

1 SOUTHCENTRAL FEDERAL SUBSISTENCE
2 REGIONAL ADVISORY COUNCIL MEETING
3
4 PUBLIC MEETING

5
6
7 VOLUME I

8
9 Kenai, Alaska
10 October 15, 2014
11 9:00 a.m.
12

13
14 COUNCIL MEMBERS PRESENT:

- 15
16 Ralph Lohse, Chairman
17 Judy Caminer
18 Tom Carpenter
19 Greg Encelewski
20 Robert Henrichs
21 Andrew McLaughlin
22 Mary Ann Mills
23 Michael Opheim
24 James Showalter
25 Gloria Stickwan
26
27 Regional Council Coordinator, Donald Mike
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P R O C E E D I N G S

(Kenai, Alaska - October 15, 2014)

(On record)

CHAIRMAN LOHSE: Do we have anybody else online, Donald?

MR. MIKE: Do we have anybody else online besides Mr. Carpenter. Please identify yourself.

(No comments)

CHAIRMAN LOHSE: Thank you, Donald. With that, I'd like to ask Judy to make a roll call and establish a quorum for us.

MR. MIKE: Mr. Chair.

CHAIRMAN LOHSE: Donald.

MS. CAMINER: Usually Donald does it.

MR. MIKE: You need to call the meeting to order. Thank you.

CHAIRMAN LOHSE: On the agenda it says I wasn't supposed to call the meeting to order until we had a roll call and a quorum and I thought that was backwards, but okay. I'll call the meeting to order and then I'll ask Judy to.....

MS. CAMINER: Thank you, Mr. Chair. Glad to do it. Mr. Henrichs.

MR. HENRICHS: Here.

MS. CAMINER: Greg Encelewski.

MR. G. ENCELEWSKI: Here.

MS. CAMINER: Mary Ann Mills.

MS. MILLS: Here.

MS. CAMINER: Ms. Stickwan.

MS. STICKWAN: Here.

1 MS. CAMINER: Mr. Showalter.
2
3 MR. SHOWALTER: Here.
4
5 MS. CAMINER: Mr. Opheim.
6
7 MR. OPHEIM: Here.
8
9 MS. CAMINER: Mr. McLaughlin.
10
11 MR. MCLAUGHLIN: Here.
12
13 MS. CAMINER: Note that I'm here. Mr.
14 Lohse.
15
16 CHAIRMAN LOHSE: Here.
17
18 MS. CAMINER: Mr. Carpenter is online.
19 And Mr. Moonin seems to be absent. We have a quorum.
20
21 CHAIRMAN LOHSE: Thank you, Judy. I'd
22 like to welcome everybody that's here. At this point
23 in time in our meeting we usually ask for an
24 introduction from all the people that are in the
25 audience. We'll go around the Council too so that they
26 can tell you where they're from and everything,
27 although I think most of you probably know who they
28 are. We'll just start with Gloria and go around the
29 table and we'll go just around to everybody out here
30 and introduce ourselves and then we'll go on with the
31 rest of the agenda.
32
33 MS. STICKWAN: Gloria Stickwan from
34 Tazlina, Alaska.
35
36 MR. MCLAUGHLIN: Andy McLaughlin from
37 Chenega Bay.
38
39 MR. HENRICHS: Rob Henrichs from
40 Eyak/Cordova.
41
42 MS. CAMINER: Judy Caminer, Anchorage.
43
44 MR. G. ENCELEWSKI: I'm Greg Encelewski
45 from Ninilchik.
46
47 CHAIRMAN LOHSE: Ralph Lohse from the
48 Copper Basin.
49
50 MR. SHOWALTER: James Showalter

1 originally from Kenai, living in Sterling.

2

3 MS. MILLS: Mary Ann Mills, Kenai.

4

5 MR. OPHEIM: Michael Opheim, Seldovia.

6

7 MR. MIKE: I'm Donald Mike, Council
8 Coordinator.

9

10 MR. ARDIZZONE: Good morning, Mr.
11 Chair. Chuck Ardizzone, Office of Subsistence
12 Management.

13

14 MR. LIEBICH: I'm Trent Liebich. I'm a
15 fish biologist with the Office of Subsistence
16 Management.

17

18 MR. CRAWFORD: Drew Crawford. I'm with
19 the Alaska Department of Fish and Game, Federal
20 Subsistence Liaison Team in Anchorage.

21

22 MR. KESSLER: Good morning. Steve
23 Kessler with U.S. Forest Service on the InterAgency
24 Staff Committee.

25

26 MR. BURCHAM: I'm Milo Burcham,
27 wildlife biologist and subsistence lead for the Chugach
28 Forest. Good to see everybody again.

29

30 MS. CELLARIUS: Barbara Cellarius,
31 Subsistence Coordinator for Wrangell-St. Elias National
32 Park and Preserve in Copper Center.

33

34 MS. KENNER: I'm Pippa Kenner, an
35 anthropologist in Anchorage with the Office of
36 Subsistence Management.

37

38 MS. MCBURNEY: I'm Mary McBurney. I'm
39 the Subsistence Team lead for the National Park Service
40 and also the InterAgency Staff Committee member for the
41 National Park Service.

42

43 MR. ANDERSON: Jeff Anderson with Fish
44 and Wildlife Service. I'm the Federal inseason manager
45 for Cook Inlet fisheries.

46

47 DR. CHEN: Aloha, Council members. My
48 name is Glenn Chen. I'm the Subsistence Branch Chief
49 for Bureau of Indian Affairs.

50

1 MR. MILLER: Mr. Chair. I'm Steve
2 Miller. I'm the Deputy Refuge Manager at Kenai
3 National Wildlife Refuge.

4
5 MR. ESKELIN: I'm Todd Eskelin. I'm a
6 biologist at Kenai National Wildlife Refuge.

7
8 MS. BULLOCK: Sarah Bullock, wildlife
9 biologist with BLM in Glennallen.

10
11 MR. TEITZEL: I'm Dennis Teitzel. I'm
12 the field manager for the Glennallen Field Office,
13 Bureau of Land Management.

14
15 CHAIRMAN LOHSE: Thank you. With that,
16 we will go on to our review and adoption of the agenda
17 that's in front of us. Council members, have you
18 looked at it? Do you have any additions, changes that
19 you'd like to see to the agenda? Andy.

20
21 MR. MCLAUGHLIN: Yeah, Mr. Chair. I'd
22 like to add to new business on the agenda, a discussion
23 on delegation of authority.

24
25 CHAIRMAN LOHSE: Under new business?

26
27 MR. MCLAUGHLIN: Yes.

28
29 CHAIRMAN LOHSE: Delegation of
30 authority discussion. Any other additions or changes.

31
32 MR. CARPENTER: Mr. Chair. This is Tom
33 Carpenter in Cordova. I don't have any additions or
34 changes, but I'm only going to be able to be present
35 today, so if there's any way that that item, delegation
36 of authority, could be held today so that I could hear
37 what the discussion is, I would appreciate it.

38
39 CHAIRMAN LOHSE: Thank you, Tom. I
40 think we'll probably get to that today. I'm pretty
41 sure, so hang on. If we don't, we'll make sure to put
42 it in before the end of the day.

43
44 MR. CARPENTER: Okay, thanks.

45
46 CHAIRMAN LOHSE: Greg.

47
48 MR. G. ENCELEWSKI: Yeah, Mr. Chairman.
49 I would just request that wherever we put delegation of
50 authority that we go ahead and take our fish proposals

1 in a timely manner. I have people from Ninilchik
2 coming up at 10:30 to testify.

3
4 Thank you.

5
6 CHAIRMAN LOHSE: Thank you. Any other
7 changes or additions that anybody can see to the
8 agenda.

9
10 Donald.

11
12 MR. MIKE: Thank you, Mr. Chair.
13 Donald Mike. I have a folder that I gave out to all
14 the Council members. There are some Board of Fisheries
15 proposals that will affect the Southcentral region,
16 particularly the Copper River. If the Council wishes
17 to do so, they can review it under new business. We
18 have Staff here to give a summary. It will be up to
19 the Council if they want to provide their comments to
20 the Board of Fish.

21
22 Thank you, Mr. Chair.

23
24 CHAIRMAN LOHSE: Thank you, Donald. Is
25 that okay with the rest of the Council members to add
26 that under either new business or we can add that after
27 we take care of our fisheries proposals that we have
28 because we have people coming for that. Let's put it
29 right in front -- if it's okay with everybody else,
30 let's put it right in front of agency reports. Does
31 that sound good? That's just for your information on
32 proposals that affect the Copper River.

33
34 MR. G. ENCELEWSKI: Yeah, it looks like
35 there's quite a few of them.

36
37 CHAIRMAN LOHSE: Any other.

38
39 MR. KESSLER: Thank you, Mr. Lohse.
40 Steve Kessler with the Forest Service. I would just
41 ask that under agency reports you add the U.S. Forest
42 Service. Somehow it inadvertently got missed.

43
44 CHAIRMAN LOHSE: You got missed. Okay.
45 U.S. Forest Service under agency reports.

46
47 MR. KESSLER: Thank you.

48
49 CHAIRMAN LOHSE: Donald.

50

1 MR. MIKE: Thank you, Mr. Chair.
2 Again, under agency reports we have under ADF&G or
3 prior to that we'll have the Alaska Energy Authority
4 give a short briefing on the Susitna Watana Hydro
5 Project. And under ADF&G we have Mark Burcham, Alaska
6 Department of Fish and Game. He'll give a biologic
7 report on the wildlife that relates to the Susitna
8 Watana Hydro Project.

9
10 CHAIRMAN LOHSE: Okay. So both of
11 those are connected.

12
13 MR. MIKE: Correct. Thank you, Mr.
14 Chair.

15
16 CHAIRMAN LOHSE: Okay. Do we have any
17 other additions or corrections or changes.

18
19 (No comments)

20
21 CHAIRMAN LOHSE: Hearing none. A
22 motion to adopt the agenda as changed is in order.

23
24 MR. HENRICHS: I'll make the motion.

25
26 CHAIRMAN LOHSE: Do I have a second.

27
28 MS. STICKWAN: Second.

29
30 CHAIRMAN LOHSE: It's been moved and
31 seconded to adopt the agenda with the additions and
32 changes that we've added to it. Any discussion.

33
34 (No comments)

35
36 MR. HENRICHS: Question.

37
38 CHAIRMAN LOHSE: The question has been
39 called. All in favor signify by saying aye.

40
41 IN UNISON: Aye.

42
43 CHAIRMAN LOHSE: All opposed signify by
44 saying nay.

45
46 (No opposing votes)

47
48 CHAIRMAN LOHSE: Motion carries. Okay,
49 now we'll go on to reports. Do any of our Council
50 members have anything that they would like to report.

1 MS. STICKWAN: Did we list the minutes?
2
3 CHAIRMAN LOHSE: Gloria.
4
5 MS. STICKWAN: Are we going to do the
6 minutes?
7
8 CHAIRMAN LOHSE: Oh, you are right.
9 Sorry. I have to put my glasses back on. Okay.
10 Review and approve previous meeting minutes. They're
11 found on Page 5. Thank you, Gloria. A motion to adopt
12 the minutes are in order and then we can have
13 discussion on them.
14
15 MR. HENRICHS: I'll make the motion.
16
17 MR. G. ENCELEWSKI: Second.
18
19 CHAIRMAN LOHSE: It's been moved and
20 seconded that we review and adopt the minutes.
21 Changes, additions, corrections.
22
23 (No comments)
24
25 CHAIRMAN LOHSE: Hearing none, the
26 question is in order.
27
28 MS. CAMINER: Question.
29
30 CHAIRMAN LOHSE: The question has been
31 called to approve the previous meeting minutes. All in
32 favor signify by saying aye.
33
34 IN UNISON: Aye.
35
36 CHAIRMAN LOHSE: All opposed signify by
37 saying nay.
38
39 (No opposing votes)
40
41 CHAIRMAN LOHSE: Motion carries.
42
43 MR. HENRICHS: I will abstain because I
44 wasn't there.
45
46 CHAIRMAN LOHSE: Thank you, Mr.
47 Henrichs. Okay, Council member reports. Does any
48 Council member have anything that they would like to --
49
50 Gloria.

1 MS. STICKWAN: I attended the
2 Wrangell-St. Elias National Parks Resource Commission
3 meeting held on the 7th and 8th of October at the
4 Culture Center in Copper Center, Alaska. We wrote
5 letters on WP14-01, fisheries proposals 214, 215 Copper
6 Basin community hunt for moose to extend the hunt area
7 in the Nabesna River, which affects Federally qualified
8 subsistence hunters.

9
10 We heard reports from National Park
11 Service, Alaska Department of Fish and Game on Susitna
12 Watana Dam and a presentation by Burt Adams. We talked
13 about proposals on rulemaking on wildlife proposed by
14 the National Park Service. A working group was set up
15 to draft comments on the proposed rulemaking.

16
17 We discussed an elder sheep hunt and
18 using airplanes to access hunting in the National park
19 and we set up a working group for that. And we mad
20 recommendations to the superintendent on the permit for
21 portable motor use. We finally got that settled, I
22 think.

23
24 CHAIRMAN LOHSE: Thank you, Gloria.
25 Any questions for Gloria.

26
27 (No comments)

28
29 CHAIRMAN LOHSE: Thank you, Gloria.
30 Anybody else have anything they'd like to report.

31
32 Mr. Henrichs.

33
34 MR. HENRICHS: Well, we've got two
35 orphan moose calves down there and released them
36 to.....

37
38 MR. NICK: Mr. Henrichs, please put
39 your mic on.

40
41 MR. HENRICHS: Oh, yes. Sorry about
42 that. I thought you could hear. So we have two orphan
43 moose calves down there and released them to enhance
44 the genetics of the heard. Some people started feeding
45 them and they felt that the radio collars were too
46 tight, which they were designed to expand, so they took
47 the collars off. We found the collars and the moose
48 are running around out there somewhere.

49
50 CHAIRMAN LOHSE: Maybe.

1 MR. HENRICHS: They are. There was no
2 blood, no bodies, no nothing. And our king salmon
3 research was pretty good. It looked like quite a few
4 kings on the Copper this year. Of course I didn't
5 fish, that's why there were.

6
7 (Laughter)

8
9 CHAIRMAN LOHSE: Thank you, Mr.
10 Henrichs for not fishing then so that we had sufficient
11 escapement. Can we request that for next year, too?

12
13 MR. HENRICHS: Steve won't help me take
14 another year off.

15
16 CHAIRMAN LOHSE: Thank you, Mr.
17 Henrichs. That's interesting because I think that
18 tampering with collars is a State offense.

19
20 MR. HENRICHS: Oh, I'm sure it is, but
21 what are you going to do, you know. Go out and arrest
22 somebody? Go ahead.

23
24 CHAIRMAN LOHSE: Yeah, there are more
25 important things going on than that. Judy.

26
27 MS. CAMINER: Thank you, Mr. Chair.
28 The Federal Board met in April and Ralph and I attended
29 that. The summary is in your packet. Quite a lot got
30 done over a long period of time, but most of our
31 proposals I think went quite well.

32
33 I wanted to commend Donald and the
34 Staff for getting us our book about a month or more
35 before this meeting. That was really very, very
36 helpful. Plus the booklet I mean sort of just really
37 looks nice as well as having excellent material in it.
38 So thank you to Donald and OSM for doing that.

39
40 CHAIRMAN LOHSE: Does any other Council
41 member have anything they'd like to report. Andy.

42
43 MR. MCLAUGHLIN: Yeah, from Chenega Bay
44 region of Prince William Sound I can say the black bear
45 population is much lower than it has been. I note a
46 very marked decrease within a year. I kind of even
47 suspect it's some type of disease or something happened
48 in the dens even though we had the early spring. I'm
49 kind of shocked, but perhaps that's what follows the
50 decline in the deer population as well. So we're

1 still, I think, below 50 percent of an average deer
2 population. It hasn't quite rebounded, but it's I
3 would think 20 percent higher than it was last year
4 after that bad winter.

5
6 That's some of our observations of the
7 big game in Prince William Sound.

8
9 CHAIRMAN LOHSE: Mary Ann.

10
11 MS. MILLS: Yes, we have an educational
12 fishery kind of at the mouth of the Kenai River, the
13 Kenaitze Indian Tribe. This year we had less kings
14 than we ever have had. We only caught two kings in our
15 fishery, which is a 60-foot gillnet. In 2013, we
16 caught 19 and 2012 we caught 14 and 2011 we caught 47.
17 So you can see the ongoing decrease of kings.

18
19 Also I attended, along with some of our
20 tribal council members, the Federal Subsistence Board
21 meeting July 30th. It was supposed to be a public
22 meeting. However, the public was not given time to
23 testify and, to me, that was very problematic.

24
25 Thank you.

26
27 CHAIRMAN LOHSE: Thank you, Mary Ann.
28 Can I ask you a question. Did they just not recognize
29 the public or was there no format for the public to
30 make testimony? I mean did they have like we have with
31 cards and everything? Did they just not recognize them
32 or did they just not allow that to happen?

33
34 MS. MILLS: They just omitted it and
35 why, we don't know. We were prepared -- you know, some
36 of our council members had issues that they did want to
37 bring to the Federal Subsistence Board, but they went
38 right into executive session without public comment.

39
40 CHAIRMAN LOHSE: Donald.

41
42 MR. MIKE: Thank you, Mr. Chair.
43 Member Mills. The Federal Subsistence Board meeting in
44 July was a work session and that meeting/work session
45 was to follow up on administrative business. I think
46 the executive session had to deal with the nominations
47 process and that's still kind of confidential.

48
49 Thank you.

50

1 CHAIRMAN LOHSE: Thank you, Donald.
2
3 Any other comments from Council
4 members.
5
6 (No comments)
7
8 CHAIRMAN LOHSE: Okay. The 805 report.
9 Donald.
10
11 MR. MIKE: Thank you, Mr. Chair. I
12 think Judy touched on the 805 report. If there's any
13 questions on the 805 report, we have Staff who can
14 answer that. You'll find the 805 report on Page 19 of
15 your meeting materials. Basically it's just a report
16 on the Board's action on the wildlife proposals, which
17 the Board had taken action at their last winter meeting
18 in April.
19
20 Normally we have a summary of what the
21 Board did on those particular wildlife proposals and it
22 was inadvertently omitted in our meeting materials, but
23 I have hard copies for the Council if they want to see
24 the summary.
25
26 Thank you, Mr. Chair.
27
28 CHAIRMAN LOHSE: Thank you, Donald.
29 When I looked at this, I didn't see any explanation,
30 but I did see that it said that the Board rejected or
31 adopted or took no action on all these proposals
32 consistent with the Council's recommendation, is that
33 correct?
34
35 MR. MIKE: That's correct.
36
37 CHAIRMAN LOHSE: So basically they did
38 give due deference and it was consistent with our
39 recommendations. We just don't have a list of what
40 they were. Okay. Report reply. It's found on Page 21
41 and that's a reply to us on our letter. Donald, do you
42 want to summarize that or do we just want to read it
43 and take a look at it?
44
45 MR. MIKE: It's just a reply from the
46 Council's last annual report to the Federal Subsistence
47 Board. Basically the Board provided a reply to the
48 annual report of 2013 issues that the Council submitted
49 to the Board. It's for your information. If you have
50 any questions, I'll be happy to answer those or we have

1 Staff available.

2

3 Thank you.

4

5 CHAIRMAN LOHSE: Thank you, Donald.

6

7 Judy.

8

9 MS. CAMINER: If it's okay, maybe if
10 everybody wants to read it over quickly, but I do have
11 some questions about the responses.

12

13 CHAIRMAN LOHSE: Would you like to
14 bring some of them to our attention.

15

16 MS. CAMINER: Looking at number 2, we
17 requested that the allocations amongst regions for the
18 fisheries monitoring money be reallocated because those
19 original allocations were made before Cook Inlet was
20 under the Federal Fisheries Program. So the response
21 says that they're in need of review. So our question
22 would continue to be when might that review take place.

23

24 CHAIRMAN LOHSE: Judy, I think that is
25 a very good idea to include in our next -- because I
26 don't know if we're going to get an answer to that
27 right now.

28

29 MS. CAMINER: Okay.

30

31 CHAIRMAN LOHSE: But I think we better
32 at least include that question.

33

34 MR. ARDIZZONE: Mr. Chair. Chuck
35 Ardizzone for the record. Ms. Caminer, we understand
36 your question and I think we have a new fisheries
37 division chief onboard and I think that he's onboard --
38 part of the process for this next coming call, I think
39 they're going to review allocations as soon as
40 possible. He's still trying to get his feet on the
41 ground, but that is something that's on his radar, to
42 review the allocations among regions.

43

44 MS. CAMINER: Great, that's good news.
45 We'll look forward to some feedback on that then as
46 soon as it gets done. Okay.

47

48 CHAIRMAN LOHSE: Thank you, Chuck. Did
49 you have another one?

50

1 MS. CAMINER: Yes. Let's see, looking
2 at number 5, a joint Chairs meeting. It sounds like
3 hopefully there will be a Chair's gathering before the
4 January Federal Subsistence Board meeting. At least I
5 hope that's possible. Chuck might have some new
6 information on that.

7
8 MR. ARDIZZONE: Mr. Chair. I believe
9 that is a discussion item for later. I think we are
10 trying to organize an all Chair's meeting, that's
11 correct.

12
13 CHAIRMAN LOHSE: Thank you, Chuck.

14
15 MR. ARDIZZONE: Maybe I should just sit
16 here for a minute.

17
18 (Laughter)

19
20 CHAIRMAN LOHSE: The only thing I got
21 out of the response is basically if the Chair's meet,
22 they can't do anything other than have a get-acquainted
23 session. They can't discuss any topics on which
24 they're going to.....

25
26 MR. ARDIZZONE: That's my
27 understanding, Mr. Chair.

28
29 CHAIRMAN LOHSE:give advice or
30 make comments on in the future. So basically it looks
31 to me like they can feel this process is working and
32 get to know each other, but really can't deal with any
33 issues.

34
35 MR. ARDIZZONE: That's my understanding
36 under FACA.

37
38 MS. CAMINER: And I would think we can
39 certainly discuss the issues. I guess the request is
40 to stop short of a recommendation, but I'm sure it will
41 formulate ideas in everybody's minds as to what those
42 recommendations could be once the Chairs are meeting
43 with the Board as well. It could be useful.

44
45 CHAIRMAN LOHSE: Well, if I read what
46 it says, it says it prohibits discussion of topics on
47 which the Councils would or could be giving advice in
48 the future. So that pretty well limits it if it
49 prohibits it. Am I correct, Chuck, the way it stands
50 right now?

1 MR. ARDIZZONE: I think you're correct,
2 but I do believe later in the meeting -- is Carl going
3 to call in to talk about the all Chair's meeting?

4
5 MR. MIKE: Yes, Mr. Chair. Our
6 division chief Carl Johnson will call in later. When
7 we get to that agenda item, we'll discuss it further.

8
9 Thank you.

10
11 CHAIRMAN LOHSE: Thank you, Donald.

12
13 MS. CAMINER: Okay. I just wanted to
14 note that -- and, really, the credit goes to Mary Ann
15 -- that the Board seemed to really appreciate that we
16 had the discussion on food security and we sent some of
17 those links to them and that seemed to be a really
18 good, positive response by them.

19
20 My next question would have to do to
21 the response number 8 on the Magnuson-Stevens Act. It
22 says the Board is willing to write letters to the
23 Secretaries, forwarding the issue to the Secretary of
24 Commerce and the delegation as well as the governor. So
25 I'm just wondering when or if that letter has been
26 written, will be written.

27
28 MR. ARDIZZONE: Mr. Chair. As far as I
29 know, that letter has not been written, but it is on
30 the to-do list. We have a pretty extensive to-do list
31 based on all these annual reports from all the Councils
32 that we need to follow up after this meeting.

33
34 CHAIRMAN LOHSE: But it is on the
35 agenda.

36
37 MR. ARDIZZONE: It's on our to-do list.
38 Basically OSM writes the letters for the Board, the
39 Board has to review them, then they get sent out, so it
40 is on the list of things to get done.

41
42 MS. CAMINER: Okay. And in the next
43 paragraph it says -- and I don't know if this is
44 correct, that the draft bill is currently available for
45 public review. If it's still available for public
46 review, it would seem as though any individuals on the
47 RAC could certainly write our desire to have a
48 subsistence seat as part of your individual comments,
49 but don't know the deadline on that. And we could find
50 that out later perhaps just to see.

1 I'd also note a little bit further down
2 in the paragraph Don Young has held hearings and
3 proposed an amendment. The amendment requires the
4 governor to consult with subsistence users prior to
5 nominating someone to a seat. Again, maybe we could
6 get a copy of that amendment to know how that
7 consultation might be set up, who might be consulted
8 with for that. There's a site there to follow that up.

9

10 Then we were also glad to see a
11 positive response on trying to do some changes on
12 Council nominations and the cumbersome nature of the
13 current process.

14

15 I guess, lastly, the response on.....

16

17 MR. ARDIZZONE: Mr. Chair.

18

19 CHAIRMAN LOHSE: Chuck.

20

21 MR. ARDIZZONE: Mr. Chair. The Council
22 nomination process
23 will also be discussed later in more detail.

24

25 MS. CAMINER: Right. It looks like
26 we'll have some good options to look at. And then the
27 response on Page 28, which is the OSM budget, in the
28 middle of the page, it still says that these matters
29 are still being examined as part of the ongoing
30 Secretarial review process. So I guess that means
31 perhaps that the budget is just -- continues to be
32 looked at every year. Is that what that means?

33

34 CHAIRMAN LOHSE: Chuck.

35

36 MR. ARDIZZONE: Mr. Chair. This is an
37 ongoing discussion in
38 our office and Fish and Wildlife Service as well about
39 the OSM budget. There's been no resolution and it's
40 just one of those issues that we'll continue to keep
41 pushing up to the Secretaries and working internally to
42 try and get a better understanding of the budget. I
43 know Gene -- this is a pretty high topic on Gene's list
44 of trying to get settled.

45

46 MS. CAMINER: So is the Secretarial
47 review process which started, let's say, in '09, is
48 that still -- it still continues?

49

50 MR. ARDIZZONE: Through the chair.

1 Yes, it's an ongoing
2 process. We don't have everything completed. I think
3 we just sent a letter back to the Secretaries, I
4 believe, or a briefing back saying where we are to the
5 Secretaries. I think there's four or five issues that
6 still haven't been fully addressed, the budget being
7 one of them.

8

9 CHAIRMAN LOHSE: Chuck, isn't the
10 budget pretty
11 dependent on Congress on the -- I mean you can't -- OSM
12 or Fish and Wildlife Service can't decide the budget.
13 That's still decided at a lot higher level.

14

15 MR. ARDIZZONE: That's correct, Mr.
16 Chair. DC has control of the budget.

17

18 CHAIRMAN LOHSE: I have one comment to
19 make on that and Judy brought that up, you know, about
20 us as individuals making comments. If we look back
21 where she was back on Don Young, it says Young is
22 encouraging Alaskans to review the pending legislation
23 and provide comments at -- and he's got an email
24 address right there that anybody could use to provide
25 comments and, at that point, you know, if he is
26 suggesting that we have input from the subsistence
27 community, we could still also suggest as individuals
28 that -- like we put in our other letter, that it would
29 be nice to have representation from the subsistence
30 community. There would be your access number to do it
31 and anybody could do that.

32

33 Any other comments on the annual
34 letter. Mr. Henrichs.

35

36 MR. HENRICHS: Yeah, maybe somebody can
37 tell me what's going on here because I hear that the
38 Feds committed 20 million for chinook restoration. I
39 don't know where the money went, they gave it to the
40 State or who. I also hear that it all went to Y-K and
41 Cook Inlet. On the Copper River we're sitting there
42 not allowed to fish the inside waters. We're wondering
43 why we didn't get any money to help restore our chinook
44 run. Does somebody know where that money is?

45

46 CHAIRMAN LOHSE: Chuck.

47

48 MR. ARDIZZONE: Mr. Chair. I just
49 talked to Trent, our fisheries biologist. We're not
50 aware of Federal monies. We're aware of State monies,

1 but I'm not sure there's any Federal money involved in
2 that. We can check. Mr. Chair, can we have Jeff come
3 up?

4
5 MR. ANDERSON: Mr. Chair. Just to
6 address that issue, it was, I think, a disaster
7 declaration for the 2012 chinook fishery and it's been
8 money, I think, that's going to Cook Inlet and the AYK
9 region as well. I don't know the specifics of where
10 the money is right now, but I think it is Federal
11 money.

12
13 MR. ARDIZZONE: It is Federal money?
14 Okay. I stand corrected.

15
16 CHAIRMAN LOHSE: Thank you, Chuck.
17 Yeah, that's what I understood it. I thought that he
18 might be talking about some new money that was going
19 into restoration. The 20 million that I read about was
20 for disaster relief. I think that's what that
21 20 million was. The Y-K and Cook Inlet basically got
22 -- the Y-K I think got most of it. Cook Inlet got some
23 of it.

24
25 Greg.

26
27 MR. G. ENCELEWSKI: Yeah, it was
28 disaster money. I know they sent me an application as
29 a commercial fisherman, so I'm going to try and get a
30 piece. A lot of it is going into programs for
31 different things. Some is to the relief of the
32 fisherman.

33
34 CHAIRMAN LOHSE: Any other comments on
35 the letter.

36
37 (No comments)

38
39 CHAIRMAN LOHSE: We don't need to take
40 action on this, Donald. That was for our information,
41 right?

42
43 MR. MIKE: Right.

44
45 CHAIRMAN LOHSE: Okay. So let's go on
46 to the FSB report reply.

47
48 MR. MIKE: That was the annual report
49 reply.

50

1 CHAIRMAN LOHSE: What?

2

3 MR. MIKE: The FSB report reply, that
4 was the annual report we just discussed.

5

6 CHAIRMAN LOHSE: That was our annual
7 report reply. Okay. So we just took care of that.
8 The Chair's report. The Chair actually didn't do very
9 much this summer at all. The only thing that I ended
10 up doing was keeping my phone off so I wouldn't have to
11 listen to people. No, that's not true. I did not
12 attend the Board meeting this year.

13

14 MS. CAMINER: You did a day.

15

16 CHAIRMAN LOHSE: Yeah, I did do a day,
17 that's true. I forgot what happened at that. I'm
18 trying to forget what happened at that. Due to severe
19 intestinal disorder, I left very quickly. Anyway, the
20 only thing I did have to do is I did get some calls
21 from the Kenai on the Kenai king salmon fishery that I
22 had to respond to as the Chair.

23

24 I responded in agreement with the
25 requests because, from my standpoint and from looking
26 at it from a conservation standpoint, I thought the
27 requests for the restrictions were in order and I hope
28 the rest of the Council doesn't find me too bad in
29 arrears because I did that, but I did agree with the
30 request from the Kenai Refuge Manager on the
31 restrictions on the Kenai River for king salmon sport
32 fishing and subsistence fishing. That was basically
33 most all the rest of the action that I took that was
34 part of the Council here.

35

36 Any questions. I see Greg looking at
37 me like you did.

38

39 MR. G. ENCELEWSKI: Mr. Chairman. I
40 also responded the same way you did. Jeff called us
41 very early and we responded likewise. We still felt
42 that the State held off way too long. But, anyway, I
43 did respond the same.

44

45 CHAIRMAN LOHSE: Thank you, Greg.
46 Okay. Public and tribal comments on non-agenda items.
47 Do we have any public or tribal comments on non-agenda
48 items at this point in time.

49

50 Donald.

1 MR. MIKE: Mr. Chair. I did not
2 receive any requests. At the table back there we have
3 blue cards if the public wishes to testify. They can
4 fill that out or be recognized by the Chair.

5
6 Thank you, Mr. Chair.

7
8 CHAIRMAN LOHSE: Thank you, Donald.
9 Okay. Old business. Customary and traditional use
10 determination by Pippa Kenner. Is it Pippa or Pippy?

11
12 MS. KENNER: Good morning, Mr. Chair
13 and Council members. My name is Pippa Kenner and I
14 live in Anchorage and I'm the anthropologist with the
15 Office of Subsistence Management. This is not an action
16 item. The presentation is to tell you where the Federal
17 Subsistence
18 Management Program is in its review of the customary and
19 traditional
20 use determination process. I'll start with a little history.

21 In 2010, the Secretary of Interior asked the
22 Federal Subsistence Board to review with Regional Council input
23 the
24 customary and traditional use determination process and present
25 recommendations for regulatory changes. In 2011, all 10 of the
26 Regional Advisory Councils reviewed the process and nine of the
27 10
28 Councils recommended no changes. The Southeast Council asked
29 the
30 other nine Councils to review the customary and traditional use
31 determination process again, which they did in 2013 and 2014.

32 The Southcentral Council, at its fall 2013
33 meeting, recommended eliminating customary and traditional use
34 determinations and instead using ANILCA Section 804 when it
35 becomes necessary to limit who can harvest a resource.

36 At its winter 2014 meeting, the Southeast
37 Council submitted its proposal to the Federal Subsistence Board
38 to
39 make changes to the customary and traditional use determination
40 process and the letter begins on Page 31 of the Council book.

41 In winter 2015, that will be your next Council
42 meeting, the Office of Subsistence Management Staff are planning
43 to
44 present an analysis of the Southeast Council's proposal to all
45 10
46 Councils for their review and recommendation to the Federal

the Secretaries of the Interior and
45 Agriculture.

46

47 That's the end of my presentation, but I'm
48 prepared to answer questions that you might have.

49

50 CHAIRMAN LOHSE: So this is going to be

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1 coming before us as a review -- not a review item, but
2 as an action item in our winter meeting?

3

4 MS. KENNER: Yes.

5

6 CHAIRMAN LOHSE: So it behooves us to
7 ask Council members to review what Southeast has to say
8 right here and do some thinking on it between now and
9 next winter.

10

11 MS. KENNER: And that analysis will go
12 through our review process and we'll get it in your
13 books, so hopefully it will be out for the public for
14 further understanding of the issue.

15

16 CHAIRMAN LOHSE: Thank you.

17

18 Judy.

19

20 MS. CAMINER: Mr. Chair. My
21 recollection is that Southeast did include some of the
22 language that this Council had recommended. So maybe
23 for our books in the winter it would be, and I'm sure
24 you'll have it, it would be useful to have our previous
25 comments and then maybe even highlighting where they
26 have been incorporated into the proposed language.

27

that. I have
30 reviewed the transcript, but I'm not aware of that
31 detail right at this moment.

32

33 CHAIRMAN LOHSE: Thank you, Judy. I
34 think that will be very handy to have, you know, a
35 side-by-side comparison where changes were made or
36 where things weren't incorporated or where things were
37 incorporated so that we can look at that and make some
38 decisions on that.

39

40 Any other Council members got any
41 questions for Pippa.

42

43 (No comments)

44

45 CHAIRMAN LOHSE: David Jenkins, was he
46 going to have anything on this at all?

47

48 MS. KENNER: Well, as a matter of fact,
49 Dr. Jenkins has left the Office of Subsistence
50 Management and is going to be working for the Forest

00022

1 Service in Milwaukee.

2

3 CHAIRMAN LOHSE: They have forests in
4 Milwaukee?

5

6 (Laughter)

7

8 CHAIRMAN LOHSE: Okay. So thank you,
9 Pippa. Okay. Our signed FSB letter to Secretaries for
10 the rural response process, Page 40.

11

12 Chuck.

briefing I'm just
16 going to read so all the Councils get the same
17 information. This is a briefing on the rural process
18 and where we are and the information following the
19 briefing is the letter that the Board sent to the
20 Secretaries and then after that there's what was
21 briefed to the Board and also a summary of all the
22 comments that were submitted that the Board got to use
23 to develop their recommendation to the Secretaries.

24
25 So if you'd turn to Page 38 and 39,
26 I'll read this briefing in the record so everybody is
27 on the same page and then if there's questions I'll try
28 and answer them. This is not an action item. This is
29 just an information item for the RAC.

30
31 In October 2009, Secretary of the
32 Interior Salazar announced a review of the Federal
33 subsistence program. The review was intended to ensure
34 that the program is best serving rural Alaskans and
35 that the spirit of ANILCA Title VIII IS being met.
36 Secretary Salazar, with the concurrence of Secretary of
37 Agriculture Vilsack, requested that the Federal
38 Subsistence
39 Board initiate a number of actions, one of which was to
40 develop recommendations for regulatory changes to the
41 process of making rural/nonrural determinations in
42 Alaska.

43
44 I'll give you a little background. At
45 its January 2012 public meeting, the Federal
46 Subsistence Board elected to conduct a global review of
47 the rural/nonrural determination process, starting with
48 public and Subsistence Regional Advisory Council input.
49 Logically, the global review required the Board to stay
50 its 2007 final rule, whose rural provisions would

rural/nonrural determinations
3 would remain in place pending the
4 outcome of its review of the rural determination
5 process. The conclusion of the review, and the
6 determinations of rural status, must be completed by
7 March 2017.

8
9 Two areas of Alaska, the community of
10 Saxman and the Kenai Peninsula, have proven difficult
11 for the Board to categorize under the current rural
12 determination process. The Board has
13 gone back and forth on whether these locations should
14 be rural or non-rural. Based on the Secretaries
15 directive and these high-profile back and forth changes
16 in rural status using the
17 current rural determination process, the Board decided
18 to engage in a year-long, public review of the current
19 process.

20
21 In December 31, 2012, the Board
22 identified five elements in the rural determination
23 process for public review: population thresholds; rural
24 characteristics; aggregation of communities; timelines,
25 and information sources. The Board posed eight general
26 questions for public input concerning these five
27 elements, and one question requesting any additional
28 information. The comment period was open to November 1,
29 2013 to December 2, 2013.

30
31 The Subsistence Regional Advisory
32 Councils were briefed on the Federal Register notice
33 during their winter 2013 meetings. At their fall 2013
34 meetings, the Councils provided a public forum to
35 hear from residents of their regions, deliberate on the
36 rural determination process, and provide
37 recommendations for changes to the Board.

38
39 Testimonies from members of the public
40 were also recorded during separate hearings held to
41 solicit comments on the rural determination process.
42 The Board held hearings in Barrow,
43 Ketchikan, Sitka, Kodiak, Bethel, Anchorage, Fairbanks,
44 Kotzebue, Nome, and Dillingham.

45
46 Government-to-government consultations
47 on the rural determination process were held between
48 members of the Board and Tribes, and additional
49 consultations were held between members of
50 the Board and Alaska Native corporations formed under

1 ANCSA. In aggregate, the Board received 475
2 substantive comments from various sources, including
3 individual citizens, members of regional advisory
4 councils, and other entities or organizations,
5 such as non-profit Alaska Native corporations and
6 borough governments. Once again that information is
7 found on Page 46 through 64.

8
9 Based on Council and public comments,
10 government-to-government and Alaska Native corporation
11 consultations, and briefing materials from the Office
12 of Subsistence Management, the Board developed a
13 recommendation that simplifies the process of
14 rural/nonrural determinations, as
15 shown below.

16
17 You can see the letter on Pages 40 to
18 45 that the Board sent to the Secretaries, but I'll
19 give you a quick summary of what that basically did.
20 The Board made recommendations to the Secretaries to
21 make the following changes to Secretarial regulations:
22 Rural determination process. The Board shall determine
23 which areas or communities in Alaska are nonrural. All
24 other communities and areas are, therefore, rural. The
25 Board also recommended eliminating from Secretary
26 regulation the specific criteria previously relied upon
27 by the Board in making rural determinations, which
28 include population thresholds, the population data
29 sources, rural characteristics, community aggregation
30 and the 10-year review period.

31
32 Basically what we have now is the
33 recommendations are up in the Secretaries and then
34 there's a number of steps that will have to happen
35 before anything can change. So if the Secretaries
36 adopt the Board's recommendation, a series of steps are
37 required in order to meet the March 2017 deadline.

38
39 The Secretaries may decide to propose a
40 rule to change the current rural determination process,
41 based on the Board's recommendation. The Secretaries
42 would need to act upon this recommendation because it
43 affects 36 CFR 242(b) and 50 CFR 100(b) which are under
44 Secretarial purview. So there's parts of our
45 regulations that the Board can't change. The
46 Secretaries have to change and this is one of those.

47
48 So the public, Regional Advisory
49 Councils, tribes, and ANCSA corporations would have the
50 opportunity to comment or consult during that

1 rulemaking process. So if the Secretaries propose a
2 rule, there will be another public comment period so
3 everybody can weigh in again.

4

5 The Secretaries could decide to publish
6 a final rule specifying the rural/nonrural
7 determination process. The revised process would
8 appear in subpart (b) of the subsistence regulations
9 under the Secretarial authority. So if they propose a
10 rural, they adopt it, it will be what we work from.
11 The Board would use that rule to make determinations.
12 The public, Regional Advisory Councils, tribes and
13 Alaska Native corporations would have an opportunity to
14 comment or consult during the rulemaking process.

15

16 The Board then publishes a final rule
17 with the revised rural/nonrural determinations. The
18 revised rural/nonrural determinations appear in subpart
19 (c) of the subsistence regulations, which are under
20 Board authority.

21

22 So if no new rulemaking is completed by
23 March 2017 specifying rural/nonrural determinations,
24 then the previous 2007 rule would become enforceable.

25

26 It's a little bit confusing, so if
27 there's any questions, I'm here to answer those
28 questions, but basically what's happened is we've had
29 public input on how the rural process should be done,
30 the Board has made a recommendation to the Secretaries.
31 It's in the Secretaries' court right now. If they make
32 a decision to change it, we'll work from those rules.
33 If not, the previous decision made in 2007 would go
34 into effect.

35

36 MS. CAMINER: Mr. Chair.

37

38 CHAIRMAN LOHSE: Any questions. Judy.

39

40 MS. CAMINER: Chuck, I know it's
41 impossible to predict Washington, but two and a half
42 years to get this through, is there perhaps some
43 commitment since the Board sent the letter in August,
44 do you have a sense? Is there some commitment that
45 people in Washington will help make this process go as
46 well as it can?

47

48 MR. ARDIZZONE: Ms. Caminer, if there's
49 any indications, there have been numerous requests for
50 briefings on this material, so I think D.C. is engaged.

1 I don't know where they stand on it, but at least they
2 are asking for information and input from us.

3

4 CHAIRMAN LOHSE: Any other questions or
5 comments on this.

6

7 (No comments)

8

9 CHAIRMAN LOHSE: Thank you, Chuck, for
10 the information. Basically what it says is sit back
11 and wait and see what happens.

12

13 MR. ARDIZZONE: Yes, Mr. Chair.
14 Hopefully something will happen sooner rather than
15 later.

16

17 CHAIRMAN LOHSE: But if nothing
18 happens, then the 2007 recommendations go into effect.
19 If I remember right, they leave Saxman nonrural and the
20 Kenai nonrural.

21

22 MR. ARDIZZONE: I think the Saxman part
23 is correct, it's nonrural, but I think, if I remember
24 correctly, that Kenai would be status quo what it is
25 right now, I believe.

26

27 CHAIRMAN LOHSE: Right. Yeah. I mean
28 but the general Kenai would be nonrural. It would just
29 stay like it is.

30

31 MR. ARDIZZONE: Right, yes.

32

33 CHAIRMAN LOHSE: Gloria.

34

35 MS. STICKWAN: The Southeast, they
36 filed a lawsuit against the Federal Subsistence Board,
37 is that right?

38

39 MR. ARDIZZONE: Yes.

40

41 MS. STICKWAN: How is it going to
42 affect this process?

43

44 MR. ARDIZZONE: Mr. Chair. Actually
45 Saxman did bring a lawsuit against the Board and I have
46 no idea what the outcome of that will be. It's just
47 in.....

48

49 CHAIRMAN LOHSE: That's in Federal
50 court, right?

1 MR. ARDIZZONE: Yes.
2
3 MS. STICKWAN: It will affect this
4 process?
5
6 CHAIRMAN LOHSE: I would think that if
7 the court finds
8 them rural, it would affect the decision. It would
9 have to affect the decision because the court will be
10 overriding the current process, right?
11
12 MR. ARDIZZONE: Well, it could affect
13 this process. It just depends on what the court does.
14 I don't know. I just don't know.
15
16 CHAIRMAN LOHSE: Pippa, do you have
17 something you'd like to add to it?
18
19 MR. ARDIZZONE: Mr. Chair. Pippa was
20 just pointing out there are several areas that if a new
21 rule wasn't made, that wouldn't be effected on the
22 Kenai and they seem to be around Anchor Point or some
23 areas around Fritz Creek that would change and then
24 some near Sterling as well.
25
26 CHAIRMAN LOHSE: That would become
27 nonrural.
28
29 MR. ARDIZZONE: Yes.
30
31 MR. KESSLER: Mr. Chairman, members of
32 the Council. I just wanted to follow up a little bit
33 on the lawsuit from Saxman about the rural
34 determinations. Saxman felt that they had to take this
35 action to file the lawsuit because of the statute of
36 limitations. If they did not file when they did, then
37 the statute of limitations would run out and they would
38 no longer be able to do so.
39
40 I believe that Saxman still expects the
41 Federal Subsistence Board and the Secretaries to take
42 the appropriate action that would result in them
43 remaining as a rural community, but there's no
44 guarantees it's going to happen, so then they, because
45 of statute of limitations, were obliged to file this
46 lawsuit. Exactly how that's going to progress through
47 the courts is not known at this point. We're all
48 trying to get information now for the attorneys as
49 appropriate.
50

1 CHAIRMAN LOHSE: Thank you. Then if I
2 understand correct, the outcome of that case may not
3 even happen until after the 2017 deadline. May not.

4
5 MR. KESSLER: I'd say that is unknown,
6 but it could be stayed for a period of time. The point
7 was that they had to file. If they were going to file
8 at all, they had to file because of the statute of
9 limitation.

10
11 CHAIRMAN LOHSE: Right. Judy.

12
13 MS. CAMINER: Mr. Chair. I guess I'd
14 also add the regulations are covering a lot more than
15 Saxman's status, so it's a broader package and I'm sure
16 that will have some interaction with the discussions
17 with the court too.

18
19 MR. KESSLER: That's exactly right, Mr.
20 Chair, Ms. Caminer. The Board's action is not specific
21 to Saxman. It's about the whole process in general.
22 The Board's recommendation is to take that whole
23 process and bring it to the Board rather than having
24 that process be laid out in the Secretaries'
25 regulations, the part (b) regulations. So it's just a
26 big change that we give the Board more latitude.

27
28 CHAIRMAN LOHSE: Thank you.

29
30 Any questions.

31
32 (No comments)

33
34 CHAIRMAN LOHSE: Chuck, thank you for
35 the information on that. Okay. With that, lets take a
36 5 or 10 minute-break to get some coffee, get rid of
37 some coffee, whatever.

38
39 (Off record)

40
41 (On record)

42
43 CHAIRMAN LOHSE: I think it's time to
44 call this meeting
45 back into session. We'll go on to new business.

46
47 MR. MIKE: Thank you, Mr. Chair. Under
48 new business we have the priority information needs and
49 we have Pippa Kenner and Trent to do the presentation.
50

1 Thank you.

2

3 CHAIRMAN LOHSE: Okay. It's the
4 Council pleasure to go on with this report. If Gloria
5 needs to catch up on it, we can give her the
6 information. Okay. Let's take the priority
7 information needs with fishery research management
8 proposals.

9

10 MR. LIEBICH: Good morning, Mr. Chair.
11 I'm Trent Liebich. I work with the Office of
12 Subsistence Management and I'm a fisheries biologist.
13 I'll give a little bit of an overview of the Fisheries
14 Resource Monitoring Program. I think this will
15 probably be familiar information to many of you,
16 probably all of you. I'll go through it anyway just to
17 make sure everyone understands what this program is
18 about and kind of where we're at in the process and the
19 funding cycle.

20

21 The Fisheries Resource Monitoring Program,
22 which we often call the FRMP, is unique to Alaska. It was
23 established
24 in 1999 under Title VIII of ANILCA and is run through the Office
25 of
26 Subsistence Management. The Monitoring Program is a competitive
27 funding source for studies on subsistence fisheries that are
28 intended
29 to expand the understanding of subsistence harvest, which we
30 often
31 call that harvest monitoring studies, traditional knowledge of
32 subsistence resources, which we'll call traditional ecological
33 knowledge studies, and then the populations of subsistence fish
34 resources, which is what we refer to as stock status and trends
35 projects or studies.

32

33 Gathering this information improves the ability
34 for
35 managers to manage subsistence fisheries in a way that will
36 ensure
37 the continued opportunity for sustainable subsistence uses by
38 rural
39 Alaskans on Federal public lands.

37

38 Through this funding program we separate the
39 State into six subsistence regions, so it's a little bit
40 different than how
41 the State divide the Regional Advisory Councils where we have 10

program. Those regions are the Northern
43 Region, the Yukon, the Kuskokwim, Southwest, Southcentral and
44 Southeast. So for your Council in Southcentral, you'd be the
only
45 Regional Advisory Council within your funding region. Some of
the
46 other regions do have multiple Regional Advisory Councils
involved.

47

48 For each of the six funding regions the Regional

49 Advisory Councils and other stakeholders have identified
subsistence

50 fishery resource concerns or priority information needs. These
are

00030

1 used by the Monitoring Program to request project proposals that
will
2 provide managers with the information needed to address those
3 resource concerns. So that's kind of the process we're working
on
4 right now, identifying those Priority Information Needs.

5

6 The reason we develop those is every two years
7 we have a funding cycle that comes through, so we're coming up
on a

8 Monitoring Program funding cycle where we'd be requesting
proposals

9 for studies on subsistence resources. As I mentioned before,
these

10 are harvest monitoring, traditional ecological knowledge or
stock

11 status and trends type projects. The next funding cycle we're
12 working on is coming up later this fall, late November or early
13 December. We'll hopefully have an announcement out, a request

16

17

18 If you turn in your books to Page 75, I'll talk
19 through the Southcentral Alaska region in your book, we're
going to

20 talk about priority information needs. I'll just go over those
with you.

21 As I mentioned, we're developing this -- this call for proposals
is

22 coming out later this fall, so if we have any discussion or any
changes

23 we want to try to make to some of the priority information
needs,

24 there's still a little bit of opportunity for the Council to
provide input.

25

26 For Southcentral Alaska, as I mentioned, Page 75

27 in your books, there's a strategic plan developed for Prince
William

28 Sound-Copper River and an abbreviated strategic planning process

29 employed for Cook Inlet. These sources were reviewed to ensure
that

30 remaining priority information needs were considered.

31

32 For the Southcentral Region, the 2016 Notice of
33 Funding Availability is focused on the following priority
information

34 needs. So that's where we're at right now in the process and
what

35 this call for proposals would look like at present unless we
make any

36 changes today or in the coming month.

37

38 So the first priority information need is to
obtain

39 reliable estimates of chinook and sockeye salmon escapement into
the

40 Copper River drainage. These would be examples of projects such
as

41 weirs, sonar, mark-recapture methods. The second priority
42 information need would be abundance, run timing, spawning site
43 fidelity and timing, and age, sex, and length composition for
chinook

44 and coho salmon that stage or spawn in waters of the Kenai River
and

45 its tributaries below Skilak Lake under Federal subsistence
fishery

46 jurisdiction.

site fidelity and timing, and age, sex, and length
50 composition for chinook and coho salmon that stage or spawn in

00031

1 waters of the Kasilof River and its tributaries under Federal
2 subsistence fishery jurisdiction.

3

4 So those are the three priority
5 information needs that have been developed for your
6 Southcentral Region. If there's any discussion or
7 anything you guys would like to add, I'd be happy to
8 take note on that.

9

10 Thank you.

11

12 CHAIRMAN LOHSE: Thank you. Council
13 members, do you -- I was looking at this and I was
14 thinking of it from a subsistence fishery standpoint as
15 to rivers that actually affect our subsistence
16 fisheries. Other than streams in Prince William Sound,
17 which we don't have on here, these seem to be our major
18 subsistence sources.

19

20 Does anybody as a Council see other
21 priorities that directly affect subsistence and take
22 place on Federally controlled waters that we need to
23 add as part of our priority. Gloria.

24

25 MS. STICKWAN: At our last meeting I
26 had suggested that we put on the long-term data
27 gathering that was done in the '70s by biologist
28 Roberson and I don't see that on here. I think the
29 record that was kept by him is valuable information
30 that's useful for today's data. It's useful
31 information that could be gathered and I don't see it

to you. The information is
36 there. This is a call for proposals, so somebody could
37 submit a proposal to gather that information and make
38 it in a form that would be readily available to be
39 used. To me, that's a very valid piece of information
40 that's out there that should be taken into
41 consideration, but as far as a proposal to do research
42 other than somebody gathering it, collecting it and
43 making it into a form that can be used, it's not new
44 information.

45

46 Pippa, what were you going to add?

47

48 MS. KENNER: Thank you, Mr. Chair.
49 Gloria, through the Chair. I did hear those comments
50 in the last meeting and thank you very much for your

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1 comments about Dr. Roberson. I did talk to my
2 counterparts in the Fisheries Division. Karen Hyer is
3 a fisheries biologist that works a lot in the area and
4 I also talked to a few other people around who know who
5 he was and the notes that he wrote.

6

7 In terms of our program -- this is a
8 good opportunity to explain that the FRMP, when it
9 comes to the call for proposals, is divided into two
10 parts. It's kind of an artificial division.
11 Nonetheless, there's a division and one part is stock
12 status and trends, which we call SST, and that's based
13 more on biological research of fishes. The other part
14 of the program is called the harvest monitoring and
15 traditional ecological knowledge proposals that come in
16 and the research we do. That generally deals with the
17 social scientist, specifically anthropology.

18

that that isn't
21 the type of information that's relevant today, for
22 managing today's fisheries. That is we have a little
23 bit of money and we try to target it at the priority
24 information needs. Not just in the region, but
25 statewide in each of the regions that are needing the
26 money now so that we could actually provide for
27 subsistence by sometimes limiting commercial fisheries,
28 so it wasn't seen as a priority enough. It's a good
29 project. It was whether we had the wherewithal to fund
30 it during this cycle with other priorities.

31
32 But I'm really glad that you brought it
33 up again. We'll look into it some more and I'm
34 thinking that one of the things -- in the preamble to
35 the priority information needs, one of the things
36 that's pointed out is that projects with an
37 interdisciplinary emphasis are encouraged.

38
39 I am reading from Page 70 in the middle
40 of the page. The Monitoring Program seeks to combine
41 ethnographic, harvest monitoring, traditional
42 ecological knowledge, and biological data to aid in
43 management. Investigators are encouraged to combine
44 interdisciplinary methods to address information needs,
45 and to consider the cultural context of these
46 information needs.

47
48 So even though something may not make
49 it directly into the call, there are provisions in this
50 preamble that discuss other types of proposals that we

00033

1 would be -- the Technical Review Committee would be
2 interested in considering.
3

another one.

6 That was during the last meeting.

7 I wanted to address another one.

8

9 CHAIRMAN LOHSE: Thank you, Pippa. Can
10 I ask a question or two in relation to what we're doing
11 right now in relation to what Gloria brought up. Is
12 that information -- I know that the Park Service has
13 gathered a lot of other information, but is the
14 information from the ADF&G that was done in the past,
15 like by Mr. Ken Roberson, for example, is that
16 information available in a format today that it can be
17 accessed by current biologists? In other words, has
18 that information been transferred to like basically
19 transferred to computer accessible information? In
20 that case, if it's there, is it used at all? Does
21 anybody go back and look at that?

22

23 I knew Ken too and he was a biologist
24 that got his feet wet. I mean he didn't say something
25 was in a creek unless he walked on the creek is about
26 what it boiled down to. I just was wondering if that
27 kind of information has been collected and made
28 available.

29

30 MR. CRAWFORD: Yes, Mr. Chair. Drew
31 Crawford, Fish and Game. Yes, the Department has
32 scanned a lot of the older reports and there is a
33 searchable database that anybody, the public can access
34 or the Department biologists. All you'd have to do is
35 go in to the Fish and Game website and we have
36 something called an E-library. You click on that and
37 you could search by the author, which would be Ken
38 Roberson, and you could get a list of all the reports
39 that he's published with the Department of Fish and
40 Game.

41

42 Some of the older reports our staff is
43 scanning as able. I don't know exactly the status of
44 Mr. Robertson's report, although I use that on a
45 regular basis and I could check that out and let you
46 know. I also worked with Ken back in the '80s. I was
47 stationed in Cordova at that time.

48

49 CHAIRMAN LOHSE: Thank you. That's
50 what I wanted to get out, is that that information is

2 readily available through current med -- not media, but
3 current electronics or whatever you want to say and
4 that is being done.

5

6 MR. CRAWFORD: Anybody that's got a
7 computer can access it, yes.

8

9 MS. KENNER: And Drew is absolutely
10 right. The Alaska Department of Fish and Game has done
11 an excellent job of putting these older reports that
12 were done before we were word processing, giving access
13 to the public.

14

15 I think what Ms. Stickwan was talking
16 about, there was more of his handwritten notes.

17

18 CHAIRMAN LOHSE: Gloria.

19

20 MS. STICKWAN: I believe he probably
21 had handwritten and what Drew Crawford was saying as
22 well and that's kind of what we were trying --
23 information our project was on is try and get those.
24 To me, that seems relevant to today's harvest data, how
25 they do research. I mean old records are important.
26 Just as important as today's harvest data records.

27

28 CHAIRMAN LOHSE: I agree with you 100
29 percent, Gloria, and I'm hoping that all that
30 information does become readily accessible. Now
31 somebody could put a proposal in under T. To me,
32 that's the same as ecological knowledge. Somebody
33 could put a proposal in to gather and make accessible
34 the stuff that's not accessible and that's what we'd
35 have to do under the Fisheries Research Management
36 proposal call. We can't do it, but somebody can put an
37 application in to do it, but we haven't got that listed
38 as a priority unless we want to put it in as a
39 priority, but that still doesn't mean it can't be done.

40

41 MS. STICKWAN: That was what I
42 suggested the last meeting that was a priority for
43 Southcentral.

44

45 CHAIRMAN LOHSE: Okay. Let's.....

46

47 MS. KENNER: Mr. Chair.

48

49 CHAIRMAN LOHSE: Pippa.

50

1 MS. KENNER: Hi. This is Pippa Kenner
2 again. The type of project that Gloria is talking
3 about is what we call back-casting. A couple years ago
4 it became a very popular word and the idea was that
5 we're charging ahead and funding new research while we
6 have data sitting on the shelves that have never been
7 pulled together. There has been a modern effort, a
8 contemporary effort to do this type of back-casting.
9 So these projects have legs and they do get funded and
10 we have funded this type of research before, but
11 generally we do it more in the ethnography part of the
12 program where we're looking at uses and how they've
13 developed through time and how patterns of uses have
14 changed.

15
16 I believe what Gloria was talking about
17 was handwritten data and the problem with handwritten
18 data is trying to define the methodology and
19 generalizing the information in a way that's helpful
20 for today, but I haven't actually looked at the
21 information, so it is something we might be able to
22 explore.

23
24 CHAIRMAN LOHSE: I think what Gloria
25 was bringing out is that that was a suggestion as a
26 priority for Southcentral and it's not here on our
27 priority list. So maybe we could include that in our
28 priority list if the rest of the Council agrees and
29 that way there would be a call for proposals to do some
30 of this back-casting on some of that information if
31 somebody comes up with a good proposal.

32
33 Mr. Henrichs.

34
35 MR. HENRICHS: There used to be a FRED
36 Division in Fish and Game. I think it was Fisheries
37 Rehabilitation and Enhancement or something. I think
38 they did away with it, but it might be time for it to
39 come back. We've got some runs that need to be
40 rehabilitated.

41
42 CHAIRMAN LOHSE: What's the idea of the
43 rest of the Council about putting this down underneath
44 our list of priorities and call for proposals. Greg.

45
46 MR. G. ENCELEWSKI: Yeah, I have no
47 objection to putting it in there, Gloria, and adding to
48 it. I would like to make a point to the studies that
49 are listed here, the one for the Kenai and Kasilof. I
50 know that's been a priority. We've pushed really hard

1 to get something done there because I'd like to see
2 some forward casting. Maybe drop it in a new hole and
3 get some of this new information because there's so
4 much stuff changing readily with usage on the Kenai and
5 impact and stuff.

6

7 So I'm really glad to see that. I'm
8 not opposed to putting another one on there, but I'm
9 glad to see these two make the list finally.

10

11 Thank you.

12

13 CHAIRMAN LOHSE: Did you make that as a
14 motion, Greg?

15

16 MR. G. ENCELEWSKI: Yeah, I'll make it
17 a motion to add it to it.

18

19 MR. HENRICHS: I'll second it.

20

21 CHAIRMAN LOHSE: It's been moved and
22 seconded.

23

24 MS. MILLS: Question.

25

26 CHAIRMAN LOHSE: The question has been
27 called. All in favor signify by saying aye.

28

29 IN UNISON: Aye.

30

31 CHAIRMAN LOHSE: All opposed signify by
32 saying nay.

33

34 (No opposing votes)

35

36 CHAIRMAN LOHSE: So we'll add that to
37 our list of priority and if somebody comes up with a
38 good proposal, they still have to run it through the
39 whole cycle and depending on our funding and everything
40 to see what could be done on it.

41

42 MS. STICKWAN: What will it be titled?

43

44 CHAIRMAN LOHSE: What?

45

46 MS. STICKWAN: What would it be titled?

47

48 CHAIRMAN LOHSE: I would say back-
49 casting Ken Roberson's research on the Copper River
50 salmon.

1 Pippa.

2

3 MS. KENNER: Thank you very much, Mr.
4 Chair. In discussions with other people, including
5 like all my peers where I work, including Barbara
6 Cellarius behind me, who works in the Copper River
7 Basin, one of the things that came up is that where Ken
8 Roberson's observations may really come in handy is
9 when we're looking at climate change and changes to the
10 environment and to the streams.

11

12 CHAIRMAN LOHSE: Right.

13

14 MS. KENNER: I did want to point out
15 that in the call, up front, there's a number of places
16 where we place requests for information that aren't
17 found under the individual areas that applies globally
18 to the entire state. One of them is on Page 69 at the
19 bottom. I'm just going to read it. Because cumulative
20 effects of climate change are likely to fundamentally
21 affect the

22 availability of subsistence fishery resources, as well
23 as their uses, and how they are managed, investigators
24 are requested to consider examining or discussing
25 climate change effects as a component of their project.

26

27

28 I'll stop there, but that's in the
29 call. That is a priority information need. Projects
30 are looking at the effects of climate change and it
31 might fit into that category too. I'll work with Ahtna
32 and with Gloria to explore what kind of research it
33 might be.

34

35 CHAIRMAN LOHSE: Thank you.

36

37 Mr. Henrichs.

38

39 MR. HENRICHS: You know, there's a
40 funding from the Feds, that Pittman-Robertson funding,
41 and it's coming off of fishing licenses and things like
42 that, fishing tackle and other things. The Fish and
43 Game decides how to spend that, but I think they need
44 some input from the public. The unfortunate thing is
45 there's millions of dollars that go begging because the
46 State refuses to come up with a 25 percent match. So
47 there's a lot of money that we could get. All the
48 State would have to do is come up with their match.

49

50 MS. STICKWAN: Do we have a motion on

1 the floor?

2

3 CHAIRMAN LOHSE: We have a motion on
4 the floor. I was going to read what I've got down here
5 to see if this is approved by everybody. Back-casting
6 Ken Roberson and other fishery reports and their
7 relationship to current climate and use patterns in
8 today's world. Does that sound like a legitimate way
9 to put it?

10

11 MS. KENNER: Yes. And what's most
12 important is that we get your intent and I think that
13 conversation covered it quite well.

14

15 CHAIRMAN LOHSE: Because it's the
16 relationship that those reports have to what's going on
17 today, both the climate change and use patterns that
18 are important as far as I can see or climate change,
19 stock status and use patterns. I guess we should
20 include all three of those. I know one thing we'll
21 find in the Chitina Valley is that we have fish in
22 streams that we didn't have in his reports in the '70s
23 because we've had an expansion from pioneers into
24 streams that there were no -- I mean when I talked to
25 people when I first got there in the '60s, they said,
26 oh, there hasn't been salmon in that creek for 50 years
27 and we have salmon in them today. So that, to me, is
28 going to be a very interesting outcome from looking at
29 Ken Roberson's reports because he went out and checked
30 the streams. Some of those streams have salmon today
31 that didn't have salmon then.

32

33 Judy.

34

35 MS. CAMINER: Mr. Chair. Do we have
36 more on this topic? I was going to make one other.....

37

38 CHAIRMAN LOHSE: You can make one
39 other.

40

41 MS. CAMINER:comment.

42

43 CHAIRMAN LOHSE: But we have to vote on
44 this. Let's vote on this one first.

45

46 MS. CAMINER: Okay.

47

48 CHAIRMAN LOHSE: So is that agreeable
49 that we'll put it -- we'll finish the language a little
50 bit, but that's the intention, to back-cast Ken

1 Robertson's and other fishery biologists' reports and
2 apply them to current stock status usage and climate
3 change today. It's been moved and seconded. We just
4 need to -- I think you called the question already.

5

6 MS. MILLS: I did, yeah.

7

8 CHAIRMAN LOHSE: Okay. Then we need to
9 call the question. All in favor signify by saying aye.

10

11

12 IN UNISON: Aye.

13

14 CHAIRMAN LOHSE: All opposed signify by
15 saying nay.

16

17

(No opposing votes)

18

19 CHAIRMAN LOHSE: Motion carries. I
20 think all I was trying
21 to do was define what we were trying to do. Okay.
22 Now, Judy.

23

24

25 MS. CAMINER: Just a question. In the
26 beginning paragraph there are Southcentral priority
27 information needs. A strategic plan was developed for
28 Prince William Sound, Copper River and an abbreviated
29 strategic planning process was applied in Cook Inlet.
30 What does an abbreviated process mean and why were they
31 not comparable?

31

32

33 CHAIRMAN LOHSE: Greg, do you have a
34 comment on that?

34

35

36 MR. G. ENCELEWSKI: Yeah, I do have a
37 comment on that. That's kind of the point I was trying
38 to get to. Thank you, Judy. Because basically, you
39 know, the two in here for the Kenai and the Kasilof I
40 feel are strategically important with a change in a lot
41 of things. I'll call it forward-casting. You call it
42 back-casting. But I think there's a lot of change now
43 that really could be drawing that old information,
44 putting the new stuff changed and really help out with
45 the State and everyone else because it's very critical
46 what's happening here, so I'm glad to see that, but I
47 didn't want it to get diluted with a whole bunch of
48 other priorities, so I'm standing up for what I think
49 is a long-sought priority from this Council.

49

50

Thank you.

1 CHAIRMAN LOHSE: Judy.

2

3 MS. CAMINER: I'm just wondering if
4 there was a response on what's an abbreviated process
5 versus a plan that was done for Prince William Sound.

6

7 MR. LIEBICH: I'm sorry, I don't have a
8 good answer for that. I wasn't involved in that
9 planning process in any way. I could try to get back
10 to you if you like.

11

12 CHAIRMAN LOHSE: That's what I was
13 going to say. Could we maybe get that? Pippa.

14

15 MS. KENNER: Yeah, I believe -- at one
16 time I knew the answer to this and I don't remember it
17 completely, but I believe what happened, as you all are
18 very well aware of, is that strategic planning process
19 was taking place while the Kenai -- the Federal
20 Subsistence Board and the secretaries still had not --
21 or were in the process of determining rural/nonrural on
22 the Kenai Peninsula.

23

24 Those strategic plans, you can get to
25 them online at our website under the FRMP program and
26 also we could provide you hard copies. I'm sure I
27 could get a copy on my computer right now, but as far
28 as printing it out I can get you a hard copy. Is that
29 what you asked for, Ms. Caminer?

30

31 MS. CAMINER: I guess I was just trying
32 to understand and now you've explained it, the
33 difference between the plans, but it kind of goes back
34 to what Chuck was answering before. Hopefully the
35 money allocations among regions will be completed
36 hopefully even before some of these RFPs go out so that
37 Cook Inlet might be -- or Southcentral may have more
38 money available to it.

39

40 Secondly, I would hope that those
41 plans, which are from 2000, maybe all can be looked at
42 for some updating too considering the variety of
43 changes that have taken place over the years.

44

45 CHAIRMAN LOHSE: Pippa.

46

47 MS. KENNER: Through the Chair. Thank
48 you, Ms. Caminer. One of the things that comes up on --
49 this is a sideways response to your comment. It's not
50 directly on it. One of the things that came up is, I

1 was listening to this Council talk about priority
2 information needs, particularly the priority
3 information needs that fall into the category where I
4 work, which is more of the social sciences.

5
6 And I think some of your Council
7 members are aware that there's a lot of work that goes
8 on on the Kenai now through the Sustainable Salmon Fund
9 Initiatives. Now we've got natural gas pipeline. The
10 Division of Subsistence has several projects going on.
11 The Bureau of Indian Affairs has recently been working
12 with Ninilchik, so we don't want to repeat the research
13 that's already going on too. I don't think there's a
14 conservation concern on the Kenai that isn't being
15 researched. So one of the things we do is we try not
16 to lay projects over the top of projects that are
17 already being conducted.

18
19 CHAIRMAN LOHSE: Thank you, Pippa, but
20 I think the question really was -- and I think you
21 answered it a little bit when you said that when the
22 strategic plan was done, at that time the status of the
23 Kenai Peninsula wasn't finalized, but -- and this is
24 the strategic plan that the Council -- we're not
25 talking about the ADF&G strategic plan here. We're
26 talking about the strategic plan for information needs,
27 right?

28
29 So this could be addressed and amended
30 from the Council standpoint in the future because I
31 think we had input into the strategic plan as to what
32 we considered priority needs in our area. Am I correct
33 in that or am I off base when it comes to the strategic
34 plan? Didn't the Council have input on that strategic
35 plan and it was at a time when we were discussing what
36 were the priority needs for the Fisheries Research
37 Management Program?

38
39 MS. KENNER: Yes.

40
41 CHAIRMAN LOHSE: So the Council could
42 call for an addition or a review of that and add a
43 strategic plan for informational needs on the Kenai if
44 we wanted to.

45
46 MS. KENNER: Yes.

47
48 CHAIRMAN LOHSE: And I think that's
49 something, Greg, that we should put on the agenda for
50 the future that the Council goes back and reviews our

1 strategic plan and makes a new one because our
2 informational needs have changed. Does that sound
3 reasonable?

4

5 MR. G. ENCELEWSKI: Can I talk to it?

6

7 CHAIRMAN LOHSE: Yeah.

8

9 MR. G. ENCELEWSKI: Thank you, Mr.
10 Chairman. Yeah, I think it's somewhat reasonable, but
11 I think it's missing my interpretation because these
12 were put on the strategic plan for a reason, that we
13 requested them. We requested for a priority not
14 because there's a million other studies going on. A
15 lot of that's just recently happened. I looked at it
16 as something that was additional, it was new, it was
17 from the Fisheries Resource Monitor Program to overview
18 that, to look at it, give us a report as to how they
19 see this situation. I could take every different
20 report and they all come up with a different scenario.
21 So that's why I was looking for it.

22

23 Anyway, that's where I'm at.

24

25 Thank you.

26

27 CHAIRMAN LOHSE: Thank you, Greg. I
28 think you and I were talking about two different things
29 though.

30

31 MR. G. ENCELEWSKI: Okay.

32

33 CHAIRMAN LOHSE: These are down as
34 Council priorities.

35

36 MR. G. ENCELEWSKI: Right.

37

38 CHAIRMAN LOHSE: These are priorities.
39 These are priorities we've recognized as a Council.
40 The strategic plan is the big overview where we put
41 down what we consider the strategic plan and we haven't
42 done that for the Kenai yet. We've put these down as
43 priorities, but we haven't amended our strategic plan.
44 Our strategic plan deals with the Copper River and we
45 have a very short strategic plan for the Kenai. At
46 this point in time, I think we need to put it back on
47 the table and develop a strategic plan that really
48 considers the Kenai where it is today.

49

50 MR. G. ENCELEWSKI: Okay. I understand

1 where you're coming from on that. I thought this was
2 part of that.

3

4 CHAIRMAN LOHSE: No, no. These are
5 already recognized priority needs that this Council has
6 recognized.

7

8 MR. G. ENCELEWSKI: Well my point is
9 you can see that they're getting pushed back again, so
10 that's the point I'm making.

11

12 CHAIRMAN LOHSE: Anyhow, with that,
13 what does the rest of the Council think about reviewing
14 our current strategic plan in a future meeting and
15 developing a true strategic plan for the Kenai, not an
16 abbreviated one?

17

18 MS. CAMINER: Mr. Chair. I guess I'd
19 recommend -- again, since these original plans were
20 drawn up in relative haste in about 2000, 2001 and I
21 honestly don't remember how much RAC input there was at
22 the time, I think it would be very useful for OSM and
23 the Staff Committee to look at all of Southcentral's
24 plan and if you have any suggestions for improvement or
25 recommendations for changes, this should be presented
26 to us at our next meeting and then that will be an
27 opportunity for the Council to make other adjustments.

28

29

30 Like you were saying, there have been a
31 lot of changes, I'm sure, in the last 15 years. It
32 would just be good for us to look at that basic,
33 overarching plan. It's not going to affect any of what
34 we're saying right now or our priority needs, but we
35 need to look at that overarching plan with today's
36 information to make sure that that plan covers all of
37 the information needs we may need in the future.

38

39 CHAIRMAN LOHSE: Pippa.

40

41 MS. KENNER: Thank you, Mr. Chair. Ms.
42 Caminer. Yes, as a matter of fact, what your Staff do,
43 we are Staff to the Councils, but we also work for the
44 Fisheries Resource Monitoring Council and we ask for
45 input from the researchers, the Councils, the public.
46 The strategic planning process is more of a holistic
47 process and we're bringing together everybody, all the
48 stakeholders and looking at the science and seeing what
49 -- what we do is we do an information inventory where
50 we document all the information that's being collected

1 and where we have information that we need we call that
2 the gap and we try to fund the gap.

3

4 As Staff, what we do is update those
5 strategic plans every two years. So in the off year,
6 when we're not working on the FRMP call for proposals,
7 we're actually updating those plans. Now some of those
8 plans are getting a little out of date. However, with
9 most of these plans they were excellent at the time
10 they were done. A lot of time and care was spent.

11

12 So these are all good ideas. I hear
13 what you're saying. Also I have with me now a couple
14 appendices from the strategic plan talking about the
15 Copper River priority information needs and what was
16 recommended to be funded and not funded in 2004. Maybe
17 I'll hand those out so you will have a better idea of
18 what we're looking at.

19

20 CHAIRMAN LOHSE: Pippa, is there any
21 chance that we could for our own information get a copy
22 of the abbreviated plan that we have for the Kenai, for
23 Cook Inlet, so that we have an idea of what we're
24 talking about, what we're missing and what needs to be
25 added to it. Because I know we have the strategic plan
26 for the Copper River, but, like I said, it's an
27 abbreviated plan for Cook Inlet. If we had copies of
28 that abbreviated plan, then we could get an idea of
29 what we need to add to it. At least we could look at
30 it before we bring it up in our meeting. So if we
31 could just get that information, it would be real
32 helpful.

33

34 Judy.

35

36 MS. CAMINER: Mr. Chair. I agree
37 totally, but just to be clear have it be the most
38 recent plan. I mean we don't need to go back to what
39 the original ones were, but both of the most recent
40 plans would be very useful. People can be thinking
41 about that before the meeting and you may make some
42 updated changes or suggestions before the meeting too.

43

44 MS. KENNER: Yes.

45

46 CHAIRMAN LOHSE: Thank you, Pippa.
47 With that, do we have anything more from Fisheries
48 Resource Management Program?

49

50 MR. LIEBICH: No, I think that covers

3 CHAIRMAN LOHSE: Have you any idea of
4 what the funding is going to be yet?

5
6 MR. LIEBICH: I don't think there's a
7 final determination on funding, but I think there's a
8 rough, kind of a ballpark estimate, that it might be in
9 the vicinity of \$4 million this coming year, which is
10 comparable to what we went through this past funding
11 cycle, which I believe was around \$3.7 million. In the
12 past, it's been much higher than that.

13
14 CHAIRMAN LOHSE: So basically not much
15 of a reduction from last year.

16
17 MR. LIEBICH: Yeah, and actually
18 potentially a very small increase if we went from \$3.7
19 million to \$4 million, but, again, that's just an
20 estimate on what that total dollar value is.

21
22 CHAIRMAN LOHSE: Man, we can tell we're
23 talking government when we say a \$1.3 million increase
24 is a small increase.

25
26 MR. LIEBICH: Well, a \$300,000.

27
28 CHAIRMAN LOHSE: Okay. Thank you
29 anyhow.

30
31 MS. KENNER: Mr. Chair. I just wanted
32 to point out that only about half of that is for new
33 projects. That money goes to fund the projects that
34 are in the water at the time.

35
36 CHAIRMAN LOHSE: Right. Okay. Any
37 more questions on the Fisheries Resource Monitoring
38 Program from any of the Council members for the people
39 at the table?

40
41 (No comments)

42
43 CHAIRMAN LOHSE: Hearing none. Thank
44 you. We have a statewide proposal right in front of us
45 right now. That's the next thing on our agenda and
46 then we get into our proposals from the Cook
47 Inlet/Kenai area. I would like to, with the rest of
48 the Council's agreement, to take this statewide
49 proposal at this point in time and then a short break
50 and then on to the Kenai and we'll have some testimony

1 from people who are here and go on to the proposals
2 from the Kenai.

3

4 So we have statewide proposal FP15-01.

5

6 MR. LIEBICH: Good morning, Mr. Chair
7 and members of the Council. For the record, I'm Trent
8 Liebich. Again, I work for the Office of Subsistence
9 Management as a fishery biologist. I'll go through the
10 draft analysis on Fish Proposal 15-01. This is an
11 action item, so when we get to the end of the proposal
12 we'll discuss the recommendations.

13

14 Proposal FP15-01 was submitted by the
15 Southcentral Alaska Subsistence Regional Advisory
16 Council and requests that the definition of hook be
17 described in regulation as a hook with or without a
18 barb. The proposed language would clarify the type of
19 fishing hook that could be used under Federal
20 subsistence fisheries regulations where hooks are an
21 authorized methods and means to take fish.

22

23 The request to change the existing
24 statewide Federal regulatory language to eliminate the
25 potential for adoption of default methods and means
26 restrictions of a Federal subsistence fishery to the
27 use of barbless hooks. This proposal was submitted in
28 response to a recent Alaska Board of Fish decision to
29 restrict the Kenai River chinook salmon sport fishery
30 methods
31 and means to the use of barbless hooks under certain
32 conditions.

33 If the Kenai River chinook salmon sport fishery is
34 restricted to the use of barbless hooks, the Federal
35 subsistence rod and reel fishery might also be
36 restricted to the use of barbless hooks by default.

37

38 In many parts of Alaska, stand-alone
39 Federal subsistence fisheries regulations do not exist.
40 So if the State of Alaska adopts fisheries regulations,
41 such as requiring barbless hooks in a fishery where
42 Federal subsistence fisheries regulations do not exist
43 or do not address what type of hook is allowed, then
44 the Federal subsistence regulations would default to
45 State regulations resulting in Federal subsistence
46 users being restricted to something like barbless hooks
47 if that was a regulation that was made.

48

49 So under the existing Federal
50 regulations, as I mentioned, currently there is no

1 Federal definition of hook; thus, the State of Alaska
2 definition for the Kenai River would apply to the
3 Federal subsistence user.

4
5 So the proposed Federal subsistence
6 regulations would be under definitions and the
7 following definition would apply to all regulations
8 contained and it would be the definition for hook,
9 which means a single shanked fish hook with a single
10 eye constructed with 1 or more points with or without
11 barbs. That's the key part of that definition, with or
12 without barbs.

13
14 Would you like me to cover the
15 regulatory history or do you want me to move forward
16 into the effects of the proposal?

17
18 CHAIRMAN LOHSE: Does anybody from the
19 Council which to go through the regulatory history on
20 it?

21
22 MR. LIEBICH: This is your proposal.

23
24 CHAIRMAN LOHSE: This is our proposal.

25
26 MR. LIEBICH: So for the effects of the
27 proposal -- so that definition of hook, as I mentioned,
28 the key part of that is with or without barbs. If this
29 proposal is adopted, it would maintain Federally
30 qualified subsistence users ability to select the type
31 of fishing hooks, with or without barbs, they want to
32 use. Once a definition of hook is in Federal
33 regulation, then Federally qualified subsistence users
34 will not have to be concerned if the State of Alaska
35 changes the definition of a hook or restricts other
36 fisheries to the use of barbless hooks.

37
38 Adoption of this proposal is not
39 expected to have any effect on Federally qualified
40 subsistence users, practices, fisheries,
41 or fish stocks targeted. Adoption of this proposal
42 will not result in additional impacts Federal
43 subsistence users have on Alaska s fishery resources
44 because Federal subsistence users most likely utilize
45 barbed hooks where hooks are authorized to increase
46 harvest efficiency as subsistence fishing is
47 characterized by efficiency of harvest.

48
49 There was one note, when we were having
50 the Council meeting with the North Slope, they actually

1 brought up the fact that they did prefer barbless hooks
2 at times in the winter for ice fishing. It's easier to
3 unhook fish, which is kind of interesting information.

4
5 So we have here in the effects of this
6 proposal that barbed hooks are typically probably
7 preferred, but that's not necessarily always the case
8 in other regions of the state, so I want to make that
9 note.

10
11 If this proposal is adopted, Federal
12 and State regulations will be divergent in fisheries
13 restricted to use of barbless hooks under State
14 regulations. The Kenai River being one potential
15 example of that. Adoption of the proposal will
16 establish a Federal subsistence regulatory definition
17 of hook to include both barbed and barbless hooks which
18 will supersede both current and future State barbless
19 hooks regulations.

20
21 If this proposal is not adopted,
22 Federally qualified users will be restricted to use the
23 type of hook specified and defined by the State of
24 Alaska, since there is no Federal definition of hook.
25 The first, and currently only, Federal subsistence
26 fishery which could be impacted by not adopting this
27 proposal is the Kenai River chinook salmon fishery,
28 where rod and reel is an authorized methods and means.
29 If this proposal is not adopted, potential barbless
30 hooks restrictions in other future Federal subsistence
31 fisheries would unnecessarily decrease harvest
32 efficiency of Federally qualified subsistence users.

33
34 The OSM preliminary conclusion on this
35 is to support the proposal as written. The
36 justification is the proposal would add a definition of
37 hook in Federal regulations. Currently subsistence
38 users must comply with the State's method and means
39 when fishing with one or more hooks, even if the
40 regulation is
41 for barbless hooks, which reduces harvest efficiency.
42 Restricting subsistence users from harvesting fish with
43 barbed hooks would be an unnecessary restriction to
44 existing fishing practices statewide.

45
46 Adoption of this proposal would protect
47 Federal subsistence fishermen's choice to use barbed or
48 barbless hooks. Adoption of this proposal would not
49 result in additional impacts to Alaska's fisheries
50 resources by Federal subsistence fishermen.

1 I also want to note the North Slope
2 Regional Advisory Council is in support of the OSM
3 conclusion. I'm sorry. They had modified language.
4 They wanted to adopt a combination of the proposal as
5 written, the language, and then bring in an additional
6 sentence of State language and that was the North Slope
7 RAC wanted that modified language and the Kodiak
8 Aleutians RAC wanted that. Seward Peninsula just met.
9 They supported the proposal as written. Northwest
10 Arctic RAC met and supported the proposal as written.
11 Yukon Delta RAC met yesterday and they had supported
12 the proposal as written with the existing language.

13
14 That's all I have for you.

15
16 If you have any questions, I'd be happy
17 to answer.

18
19 Thank you.

20
21 CHAIRMAN LOHSE: Questions.

22
23 (No comments)

24
25 CHAIRMAN LOHSE: No questions from the
26 Council. Agency comments. Alaska Department of Fish
27 and Game.

28
29 MR. CRAWFORD: Yes, Mr. Chair. Drew
30 Crawford, Alaska Department of Fish and Game. The
31 State's recommendation for FP15-01 is that we support it with
32 modification to adopt similar criteria for hooks as defined in
33 State regulation. The State's definition for a single hook is a fish
34 hook with
35 only one point with or without a barb and that a multiple hook
36 is a fish
37 hook with two or more points with or without a barb. The most
38 recent definition that was adopted is barbless. Barbless means
39 the
40 hook is manufactured with a barb where the barb has been
41 completely
42 removed or compressed so that the barb is in complete contact
43 with
44 the shank of the hook.

45
46 The North Slope was concerned about the word
47 manufactured in this definition. However, when you look it up
48 in the
49 dictionary, American Heritage Dictionary defines manufactured as

they have would be included in this definition.
46 Over.
47
48 CHAIRMAN LOHSE: Thank you.
49
50 Any questions.

00050

1 Mr. Henrichs.
2
3 MR. HENRICHS: I'll make a comment.
4 You know, I was up in Barrow and these women and
5 children were out on the ice flows right in front of
6 Barrow and they were hauling tomcod in just as fast as
7 they -- they had these little short sticks and lines
8 and they were hauling tomcod in as fast as they could
9 throw the line out there and they were getting buckets
10 and buckets of them. I thought, man, this is great. I
11 went into both grocery stores and they had them for
12 sale in there and they were taking those cod down and
13 selling them to the grocery stores. I'm sure they were
14 barbless hooks too.
15
16 CHAIRMAN LOHSE: Thank you, Mr.
17 Henrichs. A question for the State. If the idea is to
18 support the subsistence user's choice of using a barbed
19 or barbless hook, what do we gain by adding the State's
20 definition to that choice other than lack of confusion?
21
22 MR. CRAWFORD: That's basically it. If
23 any time we can keep the Federal regs and our regs
24 similar, it's less confusion for the user and less
25 confusion for the law enforcement folks. So the one
26 that mirrors the State language on Page 83 in your RAC
27 book in the middle and that's what the North Slope
28 adopted.

and the State went to
32 a barbless hook, would we have to clarify that we mean
33 a hook could have a barb if we were going to allow
34 subsistence fishermen to fish with a barbed hook at the
35 same place the State had reduced it to a barbless hook?
36

37 MR. CRAWFORD: The first sentence in
38 that definition takes care of that. It has the with or
39 without, which is the part of the definition that Trent
40 gave you.

41
42 CHAIRMAN LOHSE: Judy.

43
44 MS. CAMINER: I know last year George
45 introduced this concept to us or earlier this year and
46 we gave them the okay to go ahead and write up a
47 proposal. Do we know the reasoning that these specific
48 definitions weren't included in the proposal on behalf
49 of the RAC?
50

00051

1 MR. LIEBICH: Which definition? The
2 modified definition?

3
4 MS. CAMINER: Uh-huh.

5
6 MR. LIEBICH: It is in the proposal. I
7 just didn't cover it when I gave the summary. Maybe I
8 should have as I read through it. That initial
9 definition as was submitted in the proposal is that
10 first sentence. This is the modified language that
11 combines the proposed language and then also the
12 modified language. It's been back and forth, as I
13 mentioned, between the different Regional Advisory
14 Councils on whether or not they just take that initial

additional

17 sentence of the State language to add it in, which
18 provides clarification.

19

20 As Drew mentioned, it might reduce some
21 confusion with the language between State and Federal
22 regulations, but I don't -- for the end goal and the
23 intention of allowing subsistence users to have the
24 choice or the discretion between a barbed or barbless
25 hook. I don't know that it changes that end result.

26

27 CHAIRMAN LOHSE: See, that's what I
28 remember. I remember when we went through this we
29 wanted it as simple as possible and a subsistence user
30 can make a choice to use a barbless hook or a hook with
31 a barb and I don't think there's any problem with
32 having to define what a barbless hook is. I mean other
33 than the fact that by putting it in there we basically
34 put State language in there.

35

36 To me, I personally think that we went
37 through that pretty much, that we wanted to make sure
38 that a subsistence user had the choice. The first part
39 says that, a hook is with or without barbs. If
40 somebody doesn't want barbs, it's pretty obvious how to
41 get rid of the barbs, at least from my standpoint.

42

43 Any other comments from Council
44 members.

45

46 (No comments)

47

48 CHAIRMAN LOHSE: Okay. Any other
49 comments from the Alaska Department of Fish and Game on
50 my comments that I just made. I'm sorry that I went on

00052

5 CHAIRMAN LOHSE: Would you see a --
6 from the Fish and Game standpoint, would you see a
7 problem with the first part of it that just says it's a
8 hook with one or more points with or without barbs?
9 That's a pretty good definition of a hook. I'm just
10 trying to see where we need the definition of what
11 barbless means from a Fish and Game standpoint other
12 than being in concurrence with your current language,
13 which applies to sport fishermen and subsistence
14 fishermen from a State standpoint, but not to Federal
15 subsistence fishermen.

16
17 MR. CRAWFORD: I'm not sure how to
18 answer that.

19
20 CHAIRMAN LOHSE: I don't mean to put
21 you on the spot.

22
23 MR. CRAWFORD: As I said, our desire
24 would be to keep the definitions similar whenever
25 possible, so that would be our goal and that was what
26 we recommended.

27
28 CHAIRMAN LOHSE: Thank you. Do we have
29 any other Federal agencies that wish to speak to this
30 proposal.

31
32 (No comments)

33
34 CHAIRMAN LOHSE: Any Native, village or
35 tribal councils.

36
37 (No comments)

38
39 CHAIRMAN LOHSE: Any InterAgency Staff
40 Committee comments.

41
42 (No comments)

43
44 CHAIRMAN LOHSE: Advisory group
45 comments.

46
47 MS. CELLARIUS: Mr. Chair. I have a
48 letter from the Wrangell-St. Elias National Park
49 Subsistence Resource Commission on this proposal. They
50 met last week in Copper Center and made a

2 proposal. They didn't see any conservation concerns
3 and it would benefit for subsistence users by allowing
4 Federal subsistence users to choose whether to use
5 barbed or barbless hooks.

6
7 CHAIRMAN LOHSE: Thank you, Barbara.
8 Any questions for Barbara.

9
10 (No comments)

11
12 CHAIRMAN LOHSE: Local Fish and Game
13 Advisory Committees.

14
15 (No comments)

16
17 CHAIRMAN LOHSE: National Park Service
18 Subsistence Resource Commissions, which is what Barbara
19 just did. And we have a summary of written comments
20 and I know we have a written comment from Ahtna.

21
22 MR. MIKE: Thank you, Mr. Chair.
23 Written comments from Ahtna starts on Page 79 and the
24 Ahtna Subsistence Committee supports Proposal 15-01.

25
26 Thank you.

27
28 CHAIRMAN LOHSE: Okay. Do we have any
29 public testimony listed for this proposal.

30
31 MR. MIKE: No.

32
33 CHAIRMAN LOHSE: Okay. At that point
34 in time we could make a Regional Council recommendation
35 motion to accept the proposal as written.

36
37 MR. HENRICHS: I'll make the motion.

38
39 MR. MCLAUGHLIN: Second.

40
41 CHAIRMAN LOHSE: It's been moved and
42 seconded to accept the proposal as written. Do we have
43 any amendments.

44
45 MS. CAMINER: Mr. Chair. I think this
46 proposal reflects the
47 discussion that this Council had with Staff last March
48 and I would support it as written.

49
50 CHAIRMAN LOHSE: Do we see any

1 conservation concerns?

2

3 (No comments)

4

5 CHAIRMAN LOHSE: How about is there
6 evidence that this is a traditional definition of a
7 hook.

8

9 MR. G. ENCELEWSKI: Mr. Chair. If you
10 say traditional, that I don't know. Our tradition is a
11 little different. Anyway, I think it's a good thing as
12 long as we get the barbed or barbless and we don't
13 limit the points.

14

15 CHAIRMAN LOHSE: Right. From my
16 standpoint, the fact that you don't -- I mean somebody
17 can choose, like the North Slope can choose to use a
18 barbless hook. There's no requirements that you have
19 to have a barb. Somebody can choose to use a barbed
20 hook if they want to. Fish and Game, if you go back
21 and read their things, they figure that a barbless hook
22 reduces the efficiency somewhere between 9 and 24
23 percent, but that it really doesn't have much effect on
24 the overall catch. People just fish longer.

25

26 So, from that standpoint, and I'm
27 thinking of William Justin's comment one time on in the
28 Ahtna tradition, you don't play with your food. So if
29 you don't play with your food, you take your food in
30 the most efficient manner possible.

31

32 MS. CAMINER: Mr. Chair. I think this
33 was a good response and we appreciate George's efforts
34 where he saw a situation where subsistence uses could
35 be restricted and this proposal will avoid that
36 situation.

37

38 CHAIRMAN LOHSE: Thank you. Any other
39 comments.

40

41 Gloria.

42

43 MS. STICKWAN: Ahtna wrote this letter
44 because we submitted a proposal to the Board of Fish
45 for a barbless hook and it could affect our region.
46 His name is Wilson Justin, not William.

47

48 CHAIRMAN LOHSE: Thank you, Gloria.
49 Okay. If there's no further comments, the question is
50 in order.

1 MR. G. ENCELEWSKI: Question.
2
3 CHAIRMAN LOHSE: The question has been
4 called on Proposal FP15-01, the definition of a hook,
5 as proposed by the Southcentral Regional Advisory
6 Council in our last meeting. All in favor signify by
7 saying aye.
8
9 IN UNISON: Aye.
10
11 CHAIRMAN LOHSE: all opposed, signify
12 by saying nay.
13
14 (No opposing votes)
15
16 CHAIRMAN LOHSE: Motion carries. With
17 that, we are going to go onto our next proposals, but
18 we're going to take a very short break.
19
20 (Off record)
21
22 (On record)
23
24 CHAIRMAN LOHSE: Let's call this
25 meeting of the Southcentral Regional Subsistence
26 Advisory Council back in session. We're looking at
27 Proposal FP15-09. Pippa, are you going to be
28 presenting this one to us?
29
30 MS. KENNER: Thank you, Mr. Chair.
31 Members of the Council. My name is Pippa Kenner and
32 I'm an anthropologist at the Office of Subsistence
33 Management in Anchorage. I'm happy to be with you here
34 today. My presentation begins on Page 85 of your
35 Council books. I'm going to read from parts of the
36 analysis. I'm going to start at the beginning under
37 issues.
38
39 Proposal FP15-09 was submitted by
40 Courtney Larsen of Cooper Landing and requests the
41 total cash value per household of salmon taken within
42 the Kenai River drainage and exchanged in customary
43 trade between rural residents and individuals other
44 than rural residents not exceed \$1,000 annually.
45 Additionally, customary trades should be recorded and
46 reported, and advertising should be regulated.
47
48 So during the course of this analysis
49 that I'm giving you we're going to break that down a
50 little bit to better understand exactly what the

1 proponent is requesting.

2

3 A customary trade occurs when a person
4 legally harvests fish in a Federal subsistence fishery
5 and then exchanges fish, their parts, or their eggs for
6 cash. To be legal, such exchanges cannot reach the
7 level of a significant commercial enterprise. The
8 proponent states that he submitted the proposal because
9 some
10 Cooper Landing residents look for additional sources of
11 income to help pay for items such as gas for
12 transportation and oil for heat.

13

14 The proponent states that in Alaska
15 people have commonly used word of mouth to arrange
16 customary trades. However, it is becoming more and
17 more common for people in rural Alaska to communicate
18 electronically on Facebook or Craigslist, for example,
19 which law enforcement might decide is advertising for
20 significant commercial enterprise and, therefore,
21 illegal. The proponent states that advertising
22 customary trades should be legal.

23

24 To ensure customary trades do not
25 become significant commercial enterprises, the
26 proponent seeks to limit the cash value of salmon per
27 household exchanged in customary trade. The proponent
28 is also requesting a record-keeping requirement to
29 document exchanges of salmon for cash. To help ensure
30 that salmon obtained through customary trade do not
31 then enter the commercial market, advertisers must
32 guarantee in writing that the salmon were legally
33 harvested under Federal subsistence regulations and
34 must communicate in writing that its only legal use is
35 personal or family consumption.

36

37 Okay. I'm going to go ahead and move
38 to the customary and traditional use determination on
39 Page 90. Only residents of Cooper Landing, Hope, and
40 Ninilchik are allowed to harvest salmon under Federal
41 regulations in the Kenai River drainage. This proposal
42 would only apply to them.

43

44 In the background, there is a
45 well-documented history of people trading wild
46 resources for cash in Alaska. The definition
47 of customary trade does not allow a person to engage in
48 trade that constitutes a significant commercial
49 enterprise. Additionally, businesses are not allowed
50 to purchase, receive, or sell fish, their parts, or

1 their eggs taken under Federal subsistence regulations
2 as part of a business transaction. As mentioned above,
3 further restrictions have been enacted for the Bristol
4 Bay, Upper Copper River, and Yukon/Northern management
5 areas limiting cash sales.

6
7 I'm going to go back to that in the
8 proposed Federal regulations. In the Upper Copper
9 River, the total cash value of salmon per household
10 taken within the Upper Copper River District and
11 exchanged in customary trade between rural residents
12 and individuals other than rural residents may not
13 exceed \$500 annually. No more than 50 percent of the
14 annual household limit may be sold. These customary
15 trade sales must be immediately recorded on a customary
16 trade recordkeeping form. The recording requirement and
17 the responsibility to ensure the household limit is not
18 exceeded rest with the seller.

19
20 I've talked to people in the area about
21 how many of those permits are distributed each year and
22 the answer is only a couple. There's only a couple of
23 customary trade exchanges reported every year.

24
25 In the Bristol Bay area, the total cash
26 value per household
27 of salmon taken within Federal jurisdiction in the
28 Bristol Bay Fishery Management Area and exchanged in
29 customary trade between rural residents and individuals
30 other than rural residents may not exceed \$400
31 annually. These customary trade sales must be
32 immediately recorded on a customary trade recordkeeping
33 form. The recording requirement and the responsibility
34 to ensure the household limit is not exceeded rest with
35 the seller.

36
37 I'm going to continue in the middle of
38 Page 90. Generally, Federal subsistence regulations
39 apply only within or adjacent to conservation system
40 units and other Federal lands. However, Federal
41 regulations governing customary trade of subsistence
42 taken resources extend to any customary trade of
43 legally taken fish regardless of where the actual cash
44 transaction takes place. State officials may disagree
45 with this view.

46
47 Under regulatory history, we're going
48 to talk a little bit about how we got here. Title VIII
49 of the Alaska National Interest Lands Conservation Act
50 or ANILCA specifically identifies

1 customary trade as a legitimate subsistence use. The
2 term customary trade is defined by regulation as the
3 exchange for cash of fish and wildlife resources
4 regulated in this part, not otherwise prohibited by
5 Federal law or regulation, to support personal or
6 family needs, and does not include trade which
7 constitutes a significant commercial enterprise. While
8 the exchange of subsistence resources as customary
9 trade may involve fish, shellfish or wildlife
10 resources, this proposal addresses only the customary
11 trade of fish.

12
13 Prior to 1999, Federal subsistence
14 regulations applied only to subsistence fisheries in
15 non-navigable waters. The regulations in effect at
16 that time contained the same definition for customary
17 trade that I just said, but also included the following
18 prohibition: No person may buy or sell fish, their
19 parts, or their eggs which have been taken for
20 subsistence uses, unless, prior to the sale, the
21 prospective buyer or seller obtains a determination
22 from the Federal Subsistence Board that the sale
23 constitutes customary trade.

24
25 So in 2003, the Board adopted a revised
26 set of customary trade regulations and that's what you
27 see in the regulation today. The Board recognized that
28 it would probably be necessary to make future
29 modifications to the final rule to accommodate regional
30 differences in permissible customary trade
31 transactions. This proposal represents such a regional
32 modification.

33
34 A couple of proposals have come before
35 this Council before having to do with customary trade
36 in areas that included the Kenai area and they're
37 mentioned there in your regulatory history.

38
39 Now I'm going to mention a little bit
40 about what level of legal Federal subsistence harvest
41 goes on in the Kenai River drainage. Until 2007,
42 Federal regulations generally paralleled State sport
43 fishing regulations in the Kenai River drainage.
44 Additionally, since 2007 under Federal subsistence
45 regulations, people have been allowed to harvest salmon
46 with a dipnet at Russian River Falls, Moose Range
47 Meadows, and an area below Mile 48 of the Kenai River.
48 Only sockeye salmon harvests have been reported.
49 Subsistence users reported harvesting 1,176 sockeye
50 salmon annually from 2007 to 2013. The majority of

1 sockeye salmon harvested in the Federal subsistence
2 fishery was taken in the Russian River Falls dipnet
3 fishery.

4
5 That information is presented on the
6 next page in Tables 1 and 2. So you can see where the
7 permits are going and how many sockeye are being
8 harvested.

9
10 Now I'm going to go to the bottom of
11 Page 92 and talk about the effects of this proposal.
12 If this proposal is adopted, people's customary trade
13 of salmon on the Kenai Peninsula would be limited. A
14 household would be limited to a \$1,000 cap on the value
15 of salmon its members could exchange annually. The
16 limit would only apply to salmon harvested from the
17 Kenai River drainage under the authority of a Federal
18 subsistence permit.

19
20 A person engaging in customary trade
21 would have to enter all sales on a Customary Trade
22 Record Keeping Form and would have to return the form
23 to the Federal agency that issued it. A person would
24 have to include language in any advertisements that the
25 salmon (1) were taken legally under Federal subsistence
26 regulations, (2) can only be used for personal or
27 family consumption, and (3) cannot be resold.

28
29 The proponent's intent is to limit
30 people's exchanges with tourists and nonrural residents
31 of Alaska, from Anchorage or Kenai for example. The
32 dollar value limit being proposed is not directly
33 related to current or historical amounts of salmon
34 exchanged for cash, but is a limit the proponent has
35 requested to prevent exchanges that could be perceived
36 as sales that are part of a significant commercial
37 enterprise, which is illegal.

38
39 No information is readily available
40 describing the current level of customary trade of
41 salmon on the Kenai Peninsula. It is likely that
42 customary trade of salmon occurs at low levels.
43 Adopting the new regulation would help prevent large
44 scale sales of salmon under the customary trade
45 regulations. The new regulation would not impact
46 recreational or commercial users of salmon or salmon
47 populations.

48
49 In conclusion, the proposal seeks to
50 establish a limit on the value of salmon exchanged for

1 cash, require recordkeeping and reporting and to
2 regulate advertising. The new regulation would only
3 apply when exchanges occur with people who are not
4 rural residents of Alaska. Since 2007, people have
5 reported harvesting between 700 and 1,400 salmon
6 annually under Federal subsistence regulations in the
7 Kenai River drainage and this harvest has had no impact
8 on other uses or salmon populations. It is not
9 clear how many salmon, if any, were exchanged for cash;
10 however, placing a dollar limit in regulation for a
11 practice that is likely very infrequent is not
12 necessary. Additionally, advertising salmon available
13 for exchange in customary trade is already legal under
14 Federal subsistence management regulations.

15
16 The preliminary conclusion is to oppose
17 the proposal.

18
19 Thank you, Mr. Chair.

20
21 That's the end of my presentation.

22
23 CHAIRMAN LOHSE: Thank you, Pippa. Any
24 questions for Pippa.

25
26 Judy.

27
28 MS. CAMINER: Thanks, Mr. Chair. And I
29 know the proponent came to our meeting a year and a
30 half ago and kind of brought up this topic. So, as you
31 understand, that their goal is to prevent possible
32 future abuse of sales?

33
34 MS. KENNER: That's one of their goals.

35
36 CHAIRMAN LOHSE: Thank you, Judy . Any
37 other questions for Pippa.

38
39 (No comments)

40
41 CHAIRMAN LOHSE: Pippa, I've got a
42 couple questions on OSM's preliminary conclusion and
43 maybe you can clarify them for me. There is currently
44 -- even if there's no limit, if this proposal is not
45 accepted, there is a limit already, if I understand
46 right when I read the thing, that there is in
47 regulation a limit of \$1,000. Well, maybe not. Maybe
48 that's a limit he's proposing.
49 So there currently is no limit on -- or is the \$1,000
50 already part of the current existing right here? So

1 there is no current limit of \$1,000 then. Am I right
2 or am I wrong?

3

4 MS. KENNER: You're correct, there's no
5 cash limit of \$1,000 in the Kenai River drainage for
6 fish harvested.

7

8 CHAIRMAN LOHSE: There's no cash limit
9 period on the Kenai River drainage. There's no
10 reporting on the Kenai River drainage. If, like he
11 says, this goes on, it's on a low level, but there's no
12 reporting, so we really don't know what's going on. Am
13 I correct on that?

14

15 MS. KENNER: That's correct. In the
16 vast majority of the
17 state, there's no cash limit in regulation and there's
18 no reporting requirement.

19

20 CHAIRMAN LOHSE: So basically what
21 we've got for reporting is we've got Bristol Bay, the
22 Yukon-Kuskokwim and Copper River.

23

24 MS. KENNER: Correct. And for the
25 Yukon-Kuskokwim there's only a rule about who you can
26 trade with, not how much.

27

28 CHAIRMAN LOHSE: Okay. And you say
29 advertising is currently legal.

30

31 MS. KENNER: In the United States,
32 advertising for a legal activity, in general, is legal,
33 yes.

34

35 CHAIRMAN LOHSE: So basically this
36 proposal is a proposal to limit something that's
37 currently legal, am I correct? I mean this proposal
38 would put limits on the amount, limits on reporting and
39 limits on the type of advertising.

40

41 MS. KENNER: Yes.

42

43 CHAIRMAN LOHSE: Because it adds words
44 that have to be included in the advertising, so it is a
45 limit. I mean it's a suggestion. Okay.

46

47 MS. KENNER: Yes.

48

49 CHAIRMAN LOHSE: Andy.

50

1 MR. MCLAUGHLIN: Mr. Chair. Is there
2 anything, Pippa, that regulates advertising as it
3 constitutes -- let me figure out how to word this.
4 Sorry. So the advertising is already legal, correct?

5
6 MS. KENNER: Advertising a legal
7 activity is legal.

8
9 MR. MCLAUGHLIN: And does that
10 advertising relate to significant commercial
11 enterprise? Does that make it.....

12
13 MS. KENNER: Not directly, no.

14
15 CHAIRMAN LOHSE: Any other questions.
16 Gloria.

17
18 MS. STICKWAN: I guess I'm confused by
19 not directly. My question is, is Facebook considered
20 advertising or Craigslist? Would that be considered
21 advertising?

22
23 CHAIRMAN LOHSE: Craigslist would be
24 for sure. Facebook, Este, I can't remember all of
25 them. There's a whole stack of that type that you can
26 advertise products on. Any time that you actually post
27 something on the bulletin board at the well is
28 advertising. Posting something on the bulletin board
29 at the grocery store is advertising. Posting something
30 at the post office if it's legal -- I mean if it's
31 allowed at the post office, that's advertising. Me
32 telling him is advertising.

33
34 What this does here is -- I mean
35 because I'm advertising something for sale. If I tell
36 him, you know, I've got a nice T-bird, would you like
37 to buy it.....

38
39 MR. G. ENCELEWSKI: Yes.

40
41 CHAIRMAN LOHSE:that's
42 advertising.

43
44 (Laughter)

45
46 CHAIRMAN LOHSE: You would like to buy
47 it?

48
49 MR. G. ENCELEWSKI: Yes.

50

1 CHAIRMAN LOHSE: Doggone, I wish you
2 would have said that before I gave it away. Anyhow,
3 advertising is to tell somebody that you have a product
4 for sale. I would imagine about the time that you paid
5 somebody \$10,000 to set up an advertising account for
6 you, we'd call it a commercial enterprise. But if my
7 wife puts her hat on her Este page, I think it's Este
8 or whatever it is, that's advertising because somebody
9 in Massachusetts buys it, you know, but that's legal.

10
11 What this does then is this makes it so
12 that if they're going to do it, there are some
13 regulations they have to abide by, which is mentioning
14 that they're subsistence-taken fish, that they have to
15 be used for personal consumption and they can't be
16 resold. That way, technically speaking, when the
17 German tourist comes and buys all the fish, he can't
18 take it back to Germany and resell it. Although I
19 doubt if the Fish and Game is going to go there and
20 check and see if does.

21
22 MR. CARPENTER: Mr. Chair. This is Tom
23 Carpenter. I have a question when you have a chance.

24
25 CHAIRMAN LOHSE: Okay, Tom. We'll open
26 it up to you right now.

27
28 MR. CARPENTER: Yeah, I have a question
29 for -- I guess a two
30 part question for the OSM Staff. You know, I was
31 reading your justification for opposition to this
32 proposal and a couple questions came up. I guess,
33 first of all, in other areas of Southcentral do they
34 have restrictions and reporting requirements, dollar
35 restrictions, and do they have to report?

36
37 MS. KENNER: Through the Chair. Thank
38 you, Mr. Carpenter. Yes, in Southcentral Alaska in the
39 Upper Copper River District, there is a limit on the
40 cash value of customary trade of salmon between rural
41 residents and individuals other than rural residents of
42 \$500. So there's a cap at \$500 and also no more than
43 50 percent of your annual household limit may be sold.

44
45 MR. CARPENTER: Okay. The second part
46 of my question is, which I found actually kind of
47 alarming, in your justification for opposition of this
48 proposal it says that under Federal regulations
49 exchange their salmon for cash in customary trade as
50 long as the sale does not rise above the level of a

1 significant commercial enterprise. Then directly after
2 that it says there is no significant commercial
3 enterprise definition in regulation.

4
5 So basically right now as it stands
6 there is absolutely no way to enforce somebody on how
7 many fish they can sell as long as they're within their
8 harvest limits. Am I correct?

9
10 MS. KENNER: Well, there are limits.
11 You need to be a rural resident with a customary and
12 traditional use determination to harvest fish. You
13 have to have received a Federal permit and you cannot
14 have a business license. You cannot be trading fish
15 for cash as part of any sort of business. Also, even
16 though there isn't a definition of significant
17 commercial enterprise in regulation, it's conceivable
18 that law enforcement at some point might interpret a
19 certain activity as trading fish for cash as part of a
20 commercial enterprise.

21
22 MR. CARPENTER: Well, all I can that
23 law enforcement has the ability to interpret things any
24 way they wish depending on how it goes in court. In my
25 estimation, it's easier for people of rural Alaska to
26 interpret something that's specifically written in a
27 regulation book. I don't want it to be left up to the
28 interpretation of anybody.

29
30 I want something in regulation that
31 sets a straight path forward to you can harvest this
32 many fish, you need to report on this date and this is
33 how much you can sell. Because in my estimation, just
34 for example, if you're allowed as a rural resident of
35 Kenai Peninsula to harvest 500 sockeye, right now you
36 can sell 500 sockeye if you wanted to because you --
37 they're going to have a real hard time with the
38 vagueness of the regulation book to say that you can't.

39
40 So I guess that's the point I'm trying
41 to make to the Council, is I'm not sure that, not being
42 from the Kenai Peninsula, I want to necessarily be the
43 one to say what the appropriate limits should be, but I
44 think that there has to be some sort of limit. So I
45 guess maybe I'll listen further and see if there's any
46 discussion about that.

47
48 Thank you.

49
50 CHAIRMAN LOHSE: Thank you, Tom. I

1 would like to say that there are some definitions of
2 significant commercial enterprise in regulations. One
3 of them applies to Bristol Bay. They, as a Council, or
4 they have a significant commercial enterprise is
5 anything over \$400. In Upper Copper, it's \$500. So
6 significant commercial enterprises have been defined in
7 certain areas of the state.

8

9 As far as a general one, there is no
10 definition of what constitutes a significant commercial
11 enterprise. I think that's exactly what you were
12 saying about the need to be able to actually know what
13 you were doing was legal is the reason that this
14 proposal is put in front of us. It's put in front of
15 us to put a limit on, to make reporting available and
16 to limit the kind of advertising that can be done.
17 That meets what you were talking about, the need as a
18 rural resident to know what you're doing is legal
19 versus wondering what somebody else is going to
20 interpret it as.

21

22 MR. CARPENTER: Right. I think that's
23 exactly what I mean. I just don't want the vagueness
24 to catch somebody in a bad position. When we went
25 through the Copper River Basin setting these limited 10
26 or 15 years ago, the Kenai Peninsula did not have rural
27 status at that time. The thing I find amazing is that
28 if there's no definition, we tend to go back to State
29 law to correspond our Federal regulations with State
30 law.

31

32 What I don't understand is if this
33 Council set limits for the Copper River Basin when we
34 did, how come the definitions and things like that
35 don't automatically correspond to the Kenai Peninsula
36 or any other area in this region for example so that we
37 don't have to keep revisiting the idea that something
38 isn't in the regulation?

39

40 CHAIRMAN LOHSE: Thank you, Tom, but I
41 think it was because those regulations were specific to
42 an area and that was one of the things that was
43 recognized in the customary trade of salmon to begin
44 with.

45

46 Judy.

47

48 MS. CAMINER: Mr. Chair and Tom. From
49 my memory, I don't remember how many years ago, so
50 let's say between 10 and 15 years ago, there was a

1 working group committee and we had people from the RAC
2 on that committee to try and define these customary
3 trade regulations because of that concern about what
4 constitutes as significant commercial enterprise. So
5 that's how the Board came up with the current
6 regulation that's shown on Page 85 and allowed the
7 opportunity for regional differences, which this
8 Council did for the Upper Copper.

9

10 And your concern, Tom, about the number
11 of fish that could be used for customary trade, I mean
12 when Pippa is saying legally caught fish it means
13 within the harvest limit. So if the harvest limit is
14 25 or 35, selling those fish, and I don't know what
15 they'd go for, would that constitute a significantly
16 commercial enterprise. I mean that's probably what we
17 need to think about. It would be within the harvest
18 limits for an individual.

19

20 CHAIRMAN LOHSE: Thank you, Judy. Any
21 other comments. James. I'm going to call on some
22 people from the Kenai Peninsula.

23

24 MR. SHOWALTER: Okay. I was just
25 wondering, as you indicated, I believe, no limit or
26 anything for the Kenai Peninsula at this time.

27

28 CHAIRMAN LOHSE: There is a limit on
29 the take, but no limit on the cash value. We need to
30 ask Pippa that. I mean that's the idea, is that from
31 what I understand from what she said there is a limit
32 on the take and that's the legal limit that can be
33 taken. There's no limit on the cash value, but you
34 still can't sell more than -- in order to be legal, you
35 can't sell more than what you're allowed to take.

36

37 MS. KENNER: Yes. On the Kenai
38 Peninsula, the rod and reel subsistence fishery is
39 almost anticipating the possibility of customary trade.
40 They parallel in general the sport fishing regulations,
41 which have these limited daily limits. So to
42 accumulate a lot of fish, you could only do it daily.
43 In some areas, there's a seasonal limit. Where fish
44 could be accumulated in larger numbers are in the
45 dipnet fishery, but there's still a limit there.

46

47 I have -- the sport fish regulations on
48 the Kenai are very complicated and I have them here if
49 you'd like to review them.

50

1 MR. G. ENCELEWSKI: Yeah, I'd just like
2 to make a comment
3 through the Chair. I guess I kind of hate to see a
4 limit put on there and if it's not broken. I mean I'm
5 not sure. I understand what Tom is going at, but on
6 the other hand, you know, you have a restriction on the
7 amount of fish you could take now. It's by the limit
8 and it's legal for the Federal subsistence user to use.
9 I hate to see putting other responsibilities on them of
10 reporting and advertising and amounts, you know. I
11 don't know how widely spread it is or if it's even a
12 problem. To me, I think it's working the way it is.
13 I'd surely like to be able to trade a fish for a smoked
14 one or vice versa or for whatever without getting too
15 complicated.

16
17 That's my comment.

18
19 CHAIRMAN LOHSE: And that's the other
20 thing, Pippa. I think from what you've presented
21 currently there's no problem on the Kenai, right? At
22 least no known problem.

23
24 MS. KENNER: Yes.

25
26 CHAIRMAN LOHSE: Any other questions
27 for Pippa before we allow her to get off the hot seat.
28 Mary Ann.

29
30 MS. MILLS: I do have one question, Mr.
31 Chair. You said
32 that -- or maybe I misunderstood you, that if a person
33 had their subsistence fish, if they wanted to, they
34 could sell it all as long as it didn't go over a
35 certain amount or is that open now?

36
37 CHAIRMAN LOHSE: That's currently open
38 now. Currently a person could sell all of their
39 subsistence fish, but they would have to abide by their
40 limit on subsistence fish, but there's no cash value
41 limit. Like on the Copper there's a cash value limit
42 and you're only allowed to sell half of the subsistence
43 fish that you would take. In other words, the idea was
44 -- I remember the discussion on the Copper. The idea
45 was the subsistence fish -- that you're taking it for
46 your subsistence, for your family, and only if you've
47 got enough for your family should you think of selling
48 some others and that's what it was on the Copper.

49
50 MS. MILLS: Thank you.

1 CHAIRMAN LOHSE: Thank you, Pippa.
2 Okay. With that, we're going to have agency comments.
3 Alaska Department of Fish and Game.

4
5 MR. CRAWFORD: Yes, Mr. Chair. Drew
6 Crawford, Alaska Department of Fish and Game. The
7 State also opposes Fisheries Proposal 15-09, but our
8 justification is different. Since Cooper Landing, Hope
9 and Ninilchik are all located within the Anchorage,
10 Mat-Su, Kenai non-subsistence area, subsistence hunting
11 and fishing regulations will not be adopted for these
12 areas and the subsistence priority does not apply.

13
14 CHAIRMAN LOHSE: Thank you, Drew. I
15 did have one question for you. That one question that
16 came up in our earlier reporting. I don't know if you
17 can answer it or even would want to answer it. The
18 Federal government has said that fish taken on Federal
19 land can be sold anywhere if they were taken under
20 subsistence purposes. It says State officials disagree
21 with this. Do you know of any kind of prosecution
22 that's ever taken place on a fisheries violation
23 because somebody was selling subsistence-caught fish on
24 State land?

25
26 MR. CRAWFORD: I'm not aware of any.
27 One other piece of information for you that our
28 Subsistence Division did provide that although
29 subsistence and customary trade regulations do not
30 apply for the Cook Inlet area, however customary trade
31 opportunities are provided by the State for the Norton
32 Sound and Port Clarence area for subsistence-taken
33 finfish and also in Southeast Alaska subsistence
34 harvested herring roe on kelp.

35
36 CHAIRMAN LOHSE: That answers what Mr.
37 Henrichs was asking about the fact that those tomcods
38 showed up in the grocery store. I mean because that's
39 legal under State subsistence -- that's Norton Sound.
40 That's legal under State subsistence regulations.
41 Gloria.

42
43 MS. STICKWAN: I have a question, not
44 for him, but for Pippa I just thought about.

45
46 CHAIRMAN LOHSE: For who? Pippa?

47
48 MS. STICKWAN: Yeah.

49
50 CHAIRMAN LOHSE: Thank you, Drew.

1 MS. KENNER: Actually, I believe even
2 under State regulations it would not be legal to sell
3 fish to a commercial -- to anybody with a business
4 license as part of their business. So you can't sell
5 to restaurants, you can't sell to stores, you can't
6 sell to a daycare that's going to feed it to their kids
7 if you're a registered business.

8
9 CHAIRMAN LOHSE: Hmm. Mr. Henrichs and
10 I both know they do sell them in the stores there.

11
12 MS. KENNER: Yes. That's not under our
13 customary trade regulations.

14
15 CHAIRMAN LOHSE: No, that's not under
16 our customary trade, that's for sure. Gloria, for
17 Pippa.

18
19 MS. STICKWAN: Do you have permits,
20 records of permits that have been used under that?

21
22 MS. KENNER: Through the Chair, Ms.
23 Stickwan. Could you be more specific?

24
25 MS. STICKWAN: For Kenai.

26
27 MS. KENNER: No. Recordkeeping isn't
28 required at this time and we don't have an estimate.
29 We assume it happens at low levels.

30
31 CHAIRMAN LOHSE: That's for where?

32
33 MS. KENNER: The Kenai Peninsula. I
34 want to clarify something, Mr. Chair.

35
36 CHAIRMAN LOHSE: Yes.

37
38 MS. KENNER: Thank you, Mr. Chair.
39 This is Pippa again. Under the State regulations you --
40 under the State fin fishing customary trade
41 regulations there are two areas where it's legal. One
42 is herring roe on kelp in Southeast Alaska and finfish
43 in the Norton Sound/Port Clarence area. Other than
44 that, State regulations do not allow the exchange of
45 subsistence-caught fish for cash. However, this has
46 not been actively enforced for small-scale traditional
47 exchanges. But in State regulations you cannot
48 exchange fish for cash with a person as part of their
49 business enterprise. You can't sell to a lodge for
50 them to feed their guests. You're not supposed to

1 exchange for cash fish with a person who owns a store
2 that's going to resell them.

3

4 CHAIRMAN LOHSE: So they can't be
5 resold even under State regulations.

6

7 MS. KENNER: In the Norton Sound/Port
8 Clarence area, the State does allow the customary trade
9 of finfish, but not if that customary trade is part of
10 the business enterprise. So you can't sell to a
11 restaurant or a store that's -- it's not that they're
12 going to resell it.

13

14 CHAIRMAN LOHSE: Yeah, they are.

15

16 MS. KENNER: Including you can't resell
17 it. You're absolutely right. I'm sorry. I
18 wasn't.....

19

20 CHAIRMAN LOHSE: Okay. Does that
21 clarify anything for you, Gloria?

22

23 MS. STICKWAN: I think so.

24

25 CHAIRMAN LOHSE: Okay. Any other
26 questions for Pippa while we have her up here?

27

28 (No comments)

29

30 CHAIRMAN LOHSE: Okay. Do we have any
31 other Federal agencies that wish to comment on this
32 proposal.

33

34 (No comments)

35

36 CHAIRMAN LOHSE: Any other Native,
37 tribal, villages.

38

39 MR. WILLIAMS: Mr. Chair and members of
40 the board. My name is Darrel Williams. I'm from
41 Ninilchik. It's good to see you all. One comment I
42 want to make on this is that when we start talking
43 about customary trade, we're talking about pieces and
44 parts of fish. I remember back in probably 2008 we had
45 a long discussion about the handicrafts and parts and
46 what constitutes what. The discussion was about two
47 hunters who harvested Dall sheep horns. One person was
48 better at preparing their Dall sheep horns for crafts
49 to resell. Therefore, one person's horns were worth
50 more than the next person's horns and how do we put a

1 value on that.

2

3 You know, one of the things I think,
4 it's a slippery slope on the harvest and when it comes
5 to customary trade and parts because there are
6 culturally appropriate crafts that are made from these
7 parts. If they're resold, at what point in time do you
8 put a limit on that and how is it appropriate. Just so
9 we consider that. I didn't hear it come up in the
10 discussion, but it is important.

11

12 Mr. Chairman, thank you.

13

14 CHAIRMAN LOHSE: Thank you. Any
15 questions.

16

17 (No comments)

18

19 CHAIRMAN LOHSE: Basically what you're
20 saying is that strips are worth more than salmon
21 filets. Salmon filets are worth more than whole
22 salmon.

23

24 MR. WILLIAMS: Mr. Chairman. And
25 sometimes the parts that are left over are worth more
26 than the salmon altogether.

27

28 CHAIRMAN LOHSE: Oh, you're talking
29 about the eggs.

30

31 CHAIRMAN LOHSE: Any other questions.
32 Mr. Henrichs.

33

34 MR. HENRICHS: There's an interesting
35 thing happening in Prince William Sound. These
36 Russians are going out subsistence herring fishing with
37 gillnets and I was sitting in my office at the tribal
38 office and I saw three of them go by and they had 150
39 buckets between them and they were putting them in
40 buckets and I heard they were getting \$500 to \$1,000 a
41 bucket. I'm just throwing that out there so you guys
42 know what I know.

43

44 CHAIRMAN LOHSE: Any other comments.

45

46 MR. HENRICHS: I think they're from
47 Ninilchik.

48

49 (Laughter)

50

1 CHAIRMAN LOHSE: Okay. Do we have any
2 InterAgency Staff Committee comments.

3
4 (No comments)

5
6 CHAIRMAN LOHSE: Advisory group
7 comments.

8
9 (No comments)

10
11 CHAIRMAN LOHSE: No neighboring
12 Regional Council comments. Local Fish and Game
13 Advisory comments.

14
15 (No comments)

16
17 CHAIRMAN LOHSE: National Park
18 Subsistence Resource comments.

19
20 (No comments)

21
22 CHAIRMAN LOHSE: Summary of written
23 comments. Donald, do we have any?

24
25 MR. MIKE: Mr. Chair, we didn't have
26 any written comments. Thank you.

27
28 CHAIRMAN LOHSE: We have no written
29 comments. Do we have any public testimony.

30
31 MR. MIKE: Mr. Chair. If we can
32 recognize any public online that may wish to testify on
33 this proposal.

34
35 Thank you.

36
37 (No comments)

38
39 MR. MIKE: Do we have anybody online
40 that wishes to testify on Proposal 15-09? Please
41 identify yourself if you wish to testify.

42
43 (No comments)

44
45 CHAIRMAN LOHSE: Okay. A motion to
46 accept Proposal 15-09 is in order.

47
48 MR. G. ENCELEWSKI: I'll go ahead and
49 make that motion. To put it in the positive, accept
50 Fish Proposal 15-09.

1 CHAIRMAN LOHSE: Do I hear a second.
2
3 MS. MILLS: Second.
4
5 CHAIRMAN LOHSE: Okay. A motion has
6 been moved and seconded to put 15-09 on the table and
7 accept 15-09. Discussion. Mr. Henrichs.
8
9 MR. HENRICHS: Yeah, can you read the
10 proposal back to us so we know what we're voting on.
11
12 CHAIRMAN LOHSE: Yeah, I can do that.
13 Proposal FP15-09 requests the total cash value per
14 household of salmon taken within the Kenai River
15 drainage and exchanged in customary trade
16 between rural residents and individuals other than
17 rural residents not exceed \$1,000 annually.
18 Additionally, customary trades should be recorded and
19 reported, and advertising should be regulated.
20
21 Discussion.
22
23 MR. G. ENCELEWSKI: Mr. Chairman,
24 through the Chair. I'm going to vote against this. I
25 think it's -- I haven't seen any compelling reason that
26 we have a problem here and I think it creates more of
27 an unknown situation, so I'm going to just oppose it
28 and leave things status quo. That's my thoughts.
29
30 CHAIRMAN LOHSE: Any other comments.
31 Judy.
32
33 MR. CARPENTER: Mr. Chair. Tom
34 Carpenter, Cordova.
35
36 CHAIRMAN LOHSE: Tom, can you just wait
37 a second. Judy has the floor.
38
39 MR. CARPENTER: Sure.
40
41 MS. CAMINER: Thanks, Tom. I was going
42 to say Tom has a good point. We don't really know what
43 constitutes a significant commercial enterprise, but,
44 on the other hand, we don't seem to be having a problem
45 and I guess -- I don't think we anticipate having a
46 problem given the current harvest limits. We're not
47 talking about a conservation concern and we don't
48 really have a lot of -- we just don't really have a lot
49 of information, which makes it a little bit more
50 difficult also. I think it's an allowed use already

1 and I'm sure if we see a problem, hear about a problem,
2 the RAC will jump to make some adjustments very
3 quickly.

4

5 CHAIRMAN LOHSE: Thank you, Judy.

6

7 Tom.

8

9 MR. CARPENTER: Yeah, Thank you, Mr.
10 Chairman. You know, the reason I brought up the
11 comments earlier is I think that maybe the RACs, maybe
12 Staff, it just seems like we're being a little bit --
13 we're differentiating between two areas of Southcentral
14 and how definitions and situations like this are
15 managed. I guess I'm just trying to make it something
16 that's simplified. I understand that there's not a
17 problem and hopefully there won't be a problem and
18 things can go on as they are right now. But I don't
19 really see reporting as being something that's bad for
20 management and I don't think it's an undue burden on
21 subsistence users to report.

22

23 So I'm not sure why and how 15 years
24 ago the RAC decided to have a working group that came
25 up with the recommendation on these exact issues, but I
26 guess if anything can be accomplished from this is I
27 hope that when the Staff writes their analysis from now
28 on, if they see something that's a problem, which I see
29 is a problem to where we have definitions for something
30 in one part of the region but not in the other, that
31 maybe that's something that needs to be brought to the
32 RAC in the form of a proposal so that we can talk about
33 it.

34

35 I'm not the kind of person that's
36 willing to give law enforcement the ability to
37 interpret things as they wish and put the burden on the
38 subsistence user to try and defend it. I guess that's
39 my real problem with this proposal. So I'll vote
40 against the proposal, but I want those things to
41 possibly be remedied in the future.

42

43 Thank you.

44

45 CHAIRMAN LOHSE: Thank you, Tom. I'd
46 like to make a comment on this too, but I'll wait until
47 Mary Ann is done with hers.

48

49 MS. MILLS: Go ahead, Mr. Chair. I was
50 just going to call for the question.

1 CHAIRMAN LOHSE: I agree with you on
2 the reporting part, Tom. I don't think information
3 ever hurts us. They already have to get a subsistence
4 permit, which has a place to report how many fish are
5 taken. It wouldn't take much to put on that same
6 permit how many fish are sold and that would be
7 information that we may find useful 10 years down the
8 road, 15 years down the road, 20 years down the road.
9

10 At the moment, I don't see a problem on
11 the Kenai and I can see the difference between the
12 Kenai and the Copper River and that basically is the
13 limit that's on salmon. On the Kenai at this point in
14 time I think the limit on salmon is, comparatively
15 speaking, fairly low. On the Copper, subsistence
16 fishwheel salmon, if I remember right, a family could
17 get 600 of them or maybe 500, somewhere in that
18 neighborhood, which is a significant amount compared to
19 what they can do on the Kenai.
20

21 So we were addressing it on the Copper
22 15 years ago because we recognized that the fish limit
23 was big enough that you could have a significant
24 commercial enterprise. At this point in time, you
25 can't on the Kenai. At the point that you can on the
26 Kenai, like somebody brought up, we, as a Council, have
27 the ability to put this back on the table and if
28 there's a problem, we can address it when it becomes a
29 problem.
30

31 From that standpoint, I sure would like
32 to see -- I would sure like to see some kind of
33 reporting, some kind of tracking so that a problem
34 could be recognized, but it doesn't fit this proposal.
35

36 Judy.
37

38 MS. CAMINER: I think that's a great
39 point, Mr. Chair, and maybe we could ask Fish and
40 Wildlife as the permitters could that be added to
41 whatever paperwork might be given to people easily, is
42 it something we have to pass a motion on or something
43 we could just agree upon might be good for information
44 sake.
45

46 MR. ARDIZZONE: Mr. Chair. Chuck
47 Ardizzone. I would be reluctant to say we could add it
48 to the permit without a proposal that's vetted through
49 the public because it would be additional data
50 gathering that we do now on the Kenai. I mean we do it

1 in other areas, but it would be a change in regulation.

2

3 CHAIRMAN LOHSE: But we do currently
4 have reporting on the amount of salmon taken for
5 subsistence on the Kenai, don't we, Chuck?

6

7 MR. ARDIZZONE: I'm looking at Staff.
8 They say yes.

9

10 MS. CAMINER: Mr. Chair and Chuck. So
11 given that we're too late for this year's fisheries
12 cycle, is there a way we can do that kind of out of
13 cycle rather than wait two more years to ask for that?

14

15 MR. ARDIZZONE: Mr. Chair. It seems to
16 me that this proposal gives you the opportunity to
17 recommend that now because isn't part of this proposal
18 saying we want a reporting requirement. If the Council
19 so chose to do so, you could recommend that portion be
20 adopted and not everything else. This is your venue
21 right now.

22

23 CHAIRMAN LOHSE: Chuck, do you see -- I
24 mean do you see any additional headaches or costs? I
25 mean the permit right now as issued it's got a
26 reporting place on the permit. There wouldn't be much
27 additional cost or anything involved in adding one line
28 that just asks how many of these salmon were sold,
29 would there?

30

31 MR. ARDIZZONE: Mr. Chair. I don't
32 think it would be that much of a problem. It might be
33 a problem for subsistence users. I can't speak for
34 that, but I mean for our office I think we could handle
35 that. That wouldn't be a problem.

36

37 CHAIRMAN LOHSE: Do they have to cut
38 the tails and everything on subsistence fish on the
39 Kenai?

40

41 MR. ARDIZZONE: I hear a yes.

42

43 CHAIRMAN LOHSE: Yeah. Okay. Do you
44 want to call the question, Mary Ann. Oh, we've got
45 James. You wanted to ask something.

46

47 MR. SHOWALTER: Yes. On this proposal
48 it's 15-09, correct?

49

50 CHAIRMAN LOHSE: Right.

1 MR. SHOWALTER: Okay. Go to OSM
2 conclusions. It must be a misprint. They've got 09-
3 15.
4
5 CHAIRMAN LOHSE: Oh. That must be a
6 misprint.
7
8 MR. ARDIZZONE: Yeah, it's probably a
9 typo.
10
11 CHAIRMAN LOHSE: Yeah, it's a typo.
12 Okay. So it's FP15-09. Judy.
13
14 MS. CAMINER: Mr. Chair. So do we want
15 to entertain an amendment to this proposal that would
16 support having a reporting requirement on any customary
17 trade activities and perhaps the value of those
18 activities?
19
20 CHAIRMAN LOHSE: Chuck.
21
22 MR. ARDIZZONE: Mr. Chair.
23
24 CHAIRMAN LOHSE: Chuck, would the
25 request to have it added to the reporting form require
26 an amendment to this proposal or does this open the
27 door so another proposal can be made?
28
29 MR. ARDIZZONE: Mr. Chair. I believe
30 the Council can modify what's on the table any way they
31 would like. I mean it would just take a modification
32 to say we support the reporting requirement but not
33 this or whatever we can help you with, we can do that.
34 There's enough Staff here.
35
36 CHAIRMAN LOHSE: Okay. Well, we've got
37 the motion on the table and the question actually has
38 been called for. I've had discussion after the
39 question has been called.
40
41 MS. CAMINER: No, Mary Ann didn't. You
42 said you were going to, but you didn't.
43
44 MR. CARPENTER: Mr. Chairman.
45
46 CHAIRMAN LOHSE: Yes, Tom.
47
48 MR. CARPENTER: If the question hasn't
49 been called, I would make a motion to amend the
50 proposal to have the RAC support the idea of the

1 reporting requirement be added to the subsistence
2 permit and that all other parts of this proposal be
3 left out.

4

5 CHAIRMAN LOHSE: Okay. So you're
6 making a motion that this proposal be modified in that
7 everything be dropped except the reporting and the
8 reporting be added to the permit that's issued.

9

10 MR. CARPENTER: Yes.

11

12 CHAIRMAN LOHSE: Do I have a second.

13

14 MS. STICKWAN: I second.

15

16 CHAIRMAN LOHSE: Gloria seconds it.

17 Chuck.

18

19 MR. ARDIZZONE: Mr. Chair. Just for
20 clarity sake, I'm not 100 percent sure we can add it to
21 the current permit or if we'd have to give a second
22 permit out, but the reporting requirement can be
23 handled either way, whichever is the most efficient can
24 be done at our office. I just want to make sure --
25 there could be two permits.

26

27 MR. CARPENTER: If there's no
28 discussion, Mr. Chairman, I'll call the question on the
29 amendment.

30

31 CHAIRMAN LOHSE: Wait a second. Chuck
32 has some information for us.

33

34 MR. ARDIZZONE: Mr. Chair. Staff just
35 handed me a permit for Federal customary trade
36 recordkeeping, so it is a separate document that would
37 be required to be filled out if this is passed is what
38 it looks like at this time.

39

40 CHAIRMAN LOHSE: But it wouldn't
41 necessarily have to be.

42

43 MR. ARDIZZONE: I understand the intent
44 of the Council. If there's customary trade of fish, we
45 want it recorded by whatever means possible and I'll
46 see what we can do with the permits.

47

48 CHAIRMAN LOHSE: I have one more
49 question for you then, Chuck, and I'll let you go. If
50 we don't do this, if we vote our amendment down, can we

1 in the future put this on the agenda or make a motion
2 in the future to require a reporting line on the --
3 because if we have to have another whole page, that's
4 exactly what Greg is talking about, that adds
5 complication to the subsistence user. If you can add
6 one line to the permit they already have, it doesn't
7 take much more to add one number on your permit that
8 you already have, but if what we're doing is voting
9 that we'll have that form, then we've added some
10 complication that we were talking about that we didn't
11 want to do.

12

13 Would it be simpler for us to just take
14 this up as a separate motion some other time?

15

16 MR. ARDIZZONE: Mr. Chair. It's hard
17 for me to answer specifically because my regulation
18 specialist is out sick with pneumonia, so I can't just
19 call him and get a quick answer. I think, if this was
20 going to come up again, it would have to be another
21 proposal. This is probably your best opportunity to
22 require some reporting and we'll have to deal with the
23 permitting issue in the office.

24

25 CHAIRMAN LOHSE: Okay. We have an
26 amendment on the floor. Judy, discussion on the
27 amendment.

28

29 MS. CAMINER: Yeah, I was going to try
30 to maybe read what the amendment might sound like. The
31 customary trades for cash must be reported and
32 submitted to the Federal agency. The reporting
33 requirement is the responsibility of the seller. So
34 something just plain like this. And I would recommend
35 we deal with it now or else it will be two years from
36 now. And that kind
37 of satisfies Tom's concern about leaving things
38 completely vague and just leaves it a little vague but
39 it gives us some information.

40

41 CHAIRMAN LOHSE: Greg, do you want to
42 comment on the amendment?

43

44 MR. G. ENCELEWSKI: Yeah, I want to
45 comment on the amendment. I'm going to be opposed to
46 the amendment. I believe that we're going away from
47 the original proposal. We're adding a burden that
48 we're not even sure of. We find that we do not have a
49 problem at this point and I really don't see the
50 necessity of it. So, there.

1 CHAIRMAN LOHSE: Judy.
2
3 MS. CAMINER: Maybe another question
4 for the fisheries managers. How many permits come back
5 to you? How difficult would it be to call the 100 or
6 so people who have returned their permits and ask have
7 you made any sales?
8
9 MR. ARDIZZONE: Mr. Chair. I'll ask
10 Jeff to come up and answer that.
11
12 MR. ANDERSON: Jeff Anderson, the
13 Federal inseason manager for Cook Inlet. Through the
14 Chair, Ms. Caminer. Yes, it could be done. It's, you
15 know, 100 and some permits are issued every year
16 basically. I have sent letters to qualified users at
17 times in season as well, so it's something that could
18 be done if needed.
19
20 CHAIRMAN LOHSE: Judy.
21
22 MS. CAMINER: So perhaps another option
23 would be, if you were willing to do that this year and
24 next year, then we'd have a sense of how many of the
25 users might be engaging in customary trade. If we feel
26 we have a problem or if they are worried about
27 venturing on commercially significant, we take it up in
28 two years. That's just another option.
29
30 CHAIRMAN LOHSE: Chuck.
31
32 MR. ARDIZZONE: Mr. Chair. Because we
33 work for the
34 government, I have a feeling that might be outside of
35 what we're currently allowed to do because it hasn't
36 been addressed and that could be a concern for data
37 collection.
38
39 CHAIRMAN LOHSE: The one thing about it
40 for sure it would be voluntary. Nobody would be
41 required to answer.
42
43 MR. ARDIZZONE: Correct.
44
45 CHAIRMAN LOHSE: Okay. With that, we
46 have an amendment -- oh, Mr. Henrichs.
47
48 MR. HENRICHS: I'm just curious, how is
49 this going to fit in with the Internal Revenue Service?
50 Are you going to have to declare that as income or

1 what?

2

3 MR. ARDIZZONE: I can't answer that.

4

5 MS. KENNER: This question has.....

6

7 MR. CARPENTER: Mr. Chair. I call the
8 question on the amendment.

9

10 CHAIRMAN LOHSE: Mr. Henrichs has a
11 question on the floor and then we'll call the question,
12 Tom.

13

14 MS. KENNER: Our Staff have been asked
15 that question before and a person would deal with that
16 cash income the way they would with any unreported
17 income that came to them. We're not involved in that.
18 We don't report it, but you would be required to under
19 the Internal Revenue Service regulations of cash that
20 you accumulate through the year.

21

22 CHAIRMAN LOHSE: Okay. Tom, a question
23 on the amendment did you call?

24

25 MR. CARPENTER: Yes.

26

27 CHAIRMAN LOHSE: Okay. All in favor of
28 the motion as amended signify by saying aye.

29

30 MR. CARPENTER: Aye.

31

32 CHAIRMAN LOHSE: Two -- three. All
33 opposed signify by saying nay.

34

35 IN UNISON: Nay.

36

37 CHAIRMAN LOHSE: Motion fails --
38 amendment fails. We now have the motion on the table.
39 Question on the motion.

40

41 MS. MILLS: I call for.....

42

43 MR. CARPENTER: Question.

44

45 CHAIRMAN LOHSE: The question has been
46 called on the motion. All in favor of the motion, which
47 is to support FP15-09, signify by saying aye.

48

49 MS. CAMINER: Aye.

50

1 CHAIRMAN LOHSE: One. All opposed
2 signify by saying nay.

3
4 IN UNISON: Nay.

5
6 CHAIRMAN LOHSE: Motion fails. I think
7 we had some good discussion. I think it will carry
8 over into the future, but at this point in time we're
9 going to take a break for lunch. What time is it?

10
11 MR. G. ENCELEWSKI: 12:32.

12
13 CHAIRMAN LOHSE: 12:32? We're going to
14 take a break for lunch until.....

15
16 MR. G. ENCELEWSKI: 1:30.

17
18 CHAIRMAN LOHSE: Can we get all back by
19 1:30? Okay, we'll take a break till 1:45. That should
20 give everybody time to get someplace, get something to
21 eat and get back.

22
23 (Off record)

24
25 (On record)

26
27 CHAIRMAN LOHSE: I'd like to call this
28 fall meeting of the Southcentral Regional Subsistence
29 Advisory Council back into session after our lunch
30 break. We're going to go on to Proposals FP15-10 and
31 FP15-11. At this point in time we'll have a
32 presentation by Jeff Anderson.

33
34 MR. ANDERSON: Thank you, Mr. Chair.
35 Council members. My name is Jeff Anderson. I'm the
36 field supervisor at the Kenai Fish and Wildlife Field
37 Office and also the Federal Inseason Manager for Cook
38 Inlet subsistence fisheries. Donald asked me to give a
39 biological summary of information for salmon stocks on
40 the Kenai and Kasilof Rivers prior to discussion of the
41 two proposals before you.

42
43 This information is also available in
44 the Staff summary in your booklets that were handed out
45 starting on Page 103 for the Kenai River and Page 118
46 for the Kasilof River. I'm giving a summary of
47 information and a generalized look at stock timing. So
48 for each of the rivers I'll talk about the different
49 salmon species and the different runs. There's an
50 early and a late-run for chinook and sockeye in the

1 Kenai and Kasilof Rivers and just talk a little bit
2 about those two species and also coho for both rivers
3 and then steelhead in the Kasilof River.

4
5 For each of the species and runs I'll
6 talk a little bit about run timing, spawning
7 distribution throughout the drainage, escapement goals,
8 discuss some recent escapement, recent harvest and uses
9 in the Federal subsistence fisheries and also any
10 management concerns. I will be generalizing a lot of
11 information. There's more specifics and nuances for
12 all of these fisheries and I'm happy to answer more
13 questions if anyone has them.

14
15 So we'll start with the Kenai River and
16 talk about the early-run chinook salmon. They enter
17 the river in May through early July. They spawn
18 primarily in tributary streams although some do spawn
19 in mainstem Kenai River below Skilak Lake. The current
20 escapement goal for early-run chinook is 5,300 to
21 9,000. Recent escapements have been in the range of a
22 little above 2,000 to over 19,000. Recent harvests
23 have ranged from less than 20 to about 4,700. The
24 primary fishery that exploits this stock is sport
25 fishing anglers in the river.

26
27 For the Federal subsistence fishery,
28 currently there's no reported participation, but
29 subsistence users can harvest early-run chinook in
30 dipnet and rod and reel fisheries on the Kenai River
31 below Skilak Lake.

32
33 Management concerns in recent years.
34 Sport and Federal subsistence fisheries have been
35 closed or restricted because runs have been poor in
36 recent years for early-run chinook and other chinook
37 statewide as well.

38
39 Late-run chinook on the Kenai River.
40 They enter the river in July through mid-August. They
41 spawn primarily in the mainstem Kenai River below
42 Skilak Lake from River Mile 13 to River Mile 47.
43 Current escapement goal for late-run chinook in the
44 Kenai is 15,000 to 30,000 and recent escapements have
45 ranged from about 17,000 to 85,000.

46
47 Harvest occurs in in-river sport
48 fishery and as incidental harvest in Cook Inlet
49 commercial fisheries and it ranges from 700 to around
50 30,000 in recent years. There's currently no reported

1 participation in the Federal subsistence fishery, but,
2 again, harvest can occur in dipnet and rod and reel
3 fisheries for Federal subsistence users.

4

5 There have been management concerns
6 lately for late-run chinook in the Kenai River as well
7 in recent years. Sport, commercial, personal use and
8 Federal subsistence fisheries have been restricted due
9 to conservation concerns.

10

11 Moving on to sockeye in the Kenai
12 River. The early-run sockeye salmon enter the river in
13 June and spawn mainly in two tributaries, the Russian
14 River lakes, so they just move through the lower river
15 and head up the Russian River and spawn. Current
16 escapement goal is 22,000 to 42,000. Recent
17 escapements have ranged from about 23,000 to 80,000.

18

19 Harvests are 15,000 to 59,000 and
20 primarily by sport anglers. There is a Federal
21 subsistence fishery that harvests these fish and about
22 800 fish per year are harvested in dipnet and rod and
23 reel fisheries in the Russian River and Upper Kenai
24 River. Currently there are no biological management
25 concerns for early-run sockeye in the Kenai.

26

27 For late-run sockeye in the Kenai
28 River, they enter the river in July through mid-August.
29 They spawn throughout the watershed. The current
30 escapement goal is 700,000 to 1.2 million for the
31 entire river and there's a late-run goal in the Russian
32 River of 30,000 to 110,000 fish. Recent escapements
33 have ranged from about 700,000 to 1.3 million.

34

35 Recent harvests have been up to 4
36 million and it's a combination of commercial, sport and
37 personal use fisheries. Federal subsistence fishery
38 does harvest late-run sockeye in the Kenai River and
39 about 500 fish per year are harvested in dipnet and rod
40 and reel fisheries in the Russian River and also
41 elsewhere in the Kenai River drainage. Currently there
42 haven't really been any biological management concerns
43 for late-run sockeye in the Kenai River.

44

45 For coho in the Kenai River, they enter
46 the river from mid-July through mid-September and the
47 run continues through November and fish are actually
48 still spawning in the river in January and February in
49 some places too. They spawn throughout the watershed.
50 There currently is no escapement goal, but recent

1 escapements have ranged around 80,000 and this was from
2 some Fish and Game work in the late '90s and early
3 2000s.

4
5 Sport harvest range is about 50,000
6 fish in the Kenai River and tributaries. Some
7 commercial and personal use harvest also occurs.
8 Federal subsistence fishery is currently limited. A
9 few are harvested every year, like three or four. It
10 just depends on the year and the people who are fishing
11 at the time. They also can be harvested in rod and
12 reel and in some of the dipnet fisheries. Currently
13 there aren't any biological management concerns for
14 coho in the Kenai River.

15
16 So moving on to the Kasilof River.
17 There's an early-run of chinook salmon that enter the
18 river in May through the end of June. They spawn
19 primarily in Crooked Creek or return to the hatchery,
20 which has been on Crooked Creek since the 1970s and the
21 run has been supplemented with the hatchery
22 enhancement. Current escapement goal at Crooked Creek
23 is 650 to 1,700 fish and recent escapements have been
24 about 1,000 naturally-produced fish and about 400
25 hatchery-produced fish each year.

26
27 Recent harvest is about 500 naturally
28 produced and about 900 hatchery-produced fish and the
29 harvest is primarily by sport anglers. There is
30 currently no use by Federal subsistence users. They're
31 not really present in any of the Federal waters that
32 are open to Federal subsistence users. They're
33 spawning in Crooked Creek and that's primarily where
34 they go. In recent years, sport fisheries have been
35 restricted because of conservation concerns for chinook
36 in the Kasilof River as well.

37
38 The late-run chinook salmon in the
39 Kasilof River enter in late July through August and
40 they primarily spawn in the mainstem Kasilof River, the
41 slack water area below Tustumena Lake. There currently
42 is no escapement goal for late-run chinook on the
43 Kasilof. The Alaska Department of Fish and Game had a
44 study in 2006 and 2008 and estimated about 8,500 fish
45 actually spawn in the upper river there.

46
47 Recent harvest about 1,000 by sport
48 anglers and 3,000 is incidental harvest in commercial
49 fisheries. There's been extremely limited use in a
50 Federal subsistence fishery. To date, two fish were

1 harvested in 2008. Federal subsistence fishers can
2 harvest late-run chinook in a dipnet, rod and reel and
3 fishwheel fisheries. In recent years, sport, personal
4 use and Federal subsistence users have been restricted
5 because of conservation concerns for late run chinook
6 in the Kasilof River.

7
8 Sockeye in the Kasilof River enter the
9 river from mid-June through early August. They spawn
10 primarily in Tustumena Lake at its tributaries. The
11 current escapement goal is from 160,000 to 390,000 and
12 recent escapements have been about 240-520,000. Recent
13 harvest is about 200,000 to 1.3 million. It's a
14 combination of commercial, sport and personal use
15 fisheries and primarily commercial fisheries.

16
17 There is some use of sockeye salmon by
18 Federal subsistence users, but less than 100 fish per
19 year have been harvested in dipnet and rod and reel
20 fisheries below Tustumena Lake. There currently are no
21 biological management concerns for sockeye in the
22 Kasilof River.

23
24 Coho salmon in the Kasilof River they
25 enter in late July through mid-September. They spawn
26 in mainstem Kasilof River tributaries and Tustumena
27 Lake tributaries as well. There is no current
28 escapement goal and no active management. 2008
29 escapement estimate was 6,800 in Tustumena Lake and its
30 tribs and 16,000 in the mainstem Kasilof River above
31 the Refuge boundary and that's work that my office
32 actually did that was funded through the Fisheries
33 Resource Monitoring Program.

34
35 Recent harvests have been about 3,300
36 for the Kasilof River and tribs. There is sport
37 harvest. There is also some commercial and personal
38 use harvest as well. It's not well documented or not
39 easily available information I should say.

40
41 Federal subsistence fishery for coho in
42 the Kasilof again is currently limited. There hasn't
43 been much, if any, harvest. Subsistence users can
44 harvest coho in dipnet, rod and reel and fishwheel
45 fisheries. There currently are no biological
46 management concerns for coho in the Kasilof River.

47
48 Finally, I'll talk briefly about
49 steelhead in the Kasilof river. They enter the river
50 in mid-August. They actually spend the entire winter

1 in freshwater and then spawn the following May and June
2 and then they return to the ocean in late June.
3 Steelhead, their life history, they can actually spawn
4 in freshwater, they can go back to the ocean and then
5 come back and spawn in another year, so they can have
6 multiple spawning events. All of them do not spawn and
7 die.

8
9 They spawn in Crooked Creek, the
10 mainstem Kasilof River and also some tributaries of
11 Tustumena Lake. There currently is no escapement goal,
12 but it's likely a small, basin-wide population of
13 probably less than 2,000 fish. There's not much
14 harvest. There's some sport harvest that likely occurs
15 in some incidental harvest.

16
17 There's currently no reported
18 participation in the Federal subsistence fishery, but
19 steelhead can be harvested in dipnet and rod and reel
20 fisheries, but no harvest is allowed after August 15
21 and any rainbow or steelhead caught in the fishwheel
22 must be released.

23
24 Steelhead is a very small run, small
25 population in the Kasilof watershed. They're
26 vulnerable to bycatch during many different sport
27 fisheries, personal use fisheries and also commercial
28 fisheries. The management concern is that they're
29 small and vulnerable to many different fisheries.

30
31 That's my quick and dirty summary of
32 salmon in the Kenai and Kasilof Rivers. Hopefully
33 informative for discussions of the next two proposals.

34
35 CHAIRMAN LOHSE: Any questions from
36 Council members.

37
38 (No comments)

39
40 CHAIRMAN LOHSE: Thank you. That was
41 very informative. I have a couple questions I was
42 going to ask real quick. I noticed there was no
43 Federal subsistence on some of that, but did we get any
44 kind of enumeration on what was taken under the State?
45 Is there like educational fisheries at the mouth of
46 those rivers under State regulations? I think there's
47 some State personal use. Is there any State
48 subsistence fisheries on those rivers?

49
50 MR. ANDERSON: Mr. Chair. There are

1 educational fisheries at the mouth of the Kenai River
2 and I believe Kasilof as well, but I did not include
3 those harvest numbers. I think it's minor use in
4 comparison to some of the others.

5
6 CHAIRMAN LOHSE: Greg has a question
7 for you.

8
9 MR. G. ENCELEWSKI: Yeah, I have a
10 question for you, Jeff. You mentioned incidental
11 harvest by commercial fishermen. I didn't know
12 commercial fishermen incidental harvest anything. It's
13 semantics, but I mean our permits are for salmon. I
14 didn't know we had an incidental or kings were
15 incidental harvest.

16
17 MR. ANDERSON: Mr. Encelewski, through
18 the Chair. I apologize if my wording was incorrect
19 with that.

20
21 MR. G. ENCELEWSKI: I wasn't trying to
22 be particular about it, but I do like to defend the
23 permit of a fisherman and they're allowed to catch
24 those fish.

25
26 Thank you.

27
28 MR. ANDERSON: And I guess just, again,
29 Mr. Encelewski, through the Chair. My -- I guess the
30 way I presented it as it was I don't believe the
31 commercial fishermen are targeting chinook salmon.

32
33 MR. G. ENCELEWSKI: Right. I
34 appreciate that. Thank you.

35
36 CHAIRMAN LOHSE: Thank you, Jeff. And
37 that's what I would have said too. Not to argue with
38 Greg, but while they're not incidental, they're not
39 targeted. Nobody targets steelhead.

40
41 MR. G. ENCELEWSKI: Or kings.

42
43 CHAIRMAN LOHSE: Or kings. I know an
44 awful lot of fishermen who do their best to release
45 fish that aren't part of the targeted species. Any
46 other questions.

47
48 (No comments)

49
50 CHAIRMAN LOHSE: Okay. Who is going to

1 be presenting this? Are you going to present it?

2

3 Thank you, Jeff.

4

5 Okay. FP15-10.

6

7 MR. LIEBICH: Good afternoon, Mr. Chair
8 and members of the Council. My name is Trent Liebich
9 and I work for the Office of Subsistence Management as
10 a fish biologist. I'm going to cover the draft
11 analysis on Fisheries Proposal 15-10. This will be an
12 action item and we have some handouts in your folder as
13 well that brings up potential alternative discussion on
14 this proposal. That's been kind of an ongoing
15 discussion.

16

17 When we get into the potential
18 alternative, we'll probably have Jeff Anderson come
19 back up and talk some more with him if there's
20 questions because he's got a much better handle on the
21 biological background as you guys just saw from that
22 presentation.

23

24 I'll go through the proposal now.
25 FP15-10 was submitted by Ninilchik Traditional Council
26 requesting a community set gillnet fishery be
27 established within the Kenai River for salmon.
28 Currently, Federal subsistence users may harvest
29 late-run chinook, sockeye, coho and pink salmon with
30 dipnets in the Kenai River at Moose Range meadows,
31 which is approximately River Mile 26.5 to River Mile
32 29. So it's about two and a half miles of river
33 allowed for the dipnet fishery on Kenai River. They
34 may also harvest salmon with dipnet in the Kenai River
35 at approximate River mile 45.5 to 48, so there's
36 another section of about two and a half miles allowing
37 dipnet fishery. The early-run and late-run chinook,
38 sockeye, coho and pink salmon may be harvested in all
39 Federal public waters in the Kenai River drainage with
40 rod and reel.

41

42 The proponent requested the
43 establishment of a community set gillnet fishery in the
44 Kenai River to add additional subsistence harvest
45 opportunities for residents of Ninilchik. Only one
46 community gillnet would be utilized in the Kenai River
47 and the community gillnet would be limited to 10
48 fathoms in length or less. An operational plan would
49 be developed and approved by the Federal inseason
50 fishery managers. This operational plan would include

1 deployment location, fishing times and a methodology
2 for distributing the harvest.

3

4 All salmon taken in the Kenai River
5 gillnet fishery would be included as part of the annual
6 households' limit for Ninilchik. Currently, the
7 household limit for chinook salmon is 10 for the permit
8 holder and each additional household member is allowed
9 two additional fish. The total annual harvest limit is
10 500 chinook salmon with a fishing season from June 16th
11 through August 15th.

12

13 The household limit for sockeye salmon
14 is 25 for the permit holder and each additional
15 household member is allowed five additional fish. The
16 total annual harvest limit for sockeye salmon is 4,000.
17 The season runs from June 16th through August 15th. So
18 the same season dates on those and different bag limits
19 depending on the species and total limits. Household
20 limits, I'm sorry, not bag limits.

21

22 The proponent asserts that current
23 Federal subsistence fisheries do not allow sufficient
24 subsistence fishing opportunities for Ninilchik
25 residents. Currently, Federal subsistence users may
26 harvest salmon in the Russian River Falls, Kenai River
27 below mile 48, and in Moose Range meadows with dipnets
28 and rod and reel, as I mentioned earlier. They may
29 also harvest salmon in the Kenai River watershed with a
30 rod and reel in all Federal public waters open to sport
31 fishing.

32

33 The proponent indicates efforts to
34 establish a meaningful Federal subsistence fishery on
35 the Kenai River have not been successful. The
36 proponent originally asked for a subsistence gillnet
37 fishery in FP07-27, so this is a 2007 proposal. It was
38 based on the local knowledge of the area and experience
39 of the users. An interim measure was provided through
40 FP08-09 and 11-15. So that was initially a 2007
41 proposal, followed by a 2008 proposal and also a 2011
42 proposal. The interim measures were provided in 2008
43 and 2011 and that was through a community fishwheel.

44

45 While the Ninilchik Traditional Council
46 has made a good faith effort to operate the fishwheel
47 under the current Federal subsistence regulations, they
48 have not been successful in harvesting any salmon to
49 date.

50

1 So the existing Federal regulations
2 I'll read to you. You may take only salmon, trout,
3 Dolly Varden, and other char under authority of a
4 Federal subsistence fishing permit. Seasons, harvest
5 and possession limits, and methods and means for take
6 are the same as for the taking of those species under
7 Alaska sport fishing regulations unless modified
8 herein. Additionally, for Federally managed waters of
9 the Kasilof and Kenai River drainages -- so that's the
10 relevant Federal regulation as written.

11
12 The proposed Federal regulation would
13 be in addition to what I just read to you and then
14 there's an (A) through (G) and then it would be adding
15 in an (H)(1) and (H)(2) and (H)(2)(i),(ii) and (3).
16 I'll read through all of these for you just to make
17 sure we cover it, but it will be a lengthy process.

18
19 So the addition to the existing Federal
20 regulation would be (H) Residents of Ninilchik may
21 harvest sockeye, chinook, coho, and pink salmon with a
22 gillnet in the Federal public waters of the Kenai
23 River. Residents of Ninilchik may retain other species
24 incidentally caught in the Kenai River except for
25 rainbow trout and Dolly Varden 18 inches or longer.
26 Rainbow trout and Dolly Varden 18 inches or greater
27 must be released.

28
29 (1) Only one community gillnet can be
30 operated on the Kenai River. The gillnet cannot be
31 over 10 fathoms in length to take salmon, and may not
32 obstruct more than half of the river width with
33 stationary fishing gear. Subsistence stationary
34 gillnet gear may not be set within 200 feet of other
35 subsistence stationary gear.

36
37
38 (2) One registration permit will be
39 available and will be awarded by the Federal inseason
40 fishery manager, in consultation with the Kenai
41 National Wildlife refuge manager, based on the merits
42 of the operation plan. The registration permit will be
43 issued to an organization that, as the community
44 gillnet owner, will be responsible for its, use, and
45 removal in consultation with the Federal fishery
46 manager. As part of the permit, the
47 organization must:

48
49 (i) Prior to the season, provide a
50 written operation plan to the Federal fishery manager

1 including a description of how fishing time and fish
2 will be offered and distributed among households and
3 residents of Ninilchik;

4

5 (ii) After the season, provide written
6 documentation of required evaluation information to the
7 Federal fishery manager including, but not limited to,
8 persons or households operating the gear, hours of
9 operation and number of each species caught and
10 retained or released.

11

12 (3) The gillnet owner (organization)
13 may operate the net for subsistence purposes on behalf
14 of residents of Ninilchik by requesting a subsistence
15 fishing permit that:

16

17 (i) Identifies a person who will be
18 responsible for fishing the gillnet;

19

20 (ii) Includes provisions for recording
21 daily catches, the household to whom the catch was
22 given, and other information determined to be necessary
23 for effective resource management by the Federal
24 fishery manager.

25

26 (4) Fishing will be allowed from June
27 15 through October 31 on the Kenai River unless closed
28 or otherwise restricted by Federal special action.

29

30 (5) Salmon taken in the gillnet fishery
31 will be included as part of the dipnet/rod and reel
32 fishery annual total harvest limits for the Kasilof
33 River -- I think that's a typo there -- and as part of
34 dipnet/rod and reel household annual limits of
35 participating households.

36

37 (6) Fishing for each salmon species
38 will end and the fishery will be closed by Federal
39 special action prior to regulatory end dates if the
40 annual total harvest limit for that species is
41 reached or superseded by Federal special action.

42

43 Under the customary and traditional use
44 determinations, currently residents of the communities
45 of Cooper Landing, Hope and Ninilchik have a positive
46 customary and traditional use determination for all
47 fish in the Kenai River except for burbot and grayling.

48

49 I'll give you a little bit of
50 regulatory history as well. This is probably familiar

1 information to most of you, but I'll cover it for the
2 record. Until 1952 freshwater streams in the Kenai
3 Peninsula were open to subsistence fishing, but poorly
4 managed commercial fisheries decimated salmon runs. In
5 1952, as part of efforts to rebuild salmon runs, all
6 streams and lakes of the Kenai Peninsula were closed to
7 subsistence fishing under Territory of Alaska
8 regulations. Only rod and reel fishing was allowed for
9 personal use.

10
11 The State classified most of the Cook
12 Inlet area, including the Kenai and Kasilof River
13 drainages, as a non-subsistence area in 1992. So I'm
14 jumping forward 40 years here. The only State
15 subsistence fisheries in Cook Inlet occurred in areas
16 that were not accessible from the road system,
17 including the Tyonek, Windy Bay, Port Chatham,
18 Kyuktolik, and Port Graham subdistricts, as well as
19 portions of Seldovia Bay and the Yentna River drainage.

20
21 There are three main management plans
22 that apply to Kenai and Kasilof river salmon stocks.
23 That's the Upper Cook Inlet
24 Management Plan, Kenai River and Kasilof River
25 Early-Run King Salmon Conservation Management Plan, and
26 Kasilof River Salmon Management Plan. These plans
27 provide State of Alaska management goals for sustained
28 yield, guidance for mixed-species and
29 mixed-stock fisheries, and instructions for allocation
30 between competing fisheries.

31
32 The State also has a regulatory
33 management plan for Upper Cook Inlet personal use
34 salmon fisheries. That plan established four personal
35 use fisheries in Cook Inlet. That's the Kasilof River
36 dipnet, Kasilof River set gillnet, Kenai River dipnet,
37 and Fish Creek dipnet fisheries. Unlike subsistence
38 fisheries, personal use fisheries do not have a
39 priority over other existing uses. Personal use
40 fisheries are open to all residents of Alaska, require
41 a household permit, and occur in marine and intertidal
42 waters outside of Federal public lands.

43
44 Lastly, the State administers several
45 educational fisheries in Cook Inlet. Educational
46 fishery permits are only available in
47 non-subsistence areas. The purpose of educational
48 fisheries is to allow groups to practice traditional
49 harvest and use methods so that these practices and
50 knowledge are not lost. Educational fisheries, unlike

1 subsistence fisheries, do not have priority over other
2 fisheries. Therefore, during times of resource
3 shortages, educational fisheries could be restricted
4 before or at the same time as commercial, sport and
5 personal use fisheries are restricted.

6
7 For the Kasilof River, only the
8 Kenaitze Tribe has been issued an educational permit to
9 fish one set gillnet in marine waters near the mouth of
10 the river. The tribe has
11 participated in an educational fishery since 1991, and
12 for the Kasilof River is allowed to harvest up to 50
13 chinook salmon prior to July 1, 50 chinook salmon after
14 July 1, and 200 coho salmon.

15
16 For the Ninilchik area, three
17 organizations have been issued educational permits to
18 harvest salmon using one or two set gillnets in marine
19 waters near the Ninilchik River mouth and other
20 traditional methods in freshwaters of the Ninilchik
21 River below the Sterling Highway Bridge. The Ninilchik
22 Traditional Council has participated in an educational
23 fishery since 1993 and is currently permitted to
24 harvest up to 850 salmon annually, of which 75 can be
25 chinook salmon taken through July 20 and another 25 can
26 be chinook salmon taken after July 20.

27
28 I'm going to give you a little
29 background on Federal subsistence fisheries in the Cook
30 Inlet area. In 2002, Federal subsistence regulations
31 for harvest in the Cook Inlet were established for
32 salmon, trout, and Dolly Varden and other char. In
33 January 2006, the Federal Subsistence Board made
34 positive customary and traditional use determinations
35 for Hope and Cooper Landing residents for all fish in
36 the Kenai River Area, and for Ninilchik residents for
37 all fish within the Kasilof River drainage within the
38 Kenai National Wildlife Refuge. In November 2010, the
39 Board made a positive customary and traditional use
40 determination for Ninilchik residents for all fish in
41 the Kenai River area.

42
43 During their May 2007 meeting, the
44 Federal Subsistence Board adopted proposals that
45 established dipnet/rod and reel salmon fisheries on the
46 Kasilof and Kenai Rivers; increased previously
47 established harvest, possession, and annual limits for
48 salmon and selected resident species for existing rod
49 and reel fisheries on
50 the Kasilof and Kenai River drainages; and allowed use

1 of up to two single or treble hooks and bait for rod
2 and reel fishing during specified dates for both
3 systems. Also during the May 2007 meeting, the Federal
4 Subsistence Board adopted a proposal to establish a
5 winter season subsistence fishery at Tustumena Lake
6 with jigging through the ice and gillnets fished under
7 the ice for lake trout, rainbow trout and Dolly Varden,
8 Arctic char.

9
10 In 2007, the Southcentral Alaska
11 Subsistence Regional Advisory Council submitted
12 Proposal FP08-09 to establish a temporary community
13 fishwheel on both the Kenai and Kasilof Rivers. The
14 Council contended that the fishwheels would provide a
15 more effective means for Federally qualified
16 subsistence users to harvest salmon. The Federal
17 Subsistence Board, at its January 2008 meeting, adopted
18 the proposal with modification to allow fishwheels to
19 be classified as a gear type, but only in the
20 Kasilof River. The Federal Subsistence Board specified
21 that only one fishwheel with a live box would be
22 allowed in the upper mainstem of the Kasilof River. A
23 permit would be required to use the fishwheel and that
24 an operation plan must be submitted to and approved by
25 the Federal inseason manager, before the permit would
26 be awarded.

27
28 Next in the proposal is the biological
29 background. I'm going to pass over that since Jeff
30 gave us the presentation and I'm going to move forward
31 to the effects of the proposal. This is on Page 107 of
32 your Council book.

33
34 The proposal would provide additional
35 subsistence harvest opportunities for Federally
36 qualified subsistence users living in Ninilchik, but
37 limiting the fishing opportunity to residents of
38 Ninilchik is problematic because Cooper Landing and
39 Hope have customary and traditional use determination
40 for all fish within the Kenai National Wildlife Refuge
41 and the Chugach National Forest including the Kenai
42 River. Federal subsistence regulations must provide
43 opportunity for all eligible rural residents and
44 adopting this proposal as submitted does not provide
45 subsistence harvest opportunities for residents of
46 Cooper Landing and Hope.

47
48 The proposed gillnet fishery along with
49 ongoing existing fisheries could lead to a harvest of
50 chinook salmon and steelhead trout in the Kenai River

1 that would be above sustainable harvest levels.
2 Gillnets do not lend themselves well to selective
3 harvest of species or stocks. Incidental catch of
4 resident species would occur in any gillnet fishery for
5 salmon resulting in mortality of non-targeted species.

6
7 As I mentioned, we had a discussion of
8 some potential alternatives. You may have that in your
9 folder. It's a document that says alternatives to
10 consider for FP15-10 and 15-11. So I'll read through
11 that alternative. One alternative that was discussed
12 and this really is just potentially looking at the
13 possibility of modifying the dates on the proposal in
14 an attempt to protect the early-run chinook.

15
16 For FP15-10, establishing a community
17 set gillnet fishery in Federal waters of the Kenai
18 River with a fishing season of July 1 through September
19 15. Allowing the use of the gillnet beginning July 1
20 would permit the harvest of late-run chinook, sockeye
21 and coho salmon while hopefully reducing the harvest of
22 early-run chinook, which have been experiencing weak
23 returns in recent years. Although I'd like to note
24 those early-run chinook would still be in the system,
25 so there would still be the potential to have harvest
26 on that stock that's been having weak returns in recent
27 years.

28
29 Ninilchik, Hope and Cooper Landing all
30 have that customary and traditional use finding for
31 salmon in the Kenai River, therefore all three
32 communities should also be considered for the proposed
33 community gillnet fishery in the Kenai River for
34 salmon.

35
36 So those are kind of the two points for
37 consideration or discussion, is the opportunity to
38 potentially modify those dates and then also have that
39 inclusion of all communities with customary and
40 traditional use determinations.

41
42 These alternatives came as a result of
43 tribal consultation that occurred in mid-September with
44 Ninilchik Traditional Council and some of the input
45 that was provided and also with discussions with the
46 Kenai Refuge.

47
48 So, as written, the preliminary
49 conclusion from OSM as it was written and proposed with
50 the longer season and also with just Ninilchik being

1 considered for that community gillnet fishery was to
2 oppose Proposal FP15-10.

3

4 The justification for that is the
5 gillnets do not allow for species, stock and size
6 selective management or control of harvest.
7 Introduction of gillnets as a gear type in the Kenai
8 River could exacerbate an existing chinook salmon
9 population concern, and could result in an overharvest
10 of resident species. Currently, residents of Ninilchik,
11 Cooper Landing and Hope have a positive customary and
12 traditional use determination for all fish in the Kenai
13 River. Without a Section 804 of ANILCA analysis
14 justifying a preference for the community of Ninilchik,
15 there is no reason to exclude the other communities.

16

17 If this proposal were to be adopted,
18 multiple community gillnets would be allowed in Kenai
19 River absent that 804 analysis. Widespread inriver
20 gillnet opportunity would be inconsistent with
21 conserving healthy fish populations. Of particular
22 concern, as I mentioned, is the chinook salmon which
23 are experiencing below average returns and the
24 potential incidental harvest of stocks or species that
25 are spawning, less abundant and prone to over harvest.

26

27 That's the preliminary conclusion as
28 that proposal was received by OSM. That's all I have
29 for you at this point. If you have questions, I'll do
30 my best to answer.

31

32 Thank you.

33

34 CHAIRMAN LOHSE: While I've got you
35 right there I'd like to ask a question just off this
36 last part that you read right here. If I would
37 understand correct from what's said here, that
38 basically if this proposal would be passed, you'd have
39 a set gillnet for Ninilchik, a set gillnet for Cooper
40 Landing and a set gillnet for Hope. That's three
41 different communities. But that doesn't seem to me to
42 be widespread inriver gillnet opportunity. That seems
43 like that's three gillnets.

44

45 If I remember right, reading the
46 proposal, since it's all done with consultation as to
47 where, what time and everything else and that they
48 can't be within 200 feet of each other, what we're
49 talking about is three 10-fathom gillnets at the most
50 at one time in the river, which doesn't really seem to

1 me to be widespread. I think it's just -- I guess the
2 wording would be -- it's the kind of words that paint a
3 picture that isn't necessarily true.

4

5 I would say, you know, inriver gillnet
6 opportunity might be inconsistent, but it's not
7 widespread. I mean we're talking three communities all
8 with set limits and they all have to meet all the
9 specifications ahead of time. Prior organization,
10 prior plans, prior approved plans and all the rest of
11 this as to how, when and where and how it's going to be
12 distributed.

13

14 So it looks to me like it's another one
15 of our subsistence opportunities that we open up on the
16 Kenai or Kasilof area that, like the fishwheel, have a
17 potential not to even produce anything or not have
18 anybody come forward to go through all of the
19 rigamarole to put the net out. So I guess I just don't
20 like the context that puts it as if, oh, my gosh, we've
21 got this big disaster looming when we have all these
22 other checks and balances put in place.

23

24 Any other comments. Mary Ann.

25

26 MS. MILLS: You know, I know that
27 Ninilchik put the proposal out and I like the Ninilchik
28 proposal and the alternative proposal with the
29 Ninilchik, Hope and Cooper Landing, I don't know if
30 that is their preference or if you had consultation
31 with them. I would be inclined to just, myself, accept
32 the proposal that the Ninilchik Traditional Council
33 submitted.

34

35 Thank you.

36

37 CHAIRMAN LOHSE: Thank you, Mary Ann.

38

39 Judy.

40

41 MS. CAMINER: I guess just as follow up
42 to Mary Ann and then for you, Trent. Because they all
43 three have C&T and we haven't done an analysis to say --
44 we haven't done an 804 analysis because I don't think
45 there is a shortage, it would be like any of the other
46 hunting or fishing proposals. It would be for
47 everyone. So I don't think there's anything we can do
48 here unless we ask for an 804 analysis, but I don't
49 know that that would be helpful at this point either,
50 but something to think about.

1 Do you want to ask that, Greg, and I'll
2 hold off on my other question.

3

4 MR. G. ENCELEWSKI: No.

5

6 MS. CAMINER: My question, Trent, was
7 on your write up, Page 107, fourth sentence from the
8 bottom. It says the proposed gillnet fishery along
9 with ongoing existing fisheries could lead to a harvest
10 of chinook salmon, etc, that would be above sustainable
11 harvest levels. Do you mean ongoing subsistence
12 fisheries or do you mean ongoing all the other
13 fisheries?

14

15 MR. LIEBICH: This is Trent for the
16 record. I think that's intended to mean all the -- you
17 know, kind of the cumulative effects of all different
18 fisheries. In particular, the concern about those
19 stocks that are weak returns. You know, the example
20 being the early-run chinook stock right now. In the
21 future, if the chinook stock was very healthy and
22 robust, that statement may not be emphasized as much
23 throughout this analysis, but given the current state
24 of some of these fish stocks it is a concern.

25

26 MS. CAMINER: I think we understand
27 that and it certainly would be a concern, but, of
28 course, with the subsistence priority in some ways it's
29 less of a concern. I mean certainly the population
30 effect is a concern, but how it may affect other users
31 we need to think about the subsistence priority.

32

33 MR. LIEBICH: Yeah, I understand.

34 Thank you.

35

36 CHAIRMAN LOHSE: Greg.

37

38 MR. G. ENCELEWSKI: Yeah, through the
39 Chair. Trent, I've got a couple comments, but most of
40 them I'm going to leave to the traditional council to
41 come up and make their presentation. One, I just
42 wanted, for the record, to note that the proposal that
43 was put in by the council, I am the council president,
44 so I'm in consultation with them quite often, but it
45 was for one net and one net only, so therefore there's
46 not -- you know.

47

48 And the other concern I have is the
49 alternative considered. It said it was in consultation
50 with the tribe. I think you guys might have come up

1 with that, but I don't think the tribe was consulted.
2 We'll debate that as we go on here, but I know there's
3 a little misunderstanding there.

4
5 My last point would be that even if you
6 were to include Hope and Cooper Landing, which I think
7 if they wanted to be in the proposal they should be
8 here, I think that is pretty simple. That net doesn't
9 have to be fished all at the same time either.

10
11 So, thank you.

12
13 CHAIRMAN LOHSE: Thank you, Greg. That
14 was one of the questions I wanted to ask Judy because
15 of a statement that she made there. If I remember
16 right, and I would stand corrected if I'm wrong, I know
17 we've had groups ask for a harvest of a resource and
18 we've given that group that has customary and
19 traditional a harvest of it and basically said that if
20 somebody else wants one, they need to come and ask for
21 one too. Am I correct in that or was that just on C&T
22 determination?

23
24 MR. G. ENCELEWSKI: I think you're
25 correct.

26
27 MS. CAMINER: I should probably let
28 Pippa answer that, but my understanding it's anyone
29 eligible is what we're talking about. They're
30 automatically in because we and the Board have already
31 agreed that they would have C&T on this portion.

32
33 CHAIRMAN LOHSE: Chuck.

34
35 MR. ARDIZZONE: Mr. Chair. I think my
36 memory is a little
37 fuzzy on this as well, but I do think what you're
38 discussing is people requesting C&T to be added. Not
39 for harvest, but C&T.

40
41 CHAIRMAN LOHSE: Right. That's kind of
42 my recollection, but I wasn't sure on that. That's why
43 I wanted a clarification. Any further questions.

44
45 (No comments)

46
47 CHAIRMAN LOHSE: Hearing none. Thank
48 you. With that we will go on to the proposal in front
49 of us. We need agency comments. Guess who's up first,
50 Alaska Department of Fish and Game.

1 MR. CRAWFORD: Yes, Mr. Chair. The
2 States recommendation for Fisheries Proposal 15-10 is
3 we oppose this proposal due to the non-selective nature
4 of the gillnet and sustainability concerns on the
5 stocks that are being conservatively managed. There
6 are conservation issues with early-run chinook salmon
7 and that is why there is a slot limit in place. The
8 larger, older chinook salmon are no longer at historic
9 levels and the slot limit prevents the harvest of those
10 sizes and age classes.

11
12 Rainbow trout are also managed more
13 conservatively on the Kenai than the statewide
14 regulations under the Wild Trout Policy and, therefore,
15 there are conservation issues with the indiscriminate
16 nature of gillnets in the Kenai River.

17
18 That's our recommendation. I'm also
19 prepared to address one of your earlier questions
20 regarding opportunities provided by the State for
21 Ninilchik. If you'd like to hear that at this time, I
22 can share that.

23
24 CHAIRMAN LOHSE: Please. I would like
25 to.

26
27 MR. CRAWFORD: Okay. Since Ninilchik
28 is located in the Anchorage/Mat-Su/Kenai non-
29 subsistence area, subsistence fishing is not permitted.
30 However, the following activities are permitted in non-
31 subsistence use areas: personal use fishing, sport
32 fishing, guided sport fishing, commercial fishing and
33 other fishing authorized by permits.

34
35 Regarding personal use opportunities
36 for Ninilchik residents, there's the Kasilof River
37 gillnet personal use fishery, the Kasilof River dipnet
38 personal use fishery and the Kenai River dipnet
39 personal use fishery.

40
41 On the Kasilof River gillnet personal
42 use fishery between 2003 and 2012 the average annual
43 harvest was 196 chinook salmon and 22,596 sockeye
44 salmon. That's for the entire fishery. According to
45 permit data, Ninilchik households harvested an average
46 of 69 sockeye annually in the Kasilof River gillnet
47 personal use fishery between 2007 and 2012.

48
49 For the Kasilof River dipnet personal
50 use fishery, the average annual harvest between 2003

1 and 2012 was 55,582 sockeye salmon. According to
2 permit data, Ninilchik households harvested an average
3 of 355 sockeye salmon annually in the Kasilof River
4 dipnet personal use fishery between 2007 and 2012.

5
6 In the Kenai River dipnet personal use
7 fishery, an average annual harvest between 2003 and
8 2012 was 322,922 sockeye salmon. According to permit
9 data, Ninilchik households harvested an average of
10 1,659 sockeye annually in the Kenai River dipnet
11 personal use fishery between 2007 and 2012.

12
13 The second opportunity is sport
14 fishing. Ninilchik residents can sport fish in Kenai
15 Peninsula freshwaters such as rivers, lakes and
16 tributaries. They can also sport fish in the Upper and
17 Lower Cook Inlet saltwater areas. I had one of our
18 statisticians run some information from our sport fish
19 survey and between 2004 and 2013 there were anywhere
20 between 333 and 411 households in Ninilchik that each
21 had at least one sport fisherman. The average number
22 of households that had a sport fisherman during that
23 time was 380.

24
25 The third opportunity provided to
26 Ninilchik residents is there's a guided sport fish
27 opportunity. It's hard to quantify how many fish
28 people could get from this one, but the Alaska Division
29 of Community and Regional Affairs community database
30 lists 33 fishing guides and charter businesses in
31 Ninilchik.

32
33 The fourth opportunity is commercial
34 fishing. Commercial fishermen may retain finfish from
35 legally taken commercial catches for their personal
36 use. Ninilchik residents have 25 limited entry permits
37 for Cook Inlet setnets, 10 limited entry permits for
38 Cook Inlet driftnets, one limited entry permit for Cook
39 Inlet purse seines, two limited entry permits for
40 Bristol Bay set gillnets, one limited entry permit for
41 Bristol Bay drift gillnet permit, one limited entry
42 permit for a Prince William Sound purse seine and one
43 limited entry permit for a Southeast Alaska drift
44 gillnet. So each one of those fishermen is able to
45 take home portions of their catch for their own use.

46
47 The final opportunity provided to
48 Ninilchik residents is through authorized permits and
49 Ninilchik has three educational permits for the
50 Ninilchik Tribal Council, the Ninilchik Native

1 Descendants and the Ninilchik Emergency Services.
2 These permits are quite involved and they each come
3 with a report that is fairly thick. I was able to
4 distill it into one spreadsheet with very small print,
5 but each one -- it specifies fishing areas, gear types
6 and specifications, season dates, individual species
7 for given areas.

8
9 Currently the Ninilchik Tribal Council
10 and the Ninilchik Native Descendants educational
11 fisheries are each allowed to take an annual salmon
12 quota of 2,800 salmon. The Ninilchik Emergency
13 Services educational fishery is allowed to take a quota
14 of 250 salmon annually. The net benefit for the
15 community from these educational fishery permits is
16 5,850 salmon annually or the opportunity to harvest
17 that many.

18
19 Another opportunity provided by the
20 State to the Ninilchik Tribal Council is that they
21 could petition the Alaska Board of Fisheries for
22 authority for one community gillnet as legal gear of
23 taking salmon in Kenai River by residents of Ninilchik.

24
25 CHAIRMAN LOHSE: Thank you. Any
26 questions.

27
28 Greg.

29
30 MR. G. ENCELEWSKI: I've got a whole
31 slew of questions because I don't think much of that is
32 pertaining to subsistence. At any rate, I'll save
33 them. You know, the educational fishery has grown and
34 you talk about the emergency services and its limited
35 number. Well, I don't know that they -- you know,
36 those go to subsistence users, but we'll debate that
37 later. And the commercial, all the permits in the
38 commercial, I don't know that they go to subsistence
39 users. I'll guarantee you the guides don't go to
40 subsistence users. So just to make that point.

41
42 CHAIRMAN LOHSE: Thank you. Any other
43 questions. Thank you, Alaska Department of Fish and
44 Game. Federal agencies. Do we have any Federal
45 agencies that wish to make comment.

46
47 (No comments)

48
49 CHAIRMAN LOHSE: Native, tribal,
50 villages. Darrel and Ivan.

1 MR. I. ENCELEWSKI: Thank you, Mr.
2 Chairman. Members of the RAC. For introduction
3 purposes, my name is Ivan Encelewski. I'm the
4 executive director of the Ninilchik Traditional
5 Council. I'm also a Federally qualified subsistence
6 user. Obviously I'm here to speak on behalf of support
7 for FP15-10 and 11. I note basically they're basically
8 the same proposal, different river system, so they're
9 almost identical. In the conversation and dialogue,
10 I'll reference a little bit of both, but I don't plan
11 on coming back up on 11 to give the whole dissertation,
12 so you may notice some of my comments.

13
14 The first thing I want to point out --
15 and I think Ralph hit the nail on the head. The first
16 thing I wanted to point out is that the Ninilchik
17 Traditional Council has sought one gillnet in each
18 river system. This whole concept -- it's actually
19 incorrect not only in the analysis but in the actual
20 what's inside on the agenda on both proposals. It says
21 authorize gillnets on the Kenai, authorize gillnets on
22 the Kasilof River. It's referenced all throughout the
23 proposals in the book.

24
25 I mentioned this in my comments under
26 tribal consultation because I did call in for the
27 consultation that was referenced here previously and
28 I'll speak to a little bit of that. I don't know if
29 that was oversight, misanalysis or malfeasance, but we
30 believe that we were never asking for multiple nets.
31 That that was potentially to create pandemonium once
32 again about this issue that we were once again asking
33 for the proliferation of all these nets in the
34 community and we're simply not.

35
36 I'll speak a little bit to the issue
37 here in a little bit about the Kenai and the Kasilof
38 River. I will say on the Kasilof there's only one user
39 group, that's Ninilchik. So the stretch to get
40 gillnets plural for a singular purpose is mind-boggling
41 to say the least, but that's a misanalysis. So I want
42 to make sure and point that out, is that regardless of
43 the net effect of the potential for Hope and Cooper
44 Landing on the Kenai side being included in, we only
45 ask for one net.

46
47 We're still asking -- you know, seeking
48 for not proliferation of nets and we do agree that even
49 if there were to be three nets, one for each community,
50 that's not this widespread -- and I think that's a

1 misuse of the reality of what the proposal would even
2 do if they believed that would happen.

3

4 I want to speak to the issue of this is
5 a traditional methods and means harvest. I want to
6 start with that too. As we know, we had submitted
7 proposals in the past for a gillnet fishery, FP07, so
8 this has been ongoing for a long time. What we
9 received out of that, long story short, we all know the
10 history, was the fishwheel proposal. That was not our
11 proposal. That was not what we asked for. That's what
12 we were given as an opportunity because of the
13 consternation over gillnets.

14

15 But I want to make clear that I don't
16 think there's any argument, I'm not going to go into
17 great detail, but that is our traditional method and
18 mean. A fishwheel was never a traditional method and
19 means for our community, but that's what we were given.
20 So there can be no argument made based that this is not
21 a traditional method and mean for us to utilize for the
22 community as a traditional method and means. If we
23 were able to get a fishwheel as a method and mean,
24 certainly we would get our actual traditional method
25 and mean, which is a gillnet.

26

27 The other issue I want to really
28 address is conservation. We've heard a lot about this
29 over the years and I have to kind of point this out.
30 The conservation, obviously, you know, the indigenous
31 people in Ninilchik from the tribe, we're the highest
32 conservation-minded people because our people have been
33 around for thousands of years. If they didn't have a
34 conservation mind, they wouldn't survive. They lived
35 off the land and resources. The tribe, I believe, has
36 shown conservation.

37

38 I believe that if you want to look at
39 some of our past history, you know, the tribe has
40 proposed reduction of clam limits at the State level.
41 The State told us no, everything was fine. Now they're
42 coming out and saying they're reducing the clam limit.
43 For years we begged them to reduce those clam limits.

44

45 We've worked well with Jeff, with Doug,
46 with Andy over the years. They contact us when there's
47 conservation concerns and we've never created any
48 push-back or whatnot on conservation issues. We are
49 very conscientious about conservation, so I want to
50 make that clear. It's just that, you know, a lot of

1 times when it comes up here and there's this idea of
2 nets and all this, that we're just out to willy-nilly
3 just, you know, I guess take the resource without the
4 conservation in mind.

5
6 I also want to point out that in the
7 conservation context this has completely gotten away
8 from what we believe how conservation should be
9 concerned. It's like conservation should be proven, a
10 conservation concern. It shouldn't just be said. Over
11 the years at the Federal Subsistence Board it was
12 basically -- we were under the impression that as long
13 as they said it in their motion, that just basically
14 covered them to deny any proposal. Just say
15 conservation concern. You don't have to prove it. You
16 just have to say conservation concern and it's there.

17
18 We all know that ANILCA is the law of
19 the land. The Ninth Circuit Court of Appeals has said
20 it's so. The U.S. Supreme Court of the United States
21 has said denied cert. This is the law of the land.
22 This is the preference, the number one priority. This
23 is the priority over commercial and sport interests.
24 Yet, every time we come to the table it's like the
25 allocation is set. Here is the commercial harvest,
26 here's the sport harvest. If we have a net and they
27 take this many fish, it's a conservation concern. How
28 about looking at it like these people are the number
29 one priority. We may have to curtail or cut back the
30 other fisheries or resources to give them their
31 inherent, God-given, Federally-mandated right.

32
33 So this whole conservation concept is
34 completely upside down. I'm not here to start a huge
35 issue over allocation, but the reality is we come
36 first. Instead of driving the bus we're at the back
37 seat and that's where we are always every time we put
38 in a proposal. It's like, eww, there's an issue with
39 conservation if they take five fish out of this net.
40 Well, what about commercial harvest. Commercial
41 harvest is in the millions of sockeye. Hundreds of
42 thousands in coho and in the thousands of kinds both on
43 the commercial and sport interest. Yet we're asking
44 for -- well, zero in the Kasilof, two in the last five
45 years.

46
47 I want to kind of translate that into
48 this -- we always hear this, well, what if. What if.
49 The ifs and buts. What if. Well, we've been here for
50 10 or 15 years telling you guys every time we put in a

1 proposal, every time, and we appreciate your support,
2 but every time, whether it's moose, cow moose, moose
3 hunting, fishing, there will be no conservation
4 concern. We tell you that. Well, you know, the
5 potential is there because, you know, once the State
6 limits reduce we're going to see more use on the
7 subsistence side, and it never comes to fruition. Not
8 once.

9
10 So the empirical and anecdotal
11 testimony that we've given over the years has held true
12 100 percent of the time. One hundred percent of the
13 time. The what-ifs have held true 0 percent of the
14 time. So that's important.

15
16 I also have to take exception with a
17 little bit of some of the issues in the past of the OSM
18 analysis on some of our proposals. I'm a little bit
19 concerned in the analysis on this proposal. On the
20 prior proposal FP15-09 you see the nice spreadsheet
21 which shows actual numbers and columns by the number of
22 fish taken. That's not in the FP10 and 11. Why not?
23 Because it shows a limited amount of harvest.

24
25 One of the crossover concerns that
26 we've had over the years is that when it suits their
27 analysis, things are interpreted differently. Let me
28 give you an example. At this board I've testified in
29 Cantwell over moose issues. The late season moose
30 harvest was maybe one or two moose, but yet the
31 proposal analysis said Ninilchik residents were taking
32 40, 50 moose. Well, what they were doing was saying if
33 you were a State moose hunter, you took a State moose
34 as a Ninilchik resident, you're a Federally qualified
35 subsistence user, so that counts in our analysis as a
36 Ninilchik Federally qualified subsistence user getting
37 a moose.

38
39 So instead of making it look like what
40 the reality is, we got one or two moose, they were
41 saying in the analysis we got 40 or 50, which I can
42 tell you from example. I shot a moose on State
43 regulations this year, I put in my report to the State
44 and everything, but I had a Federal subsistence harvest
45 ticket and I thought, well, what do I do to report
46 that. Well, I called up Federal U.S. Fish and Wildlife
47 there at the office and they said, whoa, if you got one
48 on State land, don't even put that you reported hunted.
49 It has nothing to do with us. So the things are taken
50 out of context to further their position, but what we

1 can say is the reality is that we have never had a
2 conservation concern with these issues.

3
4 One of the things that you're going to
5 hear over conservation that was mentioned here recently
6 was the issue of, yes, these are difficult -- it's
7 still going to be difficult in some ways to take a net
8 out there. This isn't going to be, you know, just slam
9 dunk. All of a sudden you're going to get all these
10 fish and whatnot. So there's still issues like we had
11 with the fishwheel of getting out there, getting in a
12 boat, doing these things. So there's still logistical
13 issues that the average, everyday person cannot do, the
14 access to the lands.

15
16 I won't get into the harvest levels,
17 but we know the harvest level currently in the Kasilof
18 is basically zero. There was 12 permits issued in
19 Ninilchik on the Kenai River drainage and I think,
20 according to the analysis I read, the spreadsheet,
21 there was basically zero coho and kings taken. I think
22 there was 1,403 something total red salmon, but
23 basically almost no harvest from Ninilchik.

24
25 Anyway, the other thing I want to note
26 on is this community process. I just want to make sure
27 that there's no misconception about the community
28 process. We put in this proposal because we now know
29 that the community process is an allowable process in
30 the system. So, in other words, we're not going to
31 have each individual user with a net. We're asking for
32 a community net. Now we have a community proposal for
33 fishwheel. Okay. So we're asking for that same
34 identical criterion and whatnot. So if it's already
35 been done as a community allowable harvest method, it
36 can certainly be done with a gillnet.

37
38 There's another issue in the -- the
39 State of Alaska, I just want to point out too, operates
40 a gillnet in the Kenai River every day in the summer in
41 July and August. I know the people that run that, have
42 run that. So if you hear any arguments, it's somewhat
43 hypocritical for the State to operate a gillnet in the
44 river system and then to say no. A subsistence user
45 who has absolute number one priority, cannot.

46
47 So we want to make sure that you guys
48 are aware of that as well as the issue of the river
49 systems around the state. Look at the Kuskokwim,
50 Yukon, the Bristol Bay area, you know, all those river

1 systems. What are they using, subsistence people.
2 They're using nets, you know. Here we can't ask for
3 one community net. That has the potential. Okay.

4
5 Here's some ideas of things that we can
6 help reduce that because we have 24-hour mandatory
7 reporting in the moose hunting program. There can be
8 quicker reporting requirements if we start to see more
9 steelhead. Things like that can't come up. Resident
10 fish species. Oh, we can't catch resident species.
11 Well, it's an allowable C&T resource for our community.
12 You know, it used to not be. Now all fish is. So it's
13 not a bycatch, it's not an incidental catch, it's
14 actual targeted species that's allowed even though it's
15 very limited. It's allowed under subsistence resource.
16 So to not allow us any of those as the absolute
17 priority, what's up with that?

18
19 Anyway, I talked a little bit about the
20 community. There's not going to be a huge windfall of
21 use we don't believe. We've said this time and time
22 again. I want to talk a little bit about the
23 educational nets, some of the other opportunities that
24 have been brought up.

25
26 Okay. First of all, the analysis is
27 wrong in the proposal that's saying in the Kasilof
28 River there's only one educational river fishery.
29 Ninilchik has an educational fishery and the Kasilof as
30 well. We're allowed kings and silvers. We don't have
31 -- it's a later run. I think it starts in September or
32 August, but we do have an educational fishery, so there
33 are two educational fisheries in the Kasilof in the
34 early season. I don't know what the numbers were on
35 that, but hundreds of kings are taken under that
36 system. The personal use fishery I think in the
37 proposal it said between 100 and 500 kings have been
38 taken in the personal use fishery over the years on the
39 averages.

40
41 So here's once again personal use,
42 commercial, sport, every other user group getting fish,
43 fishing in the mouths of the Kasilof or right in front
44 of them or the Kenai. Yet I guess we're asking for
45 something that isn't meaningful.

46
47 I want to touch on the meaningful issue
48 here. You know, one of the concerns that we've had at
49 the tribe is that, you know, oh, there's such a lack of
50 use it shows that we're not really asking for things

1 and somehow we're going to lose it because we're just
2 not using it. Well, I can tell you the reason. You
3 want to know the answer to why there's no use? It's
4 not meaningful. It's not meaningful to our people.

5
6 When you have to go way up the river,
7 take a boat, put in a fishwheel or go, you know -- and
8 your opportunity is an extra hook or an extra piece of
9 bait, there's nobody in Ninilchik that wants -- that's
10 going to view that as a meaningful preference. So when
11 we've asked for nets, we get a fishwheel that we've
12 never used. Okay, we've tried it, we've done our best.
13 We tell our people, okay, go out there. I'm not going
14 with an extra worm, you know, no way.

15
16 The reason why the educational fishery
17 works is because it's right there. It's right in our
18 backyard. It's a traditional method. It's a net.
19 They can get access to it right there. And the
20 absolute reason why there's no use, there's no
21 meaningful preference.

22
23 So when we say there's not a meaningful
24 preference, we appreciate the opportunity that's been
25 afforded to us through the extra hook and work and
26 those kind of things, but it's not been a meaningful
27 preference and that's what it shows for our community.
28 It does not show that we're not interested in
29 subsistence or that we shouldn't have it, it shows that
30 what we've been given has not been a meaningful
31 preference and this we believe will help that.

32
33 It's interesting to note that the
34 steelhead Kasilof return into mid-August, so it doesn't
35 appear that there's obviously conservation issues with
36 steelhead in the Kasilof to mid-August.

37
38 Talk a little bit about the
39 allocations. You know, it was reported on -- here
40 we're allocated in the Kenai 1,000 kings, 4,000
41 sockeye, coho 3,000, pinks 2,000. For the subsistence,
42 kings was zero, coho was zero and the total sockeye was
43 1,408, so the 12 permits issued. So there is an
44 allocation established in the regulations in the
45 fishing book, but yet there's nothing being taken
46 there.

47
48 Anyway, utilization, I've touched a
49 little bit on this, is that, you know, the educational
50 fishery, the reason why that's been used is because it

1 does provide a meaningful opportunity because it's
2 available.

3

4 Some other things that I can say about
5 the net use. The State Fish and Game asks us to
6 release our king salmon at certain times, like last
7 year to release kings. We know that commercial
8 fishermen, some, release kings even after they've been
9 caught. Obviously the mortality rate is going to be
10 high, but that is a conservation method some people
11 employ.

12

13 So here's another opportunity between
14 reporting, early reporting or quick reporting,
15 releasing mesh size. We know in the commercial
16 fishery, you know, there's a pink salmon fishery where
17 you have to reduce your gear net size down. So we know
18 that fish mesh size is a way of potential conservation
19 method for certain species. Those can be employed.

20

21 I don't know. I just kind of have a
22 note here that no participation equals conservation
23 concern. I think that's an oxymoron. Anyway, I'm
24 going to go ahead and turn it over to Darrel here and
25 let him kind of follow up with some comments.

26

27 CHAIRMAN LOHSE: Ivan, can I make some
28 comments to you first before we go to Darrel.

29

30 MR. I. ENCELEWSKI: Sure.

31

32 CHAIRMAN LOHSE: That way we'll have
33 some time. It's kind of interesting some of the things
34 that you said today really struck a note with me and
35 that's that the traditional fishery is gillnets and one
36 of the reasons it struck a note is my wife went through
37 the collections over here. You have a lot of gillnet
38 stones in your collection. You don't have any
39 fishwheels.

40

41 (Laughter)

42

43 CHAIRMAN LOHSE: There were no
44 fishwheels until -- I think I've got the early report
45 of a fishwheel on the Yukon River. It was 1906 or
46 something like that. There were no fishwheels. There
47 were gillnets. You've got the stones in here. If you
48 want to see a gillnet fishery that is combined with a
49 sport fishery, go to the Situk down in Yakutat. I mean
50 you've got people with gillnets and people with fly

1 rods fishing right next to each other right during that
2 fishery right there.

3

4 The other thing that you brought up and
5 that's something I had never given a thought to before,
6 you've just now mentioned it for the Kenai, and that's
7 mesh size. They've gone through that whole thing on
8 the Yukon-Kuskokwim and we can learn from them.
9 They've reduced mesh size in order to not impact the
10 kings to the same degree. We've done the same thing on
11 the Copper. We used to be able to use king gear. Now
12 your mesh size is reduced so that a lot of kings don't
13 get caught. And it can be -- you know, you can do
14 something to make more of them caught. You and I both
15 know that, but mesh size is important.

16

17 So a bunch of things that you brought
18 up I think are pretty applicable to what we're talking
19 about. I think it's something that we all need to
20 think about, all these different scenarios that you've
21 shown. To me, the biggest one is that gillnets are
22 used by State, gillnets are used by the personal use
23 fisherman, gillnets are used by the commercial
24 fishermen and gillnets are the traditional use of
25 Ninilchik and gillnets are the things that you see back
26 here in the museum that predated anyone else.

27

28 Judy.

29

30 MR. G. ENCELEWSKI: Through the chair.
31 I just wanted to make a comment to Ivan. I thank you
32 for that presentation. It was very factual and very
33 professional. Obviously you were passed on tradition
34 very well.....

35

36 (Laughter)

37

38 MR. G. ENCELEWSKI:because you've
39 documented it very accurately and I thank you for that.

40

41 CHAIRMAN LOHSE: Judy.

42

43 MS. CAMINER: Thank you, Mr. Chair.
44 Thank you, Greg and Ivan. Yeah, once again you're
45 summing up the probably 25-year history. I was waiting
46 for this. But I guess just to have it on the record I
47 had a couple questions then. So the alternatives that
48 are shown on this one page suggest different dates. So
49 I wondered if you would comment first on the different
50 dates and then on the different gear types that are

1 mentioned, please.

2

3 MR. I. ENCELEWSKI: Okay. Thank you.
4 Through the Chair. You know, I honestly haven't had a
5 chance to -- this is the first I've seen this today
6 when I walked in the room, so I haven't got a chance to
7 talk with all the proponents, you know, obviously the
8 Ninilchik Traditional Council as far as what our
9 feelings necessarily are on dates and that kind of
10 stuff, so that's kind of a new thing to me. So I can't
11 really speak for the Council per se, you know, because
12 we just -- like I say, because it's so new we haven't
13 had a chance to address that opportunity.

14

15 You know, I do think it's an
16 interesting analysis or debate over this issue of --
17 you know, I didn't develop any of these alternatives as
18 far as the dates and all that kind of stuff. I called
19 in for consultation. I just want to clarify for that.
20 But we didn't discuss alternatives as far as -- you
21 know, the thing we did talk about the Kenai because the
22 issue there being you have the three communities
23 involved and, you know, I think there's a lot to be
24 said with that, different ideas, whether it's an 804
25 analysis.

26

27 You know, keep in mind that Ninilchik
28 never asked for a proliferation of nets. Whether that
29 impacts all of the communities of methods and means,
30 you know, again, we're still asking for the one net for
31 the community, whether that includes Cooper Landing or
32 whatnot. Obviously I can say for sure that we know and
33 we feel that even if it was three separate nets for
34 each community, again, that's not a widespread use
35 especially because of the Kenai River. Now if this was
36 the Kasilof River, it's a smaller river system.

37

38 The Kenai River is much bigger, much
39 more potential, so the opportunity that you're going to
40 have this -- you know, first of all it can't have
41 widespread, but secondly even three nets in the Kenai
42 is really absolutely nothing. And I don't even know
43 how much is 10 fathoms, you know, as far as if you're
44 going to utilize all that at one time if you're
45 drifting in the river or something like that. I just
46 don't -- I think that will have to be something that
47 will be worked out, but NTC specifically asked for the
48 community net.

49

50 CHAIRMAN LOHSE: Ivan, can I ask you a

1 question. When I read this proposal, I don't see any
2 dates in the proposal and maybe I'm missing them, but I
3 do see that the thing is going to be developed with
4 consultation with the Kenai Refuge National Refuge
5 manager and coming up with an operational plan. It
6 would be my understanding that depending on what the
7 current concerns are and everything, dates would be
8 established in that operational plan and that dates
9 aren't something that are set in stone by this
10 proposal, but I might be missing something. Am I wrong
11 on that?

12
13 I mean but would that be acceptable? I
14 mean the fact that you have to come up with an
15 operational plan and it's possible that those dates can
16 change year to year based on what's going on and not be
17 set in stone. I must have missed that, so I'm sorry.
18 Yeah, I see it right now. Okay.

19
20 MR. I. ENCELEWSKI: Through the Chair.
21 We've done the fishwheel process and Darrel can speak
22 to this a little bit. Maybe I'll turn it over to him.
23 So it's a two-part process. Obviously having it in the
24 regulation is an opportunity, it gives us that ability,
25 but then we put in the operational plan to U.S. Fish
26 and Wildlife. Usually it's been -- I think it's been
27 Doug and now Jeff, submit the plan to them. It's
28 fairly detailed and somewhat onerous and arduous. I
29 mean you have to get insurance and whatnot.

30
31 Now I can't speak to the legal language
32 as far as dates being able to be changed or altered
33 within that operational plan. I think that the dates
34 within the allowable subsistence are utilized. I don't
35 know that they would be able to change those, but that
36 might be a question for the agency folks based on the
37 operational plan.

38
39 The answer is there is more restrictive
40 things
41 in the operational plan that can be placed than what's
42 just the general language in the subsistence
43 regulations and they are very -- a lot more things.
44 Because it talks about -- like in the fishwheel
45 operational plan, it says, you know, there has to be
46 fish friendly this and this and you can use this. So
47 there's a lot further restrictions in the operational
48 plan that could be put in place for a specific fishery
49 and Darrel is pretty accustomed to that.

50

1 CHAIRMAN LOHSE: I think Andy has a
2 question.

3
4 MR. MCLAUGHLIN: Thank you, Mr. Chair.
5 In particular, do you have -- with this time-honored
6 conservation ethic, okay, I think your presentation is
7 fantastic, a lot of support there, most all aspects
8 about it.

9
10 I was looking at these dates and if you
11 look on the Kasilof steelhead, Kasilof River, it's mid-
12 August but the dates, specifically the FP15-11 on the
13 Kasilof, fishing will be allowed from June 15th through
14 October 31st. How would that time window where the
15 steelhead are more vulnerable to this indiscriminate
16 gear type, how would that be handled, I'm just curious,
17 in your perspective?

18
19 MR. I. ENCELEWSKI: Again through the
20 Chair. You know, I can't definitively state exactly
21 our position. I can say I agree we are conservation-
22 minded. I can say that, you know, resident species
23 isn't necessarily nearly our primary focus. We have
24 kind of a tier of -- you know, the king salmon are the
25 most important to our people in Ninilchik and I can't
26 speak for everyone because it's all rural residents,
27 but I can speak for our tribe, the proponent of the
28 proposal, and that that is -- you know, that's the main
29 staple and primary resource for our people.

30
31 If that -- if there was legitimate
32 arguments for changing dates or whatnot, you know,
33 certainly I know the Council based on their
34 conservation-minded efforts in the past would be open
35 to consider that or amenable to it, but I just don't
36 know. I can't speak definitely to it as far as what we
37 -- you know, I'm not here to say I'm going to accept
38 this date or this date for the tribe, but I know it
39 would be something that definitely we'd consider
40 because it's not something -- I don't believe the
41 intent was to take nets in October to be harvesting
42 steelhead, you know.

43
44 CHAIRMAN LOHSE: Any other questions
45 for Ivan. Gloria.

46
47 MS. STICKWAN: What was the historical
48 when you caught steelhead and other fish?

49
50 MR. I. ENCELEWSKI: Through the Chair.

1 What was that? I missed it.

2

3 MS. STICKWAN: What was the historic --
4 when did you catch these fish like coho, do you know?

5

6 MR. I. ENCELEWSKI: Historically, you
7 know, basic run times. I mean for us steelhead, you
8 know, are spring and fall, a fall thing, so we don't --
9 we haven't seen much harvest of steelhead except for,
10 like I say, in the early spring and fall. Cohos, late
11 fall. But, you know, like I say, our targeted
12 resources generally has always been kings primarily,
13 but we definitely utilize resident fish species. More
14 so probably much later in the year between the salmon
15 runs.

16

17 CHAIRMAN LOHSE: Judy.

18

19 MS. CAMINER: Thanks. I guess just for
20 the record you mentioned that there are test nets in
21 the Kasilof, so are there test nets in the Kenai as
22 well?

23

24 MR. I. ENCELEWSKI: Through the Chair.
25 I know for a fact there's a test net in the Kenai. I'm
26 not sure about the Kasilof.

27

28 CHAIRMAN LOHSE: Any other questions
29 for Ivan.

30

31 (No comments)

32

33 CHAIRMAN LOHSE: Thank you, Ivan.

34

35 Darrel.

36

37 MR. WILLIAMS: Darrel Williams,
38 Ninilchik Traditional Council. I'm going to try to
39 pick up a few things that Ivan was talking about that
40 we had discussed. So I think we were all shocked a
41 little bit with the analysis that came out with OSM.
42 Most everybody has been here long enough, we've been
43 doing this for years and years and years. There's an
44 awful lot of information that was not included.

45

46 When we were talking about preparing
47 the fishwheel, there's several good examples that come
48 with that. We'd had some discussion today about if we
49 offer a methods and means for one community, we have to
50 give them to all. Well, we have a fishwheel and nobody

1 else does for an example. No, I think if Hope and
2 Cooper Landing want this, they should submit a proposal
3 and ask for it.

4
5 And it's not kind of digging my heels
6 in, but it's saying that a method that may work better
7 in Ninilchik may not be the most effective method that
8 will work in Hope. I think that's why I'm looking at
9 that that way.

10
11 When we got the fishwheel, and we
12 talked about this the last time I was here, there were
13 some concerns about the plan that had to be put
14 together submitting basically a proposal, putting
15 together a work plan, how it's going to be operated,
16 getting insurance. The restrictions on the special
17 permit that we had to get that said what we could use
18 and how we could build it, where we could place it and
19 all these things. It was very different I think than
20 what everybody had envisioned the fishwheel being.

21
22 And there is latitude in that. I do
23 think that one of the things that need to be included
24 though and I think that we get drawn away from the
25 whole ANILCA-based subsistence issue because we keep
26 saying, well, the sport fishermen they're having it
27 rough and they only harvested 30,000 fish this year and
28 subsistence fishermen harvested two. I think the
29 question we need to ask when we approach those kind of
30 things about dates and times, how it's going to affect
31 the fisheries, is what fisheries are going to be closed
32 or reduced so the subsistence fishery will happen.
33 Those are the rules.

34
35 I'm really concerned because of how the
36 804 analysis was prepared and put into the proposal
37 because it almost suggests that those kind of
38 activities won't happen without an 804 analysis. That
39 seems a little backwards to me and I wanted to bring
40 that up as a conservation -- a little more on the
41 conservation thing because the 804 analysis and the C&T
42 process -- and most of you remember us going through
43 the C&T process. It was rigorous. It took years.
44 There was all kinds of information that was submitted.
45 When you compare the two, our C&T process was much more
46 vigorous than what this 804 review looks like. Put
47 that out on the table.

48
49 Along the lines of conservation
50 concern, there's a lot of questions, there's been a lot

1 of questions in the past about using gillnets and the
2 mortality rate that may come with the fishery. You
3 know, it's also interesting that in the analysis it
4 speaks to the educational fishery and those are
5 gillnets. In the educational fishery, you're required
6 to release certain fish, just like what Ivan was
7 saying. It's been done successfully for years and
8 years and years. I don't understand how it's an issue
9 for this particular request because it's been done.
10 It's in the permit. It's in the educational fishery
11 permit. You have to release these fish and you can
12 keep these fish.

13

14 It's interesting because when you have
15 an educational fishery, you teach that to the other
16 people who are using it. They learn that. That's the
17 idea of the fishery. So we actually already have a
18 game plan in place to be able to do that and do it
19 effectively.

20

21 There was some questions that we had
22 about as far as whether getting nets would be an
23 additional methods and means of harvest or I'd rather
24 say it would be more of an effective methods and means
25 of harvest. When we ended up with the fishwheel, it
26 was something we didn't ask for because, same thing,
27 people use what works. That's the whole idea of the
28 premise of the rural communities and having the RACs
29 and being able to come forth and say this works for us.
30 So I think we should think of it more as an effective
31 means than an additional means.

32

33 I feel that the analysis really did
34 miss a lot of that kind of information. I think Ivan
35 has covered everything else. I can't think of anything
36 else, Mr. Chairman. That's my notes and I think
37 between the two of us we got everything.

38

39 CHAIRMAN LOHSE: I've a couple
40 questions to ask you, Darrel, if I may.

41

42 MR. WILLIAMS: Yes, sir.

43

44 CHAIRMAN LOHSE: It's interesting to me
45 when you said that you already have a game plan for
46 releasing unwanted species out of your gillnets in your
47 educational fisheries. I'm sure the ADF&G must have a
48 game plan too to release king salmon out of their test
49 net fisheries also. So if it can be done in your
50 educational fishery and it can be done in the ADF&G

1 test net fisheries, that game plan should be able to be
2 transferred over to any kind of organized, managed
3 fishery like what you've been talking about right here.

4
5 There's only one thing I found, I'll
6 say, funny or interesting in your proposal and that's
7 the fact that -- you know, we've talked about
8 freshwater fish being part of the not incidental take
9 but part of the directed take. It's interesting to me
10 that rainbow trout and Dollies over 18 inches are going
11 to be released in a system that's having problems
12 raising king salmon, which spend three years in the
13 freshwater from the time they're eggs to the time
14 they're smolt, and you're taking one of the biggest
15 predators of those king salmon and you're releasing
16 them back into the water.

17
18 How do you expect to get -- at this
19 point in time on the Kenai River, the Kenai River is
20 managed for large trout. That's what the Kenai River
21 is managed for. At the same time the one fish that's
22 in trouble, which is the king salmon, spends three
23 years vulnerable in the Kenai River to the exact fish
24 that you're managing to let go. What's your comments
25 on that?

26
27 MR. WILLIAMS: Mr. Chairman, members of
28 the board. That is a wonderful observation and it is
29 so, so true. Those are big predatory fish and they eat
30 everything else. When we were selling this, we had
31 some discussion about what we wanted to ask for, you
32 know. You always try to think, you know, what do we
33 really need. Honestly, we caught so much grief last
34 time that we thought we'd capitulate and try to do
35 salmon first because we already have the C&T and
36 methods and means for finfish, but we thought this was
37 a good place to start.

38
39 I remember years ago we had discussions
40 about the steelhead. The same thing. The steelhead is
41 an interesting species because it's not indigenous. It
42 was transplanted here. Now the same steelhead that was
43 in the Kasilof River have migrated and they're finding
44 them in the Kenai River. It's exactly the same problem
45 that you're talking about. You have these larger,
46 aggressive, predatory fish and now we're having
47 problems with the salmon stocks.

48
49 When it comes to management, you know,
50 the principals of wildlife management -- so it's

1 interesting because when we talk about conservation
2 here, especially in this arena, you know, Aldo Leopold
3 published a book in 1933, The Principals and Practices
4 of Wildlife Management. You know, if you go to let's
5 say BLM and say I want to see your policies on your
6 wildlife management type stuff, whatever it may be,
7 they have some stuff for some permitting, they have
8 some stuff about how they like to do things. It's not
9 there.

10

11 You know, the same thing. When we have
12 discussions, they're saying, okay, you guys harvested
13 two fish and it's a conservation concern. It's like
14 based on what? Where did this come from, you know?
15 And that's the right kind of question. You know, when
16 it comes to actually biology and you're sitting back
17 and you're looking at what's happening in a population
18 of species of stock, whatever it may be, when you have
19 big parameters and they're taking advantage of
20 everything else, yeah, you need to manage them, you
21 need to take them out of there.

22

23 But we thought we'd capitulate and
24 start there because it was the easiest solution.

25

26 CHAIRMAN LOHSE: Thank you, Darrel.
27 What brought it to mind for me was the \$5,000 reward
28 out front for whoever brings in a northern pike onto
29 the Kenai. Basically what you're saying is the
30 steelhead were brought in the same way.

31

32 MR. WILLIAMS: They were.

33

34 CHAIRMAN LOHSE: And they're very
35 efficient predators too, but I'm sure that you've
36 caught lots of Dollies that when you caught them
37 they're spitting up salmon smolt as you're catching
38 them at the same time. It's just interesting to me
39 that we feel like we have to put this in a proposal to
40 make it fly when exactly what we're trying to protect --
41 this impacts what you're trying to protect.

42

43 MR. WILLIAMS: Mr. Chairman, just a
44 comment. I couldn't agree more because this was where
45 I think we reached a point of frustration where when we
46 hear people from different agencies sit and say that
47 they have concerns about this or they have concerns
48 about that and they're trying to figure out how they're
49 going to make subsistence work, it's backwards.
50 Subsistence works. Everything else comes after.

1 That's one of those problems when
2 you're doing an inseason management plan. You're
3 trying to get a special permit from whoever it may be,
4 whatever agency, and you're looking at things like
5 dates, for example. Okay, well, we're going to submit
6 this, they're going to talk to somebody else and
7 they're going to like it or not like it. All the
8 burden comes right back to the subsistence user.

9
10 The way this is supposed to work is the
11 subsistence users bring to the table what works as
12 subsistence, whether it's methods and means or
13 customary and traditional use, whatever it may be, all
14 those eight factors, we bring it to the table, it gets
15 voted up or down. But it's interesting because we're
16 starting to see more and more of this presence of what
17 the State thinks and what the State wants and we like
18 it this way.

19
20 You know, Ninilchik Traditional Council
21 was the one who sued for meaningful preference. We had
22 to do that and that's just backwards. It should be the
23 other way around. Mr. Chair.

24
25 CHAIRMAN LOHSE: Thank you, Darrel.
26 Any questions for Darrel.

27
28 Judy.

29
30 MS. CAMINER: Not a question, Mr.
31 Chair. Darrel, thanks. Thanks for your testimony as
32 well. Just a clarification. You mentioned on the
33 fishwheel that you have on the Kasilof or had on the
34 Kasilof, of course that is only Ninilchik because only
35 Ninilchik has C&T. In looking at this first proposal,
36 which was the net on the Kenai, it could be open to all
37 three communities because you all have C&T no matter
38 who asks for it. Also I wanted to mention an 804 has
39 not been done on this.

40
41 MR. WILLIAMS: Mr. Chairman, Judy.
42 Yes, yes, but it's just interesting because we've had
43 these conversations before too and I wish that this was
44 more of what was captured in the Staff analysis because
45 we've gone through all that kind of stuff before. They
46 may be eligible, but the other question is is that the
47 most effective way to harvest salmon for Hope. Without
48 talking to the residents and finding out, I don't know.

49
50 CHAIRMAN LOHSE: Gloria.

1 MS. STICKWAN: Do you remember when you
2 first asked for gillnets did it have seasons in the
3 first proposal?

4
5 MR. WILLIAMS: Mr. Chairman.

6
7 MS. STICKWAN: When you asked for
8 gillnets back.....

9
10 MR. WILLIAMS: Originally?

11
12 MS. STICKWAN: Yeah.

13
14 MR. WILLIAMS: In, what, 2007, '08,
15 whatever. Yes, we had it ironed out. We had dates,
16 times, seasons, methods and means, mesh sizes, net
17 sizes, everything. We had it all lined out before.

18
19 You know, another thing, when we were
20 putting this proposal together, we were talking about
21 it, we left a lot of the hard details out of the
22 proposal and thought that they would develop in the
23 process and that it may be easier to do that than to
24 ask for something very specific and not get -- and then
25 cause confusion that way.

26
27 CHAIRMAN LOHSE: Mary Ann.

28
29 MS. MILLS: Thank you for your
30 presentations. They were very excellent. With that,
31 I'd like to make a motion to accept proposal FP15-10 or
32 am I going ahead?

33
34 CHAIRMAN LOHSE: You're just a little
35 ahead.

36
37 MS. MILLS: Okay, I will wait.

38
39 CHAIRMAN LOHSE: Okay. Thank you,
40 guys. We now have any other InterAgency Staff
41 Committee comments.

42
43 (No comments)

44
45 CHAIRMAN LOHSE: No yawning. Advisory
46 group comments.

47
48 (No comments)

49
50 CHAIRMAN LOHSE: Neighboring Regional

1 Council comments.

2

3 (No comments)

4

5 CHAIRMAN LOHSE: Do we have any local
6 Fish and Game Advisory Committees that have comments on
7 this from Kenai?

8

9 (No comments)

10

11 CHAIRMAN LOHSE: National Park Service
12 SRC.

13

14 (No comments)

15

16 CHAIRMAN LOHSE: Summary of written
17 comments.

18

19 MR. MIKE: Mr. Chair. There were no
20 written comments received on this proposal. Thank you.

21

22 CHAIRMAN LOHSE: Public testimony. Do
23 we have any public testimony scheduled?

24

25 MR. MIKE: I didn't receive any other
26 public testimony requests. We had the tribe complete
27 their testimony. Mr. Chair, thank you.

28

29 CHAIRMAN LOHSE: Thank you, Donald. At
30 this point, Mary Ann, if you want to make a motion.

31

32 MS. MILLS: Thank you, Mr. Chair. I'd
33 like to make a motion to accept and approve FP15-10,
34 Ninilchik's proposal. Thank you.

35

36 CHAIRMAN LOHSE: Do I hear a second.

37

38 MR. OPHEIM: Second.

39

40 CHAIRMAN LOHSE: It's been seconded by
41 Michael. Discussion. Greg. You've got your finger on
42 the button.

43

44 MR. G. ENCELEWSKI: I was going to call
45 the question before

46 you could talk. Not really. Mr. Chairman and fellow
47 members here and the audience, I'm going to vote in
48 support of this proposal. I think that the

49 conservation concerns can certainly be worked out. I
50 have no concern that it wouldn't be managed in a very

1 conservation-minded manner and that it would definitely
2 provide a better preference and a meaningful preference
3 for salmon, especially the reds. The kings are going
4 to be limited anyway. Your fisheries will be shut down
5 if there's a continued shortage and we certainly don't
6 want to get into the early-run kings or anything like
7 that.

8

9 So I think it's something that could be
10 well managed. I think the people could work with us
11 and I certainly support it for a more meaningful
12 preference for this proposal.

13

14 Thank you.

15

16 CHAIRMAN LOHSE: Thank you, Greg. Can
17 I ask one question?

18

19 MR. G. ENCELEWSKI: Yeah.

20

21 CHAIRMAN LOHSE: If it turns out that
22 by doing this all three communities are able to have a
23 net, do you see any conservation concern with three
24 nets in the Kenai River?

25

26 MR. G. ENCELEWSKI: I do not see --
27 you're asking me this
28 question, Mr. Chairman?

29

30 CHAIRMAN LOHSE: Uh-huh.

31

32 MR. G. ENCELEWSKI: I do not see it
33 because I think you could regulate that. I also don't
34 see why they would all have to fish at the same time.
35 That's just my opinion.

36

37 CHAIRMAN LOHSE: Thank you, Greg.

38

39 MR. G. ENCELEWSKI: I mean that could
40 be worked on in the plan.

41

42 CHAIRMAN LOHSE: That's what I would
43 think with this organizational plan that has to be
44 presented that could be addressed. Not only be
45 presented, it has to be approved.

46

47 Judy.

48

49 MS. CAMINER: Mr. Chair. A couple of
50 thoughts. First of all, yes, there is a really long

1 history, which, in spite of however many hours we've
2 talked about this, it's still quite abbreviated as to
3 everything that's happened. Ninilchik has been
4 extremely patient as well as diligent in terms of,
5 yeah, they built a fishwheel. They tried really hard
6 to operate a fishwheel in several locations. Was not
7 really the traditional way of fishing and it didn't
8 work.

9

10 So here we have the opportunity to
11 support the traditional way of fishing and make things
12 a little bit more efficient during these times when
13 everything costs so much for people to be able to fish
14 pretty easily. So I would support the idea of using
15 the gillnet.

16

17 I also wonder if we want to address
18 Ralph's point about the proposed regulation does say
19 that rainbow trout and Dollies over 18 must be
20 released. I didn't know if we wanted to have more
21 discussion on that or not.

22

23 Another comment would be this plan will
24 be reviewed by the Federal inseason manager and if
25 something needs to be changed not only inseason but
26 with the plan that will happen, so I'm not worried
27 about the oversight before or after operations start.

28

29 CHAIRMAN LOHSE: Thank you, Judy.

30

31 Gloria.

32

33 MS. STICKWAN: Two fish to me is not
34 meaningful preference at all and it's a customary and
35 traditional use method that's been used for thousands
36 of years. A fishwheel isn't. Has never been. It
37 should never have been introduced to them as customary
38 and traditional use in the first place since it has
39 never been used by them. It was proposed as a
40 conservation concern to try and not overharvest, but
41 it's not providing fish for them. So I would support
42 this proposal.

43

44 CHAIRMAN LOHSE: I think one of the
45 main arguments for the fishwheel was that we could have
46 a live box on it and we could release fish out of the
47 live box. Like they've said, they've given it a try.
48 It hasn't worked. What they're requesting is their
49 more traditional method of doing it.

50

1 It's interesting to me that -- because
2 I had never given a thought to the fact that they
3 already had gillnet fisheries in these rivers and had
4 to work out a way to release the fish or not catch the
5 fish in the past both in their fisheries and in the
6 ADF&G fisheries. So maybe it's not quite as big of a
7 problem as I thought it was.

8
9 Any other discussion. Mary Ann.

10
11 MS. MILLS: In the spirit of
12 subsistence as first priority, I call for the question.

13
14 CHAIRMAN LOHSE: Didn't you make the
15 motion?

16
17 MS. MILLS: Oh, I made the motion.
18 Never mind. I do feel that, you know, this is our
19 responsibility for the subsistence people to have first
20 priority. I think this is a good proposal. If there's
21 any additional things that need to be of any concern,
22 they can be addressed and they will be.

23
24 Thank you.

25
26 MR. G. ENCELEWSKI: Can I call for the
27 question?

28
29 CHAIRMAN LOHSE: You didn't have
30 anything to do with the motion, did you?

31
32 MR. G. ENCELEWSKI: No, I did not.

33
34 CHAIRMAN LOHSE: You may call.....

35
36 MR. CARPENTER: Question.

37
38 MR. G. ENCELEWSKI: The question has
39 been called for.

40
41 CHAIRMAN LOHSE: I think Tom Carpenter
42 was calling for the question too, weren't you, Tom?

43
44 MR. CARPENTER: Yeah.

45
46 MR. G. ENCELEWSKI: Beat you, Tom.
47 Barely beat you.

48
49 CHAIRMAN LOHSE: Okay. The question
50 has been called for. All in favor of Proposal FP15-10

1 as written signify by saying aye.

2

3 IN UNISON: Aye.

4

5 CHAIRMAN LOHSE: All opposed, signify
6 by saying nay.

7

8 (No opposing votes)

9

10 CHAIRMAN LOHSE: Motion carries. You
11 would like a short break? I need a short break too.
12 Then we will go on to FP15-11.

13

14 (Off record)

15

16 (On record)

17

18 CHAIRMAN LOHSE: Okay. FP15-11
19 presenter. I think a lot of what we're going to go
20 through is review of the same thing that we had on the
21 Kenai, so we could probably -- you know, some things
22 that are obvious review we can problem skip over.

23

24 MR. LIEBICH: Yeah, I agree. I'll
25 probably just hit that summary of the proposal and a
26 little bit of the discussion and the effects and
27 conclusion. So we'll stay out of the full regulations
28 and the biological background was covered too, so that
29 should shorten it up quite a bit. If you guys want me
30 to cover anything in greater detail, please just let me
31 know, but I'll try to keep it somewhat brief since
32 we've covered a lot of it.

33

34 For the record, I'm Trent Liebich. I
35 work with the Office of Subsistence Management as a
36 fishery biologist and I'm going to be covering the
37 draft analysis and preliminary conclusion from OSM on
38 Fishery Proposal 15-11.

39

40 This proposal was submitted by
41 Ninilchik Traditional Council requests a community set
42 gillnet fishery be established within the Kasilof River
43 for salmon. Currently, Kasilof River salmon may be
44 harvested with dipnet, rod and reel and fishwheel from
45 the outlet of Tustumena Lake to Silver Salmon Rapids.
46 An operational
47 plan would be submitted to and approved by the Federal
48 inseason fishery manager. Salmon harvested from the
49 gillnet fishery will be included as part of each
50 household s annual limit for the Kenai River. I'm

1 sorry, that's a.....

2

3 CHAIRMAN LOHSE: That's a typo, right?

4

5 MR. LIEBICH: I feel it's like
6 Groundhog Day from the last proposal. That's a typo.
7 The Kasilof River. Gillnet catches would be reported
8 to the Federal inseason manager within 72 hours of
9 leaving the fishing location.

10

11 The proponent requests establishment of
12 a community set gillnet fishery in the Kasilof River to
13 add additional subsistence harvest opportunities for
14 residents of Ninilchik. The proponent states that only
15 one community gillnet would be utilized in the Kasilof
16 River. I know this was a point brought up following
17 Proposal 15-10. So I just want to make sure it's clear
18 this is just one community gillnet and that community
19 gillnet would be limited to 10 fathoms in length or
20 less.

21

22 An operational plan would be developed
23 and approved by the Federal inseason fishery manager.
24 This operational plan would include deployment
25 locations, fishing time and a methodology for
26 distributing the catch. All salmon taken in the
27 Kasilof River gillnet fishery would be included as part
28 of each households limit. Currently the household
29 limit for chinook salmon is 10 for the permit holder
30 and two additional fish for each additional household
31 member with a total annual harvest limit of 500 fish.
32 The fishing season is from June 16th through August
33 15th.

34

35 The household limit for sockeye salmon
36 is 25 for the permit holder and each additional
37 household member is allowed five additional fish. The
38 total annual harvest limit for sockeye salmon is 4,000
39 and the season runs from June 16th through August 15th.

40

41 The proponent asserts that harvest by
42 dipnet, fishwheel and rod and reel in the Kasilof River
43 does not allow sufficient subsistence fishing
44 opportunities for Ninilchik residents. Efforts to
45 establish a meaningful Federal subsistence fishery on
46 the Kasilof River using a fishwheel have not been
47 successful.

48

49 The proponent states that historically
50 fishwheels were not used in lower Cook Inlet because

1 they never worked well enough to be used as a
2 traditional gear type. While the Ninilchik Traditional
3 Council has made a good faith effort to operate the
4 fishwheel under the current Federal subsistence
5 regulations, Ninilchik residents have not yet been
6 successful in harvesting salmon using this method.

7

8 I'm going to skip over the regulations
9 unless you would like me to cover in detail the
10 proposed regulation. Is it okay if I move forward
11 through that?

12

13 CHAIRMAN LOHSE: Yes, please.

14

15 MR. LIEBICH: I want to note the
16 customary and traditional use determinations on the
17 previous proposal we discussed on 15-10, we talked
18 about customary and traditional use on the Kenai
19 being Ninilchik, Cooper Landing and Hope. In this
20 situation, only residents of the community of
21 Ninilchik, because we're talking about Kasilof River,
22 it's only the residents of the community of Ninilchik
23 that have a positive customary and traditional use
24 determination for all fish in the Kasilof River.

25

26 There are also some other alternatives
27 to be considered in discussion of this proposal.

28

29 I'll first talk about the effects of
30 the proposal as written. If this proposal is adopted
31 as written, it would provide additional subsistence
32 harvest opportunity for Federally
33 qualified subsistence users living in Ninilchik.
34 Currently Ninilchik is the only community with
35 customary and traditional use determination for the
36 Kasilof River. The proposed gillnet fishery along with
37 ongoing existing fisheries could lead to a harvest of
38 chinook salmon and steelhead trout in the Kasilof River
39 that would be above sustainable harvest levels.

40

41 Gillnets do not lend themselves well to
42 selective harvest of
43 species or stocks. Incidental catch of resident
44 species would occur in any gillnet fishery for salmon
45 resulting in mortality of non-targeted species. As I
46 mentioned, there are some alternatives I'd like to
47 bring up.

48

49 As written, OSM's preliminary
50 conclusion would be to oppose Proposal 15-11 using the

1 justification the gillnets do not allow for species,
2 stock and size selective management or control of
3 harvest. Introduction of gillnets as a gear type in
4 the Kasilof River could lead to a chinook salmon
5 conservation concern, and could result in an
6 overharvest of resident species. Of particular concern
7 is the potential incidental catch of stocks
8 or species that are spawning, less abundant and prone
9 to over harvest, or of critical size. Currently,
10 subsistence users from the community of Ninilchik may
11 harvest salmon with a community fishwheel, dipnets and
12 rod and reel. These gear types provide a selective
13 method of harvesting salmon while protecting species of
14 concern.

15
16 Now I want to mention some of the
17 alternatives that may be worth discussing now that
18 you've heard that conclusion. So similar to Proposal
19 15-10 that was requesting the community gillnet on the
20 Kenai, now we're talking about the community gillnet
21 for Ninilchik on the Kasilof. As I mentioned, we had a
22 tribal consultation on September 19th during which
23 Ninilchik Traditional Council spoke in support of both
24 proposals. Following that tribal consultation, we did
25 come up with a few potential alternatives that I wanted
26 to highlight.

27
28 These alternatives are provided to you
29 in your red folders. These alternatives are for
30 Proposal 15-11. So three potential alternatives that
31 might be worth further discussion, the first being
32 establishment of the community drift gillnet fishery in
33 Federal waters of the Kasilof River with a fishing
34 season of July 1st through August 15th, so that's a
35 slight modification of the season dates.

36
37 Allowing that harvest during a period
38 between July 1st and August 15th would still provide
39 the opportunity for Federal subsistence users to
40 harvest chinook and sockeye while hopefully reducing or
41 limiting the harvest of steelhead that are present in
42 the Kasilof River during that time. So that would be
43 steelhead kelts potentially still inriver in the spring
44 and into the month of June.

45
46 Alternative two would be a set gillnet
47 fishery in Tustumena Lake with a fishing season of June
48 16 through September 1, which would allow additional
49 opportunity for Federal subsistence users to harvest
50 sockeye salmon. Being in Tustumena Lake, you would be

1 able to harvest -- hopefully still target sufficient
2 quantities of sockeye salmon while limiting chinook
3 salmon and steelhead incidental catch. So that's one
4 potential means of addressing some of those
5 conservation concerns.

6
7 By implementing that season, the
8 closure of September 1, so reducing the later end of
9 the season, that incidental harvest of chinook and
10 steelhead migrating into Tustumena Lake would be
11 reduced or lessened.

12
13 The third alternative that we
14 considered is a seine net fishery potentially being
15 implemented on the Kasilof River under the same
16 restrictions as the proposed gillnet fishery. By using
17 the seine instead of a gillnet could allow for non-
18 targeted species to be released unharmed.

19
20 So those are three potential
21 alternatives, realizing that this initial OSM
22 preliminary conclusion on the proposal as written was
23 to oppose. So that's my summary of the analysis at
24 this point. If you have any questions, I'll do my best
25 to answer.

26
27 Thank you.

28
29 CHAIRMAN LOHSE: Any questions.

30
31 Gloria.

32
33 MS. STICKWAN: I guess they had to
34 address this proposal, but I was wondering how come
35 they didn't address previous gillnet that was first
36 introduced. I guess they didn't have to, but it just
37 seems like it could have been part of the discussion.

38
39 CHAIRMAN LOHSE: Are you addressing
40 him?

41
42 MS. STICKWAN: Yes.

43
44 MR. LIEBICH: I'm looking through the
45 history here, the previous gillnet. I'm trying to find
46 what you're referencing.

47
48 MS. STICKWAN: I'm referencing 2007
49 when they put in their first. Unless I missed it, it
50 wasn't included as part of the discussion.

1 CHAIRMAN LOHSE: Greg, maybe you can
2 answer some of that if you remember.

3
4 MS. STICKWAN: I'm saying why wasn't it
5 in here. I'm not questioning it. I'm just saying why
6 isn't it included in here.

7
8 CHAIRMAN LOHSE: Why isn't it included
9 in this.

10
11 MR. G. ENCELEWSKI: That's a question
12 for OSM, I believe. If you're asking what I
13 understand, you're asking why the 2007 findings weren't
14 included. I can't tell you.

15
16 MR. LIEBICH: Mr. Chair.

17
18 CHAIRMAN LOHSE: Yes.

19
20 MR. LIEBICH: I believe -- hopefully
21 I'm referring to the right section here. On the very
22 bottom of Page 117 and also at the start of Page 118,
23 this is part of what I skipped through in the interest
24 of trying to save some time and not being redundant
25 with the previous analysis. We do have some summary of
26 2007 if you'd like me to read that into the record
27 right now.

28
29 CHAIRMAN LOHSE: I don't think we need
30 to read it into the record. We have it here in front
31 of us and we contended that the fishwheels would
32 provide a more effective means than what was currently
33 being allowed but not more effective than a gillnet, if
34 I remember right. It was definitely more effective
35 than rod and reel or a dipnet and it was supposed to be
36 temporary to evaluate the feasibility too and we found
37 that feasibility basically has not worked out.

38
39 Like I said before, I can remember one
40 of the biggest arguments was the fact with the live box
41 we could select and let go the fish that we didn't want
42 to keep. In this case, they're asking for a gillnet
43 fishery and some of the concerns that were brought up
44 as to not being size and selective or releasing. Some
45 of them we had to answer while we were dealing with the
46 Kenai.
47 While there's no 100 percent answer to any one of them,
48 we did address them from the matter of concerns in the
49 larger scale of the overall fishery versus the
50 subsistence fishery. I think what we answered there

1 apply to the Kasilof just as much as they apply to the
2 Kenai.

3

4 Do any other Council members wish to
5 comment on that. Judy.

6

7 MS. CAMINER: Just a question perhaps.
8 The suggestion of using a seine net, maybe you could
9 just go through the pros and cons of seine versus gill
10 and then our reasoning might be a little clearer.

11

12 CHAIRMAN LOHSE: Greg.

13

14 MR. G. ENCELEWSKI: If you want me to
15 go through the pros and cons, you're talking about
16 going back to a wheel. A seine is very efficient if
17 you have someone to run that same jetty, pull it in,
18 close the loop and let it out and so on and so forth,
19 but that would be quite a goat rope and it wouldn't be
20 traditional for what we use. It would be much more
21 efficient for us to use a net. That's my thought. You
22 know, if we were stuck to a seine, we have some good
23 ol' seiners in Ninilchik. I don't think they could get
24 their boats up that far though.

25

26 CHAIRMAN LOHSE: Thank you, Greg. Hmm,
27 you have a totally different picture than I have of
28 this because when I taught school on the Peninsula, we
29 used beach seine to get the community harvest of cohos
30 that we needed for the village. Basically we needed a
31 pair of waders, you know, 20 meshes deep and 150-pound
32 lead line and we did it in the pools.

33

34 I, like him, I don't think that would
35 be traditional there. I don't know the river that he's
36 -- the Kasilof. I don't know whether you could even do
37 it by hand. But I was under the impression when they
38 were talking about a beach seine they were talking
39 about doing it by hand.

40

41 I can tell you one of the biggest
42 reasons that I can see is to use a beach seine you have
43 to have a crew there and you have to get everybody
44 together at the same time and you have to hope that
45 there's sufficient fish coming by to get enough fish at
46 one time to do it. Where, if you put a gillnet in, you
47 can sit back and drink coffee until it's time to pick
48 the gillnet.

49

50 MR. G. ENCELEWSKI: Or release the king

1 or steelhead.

2

3 CHAIRMAN LOHSE: Or release a king or a
4 steelhead. Is the Kasilof fairly shallow where you'd
5 be doing that?

6

7 MR. G. ENCELEWSKI: It depends on the
8 time of year. It goes from shallow in the spring to
9 quite full in the fall.

10

11 CHAIRMAN LOHSE: So if you were going
12 to release your kings, would you be releasing them out
13 of a boat or would you be releasing them by wading out
14 to them?

15

16 MR. G. ENCELEWSKI: I would be
17 releasing them to my pickup.

18

19 (Laughter)

20

21 MR. G. ENCELEWSKI: No. Sorry. I
22 couldn't help it.

23

24 CHAIRMAN LOHSE: You didn't really mean
25 that, Greg. You didn't answer my question.

26

27 MR. G. ENCELEWSKI: I didn't answer it
28 because I didn't have a good answer. You were asking
29 about if.....

30

31 CHAIRMAN LOHSE: I mean for releasing
32 fish from a gillnet in the Kasilof does it have to be
33 done from a boat or does it have to be done -- can it
34 be done from wading?

35

36 MR. G. ENCELEWSKI: You may need a boat
37 and we do have a boat, but it would depend. If it was
38 a shallow set and it was low water, you could do it by
39 wading.

40

41 CHAIRMAN LOHSE: So you would be doing
42 this down in the intertidal area.

43

44 MR. G. ENCELEWSKI: Yeah. The way we
45 do it with the educational net -- let me explain this a
46 little bit. I'm assuming we might be able to do it the
47 same way. We use a little pulley system or running
48 line or sandbag, depends how you want to get. The old
49 days I could show you real good how you do it, but it
50 might not be acceptable. Anyway, you pull that net in

1 immediately when you get a fish so you could pull it to
2 shore and you could release it.

3

4 CHAIRMAN LOHSE: Okay. Anymore
5 questions for our presenter.

6

7 (No comments)

8

9 CHAIRMAN LOHSE: Hearing none. Thank
10 you. We'll go on to ADF&G comments.

11

12 MR. CRAWFORD: Mr. Chair. Drew
13 Crawford, Department of Fish and Game. This will be
14 short and sweet. The State's recommendation for
15 Fisheries Proposal 15-11 is identical to our
16 recommendation for 15-10. We oppose due to the non-
17 selective nature of the gillnet gear and the
18 sustainability concerns on the stocks of chinook and
19 rainbow steelhead trout that are being conservatively
20 managed.

21

22 CHAIRMAN LOHSE: Thank you. I have one
23 question. I know that when we've talked about that
24 gillnet fishery at the mouth of the Tustumena at one
25 time we put a quota on rainbow trout steelhead and
26 those kind of fish that would close the fishery if that
27 quota was reached and I noticed that that's not part of
28 this proposal, but it could be part of the plan, when
29 they come up with a plan for it, with 72-hour
30 reporting. If at any time a sufficient number of
31 rainbow steelhead to be a concern were caught, that
32 they could actually close the fishery and that could be
33 part of the -- I mean that, to me, would be part of
34 your -- what we're talking about when we talk about
35 having to get a plan and getting it approved.

36

37 And I think at that time we discussed --
38 it was a pretty small quota. It was like about 200
39 fish. At that time, if I remember right -- and my wife
40 says I don't remember everything exactly the way it
41 was. But if I remember right, we had approximately
42 125,000 catch and release rainbow in the Kenai at that
43 point or in the river at that point in time. If you
44 applied even a 1 percent mortality to that, you came
45 out with a lot more killing than you would with a 200
46 quota on the subsistence fishery.

47

48 I may have my numbers mixed up between
49 two rivers, but I think that we can figure out a quota
50 that's small enough that it's not a concern when you

1 put it in the overall fishery that's there. At least
2 where the subsistence fishery is not the big impact.
3 Do you have any comments on that? I know at that time
4 72 hours was objected to. Twenty-four hours seemed to
5 be better by Fish and Game.

6

7 MR. CRAWFORD: I'd have to check with
8 our Staff and get back to you, but I'd be willing to do
9 that. If you give me the details, I'll run it by them.

10

11 CHAIRMAN LOHSE: Well, I think that
12 would be a good thing
13 for the Fish and Game to think of if this proposal goes
14 through and it comes time to come up with a plan to
15 kind of have an idea of what they would consider a
16 number of concern so that the Refuge manager and the
17 Council -- I mean the people applying for the permit
18 can use that information to develop a plan that's
19 accept -- not acceptable, but that's useable without
20 causing a conservation concern. I would hope that Fish
21 and Game would do some thinking on that.

22

23 MR. CRAWFORD: I'll pass it on.

24

25 CHAIRMAN LOHSE: Thank you. Judy.

26

27 MS. CAMINER: Mr. Chair. This
28 regulation would propose, which is different from the
29 last one, they're saying all rainbow and steelhead will
30 be returned, but if you're asking for what an
31 incidental, unintended mortality number would be, that
32 would probably be good to have.

33

34 CHAIRMAN LOHSE: I think, Judy, the
35 reason that they included all rainbows and steelhead is
36 it's hard to tell the difference -- impossible to tell
37 the difference between an immature steelhead and a
38 rainbow. Steelhead on the Kasilof are considered
39 pretty important fish like we talked about before. I
40 think that's why the Ninilchik Council just said all
41 rainbow steelhead would be released. At the same time,
42 if there was any mortality, we could come up with the
43 kind of number that that mortality should be.

44

45 If you're doing what you're talking
46 about doing, pulling it in right away and releasing
47 them, steelhead are very long living in a net.

48

49 MR. G. ENCELEWSKI: Just one other
50 comment through the Chair and Drew. The time I think

1 they're proposing the fish wouldn't be the early spring
2 or the late fall particularly that would impact those
3 steelhead near as much either, so I think it would be
4 very minimal. I mean I know you have a lot of
5 steelhead fish in the system right now.

6

7 CHAIRMAN LOHSE: Thank you. Any
8 Federal agencies.

9

10 (No comments)

11

12 CHAIRMAN LOHSE: Native, tribal,
13 villages. Does anybody want to make a comment on this
14 one here? Ivan? Darrel?

15

16 MR. I. ENCELEWSKI: Thank you, Mr.
17 Chairman. Members of the RAC. For the record, my name
18 is Ivan Encelewski. I'm the executive director for the
19 Ninilchik Traditional Council, also a Federally
20 qualified subsistence user from Ninilchik. I just want
21 to state for the record that we referred to our
22 testimony on FP15-10 previously and stand behind all
23 those comments and testimony.

24

25 Just a couple quick things there on
26 this proposal maybe that wasn't mentioned before. I
27 think there's less concern on the Kasilof with king
28 salmon than there is on the Kenai. I know in the
29 commercial fishery -- you know, I don't even know that
30 they do counts for king salmon for early and late run
31 like they do in the Kenai. I know in the commercial
32 fishing season that they have it broken down into
33 sections, Kasilof and Kenai, and the Kasilof section,
34 if it wasn't for the issues with the Kenai conservation
35 issues with chinook, the Kasilof section would still be
36 fishing. So there's much less of a concern with
37 chinook on the Kasilof, I believe. I think that
38 there's also obviously less concern with the
39 communities. You have one community instead of three,
40 obviously.

41

42 I also wanted to touch on one thing.
43 The educational fisheries are unlike the commercial
44 fisheries where you're checking your nets every six
45 hours, so what was mentioned here just a minute ago
46 about being able to pull that net in immediately and we
47 envision that so that you can check the species and
48 whatnot. Obviously the steelhead are a little more
49 important on the Kasilof than on the Kenai, so that was
50 one of the issues that was raised at the tribal level

1 when we'd look at proposals.

2

3 Unfortunately sometimes we look at
4 proposals like what we think. We capitulate so we
5 don't get into, you know, real high-controversy issues.
6 I know in the moose like we'd concentrate cow moose
7 hunt in 15C, take away 15A and the same kind of thing
8 here, trying not to target certain species that are
9 more vulnerable or more of a higher concern.

10

11 Anyway, I'm not going to get into a lot
12 of it, but I think obviously we support FP15-11 and
13 stand behind our previous comments.

14

15 Thank you, Mr. Chair.

16

17 CHAIRMAN LOHSE: Darrel.

18

19 MR. WILLIAMS: Mr. Chairman. Members
20 of the board. I think we've actually covered
21 everything in the previous proposal. It's like Ivan
22 said, there were some concerns -- when we were
23 reviewing our stuff, there were some concerns about
24 finfish and that's why that's different in the Kasilof
25 versus the Kenai. But I think we've covered everything
26 else because they're almost identical proposals and
27 reviews and analysis.

28

29 By the way, the gear type, putting in a
30 setnet would actually be really easy, like with sand
31 bags. Most of the river there, most of it's 4-foot
32 deep. There's a few holes that are a little deeper.
33 So, yeah, it's do-able. Mr. Chairman.

34

35 CHAIRMAN LOHSE: Thank you.

36

37 Judy.

38

39 MS. CAMINER: So just to clarify,
40 obviously you're asking for different methods and
41 means, but you're not asking for an increase in
42 allocation.

43

44 MR. I. ENCELEWSKI: Through the Chair.
45 No. I was looking at the regulation and I'm not sure
46 because in the Kasilof River resident species it's
47 under rod and reel and there's limits under species for
48 -- like it says rainbow trout daily possession, two in
49 the flowing waters, two in possession limit and only
50 one 20 inches per day and an annual limit of two

1 rainbow steelhead trout. I assume those allotments
2 would be the same for a rod and reel fishery and a
3 setnet fishery. But, no, we're not asking for an
4 increase of a total harvest allotment.

5
6 CHAIRMAN LOHSE: Judy, I think what you
7 were asking for was on the salmon, weren't you?

8
9 MS. CAMINER: Right.

10
11 CHAIRMAN LOHSE: There is no increase
12 in the allocation on the salmon. It's basically these
13 are how many salmon have been allocated. You're asking
14 for a different means.....

15
16 MR. I. ENCELEWSKI: Yeah, yeah.

17
18 CHAIRMAN LOHSE:to take the
19 current allocation.

20
21 MR. I. ENCELEWSKI: Asking for an
22 additional method and mean, but not an increase in
23 allotment or allocation.

24
25 CHAIRMAN LOHSE: And the fact that
26 you're going to release rainbows and steelhead under
27 the gillnet fishery, that means anybody that wants a
28 rainbow or steelhead has to go out and take it with a
29 rod and reel.

30
31 MR. I. ENCELEWSKI: Rod and reel.
32 Correct.

33
34 CHAIRMAN LOHSE: Any other questions
35 for Ivan or Darrel.

36
37 (No comments)

38
39 CHAIRMAN LOHSE: Thank you. Okay. Do
40 we have any other InterAgency Staff Committee comments.

41
42 (No comments)

43
44 CHAIRMAN LOHSE: Advisory group
45 comments, local or non-local.

46
47 (No comments)

48
49 CHAIRMAN LOHSE: Neighboring Regional
50 Council comments.

1 (No comments)
2
3 CHAIRMAN LOHSE: Local Fish and Game
4 Advisory Committee comments?
5
6 (No comments)
7
8 CHAIRMAN LOHSE: National Park Service
9 SRC.
10
11 (No comments)
12
13 CHAIRMAN LOHSE: With that, we need a
14 summary of written comments.
15
16 MR. MIKE: No comments, Mr. Chair.
17
18 CHAIRMAN LOHSE: No comments. Public
19 testimony.
20
21 MR. MIKE: None.
22
23 CHAIRMAN LOHSE: We have no public
24 testimony scheduled. At this point, a Regional Council
25 recommendation on the motion to accept the motion is in
26 order.
27
28 MS. MILLS: I make a motion to accept
29 Proposal FP15-11 submitted by Ninilchik.
30
31 CHAIRMAN LOHSE: Do I hear a second.
32
33 MR. OPHEIM: I'll second it.
34
35 CHAIRMAN LOHSE: It's been moved and
36 seconded by Michael. We have a motion on the table.
37 Discussion. Greg.
38
39 MR. G. ENCELEWSKI: I just would like
40 to say I'm going to
41 support this proposal. I think it definitely gives
42 another method and a meaningful means of a way of
43 harvesting fish. I think that we'll use all the
44 conservation and work with an in-management plan to
45 make sure that it's not a conservation concern.
46
47 Also I wanted to just make a comment
48 that Darrel, if he's wading there in the fall, he's
49 going to be in more than four foot of water.
50

1 CHAIRMAN LOHSE: Yeah, but he's taller.
2 Any other discussion. Judy.

3
4 MS. CAMINER: Mr. Chair. I think
5 consistent with our discussion on the previous proposal
6 this is a traditional way of fishing. It's not going
7 to increase the allowable harvest and subsistence needs
8 will hopefully be met a little bit better than they are
9 currently through the fishwheel. We also don't see
10 that it unnecessarily restricts anybody else.

11
12 CHAIRMAN LOHSE: Thank you, Judy. Any
13 other comments.

14
15 (No comments)

16
17 MR. CARPENTER: Question.

18
19 CHAIRMAN LOHSE: The question has been
20 called. Tom Carpenter called it. All in favor signify
21 by saying aye.

22
23 IN UNISON: Aye.

24
25 CHAIRMAN LOHSE: All opposed signify by
26 saying nay.

27
28 (No opposing votes)

29
30 CHAIRMAN LOHSE: Motion carries. Thank
31 you, Tom. You cut me off before I had anything to say.

32
33 (Laughter)

34
35 MR. CARPENTER: Sorry.

36
37 CHAIRMAN LOHSE: That shortened the
38 meeting by 10 minutes. Okay. With that we are going
39 to go onto what was put on the agenda that Tom would
40 like addressed today since he won't be here tomorrow,
41 which is the discussion for the delegation of
42 authority.

43
44 As a Council, I don't think we have
45 anybody to present anything on that, but I know there
46 are some Council members who have some comments that
47 they would like to put on the table on it and then we
48 as a Council can discuss where to go from there,
49 whether we want to put it on the agenda in the future
50 or whether we want to say something at this point in

1 time. It's not on the agenda, so it can't be an action
2 item, but it can be a discussion and information item.

3

4 Andy, would you like to start off.

5

6 MR. MCLAUGHLIN: Yeah, thank you, Mr.
7 Chair. I think what made me interested in discussing
8 this topic was at a previous meeting we had approved
9 the delegation of authority. I believe it was 6D for
10 moose and deer to Federal managers so they could make a
11 more swift decision, but it was with what some people
12 had called a sunset clause. I don't think I really
13 like that term, but a timeframe where a re-evaluation
14 of that process was going to take place two years.
15 Then I was reading some follow-up documentation after
16 that and it was approved by the Board, but not with
17 that specific so-called sunset clause included and that
18 seemed kind of surprising to me because that was why I
19 was in favor of that specific exception.

20

21 CHAIRMAN LOHSE: So it wasn't objection
22 to the delegation of authority as much as it was
23 objection to the absence of the sunset clause that we,
24 as a Council, thought was important.

25

26 MR. MCLAUGHLIN: Correct.

27

28 CHAIRMAN LOHSE: Judy, you had
29 something to say?

30

31 MS. CAMINER: Yes, Mr. Chair. In
32 addition to what Andy's
33 noted, this Council has had two lengthy discussions on
34 delegation of authority, so I think we have discussed
35 it thoroughly and we tried to make our views known
36 during those discussions that we would like to see that
37 sort of reevaluation time put into the letters that
38 were sent for delegation of authority. So when it
39 didn't show up, that's when we were questioning why
40 didn't it show up.

41

42 CHAIRMAN LOHSE: Greg.

43

44 MR. G. ENCELEWSKI: I would just
45 comment the same as Andy and Judy here. We had very
46 in-depth discussions on the matter and we wanted to be
47 able to revisit and that's why we wondered why it
48 didn't show up. Anyway, that's all.

49

50 CHAIRMAN LOHSE: Okay. I'll.....

1 MR. CARPENTER: Mr. Chairman.

2

3 CHAIRMAN LOHSE: Tom.

4

5 MR. CARPENTER: Yeah, I think I've been
6 against the delegation of authority idea ever since the
7 first time it got brought up when we were in Cantwell
8 for the Kenai Refuge. My opinion is that this is only
9 supposed to be a bottom-up sort of format and I just
10 don't think by giving delegation of authority that
11 you're getting the same kind of result as you might
12 otherwise.

13

14 I guess what I really want to know is
15 and what I'm really concerned about is that this
16 Council has spent, like some of the previous members
17 have stated, a lot of time on this. We've got a court
18 reporter, we've got transcripts. I want to know from
19 somebody at OSM Staff why the direction that we put
20 into the motion to put a sunset clause in to have this
21 RAC review it after two years was not included and that
22 the Subsistence Board got all the way through passing a
23 proposal before it was found out. That's what I want
24 to know and that's what I want somebody to answer
25 today.

26

27 CHAIRMAN LOHSE: Thank you, Tom. I
28 think we have a couple people from OSM here that may
29 have some answers for you and may not. It's
30 interesting to me -- like I said, it's not that we're
31 against delegation of authority. We discussed that
32 quite -- you know, some of us may be, but most of us
33 weren't against delegation of authority, but the
34 question is why. One of the things that a lot of this
35 Council thought was important was left out.

36

37 Chuck.

38

39 MR. ARDIZZONE: Mr. Chair. I was at
40 the first meeting that this was discussed. I was not
41 at the second meeting that this was discussed. Just so
42 you know I have flip-flop roles in Fish and Wildlife
43 Service back and forth. When I actually got selected
44 as a DARD, this letter had not been completed, so I
45 pushed to get it done because the Council said it was
46 okay to do it.

47

48 I'll admit the sunset clause was not
49 there, but there was discussions about having the
50 sunset clause included at the ISC level, the Staff

1 Committee level. The Board can review a delegation of
2 authority letter at any time. The Regional Advisory
3 Council can request the letter be reviewed at any time.
4 No other letter has a sunset clause in it.

5
6 I'm not sure why the Board would review
7 it unless there was a concern and that would have to
8 come from the Regional Advisory Council. If the
9 inseason manager made a decision that the Council
10 didn't agree with, that would be a justification for
11 the Board to review the letter.

12
13 I'm not sure what else to say, but I
14 mean it can be reviewed at any time and if the Council
15 is concerned on an action that the inseason manager
16 takes, that's the time to review delegation of
17 authority and I think that's where the Staff Committee
18 was and that's what happened with the letter. We wrote
19 back about the consensus part and I admit we did forget
20 to discuss the sunset clause and why it wasn't
21 included.

22
23 MR. CARPENTER: So, Mr. Chairman, can I
24 ask a question then in reply to that?

25
26 CHAIRMAN LOHSE: Yes, you may, Tom.

27
28 MR. CARPENTER: So, Chuck, I understand
29 that there was a mistake made and that just happens,
30 but if you guys at OSM know that you made a mistake,
31 how come you guys haven't wrote a letter to the Board
32 stating that the intent of the RAC in regards to the
33 delegation of authority for Unit 6 moose and deer was
34 not portrayed accurately to you before you passed it?
35 And why haven't you guys asked them to review it and to
36 possibly include the Southcentral RAC's original
37 recommendation that a sunset clause be put in there?

38
39 MR. ARDIZZONE: Mr. Chair. This has
40 been brought to the attention of the Board Chair and he
41 is aware of this. He was hoping we could work it out
42 at this level here. He has also stated that he
43 understands that letters can be addressed by the Board
44 at any time and that this was an unusual request. I
45 mean I can't speak for him directly, but that's the
46 communication I've had with him.

47
48 CHAIRMAN LOHSE: So it has been brought
49 to his attention that a mistake was made.

50

1 MR. ARDIZZONE: It has been brought to
2 the Chair's attention that the RAC requested a two-year
3 review and that we didn't include it because the ISC
4 felt that if the RAC was concerned with an action taken
5 by the inseason manager, it could be addressed
6 immediately as soon as the RAC stated, hey, we disagree
7 with this, we want the Board to take another look at
8 this delegation.

9
10 It's hard to review a delegation of
11 authority. They could look at the letter. If
12 nothing's changed, if there hasn't been a situation
13 where the RAC is in conflict with the inseason manager,
14 it kind of takes up a lot of the Board's time for
15 naught.

16
17 MR. KESSLER: Thank you, Mr. Chairman.
18 Steve Kessler, Forest Service, InterAgency Staff
19 Committee. I don't think any mistake was made. There
20 was a lot of discussion about sunseting or not
21 sunseting. This is authority to take inseason action.
22 If that authority has to be redone every two years, it
23 takes a year to redo it. We might as well not do it at
24 all.

25
26 So what was done was described in part
27 in the letter that was sent from the Chairman to this
28 Council, forwarding the delegation of authority letter.
29 This is the first time a letter has ever been sent to a
30 Regional Advisory Council with a delegation of
31 authority letter describing this is what we did. So
32 one of the things that's in here that is different, it
33 says in addition the Forest Service is committed to
34 reporting to the Council on each special action taken
35 using the delegated regulatory authority.

36
37 So the Forest Service will come back to
38 you every year and describe exactly what was done and
39 why it was done. I think you know there's already
40 language in all of these delegations that the manager
41 with delegated authority will work with the Council,
42 the Council Chair, all the concerned agencies. It's
43 actually designed to be a bottom-up process. So
44 instead of the Federal Subsistence Board making that
45 decision, everything is done as low as possible with
46 the local land manager working with the people that he
47 works with on a regular basis.

48
49 In addition, statewide, the delegation
50 of authority letters are being reworked to add some new

1 standard language. At least the last I know -- this
2 has not been finalized, but the last I know there has
3 been some language added that was actually done
4 specifically to respond to the concerns of this Council
5 and it's actually going to be put in all those letters.

6
7 Let me just read it for you: A summary
8 of special action requests -- this is the delegated
9 authority letter to the managers, so like this one
10 would be the Cordova District Ranger. A summary of
11 special action requests and your resultant actions must
12 be provided to the coordinator of the appropriate
13 Subsistence Regional Advisory Council or Councils at
14 the end of each calendar year for presentation to the
15 Councils.

16
17 What we're trying to do here is make
18 sure that nothing is done without full knowledge of the
19 Councils and that the Councils have an opportunity to
20 review every one of those special actions that have
21 been taken. This is statewide now. This wouldn't be
22 just for this Council. This would be statewide. To
23 make sure that as best as we can everything is done out
24 in the open and is clear and everybody is aware of
25 what's going on and that gives the Councils the
26 opportunity to give feedback to the Federal Subsistence
27 Board and to OSM.

28
29 So I don't think that the work that
30 this Council has done and asking for a two-year sunset
31 clause was neglected. I think actually it has had a
32 very large impact on the direction that the Federal
33 Subsistence Program is moving forward with and trying
34 to keep it as low level as we can process involving
35 local people and not up at the Federal Subsistence
36 Board level.

37
38 If you have any questions for me, I'll
39 try and answer them.

40
41 CHAIRMAN LOHSE: Tom, do you have any
42 questions?

43
44 MR. CARPENTER: Yeah, Steve. I mean I
45 appreciate the fact that you pointed that out to us
46 because I think maybe this is something new that has
47 come up that we didn't know about, you know, through
48 some of the emails that have been getting sent back and
49 forth in regards to this issue.

50

1 I guess my point is that regardless if
2 the InterAgency Staff Committee or the agency that's
3 going to be in control of the delegation of authority,
4 my point is that if the RAC passes something and the
5 specific language that we want to portray to the Board
6 isn't given to the Board, that I consider that a
7 problem. Even if the Board decided to do what the
8 Board decides to do and even if they want to listen to
9 the InterAgency Staff instead of the RAC, I still want
10 the full story to be portrayed the way we discussed it.

11
12

13 Hopefully this will be remedied right
14 now with what you just described, but I don't want this
15 to be a continual problem that lingers into the future
16 with other things because it could be a hell of a lot
17 more complicated than it is with this delegation letter
18 and that's really the point that I'm trying to stress.

19
20

Anyway, that's all I had, Mr. Chairman.

21
22

CHAIRMAN LOHSE: Thank you. Would you
23 like to answer.

24
25

MR. ARDIZZONE: Mr. Chair. I just
26 would say thank you to Mr. Carpenter. We understand
27 his point. Like I said earlier, I think the letter
28 back to the Council we did forget to put in there why
29 the sunset clause was in there and I will apologize for
30 that. I'm sorry.

31
32

CHAIRMAN LOHSE: Thank you, Chuck,
33 Steve. Mary Ann, I saw you had your hand up for a
34 second.

35
36

MS. MILLS: Thank you, Mr. Chair. You
37 know, I'm not sure what you mean by low level, if
38 you're talking about Staff or if you're talking about
39 the subsistence user. You know, I did have a problem
40 with that being omitted and it made me stop and think
41 about is it necessary that we delegate authority or as
42 a Council are we side-stepping our responsibility
43 because our responsibility is for the subsistence user.

44
45

I know prior to this incident we used
46 to get calls from the different managers asking us, you
47 know, about, for instance, the moose or there's a
48 shortage and what is our opinion of having different
49 regulations to reflect the conservation concerns. I
50 thought that was a good move. But if we're only told

1 once a year what authority that you're taking on
2 different issues, I, myself, would like to be more
3 informed so I can do the best job I can for the
4 subsistence users and that's my concern.

5
6 Thank you, Mr. Chair.

7
8 CHAIRMAN LOHSE: Chuck, Steve, can I
9 ask a question. At this point in time under the
10 letters of delegation of authority doesn't it state
11 that the manager needs to consult with the Chair and
12 any other closely affected Council members?

13
14 MR. ARDIZZONE: Mr. Chair. That was
15 going to be the point I was going to make. Yes, it
16 does.

17
18 CHAIRMAN LOHSE: So the delegation of
19 authority still includes the Chair, still includes
20 Council members like what happened this summer with the
21 king salmon, but basically I think what Steve was
22 saying is you're using the lowest level manager who has
23 contact with people rather than a higher level manager
24 who has contact with other managers.

25
26 MR. KESSLER: That's exactly right, Mr.
27 Chairman. So in the language it says Federal managers
28 are expected to work with the managers from State and
29 other Federal agencies, the Council Chair and the
30 applicable Council members, local tribes, Alaska Native
31 corporations to minimize disruption to subsistence
32 resource users in existing agency programs consistent
33 with the need for special action.

34
35 It's absolutely correct. That sort of
36 interaction with you personally must still occur. The
37 point of the reporting out at the RAC is that perhaps
38 we work directly with you, but we haven't worked
39 directly with all the rest of the members here, so they
40 need that knowledge of the special actions that have
41 been taken too. You may know exactly what's happening
42 with moose in Unit 15, but everyone else doesn't. So
43 that's the purpose.

44
45 Again, at the lower level, the Chairman
46 was exactly correct. The whole idea is to keep the
47 local people all involved in management of their
48 resources.

49
50 CHAIRMAN LOHSE: Greg.

1 MR. G. ENCELEWSKI: Yeah, I'd just like
2 to make a comment. The delegation of authority, as you
3 guys know, I spoke out pretty verbal on it because of
4 my concerns of it getting out of use. The reason I
5 want to mention it, it was really quite an issue
6 because when we originally went into it one time we had
7 delegation used without reporting to us. It was before
8 even the State shut down. That's water under the
9 bridge, but since then I mean it's worked very well.

10

11 My big concern is that if this
12 delegation of authority, if we don't have a chance to
13 review it, power tends to get out of control or check.
14 Like you just stated, the rest of these members don't
15 know what's going on, so if we don't have a checks and
16 balance to know what delegations we gave or reviewed,
17 I'm afraid, you know -- I work in management too and I
18 delegate and some of them take way too much more than I
19 would like them to.

20

21 Anyway, that's my concern and I think I
22 want to give a kudos to Jeff and to Andy, the ranger of
23 the Kenai area here, because the last two years they
24 worked exceptionally well with the tribe and with
25 Ninilchik people for consultation.

26

27 Thank you.

28

29 CHAIRMAN LOHSE: Thank you.

30

31 Chuck.

32

33 MR. ARDIZZONE: Mr. Chair. This is not
34 an isolated delegation of authority. We have -- all
35 the fisheries managers have delegated authority from
36 the Board. There's probably 40 or 50 wildlife
37 delegations throughout the state. We haven't really had
38 many problems. I mean there's a problem that Greg
39 mentions, but I can't remember another time where a
40 delegated authority have overstepped their bounds. We
41 work well with the Regional Advisory Councils and the
42 local communities. In this case, I'm sure Milo or
43 whoever is delegated in Cordova would do the same.

44

45 CHAIRMAN LOHSE: Thank you.

46

47 Steve.

48

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

50 I do want to mention though that some of these

1 decisions are very difficult and the inseason manager,
2 the delegated official, has to make a decision, which
3 some people won't like no matter which way this
4 decision goes. If we're going to close the season
5 early for does in Prince William Sound for deer, some
6 people think, yeah, we've got to do it and some people
7 think, no, we shouldn't have to do it. The managers
8 have to make a decision and the manager is going to
9 have to balance conservation with subsistence use and
10 that's what they're paid to do and that's what the
11 Board is expecting them to do.

12

13 If you read the delegation of authority
14 letters, the Board expects them to do exactly that.
15 And if it gets to be too difficult, they boot it back
16 to us. We'll take it from you if you can't make that
17 decision. That's right in the delegation. I mean
18 that's not exactly in those words, but that has been
19 done too. We're trying to make the process work well
20 and better and better as we go along and making sure
21 we're not side-stepping the Regional Advisory Councils
22 at all.

23

24 CHAIRMAN LOHSE: Judy.

25

26 MS. CAMINER: I think it boils down to
27 communication. It's kind of now three part. This is
28 what I'm hearing here. Our original request for a
29 sunset either got lost, misinterpreted or misunderstood
30 or we kept getting the answer because we had this
31 answer once before, you can ask for it any time, and
32 yet we thought we were asking for it. So I think maybe
33 we understand each other better now. I guess what
34 you're saying is if there's an action we think we
35 disagree with and provide reasons for, we could perhaps
36 ask for that delegation to be re-evaluated.

37

38 You mentioned that a new idea will be
39 to send out all the special actions by the end of the
40 year to the coordinators and they will show it to us by
41 our following meeting. My suggestion would be each
42 action that affects our Council ought to be sent to the
43 coordinator as it's decided upon and sent to us right
44 away so that instead of maybe hearing about it on the
45 news we hear about it as active members of the Council.
46 So I'd recommend either right away or if you really do
47 have to do it just at the end of the year send it out
48 to us once it's compiled at the end of the year and not
49 wait for our meeting.

50

1 And, lastly, I mean just another
2 example was you mentioned you had talked to the Chair
3 about this issue. I mean I think that information
4 would have been very good feedback to our chair before
5 this meeting. Just, again, so we could be kept a
6 little bit more in the loop for an issue that is a
7 pretty big concern to our Council.

8

9 CHAIRMAN LOHSE: Thank you.

10

11 Chuck, do you have something.

12

13 MR. ARDIZZONE: Mr. Chair. I'd address
14 Ms. Caminer's concern. I think we generally try to get
15 special actions out as they occur. I think what Steve
16 was addressing is to have a summary for you at the
17 meeting so you could see everything at once.

18

19 CHAIRMAN LOHSE: I look at this, what
20 you did, is basically you modified what we asked for.
21 You didn't totally ignore it, you modified it and you
22 put something in place that while it doesn't review the
23 delegation of authority, it gives us an opportunity to
24 review the actions and comment on the delegation of
25 authority yearly. If those actions are objectionable,
26 that's our time then. If I would understand right,
27 that puts it on the table, so that would be our time
28 then that we could register an objection or a request
29 to change the delegation of authority.

30

31 Because we would have the information
32 in front of us, it would be -- I suppose you could
33 almost put it on as an action item, but at least it
34 would be on our agenda as an informational item that
35 Council members could take the authority to do an
36 action on if I'm correct in my assumption of that. Do
37 you see it that way, Steve and Chuck?

38

39 MR. ARDIZZONE: Mr. Chair. I think you
40 summarized that correctly.

41

42 CHAIRMAN LOHSE: Tom, have you got any
43 further comments on this?

44

45 MR. CARPENTER: No, Mr. Chairman. I
46 think this discussion was worth having. Like I said,
47 this -- you know, the Staff has made very few mistakes
48 like this since I've been on the Council for 12 or 13
49 years and probably likewise for you. I just wanted to
50 discuss it while it was still somewhat fresh. I'm glad

1 to know that the Chairman has been notified and that
2 some conditions of this delegation are being rectified
3 statewide. I think that's why we have these
4 discussions, to improve the system as a whole. So if
5 that's what comes out of it, then I'm fine with it.

6

7 Thank you for entertaining this
8 discussion while I was able to be on the phone.

9

10 I have nothing further.

11

12 Thanks.

13

14 CHAIRMAN LOHSE: Thank you, Tom, for
15 sitting on the phone all day. I hope all the other
16 issues that you've got to handle the rest of the week
17 go well.

18

19 MR. CARPENTER: Yeah, I do too. All
20 right. Thanks very much.

21

22 CHAIRMAN LOHSE: Any other comments
23 from any of the rest of the Council members on this
24 issue right now. Anything else that anybody feels that
25 we need to add to our discussion or add to -- Andy, do
26 you feel like this kind of answers some of your
27 concerns?

28

29 MR. MCLAUGHLIN: Yeah, thank you, Mr.
30 Chair. I think they kind of talked around the subject
31 a bit. I think defining in that letter that providing
32 a report back to the RAC is a far cry different than
33 being required to consult them directly for an input.
34 I didn't quite gather that that's exactly the
35 requirement.

36

37 CHAIRMAN LOHSE: Chuck, do you want to
38 go through that again that they still have to consult
39 directly prior to taking the action.....

40

41 MR. ARDIZZONE: Mr. Chair, that's
42 correct.

43

44 CHAIRMAN LOHSE:and the report is
45 at the end of the year to show what actions they took
46 so that we can review those actions. They still are
47 required -- if I understand correctly, they're still
48 required to consult prior to the action with Council
49 members, the Chair, tribes and other affected
50 subsistence users.

1 MR. ARDIZZONE: That's correct. Mr.
2 Chair.

3
4 MR. MCLAUGHLIN: Thank you. So kind of
5 like there was two definitions from the ground up. I
6 think from my perspective of the ground up starts with
7 the subsistence user, like what Mrs. Mills was saying,
8 and their definition was from the ground up from the
9 manager's point of view from the ground up. Two
10 separate.

11
12 Thank you.

13
14 CHAIRMAN LOHSE: Steve, do you have any
15 final comments.

16
17 MR. KESSLER: Through the Chair to Mr.
18 McLaughlin. I agree with your bottom up, you know,
19 from the user up. It depends where the proposal for
20 special action comes from. Any user, any subsistence
21 user, anybody can actually make a proposal for special
22 action to the inseason manager and then the inseason
23 manager will work it at that level talking with Council
24 members or whoever it might be.

25
26 In reality, a lot of special actions
27 are made by the manager or special action proposals
28 come from the manager or their staff and fewer tend to
29 come from the actual users, but we have had plenty of
30 them that have come from the users also. Bottom up is
31 people who know what's going on the best out there on
32 the ground and I think we can all agree on that. It's
33 not the Federal Subsistence Board, it's the people who
34 are really involved down there on the ground and who
35 are most affected by any of these. I think that's
36 where these actions really need to be and I think we
37 really agree on that.

38
39 Thank you.

40
41 CHAIRMAN LOHSE: I think, Steve, you
42 did a good job right there in the fact that -- I mean,
43 to me, I look at the ground up as people who are
44 actually out on the ground. Not OSM Staff, not the
45 Federal Subsistence Board, not the U.S. government, but
46 the person who is actually walking the ground and
47 dealing with the people who are directly affected. A
48 lot of times -- at least it's been that way in Cordova.

49
50

1 A lot of times the manager is also a
2 user, you know. I mean it's not a case of the manager
3 being somebody sitting in an ivory tower not taking
4 part in the harvest or anything else, but the manager
5 is a person who is part of the community who is dealing
6 with people in the community. If he does something too
7 wrong, he's liable to get some tomatoes thrown in his
8 direction, but at the same time -- I don't know if
9 that's true in the rest of the state, but at least
10 we're not getting managed by somebody sitting in an
11 office in Anchorage or somebody sitting in an office in
12 Washington.

13
14 We're getting a manager that -- you
15 know, I can go knock on his door and say I disagree
16 with him or I can go knock on the door and say I think
17 we need to do this, but anybody on the street can do
18 the same thing. To me, that's what I think of it as
19 the ground up. I guess I look at our manager who lives
20 in our community, takes part in our community, is part
21 of our community as being a member of the community,
22 not somebody that's outside the community trying to
23 regulate the community. Maybe you don't have that same
24 feeling where you are, Greg.

25
26 MR. G. ENCELEWSKI: No, I kind of have
27 that feeling, but I would like to make a comment if I
28 may, Mr. Chair.

29
30 CHAIRMAN LOHSE: You sure may.

31
32 MR. G. ENCELEWSKI: My comment is it's
33 dinner time and we need to get moving here.

34
35 (Laughter)

36
37 MR. G. ENCELEWSKI: But before I go
38 there, you know, in a perfect world this works good.
39 That's why I've been very conservative about inseason
40 management. Mary Ann hit the nail on the head. To me,
41 we pass a Federally-mandated preference for someone to
42 go do fishing and hunting. We ferret it out, we got a
43 proposal, we got a fishery going and then it gets out
44 in the field and gets very political, especially if
45 it's on the Kenai. Whose to say it's right or wrong
46 sometimes. It's a very tough thing. Jeff makes a very
47 tough decision.

48
49 The State keeps opening, they keep
50 yanking hook and release and dumping them back, it

1 makes me pretty morally dejected when I find out worse,
2 it's been shut down, number one, and other people are
3 still fishing. Those things happen, but a lot of it --
4 so that's why I say we just need to be really careful
5 about that delegation of authority because I think we
6 have that responsibility. We look at it different. We
7 have a use that we think it sustains and a use that you
8 heard two proposals today that take very little fish
9 that shouldn't impact whatever in the big scheme of
10 things. You know, that's what happens.

11

12 Anyway, I said enough. Sorry.

13

14 CHAIRMAN LOHSE: I don't think you said
15 too much, Greg. Thank you muchly. I think that I
16 agree with Greg that it's time to adjourn for supper.
17 Do we have any other comments from Council members or
18 Staff that need to be put on the table at this time
19 before we go. Donald, do you have anything that we
20 need to take into consideration at this time?

21

22 MR. MIKE: No, Mr. Chair, none at this
23 time. Thank you.

24

25 CHAIRMAN LOHSE: Judy.

26

27 MS. CAMINER: Mr. Chair. In terms of
28 start time tomorrow, I think some people would like to
29 drive back tomorrow if they could, so 8:00, 8:15?

30

31 MR. G. ENCELEWSKI: No.

32

33 MS. CAMINER: 8:30?

34

35 MR. G. ENCELEWSKI: 8:30.

36

37 CHAIRMAN LOHSE: Some of us older
38 people.....

39

40 (Laughter)

41

42 MR. G. ENCELEWSKI: Well, no, it's not
43 that. I'm going to stick to what my book is printed.
44 It says 9:00, so I gave up a half hour.

45

46 CHAIRMAN LOHSE: And you have to drive
47 here. I think 8:30 is fine, Judy. As long as we get
48 -- as long as everybody understands we're going to
49 start at 8:30 and not walk around getting our coffee at
50 8:30. We're going to try to start at 8:30 tomorrow

1 morning. With that I'd like to recess this meeting
2 until tomorrow morning at 8:30.

3

4 (Off record)

5

6 (PROCEEDING TO BE CONTINUED)

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C E R T I F I C A T E

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)ss.
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My Commission Expires: 9/16/18