when we're through with this,  
37 we'll decide how we want to carry on with the evening.  
38

39 So thank you, Mr. Larson.

40  
41 And the first public testimony is Gary  
42 Allen, Jr. Is Gary here?

43  
44 (No comments)

45  
46 Chris Guggenbickler.

47  
48 MR. GUGGENBICKLER: Good afternoon,  
49 Chair. Members of the Council. I'm Chris  
50 Guggenbickler, Wrangell resident. I had a previous

1 engagement, so Brendan's taken over the Advisory  
2 Committee testimony. But I'll kind of be trying to do  
3 a summary.

4  
5 I'm the Chair of the Wrangell Advisory  
6 Committee. I've sat through a lot of meetings. Four  
7 in Wrangell and one in Petersburg and the WAC.

8  
9 So as you can see in the picture, the  
10 Stikine is a very large river. There's a lot of water  
11 coming down compared to fish and there's very few  
12 places that are good to -- when these fish collect.

13  
14 So consequently you've heard testimony  
15 that there's one rock that's about half the size of  
16 this room, you can get about three nets, sometimes  
17 five. There's two other back eddys that are fair. And  
18 other than that, there's not a lot of other good  
19 places.

20  
21 Some individuals that are retired or  
22 have more time than others are up there all the time.  
23 And we've heard testimony that individuals are having a  
24 hard time getting their subsistence needs met because  
25 they can't find -- the can't get into a good spot. So  
26 the run will surge and you've got to be there at the  
27 right time. So we've heard that they're having a hard  
28 time getting that.

29  
30 Patty mentioned about enforcement. We  
31 had the local Wrangell and the Petersburg Federal  
32 enforcement officers come to our meeting and worked  
33 with us. They don't feel that they can enforce this  
34 fishery. They can see the nets, but they can never --  
35 they're not there to see people and check their tags.  
36 And there's just -- there's no accountability there.  
37 They can't enforce the rules there.

38  
39 I've watched one net pulled. I seen  
40 one dog salmon in it and three coho heads. So it's  
41 funny how the seals will pick out what they want to  
42 eat, but they will -- most of us understand how these  
43 seals work. And we've heard from Mr. Stow earlier on  
44 how many seals are on the river. And their predation  
45 becomes a learned behavior. They're also fishing the  
46 back eddy. That's where the fish are accumulated.

47  
48 So the net tending portion of this is  
49 that when you catch your fish, you check your net often  
50 and you're going to get the fish and the seals aren't.

1 The seals may or may not get their portion, but it  
2 doesn't come out of the U.S. allocation. That comes  
3 out of its own harvest.

4

5 Earlier there was a discussion about  
6 the vote on this proposal at the Wrangell Advisory  
7 Committee. That vote was actually fourteen to one. So  
8 Mr. Yeager being the dissenting vote in that, it wasn't  
9 that controversial. We have individuals who consider  
10 themselves subsistence representatives on that  
11 committee.

12

13 I have one individual that had -- it's  
14 anecdotal. A guy saw this guy. He had over 102  
15 sockeye in one set. He came back in the morning and  
16 there was 102 sockeye in his net. What happens there.

17

18 I believe Robert most of the seine  
19 fisheries all require you to tend your net. Someone to  
20 be there to watch their net.

21

22 So the Wrangell AC left the closely  
23 attended part up to you to define what you feel is  
24 right as far as closely attended in this fishery. And  
25 so I'm not trying to preclude -- we're not trying to  
26 preclude anybody from being able to get their  
27 subsistence needs. We just want to see a responsible  
28 fishery.

29

30 The timing thing I thought was a good  
31 idea. Maybe if they check it three times a day and the  
32 enforcement officer knows somebody's going to be there  
33 at 2:00, maybe that can work. But whoever put one a  
34 day in the OSM deal -- once a day, they're probably not  
35 real familiar with seal and fish behavior. Matter of  
36 fact, if I'm going to feed my family or fish, I  
37 probably don't want us sitting there all day.

38

39 So thank you.

40

41 VICE CHAIRMAN BANGS: Thank you, Mr.  
42 Guggenbickler. Any questions.

43

44 Mr. Bloom and then Cathy.

45

46 MR. BLOOM: Yes. Could you tell me how  
47 many members of the public attended those five meetings  
48 you mentioned. And also I didn't quite understand what  
49 your point was with the 102 fish in the net. If you  
50 could explain that.

1 MR. GUGGENBICKLER: Okay. There was  
2 different members. Mr. Stowe came to one of our  
3 meetings. There was other individuals that came that  
4 -- I don't know the exact number, but it was in the  
5 five to seven range. There was also other individuals  
6 that I polled to try and get their impression. I have  
7 a friend also that lives up there in a cabin near Mr.  
8 Yeager. And he hasn't subsistence fished very often,  
9 but when he does he has a hard time getting his net  
10 where he wants to get it.

11  
12 So the 102 was just the fact that this  
13 guy's net wasn't tended. He left it out for a longer  
14 period of time. When he came back there was more than  
15 his limit in the net. What do you do there.

16  
17 VICE CHAIRMAN BANGS: Any other  
18 questions.

19  
20 MS. PHILLIPS: Mr. Chair.

21  
22 VICE CHAIRMAN BANGS: Yes, Ms.  
23 Phillips.

24  
25 MS. PHILLIPS: Thank you, Chairman  
26 Bangs.

27  
28 Somewhere in here I read that  
29 enforcement was at that AC meeting. I don't know if it  
30 was your meeting or at a Petersburg meeting, but they  
31 were asked the question if the seal predation had to be  
32 reported on the permit. And enforcement indicated that  
33 it did need to be on the permit. Is that a well  
34 understood requirement.

35  
36 MR. GUGGENBICKLER: I don't know if  
37 that's well understood between the users. But  
38 protection actually looked it up in our meeting. That  
39 was the meeting where both the Wrangell and the  
40 Petersburg officer were there. And they looked it up  
41 and they said that is part of your harvest limit. So a  
42 part of your 20 fish, if a seal eats five of them, that  
43 was your take. So I'm not convinced that everybody's  
44 writing that down or even who's aware of that. Or even  
45 that -- yeah -- that fish is there when they come back.

46  
47 VICE CHAIRMAN BANGS: Any other  
48 questions.

49  
50 (No comments)

1 VICE CHAIRMAN BANGS: I had one quick  
2 question. If the enforcement was there and they said  
3 that they couldn't enforce the regulations that are in  
4 existence now for responsible fishing, how are they  
5 going to monitor net tending if it's in a situation  
6 where you can't actually be by your net. Which we  
7 heard testimony that you couldn't be by your net all  
8 the time. Just the nature of the river isn't such.  
9 And so how is enforcement going to enforce the  
10 regulations if we were to adopt them.

11  
12 MR. GUGGENBICKLER: I believe closely  
13 attended or within sight of your net, that they're  
14 going to -- somebody's going to be within sight. You  
15 know, if you're on a bluffy shoreline of the river, the  
16 other side's usually shallow and sandy. So somewhere  
17 they can be within sight of their net or closely  
18 attended. Whatever you define. They need to either be  
19 within two hours. As Petersburg said, well, he's there  
20 for two hours. You better show up.

21  
22 VICE CHAIRMAN BANGS: Okay. Thank you.

23  
24 Any other questions for Mr.  
25 Guggenbickler.

26  
27 (No comments)

28  
29 VICE CHAIRMAN BANGS: Hearing none.  
30 Thank you.

31  
32 Okay. We're at the point where -- oh.  
33 Mr. Larson has some more information.

34  
35 MR. LARSON: Thank you, Mr. Chair. I  
36 have had some discussions with the law enforcement  
37 section and the regulatory specialists. And we've  
38 agreed that the information that was provided to the  
39 Wrangell AC by the enforcement officer at that time was  
40 likely not the correct interpretation of our  
41 regulations.

42  
43 So the correct interpretation is that  
44 if a person doesn't take that fish -- if he doesn't  
45 have it in his hand, then he doesn't have to count it.  
46 So that's correct.

47  
48 And that is one of the reasons why last  
49 summer when I was interviewing the fishers I asked them  
50 about their practices about recording if there was a

1 fish that was killed, but they didn't retain it, would  
2 they could it or would they not. And there was quite a  
3 bit of variability in their responses. Everybody that  
4 had fish that was salvageable at some point -- if they  
5 could salvage anything of it, that they usually  
6 salvaged it and then they counted it. But if they  
7 didn't take it, but there was some evidence that there  
8 was a fish there -- a jawbone or something that had  
9 been where the fish had been taken -- it was not clear  
10 whether or not the person would count it or not.  
11 That's a personal preference.

12

13 But there is no requirement under  
14 Federal rules to count that fish.

15

16 Thank you.

17

18 VICE CHAIRMAN BANGS: Thank you, Mr.  
19 Larson.

20

21 Well, we're at now the point of  
22 deliberating.

23

24 You had a question, Mr. Yeager.

25

26 MR. YEAGER: Mr. Chair, the individual  
27 that you called prior to Mr. Guggenbickler has showed  
28 up. Is it too late for him to be able to speak on this  
29 proposal or would you prefer not.

30

31 VICE CHAIRMAN BANGS: Sure. He can  
32 testify. If that Mr. Gary Allen, Jr.

33

34 MR. YEAGER: Thank you, Mr. Chair.

35

36 VICE CHAIRMAN BANGS: We just have to  
37 be mindful of the time. So hopefully you can get to  
38 the point. That would be -- and please state your name  
39 for the record.

40

41 MR. ALLEN: Gary Allen, Jr., lifelong  
42 resident here in Wrangell, a subsistence user for the  
43 Stikine River.

44

45 I'd just like to say I'm totally  
46 against this whole tending your net. We're kind of  
47 weekend warriors. We go up for the weekend. Try and  
48 catch our fish. We try and smoke and process our fish  
49 while we're up there. If we've got to sit and tend our  
50 net -- excuse me. We don't really have time to come

1 down and process our fish. Smoke and can and do all  
2 that stuff.

3

4 To me, it would be like a form of child  
5 abuse, having to sit there on your net all this time  
6 with all this gears and stuff up there. But to me, I'm  
7 just totally 100 percent against it. It just makes no  
8 sense to me. I don't know where it come from, but to  
9 me this whole thing's kind of crazy.

10

11 VICE CHAIRMAN BANGS: Thank you. Are  
12 there any questions.

13

14 Ms. Phillips.

15

16 MS. PHILLIPS: Thank you. How often  
17 are you tending your net?

18

19 MR. ALLEN: We check it everyday. But  
20 we have property up the river, so it's just a few miles  
21 to check our net. This year we only fished for a few  
22 days. But -- yeah. I mean we're tending it everyday.  
23 Usually a lot of times twice a day. We'll check it in  
24 the morning and then in the afternoon.

25

26 VICE CHAIRMAN BANGS: Thank you. Any  
27 other questions.

28

29 Frank.

30

31 MR. WRIGHT: Thank you, Mr. Chair. You  
32 know, I don't know anything about this fishery, you  
33 know, so I don't know how many nets or how many places  
34 you fish. I don't know if you're the right person to  
35 ask, but do you guys rotate. Because I see 124  
36 permits.

37

38 MR. ALLEN: Yeah. Sometimes it's hard  
39 to get in some good areas. And finding a good area  
40 sometime is kind of hard. But yeah, there's several  
41 areas. I mean we're fishing probably 15 miles of the  
42 river basically that you can fish. And, you know, you  
43 want to try to get in some good back eddys and stuff  
44 like that. So we prefer to fish as close to the cabin  
45 as we can just to, you know, save on fuel and stuff  
46 like that. But we've got some nice, little honey holes  
47 that are fairly close.

48

49 VICE CHAIRMAN BANGS: Any other.

50

1 Mr. Bloom.

2

3 VICE CHAIRMAN BANGS: Yes. If you tend  
4 your net twice a day, why would you be against a  
5 regulation requiring you to tend your net twice a day.

6

7 MR. ALLEN: Well, we also keep it there  
8 overnight. I mean a lot of your good sets are  
9 overnight through the tides. And then when you check  
10 it in the morning, then you have your fish. You can  
11 bring your fish down. Process your fish. Start  
12 smoking and all that stuff. But if you've got to sit  
13 there right on your net, how are you going to process  
14 your fish and stuff -- if you're sitting there watching  
15 your net.

16

17 Like I said, we're kind of weekend  
18 warriors. I don't have all week to sit up there and  
19 fish. My family goes up on the weekends. We try and  
20 process and do everything we can there. But if we've  
21 got to sit down on our net, you're kind of taking away  
22 that time.

23

24 VICE CHAIRMAN BANGS: Do you have a  
25 follow up.

26

27 MR. BLOOM: Thank you. Yeah. I  
28 understand what you might be saying about having to  
29 tend your net all the time -- be on it. But if there  
30 was a requirement that was somehow enforceable that you  
31 tended it twice a day, why would you be against that.

32

33 MR. ALLEN: I'm just against having to  
34 sit there by your net, I guess it would be, I mean like  
35 I say, we're going down -- running down to our cabin,  
36 so we ain't sitting there watching our net. But I mean  
37 we're check -- like I say, once early in the morning  
38 and once late at night. And then this whole thing of  
39 setting over night to me is my big beef.

40

41 VICE CHAIRMAN BANGS: Any other  
42 questions.

43

44 (No comments)

45

46 VICE CHAIRMAN BANGS: Well, thank you,  
47 Mr. Allen, for your testimony.

48

49 MR. JACKSON: I have one comment to  
50 make, please.

1 VICE CHAIRMAN BANGS: Oh, excuse me.  
2 Go ahead, Ken.  
3  
4 MR. JACKSON: Mr. Chairman, I have a  
5 hard time listening. That our subsistence is so much  
6 different than what yours is. We fish. We have to run  
7 30, 40 miles to get ten fish or twenty fish in one day.  
8 We can't take more than ten fish in some areas.  
9  
10 MR. ALLEN: Uh-huh. (Affirmative)  
11  
12 MR. JACKSON: But we have to be holding  
13 onto our net. We can't let it touch the ground. And,  
14 you know, we have to clip the fins off it so they'll  
15 make sure we don't well it. And, you know, it's -- and  
16 law enforcement is around us all the time. I mean the  
17 State Troopers are -- either they're flying or they're  
18 running their boats by us and the most we can get is 25  
19 annually in one place.  
20  
21 MR. ALLEN: Uh-huh. (Affirmative)  
22  
23 MR. JACKSON: So I have a hard time  
24 with we have to be on those, we can't leave our nets  
25 overnight. But thank you for your comments.  
26  
27 MR. ALLEN: Sure.  
28  
29 VICE CHAIRMAN BANGS: Thank you, Ken.  
30  
31 Any other questions.  
32  
33 (No comments)  
34  
35 VICE CHAIRMAN BANGS: Hearing none.  
36 Thank you very much for coming down to give us your  
37 comments.  
38  
39 Okay. We're at the point where we  
40 would go into deliberations. It's after 5:00 o'clock.  
41 So we could either attempt -- oh. Ms. Yuhas, you have  
42 something.  
43  
44 MS. YUHAS: Thank you, Mr. Chairman.  
45 Just before you begin your deliberations, I just had a  
46 point of information. There's been some discussion  
47 about whether someone would have to record or not have  
48 to record a fish that was caught in the net that they  
49 were unable to keep. And I don't want to override any  
50 of the law enforcement, but it wouldn't be the first

1 time that -- you know, even on our side a Trooper has  
2 an interpretation and then we ask Department of Law and  
3 it's different.

4  
5                   And so it might be a question -- to get  
6 an accurate answer, you might have to ask the  
7 solicitor. Because the interpretation that we just  
8 heard sounds contrary to what's listed under CFR100.4,  
9 under definitions for the Federal program. It says  
10 take or taking as used with respect to fish or wildlife  
11 means to pursue, hunt, shoot, trap, net, capture,  
12 collect, kill, harm or attempt to engage in any such  
13 conduct.

14  
15                   I don't know that the Solicitor would  
16 have the same interpretation that we heard. I suspect  
17 a Solicitor might tell you you would have to record it.

18  
19                   VICE CHAIRMAN BANGS: Thank you.

20  
21                   Yes, Patty.

22  
23                   MS. PHILLIPS: I don't think we'll have  
24 to go till 9:00.

25  
26                   (Laughter)

27  
28                   VICE CHAIRMAN BANGS: Okay. If it's  
29 the wish of the Council, we can go ahead with  
30 deliberations or we could come in a little earlier in  
31 the morning to begin our meeting and deliberate at that  
32 point.

33  
34                   Mr. Adams.

35  
36                   CHAIRMAN ADAMS: Mr. Chairman, I don't  
37 think it will take us that long to go through  
38 deliberations. If we can get this proposal, you know,  
39 off the table tonight, I think maybe tomorrow we can  
40 have a fresh start on the -- if that's the wish of the  
41 Council to have a fresh start in the morning.

42  
43                   VICE CHAIRMAN BANGS: Ms. Needham.

44  
45                   MS. NEEDHAM: Thank you, Mr. Chair. I  
46 completely support trying to get through this proposal  
47 tonight. But I'd also like to add an amendment that we  
48 consider dinner at some point if we start to go past a  
49 certain point. Because when we did the ETJ stuff, we  
50 went all night without eating.

1 MS. PHILLIPS: Yeah, we did. It was  
2 late.  
3  
4 (Laughter)  
5  
6 VICE CHAIRMAN BANGS: So should we pick  
7 a time that we go to deliberations. And if we haven't  
8 reached a consensus, then we would break for dinner.  
9 Does that sound good. What would be the time that we  
10 would pick.  
11  
12 MS. NEEDHAM: 6:30.  
13  
14 (Laughter)  
15  
16 VICE CHAIRMAN BANGS: Okay.  
17  
18 MS. NEEDHAM: With a potential bio  
19 break, like right now for five to ten minutes to use  
20 the restroom.  
21  
22 VICE CHAIRMAN BANGS: Yeah. Well,  
23 let's take a ten-minute break now. And then we'll  
24 convene and recess at 6:30.  
25  
26 CHAIRMAN ADAMS: Mr. Chairman.  
27  
28 VICE CHAIRMAN BANGS: Yes.  
29  
30 CHAIRMAN ADAMS: With that, then I'm  
31 going to excuse myself at this point. Because I have  
32 some relatives that I'm supposed to spend the evening  
33 with and I want to take advantage of that. Okay.  
34  
35 VICE CHAIRMAN BANGS: Yes.  
36  
37 CHAIRMAN ADAMS: So good luck this  
38 evening.  
39  
40 (Off record)  
41  
42 (On record)  
43  
44 VICE CHAIRMAN BANGS: Okay. We're  
45 going back on the record.  
46  
47 Mr. Douville.  
48  
49 MR. DOUVILLE: Thank you. I would like  
50 to address a statement that was made by Ms. Yuhas. And

1 I heard her say that she would withhold comment  
2 depending on what we did with this proposal at the  
3 Federal Board meeting.

4  
5 We've had quite a heartburn for a long  
6 time over this. And it was made quite clear that all  
7 the information would have to go through this RAC  
8 before it could be presented at the Federal leaving,  
9 meaning that you could not bypass this body and present  
10 new or added testimony by anybody unless it went  
11 through us first.

12  
13 And I'm sure that many of you remember  
14 the situation we had for many years, and Chairman  
15 Littlefield was real adamant about it. So if you do  
16 not present your information here, then you are barred  
17 from doing it down the road because it bypasses us.

18  
19 VICE CHAIRMAN BANGS: Thank you, Mr.  
20 Douville.

21  
22 Ms. Yuhas, do you have a quick comment.

23  
24 MS. YUHAS: Oh, I certainly do. That  
25 wasn't the intent at all. The intent was that this  
26 product that we had to go give an opinion on states  
27 what it states. And if we're here at this meeting and  
28 you modify that, we're not bound to say the RAC  
29 modified it, but we have to stick with what we  
30 recommended before. Some folks are.

31  
32 If -- if you change this and you decide  
33 you're going to change the language and 14 looks like a  
34 better product to this RAC, there's in no way an intent  
35 to bypass the RAC. It's an intent to listen to the  
36 RAC.

37  
38 VICE CHAIRMAN BANGS: Thank you, Ms.  
39 Yuhas.

40  
41 Okay. What we're going to do. I would  
42 entertain the motion to put this on the floor so we can  
43 deliberate.

44  
45 Mr. Bloom.

46  
47 MR. BLOOM: I so move.

48  
49 MS. PHILLIPS: We have two proposals.

50

1 VICE CHAIRMAN BANGS: Yes. Could you  
2 please state the motion. What proposals.  
3  
4 MR. ISAACS: State it, you cannot  
5 change it.  
6  
7 MR. BLOOM: I would move that we  
8 recommend the proposal FP15-13.  
9  
10 VICE CHAIRMAN BANGS: What page are you  
11 looking at?  
12  
13 MR. BLOOM: Page 90.  
14  
15 MR. JACKSON: What page.  
16  
17 MR. BLOOM: Page 90.  
18  
19 MR. JACKSON: Okay.  
20  
21 VICE CHAIRMAN BANGS: Yeah. Page 90.  
22 Okay. It's been moved to adopt FP15-13. And they're  
23 combined for the executive summary because they're so  
24 similar. There's just slight differences. But we'll  
25 have to deal with that in deliberation. So do I have a  
26 second.  
27  
28 MR. KITKA: I'll second it.  
29  
30 VICE CHAIRMAN BANGS: Okay. It's been  
31 moved and seconded to adopt FP15-13.  
32  
33 Discussion.  
34  
35 Mr. Schroeder.  
36  
37 MR. SCHROEDER: Mr. Chairman, I move to  
38 amend the proposal on the floor based on our action on  
39 the previous proposal FP13 -- is it 13-17.  
40  
41 MS. PHILLIPS: 19.  
42  
43 MR. SCHROEDER: 13-19. Thank you,  
44 Patty.  
45  
46 Which eliminates Section E on Page 90.  
47 So based on our previous action, we would not be acting  
48 again on talking about an annual harvest quota. We've  
49 eliminated that. We've already dealt with that  
50 situation.

1 VICE CHAIRMAN BANGS: Thank you, Mr.  
2 Schroeder.  
3  
4 Do we have a second on the amendment.  
5  
6 MS. PHILLIPS: Second.  
7  
8 VICE CHAIRMAN BANGS: Okay. It's been  
9 moved and seconded to revert to our action on FP15-19  
10 -- or 14-19 that we eliminated Section 4 -- or Section  
11 E that had to do with the estimate guideline harvest  
12 levels for coho and king and chinook salmon.  
13  
14 So any discussion.  
15  
16 Don.  
17  
18 MR. HERNANDEZ: Thank you, Mr.  
19 Chairman. I think just sort of as a point of order  
20 here, you know, we have numerous proposals before us  
21 that are kind of combined in several different  
22 proposals. I think we just kind of need to get a  
23 working product going here. I guess we've kind of  
24 arbitrarily picked 13 as our starting point.  
25  
26 So I just want to be clear that, you  
27 know, we're probably going to have maybe several  
28 amendments before we get to where we're going. So I'm  
29 assuming that we will take them essentially one  
30 amendment at a time. Perhaps we'll start with this.  
31 Make an amendment. We'll pass the amendment. We might  
32 want to do another amendment. And that's how we'll  
33 proceed. Is that what you envision?  
34  
35 VICE CHAIRMAN BANGS: That's what I  
36 envision. It's the will of the Council.  
37  
38 Mr. Schroeder.  
39  
40 MR. SCHROEDER: Mr. Chair, I agree we  
41 need to put some order on this. In the Staff  
42 presentation Mr. Larson pointed out that there were  
43 five items that were changes. And those begin on Page  
44 90, on the bottom. They're not numbered as five  
45 changes.  
46  
47 But the first change was the change  
48 talking about a harvest quota. We've amended the  
49 proposal to eliminate that because we've already acted  
50 on that in our previous action. That leaves four items

1 that are changes requested in this proposal.

2

3                   The four are something to do with quota  
4 caps. That was number two.

5

6                   Three was the -- let's see -- recording  
7 on a subsistence permit.

8

9                   Four was the nighttime fishing  
10 exclusion.

11

12                   And five was the net tending.

13

14                   So perhaps we could go through and come  
15 up with a decision on each of those points separately  
16 and then all vote on wherever we're at on the total  
17 proposal.

18

19                   Mr. Chair.

20

21                   VICE CHAIRMAN BANGS: Thank you, Mr.  
22 Schroeder. Well, what we have now is an amendment on  
23 the floor. And that is to remove the guideline harvest  
24 for the other two species that we adopted into our  
25 other proposal. And you want to amend this proposal.  
26 Was that your intent.

27

28                   MR. SCHROEDER: I think I'm getting  
29 confused here, Mike.

30

31                   (Laughter)

32

33                   MR. SCHROEDER: Maybe we should back up  
34 a little bit. Could you help us.

35

36                   VICE CHAIRMAN BANGS: Could we remove  
37 the second and the amendment. And then we can start  
38 fresh with what we're talking about -- the direction we  
39 want to go. Whether we want to adopt both proposals  
40 that are on the floor or we want to amend them by  
41 removing things.

42

43                   Mr. Bloom.

44

45                   MR. BLOOM: Yeah. I think we're doing  
46 fine. Let's just take this amendment -- these are the  
47 easy ones. Let's get them cleared off the table. And  
48 then we deal with the harder ones through other  
49 amendments.

50

1 I would also like to offer a friendly  
2 amendment. Since you have taken Part E off of this,  
3 let's take F at the same time since it would refer to  
4 nothing after you take E out of there.

5  
6 VICE CHAIRMAN BANGS: Do you want to  
7 rephrase your amendment so we can get through that one?  
8

9 MR. SCHROEDER: Certainly. Based on  
10 our action on FP13-19, Section E and Section F are no  
11 longer applicable. Based on our previous actions, we  
12 don't want to act on these. They've already been  
13 covered.

14  
15 So we excise Sections E and F from  
16 consideration at this point.

17  
18 Does that work, Art?

19  
20 VICE CHAIRMAN BANGS: We just have to  
21 -- it's okay with the second.

22  
23 MS. PHILLIPS: Yes.

24  
25 VICE CHAIRMAN BANGS: Okay. So it's  
26 been moved and seconded to remove those two articles  
27 from this proposal.

28  
29 Mr. Isaacs.

30  
31 MR. ISAACS: Is this a typographical  
32 error.

33  
34 VICE CHAIRMAN BANGS: Okay. So we have  
35 an amendment on the floor that's been moved and  
36 seconded to remove those two articles.

37  
38 MR. KITKA: Question.

39  
40 VICE CHAIRMAN BANGS: Question's been  
41 called for. All those in favor, respond by saying aye.

42  
43 IN UNISON: Aye.

44  
45 VICE CHAIRMAN BANGS: Opposed, nay.

46  
47 (No opposing votes)

48  
49 VICE CHAIRMAN BANGS: Amendment passes.

50

1 Back to the original proposal.  
2  
3 Mr. Hernandez.  
4  
5 MR. HERNANDEZ: Thank you, Mr. Chair.  
6 I think we could probably move through the portion  
7 that's labeled G. Before any fish or part of a fish is  
8 removed from the fishing site, they must be recorded on  
9 the Federal subsistence permit. The number of fish  
10 caught by species, day of catch, and location of catch  
11 must be recorded.  
12  
13 I think we heard testimony from Mr.  
14 Larson that existing stipulations on the permit already  
15 adequately cover that portion of the proposal, so I  
16 would move that we amend the proposal to eliminate  
17 Section G as well.  
18  
19 MR. SCHROEDER: Second.  
20  
21 VICE CHAIRMAN BANGS: Okay. It's been  
22 moved and seconded to remove Article G from the  
23 proposal listed on Page 90.  
24  
25 MR. ISAACS: For the purposes of  
26 discussion I'll second it.  
27  
28 VICE CHAIRMAN BANGS: Okay. It's moved  
29 and seconded.  
30  
31 Mr. Schroeder.  
32  
33 MR. SCHROEDER: Just by way of  
34 providing a record on that, on Page 108, in the Staff  
35 analysis, the second paragraph from the bottom states  
36 that there are existing regulations that already  
37 require recording catches prior to leaving the  
38 harvesting location. And that a regulatory change  
39 isn't needed in the opinion of OSM on this matter. So  
40 that would support the amendment.  
41  
42 VICE CHAIRMAN BANGS: Thank you, Mr.  
43 Schroeder.  
44  
45 Patty.  
46  
47 MS. PHILLIPS: Thank you, Chairman  
48 Bangs.  
49  
50 I had a note here that I wanted to have

1 included on this requirement time net tended. And that  
2 would be based on if something later on is adopted. So  
3 as a condition of reporting on your permit, there would  
4 also be a place where you time net tended.

5  
6 VICE CHAIRMAN BANGS: Okay. I'm a  
7 little confused because of the amendment that we're  
8 working on right now.

9  
10 Mr. Hernandez.

11  
12 MR. HERNANDEZ: Thank you, Mr.  
13 Chairman. I think what Patty is saying is that she may  
14 want to alter the amendment to provide for that  
15 possibility. But I would recommend that we go ahead  
16 and eliminate that portion now. If we want to add a  
17 stipulation to be included as a permit requirement to  
18 put a time check essentially on the permit, I think we  
19 could deal with that as we proceed with this discussion  
20 we're going to have about net tending.

21  
22 So I would still stick with the  
23 original amendment to just eliminate that portion for  
24 now.

25  
26 VICE CHAIRMAN BANGS: Thank you, Mr.  
27 Hernandez.

28  
29 Mr. Schroeder.

30  
31 (No comments)

32  
33 VICE CHAIRMAN BANGS: Mr. Bloom.

34  
35 (No comments)

36  
37 VICE CHAIRMAN BANGS: Okay. Any other  
38 discussion.

39  
40 Patty.

41  
42 MS. PHILLIPS: Well, I have a question.  
43 So if this says it's already -- on 108 says it's  
44 existing regulations, but this deals with the Stikine  
45 River, why wouldn't we want to keep it in there just  
46 for clarification for the actual harvesters. I mean  
47 and then it's pretty well spelled out for them. Then  
48 they know for sure.

49  
50 VICE CHAIRMAN BANGS: Any comments.

1 Mr. Schroeder.  
2  
3 MR. SCHROEDER: My understanding from  
4 Mr. Larson's presentation was that this is something  
5 that was already there. So if it's already there, we  
6 don't need to put a regulation saying do what our  
7 regulations -- our permit stipulations already have you  
8 doing.  
9  
10 Is that correct, Bob?  
11  
12 MR. LARSON: Yes. There's no need to  
13 have a regulation that says you need to follow the  
14 regulations.  
15  
16 VICE CHAIRMAN BANGS: Do you have  
17 some.....  
18  
19 MR. ARDIZZONE: Mr. Chair, I was just  
20 going to say that it's already on the permit. That all  
21 the conditions are on the permit.  
22  
23 VICE CHAIRMAN BANGS: Okay. Thank you  
24 for that clarification.  
25  
26 MR. SCHROEDER: Can we move the  
27 question. Can we vote on this amendment.  
28  
29 VICE CHAIRMAN BANGS: Yes. All we need  
30 is a question and we can vote.  
31  
32 MS. PHILLIPS: Call for the question.  
33  
34 VICE CHAIRMAN BANGS: Okay. The  
35 question's been called for. By eliminating Section G.  
36 All those in favor, respond by saying aye.  
37  
38 IN UNISON: Aye.  
39  
40 VICE CHAIRMAN BANGS: Opposed, nay.  
41  
42 (No opposing votes)  
43  
44 VICE CHAIRMAN BANGS: Okay. Motion  
45 carries.  
46  
47 So we've eliminated E, F, and G.  
48 Discussion.  
49  
50 Don.

1 MR. HERNANDEZ: Thank you, Mr.  
2 Chairman. I guess now it's time to move on to net  
3 tending. And we could do this several ways. We have  
4 several suggested wording for net tending. Nighttime  
5 closures, stay within two hours of your net, or just  
6 some general language for nets must be tended once a  
7 day.

8  
9 I guess I'm just going to ask maybe the  
10 rest of the Council how they want to go about it. Deal  
11 with any specific one first or should we just try and  
12 come up with a workable proposal of our own. And so  
13 I'm just kind of asking for suggestions here.

14  
15 VICE CHAIRMAN BANGS: Bob.

16  
17 MR. SCHROEDER: Mr. Chair. Don, I  
18 think we could tease off the nighttime closure, which  
19 seems to be a little bit separate from the others.  
20 Although Art suggested that it could be joined in  
21 there. But I'd suggest we talk about nighttime closure  
22 first.

23  
24 VICE CHAIRMAN BANGS: Okay. So is  
25 there discussion on nighttime closures.

26  
27 Cathy.

28  
29 (Shakes head negatively)

30  
31 VICE CHAIRMAN BANGS: Art.

32  
33 MR. BLOOM: Well, I see the nighttime  
34 closure as one method of making sure that the net is  
35 tended once a day. There are some other options that  
36 maybe we can -- I mean, you know, just to brainstorm a  
37 little bit, we could have a closure -- there could be a  
38 closure from noon to 3:00.

39  
40 But it seems to me that the only  
41 enforceable type of closure is going to involve --  
42 excuse me -- the only enforceable type of net tending  
43 is a closure where enforcement could come by and the  
44 nets couldn't be in the water. And that would require  
45 that you tended it at least once a day.

46  
47 VICE CHAIRMAN BANGS: After hearing  
48 testimony that most of the best fishing is at night,  
49 I'd have a problem with closing at night myself, just  
50 from public input.

1 Mr. Hernandez.  
2  
3 MR. HERNANDEZ: Yeah. Just a point of  
4 order. I think we need a motion if we're going to go  
5 into this discussion. So anyway.  
6  
7 VICE CHAIRMAN BANGS: Patty.  
8  
9 MS. PHILLIPS: Move to adopt H, nets  
10 shall be in the water from 4:00 a.m. until 9:00 p.m.  
11 daily.  
12  
13 MR. LARSON: Mr. Chair, that's --  
14 Patty, that's not.....  
15  
16 MS. PHILLIPS: Move to amend.  
17  
18 MR. LARSON: That's not -- there we go.  
19  
20 MS. PHILLIPS: Move to amend H. Nets  
21 shall be in the water from 4:00 a.m. until 9:00 p.m.  
22 daily.  
23  
24 MR. LARSON: We need to remove it.  
25  
26 MS. PHILLIPS: No. I'm moving to  
27 amend.  
28  
29 MR. LARSON: Mr. Chair, we have -- the  
30 motion before us contains Item H.  
31  
32 MS. PHILLIPS: Okay.  
33  
34 MR. LARSON: So an appropriate motion  
35 would be to amend H.  
36  
37 MS. PHILLIPS: Okay.  
38  
39 MR. LARSON: But you can't have a  
40 motion to keep H because it's part of the motion before  
41 you.  
42  
43 MS. PHILLIPS: Okay. I said amend.  
44  
45 MR. LARSON: Well, you can't.....  
46  
47 MS. PHILLIPS: Okay. Then we should  
48 back off.  
49  
50 VICE CHAIRMAN BANGS: Okay. I have a

1 point of order that I'm not real certain about here. I  
2 didn't feel like -- we've got this proposal on the  
3 floor. And we should be able to discuss these  
4 articles. And if we decide we want to amend, then we  
5 can amend them. But we don't have to make a motion to  
6 discuss any of this proposal because it's on the floor.

7

8 MS. PHILLIPS: Yeah.

9

10 MR. LARSON: That is correct, Mr.  
11 Chair. You have a proposal on the floor right now.  
12 And the proposal -- the main motion has been amended to  
13 remove proposed regulation language inside of paragraph  
14 E and F and G. That is not part of your motion. Your  
15 motion contains proposed regulation language as adopted  
16 in H and I and I alternative.

17

18 VICE CHAIRMAN BANGS: Correct. My  
19 point being that we don't have to make a motion. We  
20 can discuss this. And then if you want to change it,  
21 you can change it by a motion to amend. Am I correct?

22

23 MR. LARSON: That is correct.

24

25 VICE CHAIRMAN BANGS: Okay. So what do  
26 you want to do, Patty.

27

28 MS. PHILLIPS: Mr. Chair, what were --  
29 Mr. Bloom, what were your hours that you were thinking  
30 a closure could be.

31

32 MR. BLOOM: I was just suggesting that  
33 we could brainstorm some other possibilities. You  
34 know, we could make this closure -- let's see -- later  
35 at night, you know, to give more time for the night  
36 fishing. Or we could start it earlier or it could be a  
37 closure during the middle of the day.

38

39 I mean I could make a suggestion, but I  
40 was hoping someone else on the Council would come up  
41 with another idea.

42

43 VICE CHAIRMAN BANGS: I think Cathy has  
44 one.

45

46 MS. NEEDHAM: Thank you, Mr. Chair. I  
47 wouldn't say I have a solution, but I would like for us  
48 to discuss -- since the rest of this tends to be about  
49 net tending and we've heard, you know, OSM has made a  
50 recommendation on net tending that isn't included in

1 the current language that we're considering  
2 necessarily.

3  
4                   And we heard a lot of testimony also  
5 about that this net tending would be an undue -- well,  
6 I shouldn't say that they said that specifically, but  
7 my impression that I got from some of the testimony is  
8 that net tending would be an undue burden on  
9 subsistence users. It's not something that is a like  
10 requirement now.

11  
12                   And I'm not saying I'm against it or  
13 for it, but maybe that is the broader discussion we  
14 should be having. Is do we feel that net tending is  
15 justified. Do we need it. Is there a concern with  
16 what's going on with the resource right now that we  
17 need to put something new in place like this that may  
18 cause a burden on those using the resource on the  
19 river.

20  
21                   I'm kind of sitting on the fence on  
22 where I feel about it, so I'd like to hear from other  
23 members of the Council on whether they feel net tending  
24 is necessary.

25  
26                   VICE CHAIRMAN BANGS: Thank you, Cathy.  
27 I'd like to say something briefly. I think there's a  
28 difference between the perception of net tending and  
29 what OSM says to check your net once a day. I think  
30 checking your net once a day is something that is  
31 probably already in the process of the fishery, where  
32 you've got to take the fish out. You know, everybody  
33 should check it once a day. But it doesn't say you  
34 have to tend it, as far as their perception. So  
35 there's a difference here, I think, between tending and  
36 checking.

37  
38                   MS. NEEDHAM: I agree to an extent, but  
39 I think that net tending can be interpreted as all the  
40 way from doing as minimal of a once a day check. Being  
41 required to check it at least once a day to having to  
42 sit on a net. And that's why we're seeing so many  
43 different potentials here.

44  
45                   Do we close it to enforce net tending?  
46 I mean net tending is -- I don't see a clear definition  
47 of net tending, first of all. I see a very broad range  
48 of interpreting it. And I think that's why it's a  
49 little bit difficult to come up with one solution.  
50 Because we've heard testimony on different aspects of

1 what net tending includes.

2

3 VICE CHAIRMAN BANGS: Thank you, Cathy.

4

5 Harvey.

6

7 MR. KITKA: Thank you, Mr. Chair. I  
8 kind of like listening to all this talk, but I really  
9 think we already have an enforcement person on net  
10 tending out there. The one that's enforcing the net  
11 tending is the seals. If a person is not taking care  
12 of their net and attending to it, the seals will take  
13 all the fish.

14

15 So it kind of behooves me to -- can we  
16 make more regulations against our subsistence users who  
17 are going to be burdened with the extra regulations.  
18 And I really think that it's unnecessary to make a  
19 ruling of that sort.

20

21 VICE CHAIRMAN BANGS: Thank you, Don.

22

23 MR. HERNANDEZ: Thank you, Mr.  
24 Chairman. I've heard two concerns about net tending in  
25 the course of the testimonies. One being seal  
26 predation. The other one being the fact that a net  
27 left unattended too long could possibly, you know,  
28 result in an over-harvest above your limit.

29

30 I think we need to kind of address both  
31 of those issues. So I think -- I don't know if --  
32 maybe I'll start the discussion with, you know, do we  
33 feel that seal predation is a problem. If it is a  
34 problem, can net tending address that problem. Maybe  
35 we should kind of focus on that issue first.

36

37 Thank you.

38

39 VICE CHAIRMAN BANGS: Cathy.

40

41 MS. NEEDHAM: Thank you, Mr. Chair. In  
42 terms of seal predation, one question that I have to  
43 ask myself is we didn't see any specific data on how  
44 much seal predation was caused by nets. And there's  
45 admittedly seal predation in the river happening all  
46 the time.

47

48 So sure, there's been an accounting --  
49 there was only one testimony that actually gave an  
50 exact number for this past season. But I don't see a

1 long term trend or anything that would cause a  
2 conservation concern for having seals prey on fish  
3 they've net. So in my opinion -- and I don't think  
4 that the net tending addresses that if it's not  
5 necessarily a big problem. And maybe I'm wrong. I  
6 just don't see -- I didn't see in any of the testimony  
7 or analysis that we had today that there was any  
8 accounting for how this fishery -- how much predation  
9 this fishery is causing, if that makes sense.

10

VICE CHAIRMAN BANGS: Patty.

11

12  
13 MS. PHILLIPS: Thank you, Chairman  
14 Bangs. I think we need a clarification of whether it's  
15 required or not if you report seal predation on your  
16 permit. I think that's an unanswered question.

17

VICE CHAIRMAN BANGS: Mr. Larson.

18

19  
20 MR. LARSON: The simple answer is no.  
21 If you lose fish for whatever reason and it does not  
22 become part of your possession -- if you don't possess  
23 it, then you don't have to count it.

24

VICE CHAIRMAN BANGS: Mr. Wright.

25

26  
27 MR. WRIGHT: Thank you, Mr. Chair. I  
28 believe I heard one person that testified saying that  
29 it doesn't make any difference if you're there or not.  
30 The seal's going to go in it. And, you know, I've had  
31 -- even just purse seining, I've had it where sea lions  
32 were going inside the bag that I was going to be  
33 rolling on a board. So it was kind of like they really  
34 don't care.

35

36 So that's what I heard today. If  
37 you're there or not, the seal's going to go in it. So  
38 I don't know where this discussion of a seal is going  
39 to go. But I don't think the seal really cares if  
40 you're there or not.

41

42 VICE CHAIRMAN BANGS: I agree with  
43 that. I'm a commercial gillnetter and I've chased  
44 seals up and down my net trying to keep them away. And  
45 I still haul a net with heads and pieces missing.  
46 They're there. And even if you're there, you can't  
47 keep them off.

48

Mr. Bloom.

49

50

1 MR. BLOOM: Yeah. We've only heard  
2 sort of anecdotal evidence or comments about the seal  
3 -- you know, I hesitate to even use the word predation.  
4 But seals being a problem taking fish out of a net --  
5 we don't really have any scientific evidence of that.  
6 And so I don't think we should be making regulations  
7 based on just these anecdotal comments.

8  
9 On the other hand, Mr. Larson did say  
10 that the Canadian counterparts on the Pacific Salmon  
11 Commission would like to see some regulation that  
12 showed that nets were being tended to some degree. And  
13 to me, that would be the main reason that we would be  
14 considering some sort of regulation.

15  
16 VICE CHAIRMAN BANGS: Thank you, Art.

17  
18 Mr. Schroeder.

19  
20 MR. SCHROEDER: Just following on what  
21 Art had to say. That does appear to be the only --  
22 well, it's sort of an anecdotal report. And I'm sure  
23 that that was part of a conversation, but we haven't  
24 received any written communication from Canadians on  
25 this aspect.

26  
27 We had some questioning about -- well,  
28 let's back up. When this fishery was established, it  
29 was extremely controversial. And Staff did not make  
30 any suggestion that there be a net checking requirement  
31 at that time. And the fishery appears to have been  
32 going on for ten years without some serious problems  
33 coming up.

34  
35 I did ask Mr. Larson about enforcement  
36 concerns. And what we would expect is if there was a  
37 real problem, that the phone would be ringing. That  
38 we'd hear about that. That there would be an  
39 enforcement officer here describing issues that perhaps  
40 would be solved by a net picking or attending  
41 requirement.

42  
43 I also asked Mr. Larson about what the  
44 program attitude or stance was on checking nets or  
45 whether they had to be attended. If there was a hot  
46 button area for fish, it would be the Yukon and  
47 Kuskokwim Rivers, where there are Federal subsistence  
48 fisheries and where the Canadians are very, very  
49 concerned about escapement. And according to Mr.  
50 Larson, the Federal Program doesn't have a requirement

1 that fishermen and fishers stay on their nets or that  
2 they have a schedule for when they're supposed to check  
3 their nets.

4  
5 Further, we had testimony from -- I  
6 believe from all of the users -- the people who  
7 actually fish on the river. And they were not in favor  
8 of either nighttime closure, because that's when they  
9 catch fish, or a requirement to check nets every two  
10 hours or on some schedule.

11  
12 I also think that some potential  
13 problem where nets -- if someone did leave nets just  
14 sitting and they were fishing and destroying fish  
15 resources, that I think their neighbors would string  
16 them up, frankly. But should the State need to be  
17 involved to rescue them from being tarred and feathered  
18 by their fellow fishers, they probably would be subject  
19 to wanton waste rules. But again, we seem to be at  
20 best trying to address a potential problem that --  
21 where we don't have any evidence that there is a real  
22 problem on the ground.

23  
24 So those are some of the things that I  
25 was thinking of, Mr. Chair.

26  
27 VICE CHAIRMAN BANGS: Thank you, Bob.

28  
29 Any other comments.

30  
31 John and then Don.

32  
33 MR. YEAGER: Thank you, Mr. Chair.  
34 Just going through our discussion justification bullets  
35 here, the first one is is there a conservation concern.  
36 And in the past when we've addressed that and had  
37 testimony and Staff analysis on conservation concerns,  
38 it's been very, very apparent with sufficient data.  
39 You know, and good numbers and graphs for us to follow.

40  
41 So on the seal predation aspect, I have  
42 to say honestly I've not seen that. But that I'm not  
43 disclosing the -- or discounting, I should say, that  
44 there is seal predation. I've seen seal predation.  
45 I've had seal take fish out of my nets and had heads  
46 left in there.

47  
48 But what I do see is the potential for  
49 a need for -- and a call for better accountability of  
50 these fish. And so what I'm saying here is that I

1 think we should consider starting to track fish lost to  
2 seals, so that we can start some data. So that we can  
3 continue to address this and look at this down the road  
4 and see if it is going to become an issue with hard  
5 facts in front of us.

6

7 VICE CHAIRMAN BANGS: Thank you, John.

8

9 Don.

10

11 MR. HERNANDEZ: Thank you. I guess I'm  
12 in favor of trying to come up with some kind of a net  
13 tending aspect to this proposal. Seal predation is not  
14 a concern to me. I think seal predation is just kind  
15 of a fact of life and trying to conduct a fishery.

16

17 I was pretty influenced by Brenda  
18 Schwartz's testimony. I mean there's a lot of seals in  
19 the river. Those seals are in the river because  
20 they're there to catch fish. They're probably fishing  
21 those same back eddys that the fishermen are fishing.  
22 Does the fact that there's nets in those eddys increase  
23 the likelihood that the seals are going to get fish --  
24 boy, that's a tough question to answer. Seals catch  
25 fish. They're good at what they do. They're probably  
26 going to get what they need, just like everybody else.  
27 So not a big concern to me -- seals.

28

29 But I think any fishery needs to be  
30 conducted responsibly. The way the public feels about  
31 that fishery I think is important. I know the  
32 Canadians have expressed concern. Whether or not we've  
33 got to react to their concerns is kind of questionable  
34 in my mind. But like I said, I think the public kind  
35 of expects a responsible fishery. And we start getting  
36 disputes like this amongst the public -- I think we're  
37 kind of obligated to deal with it.

38

39 And to me, you know, a net needs to be  
40 tended. A responsible fisherman should tend their net.  
41 I mean you shouldn't be in the situation where, you  
42 know, you might over-harvest and there might be wasted  
43 fish. You shouldn't have too much seal predation if  
44 it's not necessary.

45

46 If we need to impose a regulation to  
47 help bring that about -- make it a responsible fishery  
48 -- help make people be more responsible -- then I think  
49 we're obligated to do that. And I think we're also  
50 kind of -- I think it's also our responsibility to try

1 and do that in a way that isn't too disruptive to the  
2 people that are conducting the fishery.

3

4                   And I think we can do that. I think  
5 there's a solution here. And I'm willing to look at  
6 some of the suggestions here for doing that. So I'm  
7 still looking for more input from the Council, but  
8 that's what my goal will be in this.

9

10                   VICE CHAIRMAN BANGS: Thank you, Don.

11

12                   Mr. Bloom.

13

14                   MR. BLOOM: Thank you. It's just been  
15 noted that nighttime is when most of the fish seem to  
16 be caught, according to the testimony. But my  
17 recollection was that -- at least the first two  
18 speakers before lunch said that most of their fishing  
19 was -- and catching was done during the day. That they  
20 only left the nets overnight if they weren't getting  
21 enough fish during the day.

22

23                   So I don't think we should just accept  
24 that nighttime is when people catch fish. And I  
25 suspect that people could get the number of fish they  
26 wanted without having to leave their nets all night,  
27 especially 4:00 in the morning. If it opens at 4:00 in  
28 the morning, depending on the tides and whatnot, I  
29 think there's probably still plenty of opportunity for  
30 people to get fish even if there was a nighttime  
31 closure.

32

33                   And one other aspect of why we've been  
34 asked to come up with something was the idea about the  
35 competitive nature of the fishery based on the fact  
36 that there's only so many sites that are available.  
37 And people perhaps leaving their nets at those sites  
38 for a long time. Even if they were tended that people  
39 could kind of monopolize the few sites that are there.

40

41                   VICE CHAIRMAN BANGS: Thank you, Art.

42

43                   Patty.

44

45                   MS. PHILLIPS: Thank you, Chairman  
46 Bangs. From the testimony that I heard and from  
47 reading the record, the analysis, and the public  
48 comments submitted to us, I see two different types of  
49 patterns of harvest on the river. And you have the  
50 long term harvest patterns that have been doing it

1 since it's been allowed again, when it was started ten  
2 years ago again.

3

4                   And now we have these weekend warriors  
5 coming in. So it's becoming, as Mr. Bloom said, more  
6 of a competitive nature. And so we have -- from the  
7 number of permits, we've gone from 40 permits to 50  
8 permits to 129 permits to a high of 130 permits. And  
9 this year was 124. So the number of permits show that  
10 escalating number of competition on the river.

11

12                   And I also heard testimony which really  
13 keyed into me that subsistence needs are not being met  
14 because of competition for fishing locations. So when  
15 you have weekend warriors only can fish on those  
16 weekends because they're working other jobs the other  
17 -- you know, the other days of the week, that's the  
18 only time they can get in and hit those spots that are  
19 productive. And if people that are there all the time  
20 are -- because they have a pattern of being there for  
21 long term aren't tending their net -- or I don't know  
22 how to say that.

23

24                   I don't want to be disrespectful to  
25 either type of harvester. But there's this inability  
26 to get the net in where the fishing is good. So I  
27 think if they tended their net more frequently, then  
28 the other users could get in there and get their net in  
29 where there's better fishing.

30

31                   But when I hear that subsistence needs  
32 are not being met, it's like -- okay. We do have to  
33 address this. And how we're going to address it, I  
34 don't know. But we have the Wrangell Cooperative  
35 Association -- they support the establishment of a  
36 reasonable time duration for a net to sit in the water  
37 before having to be checked. And that there are  
38 limited subsistence fishing locations on the Stikine  
39 and the tending of nets would help ensure all  
40 subsistence users have equal, fair access to fishing  
41 sites.

42

43                   So to me, that's the issue.

44

45                   VICE CHAIRMAN BANGS: Thank you, Patty.

46

47                   Harvey.

48

49                   MR. KITKA: Thank you, Mr. Chair. I  
50 know as a participant of subsistence fisheries, and

1 especially for sockeye, if I go out and I catch too  
2 many fish, there's always other fishermen around me  
3 that I can share with so that we all got the same  
4 amount.

5  
6 I really can't see a problem with one  
7 person getting too many fish. At least he should be  
8 able to share.

9  
10 I can understand and I agree with Patty  
11 that it seemed like the people are going to need to  
12 work this out. I really don't think this is our  
13 problem.

14  
15 VICE CHAIRMAN BANGS: Thank you,  
16 Harvey.

17  
18 Any other thoughts.

19  
20 Mike.

21  
22 MR. DOUVILLE: What's the matter with  
23 the suggested modification that was made by OSM that  
24 required nets to be checked at least once a day. Why  
25 can't we add that wording in, in place of the three top  
26 ones here and that takes care of that portion of it.  
27 It seems to me. I don't know. Maybe it's more  
28 complicated than that but it doesn't seem -- to me,  
29 it's not. But maybe it is.

30  
31 VICE CHAIRMAN BANGS: Yeah. Thank you,  
32 Mike. Thanks for those comments.

33  
34 Art.

35  
36 MR. BLOOM: Mike, just the problem of  
37 enforceability. How do you make sure that that is  
38 going to be followed. And should you make a rule like  
39 that if there's no way to enforce it.

40  
41 VICE CHAIRMAN BANGS: Cathy.

42  
43 MS. NEEDHAM: I guess I was a little  
44 unclear. OSM made the recommendation. And maybe  
45 Robert can clarify whether or not when that  
46 recommendation was made it was checked to determine  
47 whether it was enforceable.

48  
49 VICE CHAIRMAN BANGS: Robert.

50

1 MR. LARSON: Yes. Mr. Chair, there was  
2 considerable discussion regarding that requirement and  
3 not having a time involved in -- and it was determined  
4 that it was enforceable. If it was the intent to have  
5 nets checked once a day, they could do it.

6  
7 So yes. It is fully enforceable.

8  
9 VICE CHAIRMAN BANGS: Yeah. I agree  
10 with that. I think if they can hide in the woods  
11 watching a deer at night for ten, twelve hours in the  
12 bushes, in the cold, to see somebody spotlighting, they  
13 could sit by the river and watch for daylight hours to  
14 see if somebody doesn't check their net.

15  
16 (Laughter)

17  
18 VICE CHAIRMAN BANGS: And if there's a  
19 problem, I think the other fishermen would notify the  
20 Troopers to maybe keep an eye on a particular net.

21  
22 Ken.

23  
24 MR. JACKSON: Thank you, Mr. Chairman.  
25 Have we heard from Canada how their escapement has been  
26 for the last three or four years with fish going by.  
27 You know, have they reported any numbers to anybody.  
28 You know, I feel for these guys that -- you know, that  
29 aren't getting enough fish. But I understand, too,  
30 that a lot of these guys will keep those favorite  
31 places or those best places and not move their nets.  
32 Especially like the one guy said he had eight permits  
33 to fill this morning. And I just don't understand if  
34 we're getting any numbers from Canada or not.

35  
36 Thank you.

37  
38 VICE CHAIRMAN BANGS: Thank you, Ken.  
39 I think there is escapement numbers in our book. I  
40 don't have it readily available.

41  
42 MS. PHILLIPS: 99.

43  
44 VICE CHAIRMAN BANGS: Page 99?

45  
46 MS. PHILLIPS: Yes.

47  
48 VICE CHAIRMAN BANGS: So there is  
49 numbers -- escapement numbers.

50

1 Okay. Anybody else.  
2  
3 (No comments)  
4  
5 VICE CHAIRMAN BANGS: So where do we  
6 want to go.  
7  
8 Don.  
9  
10 MR. HERNANDEZ: Yeah. Thank you, Mr.  
11 Chairman. I have been working at that OSM suggestion  
12 myself. Fish and nets must be checked at least once a  
13 day. That may be just vague enough so that it doesn't  
14 impose too much of an imposition on the fishers. I  
15 mean that's perfectly reasonable. That's what  
16 everybody probably does already.  
17  
18 I agree things need to be enforceable.  
19 I was kind of skeptical when I first read that about  
20 how enforceable that was, but I don't know. I think  
21 maybe I'm satisfied that that might be our solution  
22 here.  
23  
24 Some of the other suggestions -- you  
25 know, has to be available within two hours -- I don't  
26 know. What we have before us anyhow I think is a  
27 little bit too restrictive.  
28  
29 All nets must be closely attended while  
30 they are in the water. That, to me, seems a little bit  
31 too restrictive. So I know we're -- I think I'm  
32 getting kind of the impression where Art is coming from  
33 there. He's kind of focused on the nighttime closures,  
34 which I have to say is kind of what I was leaning  
35 towards -- having a specific time when a net had to be  
36 out of the water.  
37  
38 I'm going to suggest that we make a --  
39 I'll make a motion for amendment to eliminate the  
40 nighttime closure. And depending on how that amendment  
41 goes, I think we'll be a lot closer to where we need to  
42 be.  
43  
44 So I'll focus the discussion on that  
45 and I'll go ahead and make a motion that we amend the  
46 proposal we had before us to eliminate H, nets shall be  
47 in the water from 4:00 a.m. -- shall only be in the  
48 water from 4:00 a.m. until 9:00 p.m. daily.  
49  
50 VICE CHAIRMAN BANGS: Do I have a

1 second.

2

3

MR. KITKA: Second.

4

5

MR. YEAGER: Second.

6

7

VICE CHAIRMAN BANGS: It's been moved  
8 and seconded to eliminate Section H, with nets shall  
9 only be in the water from 4:00 a.m. to 9:00 p.m. daily.

10

11

Discussion.

12

13

Don.

14

15

MR. HERNANDEZ: Thank you, Mr.  
16 Chairman. I think I would be in favor of that motion.  
17 I guess I'm kind of leaning towards the -- with the  
18 camp that says that fishing can be pretty successful at  
19 night and shouldn't be eliminated. I guess I don't  
20 have a problem with necessarily leaving a net in the  
21 water overnight.

22

23

Like I say, if the concern is seal  
24 predation, I don't think, you know, a seven-hour period  
25 during the dark is necessarily going to cause that much  
26 -- any much more seal predation than having the net,  
27 you know, soak in that same period during the day.

28

29

So I guess I'm in favor of my

30 amendment.

31

32

VICE CHAIRMAN BANGS: Thank you, Don.

33

34

Mr. Yeager and then Mr. Douville.

35

36

MR. YEAGER: Thank you, Mr. Chair. I  
37 feel that if you allow the extra opportunity for  
38 fishing, then that could be just the difference for one  
39 permit holder to achieve his limit and move out of a  
40 spot. And provide that spot for someone else if they  
41 no longer need to be fishing. By allowing them to fish  
42 through the night, that could just be the next set to  
43 get them over the -- get them to their allowable catch  
44 and then that person could move on.

45

46

VICE CHAIRMAN BANGS: Thank you, John.

47

48

Mr. Douville.

49

50

MR. DOUVILLE: Thank you. I support

1 the removing it. I don't want to see it closed  
2 overnight because some people are time limited and they  
3 deserve to catch their fish if they can. And, you  
4 know, I heard enough testimony here that supports that,  
5 that they do need to fish overnight -- some of them.  
6 Not all of them, but -- so I don't want to restrict  
7 anybody unnecessarily and I think it would.

8

9 VICE CHAIRMAN BANGS: Frank.

10

11 MR. WRIGHT: Thank you, Mr. Chair. We  
12 have to understand that the people aren't going out  
13 there just to go out there. They're going out to  
14 subsist. The word subsist is what we're here for. You  
15 know, a lot of people spend a lot of fuel going up  
16 those rivers. I don't know your river, but I bet you  
17 it's a ways.

18

19 But the people aren't going to be -- I  
20 don't think they're going to be just going and just  
21 leaving their net. I think that the amendment that Mr.  
22 Hernandez made is good.

23

24 And I wouldn't leave it -- I wouldn't  
25 leave my net there all the time. I'd probably be  
26 checking it plenty of times during the day. If I'm out  
27 there during the weekend -- or, you know, some people  
28 only have the weekend to do it -- I'm not going to just  
29 go set my net and go somewhere -- come back home.  
30 Thank you, Mr. Chair.

31

32 VICE CHAIRMAN BANGS: Thank you, Frank.

33

34 Anyone else.

35

36 Art.

37

38 MR. BLOOM: Just for the sake of having  
39 another idea out there, it just occurred to me maybe  
40 that we could set a limit. Say that a net couldn't be  
41 set for more than 12 hours continuously. That would  
42 still allow, you know, 24 -- around the clock fishing.

43

44 And remembering that during the sockeye  
45 season here it doesn't get dark very much. But anyway.  
46 That's just another idea that maybe if we thought about  
47 it, it might work out.

48

49 VICE CHAIRMAN BANGS: Thank you, Art.

50 I'm not sure that that's much different from checking

1 it once every 24 hours if you're going to turn the net  
2 over.

3

4 MS. NEEDHAM: We do have an amendment  
5 on the table. Question on the amendment.

6

7 VICE CHAIRMAN BANGS: Yes. We do have  
8 an amendment to remove, Section H.

9

10 Ken.

11

12 MR. JACKSON: Mr. Chair, the word here  
13 that seems to be bothering everybody is the word  
14 attend. Maybe just check and clean once a day. And I  
15 don't think they have a problem with it. They probably  
16 do that anyway.

17

18 And they're right. You know, these  
19 guys are just subsisting and they know their river  
20 better than we do. And we're supposed to be addressing  
21 each region as they talk about these things. And we  
22 have to support each and every one of them that comes  
23 through and talks to us.

24

25 Thank you.

26

27 VICE CHAIRMAN BANGS: Thank you, Ken.

28

29 Anyone else addressing this motion to  
30 remove Section H, which requires a net to be removed  
31 from the water.

32

33 MS. NEEDHAM: Question.

34

35 VICE CHAIRMAN BANGS: The question's  
36 been called for the amendment to remove Section H,  
37 which enables the -- or requires the fisherman to  
38 remove his net from 4:00 a.m. to 9:00 p.m. All those  
39 in favor, say aye.

40

41 IN UNISON: Aye.

42

43 VICE CHAIRMAN BANGS: Opposed, nay.

44

45 MR. BLOOM: Nay.

46

47 MR. KITKA: Nay.

48

49 VICE CHAIRMAN BANGS: Okay. We have --  
50 I think the motion carries. We have two nays. So the

1 motion carries.  
2  
3 Okay. Other discussion.  
4  
5 (No comments)  
6  
7 VICE CHAIRMAN BANGS: We're getting  
8 closer.  
9  
10 Don.  
11  
12 MR. HERNANDEZ: Thank you, Mr.  
13 Chairman. I will move to amend the proposal to remove  
14 stipulation I, which states all nets must be closely  
15 attended while they are in the water. Either the  
16 permit holder or a member of their household shall do  
17 this. While a net is in the water, the Federal  
18 subsistence permit must be available for the inspection  
19 by law enforcement personnel within two hours.  
20  
21 VICE CHAIRMAN BANGS: Okay. There's a  
22 motion on the floor. Do I get a second.  
23  
24 MR. DOUVILLE: Second.  
25  
26 VICE CHAIRMAN BANGS: Okay. It's been  
27 moved and seconded to remove Section I. Discussion.  
28  
29 (No comments)  
30  
31 MS. NEEDHAM: Question.  
32  
33 MR. BLOOM: Hold on.  
34  
35 VICE CHAIRMAN BANGS: Oh. We have a  
36 little -- okay. Art.  
37  
38 MR. BLOOM: Well, if we remove this,  
39 there's only one item left. And.....  
40  
41 MS. NEEDHAM: We can add.  
42  
43 MR. BLOOM: Yeah. But I haven't heard  
44 any suggestions for what would be added in. Anyway,  
45 I'm just concerned that we're not going to end up with  
46 anything here.  
47  
48 VICE CHAIRMAN BANGS: Well, there has  
49 been some suggestions to require checking, but we were  
50 trying to remove the things in this proposal that we

1 don't feel comfortable with. So that's where we're at.  
2 We can amend it after we've removed.....

3

4 MR. BLOOM: Yeah. My point is if we  
5 remove these and then we can't really agree on what  
6 we'd like to add in, we have nothing.

7

8 VICE CHAIRMAN BANGS: Comments.

9

10 I feel comfortable that we'll come up  
11 with a solution. And it may not be in unanimous  
12 consent, but I think we will come up with a solution  
13 that will satisfy the proposal for us.

14

15 Anyone else.

16

17 Don.

18

19 MR. HERNANDEZ: Yeah. Thank you, Mr.  
20 Chairman. I think I might need to change my motion a  
21 little bit. I see alternative I kind of has two  
22 portions to it. I only addressed one of them. So I  
23 guess the intent was there to have an option between  
24 the two. So I should have I guess -- I don't know.

25

26 I think I'd rather deal with them one  
27 at a time, so maybe I'll keep my motion as it is.

28

29 Sorry.

30

31 But for Art's discussion there, I guess  
32 where I was going was if we eliminate everything, we  
33 can always amend the motion to add something as well.  
34 So we're not really boxing ourselves in too much here.

35

36 VICE CHAIRMAN BANGS: Thank you, Don.

37

38 Any other discussion.

39

40 Patty.

41

42 MS. PHILLIPS: Mr. Chair, I think it  
43 would be more appropriate to amend I. And I think we  
44 should amend I by selecting I alternative from Wrangell  
45 Advisory Committee.

46

47 VICE CHAIRMAN BANGS: Any discussion.

48

49 MS. NEEDHAM: Mr. Chair, can -- Patty,  
50 can you clarify what you just said. I'm sorry.

1 MS. PHILLIPS: The motion is to delete  
2 I. And I would like to see.....  
3  
4 MR. BLOOM: Point of order.  
5  
6 MS. PHILLIPS: .....I amended.  
7  
8 VICE CHAIRMAN BANGS: We're dealing  
9 with I. And I think there's two I's. That's the  
10 confusing part. The first I is for the Petersburg,  
11 Wrangell. Or is his intent to remove both I's. I mean  
12 they're different.  
13  
14 MS. PHILLIPS: The main motion is to  
15 accept Proposal FP15-13, which is the Petersburg Fish  
16 and Game Advisory Committee proposal. So we're only  
17 looking at that top I, because that's the Petersburg  
18 one.  
19  
20 VICE CHAIRMAN BANGS: Correct.  
21  
22 MS. PHILLIPS: And I would like to see  
23 I amended so we're discussing the Wrangell Advisory  
24 Committee proposal. But we already have a motion to  
25 eliminate I.  
26  
27 VICE CHAIRMAN BANGS: That's correct.  
28 The I from the Petersburg Advisory Committee. So we  
29 could eliminate that. And then you could amend the  
30 Wrangell; is that what you're getting at?  
31  
32 MS. NEEDHAM: Wrangell is not on the  
33 table.  
34  
35 VICE CHAIRMAN BANGS: I know.  
36  
37 MS. NEEDHAM: Okay.  
38  
39 VICE CHAIRMAN BANGS: But I thought she  
40 was trying to amend the Wrangell one.  
41  
42 MS. PHILLIPS: There's already a motion  
43 on the floor to.....  
44  
45 VICE CHAIRMAN BANGS: Yeah. I  
46 understand that. We just need to deal with that motion  
47 first.  
48  
49 MR. HERNANDEZ: I'll clarify my motion.  
50 Because I see there is a difference here.

1 I will move that we amend the motion to  
2 remove that portion which is in Proposal FP15-13, which  
3 is the two-hour inspection time.

4  
5 VICE CHAIRMAN BANGS: Okay. We just  
6 have to -- as a point of order, I think we have to  
7 remove the second from the original motion because  
8 you're making a new motion. Is that what I.....

9  
10 MR. HERNANDEZ: I was just clarifying.  
11 I think that was my original motion.

12  
13 MR. LARSON: Mr. Chair, the process  
14 would be a clarification of his original motion and  
15 with the concurrence of the second. That would be  
16 sufficient.

17  
18 VICE CHAIRMAN BANGS: Okay. Do we have  
19 a concurrence of the second.

20  
21 MR. DOUVILLE: We do.

22  
23 VICE CHAIRMAN BANGS: We do. Okay.

24  
25 MR. ISAACS: Mr. Chairman, I have a  
26 question.

27  
28 VICE CHAIRMAN BANGS: Yes, Mr. Isaacs.

29  
30 MR. ISAACS: Mr. Chairman, in reading  
31 that section, earlier on I heard some testimony that  
32 there was a concern that there was no law enforcement  
33 in a certain area. And if either one or both of these  
34 are eliminated, will that eliminate the law enforcement  
35 portion on there also.

36  
37 VICE CHAIRMAN BANGS: No. I don't  
38 think that's correct.

39  
40 Any discussion.

41  
42 Art.

43  
44 MR. BLOOM: Yes. I just want to make  
45 sure I understand the intent of this proposal. What I  
46 read, it says while a net's in the water, the permit  
47 must be available for inspection by a law enforcement  
48 personnel within two hours. That basically is  
49 requiring checking your net every two hours. Is that  
50 what everybody would understand. Because to me, that

1 would mean that if an enforcement officer came up to a  
2 net, he could sit there for two hours and the permit  
3 holder had to show up within those two hours.

4  
5 So that particular proposal to me  
6 requires tending your net every two hours. Is that the  
7 way everybody else reads it.

8  
9 VICE CHAIRMAN BANGS: Don.

10  
11 MR. HERNANDEZ: That's the way I  
12 interpret it. Yes. I don't know if there's anybody  
13 else has an opinion on that.

14  
15 VICE CHAIRMAN BANGS: John.

16  
17 MR. YEAGER: Thank you, Mr. Chair. The  
18 way I understand that -- or I'm interpreting it is you  
19 can -- the permit needs to be present at any point for  
20 inspection by law enforcement. So not necessarily  
21 while you are checking your net. You can be checked at  
22 any point. And if you are engaged in that fishery,  
23 then the permit needs to be with you. Am I way off on  
24 that.

25  
26 VICE CHAIRMAN BANGS: Don and then Art.

27  
28 MR. HERNANDEZ: I'm a little -- I guess  
29 it's a little vague as to what that means. But --  
30 well, we have the proponents here. I'd be willing to  
31 ask if they would want to come up and explain what  
32 their intention was on that one. That would be the one  
33 from Petersburg Fish and Game Advisory Committee. We  
34 have their chairman here.

35  
36 Would you be willing to clarify what  
37 your intent was with that proposal.

38  
39 MS. PHILLIPS: Mr. Chair.

40  
41 VICE CHAIRMAN BANGS: How does the  
42 Council feel. If Arnold wants to come up and clarify  
43 that for us, it would help out a lot -- hopefully.

44  
45 MR. ENGE: Mr. Chair. Arnold Enge  
46 again, from the Petersburg Advisory Committee. I  
47 believe the discussion was to have you be within the  
48 area within two hours. Meaning up at the cabin, up at  
49 your camp, picking berries somewhere. But I mean I  
50 don't know how much thought was given to some of this

1 sort of stuff.

2

3                   We just thought there ought to be quite  
4 a few times a day you ought to be -- and this was going  
5 to keep you -- if the protection guy did come, yes,  
6 indeed, you know, he could wait for two hours.  
7 Somebody ought to be around somewhere.

8

9                   I think rather than -- when we talked  
10 about mirroring what the Wrangell Advisory Committee  
11 did, which was leaving it kind of open-ended, we had a  
12 guy that was -- or at least -- I mean not open-ended,  
13 but at the net pretty much all the time. He was up at  
14 a cabin. He says I could see the net in the eddy, but  
15 it might take quite a while to get there.

16

17                   And then the discussion amongst people  
18 that lots of us weren't subsistence fishermen. Don't  
19 really do this. We just kind of picked out a block of  
20 time that would allow a guy like that to get -- he  
21 could be two hours away. I understand that that  
22 causes, you know, some enforcement issues and all that  
23 stuff.

24

25                   But I -- I'm probably not being very  
26 clear. All we wanted to see was that you were close  
27 enough by. I mean I've been sitting here listening to  
28 this business about checking every once every 24 hours.  
29 That means you get to go up and do about 18 hours of TV  
30 watching in Wrangell. If you felt like it. I'm not  
31 saying anybody would. I doubt it.

32

33                   So I don't know if I can be clear on  
34 what the two hours was. It was just to have somebody  
35 that near a net.

36

37                   VICE CHAIRMAN BANGS: Thank you,  
38 Arnold.

39

40                   John.

41

42                   MR. YEAGER: Thank you, Mr. Chair.  
43 Well, for the sake of the argument, my cabin's five  
44 minutes away from a net spot at the Seal Camp. So I'm  
45 well within my two hours of providing my permit and  
46 making it available for inspection and I can still be  
47 processing fish at my cabin.

48

49                   VICE CHAIRMAN BANGS: Art.

50

1 MR. BLOOM: Yeah. Sorry to keep  
2 belaboring it. But again I think if we're going to  
3 pass something, it's got to be enforceable. I don't  
4 think it's up to the enforcement officer to go looking  
5 for people. The permit belongs to the net really. The  
6 net has to have the permit. And to me, if you're going  
7 to pass something like this with the two-hour  
8 requirement, it means that the permit has to show up at  
9 the net every two hours.

10  
11 VICE CHAIRMAN BANGS: Any discussion.

12  
13 Cathy.

14  
15 MS. NEEDHAM: Yeah, Mr. Chair. I tend  
16 to agree with Mr. Bloom in his interpretation of how  
17 this looks. And even though it wasn't -- I appreciate  
18 the clarification, but I think it just brings to light  
19 the fact that it's kind of a poorly worded piece now  
20 and could be left -- the interpretation of it could be  
21 very confusing. And then again not enforceable because  
22 of that. Or over enforceable because of the way it's  
23 being interpreted.

24  
25 VICE CHAIRMAN BANGS: Thank you, Cathy.

26  
27 Don, could you just go over quickly  
28 what your motion is right now. It's getting late and I  
29 just want to make sure everybody's clear on what we're  
30 talking about here. And because it was amended, it's a  
31 little bit different than what we're reading.

32  
33 MR. HERNANDEZ: Yeah. I could do that,  
34 Mr. Chairman. The intention of my amendment was to  
35 remove this alternative proposed by Petersburg that  
36 deals with a net must be available for inspection by  
37 law enforcement personnel within two hours. That's the  
38 only thing my amendment is addressing at this time.

39  
40 VICE CHAIRMAN BANGS: Okay. So is  
41 everybody clear on that.

42  
43 Art.

44  
45 MR. LARSON: Mr. Chair, I am not clear.

46  
47 VICE CHAIRMAN BANGS: Okay. Excuse me,  
48 Art. Let Mr. Larson help me out here with getting  
49 cleared up.

50

1 MR. LARSON: I would appreciate 30  
2 seconds with Don to clear this up.  
3  
4 VICE CHAIRMAN BANGS: Okay. Thirty  
5 seconds.  
6  
7 I know we're close. We might have to  
8 extend this 6:30 to 6:35.  
9  
10 (Laughter)  
11  
12 VICE CHAIRMAN BANGS: I know we're  
13 getting very close. Yeah, Art's next, but I want to  
14 make sure that this is cleared up because it is kind of  
15 confusing to me because there was an amendment to  
16 remove the two hours.  
17  
18 (Off record)  
19  
20 (On record)  
21  
22 VICE CHAIRMAN BANGS: Okay. Don.  
23  
24 MR. HERNANDEZ: Yeah. Mr. Chair, yeah.  
25 Mr. Larson kind of clarified me on where we in the  
26 process. We only put one of these proposals on the  
27 table at this time. And we're not dealing with 14 at  
28 all. So I think we can get to where we want to be if  
29 at this point I modify my.....  
30  
31 MS. PHILLIPS: Amendment.  
32  
33 MR. HERNANDEZ: .....so that we would  
34 now be down to eliminating the net must be available  
35 for inspection within two hours. We substitute the OSM  
36 language which says fishing nets must be checked at  
37 least once each day.  
38  
39 So if I could amend my motion to that  
40 -- adding a substitution essentially. We'll go right  
41 to the substitute language, if we could at this time.  
42  
43 VICE CHAIRMAN BANGS: Okay. If you  
44 want to give us the substitute language, and we'd have  
45 to get the concurrence, but could you read that to us  
46 so we're clear.  
47  
48 MR. HERNANDEZ: The substitute language  
49 would be fishing nets must be checked at least once  
50 each day.

1 VICE CHAIRMAN BANGS: So as I  
2 understand, you want to replace I with the words  
3 fishing nets must be checked at least once a day.

4  
5 MR. HERNANDEZ: That's correct.

6  
7 VICE CHAIRMAN BANGS: Okay. Is there  
8 concurrence of the second.

9  
10 MR. DOUVILLE: Yes. There is.

11  
12 VICE CHAIRMAN BANGS: Okay. There's a  
13 concurrence of the second.

14  
15 So anymore discussion on replacing I  
16 with fishing nets must be checked at least once a day.

17  
18 Bob.

19  
20 MR. SCHROEDER: Mr. Chairman, I support  
21 this amendment. And the Council's had a good deal of  
22 discussion on enforcement. And although I generally  
23 second guess our Staff whenever possible, this is a  
24 case where I would defer to the Staff who developed  
25 this alternative, the OSM preliminary conclusion, which  
26 indicated that this indicated that this was a feasible  
27 way of dealing with the net checking issue.

28  
29 And also this inclusion of this may  
30 assuage concerns of our Canadian brothers, without  
31 being an onerous demand put on subsistence fishers who  
32 probably check their nets a couple of times a day  
33 anyways.

34  
35 Thank you.

36  
37 VICE CHAIRMAN BANGS: Thank you, Mr.  
38 Schroeder.

39  
40 Anyone else.

41  
42 MS. PHILLIPS: Mr. Chairman.

43  
44 VICE CHAIRMAN BANGS: Patty.

45  
46 MS. PHILLIPS: Thank you. I don't  
47 think it goes far enough because the competition for  
48 prime fishing locations. So if they're only required  
49 to haul them once a day, then they still can keep those  
50 locations.

1 VICE CHAIRMAN BANGS: Anyone else.  
2  
3 MS. PHILLIPS: And Mr. Chair, I really  
4 wish Mr. Stokes was here to guide us. Because he's the  
5 one who got us here.  
6  
7 VICE CHAIRMAN BANGS: Don.  
8  
9 MR. HERNANDEZ: Yeah. Thank you, Mr.  
10 Chairman. I put that up -- that language up --  
11 substitute language up as a -- maybe a starting point.  
12 I mean I would not be opposed to making some changes to  
13 that. You know, if you wanted to change it to nets  
14 must be checked every 12 hours or something like that,  
15 I would put that up for discussion.  
16  
17 VICE CHAIRMAN BANGS: John.  
18  
19 MR. YEAGER: Thank you, Mr. Chair. I  
20 feel that the essence of this as being a food fishery  
21 -- the net, it's common practice to check the net more  
22 than one time a day. I don't know of anyone that just  
23 would throw the net in the water and leave it for a 24-  
24 hour period. I'm sure there is cases where that might  
25 happen, but that's not the essence of this fishery. So  
26 it behooves the user to check this net more than one  
27 time a day. And I know that is what happens.  
28  
29 VICE CHAIRMAN BANGS: Thank you, John.  
30  
31 Patty.  
32  
33 MS. PHILLIPS: Well, Mr. Chair, that's  
34 why I support the language all nets must be closely  
35 attended while they're in the water. I mean I support  
36 that sentence because it's recognizing what should be a  
37 common practice.  
38  
39 VICE CHAIRMAN BANGS: Well, I think  
40 it's a matter of interpretation. Once or twice a day  
41 could be considered closely attending it. In this  
42 fishery it sounds like that is closely attending it.  
43 You know, the word closely attending is pretty vague.  
44  
45 MS. PHILLIPS: Uh-huh. (Affirmative)  
46  
47 VICE CHAIRMAN BANGS: And you don't  
48 really have any parameters anyway. So restricting  
49 subsistence users by vague wordage doesn't really help  
50 them. And putting the words that we would want them to

1 check it at least once a day or twice a day or whatever  
2 we decide is at least giving them parameters that law  
3 enforcement can enforce. Closely doesn't really give  
4 us anything.

5  
6 Thank you.

7  
8 Don.

9  
10 MR. HERNANDEZ: Well, that portion of  
11 the proposal goes on to say that while a net is in the  
12 water a Federal subsistence permit must be available  
13 for inspection by law enforcement personnel. So that  
14 to me indicates that somebody would have to be there  
15 continuously.

16  
17 VICE CHAIRMAN BANGS: Cathy.

18  
19 MS. NEEDHAM: I thought the amendment  
20 on the table was to get rid of I. So that would take  
21 that language out of there and replace I with the  
22 simple language of checking it once a day. And that's  
23 the amendment on the table that we should be  
24 discussing.

25  
26 VICE CHAIRMAN BANGS: Well, it's all  
27 kind of tied in together, but I understand what you're  
28 saying. I appreciate that, Cathy.

29  
30 Art.

31  
32 MR. BLOOM: Yeah. I hate to keep  
33 belaboring it. But again if the common practice is to  
34 check the net quite frequently, then it should be  
35 fairly easy. You could help us out by coming up with  
36 some language that would put that into regulation.

37  
38 VICE CHAIRMAN BANGS: Yes, Bob.

39  
40 MR. SCHROEDER: Just on the question of  
41 net checking. You would think a regular practice which  
42 we've heard from fishers that they usually check their  
43 net more than once a day. However, it's really easy to  
44 see some circumstances where somebody would be cited  
45 because they got a little bit sick or they cut their  
46 hand and had to go get stitched up.

47  
48 And I don't see what purpose is served  
49 by putting more restrictions on subsistence users in  
50 this respect, noting that this is not normal practice

1 for Federal net fisheries.

2

3

Thank you.

4

5

VICE CHAIRMAN BANGS: Thank you, Mr. Schroeder. And I agree with that. I think that there's only anecdotal evidence anyway. So I think we don't want to restrict any more than we have to on subsistence uses. So I would be in favor of Don's amendment myself.

11

12

Anybody.

13

14

Mike.

15

16

MR. DOUVILLE: I'm in favor of Don's amendment. The OSM has done the research and they say it is enforceable. And as far as leaving the nets too long or like for days, I mean there's a household limit on these things, you know and when you've achieved your catch you're going to leave.

22

23

VICE CHAIRMAN BANGS: Thank you. One other thing that I think we should keep in mind. That once we change this around to whatever we feel is adequate, it doesn't mean it's forever. We can always come back at a later date and if we find out that there is evidence through troubles, then we can address it again. This is not a forever thing.

30

31

So I just think we have to keep that in mind, too.

33

34

Patty.

35

36

MS. PHILLIPS: So does require nets to be checked at least once a day -- does that mean you set it and that's your checking. Or does it mean you set it and you check it later. And I understand that it is the practice to check your net fairly frequently, but not everyone has long history of fishing on that river and may not have the practices down as well as others do.

44

45

So what does that mean by require nets to be checked at least once each day. Is that separate from setting the net. That's the way I understand it.

48

49

VICE CHAIRMAN BANGS: John.

50

1 MR. YEAGER: That's how I would  
2 interpret that. If you're setting the net, that hasn't  
3 had an opportunity to fish yet. So I would not  
4 classify that as checking your net. Checking your net  
5 would come after it's already had a chance to fish.

6  
7 VICE CHAIRMAN BANGS: Thank you.

8  
9 Anyone else.

10  
11 MR. SCHROEDER: Well call for the  
12 question on the amendment.

13  
14 VICE CHAIRMAN BANGS: Okay. The  
15 question's been called for with the amended language to  
16 replace Section I with the words fishing nets must be  
17 checked at least once a day.

18  
19 All those in favor of the amended  
20 language, respond by saying aye.

21  
22 IN UNISON: Aye.

23  
24 VICE CHAIRMAN BANGS: Opposed.

25  
26 MS. PHILLIPS: Aye.

27  
28 VICE CHAIRMAN BANGS: Okay. Motion  
29 carries. One dissent vote.

30  
31 Okay. So now we're getting real close.

32  
33 What's the wish of the Council.

34  
35 MS. NEEDHAM: Mr. Chair.

36  
37 VICE CHAIRMAN BANGS: Cathy.

38  
39 MS. NEEDHAM: Mr. Chair, I want to ask  
40 Patty for clarification. You mentioned earlier that  
41 checking the net once a day, I can't remember how you  
42 phrased it, but your concern was that it just --  
43 because it's in the water for longer, it doesn't allow  
44 other users to come in. Can you -- like that  
45 replacement essentially. Can you clarify your concern  
46 with that or what you were bringing up when you spoke  
47 to that.

48  
49 MS. PHILLIPS: I think I was talking  
50 about -- I heard that subsistence needs are not being

1 met because of competition for prime fishing locations  
2 and they're having a hard time getting the net where  
3 they want it go get -- where there's better fishing.  
4 And if you're a weekend warrior, you only have Friday,  
5 Saturday, Sunday -- then that limits your opportunity.

6  
7 VICE CHAIRMAN BANGS: Does that answer  
8 your question, Cathy.

9  
10 MS. NEEDHAM: It clarifies what she  
11 said. And I guess my question would be does it. I  
12 don't understand how it limits opportunity, but maybe  
13 I'm missing a piece of it because it's past our 6:30  
14 dinner hour.

15  
16 VICE CHAIRMAN BANGS: Okay. So.....

17  
18 MS. NEEDHAM: I guess maybe I should  
19 actually phrase that as a question then. Wouldn't the  
20 nets be pulled. So if you're checking it once a day,  
21 once you reach your limit, wouldn't the net be pulled  
22 so somebody else could move in and place their net.

23  
24 VICE CHAIRMAN BANGS: Well, we heard  
25 testimony that that's not always the case. That  
26 another person might put their name on the net. It  
27 will remain in place and then they can catch their  
28 limit using that space. And I think that was through  
29 some testimony we heard.

30  
31 So, you know, I don't know if it's  
32 common practice. I've never participated in the  
33 fishery. But that's what I -- the gist from some of  
34 the testimony I heard.

35  
36 Okay.

37  
38 So where do we want to go from here.

39  
40 MS. PHILLIPS: Call for the question.

41  
42 VICE CHAIRMAN BANGS: So we're back to  
43 the main motion with the amended language to adopt  
44 Proposal FP15-13.

45  
46 Mr. Douville.

47  
48 MR. DOUVILLE: Thank you. It's not  
49 clear to me that we did modify I. And that reads now  
50 require nets to be checked at least once a day. But

1 there's two I's. So are we dealing with -- how are we  
2 dealing with them.

3

4 VICE CHAIRMAN BANGS: No. The second I  
5 is a different proposal. It's the Wrangell Advisory  
6 Committee Proposal and that's FP15-14. And we're  
7 dealing with 15-13. And so what Don did is he replaced  
8 I so it's gone from the first proposal. And the words  
9 are replaced with fishing nets must be checked at least  
10 once a day. So are you clear?

11

12 MR. DOUVILLE: (Nods affirmatively)

13

14 VICE CHAIRMAN BANGS: Okay.

15

16 So -- Art.

17

18 MR. BLOOM: Well, Patty. I think  
19 there's still maybe room, as Don had said, that we  
20 could offer another amendment to, you know, possibly  
21 change the number of times a day a net would be  
22 checked, if you're not satisfied with the way this came  
23 out.

24

25 And secondly, I'd just like to say that  
26 the comment was made that we should go with OSM and not  
27 question their suggestions. But from this whole  
28 discussion, my impression is that OSM didn't really  
29 consider all the things that we've brought up in this  
30 discussion. And so maybe their conclusions really  
31 weren't as well thought out. Not because they didn't  
32 put the effort into it, but because they didn't have  
33 the ability to brainstorm the way we have.

34

35 VICE CHAIRMAN BANGS: Thank you, Art.  
36 We've already accepted this language through a vote to  
37 substitute that. In order to -- and I think the  
38 question for the main motion in on the floor, so this  
39 isn't really the time to discuss that. If we want to  
40 come back again and amend it, we would have to back up.

41

42 Okay. Patty.

43

44 MS. PHILLIPS: Thank you. The question  
45 is never intended to stop debate. So I'll withdraw my  
46 question if that's the effect it's having.

47

48 VICE CHAIRMAN BANGS: Okay. So we're  
49 back to what we just voted on then. The question is  
50 not called for on the proposal. And we have some

1 discussion on the amendment language that we just  
2 passed. Am I getting that right.

3

4 MR. LARSON: Mr. Chair, the right words  
5 are that you have final discussion on the main motion.

6

7 VICE CHAIRMAN BANGS: Okay. Thank you  
8 for clarifying that.

9

10 So is there any more discussion on the  
11 main motion.

12

13 Don.

14

15 MR. HERNANDEZ: I would just still like  
16 to say that if Patty would like to offer up another  
17 amendment, I think we'd be willing to consider it.

18

19 VICE CHAIRMAN BANGS: Patty. Do you  
20 have any thoughts.

21

22 MS. PHILLIPS: I don't know what to  
23 offer.

24

25 VICE CHAIRMAN BANGS: Yes, Art.

26

27 MR. BLOOM: Well, I'll offer an  
28 amendment that the language be changed to twice a day.

29

30 VICE CHAIRMAN BANGS: Okay. An  
31 amendment has been offered to change the wording from  
32 fishing nets must be checked at least once a day to at  
33 least twice a day.

34

35 Discussion.

36

37 Don.

38

39 MR. LARSON: Mr. Chair, second.

40

41 VICE CHAIRMAN BANGS: Was there a  
42 second.

43

44 MR. HERNANDEZ: I'll second it.

45

46 VICE CHAIRMAN BANGS: Okay.

47

48 Don, do you have something to discuss.

49

50 MR. HERNANDEZ: Yeah. I think the

1 wording may still be a little vague. If Art would want  
2 to entertain a suggestion on his motion, I think I  
3 would offer up maybe something a little bit more  
4 specific. Instead of just saying fishing nets must be  
5 checked at least once a day, I might suggest that the  
6 language would be that the permit must be available --  
7 let's see, what was the wording here, permit must be  
8 available for inspection by law enforcement personnel  
9 within a 12-hour period.

10

11 I think twice a day is -- you know, you  
12 could check it at 10:00. You could check it at 10:15.  
13 I mean that's kind of vague.

14

15 (Laughter)

16

17 MR. HERNANDEZ: So if Art would want to  
18 entertain that change in the language to -- and also I  
19 was a little concerned with just nets must be checked.  
20 How are you going to confirm that the net was checked.

21

22 You know, it sounds like that's leaving  
23 it up to -- you know, if somebody up the river comes  
24 and tells a law enforcement officer I didn't see that  
25 guy check his net in the last day. You know, you'd  
26 better go arrest him or something. That's -- eh. It's  
27 too vague.

28

29 I think permit must be available for  
30 inspection by law enforcement officers within a 12-hour  
31 period would be my suggestion.

32

33 VICE CHAIRMAN BANGS: Frank.

34

35 MR. WRIGHT: Mr. Chairman, are we  
36 talking about 15-13.

37

38 VICE CHAIRMAN BANGS: That's correct,  
39 Frank.

40

41 MR. WRIGHT: We had already passed the  
42 motion to accept the language before that, so I think  
43 what we're doing is out of order in Robert's Rules.

44

45 VICE CHAIRMAN BANGS: What the  
46 amendment came about from discussing the final motion,  
47 which includes that change. So they're proposing to  
48 amend the changes that we passed in the original  
49 motion. So it's just a matter of coming up with  
50 another amendment.

1 Art.  
2  
3 MR. BLOOM: Yeah. I think -- was Don  
4 -- were you offering that as a friendly amendment, or  
5 how would we change the language there.  
6  
7 MR. HERNANDEZ: I think you have the  
8 proper terminology there. I was offering that as a  
9 friendly amendment. Yes.  
10  
11 MR. BLOOM: I would accept that then.  
12 And that while a net is in the water, the amendment  
13 would read while a net is in the water, the Federal  
14 subsistence permit must be available for inspection by  
15 law enforcement personnel within 12 hours at the net  
16 site.  
17  
18 VICE CHAIRMAN BANGS: Okay. So we have  
19 an additional amendment to the words fishing nets must  
20 be checked at least twice a day. So now we're adding  
21 another amendment; is that what you're saying?  
22  
23 MR. BLOOM: No.  
24  
25 VICE CHAIRMAN BANGS: Or you're  
26 changing it altogether.  
27  
28 MR. BLOOM: That would be replacing the  
29 language.  
30  
31 VICE CHAIRMAN BANGS: Okay. So I just  
32 want everybody to be clear. So we're replacing the  
33 language that we just changed again. You're removing  
34 that motion and now we're putting in a motion that says  
35 that it must be available for law enforcement every 12  
36 hours.  
37  
38 Does everybody understand.  
39  
40 MR. YEAGER: Every 12 hours.  
41  
42 VICE CHAIRMAN BANGS: Within 12 hours.  
43  
44 Could you please restate the particular  
45 language.  
46  
47 MR. BLOOM: The amendment would remove  
48 the language to require nets to be checked at least  
49 once a day, with the words while a net is in the water,  
50 the Federal subsistence permit must be available by

1 inspection by law enforcement personnel within 12 hours  
2 at the net site.

3

4 VICE CHAIRMAN BANGS: So we have a new  
5 motion before us. And did you second it.

6

7 MR. HERNANDEZ: I seconded it.

8

9 VICE CHAIRMAN BANGS: Okay. So it's  
10 been moved and seconded to adopt the new language.  
11 Discussion.

12

13 John.

14

15 MR. YEAGER: Thank you. So Art, what  
16 you want to do is I set a net in the water. And then I  
17 have to go back to that net within 12 hours and wait  
18 for law enforcement to show up. Then why have the 12-  
19 hour time limit. Why not say the net has to be checked  
20 once a day and your permit needs to be available --  
21 made available.

22

23 VICE CHAIRMAN BANGS: So what he's  
24 saying is it needs to be available within 24 hours; is  
25 that right -- or within 12 hours. Yeah. So, you know,  
26 you're going to go to your net a couple of times a day.  
27 And it should be enforceable that you should be  
28 available within 12 hours.

29

30 Don.

31

32 That's the way I read it.

33

34 MR. HERNANDEZ: I guess my  
35 understanding would be whatever technique law  
36 enforcement kind of indicated to OSM that they could  
37 enforce a once a day requirement, that, you know,  
38 somehow they would confirm that they knew that in a 12-  
39 hour period that that person was not there checking his  
40 net, then they could cite him. I don't know how they  
41 would go about it, but apparently they think they can.  
42 So that satisfies me.

43

44 VICE CHAIRMAN BANGS: Bob.

45

46 MR. SCHROEDER: I'm getting kind of  
47 hungry. But I'm also -- I'm kind of losing track. I'm  
48 not quite sure what problem the RAC is addressing at  
49 this moment. And I don't see what purpose is served by  
50 this particular amendment, in that we have a solution

1 which -- to a problem which hasn't been established  
2 whatsoever.

3

4                   So I would note again that normally  
5 Federal subsistence net fishing doesn't require this  
6 sort of attention. That we have no evidence that  
7 there's a problem that needs to be resolved. And the  
8 testimony we received from users didn't bring up that  
9 this was something that the subsistence users who chose  
10 to come to the Council meeting wanted us to address.

11

12                   So I think we have a solution which is  
13 getting difficult to craft, which is addressing a  
14 problem that we haven't identified.

15

16                   Thank you.

17

18                   VICE CHAIRMAN BANGS: Thank you for  
19 explaining that. Because that's what's been confusing  
20 me. We're trying to fix something that's not broken, I  
21 think.

22

23                   Patty.

24

25                   MS. PHILLIPS: I would disagree with  
26 some of what he just said. With what Mr. Schroeder  
27 just said in that we're addressing an issue that hasn't  
28 been brought before us. Well, we had two AC's bring  
29 their concerns to us and we've had public testimony.

30

31                   So I don't get what he's saying there.

32

33                   But we have areas on Prince of Wales  
34 Island where because of the traffic that comes from  
35 Ketchikan, that they've set up specific hours where  
36 they can fish. So it's not like it's not -- it's not  
37 unheard of, because it happens. We have the Klawock  
38 River where we've made modifications in order to deal  
39 with the heavy competition that occurs there.

40

41                   So yeah. It's -- I don't know what the  
42 solution is. Maybe we could say, you know, Monday  
43 through Thursday, you know, go for it. Free for all.  
44 But when we have these weekend warriors coming in --  
45 what this is saying is while the net is in the water,  
46 the Federal subsistence permit must be available for  
47 inspection. It doesn't mean it has to be. It's just  
48 that -- it doesn't mean law enforcement is going to be  
49 there within that 12 hours. But should they be there,  
50 you need to have that permit available for inspection.

1 And it allows for pulling that net every 12 hours.

2

3 So at least that's the way I'm hearing  
4 it. And I don't know. If we can find a way to allow a  
5 turnover on that prime fishing location -- maybe it's a  
6 perceived activity that people can't get to the prime  
7 location, but that's what we heard here at this  
8 meeting.

9

10 So anyways, maybe I'm just -- I'm  
11 fighting a lost cause. So.....

12

13 VICE CHAIRMAN BANGS: I think it's just  
14 really late and it's really hard to make good  
15 decisions. And I think there's a few more comments.

16

17 Ken.

18

19 MR. JACKSON: Mr. Chairman, I'd just  
20 like to make one comment. Whenever Fish and Game did  
21 come around us, they have the capability of calling the  
22 person whose name is on the buoy to check your permit  
23 number. And they have their computers right there to  
24 check to make sure, you know, that you're the right  
25 person that has that set out.

26

27 So I think the thing is we're worried  
28 about people being there when law enforcement comes  
29 around. And it's up to law enforcement to be able to  
30 contact people. It's pretty hard to sit on a set if  
31 they're going to set them overnight. So I don't know.  
32 I'm just saying that they -- I know they have all their  
33 information on there.

34

35 VICE CHAIRMAN BANGS: Thank you.

36

37 Do you have some words of wisdom.

38

39 MR. ARDIZZONE: I don't know if I have  
40 any words of wisdom, but to me it sounds like there's  
41 two issues going on. There's checking your net. And  
42 then what Patty's talking about is freeing up a  
43 location so other people can fish there. So that to me  
44 is two separate issues.

45

46 And I don't know. It is getting late.  
47 Maybe it would be good to break and come back in fresh  
48 in the morning. But that's up to the Council.

49

50 VICE CHAIRMAN BANGS: Thank you.

1 Ms. Needham.

2

3 MS. NEEDHAM: Mr. Chair, I agree. I  
4 think that we're starting to just play with words right  
5 now and not really following and understanding what  
6 we're doing. And we need some kind of recess I think  
7 to -- whether it's an hour for dinner if we want to try  
8 to complete this tonight or whether it's recess for the  
9 evening and come back fresh in the morning with --  
10 we're at -- I think we need a break.

11

12 VICE CHAIRMAN BANGS: I agree. I would  
13 bring to the Council that maybe we start at 8:30  
14 instead of 9:00, so we had a little extra time in the  
15 morning.

16

17 And I think that there's going to have  
18 to be some time to go through those fishery proposals  
19 that the working group weren't able to finish. So I  
20 would ask that that group maybe look through those  
21 proposals tonight if they get a chance on their own so  
22 that they can bring out their ideas very quickly  
23 tomorrow.

24

25 So if that's okay with the Council, we  
26 can recess for the night and then convene at 8:30 in  
27 the morning.

28

29 Bob.

30

31 MR. SCHROEDER: Just procedurally, I  
32 think we have this -- so we would start up with this  
33 amendment on the floor.

34

35 VICE CHAIRMAN BANGS: Yes. I would  
36 think that we could table this.

37

38 MR. SCHROEDER: That's where we  
39 stopped.

40

41 VICE CHAIRMAN BANGS: Table this for a  
42 recess.

43

44 MS. PHILLIPS: Postpone for time  
45 specific.

46

47 Mr. Chair.

48

49 VICE CHAIRMAN BANGS: Yes, Patty.

50

1 MS. PHILLIPS: I move that we postpone  
2 until 8:30 in the morning.

3

4 MR. BLOOM: Second.

5

6 VICE CHAIRMAN BANGS: It's been moved  
7 and seconded. All in favor, say aye.

8

9 IN UNISON: Aye.

10

11 VICE CHAIRMAN BANGS: Opposed.

12

13 (On opposing votes)

14

15 VICE CHAIRMAN BANGS: Okay. Okay.  
16 Tomorrow at 8:30.

17

18 (Off record)

19

20 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

UNITED STATES OF AMERICA )  
 )ss.  
STATE OF ALASKA )

I, Salena A. Hile, Notary Public in and for the state of Alaska and reporter for Computer Matrix Court Reporters, LLC, do hereby certify:

THAT the foregoing pages numbered 112 through 329 contain a full, true and correct Transcript of the SOUTHEAST FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, VOLUME II taken electronically on the 22nd day of October in Wrangell, Alaska;

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

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

DATED at Anchorage, Alaska, this 13th day of November 2014.

\_\_\_\_\_  
Salena A. Hile  
Notary Public, State of Alaska  
My Commission Expires: 09/16/18