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P R O C E E D I N G S

(Anchorage, Alaska - 2/18/2015)

(On record)

CHAIRMAN LOHSE: I'd like to call this February meeting of the Southcentral Regional Subsistence Advisory Council -- Southcentral Regional Subsistence Advisory Council into session. And at this point we'll have a roll call to establish a quorum.

Donald.

MR. MIKE: Thank you, Mr. Chair. Roll call of the Southcentral Regional Advisory Council.

Mr. Rob Henrichs.

MR. HENRICHS: Here.

MR. MIKE: Ms. Eleanor Dementi.

(No comment)

MR. MIKE: Mr. Chair, Ms. Eleanor Dementi contacted me. And she's at the Board of Game testifying on behalf of their region.

Mr. Greg Encelewski.

MR. ENCELEWSKI: Here.

MR. MIKE: Ms. Mary Ann Mills.

MS. MILLS: Here.

MR. MIKE: Mr. Lee Adler.

(No comment)

MR. MIKE: Mr. Chair, Mr. Adler contacted me yesterday by phone. And he was very ill and couldn't make this meeting.

Ms. Gloria Stickwan.

(No comment)

MR. MIKE: Mr. Chair, Ms. Stickwan

1 contacted me also. She is at the Board of Game meeting  
2 in Wasilla also testifying on behalf her region.

3

4 Mr. James Showalter.

5

6 MR. SHOWALTER: Here.

7

8 MR. MIKE: Mr. Michael Opheim.

9

10 MR. OPHEIM: Here.

11

12 MR. MIKE: Mr. Andrew McLaughlin.

13

14 MR. MCLAUGHLIN: Here.

15

16 MR. MIKE: Ms. Judy Caminer.

17

18 MS. CAMINER: Here.

19

20 MR. MIKE: Mr. Ralph Lohse.

21

22 CHAIRMAN LOHSE: Present.

23

24 MR. MIKE: Mr. Tom Carpenter.

25

26 MR. CARPENTER: Present.

27

28 MR. MIKE: Mr. Herman Moonin.

29

30 (No comment)

31

32 MR. MIKE: Mr. Chair, I made numerous

33 attempts to contact Mr. Moonin and he wasn't able to

34 attend.

35

36 So Mr. Chair, you have nine members

37 present.

38

39 You have a quorum.

40

41 CHAIRMAN LOHSE: Thank you, Donald. At

42 this time we'll have an invocation. Gloria usually

43 does it. Would anybody on this Council like to make an

44 invocation for us for this meeting.

45

46 Mary Ann.

47

48 MS. MILLS: Uh-huh.

49

50 (Invocation)

1 CHAIRMAN LOHSE: Thank you, Mary Ann.  
2 And with that, I'll call this meeting to order. We  
3 have a quorum. I'm glad to see everybody here. I'm  
4 glad to see we have some guests out in the audience  
5 other than just Staff. And glad to see that despite  
6 the kind of winter we're not having, that all of the  
7 Council -- most of the Council members are here. I  
8 hope you're all enjoying the lack of burning fuel that  
9 I am.

10  
11 And it would be nice to have a little  
12 bit more snow to go some places. And by the way, in  
13 the Copper Valley up there, I've got 24 inches of snow  
14 in my yard. So I'm in much better shape than the rest  
15 of you.

16  
17 (Laughter)

18  
19 CHAIRMAN LOHSE: So with that, we're  
20 going to review and adopt the agenda. Has everybody  
21 had a chance to look at the agenda. Would anybody like  
22 to make some additions or changes or anything else to  
23 the agenda.

24  
25 Donald.

26  
27 MR. MIKE: Thank you, Mr. Chair.  
28 Donald Mike, Council Coordinator. I had a team meeting  
29 and we'd like to add under new business to include  
30 request for reconsideration, and that would be 11F.  
31 And Chuck Ardizzone will take the lead on that.

32  
33 Under old business, 10F, special  
34 action, insert G, Partners Program, Native Village of  
35 Eyak.

36  
37 And I request to invite Mr. Sky Starkey  
38 to brief the Council on the Governor's Transition Team  
39 and just to give a process -- how the process went.  
40 And let the Council know what the whole process was  
41 like. So that would be under public and tribal  
42 comments on nonagenda items, Mr. Sky Starkey.

43  
44 And also under public and tribal  
45 comments, the Ninilchik Tribal Council would like to  
46 provide a public testimony.

47  
48 CHAIRMAN LOHSE: Okay.

49  
50 MR. MIKE: And Mr. Encelewski is time

1 certain and would like to address the Council before he  
2 leaves today -- before lunch today.

3

4 Thank you, Mr. Chair.

5

6 CHAIRMAN LOHSE: Donald, you said he'd  
7 like a time certain?

8

9 MR. MIKE: I'm sorry. He'd like to  
10 address the Council before lunch. So -- he has to  
11 leave today.

12

13 CHAIRMAN LOHSE: Before lunch today.

14

15 MR. MIKE: Yes.

16

17 CHAIRMAN LOHSE: I think we can arrange  
18 that. No problem. Does he have any idea how long he  
19 would need.

20

21 MR. MIKE: His presentation.

22

23 CHAIRMAN LOHSE: Uh-huh.

24

25 MR. ENCELEWSKI: Do you have an idea on  
26 your presentation? How long?

27

28 MR. ENCELEWSKI: Probably no more than  
29 ten minutes.

30

31 CHAIRMAN LOHSE: Okay. We'll make sure  
32 I get you before noon. Thank you.

33

34 Hearing those additions, is there a  
35 motion to accept the agenda. Or does anybody else have  
36 anything else they'd like to put on the agenda.

37

38 MS. MILLS: I would like to accept the  
39 agenda.

40

41 CHAIRMAN LOHSE: Do I hear a second.

42

43 MR. ENCELEWSKI: I'll second it as it's  
44 been presented and modified.

45

46 CHAIRMAN LOHSE: Okay. Second to adopt  
47 the agenda, as we've heard it modified.

48

49 All in favor signify by saying aye.

50

1 IN UNISON: Aye.  
2  
3 CHAIRMAN LOHSE: All opposed signify by  
4 saying nay.  
5  
6 (No opposing votes)  
7  
8 CHAIRMAN LOHSE: Motion carries.  
9  
10 Okay.  
11  
12 Our next thing is we have to elect some  
13 officers. And at this point in time, the Chair is only  
14 going to be here for one more meeting unless something  
15 else happens. So when we elect a Chair, maybe you want  
16 to elect a different Chair.  
17  
18 So with that in general, I'm turning it  
19 over to the Vice Chair for nominations for the Chair.  
20  
21 MR. ENCELEWSKI: Okay. I'm going to  
22 take the Chair. I'm the Vice Chair. So I've got the  
23 Chair. And we're going to have nominations for the  
24 Chair.  
25  
26 But if I may -- Donald, is it correct  
27 that Ralph could be nominated to stay as Chair through  
28 the next meeting?  
29  
30 MR. MIKE: Yes, Mr. Chair. He has  
31 until the end of 2015. His seat terminates in December  
32 2015.  
33  
34 Thank you.  
35  
36 MR. ENCELEWSKI: Okay. Thank you,  
37 Donald.  
38  
39 Okay. The floor is open for  
40 nominations for Chairman.  
41  
42 MR. CARPENTER: I move Ralph Lohse for  
43 Chair.  
44  
45 MR. ENCELEWSKI: It's been moved that  
46 Ralph be Chair. Do I have a second.  
47  
48 MR. MCLAUGHLIN: Second.  
49  
50 MR. SHOWALTER: Second.

1 MR. ENCELEWSKI: It was seconded by  
2 Andy and James. Do we have a discussion.  
3  
4 (No comments)  
5  
6 MR. ENCELEWSKI: Any other discussion  
7 on it.  
8  
9 (No comments)  
10  
11 MR. ENCELEWSKI: Judy.  
12  
13 MS. CAMINER: Mr. Chair, I would like  
14 to close nominations.  
15  
16 MR. ENCELEWSKI: It's been moved to  
17 close nominations. Do I have a second to that.  
18  
19 MR. CARPENTER: Second.  
20  
21 MR. ENCELEWSKI: It's been seconded by  
22 Tom. Any objections.  
23  
24 (No comments)  
25  
26 MR. ENCELEWSKI: Hearing none,  
27 nominations are closed.  
28  
29 I'll turn the Chair back over to you,  
30 Mr. Chairman. It's unanimous.  
31  
32 CHAIRMAN LOHSE: Thank you, Council  
33 members.  
34  
35 MR. CARPENTER: Mr. Chairman, I move  
36 Greg Encelewski for Vice Chair.  
37  
38 CHAIRMAN LOHSE: Do I hear a second.  
39  
40 MS. MILLS: Second.  
41  
42 CHAIRMAN LOHSE: It's been moved and  
43 seconded for Greg Encelewski for Vice Chair. Do I hear  
44 any other nominations.  
45  
46 MS. CAMINER: Mr. Chair, move that  
47 nominations be closed.  
48  
49 MR. CARPENTER: Second.  
50

1 CHAIRMAN LOHSE: It's been moved the  
2 nominations be closed. All in favor signify by saying  
3 aye.  
4  
5 IN UNISON: Aye.  
6  
7 CHAIRMAN LOHSE: All opposed signify by  
8 saying nay.  
9  
10 (No opposing votes)  
11  
12 CHAIRMAN LOHSE: Motion carries. And a  
13 motion is on the table then for Greg Encelewski for  
14 Vice Chair. All in favor signify by saying aye.  
15  
16 IN UNISON: Aye.  
17  
18 CHAIRMAN LOHSE: Opposed signify by  
19 saying nay.  
20  
21 (No opposing votes)  
22  
23 CHAIRMAN LOHSE: Greg, it's unanimous.  
24  
25 Secretary.  
26  
27 The floor is open for nominations for  
28 Secretary.  
29  
30 MR. CARPENTER: Mr. Chair, I move Judy  
31 Caminer for Secretary.  
32  
33 CHAIRMAN LOHSE: It's been moved for  
34 Judy Caminer.  
35  
36 MR. MCLAUGHLIN: Second.  
37  
38 CHAIRMAN LOHSE: Been seconded by Andy.  
39 Do we have any other nominations for Secretary.  
40  
41 MS. MILLS: Mr. Chair, I ask the  
42 nominations be closed.  
43  
44 MR. CARPENTER: Second.  
45  
46 CHAIRMAN LOHSE: The motion that the  
47 nominations be closed. Do I hear a second.  
48  
49 MR. CARPENTER: Second.  
50

1 CHAIRMAN LOHSE: Seconded by Tom. All  
2 in favor signify by saying aye.  
3  
4 IN UNISON: Aye.  
5  
6 CHAIRMAN LOHSE: Okay. The nominations  
7 are closed. All in favor of Judy Caminer as Secretary,  
8 signify by saying aye.  
9  
10 IN UNISON: Aye.  
11  
12 CHAIRMAN LOHSE: All opposed, signify  
13 by saying nay.  
14  
15 (No opposing votes)  
16  
17 CHAIRMAN LOHSE: Motion carries  
18 unanimously.  
19  
20 Judy, you're the Secretary.  
21  
22 MS. CAMINER: Thank you.  
23  
24 CHAIRMAN LOHSE: Okay. Now we need to  
25 review and approve previous meeting minutes. And I  
26 know you've all read them. Is there a motion on the  
27 table to approve the minutes. And we'll have  
28 discussion.  
29  
30 MR. CARPENTER: Mr. Chairman, I move we  
31 approve the minutes.  
32  
33 CHAIRMAN LOHSE: Do I hear a second.  
34  
35 MR. MCLAUGHLIN: Mr. Chair, I'd like to  
36 make a change and one addition.  
37  
38 CHAIRMAN LOHSE: That has to come after  
39 we have it on the table.  
40  
41 MR. MCLAUGHLIN: Roger.  
42  
43 CHAIRMAN LOHSE: So I need a second.  
44  
45 MR. ENCELEWSKI: Second.  
46  
47 CHAIRMAN LOHSE: It's been moved and  
48 seconded. Okay. Discussion.  
49  
50 Now, Andy.

1 MR. MCLAUGHLIN: Thank you, Mr. Chair.  
2 I have one very small change and one addition that I'd  
3 like to see in the minutes. The small change is under  
4 reports there, where it says Mr. McLaughlin reported  
5 about the bear and deer population. I'd like the two  
6 words stricken "was" and "by" because the deer  
7 population, like a predator/prey relationship, followed  
8 -- the bear population declined followed its prey, the  
9 deer. So I wanted that changed. Get rid of "was" and  
10 "by."

11  
12 CHAIRMAN LOHSE: And what page is that  
13 on, Andy?

14  
15 MR. MCLAUGHLIN: Page six here in the  
16 book.

17  
18 CHAIRMAN LOHSE: Page.....

19  
20 MR. MCLAUGHLIN: Under reports.

21  
22 CHAIRMAN LOHSE: Under reports. Okay.

23  
24 MR. MCLAUGHLIN: And it should read,  
25 and this followed the deer population falling due to,  
26 instead of "was" and "by" in there.

27  
28 CHAIRMAN LOHSE: Okay. And this  
29 followed instead of was followed.

30  
31 MR. MCLAUGHLIN: Yeah. Was followed by  
32 -- yeah.

33  
34 CHAIRMAN LOHSE: Okay.

35  
36 Thank you, Andy.

37  
38 MR. MCLAUGHLIN: And one other thing I  
39 would like to see added in the minutes. I wrote this  
40 out here so I could get my full train of thought. I  
41 was very curious to see what the wording was going to  
42 be in the minutes about a discussion that we had  
43 regarding delegation of authority under discussion. As  
44 you can see, it was added to new business there, but  
45 nothing fell in the minutes.

46  
47 I recall a good deal of time that we  
48 spent discussing a sunset clause by the RAC at more  
49 than one meeting. And I would like the record to  
50 reflect that the RAC had specifically included that two

1 year reevaluation of delegation of authority.  
2 Specifically because that affects the deer and moose  
3 management in my home area of Unit 6.

4  
5 I found it kind of hard to swallow that  
6 it seemed like that was swept under the rug. And it  
7 seems appropriate that elements of that discussion on  
8 the delegation of authority that was added to new  
9 business, as mentioned in the record there on the  
10 agenda, be included in the minutes. Because the  
11 question was brought forth -- why the sunset clause as  
12 recommended by the RAC was not recorded. It seems the  
13 explanation provided was that someone didn't find that  
14 sunset clause appropriate.

15  
16 I'd like it to read in the record  
17 something that Mr. McLaughlin was in support of the  
18 delegation of authority because it did include the  
19 sunset clause. So I'd like the record and the minutes  
20 to reflect that.

21  
22 I noted this morning on page 23 of  
23 Delegation of Authority Operations Manual -- RAC  
24 Operations Manual, open -- and in quotes, "Open or  
25 closed specific wildlife harvest seasons with  
26 frameworks established by the Board." I kind of think  
27 that within frameworks established by the Board opens a  
28 door for that sunset clause to have existed.

29  
30 I think the -- I'd like to mention I  
31 think the OSM does a fantastic job at organizing  
32 everything that we do here. And I just wanted the  
33 minutes to reflect my observations on that.

34  
35 Thank you.

36  
37 CHAIRMAN LOHSE: Okay. And where would  
38 this be, Andy? What page and what paragraph?

39  
40 MR. MCLAUGHLIN: In the minutes -- if  
41 you note there, under review and adopt agenda, it says  
42 Mr. McLaughlin requested to add delegation of authority  
43 under new business. But then when you turn back into  
44 new business, I did not find anything about that  
45 delegation of authority part listed. So anywhere under  
46 the minutes for new business. Because we discussed it  
47 in new business.

48  
49 CHAIRMAN LOHSE: Okay. Hmm. I'm  
50 missing it, Andy.

1 MR. MCLAUGHLIN: I did not see anything  
2 mentioned in the minutes regarding that lengthy  
3 discussion that we had. And it was a topic as  
4 delegation of authority under new business. But  
5 looking through the minutes, I did not find that in  
6 there anywhere. And I was very curious as to what the  
7 wording was going to be and I didn't find it.

8  
9 CHAIRMAN LOHSE: Okay. So under new  
10 business then you would like an addition. And that  
11 would come before the Partners for Fisheries Monitoring  
12 Program Strategic Plan? Or where would you put that in  
13 under new business?

14  
15 MR. MCLAUGHLIN: Well, I don't know.  
16 Wherever it fell under the transcripts of when we had  
17 it recorded, you know.

18  
19 CHAIRMAN LOHSE: Okay. So you would  
20 like a synopsis of our discussion on the sunset clause.

21  
22 MR. MCLAUGHLIN: Yes.

23  
24 CHAIRMAN LOHSE: Okay.

25  
26 Do I hear -- is that agreeable. Or is  
27 that agreeable as an amendment.

28  
29 Judy.

30  
31 MS. CAMINER: Certainly. Because we  
32 really did have a lengthy discussion after having been  
33 kind of -- after having had many discussions in  
34 previous meetings about that. But it didn't seem to be  
35 well documented or referenced. So I think it's really  
36 critical that that discussion be part of the minutes.

37  
38 CHAIRMAN LOHSE: Okay. So that would  
39 be an amendment to the minutes then.

40  
41 MS. CAMINER: Right.

42  
43 CHAIRMAN LOHSE: And as Secretary,  
44 you'll help with that?

45  
46 MS. CAMINER: Sure.

47  
48 CHAIRMAN LOHSE: And Andy, you will  
49 help Judy. Between Judy -- you can help with Donald to  
50 get that into the minutes then.

1  
2 MS. CAMINER: Right.  
3  
4 CHAIRMAN LOHSE: Okay. Any other  
5 additions or corrections.  
6  
7 MR. CARPENTER: Mr. Chair, I call the  
8 question on the amended language or amended minutes.  
9  
10 CHAIRMAN LOHSE: Okay. The question  
11 has been called on the minutes, as with the amendments  
12 that have been discussed.  
13  
14 All in favor signify by saying aye.  
15  
16 IN UNISON: Aye.  
17  
18 CHAIRMAN LOHSE: All opposed, signify  
19 by saying nay.  
20  
21 (No opposing votes)  
22  
23 CHAIRMAN LOHSE: The minutes with their  
24 amendments are adopted.  
25  
26 Okay. Now let's go on to -- oops.  
27 I've got to get the right things in front of me. Okay.  
28 We're going to go on to reports. Council member  
29 reports.  
30  
31 Do we have any Council member reports.  
32  
33 (No comments)  
34  
35 CHAIRMAN LOHSE: Any Council members --  
36 Tom.  
37  
38 MR. CARPENTER: Yeah, Mr. Chairman.  
39 I'll just give a brief update. I was just in Wasilla  
40 at the Board of Game meetings. And it's actually not  
41 the Southcentral meeting, but it's half of the  
42 Southcentral area.  
43  
44 But there were four agenda change  
45 requests that the Board of Game decided to hear at  
46 their Juneau meeting in November. And they are  
47 actually taking them up probably tomorrow. And four of  
48 them deal with proposals in Unit 6. Three of them are  
49 having to deal with black bears. And there was one  
50 proposal to drastically change the season timeframe

1 wise to have an earlier closure in the fall to help  
2 reduce harvest.

3

4                   The other proposal was to make the  
5 season to where you could only harvest a black bear one  
6 in every three years. And then the other one was to  
7 create a registration hunt, which is probably the most  
8 likely outcome if they were going to do anything.

9

10                   I've been in some discussions with the  
11 area biologist the last couple of weeks about it. And  
12 the black bear harvest, which got really high about two  
13 years ago, basically got cut in half. And she's pretty  
14 concerned that the winter that we had a few years back  
15 has really had a pretty big impact on the black bear  
16 population, amongst other things that have been taking  
17 place ever since they built the Whittier Tunnel.

18

19                   So I'm not sure if the Board will do  
20 anything or not, but it's possible that that hunt might  
21 be a registration hunt starting next year.

22

23                   I also -- she's also considering the  
24 possibility of -- through emergency order this spring  
25 -- shortening the spring season to help alleviate some  
26 of the hunting harvest this spring. Because about 75  
27 percent of the black bears get killed in the spring.

28

29                   So that's just a brief update.

30

31                   CHAIRMAN LOHSE: Thank you, Tom. Have  
32 you got anything on how the moose hunt went this year  
33 there?

34

35                   MR. CARPENTER: Well, the moose  
36 population is doing really well. I mean we've had two  
37 super mild winters. And the moose harvest went good.  
38 The population is excellent. The bull to cow ratios  
39 are excellent.

40

41                   I think a lot of people around the  
42 state would love to have the productivity that Cordova  
43 offers when it comes to raising ungulates.

44

45                   So I think everything looks good there.

46

47                   The deer have come back substantially  
48 from their low. And hopefully after this winter, it  
49 will be even more improved this next hunting season.  
50 So -- but other than that, things are looking pretty

1 good.

2

3 CHAIRMAN LOHSE: Thank you, Tom. Then  
4 there was no emergency actions or anything like that on  
5 the deer hunting this year that we put in place.

6

7 MR. CARPENTER: No.

8

9 CHAIRMAN LOHSE: And just for a little  
10 note, towards the end of January my son saw two fawns  
11 that were spotted, that were brand new fawns. So  
12 somewhere along the line, two does had fawns in the  
13 middle of winter this year. That's how mild the winter  
14 has been.

15

16 And I thought that was kind of strange.  
17 And then I talked to somebody from Craig and they had  
18 exactly the same thing happen last year. They had a  
19 doe drop a fawn on the 20th -- around the 20th of  
20 January right outside of Craig. And they had such a  
21 nice, mild winter that it survived all the way to  
22 spring. So that's something when you have fawns in the  
23 middle of winter.

24

25 Judy.

26

27 MS. CAMINER: Thanks, Mr. Chair. I had  
28 to navigate around a moose to get out of the house  
29 today. But also just for your info, while at State  
30 lands -- the mountains up there in Chugach State Park  
31 -- they did have a moose hunt there this fall. So some  
32 hikers got to see what hunting would be like. And I  
33 think it was somewhat educational to them.

34

35 Back to Federal subsistence issues, I  
36 was reading the transcripts because I wasn't able to  
37 attend the Federal Board meeting that was held last  
38 month. And I just wanted to make sure people on the  
39 Council and everybody knew how well represented we were  
40 -- not only by our Chair, but also our Vice Chair. And  
41 I thought Ivan in Ninilchik gave tremendous testimony  
42 that was not only accurate, but extremely persuasive or  
43 helpful for people to understand the discussions that  
44 we had during our RAC meeting, particularly about the  
45 two proposals for a gillnet in the Kasilof and in the  
46 Kenai.

47

48 The importance of our record I think  
49 was -- can't be overstated. Because as I read it, it  
50 looked like Ralph went back and looked at some of the

1 discussions we had. There was even a question whether  
2 people from the Kenaitze Tribe knew about this or were  
3 involved in it.

4

5                   And so it just reinforces to me the  
6 importances of us having a good, thorough discussion  
7 following what's on these orange cards in front of us  
8 to get everything on the record. Certainly the  
9 importance of having some excellent representation,  
10 which we're so fortunate to have had.

11

12                   And I think on the basis of that, while  
13 the Board didn't give good reasonings for their votes  
14 in my opinion, we have a strong record because of the  
15 testimony and because of everything that was entered on  
16 the record at the meeting, as well as our past meeting.  
17 So thank you for representing us so well.

18

19                   CHAIRMAN LOHSE: Thank you. And with  
20 that, the Chair's report is that the Board accepted all  
21 of our Council's recommendations. Even if they weren't  
22 real happy with accepting one of them, they did accept  
23 all of our Council's recommendations.

24

25                   And I think that as a Council, I think  
26 we can be pretty happy with the fact that we do discuss  
27 things thoroughly and have that in the record so that  
28 we have that available. And it was a real pleasure  
29 representing this Council in front of the Board.

30

31                   So with that, thank you guys for doing  
32 a good job.

33

34                   Okay. And that's basically -- Tom --  
35 James.

36

37                   MR. SHOWALTER: Yes. I have one  
38 question for clarification. On the gillnet in the  
39 Kenai, Kasilof River -- on the local news they said  
40 it's open. They didn't say to whom or how many, but  
41 it's open. So possibly everybody's getting ready to go  
42 fishing.

43

44                   (Laughter)

45

46                   MR. SHOWALTER: So if there was a  
47 clarification on that.

48

49                   Thank you.

50

1 CHAIRMAN LOHSE: Thank you, James. And  
2 yeah, I've been reading some of the reports, too. And  
3 I think what needs to be brought out -- and I don't  
4 know whether we have any kind of thing with the Board  
5 or the Council or anything that -- you know, I was real  
6 tempted to write something to Craig Medford myself.  
7 But one thing that needs to be pointed out is there is  
8 a requirement that a plan be put in place and approved.  
9 Nobody has seen the plan. Nobody has seen the  
10 specifications for the gillnet. Nobody has seen the  
11 operational procedure. Nobody has seen everything.  
12 And yet everybody is up in arms.

13  
14 Why don't they wait and see what the  
15 plan is. What the gillnet is. And from what my  
16 understanding from reading our thing, one person's  
17 going to be in charge of operating it. It's not open  
18 to everybody. And the gillnet has got to meet the  
19 approval of the -- of whoever is watching over it. And  
20 I'm hoping that Greg in Ninilchik can put out such a  
21 good plan that nobody has -- nobody can find any  
22 objections to it.

23  
24 But to object before they've seen the  
25 plan and before they've seen what it does just shows  
26 that we have -- we're dealing with the Kenai. And when  
27 you're dealing with the Kenai, anything that the  
28 subsistence community does, the sky is falling.

29  
30 And, you know -- and I'm sorry. But  
31 that's what I wanted to put in my letter to Craig  
32 Medford. I just wanted to say Chicken Little is  
33 running around again, saying the sky is falling. The  
34 sky is falling.

35  
36 (Laughter)

37  
38 CHAIRMAN LOHSE: Somebody's touching  
39 the Kenai. We don't know how, when, or where.

40  
41 And Greg.

42  
43 MR. ENCELEWSKI: Yeah. If I could just  
44 make a comment to that. I know Ivan is planning on  
45 testimony on behalf of Ninilchik, but if you could  
46 imagine myself as President of the Tribe and also of  
47 the local area, some of the discussions that he and I  
48 ran into.

49  
50 (Laughter)

1 MR. ENCELEWSKI: And quite honestly,  
2 it's ill-founded. It's lack of information. And like  
3 Ralph said, there's no plan. I mean I've been verbally  
4 accosted by Ricky Gease of the Sports Group. The  
5 Senator wrote a letter for reconsideration. I  
6 personally talked to him for about a half hour. He  
7 said there will be no more letters coming. I met with  
8 the Kenaitze Indian Tribe. We have their support.

9  
10 There's a lot of things we could put to  
11 bed. And if we ever published our information, I think  
12 it will end some of this stuff. But long story short,  
13 yeah, we've been in the spotlight. There's a lot of  
14 misconception out there. And we've been dealing with  
15 it the best we can with the facts and we'll stick to  
16 that.

17  
18 CHAIRMAN LOHSE: Thank you, Greg. One  
19 comment. You know, the thing that keeps getting thrown  
20 out is the fact that gillnets are nondiscriminative and  
21 they're hard to release. And I think one of the things  
22 that you could point out is that you're going to have a  
23 professional basically running it. Knows what he's  
24 doing.

25  
26 And almost all of the dipnets that are  
27 used for subsistence fishing any -- or personal use  
28 fishing anymore are just gillnets in a hoop. And those  
29 people -- most of those people have never released  
30 anything from a gillnet before.

31  
32 MR. ENCELEWSKI: And there's 30,000 of  
33 them also. But.....

34  
35 (Laughter)

36  
37 CHAIRMAN LOHSE: And there's 30,000 of  
38 them. Right.

39  
40 MR. ENCELEWSKI: And this is six foot  
41 here.

42  
43 CHAIRMAN LOHSE: Right.

44  
45 MR. ENCELEWSKI: I'm six foot. This is  
46 five foot. The dipnets are that big and that deep.  
47 And they're all gillnet mesh.

48  
49 CHAIRMAN LOHSE: Right.

50

1 MR. ENCELEWSKI: But.....  
2  
3 CHAIRMAN LOHSE: So anyhow. So I think  
4 that once -- I think once you get some information out,  
5 and get some design out, I don't think there should be  
6 any problem. But it's interesting.  
7  
8 MR. ENCELEWSKI: And there will be, but  
9 we'll keep it up.  
10  
11 CHAIRMAN LOHSE: Yeah. Thank you,  
12 Greg.  
13  
14 Chuck.  
15  
16 MR. ARDIZZONE: Yeah, Mr. Chair. I  
17 just wanted to add that OSM has been fielding lots of  
18 the same questions and trying to clear the record as  
19 well. But some of those early press releases went out  
20 and got the ball rolling. And now it's hard to pull  
21 things back. So we have been answering the same  
22 questions to let people know what the truth is.  
23  
24 CHAIRMAN LOHSE: Yeah. Okay. Thank  
25 you, Chuck.  
26  
27 Okay. We have public and tribal  
28 comment on nonagenda items. Do we have any other than  
29 the ones that Donald mentioned.  
30  
31 MR. GEASE: Yes. This is Ricky Geese  
32 from Kenai River Sportfishing Facilitation. I would  
33 like to provide comment on what was just discussed on  
34 the gillnets in the Kenai.  
35  
36 CHAIRMAN LOHSE: Thank you, Ricky.  
37  
38 MR. GEASE: Yeah. All right. Sorry,  
39 Greg, if it came across as accosting you. I tried to  
40 have a conversation and express some concerns there.  
41 We'll agree to disagree on whether the gillnets pose a  
42 conservation concern.  
43  
44 One of the things I'd like to point out  
45 is one of the things I think -- you know, having served  
46 on the RAC for a bit, one of the things about the RAC  
47 is to reach out into the community and to inform people  
48 of decisions that are coming up. And I think on the  
49 record people were saying wow, you know, this must not  
50 be controversial because nobody came up and testified.

1 Well, our organization was never  
2 notified. The Guides Association here on the Kenai  
3 River was never notified. Trout, Unlimited, was never  
4 notified. The Alaska Fly Fishing Association was never  
5 notified. The commercial fishing groups that were --  
6 you know, worked on a roundtable back earlier when the  
7 subsistence fisheries were being constructed and, you  
8 know, to provide consistence opportunities on the Kenai  
9 and Kasilof, they were never consulted.

10  
11 And one of the things in agreement back  
12 in '07, '08 when the fisheries were first starting  
13 being put in was that we'd have selective gear and with  
14 dipnets and rod and reel and with a fish wheel that  
15 would be monitored. I think it's a stretch to say  
16 gillnets in the Kenai River are going to be -- you  
17 know, if you catch -- the main thing on the Kenai River  
18 is concern for resident species, Dolly Varden and  
19 rainbow trout, and also for king salmon.

20  
21 For early run king salmon there's a  
22 slot limit from -- around from 42 inches to 55 inches  
23 for catch and release. You can't keep fish in that  
24 size limit. And for rainbow trout and for Dolly Varden  
25 over 18 inches, you're not -- you can't legally retain  
26 them. And on those fisheries on the Kenai and Kasilof  
27 Rivers the subsistence fisheries are following the  
28 State regs on those. So when you, you know, put in  
29 gear that is not selective, it creates conservation  
30 concerns for users.

31  
32 And I think you guys quite honestly  
33 failed on trying to outreach to our local communities  
34 here and other users of saying, you know, these are  
35 recognizing those conservation concerns. They're valid  
36 and they will be brought up by the operations plan.  
37 But they were brought up by the State biologist and the  
38 Federal biologist at the Federal Subsistence Board  
39 meeting. And it's disturbing that those conservation  
40 issues were not regarded and followed.

41  
42 And, you know, we can talk about  
43 dipnets versus a stationary gillnet in a river system.  
44 Dipnets, which I'm very familiar with and I dipnet, you  
45 know, all season in the dipnet fishery down here --  
46 when you catch a fish you can release it within five  
47 seconds. And that fish goes back. And, you know, if  
48 you were dipnetting up in the Federal Refuge, and I  
49 talked with Greg, he was like well, nobody really knows  
50 how to dipnet. Plus there's about, you know, over 100

1 people in Ninilchik who do participate in the State  
2 dipnet fisheries, according to the facts and figures.

3  
4                   So people in the community of Ninilchik  
5 do know how to dipnet and do participate in the State  
6 fisheries. And it definitely is a distinct advantage  
7 if you could go dipnetting in the clear waters that are  
8 above the Kenai River. And you can look down and you  
9 can identify the species of fish that you'd like to  
10 harvest. And that would be -- you know, people say --  
11 can say well, that's not really a meaningful  
12 preference. If you know how to dipnet and you're in a  
13 boat, that definitely is a meaningful preference.  
14 Because nobody else is allowed to dipnet on the Kenai  
15 River above the bridge. That's definitely an  
16 advantage. You can definitely go in and within a --  
17 you know, a short window of time when the sockeyes are  
18 running get your limit and harvest the sockeye salmon.

19  
20                   So on the issue -- there's two issues  
21 that I just want to bring to your attention. Is one,  
22 when you do reach into communities and something is  
23 going to be controversial in terms of conservation of  
24 rainbow trout and Dolly Varden on the Kenai River, I  
25 think it would behoove people to do a little bit more  
26 outreach to the impact it -- other user groups. Which  
27 I think is important in the process -- in the public  
28 process.

29  
30                   And I think the second thing is -- is  
31 that the conservation concerns are real. And I think  
32 that will be addressed locally by the area fisheries  
33 manager. I can see, you know, in talking to folks --  
34 on the Kasilof, I think it was a good idea to set  
35 something up as an experimental fishery to see if it  
36 can be accomplished.

37  
38                   On the Kenai with outside boards on --  
39 just to let something through, I think that's what  
40 raised a lot of hackle with people. And that's why  
41 you're going to get a lot of letters of request for  
42 reconsideration once it gets published in the Federal  
43 Registry.

44  
45                   Thank you for your time and  
46 consideration.

47  
48                   CHAIRMAN LOHSE: Thank you, Ricky. Any  
49 questions for him. Any comments.

50

1 MR. SHOWALTER: Horrible connection. A  
2 very bad connection.

3  
4 CHAIRMAN LOHSE: We didn't have a real  
5 good connection, Ricky. But I think we got most of  
6 that. I only have one question for you. And I know  
7 I'm showing my own prejudice here. But I sometimes  
8 wonder if all of the fuss on the Kenai about the  
9 possibility of impacting king salmon is kind of a red  
10 herring. Because I'm pretty sure that you could design  
11 a gillnet that you're going to use there that would  
12 have no impact on the king salmon.

13  
14 But you said rainbows and Dollies. And  
15 I'll have to agree with you that you're going to catch  
16 rainbows and Dollies at the same time that you're  
17 catching red salmon.

18  
19 But my question is -- is this -- the  
20 issue is the king salmon. And rainbows and Dollies  
21 over 18 inches are what you're worrying about the  
22 impact on. Every rainbow and Dolly that's over 18  
23 inches spends three years feeding on king salmon. And  
24 if the king salmon is the issue, then an impact on  
25 rainbows and Dollies would protect the king salmon.

26  
27 Do you have any comment on that?

28  
29 MR. GEASE: Well, there's a slot limit  
30 on the early run king salmon. And it's from 42 inches  
31 to 55 inches. So any fish in that slot has to be  
32 caught and released.

33  
34 CHAIRMAN LOHSE: Right.

35  
36 MR. GEASE: The early run fisheries are  
37 typically tributary fisheries, but some of the fish  
38 also in the upper section of the Kenai National  
39 Wildlife Refuge, that's the uppermost limit on the  
40 Kenai -- of the king salmon spawning area. You know,  
41 so you're trying to prescribe fisheries and allow  
42 methods and means that allow subsistence fisheries to  
43 harvest fish -- the targeted fish -- typically it's the  
44 sockeye salmon. And you can also, you know, target  
45 silvers. If you go dipnetting for silvers up there  
46 also even after silvers start coming in in August.

47  
48 And, you know, the dipnet is a  
49 functional tool that allows you to catch and release  
50 certain fish and harvest other fish. I mean they've

1 done it on the lower Yukon, where they were trying to  
2 avoid king salmon intercept. And they had problems  
3 with nets -- of all different types of size gillnets in  
4 the Yukon River. And what the Board of Fisheries did  
5 is they allowed the use of dipnets in there and they  
6 prosecuted a functional chum salmon fishery that allows  
7 them to harvest chum salmon and catch and release with  
8 king salmon.

9

10 So it is a tool that's viable in  
11 rivers. It does provide meaningful opportunity for  
12 harvest in an area where that tool is not being able to  
13 be used. The residents of Cooper Landing make full use  
14 of the dipnet fishery at the Russian River Falls. When  
15 I talked with Greg, some of the things -- well, we  
16 don't know how to dipnet. One of the things is, you  
17 know, ask people around here. Ask people in the  
18 community who know how to dipnet. Make use of that  
19 tool.

20

21 Just because somebody doesn't know how  
22 to use a tool doesn't mean that it's not a meaningful  
23 tool to be put in use. And I understand that one  
24 person would be there, but it's difficult on the Kenai  
25 River to figure out when you're running ten to fifteen  
26 thousand CFS during the height of the season how you're  
27 going to be able to get in the river and monitor it.  
28 And catch and release something that's over 18 inches  
29 or in the slot limit for king salmon in a timeframe  
30 that allows it to not have a high mortality rate. And  
31 that's what the concerns are.

32

33 And I understand rainbows and Dollies  
34 feed on king salmon eggs. And lot of those juveniles  
35 -- a lot of those early tributary spawners are going  
36 up. And that's where we have some of the conservation  
37 concerns. And for this season I think the OEG -- the  
38 lower end of the OEG for king salmon -- early run king  
39 salmon is 5,300 to -- the three season projection  
40 forecast is 5,200 this year. We're not going to have a  
41 fishery in May and June for king salmon. So that's  
42 kind of a moot point where we go. I think some of  
43 these issues at the RAC level should be vetted --  
44 especially the conservation concerns -- should be  
45 vetted more thoroughly.

46

47 I read through the record and I don't  
48 think you guys did a very good job of reviewing the  
49 conservation concerns in detail. The fisheries  
50 managers, the Federal and the State biologist looked at

1 the plan and said we don't support it. Because we  
2 don't think we can put in an operational plan.

3  
4 And then what's going to happen. What  
5 if the Federal biologists say hey, we can't find a  
6 place where we can, you know, put a dipnet fishery and  
7 meet the conservation concerns of having low mortality  
8 of any released fish.

9  
10 What's the next step after that.

11  
12 So why put forward something if it  
13 can't be necessarily done or the biologists don't think  
14 they can do it. They think they can do it potentially  
15 on the Kasilof as experimental fishery. But they're  
16 adamantly opposed. And they don't see how it's going  
17 to be done on the Kenai.

18  
19 So this might be much ado about  
20 nothing, but it would have helped if there was more  
21 input into the process from local people who understand  
22 the fisheries, also in addition to the State and  
23 Federal biologists.

24  
25 CHAIRMAN LOHSE: Greg, would you like  
26 to answer.

27  
28 MR. ENCELEWSKI: Yeah. I'd like to  
29 make a couple of comments, Mr. Chairman.

30  
31 Thank you.

32  
33 Ricky, I'm not going to debate long  
34 points here because I think we're going to have some  
35 testimony. And, you know, I just want to make a couple  
36 of comments to you. You know, this is a public process  
37 and we've been through it for many, many years. I  
38 didn't get no special notice. And yes, all of you guys  
39 were -- it was published and it was noticed the  
40 meetings were held in Kenai. It's not nets plural.  
41 It's one net.

42  
43 The other thing I would point out is  
44 it's the law. The preference of ANILCA is the law to  
45 have a rule preference for fishing. And even by some  
46 far stretch of the imagination, it would be the wildest  
47 thing in the world if you caught all the kings that  
48 were allowed to the Federal subsistence users from  
49 Ninilchik wouldn't make a dent on the total kings that  
50 are taken on the Kenai and the total kings that are

1 caught.

2

3                   So you're going to hear a lot more  
4 about it, Ricky. And there's no sense us arguing the  
5 points. But it is public. It's one net. It can work.  
6 I did talk to people -- Lieutenant Colonel Hubbard on  
7 the rainbow. And he actually would like to work with  
8 us on it. So there's a lot of people who just have a  
9 lot of misunderstanding.

10

11                   But thank you.

12

13                   CHAIRMAN LOHSE: And thank you for your  
14 comments, Ricky.

15

16                   MR. GEASE: Thank you. And, Greg, I'll  
17 point out something legally, too. There is -- there is  
18 on the NTC versus the United States on the court case  
19 in terms of the moose hunts on the Refuge, you know,  
20 subsistence doesn't trump conservation concerns. And  
21 the conservation concerns on the Federal Refuge are  
22 valid. And those have to be taken into consideration  
23 with doing operational plans.

24

25                   Now, if something can be accommodating  
26 so that rainbows over 18 inches and Dolly Vardens can  
27 be released with very low mortality, great, I'd love to  
28 see it done. But, you know, at this point I don't  
29 think it's possible from what I know of fisheries on  
30 this river.

31

32                   MR. ENCELEWSKI: Yeah, Ricky. Just  
33 through the Chair, I have one last comment. If it's a  
34 conservation concern, then we need to shut the whole  
35 thing down.

36

37                   That's the way it works.

38

39                   That's the law.

40

41                   Thank you.

42

43                   CHAIRMAN LOHSE: Mary Ann.

44

45                   MS. MILLS: Thank you, Chair. Mary Ann  
46 Mills. We -- Ninilchik was able to come and have a  
47 meeting with the Kenaitze Indian Tribal Council. And  
48 they gave a presentation. And their presentation was  
49 so excellent because it was based on, you know,  
50 science. And it was based on real statistics, which

1 we're going to see today.

2

3                   And when Ivan gives his report, we'll  
4 be able to see who is actually getting most of the  
5 kings as well. And the Kenaitze Indian Tribe was so  
6 impressed with their report that we did pass a  
7 resolution, which I am waiting for the signed copy to  
8 be faxed here and then I'll submit it to this Council.

9

10                   And with that, I -- you know, I'd also  
11 like to remind Mr. Gease that subsistence is the first  
12 priority. And that being said, I'm sure there will be  
13 a lot of discussion around that.

14

15                   And thank you, Mr. Chair.

16

17                   CHAIRMAN LOHSE: Thank you.

18

19                   Judy.

20

21                   MS. CAMINER: Thank you, Mr. Chair.

22

23                   Ricky, hi. This is Judy Caminer. We  
24 did have a little bit of a bad connection. At the very  
25 end you summarized -- you said you had two points. And  
26 the first one I quite clearly heard -- is that outreach  
27 needs to be done.

28

29                   But the second one -- if you wouldn't  
30 mind repeating that, please, that would be helpful. It  
31 was kind of -- just like the very end of your talk.

32

33                   MR. GEASE: Yeah. I'm sorry for that  
34 connection. You know, the first one was the outreach  
35 into different, you know, sport commercial groups in  
36 our community. And I thought when the -- you know, my  
37 point was back in '07 and '08, there was about a two  
38 month period of time when all the different user groups  
39 were around here and said let's figure out ways to  
40 provide a meaningful subsistence priority. And  
41 nobody's claiming that that is not important. And that  
42 is not the law. We all understand that. And we all  
43 agree with that.

44

45                   But what the point was -- was figuring  
46 out how to prescribe fisheries. And one of the points  
47 of agreement from all those user groups back at that  
48 time was that gillnets were not an appropriate tool to  
49 prosecute fisheries for subsistence fisheries in the  
50 river because when you get further up into the Federal

1 lands on the property there, you have conservation  
2 issues with rainbow trout and dollies and for king  
3 salmon. And that it didn't think it was possible to  
4 prosecute those fisheries using that method and means.

5  
6 So that's why the rod and reel was  
7 introduced. But then more importantly was the dipnet  
8 that was introduced to provide different areas on the  
9 Federal lands of using a tool that you could catch and  
10 release the nontarget species basically. Or those --  
11 you could harvest those species, but if they didn't --  
12 you know, in the early run kings if there was a slot  
13 limit, you could catch and release that fish with a  
14 dipnet.

15  
16 And that's been shown. You can catch  
17 and release kings down in the dipnet fishery at the  
18 mouth of the Kenai and Kasilof Rivers. You're not able  
19 to retain kings. And kings are caught and released  
20 down there.

21  
22 So it is a very effective tool and I do  
23 think it's a meaningful preference. So those were my  
24 points on public outreach and then conservation with  
25 several points.

26  
27 Thank you.

28  
29 MS. CAMINER: Okay. Thanks. Thanks.  
30 I think we did hear that a little bit better.

31  
32 Appreciate it.

33  
34 CHAIRMAN LOHSE: Thank you, Ricky. Any  
35 other questions or comments for Ricky.

36  
37 Tom.

38  
39 MR. CARPENTER: Yeah, Mr. Chairman. I  
40 guess I'll just make this comment. When you look at  
41 the total amount of king salmon, for example, that is  
42 harvested in the Cook Inlet fisheries and you segregate  
43 out which user group has harvested which amount of  
44 fish, it's almost staggering that the amount of Federal  
45 harvest is basically zero.

46  
47 And I think the thing that's  
48 interesting -- and I'm not trying to say one bit that  
49 there isn't possibly a conservation concern for king  
50 salmon on the Kenai River. But I think that it's

1 interesting that the idea that there's all of a sudden  
2 a conservation concern after several other fisheries  
3 have already prosecuted and harvested fish is a little  
4 bit absurd.

5  
6                   So I think to be consistent, you know,  
7 you either have a conservation problem and everyone  
8 bears the burden and you close fisheries before they  
9 actually get into the river system. Because you can't  
10 -- you can't hold a small group of people responsible  
11 for the conservation of an entire species of salmon  
12 after a very large amount of harvest has preceded the  
13 entry into the river system.

14  
15                   So I just think we need to be careful  
16 when we use the word conservation concern and how it's  
17 tossed around.

18  
19                   CHAIRMAN LOHSE: Thank you, Tom.

20  
21                   Thank you, Ricky.

22  
23                   MR. GEASE: Thank you for the  
24 opportunity to speak.

25  
26                   CHAIRMAN LOHSE: Thank you.

27  
28                   The next one we have is Mark King.

29  
30                   MR. KING: Yeah. I'm Mark King, Vice  
31 President of the Native Village of Eyak. And I just  
32 want to comment on subsistence fisheries in Prince  
33 William Sound and the Copper River. Copper River  
34 itself, Copper River delta. Most of the tribes' fish  
35 that the tribe uses are caught at the Copper River.  
36 And that falls under State regulations. And they give  
37 us an educational permit to where we're allowed to use  
38 150 fathoms of gillnet, one boat, one person, from May  
39 1st to May 10th, to harvest 50 kings and 100 reds.

40  
41                   Now, the Native Village of Eyak  
42 consists of 500 people. There's 2,000 people in the  
43 community of Cordova, where Eyak Village is. So that's  
44 about 25 percent of the population. And in the past  
45 we've had various problems. It took us several years  
46 just to get the State to agree that we could have this  
47 fishery. And so this has been going on about 12 years  
48 -- maybe ten -- under the guise of an educational  
49 permit.

50

1 I've been involved in that personally  
2 myself. Mike Webber. There's been about four or five  
3 different tribal members that have participated in that  
4 fishery. And under the guise of education, we get the  
5 kids involved. We actually take some of the tribal  
6 members -- the younger kids with us onto the grounds,  
7 which is -- it's a dangerous area. So a lot of times  
8 we don't if the weather's bad.

9  
10 We just -- and once we get the fish to  
11 town, we process the fish. We used to have a Native  
12 education class that was involved in the high school.  
13 And that class would help cut the fish, cut the  
14 firewood for the smokehouse, and we'd kipper some of  
15 the fish. Plus we'd have a first fish potlatch. And  
16 the tribal members and the community are invited to  
17 this first fish dinner.

18  
19 Well, ever since this started, you  
20 know, 15 years ago, we've had problems. There was  
21 times that we -- you know, the way the weather  
22 conditions were where we'd go out and were able to, you  
23 know, catch all the reds. But we couldn't catch all  
24 the kings. Or vice versa. We'd catch all the kings  
25 and we couldn't catch the reds. Some years we couldn't  
26 catch -- you know, we wouldn't get all the fish.

27  
28 And so we tried to adjust the numbers  
29 through the State and they wouldn't hear it. We tried  
30 to adjust the time when we could go. They didn't hear  
31 it. It was very specific. So it's been a problem.

32  
33 And the problem is -- is that when we  
34 distribute these fish to 500 people -- you know, we all  
35 get together for the potlatch and it's a great time.  
36 But, you know, I've had the elders come up to me and  
37 say well, gee whiz. I only got a third of a king  
38 salmon. And appreciate the red. At least it was the  
39 whole fish. And I don't like that end of the fish.  
40 And, you know, why can't we get a whole fish, you know.  
41 And so -- you know, that's -- if you do the math on it,  
42 you know, you take 50 kings and divide it up to 100  
43 elders, you know, they're only going to get a half a  
44 fish.

45  
46 And so we've approached the State to  
47 make the individual subsistence fishery more lenient.  
48 To get it on a -- our State fishery has to be in  
49 conjunction with the commercial opener. It has to be  
50 in the management area. So you're competing with the

1 commercial fishery in order to harvest fish. And  
2 you're allowed about 30 reds and five kings per family.

3  
4 Well, with the way that's set up, it  
5 isn't meeting the tribal needs of the people. And so  
6 we tried to get that changed this year. Went before  
7 the State. They actually readjusted the personal use  
8 fishery up the Copper River to make it more lenient for  
9 the personal use fishery, but they wouldn't recognize  
10 any of our changes that we wanted done on the mouth of  
11 the Copper River to make it so that we could, you know,  
12 harvest the amount -- the set amount -- the small  
13 amount. We can't even harvest that because there isn't  
14 enough commercial fishermen that were willing to share.  
15 Because they don't have an opportunity to get  
16 subsistence fish either.

17  
18 And so -- and the small subsistence  
19 boats -- the small skiffs that go out there -- it's  
20 dangerous. And to be competing with, you know, 32-  
21 foot, 500 horse power jet boats isn't a very good  
22 sight.

23  
24 So anyway, what -- you know, I was at  
25 the Forest Service meeting. You know, most of our  
26 fisheries are on Forest Service land there. I meet  
27 with the elders every Tuesday and -- which the elders  
28 are disappearing really fast. And I got to talking to  
29 the elders about the past. You know, before statehood.  
30 And they started naming off every bay and the people  
31 that had the fishing rights in those streams. And I'm  
32 talking about from Tatitlek all the way back to  
33 Cordova.

34  
35 And I was shocked. I mean these women  
36 are in their 70s and they still remembered what  
37 families were in every one of those salmon streams.  
38 And I said well, what happened to them. And they said  
39 well, people just quit using them.

40  
41 So we have a historic use of these  
42 resources. And so I started writing down, you know,  
43 these different streams. What families had them. And  
44 because this is going to be lost -- this information.

45  
46 What we've had in the past -- we've had  
47 the Forest Service doing some work in Prince William  
48 Sound when I was a youngster that was doing -- they  
49 were doing timber surveys and looking at potential  
50 timber harvests. But they also had archaeologists that

1 were going through that area. And I think that -- you  
2 know, I've heard about all these artifacts that they  
3 picked up. But they've disappeared. Nobody knows  
4 where they are.

5  
6 And they -- you know, I don't -- I  
7 might be wrong. But I don't think they record where  
8 all the areas are that our tribe in Tatitlek have used  
9 in Prince William Sound. I think that information has  
10 disappeared.

11  
12 And it's disappeared because people  
13 don't want to hear that. They don't want to hear that  
14 there was, you know, historic use of these fisheries in  
15 these areas because we've got a modern, commercial  
16 fleet, you know, that uses the resource to its max or  
17 whatever.

18  
19 And I was kind of excited hearing  
20 about, you know, the Kenai and the -- all the stuff  
21 that you just discussed. Because every time I  
22 suggested, you know, that our needs weren't met,  
23 nobody's ever come forward to say well, just be  
24 satisfied with what you've got.

25  
26 Well, I talked about this last week at  
27 a -- I'm on the -- I'm a representative on the Chugach  
28 National Forest, represent the tribes in the Forest.  
29 And there was some of the upriver tribes -- there are  
30 seven tribes up the Copper River, Chitina. And they  
31 said -- they recognized the fact that we -- when we  
32 have extra fish, we've sent fish up the Copper River.  
33 Before they've had access, we sent fish up to the Katie  
34 John Memorial.

35  
36 Those fish were donated by commercial  
37 fishermen for these potlatches and stuff. And they  
38 said well, you could come up the river any time you  
39 want and use our fish. We all got fish wheels up  
40 there.

41  
42 And here's Eyak Tribe at the mouth of  
43 the Copper River and the Alganik Village site that used  
44 to -- you know, which is an Eyak Village site that's 22  
45 miles out of town. That the Copper River ran right by.  
46 That, you know, since the earthquake it's lifted so  
47 that -- you know, that used those resources on the  
48 Copper River. But now we don't have access. You know,  
49 we don't have any access to Copper River salmon unless  
50 it's beyond the regulatory markers of the commercial

1 fishery. And the only time we have access to those  
2 fish is when the commercial fishery is open.

3  
4 Now, under Federal management a while  
5 back -- this has changed a little bit -- we're allowed  
6 to use a dipnet and a fishing pole on the Copper River  
7 delta just as long as the system we're in doesn't go  
8 into the Copper River. So now we have a situation with  
9 tribal members -- some of the younger ones -- out there  
10 with the sportfishing people that come for silver  
11 salmon in the fall -- piling up their 32 fish on the  
12 beach in front of, you know, all these out of towners  
13 and some local people, which is causing a lot of  
14 tension.

15  
16 So now we have people that -- and it's  
17 not only tribal members. It's the whole community of  
18 Cordova is entitled to subsistence resources. So the  
19 ones that aren't able to get the reds and the kings are  
20 now in with the sportfishermen. And so you've got  
21 people saying well, geez. That guy over there is  
22 getting over his limit. No. He has a Federal permit.  
23 And it's legal for him to do that. So it creates a lot  
24 of chaos.

25  
26 And so some of the needs are being met  
27 with other than king and red salmon. There is silver  
28 salmon that's accessible to our tribe with a fishing  
29 pole or a dipnet.

30  
31 But I sat on that when they -- I sat on  
32 that group. And I think Ralph might have been on  
33 there. And to develop that subsistence -- Federal  
34 subsistence fishery. And at the time that we made that  
35 decision to do that, and stay out of the Copper River,  
36 was because of 3,000 people have access to the Copper  
37 River. And we didn't want to do that.

38  
39 But now with tribal recognition, we  
40 just want the ability to what you're doing in the Kenai  
41 River and the Kasilof River. We would like the ability  
42 to put a fish wheel in the Copper River or possibly a  
43 set gillnet. And a fish wheel would be preferable with  
44 a live box, so we could regulate the amount of fish  
45 that we catch. The amount of kings and reds. And it  
46 would be -- also would be a good test fishery for the  
47 state of Alaska, regulating the commercial fishery in  
48 the upper Copper River, personal use fishery,  
49 subsistence fishery up there.

50

1 I think -- and I really appreciate,  
2 Judy, what you said about the law, you know. And I'm  
3 just saying that we have -- as a Tribe, we have unmet  
4 needs.

5  
6 I think that's it.

7  
8 CHAIRMAN LOHSE: Thank you, Mark. You  
9 know that at any time that you -- any time that you  
10 develop a proposal, you can submit a proposal. Anybody  
11 can submit a proposal. But you can submit a proposal,  
12 too. Because then what that would cause -- what that  
13 would take would be a regulation change that would have  
14 to go through the Board. And so a proposal would be in  
15 order. Because if you put a proposal on the table,  
16 it's going to have to be considered.

17  
18 MR. KING: Okay. Okay. Yeah. We'll  
19 definitely be -- write that.

20  
21 Mary Ann.

22  
23 MS. MILLS: One of the things that you  
24 brought up that caught my ear was about the customary  
25 and traditional. And I don't know if you are aware of  
26 the customary and traditional -- the legal term was  
27 changed actually by the state of Alaska. And I  
28 happened to be in a Federal subsistence board when this  
29 was discussed.

30  
31 And because my concern is customary and  
32 traditional is a legal term. And if you look it up in  
33 Black's Law or look it up even in the dictionary,  
34 customary and traditional always went -- was carried  
35 through the people.

36  
37 Well, what the State did is at this one  
38 meeting or when some of the officials were meeting,  
39 they -- on a piece of napkin they wrote customary and  
40 traditional. And instead of tying it to people, they  
41 tied it to the land. And so that really did a  
42 disservice to those of us who have been here since  
43 before memory. Since time immemorial. And it really  
44 has affected us.

45  
46 And I would just like to, you know,  
47 bring that out. To note that here. Because I have  
48 noted it several times. And my concern with it at this  
49 Council meeting and with the Federal Subsistence Board.  
50

1 Thank you.

2

3 CHAIRMAN LOHSE: Judy.

4

5 MS. CAMINER: Thank you, Mr. Chair.  
6 Thank you for bringing this to our attention. And I'd  
7 certainly agree with Ralph that I'd suggest working  
8 with the members of the RAC who are very familiar with  
9 Cordova and the fishery and the Forest Service and  
10 their biologist as well to come up with a proposal.

11

12 But one thing that maybe I heard just  
13 for clarification, you mentioned the Tribe would like  
14 to have this. And -- because tribal people would need  
15 the resources. But of course ANILCA does not  
16 distinguish that way. And while Ninilchik has about  
17 800 people, I think you said, Greg, even though the  
18 Tribe is the one that's going to be working the net,  
19 really any resident is entitled -- or I don't know if  
20 entitled is the right word.

21

22 Can't really exclude other residents.

23

24 MR. KING: Yeah.

25

26 MS. CAMINER: So you would be opening  
27 it up to all Cordova residents to be able to share.

28

29 MR. KING: Yeah. Well, that's -- I  
30 didn't realize that. And thanks for that information.  
31 And there are other historic sites on the Copper River.  
32 There's Kulkahini Island -- was a fish camp. And there  
33 was another one up at Abercrombie Rapids and Alganik  
34 sites.

35

36 But I didn't realize that if the Tribe  
37 put a fish wheel in, that 3,000 other people would be  
38 able to come and use their fish wheel. I didn't  
39 realize that that's how -- and I can't imagine the  
40 Kenai River -- you having one net in there. You're  
41 going to let all of who use the net.

42

43 That's my question.

44

45 CHAIRMAN LOHSE: No. It wasn't the  
46 case that everybody gets to use that net. That net  
47 would be operated by the Native village of Ninilchik.  
48 But the sharing of the fish has to go for all people  
49 who are qualified to share in them. And so  
50 consequently they have to come up with a plan to have

1 equitable sharing of the fish that they take with the  
2 community of Ninilchik.

3

4                   And then I don't think -- if I remember  
5 right, Greg, you cannot reserve them just for tribal  
6 members, right?

7

8                   MR. ENCELEWSKI: No. That's correct,  
9 Mark. I mean it's for the community. And they may  
10 choose to fish different means or methods. But I think  
11 Ivan was going to have a talk after you and he'll  
12 probably explain that pretty well. But yeah, they're  
13 qualified rural residents. And so they could share in  
14 that taking. They could either petition to get their  
15 fish through it or whatever the plan is approved.

16

17                   MR. KING: Yeah. Okay. That's --  
18 thanks for that information. And I'll be -- my ears  
19 will be perked for the next speaker. And I will say  
20 that even with the regulations that we work on now with  
21 the State regulations, that, you know, our first fish  
22 potlatch is open to the whole community. So we are  
23 sharing and we always have.

24

25                   All right.

26

27                   Thank you.

28

29                   CHAIRMAN LOHSE: Thank you, Mark. And  
30 that's something that I would like note of, too. Is  
31 that -- you know, that we don't have any conflict in  
32 Cordova with -- the sharing goes in all directions in  
33 Cordova. And the community has always appreciated that  
34 first potlatch. It's kind of a -- kind of -- it's not  
35 just the Native Village of Eyak. It's kind of a  
36 community thing.

37

38                   MR. KING: Yeah.

39

40                   CHAIRMAN LOHSE: Tom.

41

42                   MR. CARPENTER: Yeah. I'd just like to  
43 make a general comment. It's almost unfortunate that  
44 Mark and the Village had to come here and basically  
45 tell us about the dilemma that rural residents are in,  
46 especially what he's talking about in Cordova. And,  
47 you know, you have both sides of the spectrum. You  
48 have the State versus the Federal management. Some  
49 people like the Federal. Some people -- you know.

50

1                   The real problem is -- is that in this  
2 particular situation the Board of Fish and the  
3 Department created this problem themselves. And have  
4 forced rural residents to seek an alternative source  
5 because subsistence is not being met.

6  
7                   The problem is -- is that it's a very  
8 unique subsistence fishery down there. And it's always  
9 been held in State waters, at least since statehood.  
10 And it's the only place in the state where a  
11 subsistence fishery has to be prosecuted at the same  
12 time as a commercial fishery, which really makes no  
13 sense. Because a majority of the people that are  
14 commercial fishermen are also the same people that are  
15 going to be your subsistence people, bringing fish in  
16 for the community and so on.

17  
18                   At the Board of Fish meetings this  
19 winter the Village had a proposal to make it less  
20 restrictive for people to go out and get their  
21 subsistence fish, which would basically mean open it up  
22 to times certain outside of a commercial fishery.  
23 Well, the Board decided that they were not going to do  
24 that because they said it was allocative in nature.  
25 Two hours later they increased the personal use fishery  
26 at Chitina. And there was absolutely not one mention  
27 of anything being allocative in nature.

28  
29                   So really for people in the audience  
30 and people maybe listening on the phone, this is one of  
31 the reasons we have two systems. It's because the  
32 State has created a lot of these problems for no  
33 reason. And it's the only choice that people have to  
34 try and meet their -- you know, their subsistence  
35 needs.

36  
37                   So I think until that is rectified,  
38 we're going to continue to have two management systems,  
39 I'm afraid.

40  
41                   CHAIRMAN LOHSE: Any other comments for  
42 -- Chuck.

43  
44                   MR. ARDIZZONE: Judy already covered my  
45 one comment. But the other comment I was going to make  
46 was -- excuse me -- that currently we're in the call  
47 for wildlife proposals. So if they were going to  
48 submit a fisheries proposal, it would be open probably  
49 next January for proposals. That's all.

50

1 CHAIRMAN LOHSE: Okay. Any other  
2 questions or comments for Mark. Thank you, Mark.

3

4 Now we'll have Ivan.

5

6 MR. ENCELEWSKI: Thank you, Mr.  
7 Chairman. For the record, my name is Ivan Encelewski.  
8 I'm the Executive Director of the Ninilchik Traditional  
9 Council and also a Federally-qualified subsistence user  
10 from Ninilchik.

11

12 I just want to start by congratulating  
13 Ralph, Greg, and Judy on your election. And also say  
14 that Ralph has been an absolute phenomenal  
15 representation -- representative of this RAC. And I  
16 attended the Federal Subsistence Board meeting and --  
17 and for anyone else, I just want to thank Ralph for his  
18 wonderful representation of this RAC. He's a profound  
19 and stalwart for this and for subsistence.

20

21 And so thank you, Ralph.

22

23 As you know -- and I won't try and  
24 rehash all of this, but the Ninilchik Traditional  
25 Council has submitted the two proposals. One for the  
26 Kenai and for the Kasilof for a net. We're pretty  
27 where -- where that's at and so I won't kind of rehash  
28 that. But one of the things that I wanted to do here  
29 today to comment on nonagenda items is to kind of put  
30 this in a little bit of a different perspective.

31

32 We can sit here and hammer out all the  
33 pros. We have a myriad of reasons why we believe that  
34 this -- these single nets in the river are conservation  
35 -- can be done conservatively and also provide a  
36 meaningful preference. But what I wanted to do today  
37 was to put -- shed light onto the overall picture of  
38 the harvest take, so we can actually see where really  
39 subsistence users are in relation to the other user  
40 groups.

41

42 Because, you know, what Tom said in the  
43 last comment to Mr. Gease about, you know, this really  
44 is such a minor, minute, minuscule portion of the  
45 actual take of harvest. And, you know, by the time  
46 you're talking about in the upper river, you're, you  
47 know, really being last in line, so to speak. Because  
48 that's where the Federal public lands and waters are.

49

50 It really doesn't do it justice.

1 Because every time -- and I've mentioned this before.  
2 There's a set allocation of fish. The State has their  
3 sportfishing, the commercial fishing. But every time  
4 they want to put subsistence in -- the one net into --  
5 they want to say oh, it's going to create a  
6 conservation concern. Well, they don't look at it in  
7 the perspective of that's coming last in line. That's  
8 putting us last in line by saying oh, there's -- we're  
9 doing all this. We're doing -- we have this allocation  
10 limit set. And by the time they get to the top of the  
11 river, it's a conservation concern if you have a  
12 meaningful preference to take a few fish.

13

14 That's the exact opposite of the intent  
15 and the mandate of ANILCA. That puts us at the bottom  
16 of the base that we're trying to plow through. And so  
17 that's an important thing to note.

18

19 But you have -- you may have some  
20 information that I tried to, you know, put together on  
21 the actual use. And so I just want to run through some  
22 of the data because, you know, scientists and people  
23 love data. And they love to show that -- you know,  
24 what the harvest levels are. And I want this on the  
25 record.

26

27 So what we put together at the Tribe  
28 was trying to show in the 2013 -- because that's the  
29 data we have. 2014 -- there's not quite all the data  
30 from all the different resources. But in 2013, for the  
31 Cook Inlet area -- and this includes salt water river  
32 systems. For Chinook harvest -- and for those of you  
33 have a copy of the graph, really we broke it down to  
34 three different areas. The Kasilof River, some were  
35 line in river fishery. And then the Kenai River, in  
36 river fishery. And then the Cook Inlet remaining,  
37 which includes of course the salt water and other  
38 remaining river systems on the peninsula.

39

40 And so if you look, there's -- it's  
41 broken down into columns. There's State personal use,  
42 State educational, State sport, State commercial, and  
43 then Federal subsistence. And if you're looking at the  
44 harvest there, you'll see that under the State personal  
45 use -- those columns there's the Kenai River gillnet or  
46 the Kasilof River area gillnet, where they put a  
47 gillnet up to ten fathoms for personal use before the  
48 river system there in late June.

49

50 And so 46, you know, chinook were

1 harvested there. They have a sea life river in river  
2 dipnet harvest, 18 chinook were harvested there. So  
3 for a total of 64. You'll see there was no State  
4 educational fish chinook harvested. The sportfishery  
5 reported 1,835 in the Kasilof River sportfish harvest.  
6

7                   The commercial fisheries -- those are  
8 broken down into the Kasilof River special harvest  
9 area. And those are the areas by the mouth of the  
10 Kasilof where the commercial fishermen get to fish both  
11 drift and gillnet when the escapement is too high or  
12 potentially perceived to be too high, so they actually  
13 allow the commercial fishery in that area. So 369  
14 taken there.

15  
16                   You look at the Kenai River, there was  
17 11 fish harvested in the Kenai River dipnet. Chinook  
18 -- 1,405 were taken in the sportfishery. And then if  
19 you look at the Cook Inlet remaining, which includes  
20 the Anchor, Ninilchik deep creek, the saltwater, Cook  
21 Inlet saltwater, the commercial fisheries, both  
22 northern, west, and upper subdistrict. As well as the  
23 educational fisheries. Of course the personal harvest  
24 -- personal use harvest was zero. The educational  
25 fishery was 110. And that's broken down between all  
26 the different permittees there.

27  
28                   The State sport harvest was 11,352.  
29 And that was broken down. 11,022 of those were in the  
30 Cook Inlet saltwater sportfishery.

31  
32                   On the commercial side there was 5,030  
33 chinook harvested. Primarily with the majority of that  
34 in the commercial sub-district, upper sub-district  
35 gillnet, northern district gillnet, the drift fleet,  
36 and the west side gillnet.

37  
38                   So basically the Federal subsistence  
39 harvest was zero. So if you look at the subtotals on  
40 the bottom, you'll see that the State personal use took  
41 75 kings, the State educational 110. State sport was  
42 14,592. Federal subsistence zero. So out of over  
43 20,176 harvested, the Federal subsistence took zero  
44 chinook.

45  
46                   MS. CAMINER: Ivan, I'm sorry. One  
47 more time. Could you just explain please the very  
48 first line. Kasilof River gillnet, State personal use.  
49 So who is using that. Or.....

50

1 MR. ENCELEWSKI: The State river  
2 gillnet is a personal use gillnet fishery allowed in  
3 late June for Alaska residents, I believe. It runs  
4 like mid -- mid to late June for a couple of weeks.

5  
6 Yeah.

7  
8 MR. ENCELEWSKI: Yeah.

9  
10 MR. ENCELEWSKI: Ten fathom net, I  
11 believe is the maximum they allow. It's kind of --  
12 it's hard to get spots. But they allow right before  
13 the mouth of the river and the ocean in salt water.  
14 They -- people line up. And they have ten fathom nets.  
15 You get a personal use fishery. And I believe it's for  
16 all Alaska residents. It's not a subsistence fishery.  
17 It's a personal use fishery.

18  
19 MS. CAMINER: Okay. Thank you.

20  
21 MR. ENCELEWSKI: Uh-huh. And so, you  
22 know, just looking at in river escapement data for  
23 kings, I presented that, and then you can see the  
24 actual data from the graph, showing that the State  
25 sport harvest is about 72 percent. Commercial is 26  
26 percent. As you can see, we don't even show up on the  
27 graph because there is no harvest.

28  
29 And then so the data that was received  
30 was taken directly from -- and that the State of Alaska  
31 Fishery Manage Report No. 13-49. The upper Cook Inlet  
32 Fisheries Annual Management Report, as well as from the  
33 State of Alaska website on Cook Inlet saltwater  
34 sportfish harvest for 2013, as well as the FP1511 and  
35 10 Federal Analysis. So the data bears it out. This  
36 is all data that's extrapolated directly from State and  
37 Federal reports.

38  
39 And then I just want to run through  
40 real quickly on the sockeye harvest for 2013. All  
41 those fisheries in the Kasilof River for personal use  
42 was 99,967. State educational zero. The State sport  
43 was 12,257. Commercial was 67,145. And the Federal  
44 subsistence was 107.

45  
46 In the Kenai River, the State personal  
47 use was 347,222. The sportfishery was 436,988. And  
48 the Federal subsistence take was 1,408. So if you go  
49 to the Cook Inlet remaining, the personal use harvest  
50 was zero. The State educational fisheries took 5,914

1 sockeye. The State sportfishery in the Ninilchik River  
2 was the only other one -- was 43. The commercial  
3 fishery took 2,621,374. And the Federal harvest in  
4 those areas was zero.

5  
6 So if you look at the overall picture  
7 for the sockeye harvest in the Cook Inlet area, the  
8 State personal use took 447,189. The State educational  
9 fishery took 5,914. The State sportfishery 449,288.  
10 The commercial 2,688,519. And the Federal harvest was  
11 1,515.

12  
13 So out of almost 3.6 million sockeye  
14 harvested, the Federal take was 1,515 or four  
15 hundredths of one percent. So as you know, there's a  
16 community harvest limit for sockeye for the Kenai River  
17 of 4,000. There was 1,408 taken in the Kenai. So  
18 another, you know, 2,600 fish would hardly be, you  
19 know, much -- I don't know what that percentage would  
20 take us to. I didn't calculate that. Maybe five  
21 hundredths of a percent.

22  
23 So you can see that the in river  
24 escapement data shows in 2013 that the Kasilof was over  
25 escaped by 99,654 fish, sockeye. The Kenai was over  
26 escaped by 159,893. And those are the optimum  
27 statement goals that the State sets for their  
28 management. So the Ninilchik harvest -- obviously we  
29 share the community harvest with Hope, Cooper Landing,  
30 and Ninilchik on the Kenai River. So if you just break  
31 down the Ninilchik harvest for sockeye, it was 187.  
32 107 on the Kasilof. And 80 on the Kenai.

33  
34 So the intention of this information is  
35 simply just to kind of put a perspective on the  
36 fisheries themselves.

37  
38 And, you know, not to rehash old  
39 arguments, but to really show you what we're talking  
40 about in the grand scheme of things. That this fishery  
41 is so minuscule and so much ado about nothing really in  
42 the grand scheme of things. And, you know, the data's  
43 there. And presented like that, it's easy to show that  
44 -- you know, that this obviously isn't near as big as  
45 an issue as it is.

46  
47 And like I said, it wasn't my intention  
48 to get on the record here today to rehash all the  
49 arguments for and against this. I really wanted this  
50 data just presented into the record. This was the best

1 of our ability to put the data together. Like I said,  
2 it comes from all the State and Federal resource  
3 reports directly. You can see the quotes from the  
4 statistics in the lines. So it's hard to argue against  
5 these numbers.

6  
7 I want to say a couple of things. You  
8 know, the RFRs has been brought, have been mentioned.  
9 First of all, I imagine I may have missed the  
10 discussion. But the request for reconsideration, as  
11 you know, has legal requirements to be met. It's not  
12 just I don't like the decision. Please reverse it.  
13 And new information has to be presented. There's  
14 actually criteria to even accept a request for  
15 reconsideration. So it's not about politics or about,  
16 you know, who can gain the most numbers by writing the  
17 most letters.

18  
19 So I don't know whether these RFRs will  
20 even be considered. You know, it's kind of a play book  
21 out of the old State handbook. You know, in 2007 the  
22 representative Kurt Olson passed a resolution in the  
23 House Joint Committee Resolution Four to oppose  
24 Ninilchik C&T on the Kenai. They put in a request for  
25 reconsideration. Those were denied. The information  
26 was put out there that we were going to create all  
27 this, you know, conservation concern. Obviously, that  
28 didn't come to fruition. So it's really something to  
29 consider.

30  
31 I also want to mention that, you know,  
32 it got reminded to us. We had a tribal consultation  
33 with one of the Federal groups, the Bureau of Ocean  
34 Management. And just to note, you know, this is --  
35 we're really talking about the upper river -- the  
36 Kenai. Because that's the Federal lands waters. And  
37 the State -- the Feds own beyond three miles of the  
38 Cook Inlet. So offshore, that's all Federal waters.  
39 So these fish are traveling through Federal waters.  
40 Those are Andy's fish. And so.....

41  
42 (Laughter)

43  
44 MR. ENCELEWSKI: And so it's important  
45 to keep in mind that these fish originate in Federal  
46 waters as well. And, you know, we've long held the  
47 argument that, you know, their management decisions can  
48 be made based on where those Federal waters -- those  
49 fish originate.

50

1                   So, you know, I guess it's no surprise.  
2 You talk about, you know, Craig Medred writing their  
3 article. He wrote an article last time that they  
4 should boycott Ninilchik and insinuated blowing up the  
5 bridge to Ninilchik.

6  
7                   (Laughter)

8  
9                   MR. ENCELEWSKI: So we're kind of used  
10 to it. As far as the information on the public  
11 process, I kind of find that a little bit disturbing  
12 because I know that kind of really cuts to the whole  
13 argument of this whole RAC and the Federal system. As  
14 you know, it's a two-year process. You have to put in  
15 a proposal that gets published in the Federal Register.  
16 There's a -- you know, public meetings. Public notice,  
17 you know. I hear about the PSAs on the radio.

18  
19                   So how did they know about this in  
20 2007. You know, I don't assume that the information  
21 was not presented then. And at the last time they did,  
22 they showed up in numbers and testified that maybe the  
23 bears should eat us. Or maybe it would be okay if we  
24 got the fishery because maybe then some of the bears  
25 would eat us. I mean I heard one person talking about  
26 that.

27  
28                   So it's not -- this isn't a new process  
29 or a new thing because they failed to adhere to the  
30 public process and at a meeting in Kenai for the RAC  
31 meeting. I think it's more than adequate, you know, to  
32 provide that potential for public input. I'm sorry they  
33 missed it. But it certainly is not a point to be  
34 coming up with now.

35  
36                   And, you know, I think that -- one  
37 thing I want to also mention. That, you know, ANILCA  
38 is the priority. And I think that's where -- you know,  
39 beyond this global perspective of what this fishery  
40 really means and what the numbers mean, ANILCA's the  
41 priority. And when you hear people like Mr. Gease talk  
42 about these fishery about conservation, we share  
43 conservation concerns. Absolutely.

44  
45                   We've testified time and time again we  
46 would never take -- do anything that would harm the  
47 resource. And we have no intention to. But the  
48 conservation burden has overly been shared by the  
49 subsistence user. Because every time there's a new  
50 fishery or we want a meaningful preference, we're being

1 told that no, there's a conservation concern.

2

3 Well, maybe they have to ease back on  
4 some of the in river fishing. Maybe some of the -- you  
5 know, the hook and release fishing which has a  
6 mortality rate -- you know, other things needs to be  
7 addressed so that we can have a meaningful preference.

8

9 And simply saying that oh, it's a  
10 conservation concern now because we have educational  
11 use, sport use, personal -- you know, personal use,  
12 commercial taking millions of sockeye, you know, it's  
13 -- it's really -- it flips the law upside down. And it  
14 doesn't do it any justice.

15

16 You know, the State runs the net in the  
17 Kasilof -- or in the Kenai. And they keep mentioning  
18 this. Well, the argument the State has testified at  
19 the Federal Subsistence Board that well, they're just  
20 different. And I will give them that their test  
21 fishery is in the lower part of the river, so it's not  
22 in the Federal waters. But the reality is it's a  
23 gillnet.

24

25 Now, the difference for them as they  
26 said in the -- stated in the testimony is they're  
27 releasing the fish so they can analyze for their  
28 numbers. Well, we just want to take those fish and eat  
29 them. That's what subsistence is about. And what's  
30 the difference between, you know, getting our fish in  
31 that respect.

32

33 So, you know, there can be analogies  
34 both ways. But it's important to remember yes, there's  
35 30,000 dipnets like this. There's a State sport or a  
36 gillnet drift -- gillnet fishery. Why can't we run a  
37 gillnet fishery -- a drift fishery like that, that  
38 would be just as conservation minded.

39

40 You have a 72-hour reporting window for  
41 fish in the subsistence. You don't have that in the  
42 State. You have an in-season manager who can close it  
43 down anytime. We don't know if the operational plan  
44 will even get approved. That's the big thing, you  
45 know. We have to work with the Feds to develop a plan  
46 that's going to be conservative. Because we're just as  
47 conservative as anyone else. If the resource is not  
48 there, we don't eat, you know.

49

50 So this is limited to the community

1 harvest, as you had mentioned. It's a community issue.  
2 ANILCA is about rural communities. It's not about the  
3 tribes. So this would be an operational plan that  
4 anyone technically could apply for. But the Tribe  
5 would apply for that operational plan just like we did  
6 with the fish wheel. And so you have an operational  
7 plan run by the community -- run for the community, not  
8 for the Tribe. And that's important to note, too.

9  
10                   Anyway, I don't really want to, you  
11 know, continue to re-hammer all these old -- these  
12 issues. Because, you know, it will play out. And I'm  
13 sure this is not the last time you'll hear about it.  
14 I'm sure there will be RFR considerations and those  
15 kind of things. I just appreciate the opportunity to  
16 comment on these.

17  
18                   But I really want you guys to  
19 understand the full picture here. Because when  
20 information is presented from the OSM analysis or from  
21 the State or Feds, they won't collate the data in one  
22 piece to just show you really how minute this issue  
23 really is and that's really what it is.

24  
25                   And this really -- and the other last  
26 point I just want to hammer away on is that ANILCA is  
27 the priority. And that's what we're here for. And  
28 we're not here -- conservation is the priority. You  
29 know, and I testified at the Federal Subsistence Board.  
30 But of the user groups, the Federal subsistence user is  
31 the priority. And every time we're being backed in the  
32 corner, trying to be put at the back of the bus by  
33 saying that there's already an allocation set.

34  
35                   So we wouldn't do anything to hurt the  
36 resource. And I hope the people know that. But we  
37 have responses out. We have support. We've had  
38 government to government consultation with Kenaitze.  
39 They have come out in support of us.

40  
41                   Greg has mentioned that others in  
42 discussions with groups, including the local AC -- it's  
43 really about understanding the issue. And it's very,  
44 very easy to sit there and take a political -- oh,  
45 yeah. Throwing a net in the river. Nets plural. And  
46 just creating consternation. And it's unfortunate that  
47 it's the Kenai. It's about politics. I mean it's  
48 about where it is.

49  
50                   You know, one little net in another

1 river system -- we've mentioned the Yukon and  
2 Kuskokwim. They use nets. This is one community net  
3 for Ninilchik. So in the end, you know, we want to  
4 work with people to get the information out. But  
5 unfortunately we're at a disadvantage sometimes with  
6 the press and the people and the pandemonium. But  
7 really this is really much ado about nothing.

8

9 So with that, I'll answer any  
10 questions.

11

12 CHAIRMAN LOHSE: Questions for Ivan.

13

14 Judy.

15

16 MS. CAMINER: Thank you, Ivan. I think  
17 these statistics are really helpful to us and hopefully  
18 for OSM and others to take a look at. It does put it  
19 in excellent perspective. And I really have to admire  
20 your enduring diligence and enthusiasm for this and  
21 other issues related to Ninilchik and hunting and  
22 fishing and subsistence. You've really kept going for  
23 many, many years on this. And appreciate you're still  
24 enthusiastic about it.

25

26 I guess just for the record, as I  
27 recall you testified at the RAC meeting.

28

29 MR. ENCELEWSKI: Yes. I testified at  
30 the RAC meeting on FP1511 and FP1510. And I also  
31 testified at the Federal Subsistence Board meeting in  
32 January as well. And as well as Greg and Darrel from  
33 Ninilchik. And Ralph was presenting the RAC's  
34 position.

35

36 CHAIRMAN LOHSE: Thank you, Ivan. Any  
37 other comments or questions for Ivan.

38

39 (No comments)

40

41 CHAIRMAN LOHSE: Ivan, I want to thank  
42 you for putting the statistics together the way you  
43 did. And I think one of the things that needs to  
44 continue to be brought out is the fact that there is a  
45 limit on that subsistence. There is a reporting on  
46 that subsistence. There's oversight on that  
47 subsistence. If there's a problem, it can be closed  
48 down. Or when the limit is taken, it can be -- it will  
49 be closed down.

50

1                   And if people would look at that, I  
2 think they would come to the same conclusion you do  
3 there. Oop. I can almost see it on there. I can  
4 almost see it on there, you know. So thank you, Ivan.

5  
6                   MR. ENCELEWSKI: And thank you. And,  
7 you know, that's one thing that, you know, we -- you  
8 know, we felt like and we know there's disagreement by  
9 others. But, you know, we've come here. We've talked  
10 moose, bears, fish. All these species. And one thing  
11 we've reiterated time and time again is just that we  
12 feel like this is such a minute amount of the resource.  
13 And time and time again I think we've shown through the  
14 implementation of those Federal subsistence hunts and  
15 fisheries that our take is really next to nothing, you  
16 know.

17  
18                   And so while there's, you know, concern  
19 over -- you know, a net obviously taking more fish --  
20 well, when you put it in the perspective of the  
21 community harvest level -- when you look at, like you  
22 say, the community harvest of say 4,000 sockeye in the  
23 Kenai, there's 1,405 already being taken. So what's a  
24 few thousand more sockeye. Okay.

25  
26                   So is there a chinook harvest being  
27 taken. Well, out of 20,000 harvested, why can't we  
28 have 100 kings, you know. It just seems backwards. It  
29 really does.

30  
31                   And it's unfortunate that more people  
32 wouldn't understand the issue and work with us, instead  
33 of just completely against us. And recognize -- and  
34 just drop the whole, you know, trying to -- that the  
35 user groups are different. And there is a preference  
36 for subsistence. I know that's different.

37  
38                   But anyway.

39  
40                   CHAIRMAN LOHSE: Thank you, Ivan.

41  
42                   Mary Ann.

43  
44                   MS. MILLS: Thank you, Ivan. While you  
45 were giving your report, I was reviewing the discussion  
46 and justification, you know, that this Council goes  
47 through. And it's -- I am really proud of this  
48 Council. Because I think, you know, due diligence was  
49 done. And, you know, what we base our support or our  
50 decision is is there a conservation concern.

1                   And I liked how you did your report.  
2 Because it shows, you know, actually the lack of the  
3 chinook salmon by the subsistence. And also is the  
4 recommendation supported by substantial evidence such  
5 as biological and traditional ecological knowledge.  
6 And, you know, your report did touch on that. And I  
7 thought you did a wonderful job.

8  
9                   And then will the recommendations be  
10 beneficial or detrimental to the subsistence needs.  
11 And you showed very well that there is a need for the  
12 fish, but it is not getting to the subsistence users.

13  
14                   And will the recommendation  
15 unnecessarily restrict other uses. And with the  
16 information you presented, it shows actually just the  
17 opposite.

18  
19                   So thank you so much.

20  
21                   Very good report.

22  
23                   Thank you, Mr. Chair.

24  
25                   MR. ENCELEWSKI: Thank you, Mary Ann.  
26 I just -- you know, I appreciate that. And, you know,  
27 that just -- you know, not to beat a dead horse so to  
28 speak, but that's really where we're at. You know,  
29 we're not here to say that there's not issues and  
30 concerns with king salmon or chinook salmon and those  
31 things. But when you look at the numbers and put it in  
32 the perspective why can the other user groups take  
33 20,000 chinook and we can't be allowed to have a  
34 priority to get some fish. That's not what ANILCA  
35 says.

36  
37                   And again if they say there's a  
38 conservation concern, they're really hurting their own  
39 argument. Because then they're saying then they have  
40 to curtail some of their activities in order that we  
41 get that preference.

42  
43                   So it's really -- you know, it's a  
44 really difficult issue. You can't continue to sit  
45 there and make the argument that, you know,  
46 sportfishermen can taken tens of thousands of kings  
47 and, you know, subsistence gets nothing.

48  
49                   CHAIRMAN LOHSE: Greg.

50

1 MR. ENCELEWSKI: Through the Chair, I  
2 got one question I would now like you to maybe just  
3 make a comment on. And that has been brought to my  
4 attention. You know, we -- I have talked to you. You  
5 know, I talked to the guys -- the fly -- trout people  
6 and Mr. Gease of course of big concerns of mostly the  
7 trout and Dolly Varden. And I know we plan to be very  
8 conservative, but I would like you to kind of address  
9 that. Because I think that's a -- they use that as a  
10 big, truly unfounded argument.

11  
12 Thank you.

13  
14 MR. ENCELEWSKI: Well, yeah. I think  
15 unfortunately a lot of the arguments are just, you  
16 know, unfounded, based on the statistics and the  
17 information. I think one of the things is obviously  
18 we're going to be -- when we look at the operation plan  
19 area, it's going to be a huge one, you know. And we'll  
20 have to work with the in-season manager Andy and -- and  
21 Jeff and see if there's -- you know.

22  
23 But it's not going to be in Rainbow  
24 Alley as some people say or, you know, some spot where,  
25 you know, all the take is going to be in areas of, you  
26 know, super high concern. I know that they believe  
27 that all the areas are high concern, but the reality is  
28 -- is that, you know, in order to get a few fish for  
29 the preference under ANILCA, this is the area we're  
30 dealing with.

31  
32 You know, I can't speak to all that.  
33 We do have a residence species determination for C&T.  
34 Obviously over 18 inches is supposed to be not  
35 retained. But there's another issue. You know, it's  
36 not by catch when you have a C&T for resident species.  
37 It's a subsistence harvest.

38  
39 So -- and I think another good point is  
40 that there's some definite studies that need to be done  
41 on the predation of, you know, chinook salmon with  
42 these, you know, rainbow trout and stuff like that --  
43 that Ralph had mentioned earlier.

44  
45 So, you know, it's doing one thing  
46 against the other. You know, if they're predict -- you  
47 know, causing problems with the king salmon or the  
48 chinook salmon population, then yeah. Maybe, you know,  
49 we're doing things. But it's unfortunate because you  
50 hear user groups -- and I'll just be honest with you.

1 This is hearsay. But, you know, you hear people saying  
2 well, I don't care about the kings anymore. I just  
3 care about the trout. Because the kings are gone. You  
4 know, and these are sportfishermen and people like  
5 that.

6  
7 And it's like well, you know, how do  
8 you properly balance all of these issues. You know,  
9 and we can go into the arguments over, you know,  
10 commercial fishing and sportfishing. You know, how do  
11 you not over escape the river. You know, but yet allow  
12 chinook harvest or chinook escapement. You know,  
13 you're over escaping the Kenai and Kasilof for the last  
14 several years and are trying to get more kings in  
15 there. Well, how do you properly balance these.

16  
17 And we believe that, you know,  
18 obviously we're not going to, you know, harm the  
19 population. But the biggest point about that is that  
20 you have a 72-hour reporting period. Any conserva --  
21 any species of concern would cause, in my opinion, a  
22 shutdown of the fishery.

23  
24 MR. ENCELEWSKI: Thank you. Thank you  
25 very much.

26  
27 CHAIRMAN LOHSE: Thank you, Ivan. Any  
28 other questions.

29  
30 (No comments)

31  
32 CHAIRMAN LOHSE: Thank you. Do we have  
33 any other public or tribal comment on nonagenda items.  
34 Sky wants to do it on the second day, right.

35  
36 MR. MIKE: Oh. Yes, she did. It  
37 depends on the Board of Game. Where they're at on our  
38 agenda. He may show up today or tomorrow.

39  
40 CHAIRMAN LOHSE: Okay. Thank you.  
41 With that, we can go to old business or we can it's  
42 seven minutes till noon and we can take a lunch break  
43 till 1:15.

44  
45 MR. ENCELEWSKI: Sounds good.

46  
47 MR. CARPENTER: Sounds good.

48  
49 CHAIRMAN LOHSE: Does that sound good  
50 to -- do we need more or is that sufficient.

1 UNIDENTIFIED VOICE: That sounds fine.  
2  
3 CHAIRMAN LOHSE: That's sufficient.  
4 Okay. The meeting is recessed until 1:15.  
5  
6 (Off record)  
7  
8 (On record)  
9  
10 CHAIRMAN LOHSE: Okay. I'd like to  
11 call this meeting of the Southcentral Subsistence  
12 Regional Advisory Council back in session. Give Mary  
13 Ann a chance to sit down.  
14  
15 And we are on old business. And  
16 Donald, have you got something for us right now.  
17  
18 MR. MIKE: Yes, Mr. Chair. We have two  
19 people on line, participating in this meeting.  
20  
21 And can you identify yourselves on  
22 line, please.  
23  
24 TODD: Todd Kenai National Wildlife  
25 Refuge.  
26  
27 MR. MIKE: Anybody else.  
28  
29 (No comments)  
30  
31 MR. MIKE: Okay. And Mr. Chair, in  
32 front of you I have the yellow folder which includes --  
33 if you open it up, we have reports from the Bureau of  
34 Land Management from the Glennallen office. And it is  
35 the summary of the moose harvest and other subsistence-  
36 related projects.  
37  
38 And also I inserted a PowerPoint  
39 presentation from the Native Village of Eyak on  
40 fisheries research past, present, and future.  
41  
42 And also there's a news release  
43 notifying the public of the funding availability for  
44 the 2016 FRMP.  
45  
46 And a green document from the US For --  
47 the Forest Service -- Chugach National Forest. It's  
48 their summary report, dated February 18, 19, 2015.  
49  
50 And finally there's a document from the

1 National Park Service. The front cover is pink and the  
2 back cover is blue. And this is a report from the  
3 Wrangell-St. Elias National Park.

4  
5 And before we get into old business,  
6 the rural determination process review -- I handed out  
7 a supplemental material this morning. And the cover is  
8 green. And it says supplemental materials, February  
9 18, 19, 2015. And it's numerating alphabet A, B, C,  
10 and D. A is the news release rural determination  
11 final. And it also includes their rural process  
12 proposed rule, dated January 28, 2015.

13  
14 And Tab B is the Regional Advisory  
15 Council review of the Southeast Alaska Council's  
16 proposal on C&T.

17  
18 Tab C is the National Wildlife Refuge  
19 System statewide regulations proposal fact sheet. And  
20 within that is the statewide regs proposed rules  
21 frequently asked questions.

22  
23 And finally just for your reference,  
24 Tab D is the wildlife proposed rule, January 14, 2015.

25  
26 And the next presenter on rural will  
27 refer you to your document that says Southcentral RAC  
28 and reference Tab A, rural determination final.

29  
30 Thank you, Mr. Chair.

31  
32 CHAIRMAN LOHSE: Thank you. Thank you,  
33 Donald. With that, we go on to A, under old business,  
34 which is rural determination process review -- Tab A.

35  
36 MS. LAVINE: Good afternoon, Mr. Chair.  
37 Members of the Board. My name is Robbin LaVine. And I  
38 am an anthropologist with the Office of Subsistence  
39 Management. I am a recent hire, but I am not new to  
40 the program. I've spent the last five years conducting  
41 research on subsistence for the Alaska Department of  
42 Fish and Game here in Southcentral. And prior to that,  
43 I was a partners anthropologist for the Bristol Bay  
44 Native Association in Southwest Alaska.

45  
46 I am honored to be here and look  
47 forward to continuing to work and serve your region  
48 here in Southcentral Alaska.

49  
50 So we have for those listening on line

1 a PowerPoint briefing on the proposed rule of the rural  
2 determination process. And I'm going to just walk you  
3 through it.

4  
5 This is an action item. At this stage  
6 in the rural determination review process, the Board is  
7 requesting recommendations from the Council on the  
8 current proposed rule in the Federal Register. And  
9 that's in your packet.

10  
11 There will be a meeting held this  
12 evening between 7:00 and 9:00 p.m. to receive public  
13 comments on the proposed rule.

14  
15 During previous meeting cycles, the  
16 Board received 475 substantive comments from various  
17 sources, including individual citizens, members of the  
18 Regional Advisory Councils, Tribes, Alaska Native  
19 Corporations, and other entities and organizations,  
20 such as boroughs and city governments. You are being  
21 asked to consider whether you agree or disagree with  
22 changing the current regulations on rural  
23 determinations as proposed by the secretaries. The  
24 rule would be effective statewide.

25  
26 After the Board meets in June of 2015  
27 and makes its recommendations to the secretaries, a  
28 final rule will be published which may or may not  
29 differ from the proposed rule that you see now.

30  
31 This proposed rule was initiated based  
32 on the findings of the secretarial review of the  
33 Federal Subsistence Management Program. Rural  
34 determinations are important because only residents of  
35 areas identified as rural are eligible to harvest under  
36 Federal Subsistence Regulations on Federal public lands  
37 in Alaska.

38  
39 So under current regulations, the Board  
40 aggregates communities or areas that are economically,  
41 socially, and communally integrated. And evaluates a  
42 community's rural or nonrural status using guidelines  
43 defined by the secretary, such as population thresholds  
44 and economic development.

45  
46 Under the proposed regulations, the  
47 Board would evaluate a community's nonrural status  
48 using a broad array of relevant information and rely  
49 heavily on the recommendations of Regional Advisory  
50 Councils. They would also recognize regional

1 differences.

2

3                   The proposed regulatory change would  
4 increase flexibility in the decision-making process and  
5 recognize the unique nature of Alaskan communities.  
6 And here we have just an example of the old, the new,  
7 with all the array of various considerations you see in  
8 the old. And it's leaned it down considerably in the  
9 new.

10

11                   Instead of using only population  
12 thresholds, rural characteristics, aggregation of  
13 communities, varying information sources, and  
14 attempting to apply those standards statewide, the  
15 Board would rely on the Councils and the public to  
16 provide information to the Board and make rural  
17 determinations on a regional level.

18

19                   The proposed rule would eliminate the  
20 mandatory ten-year rural review cycle and instead  
21 changes to rural status would be based on proposals  
22 submitted to the Board.

23

24                   This is the new regulation proposed by  
25 the secretaries, which would be A. The Board  
26 determines which areas or communities in Alaska are  
27 nonrural. Current determinations are listed at subpart  
28 B. All other communities and areas are therefore  
29 rural. So do you agree with these changes. If so,  
30 why. Do you disagree with these changes. If so, why.

31

32

33                   Again, we're going to be holding a  
34 public meeting this evening to get comments from the  
35 public in this region. And I imagine that you will  
36 want to deliberate and make your recommendations after  
37 that.

38

39                   That's it.

40

41                   CHAIRMAN LOHSE: That's it.

42

43                   MS. LAVINE: Thank you.

44

45                   CHAIRMAN LOHSE: Any questions or  
46 comments at this time from Council members.

47

48                   Judy.

49

50                   MS. CAMINER: Thanks, Mr. Chair. And

1 if we could turn that light off, please, on the  
2 projector. But -- thanks.

3  
4 This is a huge topic. And it's a  
5 little bit hard sort of not knowing what we had before  
6 and what we have now. But certainly one change is that  
7 the Board would be making these determinations and not  
8 the secretary's office -- or the secretaries. And so  
9 from my perspective, I think that would be an  
10 improvement. That would be great.

11  
12 But the vagueness of how one is going  
13 to make these decisions certainly lingered. You did --  
14 in the reg, it looks like you have named a few possible  
15 criteria for nonrural areas to bring forward for their  
16 application or justification; is that correct. At the  
17 bottom of 4522, on the lower right.

18  
19 MS. LAVINE: I would -- it is my  
20 understanding that that criteria has yet to be  
21 determined. That process.

22  
23 MR. ARDIZZONE: Mr. Chair, Chuck  
24 Ardizzone, for the record. Robbin's correct. The  
25 Board hasn't yet determined what it will use to  
26 determine what's rural and nonrural. This is the first  
27 step in getting there. Eliminating what's in the  
28 current regulation. And then based on input from the  
29 Regional Advisory Councils and discussion that the  
30 Board may have with the public and tribes and  
31 corporations. I think that would help them formulate  
32 what they want to use to determine as to what's rural  
33 and nonrural.

34  
35 It is pretty vague. And we really  
36 can't speak for the Board because they haven't really  
37 had an extended discussion because this new  
38 regulation's not past (ph).

39  
40 MS. CAMINER: Mr. Chair, what happens  
41 to the 2007 rule. Everybody's been saying it's  
42 abeyance. For example, a community like Adak, which  
43 was determined to at that point be called an rural. If  
44 2007 regs don't go into effect, what happens to them.

45  
46 CHAIRMAN LOHSE: Okay. Chuck.

47  
48 MR. ARDIZZONE: They will go into  
49 effect unless something gets done now. So I think it's  
50 May of next year.

1 UNIDENTIFIED VOICE: 2017.  
2  
3 MR. ARDIZZONE: Or 2017 that it would  
4 go in effect. So that's why we're trying to change  
5 these regulations. Then the Board will have to take  
6 some more steps to determine who's rural or nonrural or  
7 that last rule will go into effect.  
8  
9 CHAIRMAN LOHSE: Chuck, if I understood  
10 what she said right, the Board is not going to be  
11 making recommendations on rural. They are going to be  
12 looking at nonrural.  
13  
14 MR. ARDIZZONE: That's correct. I  
15 might have misspoke, but that is correct.  
16  
17 CHAIRMAN LOHSE: And so if they don't  
18 say a place is nonrural, then it remains or becomes  
19 rural.  
20  
21 MR. ARDIZZONE: That's my  
22 understanding.  
23  
24 CHAIRMAN LOHSE: Mary Ann.  
25  
26 MS. MILLS: Thank you, Mr. Chair. So  
27 will there be a discussion on the use of aggregation?  
28  
29 MR. ARDIZZONE: Mr. Chair, I would  
30 assume at the next work session of the Board there will  
31 be discussions of this rule. And if this rule gets  
32 adopted, then there will be discussions on what  
33 criteria they will use in the future.  
34  
35 I think the Board's going to rely  
36 heavily on the Regional Advisory Councils and their  
37 recommendations. As Mr. Lohse put it last time, he --  
38 you know, he can smell rural, I believe. I think, you  
39 know, if the RAC comes up with a criteria in their  
40 region that they believe they can determine what's  
41 nonrural and what's rural, the Board wants those  
42 differences to be accounted for.  
43  
44 CHAIRMAN LOHSE: Correct me if I'm  
45 wrong. But basically what I see out of this is that  
46 this is taken out of the hands of Federal regulation  
47 and given to the Board to come up with criteria region  
48 by region, with the advice of their RACs. Am I correct  
49 on that.  
50

1 MR. ARDIZZONE: Well, what will happen  
2 is what's currently in Federal regulation will be  
3 removed. The new language that Robbin briefed would be  
4 hopefully put into -- adopted and put in regulation.  
5 Then as you said, the Board would rely on the RACs for  
6 criteria to determine what's nonrural.

7  
8 CHAIRMAN LOHSE: Region by region.

9  
10 MR. ARDIZZONE: Region by region.

11  
12 CHAIRMAN LOHSE: Tom.

13  
14 MR. CARPENTER: Yeah. I have a couple  
15 questions. This seems quite strange to me. I think in  
16 the last couple of years I've seen something that was  
17 done quite nationally that was passed before we really  
18 understood what it was all about. And that seems  
19 similar to this.

20  
21 So basically they want us to get rid of  
22 an existing process for determining rural and nonrural  
23 status that's very specific. And they want us to put  
24 something in there that is so extremely vague. And put  
25 that onto the register as a rule so that they can come  
26 up with how to determine -- how to implement the rule  
27 after the rule is on the books. Am I correct.

28  
29 CHAIRMAN LOHSE: Chuck.

30  
31 MR. ARDIZZONE: Mr. Chair, I guess the  
32 Board's trying to respond to what they heard from the  
33 last round of meetings we had, which was a lot of  
34 people wanted the regulations that were in place -- or  
35 that are in place currently -- changed.

36  
37 The Board had discussions about what to  
38 do. And yes, they are removing -- or the plan is to  
39 remove a bunch of the criteria that are in there now.  
40 And it will be more vague.

41  
42 And that was to allow for regional  
43 differences and input from the RACs.

44  
45 MR. CARPENTER: Well, I can appreciate  
46 that there's regional differences. There's no doubt  
47 about that. But when you have a rule -- excuse me. If  
48 you have a rule or a potential rule that is so vague in  
49 nature and you're going to allow regional differences  
50 to be incorporated into how a community is determined

1 to be rural or nonrural, don't you think that the  
2 outcome of that is going to be quite chaotic?

3  
4 Because you could have somebody in  
5 Northwest Alaska and somebody in Southeast Alaska with  
6 completely different ideas of what a rural or a  
7 nonrural community is.

8  
9 And then you're going to be basing  
10 hunting and fishing regulations in the same state using  
11 different parameters to associate who gets the benefits  
12 there. And it seems to me like that the way that this  
13 is going about is that there's going to be court case  
14 after court case after court case because this is so  
15 vague.

16  
17 MR. ARDIZZONE: Well, I guess that's  
18 why we're here, Mr. Carpenter, is to get your input so  
19 we can take it back to the Board. And the Board can  
20 say they agree with you or they disagree with you. But  
21 if -- that's why we're here.

22  
23 So let's hear your comments so we can  
24 take those back to the Board and incorporate those and  
25 your recommendation.

26  
27 CHAIRMAN LOHSE: Any other Council  
28 member comments.

29  
30 Judy.

31  
32 MS. CAMINER: Yeah. I mean I agree  
33 with Tom. We really have to think -- does this make  
34 sense. Are we kicking the question -- kicking the can  
35 down the road here.

36  
37 Certainly there was dissatisfaction  
38 with those aggregation and other criteria. And there  
39 was dissatisfaction in the outcome of the last  
40 analyses, specifically a few communities.

41  
42 There's certainly a lot of valid  
43 comments by rural communities. Do we really have to do  
44 this every ten years. And I think that's something  
45 that was clearly heard and seems like it can be  
46 remedied.

47  
48 But I guess we would probably recommend  
49 that some specific criteria do need to be documented  
50 here. Otherwise what are people going to submit.

1 When. How quickly will they submit. And, you know,  
2 what other agencies -- other places use for the rural  
3 criteria. I mean there's a lot of research that could  
4 be done to maybe have some more specifics in here.

5  
6 And you are listing some factors. You  
7 have said the Board would rely heavily on the  
8 recommendations of Subsistence Councils. I mean  
9 there's an opportunity if the Board wanted to change it  
10 to add the word deference. It's not in ANILCA, but it  
11 could be in the regulations. I mean that might be a  
12 meaningful change as well.

13  
14 CHAIRMAN LOHSE: Thank you, Judy. Any  
15 other comments.

16  
17 Chuck.

18  
19 MR. ARDIZZONE: Mr. Chair, these are  
20 all good questions and concerns. I think -- Kodiak I  
21 think brought up similar issues. And they also focused  
22 on removing the ten-year review, which they liked. But  
23 then as Ms. Caminer said, is -- well, how often -- when  
24 could someone submit things.

25  
26 So those are all comments we need to  
27 hear from the Council so we can take those back to the  
28 Federal Board.

29  
30 CHAIRMAN LOHSE: Greg.

31  
32 MR. ENCELEWSKI: Yeah. Through the  
33 Chair. Robbin, I just kind of had a question on -- you  
34 stated A, eliminate the ten years. And then under A  
35 there was which areas are nonrural. Who's going to  
36 determine that. Which areas are nonrural. And how do  
37 they do that.

38  
39 I mean, you know, all other areas are  
40 going to be rural. But the kicker's going to be who's  
41 going to determine which ones are nonrural.

42  
43 Thank you.

44  
45 MS. LAVINE: Mr. Chair, may I defer to  
46 Pippa, my associate.

47  
48 CHAIRMAN LOHSE: Sure.

49  
50 MS. LAVINE: Thank you.

1 MS. KENNER: Thank you, Mr. Chair. So  
2 I understand the question to be who's going to  
3 determine what's rural and how are they going to go  
4 about it.

5  
6 So.....

7  
8 MR. ENCELEWSKI: No. It was the  
9 opposite. Which are nonrural. Because that's going to  
10 be the new way you're going to make it.

11  
12 MS. KENNER: Thank you. Thank you for  
13 that correction. This is -- for the record, this is  
14 Pippa Kenner. So my understanding is the -- right now  
15 -- excuse me. With the adoption of this rule, who  
16 makes the decision doesn't change. The Board will make  
17 a recommendation to the secretaries.

18  
19 MR. ENCELEWSKI: Okay.

20  
21 CHAIRMAN LOHSE: Okay. The Board makes  
22 the recommendation. That's fine.

23  
24 MS. KENNER: And the -- how it's done  
25 -- the Federal Subsistence Management Program, the  
26 public, Staff, all the agencies and the Councils will  
27 now have an opportunity to give input to develop the  
28 new rule. The Board is told by the secretaries to  
29 develop an administrative process to administer the  
30 Federal Subsistence Management Program.

31  
32 So as far as nonrural or rural goes,  
33 that will be the next step.

34  
35 Now, if you -- you may or may not have  
36 looked in your Wildlife or Fisheries Regulations. And  
37 in the front it shows the nonrural areas. And it shows  
38 which ones -- based on the 2007 determination -- have  
39 changed or are going to change.

40  
41 So what this does -- it eliminates the  
42 process. Takes us back to 1996. And we begin again.

43  
44 CHAIRMAN LOHSE: Judy.

45  
46 MS. CAMINER: I wonder if you could  
47 clarify. I thought this proposed rule was trying to  
48 get the decision making to the Board level and not at  
49 the secretarial level. But I may have misheard that in  
50 one of the briefings or earlier discussions.

1 MR. ARDIZZONE: The rule does say the  
2 Board would make nonrural determination using a  
3 comprehensive approach.

4  
5 CHAIRMAN LOHSE: And that's my  
6 impression.

7  
8 MS. CAMINER: Okay.

9  
10 MR. ARDIZZONE: Page 4522. So -- okay,  
11 Pat.

12  
13 MS. PETRIVELLI: Hello. This is Pat  
14 Petrivelli, BIA Subsistence. What this proposed rule  
15 does is change the process. The Board has always made  
16 the determinations. The Board made rural  
17 determinations from the beginning.

18  
19 The secretaries adopted the process  
20 rules and those are in subpart A and B of the  
21 regulations. And those are secretarial regulations.  
22 And that's what this proposed rule is -- is to change  
23 the process.

24  
25 So the one PowerPoint slide had the  
26 long list of criteria that had -- with the process that  
27 had aggregation thresholds, evaluating the community  
28 characteristics. And I can't remember the other ones.  
29 I should know it by heart, but -- so that was the  
30 process that the Board used to make the rural  
31 determinations.

32  
33 When the secretaries asked the people  
34 to make the reviews, and the Board heard all the  
35 comments that were made, then they said well, this is  
36 the process we propose to the secretaries that we want  
37 to change it to. And what the Board proposed to do was  
38 eliminate the process and come up with the statement  
39 that would say they will now make nonrural  
40 determinations.

41  
42 And this is your chance. And the  
43 secretary said okay, that's your recommendation. We  
44 want to know what the public thinks. And so this is  
45 your chance. Because once this proposed rule is  
46 adopted, either the process will change to what the  
47 Board recommended or it will stay the same. Or you  
48 could make some other changes. You know, go back to  
49 what you said the last time.  
50 And I can't remember what it was, but it might be in

1 the packet.

2

3 But the Board did make determinations  
4 before using the process. What this proposed rule does  
5 is say the secretaries do not determine what the  
6 process is. The Boards determine their own process for  
7 making the determinations.

8

9 CHAIRMAN LOHSE: Thank you, Pat. Any  
10 other comments.

11

12 (No comments)

13

14 CHAIRMAN LOHSE: Now, I know from  
15 having listened in on everything in the past and  
16 listening in on the dissatisfaction and listening in  
17 the Southeastern when I was down there, I think what  
18 this proposed rule is trying to address is the fact  
19 that Alaska's growing. Communities that have had rural  
20 status in the past and still have rural characteristics  
21 -- like up on the North Slope -- are growing in  
22 population. And there was a population threshold that  
23 people are concerned may not fit in this future.

24

25 And then there was the question of  
26 aggregation based on economics, road systems, and  
27 schools, and things like that which did not recognize  
28 the individual characteristic of communities. And that  
29 was one of the point -- that was one of the sticking  
30 points or sore points in the original process, was the  
31 fact that you can have -- you can still be a community  
32 with community characteristics and be close enough that  
33 you could be aggravated with a commun -- aggregate --  
34 aggravated probably by.

35

36 (Laughter)

37

38 CHAIRMAN LOHSE: Aggregated with a  
39 community that doesn't share your characteristics. And  
40 I think this is an attempt to recognize the fact that  
41 the Councils recognize whether a community has rural  
42 characteristics or nonrural characteristics. And to  
43 give the Councils more input into the process.

44

45 It's still -- like Tom says, it's still  
46 pretty vague. But basically once this proposed rule  
47 would be adopted, then the Board still has to come up  
48 with what they're going to use for a process to  
49 determine rural and nonrural.

50

1                   And I know that that's where Tom is  
2 sitting. Is because -- okay. Now we've given them the  
3 authority to come up with the process. But we haven't  
4 put any side bars on it.

5  
6                   And at the same time, the reason the  
7 review is there is because the side bars that were put  
8 into place 20 years ago don't fit the Alaska of today.  
9 And may not fit the Alaska of 20 years down the road.

10  
11                   And so consequently how do you -- what  
12 -- I guess what they're really asking is if this does  
13 not meet to your satisfaction, what kind of side bars  
14 would you put on. But it's recognizing that individual  
15 regions are going to have different side bars simply  
16 because we are not the same as Southeastern. We are  
17 not the same as the North Slope. And those regions may  
18 want different side bars than we would want. And  
19 consequently this would give them the opportunity to  
20 put different side bars into their process.

21  
22                   I guess to me -- I'll refer to the same  
23 one I'm sure that Tom was referring to. And that was a  
24 one size fits all idea. And basically what this is  
25 finally recognizing to me is that one size doesn't fit  
26 all. And one size definitely doesn't fit all in  
27 Alaska.

28  
29                   Tom.

30  
31                   MR. CARPENTER: Yeah. Thank you, Mr.  
32 Chairman. I mean I agree with you. I mean I really  
33 don't have a problem if the Board thinks that they need  
34 to come up with a better way of determining rural,  
35 nonrural. If there's a problem and there's communities  
36 that feel disenfranchised with the process, then there  
37 should be a way to remedy that.

38  
39                   The problem I have, like you said, is  
40 that if we give our blessing to the Board to send this  
41 proposed rule change forward and they strike the old  
42 language and put this new language in there which  
43 allows them to create a new process, it's too late.  
44 Because they're going to create something whether we  
45 like the new one or not.

46  
47                   At least right now we can look at it  
48 and say this is what we got. We don't know what it's  
49 going to be after they create this new rule. And  
50 that's the real concern that I have.

1                   And to be quite frank, I can see some  
2 real problems with this down the road. And I'll speak  
3 directly to the Kenai Peninsula. I'm not from the  
4 Kenai, but I've been at a lot of meetings where there's  
5 a lot of communities that feel they should have been  
6 considered a rural community. And maybe they should.

7  
8                   But you could take the Kenai Peninsula  
9 -- and if you apply vague application to how you  
10 qualify a community as rural or nonrural, you could  
11 turn the whole Kenai Peninsula maybe except for one or  
12 two towns into a completely rural area. And I think  
13 that is where the Board better be very cautious.

14  
15                   CHAIRMAN LOHSE: Thank you, Tom. Any  
16 other comments from anybody.

17  
18                   Mary Ann.

19  
20                   MS. MILLS: Thank you, Mr. Chair.  
21 Being from the Kenai Peninsula, when we were aggregated  
22 it was a real problem for us. Because some of the  
23 communities would have been considered rural had it not  
24 been for the aggregation.

25  
26                   And we also were under the impression  
27 with ANILCA before it was fully, really implemented  
28 that customary and traditional meant customary and  
29 traditional in the legal form. And, you know, I have  
30 no problem with -- and one of the things that we have  
31 been looking at is what about a community within a  
32 community.

33  
34                   We know through scientific facts that  
35 some of our -- of the population in Alaska without our  
36 traditional diets create huge health problems for our  
37 people. And these reports have been found in -- a lot  
38 of them came right from the USDA reports.

39  
40                   And so I guess with ANILCA -- I guess I  
41 can say it never worked for us. So it would be  
42 interesting to see if there could be some changes. And  
43 I'm not against that. And I certainly -- you know,  
44 aggregation was a very hard one for us.

45  
46                   Thank you, Mr. Chair.

47  
48                   CHAIRMAN LOHSE: Thank you, Mary Ann.

49  
50                   Judy.

1 MS. CAMINER: So just to make sure we  
2 understand what the process is, if this rule were to go  
3 through, we then -- then the Board relies on the list  
4 that was made in 1996 of what's rural and not rural  
5 until such a time as there's a chance to do some sort  
6 of evaluation on not totally quite clear criteria of  
7 what the Board considers rural -- or excuse me --  
8 considers nonrural.

9  
10 So if that's the understanding, I guess  
11 my comment would be with 450 some comments, I would  
12 have thought that some of those would include criteria  
13 on which to base that kind of decision.

14  
15 And it's good. I mean you are listing  
16 some here. I think that's helpful. But maybe there  
17 are more.

18  
19 MS. KENNER: For the record, this is  
20 Pippa. I would like to add to that that the timeline  
21 is going to be one of the important things. So the  
22 decennial review -- if this is adopted, the decennial  
23 review as was in the previous regulations will not be  
24 in the regulations anymore.

25  
26 So one of the things the Board and the  
27 Federal Subsistence Program will need to be attentive  
28 to is what is that timeline. When do people submit  
29 proposals. Will there a threshold analysis to see if  
30 there's been a significant change in a community to  
31 warrant looking at it.

32  
33 I don't know. But those are some of  
34 the things we have to look at.

35  
36 In the past, even though there were  
37 certain criteria in the regulation, it directed the  
38 Board to look at like the population threshold. The  
39 regulation always allowed the Board -- it stated in the  
40 regulation that the Board could bring in other  
41 considerations. So in that sense, the new regulation  
42 isn't that different. Rural is what the Board says is  
43 rural.

44  
45 Now, in the past we might have assumed  
46 there was some kind of broad consensus that those  
47 criteria were good for defining rural. What we found  
48 during the review is that there was not that broad  
49 consensus. That different people in different areas  
50 had very different ideas that deviated from what was in

1 the regulation and deviated from one another.

2

3                   For instance, some regions have  
4 military bases. Some don't. So there's these  
5 differences from region to region. Some are like a  
6 Prudhoe Bay or a Valdez, where you have lots of people  
7 coming in. Working two weeks on, two weeks off. Or  
8 working two years and then leaving.

9

10                   So those kind of considerations are not  
11 applicable all over in every region, but they may be  
12 for one or two regions.

13

14                   CHAIRMAN LOHSE: Well, I think you can  
15 see that the Council -- maybe not as a whole -- but  
16 it's going to be pretty hard for us to come and make a  
17 yes or no decision on this because there are still a  
18 lot of questions that seem to be floating around in  
19 people's minds. And there's also -- there is no -- at  
20 this point in time anyhow, there is no consensus of the  
21 Council.

22

23                   It will be interesting to listen  
24 tonight and see what kind of comments we get from other  
25 people and if we do get comments from other people.  
26 But we're going to have to put this on as an action  
27 item later on in the meeting. And then we'll have to  
28 discuss it as a Council.

29

30                   This is not the place for us to discuss  
31 it. This was the place to get information. And your  
32 information has opened a lot of eyes. And your  
33 information has probably got a lot of years turning in  
34 a lot of people's minds. And that's what it was  
35 supposed to do. And we thank you for it.

36

37                   And after we've listened tonight and  
38 when we get it on the table as an action item, we can  
39 put a motion on the table and discuss it and go from  
40 there.

41

42                   Is that suitable to the rest of the  
43 Council.

44

45                   IN UNISON: Yes.

46

47                   CHAIRMAN LOHSE: If there's nothing  
48 more, thank you muchly. Thank you, Chuck. Thank you,  
49 Robbin.

50

1                   Okay. We next are having the customary  
2 and traditional use determination from the Southeast  
3 Council's proposal.

4  
5                   And Robbin, you're going to present  
6 that one, too. And that's under Tab B, right.

7  
8                   MS. LAVINE: Yes. Tab B.

9  
10                  So good afternoon, Mr. Chair. Members  
11 of the Board. I'm here to keep you apprised of the  
12 progress of the customary and traditional use  
13 determination process review. So the full briefing you  
14 will find in Supplemental B. And there are copies  
15 available on the table at the back of the room.

16  
17                  This is not an action item and no  
18 recommendation from the Council is necessary at this  
19 time.

20  
21                  In April 2014, Mr. Bertrand Adams, Sr.,  
22 the chair of the Southeast Alaska Regional Advisory  
23 Council, sent a letter to Mr. Tim Towarak, the chair of  
24 the Federal Subsistence Board, requesting an analysis  
25 of the effects statewide of possible changes to the  
26 customary and traditional use determination process.

27  
28                  In response to the request,  
29 anthropologists at the Office of Subsistence Management  
30 wrote the analysis of the proposed changes, which you  
31 can find in your briefing.

32  
33                  The purpose of the analysis is to  
34 inform the Southeast Alaska Council and the other  
35 Councils of the possible effects of specific changes to  
36 the determination process.

37  
38                  Mr. Adams' letter is marked as Appendix  
39 B in the briefing. And it starts on page 31. So if  
40 you go to your Supplemental B, and look for Appendix B,  
41 you will find his letter. It starts on page 31 of your  
42 Supplemental B and includes the letter's associated  
43 attachments.

44  
45                  In it, the Southeast Alaska Council  
46 requests Staff to analyze for each region the effects  
47 of one, eliminating the eight factors from the  
48 customary and traditional use determination process.  
49 Two, allowing each Regional Advisory Council to  
50 determine its own process to identify subsistence

1 users. And three, requiring the Board to defer to  
2 Regional Advisory Council recommendations on customary  
3 and traditional use determinations.

4  
5                   Additionally, Appendix A of the  
6 briefing, beginning on page 21. This provides the  
7 current status of the review process and a summary of  
8 Regional Advisory Council comments and actions in 2013  
9 and 2014. You can find a summary of your Council's  
10 comments and actions on page 26.

11  
12                   As of the end of the fall meeting  
13 cycle, four Councils postponed action until more  
14 information was forthcoming. Three Councils supported  
15 change to the existing customary and traditional use  
16 determination process and three Councils supported the  
17 process as is. The review is ongoing.

18  
19                   Hopefully -- well, if you've had a  
20 chance to review the briefing or when you have had a  
21 chance to review the briefing, I will be here. And  
22 we'll try to answer your questions -- any questions  
23 that you might have.

24  
25                   Once again, this is not an action item  
26 and no recommendation from the Council is required at  
27 this time. I'm just here to keep you apprised of where  
28 we are in the review process.

29  
30                   Thank you.

31  
32                   CHAIRMAN LOHSE: Questions.

33  
34                   (No comments)

35  
36                   CHAIRMAN LOHSE: Robbin, where exactly  
37 is the process or is the review. Is it still just  
38 collecting information at this point in time.

39  
40                   I mean I noticed -- like you said, some  
41 of the Councils haven't responded. Some have made  
42 suggestions to keep it the way it is. Some have made  
43 suggestions to keep it based on regional. And are we  
44 still just in I'll say the fact finding mode.

45  
46                   The Board has not sat down and had a  
47 work session or anything and dealt with all of the  
48 information that has been gathered, has it.

49  
50                   MS. LAVINE: No. It is my

1 understanding that they have not.

2

3 CHAIRMAN LOHSE: Okay.

4

5 Judy.

6

7 MS. CAMINER: Robbin, it looks like at  
8 our last meeting -- or maybe a year ago -- we had a few  
9 questions. And just I guess to refresh people's  
10 memories, what would happen to the 300 or so existing  
11 C&T use determinations.

12

13 MS. KENNER: Thank you, Ms. Caminer.  
14 Through the Chair. This is Pippa Kenner, for the  
15 record. I know that I'm a little bit more familiar  
16 with this than Robbin. So I was just going to point  
17 out to her on page two, the first paragraph. I'll just  
18 read it to you.

19

20 The proposed changes will not eliminate  
21 the customary -- oops. That is the wrong -- here we  
22 go. Uh-huh. I'm very familiar with it. Okay. Here  
23 we go. I'm sorry.

24

25 Page six. It says the proposed changes  
26 could not affect existing customary and traditional use  
27 determinations until a proposal was submitted and a  
28 Regional Advisory Council recommended a change to an  
29 existing determination.

30

31 CHAIRMAN LOHSE: Okay. Thank you,  
32 Pippa. If I understand correctly then, the process is  
33 still going to be there. Customary and traditional  
34 process would still be there. The eight factors would  
35 be eliminated. But unless somebody puts a proposal to  
36 eliminate somebody who has customary and traditional,  
37 the current customary and traditional determinations  
38 would stand. Am I correct on that.

39

40 MS. LAVINE: It is my understanding  
41 that yes, they would stand.

42

43 CHAIRMAN LOHSE: And -- but.....

44

45 MS. KENNER: Thank you, Mr. Chair. I  
46 just wanted to add to that -- that the Southeast  
47 Council had -- the Board and Staff had suggested that  
48 the Southeast Council put something in writing. A  
49 proposal for us to respond to. But no formal proposal  
50 has been given to us.

1                   The purpose of the so-called analysis  
2 is simply to inform the Southeast Council -- and the  
3 other Councils and the public -- of what these specific  
4 changes might look like as outcomes.

5  
6                   CHAIRMAN LOHSE: But isn't the  
7 customary and traditional determination process under  
8 review from -- basically I'll say from the top down.  
9 Wasn't that part of our review process.

10  
11                   MS. LAVINE: It is part of the  
12 secretary initiated review. Yes. Along with rural  
13 determination.

14  
15                   CHAIRMAN LOHSE: Right. But there are  
16 no proposals on the table to change it at this point in  
17 time.

18  
19                   MS. KENNER: That's right. And just to  
20 go back to the beginning and what Robbin said, we  
21 discovered that we have four Councils that --  
22 particularly three of which have not had opportunities  
23 to work with the customary and traditional  
24 determination process. And they had a lot of  
25 questions.

26  
27                   And so we have slowed down a little  
28 bit. And we're hoping to use this briefing as -- to  
29 work with them on their outstanding questions. So we  
30 might be able to show them concrete examples of what  
31 some of these changes might look like that they've  
32 heard about.

33  
34                   CHAIRMAN LOHSE: Pippa, can I ask a  
35 question. Is that because in their area there is no  
36 need for customary and traditional use determinations  
37 because everybody in the area is pretty much customary  
38 and traditional.

39  
40                   MS. KENNER: I think that -- thank you,  
41 Mr. Chair, for that question. For the record, this is  
42 Pippa Kenner with OSM. And that's one of the reasons.  
43 Yes.

44  
45                   CHAIRMAN LOHSE: Mary Ann.

46  
47                   MS. MILLS: Thank you, Mr. Chair. It  
48 was my understanding that it wasn't so much as the  
49 people being qualified for C&T. It was it went from  
50 the people to the land. So whatever was customary and

1 traditionally taken for that area. Is that -- am I  
2 correct in my understanding of.....

3

4 MS. KENNER: Thank you for that  
5 question, Ms. Mills. Through the Chair. Yes. You  
6 know, that was -- what you've described is the current  
7 State process. Our determinations still describe  
8 people.

9

10 MS. MILLS: Thank you for that.

11

12 CHAIRMAN LOHSE: Okay. Any other  
13 questions or any other discussion that somebody -- that  
14 Council members would like to have on this.

15

16 Judy.

17

18 MS. CAMINER: Thank you. Would you be  
19 able to give us an idea of timing on this. I know you  
20 said it sounds like you have to do more briefings. But  
21 we also know it will take a long time for regulations  
22 to be implemented.

23

24 MS. KENNER: Thank you, Ms. Caminer.  
25 Through the Chair. This is Pippa Kenner again. The  
26 process seems to be that I think it's likely that the  
27 remaining Councils will have good, informed discussion  
28 on this issue.

29

30 Their Regional Advisory Council, like  
31 Southeast, may review all the comments and submit a  
32 proposal to the Board to review for recommendations to  
33 the secretaries. If not, Staff will definitely be  
34 reviewing those comments. And based on what we've  
35 heard, come up with the recommendations for changes, if  
36 necessary.

37

38 So I could see this round of Council  
39 meetings put that -- the review of comments and the  
40 development of a possible proposal to go forward.  
41 Whether we'd have that prepared for you for your next  
42 Council meeting, I can't be sure.

43

44 Thank you.

45

46 CHAIRMAN LOHSE: Thank you.

47

48 Tom.

49

50 MR. CARPENTER: Yeah. Just one

1 clarification. So after all the Advisory Councils  
2 review this information you've given about potential  
3 outcomes and make suggested comments to the Board,  
4 would the Board be developing the future proposed  
5 language if there was going to be a change implemented  
6 or would it actually be coming from an Advisory  
7 Council.

8  
9 MS. KENNER: Thank you, Mr. Carpenter  
10 for that question. Mrs. Pippa again, through the  
11 Chair. I want to direct us to -- on page 21 of the  
12 briefing -- rather than paraphrasing what the  
13 secretaries said, I am just going to go right to it.

14  
15 And in October of 2009 -- this is the  
16 fifth paragraph down on page 21 -- Secretary of  
17 Interior Ken Salazar announced that there would be a  
18 review of the Federal subsistence program to ensure  
19 that the program is best serving rural Alaskans and  
20 that the letter and spirit of Title VIII are being met.  
21 In a detailed report from the US Department of the  
22 Interior in September 2009, the Secretary of the  
23 Interior, with concurrence of the Secretary of  
24 Agriculture, directed the Board to do several tasks.  
25 The first relevant task -- to us right now -- was to  
26 review with Regional Council input Federal subsistence  
27 procedural and structural regulations adopted from the  
28 State in order to ensure Federal authorities are fully  
29 reflected and comply with Title VIII. And changes  
30 might require new regulations. And the second relevant  
31 task was to review the customary and traditional use  
32 determination process to provide clear, fair, and  
33 effective determinations in accord with Title VIII  
34 goals and provisions. And changes would require new  
35 regulations.

36  
37 So when you say the Board -- directions  
38 for the Board to do things often involve Staff.  
39 They'll direct Staff. So right now Staff are  
40 conducting the review. Asking people what they think.

41  
42  
43 And what we discovered is that -- well,  
44 one might assume that to develop clear and effective  
45 regulations people would -- people developing those  
46 regulations would have a pretty good idea of the  
47 process and the impacts of changes to it. And what we  
48 discovered is that we were lacking that understanding  
49 in some of our regions. Not necessarily as a fault of  
50 Staff, but because the process was working for them.

1 And they had never had to really get into it.

2

3 So personally, I feel -- and I think I  
4 can speak for the program in this sense -- that taking  
5 this time to provide more and relevant information to  
6 all the Councils and to each Council member is part of  
7 the review. Is making sure they understand what these  
8 foundational components of the program is and how they  
9 can change them.

10

11 So thank you.

12

13 MR. CARPENTER: So just to reiterate my  
14 original question. So there isn't necessarily going to  
15 be an outcome. There isn't necessarily going to be a  
16 direct change to the existing rule that we have now.  
17 This is just.....

18

19 MS. KENNER: Thank you for that  
20 question again, Mr. Carpenter. Through the Chair, I  
21 would say -- I would say you are correct. There is not  
22 necessarily going to be a change.

23

24 MR. CARPENTER: Okay. Thank you.

25

26 CHAIRMAN LOHSE: Pippa, can I ask you a  
27 question. I'm looking at what the letter from Salazar  
28 says in 2010. And it says requested that the Board  
29 review with Regional Council input the customary and  
30 traditional use determination process and present  
31 recommendations for regulatory changes. That, to me,  
32 sounds fairly -- I mean that's fairly strong language  
33 to me.

34

35 Because it says he wants them to review  
36 the process and present recommendations for regulatory  
37 changes.

38

39 MS. KENNER: Page number?

40

41 CHAIRMAN LOHSE: 21. Letter to Tim  
42 Towarak, December 10 -- I mean December 2010. And  
43 that's from Secretary Salazar. And I would almost say  
44 that that was -- I mean if I would have received that  
45 letter, I would say that that was an order to do  
46 something. You know, to review it and present  
47 recommendations for regulatory changes. I would think  
48 that I would be required to present some  
49 recommendations for regulatory changes. And I may be  
50 wrong on that, but that's what it reads to me.

1 Chuck.  
2  
3 MR. ARDIZZONE: I do believe it said to  
4 review C&T. I mean this is part of the reason we're  
5 here. Is we're reviewing the process. So Southeast  
6 came up with this recommendation or some changes they  
7 would like to see. So now we're going to all the  
8 Councils to get input so the Board can eventually make  
9 a recommendation back to the secretaries, if need be.  
10  
11 CHAIRMAN LOHSE: Yeah.  
12  
13 MR. ARDIZZONE: Okay.  
14  
15 CHAIRMAN LOHSE: I mean what is reads  
16 to me is that they see some deficiencies in it. That  
17 they should review it with the Councils. And then  
18 their mandate is to present recommendations for  
19 regulatory changes. And I mean.....  
20  
21 MR. ARDIZZONE: Or not. Depending  
22 on.....  
23  
24 CHAIRMAN LOHSE: It doesn't say or not.  
25 That's what I'm getting at.  
26  
27 MR. ARDIZZONE: Right. But I mean I  
28 guess -- so we are here now. We're trying to get  
29 everybody up to speed on C&T because there's a lot of  
30 confusion across the state between different Regional  
31 Advisory Councils.  
32  
33 Southeast, Southcentral are, you know,  
34 really up to speed. There are some other Councils that  
35 are still trying -- we're trying to bring them along in  
36 their comprehension in C&T and the changes that  
37 Southeast is talking about.  
38  
39 So I think we are reviewing it. And I  
40 mean that's what we're doing right now. And then there  
41 will be some recommendations made at the end. It's  
42 just we're not there yet.  
43  
44 CHAIRMAN LOHSE: Oh. That's what I  
45 would think.  
46  
47 MR. ARDIZZONE: Right.  
48  
49 CHAIRMAN LOHSE: I would think we're in  
50 the process.....

1  
2 MR. ARDIZZONE: Right. And not.....  
3  
4 CHAIRMAN LOHSE: .....of reviewing.  
5 But the mandate is to come up with some  
6 recommendations.....  
7  
8 MR. ARDIZZONE: Right.  
9  
10 CHAIRMAN LOHSE: .....for regulatory  
11 changes. Now, whether that's what Southeast has.....  
12  
13 MR. ARDIZZONE: Or something else.  
14 Right.  
15  
16 CHAIRMAN LOHSE: Whether that's what  
17 Southcentral has suggested. Whether that's some  
18 combination of everybody. But we're in the process of  
19 reviewing right now.  
20  
21 MR. ARDIZZONE: I agree with you.  
22  
23 CHAIRMAN LOHSE: And -- but the end of  
24 that process is to come up with something to recommend  
25 out of the process. To recommend some regulatory  
26 changes that meet.....  
27  
28 MR. ARDIZZONE: Correct.  
29  
30 CHAIRMAN LOHSE: .....that meet the  
31 input that came from all of the Councils.  
32  
33 MR. ARDIZZONE: Correct.  
34  
35 CHAIRMAN LOHSE: Pippa.  
36  
37 MS. KENNER: Yes. And I'd like to add  
38 to that. Thank you, Mr. Chair. I think if you read  
39 through the Council's review of the process that's  
40 presented in this document, you'll see that not only do  
41 some of these regions want to keep the process as is.  
42 They really want to keep the process as is. And that  
43 the recommendations for changes that we've received --  
44 for instance your Council wanted to look more at  
45 creating a process that C&T determinations could be for  
46 region. And include all the species in -- or area.  
47 And include the species in that area.  
48  
49 Part of our evaluation is that some  
50 regions do that now. And that may be something that is

1 possible through the current process in other regions.

2

3                   The secretaries did not instruct us to  
4 deviate from our bottom up process. So we're pursuing  
5 that.

6

7                   CHAIRMAN LOHSE: Thank you, Pippa.  
8 Thank you, Chuck. Any other comments.

9

10                  MR. CARPENTER: I have one more  
11 comment.

12

13                  CHAIRMAN LOHSE: Yes, Tom.

14

15                  MR. CARPENTER: I guess I'll ask one  
16 more comment. And I hate to bring this back up again,  
17 but I understand completely what you're saying now. It  
18 makes perfect sense. Review it. If there's any  
19 changes, recommend them to the Board. They recommend a  
20 rule change. We're all happy.

21

22                  So what's so different that they're  
23 going to review this particular situation of C&Ts like  
24 this when there's already an established rule. What's  
25 the difference between the way that the Board is  
26 handling this and the way they're handling the rule  
27 determination where it seems the exact opposite.

28

29                  MR. ARDIZZONE: I don't -- I'm not sure  
30 if it's exact opposite. I mean what we did -- we did  
31 go out to the RACs. We did go out to the public and  
32 get input on the current rural determination process.

33

34                  Based on those comments, that's where  
35 the proposed rule comes from. I mean that would be the  
36 same thing that we'd do with C&T. The process is the  
37 same. It's just we're farther ahead in the rural  
38 process than we are in the C&T process.

39

40                  MR. CARPENTER: Well, I realize -- I  
41 agree with you there. It just seems to me that the --  
42 like I say, I hate to bring this up again. It seems to  
43 me like the recommended rule change in regarding rural  
44 determination is so different than the existing rule  
45 that it's hard for me to comprehend that the new rule  
46 that's proposed came from the recommendations from the  
47 Councils. It's so different.

48

49                  MR. ARDIZZONE: I will just say that  
50 based on input from the public, there was a suite of

1 options. A number of different recommendations the  
2 Board had before it that it could pick from. And for  
3 some reason the Board decided that what they have now  
4 is what they wanted to pass forward.

5  
6 But there was a huge range of options  
7 presented to the Board.

8  
9 MR. CARPENTER: Thank you.

10  
11 MS. KENNER: And I -- may I add.

12  
13 CHAIRMAN LOHSE: Thank you.

14  
15 Pippa.

16  
17 MS. KENNER: Thank you very much, Mr.  
18 Chair. Mr. Carpenter, through the Chair. This is  
19 Pippa Kenner with OSM again. One of the things that  
20 happened with the C&T process is that.....

21  
22 MS. LAVINE: Hello, Mr. Chair. This is  
23 Robbin. Initially upon the review -- at the beginning  
24 of the review, all Councils reviewed the process. And  
25 during the March 2012 meeting in Juneau, an update was  
26 given that stated nine Councils felt the customary and  
27 traditional determination process was adequate. And it  
28 was only the Southeast Council that had comments for  
29 changes on the process. And they were the ones that  
30 started this current review of the review process.

31  
32 MS. KENNER: Re-review.

33  
34 MS. LAVINE: A re-review. And so at  
35 one point when all of the Councils had the same  
36 briefing and the same letter and the same directive,  
37 they said we don't see a problem with this.

38  
39 And it wasn't until your fellow  
40 Southeast Council requested further investigation that  
41 we have got to the point where we're at. So you all --  
42 it has been going on for a very long time. But the  
43 information is in the briefing.

44  
45 CHAIRMAN LOHSE: Thank you. And we  
46 could come out with a proposal from the Board that  
47 would be just as vague for customary and traditional as  
48 we just got for rural determination if it met some of  
49 the Council's ideas. So we haven't seen the final  
50 product yet. It's still in the process.

1 Thank you.  
2  
3 Okay. Let's go one more and then we'll  
4 take a (indiscernible) un-coffee break.  
5  
6 UNIDENTIFIED VOICE: It's way worse  
7 than it's ever been?  
8  
9 CHAIRMAN LOHSE: Uh, the un-coffee  
10 break.  
11  
12 UNIDENTIFIED VOICE: No, no, no, this  
13 is.  
14  
15 CHAIRMAN LOHSE: Oh, yeah. Yeah.  
16  
17 Okay. Let's look at the Refuge  
18 proposal rule on hunting. And who is presenting that.  
19 And that we'll find under C, if I remember right.  
20  
21 (Pause)  
22  
23 MR. LORANGER: Good afternoon, Mr.  
24 Chair and Council Members. My name is Andy Loranger.  
25 I'm the Refuge manager at Kenai National Wildlife  
26 Refuge. And accompanying me is Heather Tonneson.  
27 She's from the National Wildlife Program here in our  
28 regional office in Anchorage. And we're here to update  
29 you on the process of proposing some regulatory changes  
30 that would affect recreational hunting and trapping on  
31 National Wildlife Refuges in Alaska.  
32  
33 I think that you'll recall that Heather  
34 -- I believe Heather provided the update -- or provided  
35 the original information on this process back at the  
36 October meeting. We just really appreciate the  
37 opportunity to present to the Council this afternoon  
38 and update you on where we're at.  
39  
40 Some things have developed through our  
41 process that have kind of changed our current thinking  
42 and current content of the proposed rule. And we can  
43 go over some of those changes today. And this is based  
44 on some of the interactions we've had through Tribal  
45 consultation, consultation with the State, and other  
46 meetings that we've been having up to this point.  
47  
48 So again we're considering updating  
49 regulations governing recreational hunting and trapping  
50 on Refuges in Alaska. And the reason for this is to

1 ensure we're meeting the Federal mandates which govern  
2 how we administer and manage Refuges in Alaska.

3

4           Of course we're mandated to conserve  
5 fish and wildlife populations and habitats in their  
6 natural diversity. And to maintain biological  
7 integrity, diversity, and environmental health of  
8 Refuges in Alaska. We're also required to conserve  
9 species and habitats in Refuges for the long term,  
10 benefitting not only present, but also future  
11 generations of all Americans.

12

13           In Alaska of course this includes  
14 ensuring the opportunity for continued subsistence uses  
15 of fish, wildlife, and plants.

16

17           So the proposed changes. First off,  
18 these would amend -- to be clear, these would amend  
19 current Federal regulations found in Chapter 50, part  
20 36 of the Code of Federal Regulations governing  
21 recreational hunting and trapping wildlife on Alaska  
22 Native Wildlife Refuges. Under the proposed  
23 regulations, predator reduction activities with the  
24 intent and the potential to alter or manipulate natural  
25 diversity of wildlife populations or habitats, such as  
26 artificially increasing or decreasing wildlife  
27 populations to provide for more harvest opportunity  
28 would not be allowed on Refuges in Alaska.

29

30           Under the proposed regulatory changes,  
31 the following methods and means for predator harvested  
32 would be prohibited on Refuges in Alaska. Take of bear  
33 cubs or sows with cubs, with exception allowed for  
34 resident hunters to take black bear cubs and sows with  
35 cubs under customary and traditional use activities at  
36 a den site in parts of Alaska; take of brown bear's  
37 over bait; take of wolves and coyotes during the spring  
38 and summer denning season; take of bears using traps or  
39 snares; and take of bears from an aircraft on the same  
40 day as air travel has occurred. Current regulations  
41 same day airborne of take of wolves and wolverines is  
42 already prohibited under existing Refuge regulations.

43

44           As I said in my introduction,  
45 originally we were considering a longer list of  
46 potential prohibited wildlife harvest methods and  
47 means. But from input and concerns were brought up  
48 earlier in our scoping process, we've reduced the  
49 proposed prohibited methods from 13 down to the five  
50 you see here. And they're also listed on your

1 information sheet, the fact sheet, and the frequently  
2 asked questions document.

3

4                   So why is the Fish and Wildlife Service  
5 proposing these changes to recreational hunting and  
6 trapping regulations for Alaska Refuges. First, let me  
7 be clear that hunting is a priority public use on  
8 National Wildlife Refuges under existing law and agency  
9 policy. We have and we will continue to strongly  
10 support hunting and the sustainable harvest of fish and  
11 wildlife on National Wildlife Refuges.

12

13                   Underlying this current effort to amend  
14 existing regulations governing nonsubsistence take of  
15 fish and wildlife on Alaska Refuges is that the Fish  
16 and Wildlife Service must administer hunting on Refuges  
17 in a manner compatible with Refuge establishment  
18 purposes and consistent with all other legal mandates.

19

20                   So the proposed regulations are aimed  
21 at ensuring that the overarching establishment purpose  
22 of all Refuges as defined under ANILCA is met. And  
23 that is to conserve all fish and wildlife and their  
24 habitats in their natural diversity.

25

26                   Refuges in Alaska must also be managed  
27 so as to maintain the biological integrity, diversity,  
28 and environmental health. The latter mandate applies  
29 to all National Wildlife Refuges throughout the  
30 country.

31

32                   In a recent past, the Alaska Board of  
33 Game has adopted or considered for adoption general  
34 sport hunting and trapping regulations which allow  
35 particular practices for the harvest of predators, such  
36 as take of wolves during the denning season; take of  
37 brown bears over bait; snaring of bears, which because  
38 of its nonselective nature would require allowance of  
39 the take of cubs.

40

41                   The Fish and Wildlife Service believes  
42 that these recently adopted or considered methods and  
43 means for take of predators conflict with our legal  
44 mandates because they are intended or have potential to  
45 depress and manage predator populations on Alaska  
46 Refuges at levels inconsistent with conserving all fish  
47 and wildlife in their natural diversity and again  
48 maintaining biological integrity, diversity, and  
49 environmental health on these Refuges.

50

1                   The Fish and Wildlife Service is  
2 required to the extent practicable to be consistent  
3 with State regulations governing take of fish and  
4 wildlife on Alaska Refuges. And it is in fact our  
5 preference to do so whenever we can. That said, and  
6 while we fully respect the State's roles and  
7 responsibilities for managing wildlife in Alaska, we  
8 also recognize that differences do exist between the  
9 State's mandates and the Federal laws governing  
10 administration of Alaska Refuges. And that these  
11 differences sometimes require a different regulatory  
12 approach.

13  
14                   There's one additional area of existing  
15 regulations that would be amended under the proposal.  
16 The proposed regulations would update the public  
17 participation in closure procedures for public  
18 recreational activities on Alaska Refuges found in  
19 50CFR36.42. These regulations apply to closing or  
20 restricting recreational activities on Alaska Refuges  
21 or areas within Refuges, such as sport hunting and  
22 fishing, camping, recreational trail use, et cetera.

23  
24                   The proposed regulatory changes would  
25 not apply to or in any way change existing Federal  
26 regulations for public participation in closure  
27 procedures for subsistence use of fish and wildlife or  
28 use of transportation methods traditionally employed by  
29 rural residents engaged in subsistence activities. I  
30 think that's an important point.

31  
32                   We're proposing these changes to the  
33 existing regs to be consistent with other Federal regs  
34 and to more effectively engage the public.

35  
36                   So these changes would include adding  
37 the conservation of fish, wildlife and habitat in their  
38 natural diversity, and maintenance of biological  
39 integrity, diversity, and environmental health to the  
40 list of closure criteria -- the existing list.

41  
42                   Increase the possible duration of an  
43 emergency closure from 30 to 60 days. This is  
44 consistent with the timeframe for emergency special  
45 actions under the Federal Subsistence Regulations.

46  
47                   Increase the possible duration of a  
48 temporary closure to the current from not to exceed 12  
49 months to not to exceed five years. The proposed  
50 regulation would continue to specify that the duration

1 of a temporary closure shall extent only as long as  
2 necessary to achieve its purpose. The advantage of  
3 this change is that under the current regulation a  
4 temporary closure must be made permanent if for some  
5 reason it has to be extended longer than 12 months.

6  
7 Temporary or permanent closures or  
8 restrictions related to the recreational take of fish  
9 and wildlife would require consultation with the State  
10 and effect the Tribes and Native Corporations an  
11 opportunity for public comment and public meeting in  
12 the affected area.

13  
14 In addition to publication in the  
15 Federal Register, which is currently required,  
16 permanent closures that meet significance criteria  
17 would also be published in the CFR. And this is not  
18 currently required under existing regulations, so it's  
19 actually a higher standard that we would be holding  
20 ourselves to.

21  
22 And lastly, one of the primary goals is  
23 to expand the methods for public notice to more again  
24 proactively engage the public and effectively engage  
25 the public by adding the use of the internet and other  
26 available methods, in addition to continuing the use of  
27 the more traditional methods of newspapers, signs, and  
28 radio announcements, et cetera.

29  
30 So who would the proposed regulatory  
31 changes apply to. The changes we're considering under  
32 this proposed rule for again Refuge recreational  
33 hunting and trapping regulations would apply only to  
34 the State-regulated general hunting and trapping and  
35 intensive management activities on Alaska National  
36 Wildlife Refuges.

37  
38 The proposed regulations -- excuse me.  
39 I'm not sure how I can get back. But the proposed  
40 regulations would not apply to Federally-qualified  
41 subsistence users hunting or trapping under Federal  
42 subsistence regulations.

43  
44 I also want to note that hunting and  
45 trapping of predators would still be allowed on Alaska  
46 Refuges and that most state of Alaska general hunting  
47 and trapping regulations, including harvest limits,  
48 would continue to apply.

49  
50 The proposed regulations would only

1 apply to National Wildlife Refuge lands in Alaska  
2 highlighted here. They would not apply to other  
3 Federal, State, Native or other private lands and  
4 waters, including those which lie within external  
5 Refuge boundaries.

6  
7           Within the area under purview of this  
8 Council, the Southcentral Regional Advisory Council,  
9 the proposed regulations would apply to the Kenai  
10 National Wildlife Refuge on the Kenai Peninsula. The  
11 proposed regulations would not however result in any  
12 changes to current sport hunting and trapping  
13 regulations on the Kenai Refuge. This is because while  
14 take of brown bears at registered black bear stations  
15 became legal for the first time in the spring of 2014  
16 under State general regulations in game management  
17 units seven and fifteen, this practice is not allowed  
18 under existing Kenai Refuse specific regulations and  
19 permitting authorities.

20  
21           The other proposed amendments to the  
22 statewide Refuge regulations are consistent with  
23 existing State regulations for the Kenai Peninsula.

24  
25           So the timeline as it now stands for  
26 this process is as follows. We're presently in the  
27 scoping process of Tribal and State, consulting with  
28 our Tribes and partners and other outreach, such as the  
29 RAC meetings. The proposed rule -- we hope to publish  
30 the proposed rule and start a 60-day public comment  
31 period in late March or April, this spring. During the  
32 summer and fall, review this public comment. Update  
33 the proposed rule. And by January 16th -- 2016 -- I'm  
34 sorry -- publish the final rule.

35  
36           And throughout this process, and  
37 throughout this period and the upcoming public comment  
38 period, there will be continued opportunity for Tribal  
39 consultation and meetings, hearings in various  
40 locations around the state.

41  
42           And that's all I have for you today.  
43 And again we very much appreciate the opportunity to  
44 update the Council.

45  
46           And we'd be happy to take any  
47 questions.

48  
49           CHAIRMAN LOHSE: Any questions.  
50

1 MR. CARPENTER: Yeah. I have a couple  
2 of questions.

3  
4 CHAIRMAN LOHSE: Okay. Tom.

5  
6 MR. CARPENTER: Yeah. Thanks, Andy. I  
7 wrote a couple of notes down here. So on the temporary  
8 closures or restrictions currently, it's going to go  
9 from a 12 months to five years. And you said that's  
10 because if it extends longer than 12 months, it  
11 automatically becomes a permanent closure.

12  
13 Is that correct.

14  
15 MR. LORANGER: Thank you. Through the  
16 Chair. Member Carpenter, under the current regulations  
17 any restriction closure affecting a recreational  
18 activity on a National Wildlife Refuge must be deemed a  
19 permanent by regulation if it extends further than 12  
20 months. If it extends longer than that.

21  
22 So the language of the regulation will  
23 continue to be only as long as necessary. But the  
24 process by which it would become permanent requires  
25 Federal Register, publication, et cetera, et cetera.  
26 And this gives us an opportunity frankly to -- you  
27 know, to basically not have to go through and enter  
28 into a permanent closure by regulation, with a longer  
29 period of time to allow for a temporary.

30  
31 MR. CARPENTER: Okay. And then another  
32 question I had was when it deals with permanent  
33 closures or restrictions -- you know, and maybe this is  
34 just semantics. But it says closures related to the  
35 taking of fish and wildlife will require consultation  
36 with the State and affected Tribes and Native  
37 Corporations, as well as the public. Does the -- would  
38 it not be important to include as part of that the RAC  
39 Chair. Like you would if you were going to make like  
40 an in-season adjustment before you had delegation of  
41 authority. I mean is that something to consider. Is  
42 the general public vague enough to.....

43  
44 MR. LORANGER: So as compared or, you  
45 know, to the process that's in place in dealing with  
46 our delegated authority for instance as an in-season  
47 manager for a subsistence hunt or a subsistence  
48 fishery, the closure procedures that we're talking  
49 about would apply only to recreational hunting or other  
50 kinds of activities.

1                   But certainly in some of the issues and  
2 things that happened on the Kenai Peninsula, we have  
3 spoken with the RAC Chair and with local RAC members  
4 about those -- you know, about those recent actions  
5 taken on the recreational side of hunts on the Kenai.  
6 And will continue to do that.

7  
8                   MR. CARPENTER: Okay. I think that  
9 answered it. Thanks.

10  
11                   CHAIRMAN LOHSE: Thank you, Andy. Any  
12 more questions for Andy.

13  
14                   Judy.

15  
16                   MS. CAMINER: Well, just a quick  
17 comment. Thanks very much. That was a really good  
18 briefing. And specifically I thought it's very helpful  
19 to have your two columns with current and potential  
20 update or telling us what's changed since last time.  
21 That's really very useful. Thanks.

22  
23                   CHAIRMAN LOHSE: I have only one  
24 question, Andy. And that's you mentioned trapping at  
25 the start, but you didn't mention it again through the  
26 whole thing. And right at the start of your thing said  
27 if it has the potential to -- if I remember right, the  
28 potential to change -- I can't -- I knocked the lens  
29 out of my glasses, so it's kind of hard for me to read  
30 right now.

31  
32                   If it has the potential to change the  
33 natural diversity or -- I can't remember the exact  
34 words that were up there. And -- where am I. See if I  
35 can find it. Okay. Here it is.

36  
37                   Federal predatory reduction activities  
38 with the intent or potential to alter or manipulate the  
39 natural diversity of species. When you are -- almost  
40 always -- other than beaver, when you're trapping,  
41 you're trapping a predator. And I know that right at  
42 the moment -- if I remember right -- on Kenai Peninsula  
43 I think -- and correct me if I'm wrong because I'm only  
44 going by hearsay from down there -- that currently lynx  
45 trapping is closed on the Federal Refuge for -- do I  
46 understand right. They're saying five years.

47  
48                   MR. LORANGER: Lynx trapping on the  
49 Kenai Peninsula is closed on all lands currently, as  
50 part of what's called a lynx tracking strategy, which

1 opens and closes seasons based on lynx abundance, which  
2 of course is closely linked to snowshoe hare cycles.  
3 And so the current lynx trapping season -- we're at a  
4 very low cycle of hare abundance on the Kenai. And the  
5 current regulations -- not just on the Refuge -- but  
6 Kenai Peninsula wide under State regulations are closed  
7 to lynx trapping currently. And I want to say have  
8 been this -- either the first year or the second year  
9 of that.

10

11 And, you know, prior to that, the lynx  
12 season was open for four or five years. It actually  
13 historic high harvests of lynx on the Kenai Peninsula,  
14 including the Refuge.

15

16 CHAIRMAN LOHSE: So it's not just the  
17 Refuge then.

18

19 MR. LORANGER: Correct.

20

21 CHAIRMAN LOHSE: Okay. Thank you,  
22 Andy.

23

24 Andy.

25

26 MR. MCLAUGHLIN: Yeah. Thank you, Mr.  
27 Chair. Just kind of a comment about -- I saw up here  
28 and I read a few times it will not affect subsistence  
29 users. But I would -- you know, speaking for friends  
30 of mine who do utilize those resources in that area, I  
31 would say that sport harvest does have a direct  
32 proportional affect on subsistence uses. Because if  
33 somebody during the sport season does harvest their  
34 moose or whatever the animal was -- a bear. At the  
35 time perhaps brown bear on a bait. That then stops  
36 their need to go get -- fill that subsistence use tag  
37 because they've already filled their -- so there is a  
38 relationship to that.

39

40 Thank you.

41

42 MR. LORANGER: Through the Chair.  
43 Yeah, we recognize that. And appreciate that comment.

44

45

46 CHAIRMAN LOHSE: Any other questions or  
47 comments for Andy.

48

49 MR. ENCELEWSKI: I'd better not.

50

1 CHAIRMAN LOHSE: Come on, Greg.  
2  
3 MR. ENCELEWSKI: No, Andy. I  
4 appreciate it. And I appreciate your, you know, coming  
5 to the Council for consultation also. And we  
6 understand some of these concerns and problems, so I  
7 understand where you're going with this. And, you  
8 know, so I do appreciate that.  
9  
10 I'm a little nervous when it's to  
11 clarify a Federal mandate of, you know, natural  
12 diversity, biological integrity. And that all just --  
13 you know, it doesn't spell it out black and white; can  
14 I shoot, can I not. To me, you know, it leaves it wide  
15 open.  
16  
17 That's all I got.  
18  
19 But it's cool.  
20  
21 So I understand where you're going.  
22  
23 Thank you.  
24  
25 MR. LORANGER: Yeah. Through the  
26 Chair. Mr. Encelewski, I -- again I appreciate that  
27 very, very much. You know, the one thing that I want  
28 to really make clear is we understand. We recognize  
29 that people -- and harvest by people -- are an integral  
30 part of these natural systems. And that's not going to  
31 change under this current regulation.  
32  
33 Thank you.  
34  
35 MR. ENCELEWSKI: Thank you.  
36  
37 CHAIRMAN LOHSE: Thank you, Andy. Any  
38 other questions or comments for Andy.  
39  
40 (No comments)  
41  
42 CHAIRMAN LOHSE: With that, we're going  
43 to take a break till 3:00 o'clock.  
44  
45 IN UNISON: One more.  
46  
47 CHAIRMAN LOHSE: Oops. Andy's got one  
48 more question.  
49  
50 MR. MCLAUGHLIN: Yeah. Just a comment

1 I had taken a note on. I just came across. It was  
2 page 103 from the Appendix there. Predator management  
3 policy of the Federal Subsistence Board, page 103, in  
4 the back of this Regional Advisory Council operation  
5 manual.

6

7 There was a section there about to  
8 reduce predator population and allow ungulate  
9 populations to recover. So it seemed like there was  
10 some existing regulations in here -- or guidelines to  
11 allow that type of management practice to occur.

12

13 MR. LORANGER: Can you repeat that.  
14 I'm not familiar at all with that.

15

16 MR. MCLAUGHLIN: Page 103, predator  
17 management policy.

18

19 MS. TONNESON: Through the Chair. This  
20 is Heather Tonneson. And just to be clear, that's the  
21 Federal Subsistence Board's predator management policy.  
22 So US Fish and Wildlife Service, as the agency, is --  
23 you know, we have our own separate policies and  
24 mandates. And so Federal Subsistence Board actually  
25 says in this policy that in general they defer to the  
26 agency, you know, to be consistent with their mandates  
27 on deciding whether or not to implement predator  
28 management or predator control.

29

30 And so that's the clarification. Is  
31 we're going with US Fish and Wildlife specific Federal  
32 mandates, whereas that's a Federal Subsistence Board  
33 policy. So that's how the Board basically goes through  
34 their determination of whether or not they'll allow  
35 proposals for predator management or predator control.  
36 So does that help.

37

38 MR. MCLAUGHLIN: Thank you. Thank you.  
39 Yeah.

40

41 CHAIRMAN LOHSE: Thank you. No further  
42 comments.

43

44 (No comments)

45

46 CHAIRMAN LOHSE: Break time.

47

48 (Off record)

49

50 (On record)

1 CHAIRMAN LOHSE: Barbara.

2

3 MS. CELLARIUS: Thank you, Mr. Chair.  
4 For the record, this is Barbara Cellarius. I'm the  
5 subsistence coordinator for Wrangell-St. Elias National  
6 Park and Preserve. However, what I'm here to talk to  
7 you about right now is a regional Alaska wide  
8 regulation effort. And it's in your main Council book  
9 on page 14 through 16, is what I'm going to be  
10 referring to.

11

12 I think that most of you, if not all of  
13 you, were at the briefing that I provided on this topic  
14 at your fall meeting. So I'm going to be brief. But  
15 please ask questions if you have questions about  
16 anything.

17

18 So the topic before us is the  
19 subsistence collection and use of shed or discarded  
20 animal, plants and parts from park areas in Alaska.  
21 And basically we've had a request from subsistence  
22 users to be able to collect these items and use them in  
23 handicrafts and sell the handicrafts. And that is  
24 currently prohibited under NPS national regulation. So  
25 we've gone through a lengthy process with the intent in  
26 the end of producing a special regulation from Alaska  
27 that will allow these activities as a subsistence  
28 activity.

29

30 So we did an environmental assessment.  
31 The record of decision on that environmental assessment  
32 was signed last April. And what we have before you  
33 today is actually some draft regulatory language. So  
34 that is on page 16.

35

36 And so we're -- this has not yet been  
37 published in the Federal Register. It is a draft of  
38 language that we would intend to publish in the Federal  
39 Register. And we're looking for comments that you  
40 might have.

41

42 I will point out that it currently does  
43 not talk about plants. That was an omission that we  
44 have recognized. And so what the environmental  
45 assessment said about plants was that we would  
46 essentially authorize local subsistence users who had  
47 C&T for wildlife species in an area would be able to  
48 collect plant materials in that area.

49

50 And so basically what we're -- we're

1 essentially authorize -- trying to authorize is this  
2 collection. There are provisions in here for a written  
3 authorization, but it doesn't specify the form that  
4 that written authorization would take. So it could be  
5 an individual permit. It could be a more blanket  
6 authorization, so that individuals wouldn't have to go  
7 and get a piece of paper.

8  
9                   So we have a def -- we have -- it  
10 starts with some definitions. What's a handicraft.  
11 What we mean by wild renewable byproducts of wildlife.  
12 It adds this provision to the definition of subsistence  
13 uses in the NPS regulations. What we're modifying is  
14 NPS subsistence regulations.

15  
16                   And then there's the provision that you  
17 could do the collection. What we had come up with is  
18 essentially if you can collect -- if you can harvest an  
19 animal -- if you have C&T to harvest an animal, you  
20 would be able to collect the parts of that animal as  
21 well.

22  
23                   So you would need to -- so the  
24 superintendent -- it talks about the superintendent can  
25 establish conditions, limits or other restrictions for  
26 collection and activities. Areas open to collection  
27 will be identified on a map, posted on the park  
28 website, and available at the park visitors center.  
29 Violations of this is prohibited.

30  
31                   And then as I mentioned, I believe that  
32 we were -- I have to tell you. I didn't read this all  
33 the way through before I came up here. I've read it.  
34 I just -- my understanding is that we're requiring a  
35 written authorization. Yes. There it is. The written  
36 authorization. I just wanted to make sure I was  
37 telling you that correctly.

38  
39                   CHAIRMAN LOHSE: But the written  
40 authorization does not necessarily have to be a written  
41 authorization in your possession. It could be a.....

42  
43                   MS. CELLARIUS: It could be.....

44  
45                   CHAIRMAN LOHSE: .....be a posted  
46 written authorization.

47  
48                   MS. CELLARIUS: It could be the  
49 superintendent has put in the compendium that residents  
50 of the Wrangell-St. Elias resident zone are authorized

1 to do X.

2

3 CHAIRMAN LOHSE: Okay.

4

5 MS. CELLARIUS: So you don't -- that is  
6 something that the -- the form of the authorization  
7 will likely be determined at the park level.

8

9 CHAIRMAN LOHSE: That's kind of what I  
10 figured.

11

12 MS. CELLARIUS: And we would consult  
13 with the SRCs. Consult with the RACs what would work  
14 best for your area.

15

16 CHAIRMAN LOHSE: And probably would be  
17 subject to change as population and pressure on the  
18 park changes.

19

20 MS. CELLARIUS: Potentially. So the  
21 draft regulatory language that you have before you,  
22 that we're looking for comments on, creates a very  
23 basic structure that would then allow sort of  
24 customization at the park level based on local  
25 conditions.

26

27 CHAIRMAN LOHSE: Any questions.

28

29 Mary Ann.

30

31 MS. MILLS: Thank you, Mr. Chair. My  
32 question is, you know, whether for Alaska Natives we  
33 have the right, you know, for marine mammals. Now,  
34 does this regulation include that type of subsistence  
35 or Alaska Native user for let's say from sea otters to  
36 our belugas.

37

38 MS. CELLARIUS: I would have to go back  
39 and look at the environmental assessment. Sorry about  
40 that. I would need to go back and look at the  
41 environmental assessment. We don't have a lot of  
42 marine waters.

43

44 CHAIRMAN LOHSE: Right.

45

46 MS. CELLARIUS: So I then have to think  
47 are there situations where we would have a sea otter on  
48 NPS land. And there's probably also another regulatory  
49 body that I believe addresses sea otters.

50

1 MS. MILLS: Thank you.

2

3 MR. EVANS: Hi. For the record, I used  
4 to work for marine mammals. So sea otters fall under  
5 the Marine Mammal Protection Act. And so you deal with  
6 them through that. And the seals is part of the NMFS  
7 -- NOAA -- NOAA thing. So that's where you deal with  
8 those issues.

9

10 Thank you.

11

12 MS. MILLS: Thank you.

13

14 CHAIRMAN LOHSE: And the only marine  
15 mammals that I can think of that are on waters adjacent  
16 to the Wrangell-St. Elias National Park -- we have  
17 seals all the way up past the bridge in Chitina, you  
18 know.

19

20 Land otters are under -- they're not --  
21 they're under total different regulations.

22

23 So basically this is saying that bones,  
24 teeth, claws, horns of animals that can legally be  
25 taken in the park can also be picked up and used for  
26 handicrafts.

27

28 MS. CELLARIUS: Essentially, yes. And  
29 the same people who could harvest those animals could  
30 pick up the parts and use them for the handicrafts.

31

32 CHAIRMAN LOHSE: Judy.

33

34 MS. CAMINER: So thank you, Barb. In  
35 terms of the timing, even though I know you've been at  
36 this for a long time, it looks like you're still --  
37 still have a ways to go in terms of the process that  
38 there will be a draft rule. And then after a while  
39 then a final rule.

40

41 MS. CELLARIUS: So yeah. This would go  
42 through the regular Federal regulation process. So a  
43 draft rule would be published in the Federal Register.  
44 There would be -- it's typically I think about a 60-day  
45 public comment period. But that sometimes varies. I  
46 know that we did 90 days on the wildlife regulation.

47

48 And then there's -- it takes some time  
49 to analyze the public comment. To consider whether you  
50 might make changes based on the public comment. Then a

1 final rule would be published.

2

3                   We have had this draft and are working  
4 on refining it. So I think we're making progress on  
5 getting a draft rule that would be published in the  
6 Federal Register. But I don't know the exact  
7 timeframe. We would certainly make sure that -- you  
8 know, I send Donald emails periodically. And say  
9 Donald, to send this to the RAC, please. And we'll  
10 certainly let you know when that happens.

11

12                   But if -- before we get to that point,  
13 if you have any comments -- I'm sure Bud will look at  
14 the transcript for this meeting. And if you have any  
15 specific comments that I can share with the folks who  
16 are working on this, we're very interested in getting  
17 your comments, if you have them.

18

19                   CHAIRMAN LOHSE: And Barbara, can I ask  
20 one question. If I understand this correctly, it's  
21 things have to be converted to a handicraft to sell  
22 them. They can't be sold as raw materials.

23

24                   MS. CELLARIUS: That was what we  
25 discussed in the environmental assessment. And that's  
26 sort of been one of the side boards all along. Is that  
27 we're not selling the raw materials. It would be -- if  
28 you want to sell it, it would be as a handicraft. And  
29 that's the definition of handicraft is important.

30

31                   CHAIRMAN LOHSE: Mary Ann.

32

33                   MS. MILLS: I know a lot of people in  
34 the rural areas also collect their medicine plants. So  
35 -- and it says here to collect plant materials. So  
36 would this also include medicine plants. Or would they  
37 have to make like extract out of them. Or.....

38

39                   MS. CELLARIUS: So ANILCA already  
40 authorizes the collection of plant materials for  
41 subsistence uses, which would include -- essentially  
42 would include the medicine plant for personal or family  
43 use.

44

45                   Really what is -- the additional thing  
46 that's being authorized is the sale of handicrafts that  
47 are made out of plant material. So on the plant  
48 material side, really the thing that is new is that you  
49 could make a birch bark basket and sell it. Make a  
50 spoon and sell it.

1 (Laughter)  
2  
3 MS. CELLARIUS: So what you're talking  
4 about is actually already authorized. It doesn't need  
5 to be a change.  
6  
7 CHAIRMAN LOHSE: Unless you're selling  
8 it.  
9  
10 MS. CELLARIUS: Unless you're selling  
11 it. Yes.  
12  
13 MS. MILLS: What about barter or trade?  
14  
15 CHAIRMAN LOHSE: That's the same thing.  
16  
17 MS. MILLS: Selling or.....  
18  
19 MS. CELLARIUS: No. I mean barter is  
20 -- it's something that's already allowed for in ANILCA.  
21  
22  
23 CHAIRMAN LOHSE: But then when we did  
24 that on the salmon, barter included exchanging it for  
25 cash, which in my way of thinking is selling it.  
26  
27 (Laughter)  
28  
29 MS. CELLARIUS: So we could get into a  
30 philosophical discussion about the definition of  
31 customary trade and whether using cash as an item in  
32 your barter exchange is a sale. But ANILCA  
33 differentiates between barter, which would be -- which  
34 would not involve cash and customary trade, which would  
35 be a small scale exchange of subsistence harvested  
36 resources for cash.  
37  
38 So ANILCA makes a distinction between  
39 those two things. And I should not say anything else  
40 about barter.  
41  
42 CHAIRMAN LOHSE: Okay. And this is  
43 sale. And it's the nonsubsistence. I mean your  
44 handicrafts here can be sold to nonsubsistence users.  
45  
46 MS. CELLARIUS: I don't believe that we  
47 have discussed who the sale -- who would be sold to.  
48 You know, there's currently an authorization for  
49 handicrafts sales if you're making something out of the  
50 nonedible byproducts of fish or wildlife that are

1 harvested for subsistence. So if you've shot a moose  
2 and you have antlers and you want to do something with  
3 those antlers, that's already legal.

4  
5 But this would be a handicraft that you  
6 made out of something that you had found, rather than  
7 something you'd harvested.

8  
9 CHAIRMAN LOHSE: On a National Park.

10  
11 MS. CELLARIUS: On National Park lands.  
12

13 CHAIRMAN LOHSE: Mary Ann.

14  
15 MS. MILLS: But you have to be from  
16 that area to collect it. Or you have to be a qualified  
17 subsistence user.

18  
19 MS. CELLARIUS: For what is discussed  
20 in this regulation and as we described it in the  
21 environmental assessment, if you had a customary and  
22 traditional use determination for a certain species in  
23 a given area for wildlife, you would be able to pick up  
24 -- to collect the parts of that animal. And we  
25 basically envision that the authorization for plant  
26 materials for the sales -- to make handicrafts for sale  
27 would follow that.

28  
29 There are some other regulations that  
30 apply to plant materials that might be relevant to your  
31 question. But maybe you and I should look at the reg  
32 book together if you want some more detail on that.

33  
34 CHAIRMAN LOHSE: Thank you, Barbara.

35  
36 Greg.

37  
38 MR. ENCELEWSKI: I've just got one  
39 comment, Barbara. It's not a big deal. But wild,  
40 renewable byproducts of wildlife -- I like number  
41 three. It says occurs through natural mortality. And  
42 so everything occurs through natural mortality, so I'm  
43 okay. So I can go pick up whatever. So thank you.

44  
45 CHAIRMAN LOHSE: Yes. But you don't  
46 live in a resident zoned community.

47  
48 MR. ENCELEWSKI: Okay. I'm going to  
49 get a note.

50

1 MS. CELLARIUS: Thanks, Greg.  
2  
3 MR. ENCELEWSKI: You're welcome.  
4  
5 CHAIRMAN LOHSE: Thank you, Barbara. I  
6 think that's one thing that we have to remember. What  
7 they're talking about right here is National Park  
8 Service land and people who have C&T on National Park  
9 Service land, which either through 1334 or resident  
10 zoned community or something on that order.  
11  
12 Thank you.  
13  
14 Okay. With that, we're going to go on  
15 to the review of the Fishing Resource Management Plan's  
16 strategic plan. Resource monitoring proposals  
17 strategic plan.  
18  
19 Donald.  
20  
21 MR. MIKE: Thank you, Mr. Chair. At  
22 the last Southcentral RAC meeting, the Council  
23 discussed the strategic plan for -- there's already one  
24 existing for Prince William Sound and for the Kenai.  
25 And the Cook Inlet Region there is still in the works,  
26 I believe. And Mr. Ardizzone will give an update to  
27 the Council as far as where we're at with the process.  
28  
29 CHAIRMAN LOHSE: Okay. Thank you.  
30  
31 MR. ARDIZZONE: Mr. Chair, I think at  
32 your last meeting it was brought up that the Council  
33 would like a reevaluation of a strategic plan for Kenai  
34 -- or what there is of a plan. And concerns were  
35 brought back to the office. And they already -- Mr.  
36 Peltola has committed to money and Staff to do a review  
37 of the FRMP in its entirety.  
38  
39 And it's going to take a while, so  
40 don't -- it's not going to be an immediate thing. But  
41 the plan is to review the whole program to see where we  
42 can make efficiencies and maybe, you know, reallocate  
43 money if we need to.  
44  
45 But that's an ongoing process. It  
46 hasn't begun yet because we were waiting on funding for  
47 this year to know how much money we have. But that  
48 will be started probably this summer.  
49  
50 We do have a director's fellow coming

1 in. It's a student. And that person's going to help  
2 us compile files and do some background work for this  
3 process. And that individual should be here this  
4 summer for like 11 weeks.

5  
6 So I just wanted to give you an update  
7 where we're at.

8  
9 CHAIRMAN LOHSE: So basically we're  
10 just starting the review process on it.

11  
12 MR. ARDIZZONE: Yes, sir.

13  
14 CHAIRMAN LOHSE: Okay. Any other  
15 questions for him.

16  
17 MS. CAMINER: Mr. Chair.

18  
19 CHAIRMAN LOHSE: Judy.

20  
21 MR. ARDIZZONE: They just reminded me.  
22 They just wanted me to mention that currently there is  
23 a call for Fisheries Resource Monitoring Program  
24 investigation plans or proposals I guess is what they  
25 call them.

26  
27 CHAIRMAN LOHSE: Uh-huh.

28  
29 MR. ARDIZZONE: And that call's out --  
30 I think it closes April 1st.

31  
32 MS. LAVINE: March 11th. And I'll be  
33 presenting that under new business.

34  
35 MR. ARDIZZONE: Okay. March 11th.  
36 That will come later. But I didn't see it on the  
37 schedule, so I thought I'd better mention it.

38  
39 But -- okay.

40  
41 CHAIRMAN LOHSE: Judy.

42  
43 MS. CAMINER: Thanks, Chuck. And so  
44 yeah, just an update. I know from our last meeting we  
45 had a couple of items to put in our annual report.  
46 That would be one that you covered -- that we'd like to  
47 see a review of the allocations among regions. And the  
48 other one was we made several suggestions for the  
49 program.

50

1                   So I hope that the intern or others  
2 will review some of our transcripts from our last  
3 meeting where we had some really good suggestions, I  
4 think. Especially about getting partners and involving  
5 youth.

6  
7                   MR. ARDIZZONE: I'll make sure to bring  
8 that to the forefront. But I will say that our -- we  
9 do have a new Fisheries Division chief. And that --  
10 his name is Stewart Cogswell. And he is very  
11 proactive. And he would like to increase capacity and,  
12 you know, get more people involved and get more  
13 partners. So, you know, if we can -- if we have the  
14 funding -- you know, everything depends on funding.  
15 But he's very proactive in that kind of thing. So.....

16  
17                   CHAIRMAN LOHSE: Thank you, Chuck. Any  
18 questions, comments.

19  
20                   (No comments)

21  
22                   CHAIRMAN LOHSE: Greg. Did you have  
23 something.

24  
25                   MR. ENCELEWSKI: No. Through the  
26 Chair. I was just going to comment on the program.  
27 Because I know the Council is applying for some  
28 monitoring programs for steelhead and trouts and stuff.  
29 So you'll see that by the deadline.

30  
31                   MR. ARDIZZONE: Okay. Thank you.

32  
33                   MR. ENCELEWSKI: Thank you.

34  
35                   CHAIRMAN LOHSE: Thank you. And thank  
36 you, Chuck. Are you going to give us anything on  
37 special actions. Or.....

38  
39                   MR. ARDIZZONE: I am on for number two.

40  
41                   CHAIRMAN LOHSE: You're on number two.

42  
43                   MR. ARDIZZONE: Yeah.

44  
45                   CHAIRMAN LOHSE: On the pipeline  
46 corridor restructure.

47  
48                   MR. ARDIZZONE: Yes.

49  
50                   CHAIRMAN LOHSE: Who's on number one.

1 Anybody.

2

3 Donald.

4

5 MR. MIKE: Mr. Chair, I reminded you  
6 that the Forest Service will do an update on special  
7 actions. But that will be under their agency reports.

8

9 CHAIRMAN LOHSE: Thank you. I remember  
10 you reminding me now.

11

12 (Laughter)

13

14 CHAIRMAN LOHSE: I need reminding that  
15 I've been reminded.

16

17 (Laughter)

18

19 CHAIRMAN LOHSE: Okay. Chuck, we'll  
20 then let you go for number two.

21

22 MR. ARDIZZONE: So Mr. Chair, also at  
23 your last meeting we had a discussion about the  
24 pipeline corridor. We have restrictions and Federal  
25 regulation in Unit 13 remainder, that say you may not  
26 hunt within the pipeline right-of-way. And there's a  
27 discussion about removing that.

28

29 So what I did -- I took the liberty of  
30 typing up special action or a proposal that if the  
31 Council would like to submit, I do have one ready to  
32 go. And, you know, it doesn't have to be done at this  
33 minute because, you know, there is a call for proposals  
34 later on the agenda. But I just wanted to let you know  
35 that I heard what you said. Typed something up for you  
36 so that we have something available if the Council  
37 wants to do that.

38

39 CHAIRMAN LOHSE: And this would come up  
40 at our next wildlife meeting. And this is -- or is  
41 this for a special action.

42

43 MR. ARDIZZONE: Mr. Chair, it could be  
44 used for both. It could be submitted as a special  
45 action for this coming season. And then it could also  
46 be submitted as a proposal that would come before you  
47 at your next meeting.

48

49 CHAIRMAN LOHSE: Okay. Just as a  
50 review, this is because at the present time State

1 sporthunters can hunt on the pipeline corridor, but  
2 subsistence hunters cannot hunt on the pipeline  
3 corridor. And this is a request that we open it -- the  
4 pipeline corridor to subsistence hunters also.

5  
6 Judy.

7  
8 MS. CAMINER: I was just wondering when  
9 you have a chance if we can get copies or -- so that we  
10 can have a look at it before we do a discussion.

11  
12 MR. CARPENTER: Well, we should submit  
13 that now.

14  
15 CHAIRMAN LOHSE: Yeah. I think we can.  
16 Well, possibly.

17  
18 Chuck, could you read it to us, please.

19  
20 MR. ARDIZZONE: Sure, Mr. Chair. So  
21 basically the language that we would remove in Unit 13  
22 remainder says you may not hunt with the Trans-Alaska  
23 Oil Pipeline right-of-way. The right-of-way is the  
24 area occupied by the pipeline buried or above ground  
25 and the cleared area 25 feet of either side of the  
26 pipeline.

27  
28 So all I did was strike that language.  
29 And based on what I heard at the last meeting, the  
30 justification I wrote was this regulation should be  
31 changed as it is an undue burden on Federally-qualified  
32 subsistence users. The closure is not related to any  
33 conservation concerns for caribou in the area.  
34 Additionally, this restriction is not found in any  
35 other area and is not required under State hunting  
36 regulations in the same area.

37  
38 CHAIRMAN LOHSE: Motion to submit that  
39 as special action and then discussion.

40  
41 MR. CARPENTER: Yeah, Mr. Chairman.  
42 I'm not sure what the formalities is. If I need to --  
43 somebody needs to read that onto the record. But if  
44 what Chuck read into the record there, I would move  
45 that this Council forward this for special action for  
46 the upcoming season to the Federal Subsistence Board.

47  
48 CHAIRMAN LOHSE: And do you wish to  
49 submit it as a proposal for future.

50

1 MR. CARPENTER: And we could also  
2 submit it in the regular cycle of things as a -- you  
3 know, a stand alone proposal, too. Yes.

4  
5 CHAIRMAN LOHSE: Do I hear a second.

6  
7 MR. ENCELEWSKI: Second.

8  
9 CHAIRMAN LOHSE: Then it's moved and  
10 seconded. Now discussion on it.

11  
12 MR. CARPENTER: Well, Mr. Chairman.  
13 I'll speak to it. I mean it seems pretty evident that  
14 there's a little bit of a burden that's been put on  
15 subsistence users and not State sporthunters. And so  
16 if there's really no concern from the State that hasn't  
17 been portrayed to the State by the pipeline service  
18 companies and the people that are concerned about  
19 pipeline safety, then I don't see that the few  
20 additional subsistence users is going to pose any  
21 greater threat.

22  
23 So I think it's just making the  
24 regulations easier to understand.

25  
26 CHAIRMAN LOHSE: Any other comments.

27  
28 (No comments)

29  
30 CHAIRMAN LOHSE: Personally, I think  
31 Chuck did a real good job of a justification right  
32 there. He pretty well answered all of those questions.

33  
34 I'll make a personal comment on it.

35  
36 There actually probably are more  
37 subsistence users hunting that area than there are  
38 State hunters. But at the same time, I know for a fact  
39 it's pretty easy not to realize that all of a sudden  
40 because you're hunting under your subsistence permit,  
41 you're excluded from an area that you thought was legal  
42 because you were hunting it under your State permit.

43  
44 And the ambiguity of one group being  
45 able to hunt it and one group not does cause a  
46 potential for un -- I'll say un -- not on purpose  
47 violations. You know, unintended violations I guess is  
48 a good way of putting it.

49  
50 And that unintended violations would be

1 on the subsistence user. And I think we should do  
2 everything we can to eliminate that possibility,  
3 especially if it turns out to be me.

4  
5 (Laughter)

6  
7 CHAIRMAN LOHSE: Judy.

8  
9 MS. CAMINER: Are there any  
10 conservation reasons that we would need to be aware of.

11  
12 MR. ARDIZZONE: Through the Chair.

13  
14 CHAIRMAN LOHSE: Chuck.

15  
16 MR. ARDIZZONE: Excuse me. I'm not  
17 aware of any conservation concerns for hunting on the  
18 pipeline. I mean conservation concerns for the  
19 Nelchina herd there are but that's why we have permits,  
20 you know, to be able to close the season and stuff if  
21 we hit a certain number of procured and harvested.

22  
23 CHAIRMAN LOHSE: Yeah.

24  
25 MR. CARPENTER: Question.

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

29  
30 IN UNISON: Aye.

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

34  
35 (No opposing votes)

36  
37 CHAIRMAN LOHSE: Motion carries. Thank  
38 you, Chuck.

39  
40 Okay. With that, we are -- now have a  
41 partners presentation by the Native Village of Eyak.

42  
43 MR. PICHE: Hi. My name is Matt Piche.  
44 I am the partners fish biologist and natural resources  
45 coordinator for the Native Village of Eyak in Cordova.

46  
47 I've prepared a brief presentation on  
48 NVE's previous and current research funded by the FRMP  
49 and Partners Program. I would also like to discuss  
50 some future research gaps -- or some current research

1 gaps in our region of Southcentral Alaska the NV is  
2 hoping to fill in the near future.

3  
4                   And at the fall meeting I presented the  
5 preliminary 2014 Copper River chinook salmon escapement  
6 estimates. And at the end of this presentation I will  
7 present the final chinook salmon escapement estimates.

8  
9  
10                   And also before I get into the  
11 presentation, I'd just like to thank the RAC Council  
12 for allowing me to present over the phone at the fall  
13 meeting. I was getting the next day. And my wife  
14 thanks you as well. So thank you.

15  
16                   (Laughter)

17  
18                   So listed here are the FRMP and PFMP  
19 funded projects the NVE has either conducted or  
20 assisted with. And the top two are projects that are  
21 currently still being conducted. And I'll talk about  
22 those a little bit more on the next few slides.

23  
24                   But some of the highlights of the  
25 projects that we've completed include some of the first  
26 telemetry studies on sockeye salmon migration through  
27 the Copper River system to their natal spawning  
28 grounds. And NVE partnered with ADF&G to assist and  
29 share gear on similar studies on Copper River  
30 steelhead, chinook salmon, and coho salmon.

31  
32                   These projects provided us with the  
33 first data on distribution of salmon throughout the  
34 watershed. And later genetic studies actually  
35 identified that many of these stocks are genetically  
36 distinct both within and among the Copper River  
37 drainages, which has led to pursue options for long  
38 term monitoring of individual stocks in the watershed.  
39 Which we are looking into now with our RFID projects.

40  
41                   Another highlight is that NVE conducted  
42 an independent validation of the Miles Lake sockeye  
43 salmon sonar counts. This showed that sonar is an  
44 effective tool for estimating sockeye salmon escapement  
45 into the Copper River on a systemwide level. However,  
46 the sonar currently is ineffective in distinguishing  
47 between sockeye and chinook salmon given the current  
48 technology. And NVE's mark recapture project is a  
49 necessity on the Copper River to determine chinook  
50 salmon escapement.

1                   So now I'll talk about our current FRMP  
2 and PFMP funded projects. Our longest running program  
3 is the Copper River chinook salmon escapement  
4 monitoring program, otherwise known as CEM. This began  
5 with a two year feasibility study in 2001. And since  
6 2003 it's provided accurate and defensible in river  
7 chinook salmon escapement past the commercial  
8 fisheries. Which since 2003 has been used by ADF&G to  
9 determine if the annual systemwide sustainable  
10 escapement goal -- or SEG -- has been met. This  
11 project has been forward funded through 2017 by the  
12 FRMP program.

13  
14                   And just to give you a brief  
15 explanation of what you're looking at here in the top  
16 right corner, that's our research style fish wheel. It  
17 has three large aluminum framed baskets and has two  
18 large live tanks that retain the chinook salmon. And  
19 they actually have excluder panels attached to them,  
20 which have been designed to allow the sockeye salmon --  
21 at least up to 90 percent of the sockeye salmon that  
22 are captured by the fish wheel to escape. Yet it  
23 retains the chinook salmon. So this minimizes crowding  
24 situations and it reduces stress on any incidental by  
25 catch.

26  
27                   And you can see in the foreground of  
28 the middle photo that some of our tagging supplies --  
29 essentially what we're doing is we're capturing these  
30 chinook salmon and we're tagging them all with a  
31 passive radio tag, otherwise known as an RFID tag.  
32 And this RFID tag contains a unique chip with a unique  
33 code, so every single fish that we tag can be uniquely  
34 identified. And it can happen quite rapidly -- within  
35 a matter of seconds. So this reduces our fish handling  
36 time at our recapture site, which is up river, just  
37 below Wood Canyon.

38  
39                   And all of our fish -- they receive  
40 that primary tag. And they also receive a secondary  
41 tag or a secondary mark, which you can see on the left  
42 photo. By hole punch in the operculum. This way all  
43 of our fish -- all the fish that we recapture with our  
44 fish wheels at the Wood Canyon site can be identified  
45 even if they have had the primary tag loss. If for  
46 some reason something rips out that yellow radio tag,  
47 they can still be identified by the hole punch in the  
48 operculum.

49  
50                   And the bottom photo on the right shows

1 -- that's releasing a tagged fish back into the river.

2

3                   So our other current FRMP and PFMP  
4 funded project is the feasibility of streambed RFID  
5 readers for long term salmon population monitoring on  
6 the Copper River. This began in 2012 and is still  
7 current. It's a multi-year feasibility study on the  
8 suitability of streambed RFID readers.

9

10                   So essentially the project is using  
11 those passive radio frequency tags that are already in  
12 use by the CM program that I talked about on the last  
13 slide. But we're able to expand our data set to  
14 include arrival timing of Gulkana stock Copper River  
15 chinook salmon by placing an array -- which you can see  
16 in the middle photo -- along the streambed of the  
17 Gulkana River.

18

19                   So all the fish that we're tagging at  
20 the lower Copper River in Baird Canyon -- any of them  
21 that are bound for the Gulkana River that cross over  
22 that array are going to be logged and recorded. This  
23 is a great way to collect more data without having to  
24 actually handle any of the fish and totally reduces the  
25 amount of stress related to that type of study.

26

27                   So some of the data we're getting for  
28 this includes arrival timing of the Gulkana stock,  
29 Copper River chinook salmon at the array site. And  
30 even more importantly it includes the arrival timing of  
31 the Gulkana River stock fish in the lower Copper River  
32 at Baird Canyon. So from this data we can begin to  
33 derive stock arrival time at the commercial fishing  
34 grounds for the Gulkana fish and we can discover how  
35 spread out the run is in the lower river for the  
36 Gulkana River fish.

37

38                   The reason we chose the Gulkana River  
39 is because it's a nice, clear river. And it was an  
40 ideal spot for a feasibility study. But the idea is  
41 that we can expand this into some of the more turbid  
42 tributaries of the Copper River, where traditional  
43 methods for detecting fish aren't possible. You don't  
44 have to visually detect fish using this system.  
45 They'll automatically be detected, regardless of how  
46 much glacial sediment is suspended in the water column.

47

48                   So the results that we've discovered  
49 from this project so far are in 2012 Gulkana fish  
50 passed through the lower river tagging site over a

1 period of 11 days. And in 2013 the Gulkana fish were  
2 spread out over a period of 24 days. So we're seeing  
3 some variability. And again this was only a  
4 feasibility study, so the entire river width isn't  
5 covered. So this just kind of gives an idea of the  
6 data we can collect. And if we were to expand across  
7 the entire river and into other tributaries, this data  
8 set would become much more robust.

9  
10 And just to give you an idea, average  
11 travel time from the lower river tagging site to the  
12 Gulkana River is roughly -- well, it's roughly a 234  
13 kilometer or 146 mile journey against the Copper River  
14 current. In 2012 fish did this -- the chinook salmon  
15 did this in 53 days on average. And in 2013 they did  
16 this in 44 days. And we're still collecting 2014 data.

17  
18 So listed here are just a few of NVE's  
19 research priorities. I'm not going to go into crazy  
20 detail on all of them and we have many more priorities,  
21 but these are just a few to introduce to the RAC  
22 Council. And as Mark King mentioned this morning,  
23 subsistence needs aren't being met by the State  
24 subsistence fishery at the moment. So people are now  
25 turning to the Federal salmon subsistence fishery. And  
26 this can be seen in the permit and harvest data that's  
27 been collected recently.

28  
29 Ibek Creek is part of the Prince  
30 William Sound Federal subsistence salmon fishery which  
31 is open to all rural Prince William Sound residents.  
32 And within this fishery, the majority of Prince William  
33 Sound and Copper River delta fresh waters are open to  
34 salmon harvest via dipnet or rod and reel, excluding  
35 the Copper River itself.

36  
37 Two major changes have recently  
38 occurred in this fishery. The first change is that  
39 coho salmon harvest levels and permits issued have  
40 increased dramatically. And two, fishing was once  
41 spread out among multiple rivers. But over the last  
42 five years the majority of harvest has taken place on  
43 Ibek Creek. And in fact in 2014, 92 percent of all the  
44 fish harvested in this fishery came from Ibek.

45  
46 So the increasing importance of this  
47 fishery and its accessibility -- and by accessibility I  
48 mean that it's our only subsistence fishery that  
49 doesn't require a boat or a gillnet to participate.  
50 All you need is a rod and a reel or a dipnet and a

1 truck to get out to the river.

2

3                   So that justifies a more accurate means  
4 of monitoring. And current monitoring that takes place  
5 on the river includes aerial surveys, which, you know,  
6 research suggests that they're difficult to accurately  
7 count fish. And some reports have said that it only is  
8 recording 40 to 50 percent of the actual population in  
9 other areas of the state.

10

11                   And then harvest information is  
12 recorded through statewide mail out surveys. And the  
13 statewide mail out surveys can be accurate with some of  
14 the larger fisheries, but when you're talking about a  
15 smaller stream -- a smaller fishery like Ibek Creek,  
16 those statewide mail out surveys aren't very accurate.

17

18                   So NVE's working hard to develop a coho  
19 salmon escapement and harvest monitoring program on  
20 Ibek Creek. By placing a weir up river of the highway  
21 crossing, we can obtain escapement past the sport,  
22 commercial, and subsistence fisheries. And by  
23 conducting a krill survey, we can obtain accurate  
24 information on user demographics, such as sport versus  
25 subsistence and how many fish are being caught and  
26 harvested or caught and released. These are just some  
27 of the things that we're looking into right now for  
28 developing this program.

29

30                   And then another priority -- to move  
31 onto the next -- the NVE is beginning to layout the  
32 framework for -- there's a shift from systemwide  
33 management of the Copper River salmon stocks to  
34 individual stock management. We're currently trying to  
35 just like I said, lay out the framework for this change  
36 to eventually occur.

37

38                   And we're currently pursuing  
39 development of the passive radio frequency tags and  
40 streambed RFID readers to monitor individual stocks in  
41 the glacial rivers that are too turbid power and weir  
42 counts. And this combination of the tags and the RFID  
43 readers offers a vastly less expensive alternative for  
44 long term stock monitoring when compared to the active  
45 radio tag telemetry projects that occurred here from  
46 1999 to 2004 on the Copper River by both NVE and ADF&G,  
47 but were ultimately stopped due to their high expense.

48

49

50                   We're currently reevaluating the

1 technology. A lot has changed since we began our first  
2 feasibility study. We're assessing our current  
3 feasibility study statistics and we're working on  
4 proposals for a new feasibility study to deploy this  
5 technology into some of the other major spawning  
6 tributaries of the Copper River.

7  
8                   And then the last project that I'm  
9 going to talk about here is our halibut project. And  
10 we're trying to formulate this project based on  
11 migratory movements of the halibut in our local area on  
12 their feeding grounds. It's currently unknown for  
13 Eastern Prince William Sound waters. And by  
14 understanding the movement of these fish, we can  
15 discover if these fish are remaining in local waters to  
16 feed all summer long or if there's just a constant  
17 transient population in our local waters. Or if it's  
18 in fact a mix of the two.

19  
20                   And without understanding the movement  
21 of these fish, it becomes difficult to properly  
22 management a subsistence fishery for a sustainable  
23 harvest because each one of those scenarios could offer  
24 differing levels of sustainable harvest.

25  
26                   And then we're also looking -- they're  
27 not exactly fisheries related, but we're looking to  
28 establish a marine mammal stranding network  
29 partnership. And we're also looking to begin  
30 conducting some sea otter population assessments again  
31 in the Eastern Prince William Sound.

32  
33                   And finally here's the 2014 Copper  
34 River chinook salmon in river abundance value,  
35 calculated by NVE's FRMP and PFMP funded CEM program.  
36 For 2014 escapement was 24,158 fish. Now, this  
37 represents in river escapement or escapement past the  
38 commercial fisheries. This number does not include up  
39 river harvest.

40  
41                   The great thing about our research area  
42 and where our camps are located is they're essentially  
43 located in an area between the major fisheries.  
44 They're past the commercial fishery, but they're before  
45 any major in river fisheries. So essentially with this  
46 number you can extrapolate it to add in the commercial  
47 catch, which gives you a total run size. Or subtract  
48 the in river harvest, which gives you an up river  
49 escapement.

50

1                   And in the packet that I gave you --  
2 and I'll also hand some of these out in case some of  
3 you don't have your packet with you -- I've included  
4 some numbers. And these numbers show the historic  
5 escapement. It's been calculated by NVE since 2003.  
6 Remember 2001 and '02 were feasibility study years.

7  
8                   So since 2003, we've only been below  
9 the sustainable escapement goal, which is 24,000 fish  
10 or more for the Copper River. And we've only been  
11 below that three times. And if you look at the sheet  
12 that I'm passing around -- I'm not going to fully  
13 speculate what this year's actual up river escapement  
14 is going to be. ADF&G publishes that and they'll  
15 release that value. However, if you look at the ten-  
16 year average in river harvest, it's 7,584 fish.

17  
18                   If you look at the five-year average in  
19 river harvest, it's 4,800 fish. So if we're going by  
20 the ten-year average, that would put this year's up  
21 river escapement value at 16,574 fish. If we go by the  
22 five-year average in river harvest, it's going to put  
23 the escapement in 2014 at 19,358 fish, which are both  
24 drastically below the sustainable escapement goal set  
25 for the Copper River.

26  
27                   And I'd like to thank the RAC Council  
28 for supporting our research, as well as OSM. Without  
29 the FRMP project funding, this research would not have  
30 been possible. And OSM's Partners Program has allowed  
31 NVE to retain a permanent Staff biologist, which has  
32 helped NVE minimize turnover that's associated with  
33 temporary positions. And what this has really done for  
34 us is it's allowed our DENR to retain personnel who are  
35 experienced with the research needs of the local area.

36  
37                   And I look forward to continuing my  
38 partnership as a partner. And I will take any  
39 questions you may have at this time.

40  
41                   MR. CARPENTER: I'll just make one  
42 comment. You know, this has been what -- 12 or 13  
43 years -- 14 years since we initiated this project with  
44 the Village. And we wouldn't have these numbers if  
45 they wouldn't have started this project. And I hope  
46 that we can continue to -- of all the projects that  
47 they do, this is the most important one.

48  
49                   And as you look at these potential in  
50 river harvests after -- our total in river escapement

1 after all the harvest is done, it's getting pretty  
2 bleak -- as it is other places around the state.

3  
4 So thanks for your work. And hopefully  
5 we can keep finding the money to keep projects like  
6 this running.

7  
8 MR. PICHE: You're welcome. And thank  
9 you.

10  
11 CHAIRMAN LOHSE: Any other comments or  
12 questions for the Native Village of Eyak.

13  
14 (No comments)

15  
16 CHAIRMAN LOHSE: Thank you, Matt.

17  
18 MR. PICHE: Thank you.

19  
20 CHAIRMAN LOHSE: And thank you for the  
21 work that you do. Okay. We will now go on to new  
22 business.

23  
24 Tom Evans, wildlife closure review.

25  
26 MR. EVANS: Good afternoon, Mr.  
27 Chairman. Members of the Council. For the record, my  
28 name is Tom Evans. And I work as a wildlife biologist  
29 with the US Fish and Wildlife Service, Office of  
30 Subsistence Management.

31  
32 I'm going to provide you with a brief  
33 summary of the wildlife closure process first, which  
34 can be found on page 17 of your RAC meeting book.

35  
36 OSM reviews wildlife closures every  
37 three years to determine if the justification for the  
38 closure with the Federal Subsistence Board's closure  
39 policy. Section .815 of ANILCA allows the Federal  
40 Subsistence Board to restrict or close the taking of  
41 fish and wildlife by subsistence and nonsubsistence  
42 users on Federal public lands when necessary for the  
43 conservation of healthy populations of fish and  
44 wildlife or to continue subsistence uses of such  
45 populations.

46  
47 Recognizing that the distribution and  
48 abundance of fish and wildlife populations can  
49 fluctuate along with subsistence use patterns, the  
50 Board decided in 2007 to conclude closure reviews every

1 three years or earlier if new information becomes  
2 available that would potentially allow a closure to be  
3 lifted.

4

5 Councils are asked to consider the OSM  
6 preliminary recommendation, share their views on the  
7 issue, and make a recommendation to the Board. Input  
8 from the Councils is critical to the development of  
9 regulatory proposals needed to address adjustments to  
10 the regulations.

11

12 After the Council reviews the closure  
13 review, they have three options, which should be in the  
14 form of an action item. And the three options are to  
15 maintain the status quo, modify the review or rescind  
16 the proposal. If the Council recommends to modify or  
17 rescind a closure review, then they should submit a  
18 proposal, which would be a separate action item at this  
19 time. Councils may choose to work with OSM Staff to  
20 develop a proposal. However, proposals addressing  
21 these issues are not -- can be submitted by other  
22 individuals and organizations as well.

23

24 So that's a general overview of the  
25 wildlife closure policies.

26

27 Anyone have any questions on that.

28

29 CHAIRMAN LOHSE: Any questions.

30

31 MR. EVANS: Judy.

32

33 CHAIRMAN LOHSE: Judy.

34

35 MS. CAMINER: Well, just to clarify, on  
36 the very bottom of the page -- the deadline for  
37 proposals.

38

39 MR. EVANS: Yes. I should have noted  
40 that error. That was an error. The deadline for the  
41 proposals this year is March 25th of 2015. And it's  
42 for the 2016, 2018 regulatory cycle.

43

44 Thank you for bringing that up.

45

46 CHAIRMAN LOHSE: Thank you. Any other  
47 questions, comments.

48

49 (No comments)

50

1                   CHAIRMAN LOHSE: Are we going to go on  
2 to number two. Or number one.

3  
4                   MR. EVANS: So if -- I will just go on.  
5 And I will present a closure review that we have active  
6 right now for this region.

7  
8                   It's closure review WCR14-34, which can  
9 be found on page 18 of your RAC meeting book. The  
10 issue at hand is the hunting on Federal public lands in  
11 Unit 11 are closed to the hunting of caribou. This  
12 closure was last reviewed in 2011.

13  
14                   It was originally closed in 1993 due to  
15 low population counts and low recruitment of the  
16 Mentasta Caribou Herd in Unit 11. The Mentasta Caribou  
17 Herd is the primary caribou herd in Unit 11. The  
18 primary calving and summering areas are in the upper  
19 Copper River Basin and on the northern and western  
20 flanks of the Wrangell Mountains. During the autumn  
21 the Mentasta Herd typically migrates to northeast to a  
22 winter range near the U.S./Canada border.

23  
24                   Nelchina bulls have at times wintered  
25 within the range of the Mentasta Herd. Nelchina Herd  
26 has a wider range due to the effects of wildfires and  
27 the effective lichen availability within their  
28 attritional area, which is primarily Unit 13A, B, and  
29 E, though they overlap with 12 and 11.

30  
31                   Population has declined steadily from a  
32 high of 3,160 caribou in 1987 to 336 in 2010. From  
33 1993 to 2005, the population has ranged from 970 to  
34 261. And from 2008 to 2010, the range was 319 to 421.

35  
36                   The number of bull moose in the  
37 Mentasta Herd has declined from 847 in 1987 to 68 in  
38 2009. During the same period -- caribou. This is all  
39 caribou. Sorry. During the same period, 1987 to 2009,  
40 the number of observed caribou has declined from 265 to  
41 79. Low calf productivity and survival and predation  
42 of adult females and juveniles are some of the causes  
43 for these declines.

44  
45                   I've got a little bit of a summary of  
46 the harvest history. The Mentasta Caribou Herd  
47 management plan states that the annual fall harvest  
48 quota will be between 15 to 20 percent of the previous  
49 two-year mean calf recruitment, as long as this value  
50 is a minimum of 80 calves. The 2013 fall calf

1 recruitment was 23.

2

3 At populations below 2,000, the harvest  
4 will be limited to bulls only. And will be closed if  
5 the two-year mean bull cow ratio falls below 35 bulls  
6 per 100 cows. Fall bull counts are often misleading.  
7 In this case, due to the presence of the Nelchina bulls  
8 that mix with this herd sometimes.

9

10 Since 1998, there has been no State or  
11 Federal season and thus no reported harvest. The OSM's  
12 preliminary recommendation is to maintain the status  
13 quo for this closure review 14-34. And this is  
14 primarily due to current low population numbers and  
15 poor recruitment.

16

17 So -- thank you.

18

19 CHAIRMAN LOHSE: Comments. Questions.

20

21 Judy.

22

23 MS. CAMINER: Mr. Chair, again the very  
24 bottom of page 18, it says 2011 the Eastern Interior  
25 RAC recommended the closure be continued. I assume  
26 Southcentral did also. Do you have that.

27

28 MR. EVANS: I don't know that off the  
29 top of my head.

30

31 MS. CAMINER: Okay.

32

33 MR. EVANS: I assume so, too. It  
34 hasn't been open for a long time.

35

36 MS. CAMINER: Okay.

37

38 MR. EVANS: So I'm assuming that it  
39 would be the same recommendation.

40

41 MS. CAMINER: Okay. And then if I can  
42 ask another question, Mr. Chair. I'm confused. And I  
43 don't know whether this map is not show -- the map that  
44 we have in front of us is not showing Unit 12, but I  
45 mean there is some caribou hunting in that area. I  
46 mean we have the Chisana hunt and we have around  
47 Paxson, et cetera. But.....

48

49 CHAIRMAN LOHSE: Well, the Paxson is at  
50 13.

1 MS. CAMINER: Okay.  
2  
3 CHAIRMAN LOHSE: The Paxson is all Unit  
4 13. And the Chisana caribou hunt -- if I understand  
5 right is now in this area of Unit 12. But I'm not  
6 positive of that. But they're up -- they're up --  
7 here's the White River. I think the White River's  
8 coming right up in here. But -- oh. Here's Chisana,  
9 see.  
10  
11 MS. CAMINER: Okay.  
12  
13 CHAIRMAN LOHSE: And this is Unit 12.  
14 The caribou that we're talking about are the caribou  
15 that live right along -- right in here. Well, this is  
16 lower Tonsina. My fault. The caribou are living right  
17 along here.  
18  
19 MS. CAMINER: Okay.  
20  
21 CHAIRMAN LOHSE: So I'll give you a  
22 TEK, if you want on them from friends of mind that have  
23 been over where the Chisana caribou -- not the Chisana,  
24 but over where the Mentasta Caribou Herd lives. And  
25 they say they're starving. They say they saw caribou  
26 over there you could count the ribs on them.  
27  
28 But a lot of the caribou country has  
29 grown up in to brush and willows. And they just don't  
30 have the feed over there that they used to have. A lot  
31 of it's -- just like if you -- if you go down the road  
32 towards Valdez and you look up on the hillside there,  
33 that hillside used to be -- even in my lifetime, even  
34 in the short time I've been around you could see any  
35 moose or anything on the hillside there was because the  
36 brush was that low. And today the brush is all ten,  
37 twelve feet high.  
38  
39 So that's the same thing that's  
40 happening in this area. We have ecosystem changing.  
41 And unless something like a fire would happen or  
42 something like that, the odds are that the Mentasta  
43 Caribou Herd's just not going to come back.  
44  
45 But no. That's this over here.  
46  
47 MS. CAMINER: Okay.  
48  
49 CHAIRMAN LOHSE: And.....  
50

1 MS. CAMINER: There's no 12.  
2  
3 CHAIRMAN LOHSE: And this is Unit 12  
4 right up here.  
5  
6 MS. CAMINER: It's not marked. Yeah.  
7  
8 MS. CELLARIUS: Mr. Chair, I can  
9 provide a little more information about the Chisana  
10 hunt if there's an interest.  
11  
12 CHAIRMAN LOHSE: Yeah.  
13  
14 MS. CELLARIUS: So the hunt area for  
15 the Chisana Caribou Herd is south of the winter trail.  
16 So it's south of the Nozotan Mountains. Actually, it  
17 might not be the Nozotan's, but it's south of the  
18 winter trail. And east of the Nabesna River. So it's  
19 actually the eastern portion of Unit 12.  
20  
21 One of the concerns that was addressed  
22 -- sometimes the Unit 12 boundary is sort of halfway  
23 down the Nabesna Road. And in order to ensure that if  
24 there were caribou on the west side of Nabesna River,  
25 they not be harvested. That's where that boundary  
26 line was drawn.  
27  
28 CHAIRMAN LOHSE: Have you got any  
29 results from the Chisana Caribou Herd hunt this winter.  
30  
31 MS. CELLARIUS: I do. I could either  
32 go get my notes for our agency report or we can do it  
33 with the agency report.  
34  
35 CHAIRMAN LOHSE: We can do it when your  
36 agency comes up.  
37  
38 MS. CELLARIUS: We've got recent  
39 population data on the Chisana herd for you. There's  
40 some information about a moose survey that was done  
41 there. And it's not listed there, but we're also doing  
42 some sort of looking at what they're eating.  
43  
44 CHAIRMAN LOHSE: Okay. Thank you.  
45 Okay. So is this an action item at all.  
46  
47 MR. EVANS: Yes. So you would.....  
48  
49 CHAIRMAN LOHSE: You need an action  
50 from us to.....

1 MR. EVANS: So the action for you would  
2 be to either.....  
3  
4 CHAIRMAN LOHSE: Maintain the closure  
5 or not maintain.  
6  
7 MR. EVANS: .....maintain status quo,  
8 modify it or rescind it.  
9  
10 MR. CARPENTER: Mr. Chairman, I move we  
11 pass on to the Federal Board to maintain status quo on  
12 the closure of WCR14-34.  
13  
14 MR. MCLAUGHLIN: Second.  
15  
16 CHAIRMAN LOHSE: It's been moved and  
17 seconded that we pass the motion on to maintain the  
18 closure to the Board. To maintain the closure on the  
19 Mentasta Caribou Herd.  
20  
21 MS. CAMINER: Andy seconded.  
22  
23 CHAIRMAN LOHSE: Andy seconded. Right.  
24 Moved and seconded. Discussion.  
25  
26 MS. CAMINER: Well, Mr. Chair. It  
27 sounds like there's still a very severe conservation  
28 issue, so this makes sense.  
29  
30 CHAIRMAN LOHSE: Yeah. When the herd  
31 is basically at one-tenth of what it was in 1987.  
32 So.....  
33  
34 MR. CARPENTER: Question.  
35  
36 CHAIRMAN LOHSE: The question has been  
37 called. All in favor signify by saying aye.  
38  
39 IN UNISON: Aye.  
40  
41 CHAIRMAN LOHSE: All opposed signify by  
42 saying nay.  
43  
44 (No opposing votes)  
45  
46 CHAIRMAN LOHSE: Motion carries.  
47  
48 MR. EVANS: Okay. So no further action  
49 is required.  
50

1 CHAIRMAN LOHSE: No further action is  
2 required.

3  
4 MR. EVANS: Right. At this time.

5  
6 CHAIRMAN LOHSE: Okay. Are you -- who  
7 is going on to the call for Federal hunting and  
8 trapping regulation proposals.

9  
10 MR. EVANS: I will do that as well.

11  
12 CHAIRMAN LOHSE: Okay.

13  
14 MR. EVANS: So every two years  
15 proposals are accepted to make changes to the  
16 management regulations for the harvest of wildlife on  
17 Federal public lands. These proposals can include  
18 changes to the season dates, harvest limits, harvest  
19 restrictions such as age and sex of animals harvested,  
20 methods and means of harvest, and customary and  
21 traditional use determinations. I will present a brief  
22 summary of how to submit a wildlife regulatory  
23 proposal, which can be found on page 27 of your Council  
24 book.

25  
26 The Federal Subsistence Board is  
27 accepted proposals through March 25th, 2015 to change  
28 the regulations for the subsistence harvest of wildlife  
29 on Federal public lands for the 2016, 2018 regulatory  
30 years. So that would go from July 1st, 2016 to June  
31 30th, 2018.

32  
33 No proposals will be accepted after  
34 March 25th, 2015. The Board will consider proposals to  
35 change Federal hunting and trapping seasons, harvest  
36 limits, methods of harvest, and C&T determinations on  
37 Federal public lands. The Federal public lands include  
38 National Parks and Monuments and Preserves, National  
39 Forests, National Wild and Scenic River, Bureau of Land  
40 Management areas, and the National Wildlife Refuges.

41  
42 Federal regulations do not apply to the  
43 State of Alaska lands, private lands, military lands,  
44 Native allotments or selected Federal lands by the  
45 State or Native Corporations. Councils may choose to  
46 work with the OSM Staff to develop a proposal. If the  
47 Council would like to submit a proposal, then an action  
48 has to be taken at this meeting and the motion  
49 accepted. So a proposal from the Council, an action  
50 has to be taken. Proposals from individuals can be

1 done outside this time. And other organizations as  
2 well.

3

4 Information to be included in the  
5 proposal is your name, organization, and contact  
6 information. The regulation you wish to change,  
7 including the management unit number and species. If  
8 you know the current regulation, put that into the  
9 proposal -- process proposal. The regulation as you  
10 would like to see it written. An explanation of why  
11 the regulatory change should be made. A description of  
12 the impact of the change on wildlife populations, as  
13 well as the impact of the change on subsistence uses.  
14 And finally a description of the effect on other users,  
15 such as sport or recreational uses.

16

17 Proposals can be submitted by mail or  
18 hand delivery to the Office of Subsistence Management.  
19 At the Federal Subsistence Regional -- they can also be  
20 submitted at the Federal Subsistence Regional Advisory  
21 Council meeting, which would be here today. Or they  
22 can be also submitted via the web through the Federal  
23 eRulemaking Portal. And I have it in -- I can give you  
24 the -- so that that address would be  
25 <http://www.regulations.gov>. And when you're there, you  
26 search for the following -- FWS-R7-SM-2014-0062-001.  
27 So we can provide that to you later if you didn't catch  
28 all that.

29

30 If you have any questions, you can call  
31 us at OSM. At their 1-800 number, 478-1456. You can  
32 email us at [subsistence@fws.gov](mailto:subsistence@fws.gov). Or you can go to our  
33 website. You can get information from our website at  
34 <http://Alaska.fws.gov/ASM/index.cfml>. For those folks  
35 that live within the National Parks and National  
36 Monuments managed by the National Park Service, this is  
37 the same regulations that I talked about before.  
38 Individuals may apply for individual customary and  
39 traditional use determinations within the National Park  
40 Service. So that's a little bit different for the  
41 National Park.

42

43 Okay. So that's it. Any questions.

44

45 CHAIRMAN LOHSE: Thank you, Tom. Any  
46 questions.

47

48

49

50

(No comments)

CHAIRMAN LOHSE: So till March 25th, as

1 individuals, you can submit the call for a proposal.  
2 If we as a Council want a proposal, we have to have a  
3 motion on the table and pass it as a Council. But any  
4 individual -- any Council member can submit a proposal  
5 as an individual.

6  
7 MR. EVANS: As well as other  
8 individuals or organ.....

9  
10 CHAIRMAN LOHSE: As well as other  
11 individuals. Yes.

12  
13 MR. EVANS: .....individuals or  
14 organizations. So today you submitted -- basically you  
15 had submitted one proposal earlier.

16  
17 CHAIRMAN LOHSE: Right.

18  
19 MR. EVANS: Yeah.

20  
21 CHAIRMAN LOHSE: Questions.

22  
23 (No comments)

24  
25 CHAIRMAN LOHSE: Thank you, Tom. Okay.  
26 Funding notification, Fisheries Resource Monitoring  
27 Program.

28  
29 Robbin. You're going to tell us we've  
30 got \$7 million.

31  
32 (Laughter)

33  
34 MS. LAVINE: Good afternoon, Mr. Chair.  
35 Members of the Board. In your supplemental packet I  
36 believe you will have a notice of funding opportunity.

37  
38 OSM's fisheries monitoring program has  
39 listed a call for proposals. And the call comes out  
40 every two years and provides over \$4 million worth of  
41 funding per year to support research on subsistence-  
42 related issues across the state, Mr. Chair.

43  
44 The purpose of the FRMP is to merge  
45 current science with traditional ecological knowledge  
46 to fund projects that assist with subsistence  
47 management or regulatory concerns. OSM will fund two  
48 types of projects. The stock status and trends  
49 projects or ST. Typical fish-related projects, such as  
50 stock assessments, population estimates or escapement

1 goals. And harvest monitoring and traditional  
2 ecological knowledge, the HMTEK projects,  
3 anthropological or social science related projects,  
4 such as how regulations affect subsistence users.

5  
6 All projects are funded through  
7 cooperative agreements. Notification is provided  
8 through a notice of funding availability, NOFA, and is  
9 posted on grants.gov in the OSM website. There is a  
10 copy of the news release in your supplemental packet  
11 that lists the website.

12  
13 Additionally, over 500 postcards and  
14 emails were sent out to notify potential applicants of  
15 the open period. The current cycle opened in December  
16 of 2014 and closes on March 11th, 2015.

17  
18 If you have any questions regarding the  
19 call for proposals, the OSM contact information is  
20 listed on the news release.

21  
22 CHAIRMAN LOHSE: And Robbin, did I miss  
23 it. Did you tell us how much the funding is this year.

24  
25 MS. LAVINE: About \$4 million  
26 statewide. I'm sorry. Not just for Southcentral.

27  
28 (Laughter)

29  
30 CHAIRMAN LOHSE: Oh, we knew that.

31  
32 (Laughter)

33  
34 CHAIRMAN LOHSE: Any questions for  
35 Robbin.

36  
37 (No comments)

38  
39 CHAIRMAN LOHSE: And this is for this  
40 year's budget. So that would be for continuing  
41 programs and new programs, right.

42  
43 MS. LAVINE: Indeed.

44  
45 CHAIRMAN LOHSE: So do you by any  
46 chance have any figures available as to how much is not  
47 already called for and is available for new projects.

48  
49 MR. ARDIZZONE: Mr. Chair.

50

1 CHAIRMAN LOHSE: Chuck.  
2  
3 MR. ARDIZZONE: The problem is we don't  
4 have our current budget numbers. So we don't know what  
5 is available for new projects.  
6  
7 CHAIRMAN LOHSE: Okay. So the answer  
8 is no.  
9  
10 MR. ARDIZZONE: No.  
11  
12 (Laughter)  
13  
14 CHAIRMAN LOHSE: Okay. Thank you. Any  
15 other questions. Is this an increase from last year or  
16 a decrease. Don't even know that.  
17  
18 MR. ARDIZZONE: No.  
19  
20 CHAIRMAN LOHSE: Okay. Thank you.  
21 Okay. With that, we go on to our charter revisions,  
22 Council coordinator.  
23  
24 Donald.  
25  
26 MR. MIKE: We reviewed and approved the  
27 2014 annual report. And I just handed out a copy. If  
28 you want to.....  
29  
30 CHAIRMAN LOHSE: Oh. My fault. I'm  
31 sorry. I missed that. Okay. In front of us, we have  
32 a draft of our annual report.  
33  
34 MR. MIKE: That is correct, Mr. Chair.  
35 At the last meeting in Kenai, the Council came up with  
36 nine annual report items to be submitted to the Federal  
37 Subsistence Board. And item number one is the intent  
38 of ANILCA. Number two is regional issues and  
39 resources. Three, allocation of fisheries. Four,  
40 National Marine Fisheries Council subsistence seat.  
41 Five, special actions. Six, Partners Program. Seven,  
42 indigenous rights. Eight, Federal subsistence  
43 management proposals. Nine, subsistence resources  
44 local observations.  
45  
46 And Mr. Chair, working with our Staff  
47 in OSM as far as intent of ANILCA, maybe we can ask one  
48 of the proponents from this Council to clarify what  
49 exactly we were looking for on this annual report item.  
50

1                   With that, Mr. Chair, it's up to the  
2 Council what they want to do with it. Clarification,  
3 add to it or make any additional changes.

4  
5                   Thank you.

6  
7                   CHAIRMAN LOHSE: Thank you. Comments  
8 from Council members.

9  
10                  Judy.

11  
12                  MS. CAMINER: Mr. Chair, I haven't had  
13 a chance to read this over. And Donald and I worked on  
14 this a little bit before, too. But in general there's  
15 a couple of instances where the letter says the Board  
16 should do something. And maybe we can just get a sense  
17 of the Council, whether we want to say things that way  
18 or we want to say we'd like the Board to consider or we  
19 recommend that the Board do something. So just kind of  
20 a tone thing.

21  
22                  CHAIRMAN LOHSE: Uh-huh.

23  
24                  MS. CAMINER: And then I probably have  
25 a few other specific comments, too.

26  
27                  CHAIRMAN LOHSE: Well, number one we  
28 say is encouraged to review. Number two we say a  
29 monitoring plan could be considered. That looks okay.  
30 Number three, we encourage the Fe -- to do something.  
31 Number four, we say the Fishing -- FSB, I'll just say.  
32 It's a lot easier. Federal Subsistence Board should  
33 encourage. And I think we should stick with should  
34 encourage on that one. Because we're asking him to put  
35 a subsistence person on the National Marine Fisheries  
36 Council. And I -- personally, I think we should  
37 encourage the Secretary of Commerce to do that. Not --  
38 you know, I mean that should be a pretty positive one.

39  
40                  The next one we request. So that's a  
41 polite way of saying it.

42  
43                  MS. CAMINER: Okay.

44  
45                  CHAIRMAN LOHSE: Okay. It's number --  
46 the next one, the Partners Program should be expanded.  
47 We could say could be expanded there and that would put  
48 it in a less of a demanding way of putting it.

49  
50                  MR. ENCELEWSKI: We are pretty

1 demanding on that.  
2  
3 CHAIRMAN LOHSE: We are demanding.  
4 That's true.  
5  
6 MR. ENCELEWSKI: Yeah.  
7  
8 CHAIRMAN LOHSE: Do you think we should  
9 stick with should.  
10  
11 MR. ENCELEWSKI: I think we should  
12 stick with should, Mr. Chairman. I mean that one went  
13 through quite a bit of discussion and we really felt we  
14 should.  
15  
16 CHAIRMAN LOHSE: Okay.  
17  
18 MR. ENCELEWSKI: So thank you.  
19  
20 CHAIRMAN LOHSE: The next one we  
21 request. The next one we encourages. And the last one  
22 we say they can provide. Okay. So basically I guess  
23 it was the should one that we wanted to question. And  
24 I think that you're right on that one, Greg. We were  
25 pretty positive on that one.  
26  
27 MR. ENCELEWSKI: Uh-huh.  
28  
29 CHAIRMAN LOHSE: Judy, do you think  
30 that that kind of meets some of those questions you  
31 were bringing up.  
32  
33 MS. CAMINER: On some of them, yes.  
34 And.....  
35  
36 CHAIRMAN LOHSE: Okay. Which -- do you  
37 have another -- do you have one that you would like to  
38 specifically encourage us to look at.  
39  
40 (Laughter)  
41  
42 MS. CAMINER: Well, I guess, for  
43 example, if we just go back to number one here. The  
44 second sentence under number one, the intent of ANILCA  
45 should be reviewed. We could also say the Council  
46 would like to see the intent of ANILCA reviewed when  
47 food security issues are being affected.  
48  
49 CHAIRMAN LOHSE: That's legitimate.  
50 But what's the thought of the rest of the Council on

1 that one.  
2  
3 (No comments)  
4  
5 CHAIRMAN LOHSE: I didn't catch that  
6 one before.  
7  
8 MR. ENCELEWSKI: Yeah. It actually had  
9 a should in there.  
10  
11 CHAIRMAN LOHSE: Huh?  
12  
13 MR. ENCELEWSKI: This one actually had  
14 a should up above here.  
15  
16 CHAIRMAN LOHSE: Do you think it should  
17 stay should or would you change that.  
18  
19 MR. ENCELEWSKI: Yeah.  
20  
21 CHAIRMAN LOHSE: Mary Ann.  
22  
23 MS. MILLS: Uh-huh.  
24  
25 CHAIRMAN LOHSE: That was kind of  
26 yours. So.....  
27  
28 MS. MILLS: Uh-huh. I think should is  
29 appropriate.  
30  
31 CHAIRMAN LOHSE: Judy. Another one.  
32  
33 MS. CAMINER: Okay. If you'll just  
34 give some of the specifics, rather than just the  
35 shoulds as we go through it.  
36  
37 CHAIRMAN LOHSE: Okay. Uh-huh.  
38  
39 MS. CAMINER: So then the next  
40 paragraph, I really think it would be more -- perhaps  
41 more useful when we reference I believe it's  
42 Representative Udall's testimony on ANILCA. It would  
43 maybe be better to give a particular citation so that  
44 -- and Mary Ann, you -- since you brought that up, you  
45 may know exactly what you mean on that. It just would  
46 be more helpful to the Board. Otherwise I think you  
47 could just read it over and nothing happen. So.....  
48  
49 CHAIRMAN LOHSE: Mary Ann.  
50

1 MS. MILLS: Yes. And I will look for  
2 it. It's in the Congressional record, his testimony.  
3 So it should be fairly easy to find.

4  
5 MS. CAMINER: Okay. I think that would  
6 be really helpful.

7  
8 CHAIRMAN LOHSE: Okay. So you'll help  
9 Donald find that one then.

10  
11 MS. MILLS: Yes.

12  
13 MS. CAMINER: Let's see. On the next  
14 page, I mean it sounds like the Board has already given  
15 an okay to look at the allocation of fisheries  
16 monitoring money. But I didn't know whether it would  
17 be -- and I guess I had a longer paragraph on the  
18 responsibilities of taking on Cook Inlet in South  
19 Central.

20  
21 CHAIRMAN LOHSE: Uh-huh.

22  
23 MS. CAMINER: So I think that's pretty  
24 well covered in this version. The North Pacific  
25 Fisheries Management Council seat. I wonder if we also  
26 want to mention the Governor. Because while we're  
27 asking that, there had been some discussion about the  
28 Governor being the one to appoint subsistence seats.  
29 And so, you know, while we would certainly like to have  
30 a voice and represent -- a representative of Federal  
31 subsistence users groups, I think it would be good to  
32 encourage the Board to have a dialogue not only with  
33 the secretary, but also with the Governor's office  
34 about this issue.

35  
36 CHAIRMAN LOHSE: Yeah. That would be a  
37 good -- should encourage the Secretary of Commerce and  
38 the Governor of the State of Alaska -- to add the  
39 Governor to that one there.

40  
41 MS. CAMINER: Uh-huh. Uh-huh.

42  
43 CHAIRMAN LOHSE: To encourage a subsist  
44 -- to establish a subsistence seat on the National  
45 Pacific Marine Council.

46  
47 MS. CAMINER: Number five, under  
48 special actions. And again this is just maybe smaller  
49 words. But the second paragraph, I think maybe just to  
50 explain a little bit better why we feel -- I believe so

1 strongly about special actions and the need to  
2 distribute them in a timely way, it is not only that  
3 affected RAC members and Chairs want to be informed.  
4 We want to be involved as well. So I thought maybe  
5 adding the word involved and informed, you know, before  
6 informed.

7

8 CHAIRMAN LOHSE: How does the rest of  
9 the Council feel on that one. Sounds okay.

10

11 MR. ENCELEWSKI: Yeah. I like -- I  
12 like the involved.

13

14 CHAIRMAN LOHSE: Involved is I think a  
15 good one to stick in there.

16

17 MS. CAMINER: Okay. Again.....

18

19 CHAIRMAN LOHSE: That's why we have you  
20 as the secretary, you know.

21

22 (Laughter)

23

24 MS. CAMINER: Under number seven, again  
25 I'm not sure -- I was trying to look through the  
26 record. And I'm just not sure it was the Secretary of  
27 Interior who provided the testimony or whether it was  
28 Representative Udall. So again the citation would be  
29 really helpful to be clear. Number seven there,  
30 indigenous rights.

31

32 MS. MILLS: I believe that's also in  
33 the Congressional record, where we could find it.

34

35 MS. CAMINER: Uh-huh. It would be.  
36 Yes, it certainly would be.

37

38 And I don't know -- and I think we're  
39 good to bring up the idea of those terms align or  
40 aligning. But I think it's not only the Board, but  
41 some of the materials that the Board is using or has  
42 presented with. And so I thought our intent was more  
43 that, you know, the Council encourages the Board and  
44 Staff.

45

46 Actually, I think it should read,  
47 Donald, the Council discourages the Board from using  
48 the term aligning or aligned perhaps. We don't want to  
49 encourage the words, right.

50

1 CHAIRMAN LOHSE: Uh-huh.  
2  
3 MS. CAMINER: So in the second  
4 paragraph under number eight, it should say  
5 discourages.  
6  
7 CHAIRMAN LOHSE: Discourages instead of  
8 encourages. Is that agreeable to everybody.  
9  
10 MR. ENCELEWSKI: Uh-huh.  
11  
12 MS. CAMINER: And I think we also  
13 talked about that rural -- I mean why do we want this.  
14 Because we believe rural users hear the wrong message  
15 by the use of those words. So that could be a  
16 justification as well.  
17  
18 And then I thought on number nine --  
19 and Michael, I believe this was yours -- local  
20 observations. I thought you had said subsistence,  
21 sport, and recreational users had observed these  
22 changes. But maybe not. So.....  
23  
24 CHAIRMAN LOHSE: Well, aren't sport  
25 users recreational users?  
26  
27 MR. CARPENTER: Yeah.  
28  
29 MS. CAMINER: I'm sorry. Then maybe --  
30 I'm sorry -- subsistence, commercial, and recreation  
31 users.  
32  
33 CHAIRMAN LOHSE: Yeah. That would be  
34 good.  
35  
36 MS. CAMINER: Yeah. Commercial.  
37 Sorry. I got that backwards. So commercial.  
38  
39 And just a conversation we were having  
40 at break where we were talking about some local  
41 observations, it really reinforced this point we were  
42 trying to make that it would be great if somehow there  
43 was a way to document. Whether it's through our  
44 meetings or for someone to put some sort of database  
45 together based on -- you know, that there's ones at  
46 Eyak Lake. And that the snow pack is so low this year.  
47 I mean just those kind of climate change observations  
48 that taken all together start to paint a pretty  
49 discouraging picture. But something that probably  
50 really needed to be documented.

1                   So I think we were trying to say that  
2 in this local observations comment here as well.

3  
4                   Other than that, we had said that we  
5 supported an All Council Meeting in 2000 -- well, we  
6 said '15. But it sounds like that may be happening in  
7 '16, which is great. And that the Council chairs get  
8 together before the Board meeting. It sounds like that  
9 may have happened already, too. So we probably -- we  
10 don't necessarily have to put that in or we could  
11 comment that those are still really good ideas.

12  
13                   CHAIRMAN LOHSE: What we could do is we  
14 could thank them for their support in allowing the  
15 Council chairs to have a get together and in planning a  
16 future All Council meeting. I mean we could thank them  
17 for their support in that.

18  
19                   MS. CAMINER: Sure.

20  
21                   CHAIRMAN LOHSE: Because I think that  
22 that's a -- I think that -- I think that's going to  
23 have some benefits myself.

24  
25                   MS. CAMINER: Exactly. Okay.

26  
27                   CHAIRMAN LOHSE: And it's nice to not  
28 just always ask them for something.

29  
30                   MS. CAMINER: Yes, exactly.

31  
32                   CHAIRMAN LOHSE: But to thank them for  
33 something that they've already done.

34  
35                   Mary Ann.

36  
37                   MS. MILLS: Thank you, Mr. Chair. Also  
38 maybe I could get -- Tyonek did a report on the Cook  
39 Inlet. They did quite an extensive report. And maybe  
40 I could get that for some of the local observations.  
41 They might want to share. There might be other reports  
42 as well.

43  
44                   CHAIRMAN LOHSE: Yeah. I don't know if  
45 this -- I mean what we could do is request that they  
46 facilitate -- or I guess facilitate's not the right  
47 word. But that they help to facilitate some sort of  
48 informational gathering of observations made that the  
49 RACs -- so that the RACs have a place to put  
50 observations from -- that they've picked up from their

1 communities, from their people, and stuff like that.  
2 So that we have a gathering place for that information.

3  
4 Now, how to ask. I don't know. Again,  
5 that's a funding thing. But, you know, if they would  
6 -- if there would be some kind of a holding tank for  
7 it. You know, up there in the cloud or something, you  
8 know. That would -- where it's just like -- I mean to  
9 me -- okay. I thought of a couple of observations that  
10 were brought to me this winter.

11  
12 Well, I can think of four observations  
13 that were brought to me this winter in the Kenny Lake  
14 region of changes that have taken place in the last 40  
15 years, for example. The depth of the permafrost is  
16 one. Forty years ago -- 50 years ago permafrost was at  
17 about five to six feet. Permafrost is at 30 feet now,  
18 you know.

19  
20 All of the muskrat ponds that I ran  
21 around with in '67 and trapped with Dean Wilson --  
22 they're all dry grass fields because there's no  
23 permafrost underneath them to hold the water in. All  
24 of those are gone.

25  
26 But what was being -- were bringing up  
27 was the fact that that range of mountains down towards  
28 Valdez is now -- has brush almost to timberline, where  
29 it was -- you know, it was basically open country.

30  
31 The observation that my friend made on  
32 the Mentasta Caribou Herd when he was over there.  
33 That, you know, the brush has grown up. They're  
34 starving. You can count their ribs. You know, those  
35 are kind of observations that if nothing else, if we  
36 could just record them someplace, then somehow or  
37 another somebody, sometime could look through them and  
38 see the changes.

39  
40 I was looking at a book called The  
41 Trail last night -- night before last. And it was on  
42 the trail from Valdez to Fairbanks back in 1898 to  
43 1913. And it had lots of pictures. And I couldn't  
44 believe it. All this country that's all trees and  
45 forests. No wonder they could go everywhere. It was  
46 all bare ground, you know.

47  
48 And we talked to some of the old timers  
49 in Cordova and they talk about hiking from Cordova to  
50 Cotella and not having to fight their way through

1 alders. They just walked -- basically walked across  
2 the grass to Cotella. Now it's -- now you'd have to be  
3 climbing through alders the whole way.

4  
5                   Those kind of observations should be  
6 somehow or another written down so people in the future  
7 can look at them and see what kind of -- what kind of  
8 changes have been taking place, you know. Or like it  
9 was pointed out -- I mean are you getting a lot of fish  
10 with white sores on them, like they're doing up on the  
11 Yukon, you know. Are there different kinds of fish in  
12 streams that weren't there 50 years ago or in your  
13 lifetime or in the lifetime of your family or something  
14 like that.

15  
16                   I mean those kind of observations -- if  
17 we had a collection spot for them. And the RACs bring  
18 a lot of that kind of information with them. If the  
19 Board could facilitate some kind of information  
20 gathering and storage on -- I'll just say -- I hate to  
21 say TEK observations. But basically observations.

22  
23                   Judy.

24  
25                   MS. CAMINER: Well, a few thoughts come  
26 to mind when you say that.

27  
28                   Chuck, Alaska Native Science Commission  
29 way back was doing just this. Going around to  
30 communities and collecting data and TEK. Perhaps a  
31 phone call to them to see if they're still doing that  
32 or if they're -- and then -- and if so, perhaps they  
33 could come and talk to the All RAC Members meeting.  
34 And maybe there can even be a small session during that  
35 meeting for people to share their 40 years of  
36 observations.

37  
38                   MR. ARDIZZONE: What was the name of  
39 that again.

40  
41                   MS. CAMINER: The Alaska Native Science  
42 Commission. Patricia. So that may be a start. And  
43 surely there's other organizations doing that. Perhaps  
44 the university. But she'd be a great one to start  
45 with.

46  
47                   CHAIRMAN LOHSE: Then we wouldn't need  
48 to have anything in our annual report on that though.  
49 So.....

50

1 MS. CAMINER: Well, excuse me. You  
2 mean my last statement.  
3  
4 CHAIRMAN LOHSE: No. I mean how would  
5 -- what are you -- can you envision -- let's say put a  
6 unit -- the last thing is a thank you.  
7  
8 MS. CAMINER: Right.  
9  
10 CHAIRMAN LOHSE: But let's just say  
11 that we want to put one more, number ten. And that's  
12 on encouraging the Federal Subsistence Board somehow or  
13 another to facilitate or encourage the accumulation of  
14 this kind of information.  
15  
16 MS. CAMINER: I think we covered it  
17 under point nine.  
18  
19 CHAIRMAN LOHSE: You think we did.  
20  
21 MS. CAMINER: Number nine.  
22 CHAIRMAN LOHSE: Okay.  
23  
24 MS. CAMINER: The Board with  
25 interagency effort can provide technical or scientific  
26 reports of events outlining these phenomena occurring  
27 on the resources.  
28  
29 CHAIRMAN LOHSE: Okay.  
30  
31 MS. CAMINER: It's a start anyhow. And  
32 it leaves them the flexibility to think of how they may  
33 want to carry it forward.  
34  
35 But certainly for our RAC and possibly  
36 for the other RACs there may be these other avenues,  
37 too.  
38  
39 CHAIRMAN LOHSE: Okay. Then a motion  
40 to accept our draft with the change.....  
41  
42 Mary Ann.  
43  
44 MS. MILLS: I would like to make  
45 another comment. You know, it's -- I really like, you  
46 know, talking to other people who have been here for a  
47 long time and their observations. But also there has  
48 been a lot of data collected like -- well, with the --  
49 for instance, what the Tyonek did for the Cook Inlet  
50 Marine Mammal Council was actually funded through NOAA.

1                   But I don't know if we gather  
2 information from the other agencies that have funded  
3 these programs and if we have them housed in one area  
4 so they're accessible to everyone. Sometimes it seems  
5 like everybody has their own little domain. And the  
6 sharing of information -- even though it's there --  
7 doesn't somehow get out.

8  
9                   Thank you, Mr. Chair.

10  
11                   MS. CAMINER: And that's what we're  
12 asking.

13  
14                   CHAIRMAN LOHSE: That's what we're  
15 asking in the nine. Okay. So we have some suggested  
16 changes that -- and most of them we ran by. Everybody  
17 have a consensus on -- and Mary Ann, you're going to  
18 help Donald on the two that.....

19  
20                   MS. MILLS: Yes.

21  
22                   CHAIRMAN LOHSE: .....the two that  
23 we've got.

24  
25                   MS. MILLS: Yes.

26  
27                   CHAIRMAN LOHSE: So a motion to accept  
28 the draft changes that we've suggested is in order, so  
29 we can send it on.

30  
31                   MR. ENCELEWSKI: I'll so move, Mr.  
32 Chairman.

33  
34                   CHAIRMAN LOHSE: Do I hear a second.

35  
36  
37                   MS. MILLS: Second.

38  
39                   CHAIRMAN LOHSE: It's been moved and  
40 seconded to accept this draft as -- with the  
41 recommended changes. Any more discussion on it.

42  
43                   (No comments)

44  
45                   MR. ENCELEWSKI: Question.

46  
47                   CHAIRMAN LOHSE: Question's been  
48 called. All in favor signify by saying aye.

49  
50                   IN UNISON: Aye.

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

3  
4                   Okay. Now, Donald, we'll go to the  
5 charter revisions.

6  
7                   MR. MIKE: Thank you, Mr. Chair. If  
8 you recall our last meeting, Carl Johnson, the  
9 coordination division chief, addressed the Council in  
10 Kenai. Or it was the meeting previous when we first  
11 got started in reviewing the charter. And he provided  
12 some analysis and some options for the Councils to  
13 select as far as the charter.

14  
15                   And one of those items that the Council  
16 -- and Carl Johnson presented to the Council is  
17 membership and designation. And if you look at page  
18 32, the Council supported additional language to  
19 include in a draft Council charter. And page 32, the  
20 addition that Council wish to see is -- I'll just read  
21 it on the record. That members will be appointed for  
22 two -- two members will be appointed for four year  
23 terms. If no successor is appointed on or prior to the  
24 expiration of a member's term, then the incumbent  
25 member may continue to serve until the new appointment  
26 is made or 120 days past the expiration of the term,  
27 whichever is sooner. A vacancy on the Council will be  
28 filled by an appointed alternate, if available, or in  
29 the same manner in which the original appointment was  
30 made. Members serve at the discretion of the  
31 secretary.

32  
33                   So that was the language that the  
34 Council supported at its last meeting to include in the  
35 charter during this review.

36  
37                   Thank you, Mr. Chair.

38  
39                   CHAIRMAN LOHSE: Thank you, Donald.  
40 Council members, what do you think of that anymore.

41  
42                   (No comments)

43  
44                   CHAIRMAN LOHSE: That's what we  
45 supported. Do we still support it.

46  
47                   (No comments)

48  
49                   CHAIRMAN LOHSE: That would cover a  
50 little bit of the problem we have with vacancies. Does

1 anybody want to sign up for a four year term though.

2

3 MS. MILLS: That's a long time. Well,  
4 not to the young people, I guess.

5

6 CHAIRMAN LOHSE: Well, we could have a  
7 motion to support our original suggestion. And we can  
8 forward -- that's what we need, don't we, Donald. And  
9 this is an action item.

10

11 MR. MIKE: That's correct, Mr. Chair.

12

13 CHAIRMAN LOHSE: This is an action  
14 item. Let's have a motion on the floor and then we can  
15 discuss it. Do I have a motion to support the -- page  
16 32, members will be appointed for a four year term. No  
17 successors appointed on or prior to the expiration of a  
18 member's term. Then the incumbent member may continue  
19 to serve until a new appointment is made or 120 days  
20 past the expiration of the term, whichever is sooner.

21

22 MR. CARPENTER: So moved.

23

24 MS. MILLS: Second.

25

26 CHAIRMAN LOHSE: Moved and seconded.

27 Discussion.

28

29 (No comments)

30

31 CHAIRMAN LOHSE: No discussion. The  
32 question is called. All in favor signify by saying aye.

33

34

35 IN UNISON: Aye.

36

37 CHAIRMAN LOHSE: All opposed signify by  
38 saying nay.

39

40 (No opposing votes)

41

42 CHAIRMAN LOHSE: Motion carries. We  
43 will then forward this for a charter change.

44

45 Now, Chuck, can you bring us up on the  
46 RFR. That's what your job is right now.

47

48

49

50

MS. CAMINER: While Chuck's coming up,

1 I'll ask him to think of one more answer having to do  
2 with the charter. So let's say all the Councils  
3 support it and the Board supports this, when do you  
4 think it could actually be implemented.

5

6 MR. ARDIZZONE: The charter?

7

8 MS. CAMINER: Yeah.

9

10 MR. ARDIZZONE: Well, the charters have  
11 to go back to the secretaries for approval, I believe.  
12 So it would take a little bit of time. However, you  
13 know, this year we're in good shape. We have a lot  
14 more applicants than we've had in the past. So  
15 hopefully that will help. There's been a lot more  
16 outreach -- different avenues. So it seems to have  
17 helped.

18

19 MS. CAMINER: Good.

20

21 MR. ARDIZZONE: So update on RFR.

22

23 CHAIRMAN LOHSE: RFR.

24

25 MR. ARDIZZONE: So just to get the  
26 Council and everybody up to speed on where we are. So  
27 the Board took action on the proposal -- I believe it  
28 was 11, I think. It's the Kenai. To allow gillnets  
29 based on what was proposed. Not gillnets. I should  
30 say one gillnet by Ninilchik. With an operational plan  
31 that has to get approved.

32

33 There's been a lot of discussion, press  
34 -- bad press with inaccuracies in it. So we've  
35 received a lot of calls at the office about how to  
36 submit requests for reconsideration of the Board's  
37 decision. So currently I would say we have 40 to 50  
38 what I would call comments, which are, you know, an  
39 email stating, you know, please reconsider your  
40 decision. We don't believe it was right. Well, that  
41 doesn't meet the bar of what an RFR is under  
42 regulation.

43

44 So if someone was submitting a true  
45 request, there's several things they need to  
46 demonstrate. I'll just read them so everybody's aware.  
47 So the Board will accept a request for reconsideration  
48 only if it's based on the following, which is  
49 information not previously considered by the Board;  
50 demonstrates that the existing information used by the

1 Board was inaccurate; or demonstrates that the Board's  
2 interpretation of information, applicable law or  
3 regulation is in error or contrary to existing law.

4

5                   Additionally, if you're submitting RFR,  
6 you'd need to have a detailed statement of how it would  
7 adversely affect you -- the action would adversely  
8 affect you and a detailed statement of the facts of  
9 dispute, the issues raised by the request, and the  
10 specific references to any law, regulation, policy that  
11 the individual believes was violated, and your reasons  
12 for the allegation.

13

14                   So to date, we have I think four that  
15 probably meet these bar of having information -- I'm  
16 not sure it'll meet the threshold analysis bar. But  
17 they seem to meet or at least answer these questions.  
18 Or try to answer these questions.

19

20                   CHAIRMAN LOHSE: They address some of  
21 those questions.

22

23                   MR. ARDIZZONE: Right. Like I said,  
24 I'm not sure if it would meet -- they would have merit  
25 to their allegations, but that's -- in a future date,  
26 that's -- there would be a threshold analysis to see if  
27 it would make the bar for a full analysis.

28

29                   And I did get an answer on your earlier  
30 question on when the RACs weigh in. So basically  
31 what's been done in the past is we would consolidate.  
32 In this case we have so many, we'll consolidate  
33 everything. It would get distributed to the Regional  
34 Advisory Councils, the -- the requests. And then the  
35 threshold analysis is strictly Board action. You know,  
36 meets the threshold or it doesn't. And then if a  
37 request for reconsideration met the threshold, there  
38 would be a full analysis. And that would be the place  
39 that would come back to Regional Advisory Council for  
40 the recommendations.

41

42                   Because we do get requests for  
43 reconsideration that don't meet the bar that's laid out  
44 in regulation. So.....

45

46                   CHAIRMAN LOHSE: I'm going to ask you a  
47 question, Chuck. Then if they have a request for  
48 reconsideration and it meets the bar, then they take it  
49 up in a meeting, right.

50

1 MR. ARDIZZONE: Correct.  
2  
3 CHAIRMAN LOHSE: And at that point in  
4 time both Council chair and the public can testify,  
5 right.  
6  
7 MR. ARDIZZONE: I believe that's been  
8 the case in the past. Yes.  
9  
10 CHAIRMAN LOHSE: Okay.  
11  
12 Judy.  
13  
14 MS. CAMINER: And can the RAC see let's  
15 say particularly maybe these four that might -- may --  
16 these four that you're mentioning. See copies of it.  
17  
18 MR. ARDIZZONE: I think eventually yes.  
19 I think what we're trying to do is not -- we're trying  
20 to get everything in one package. Because every day --  
21 I mean I just checked my email. We had probably three  
22 or four comments come in today. So yes. You can see I  
23 just don't think it would be today.  
24  
25 MS. CAMINER: Okay.  
26  
27 MR. ARDIZZONE: Okay.  
28  
29 CHAIRMAN LOHSE: So timeline, we're  
30 looking at the proposal has to be printed.  
31  
32 MR. ARDIZZONE: Yeah. The final rule  
33 has to be printed.  
34  
35 CHAIRMAN LOHSE: Right.  
36  
37 MR. ARDIZZONE: And then once the final  
38 rule is printed in the Federal Register.  
39  
40 CHAIRMAN LOHSE: Then they have 60  
41 days.  
42  
43 MR. ARDIZZONE: Correct.  
44  
45 CHAIRMAN LOHSE: And then after those  
46 60 days, then an analysis has to be made to see whether  
47 it meets the threshold.  
48  
49 MR. ARDIZZONE: Correct.  
50

1 CHAIRMAN LOHSE: And then at that  
2 point, sometime in the future a hearing or meeting or  
3 whatever you want to call it will be scheduled to  
4 consider or not to consider, depending on -- or will it  
5 come out.....

6  
7 MR. ARDIZZONE: Right. We'd probably  
8 have a work session. I would assume a work session to  
9 see if they meet the threshold or not.

10  
11 CHAIRMAN LOHSE: Right.

12  
13 MR. ARDIZZONE: And then if they did, a  
14 full blown analysis would be done. And then.....

15  
16 CHAIRMAN LOHSE: Uh-huh. And then  
17 would it come up at a regularly scheduled board  
18 meeting. Or would it be a special meeting.

19  
20 MR. ARDIZZONE: That's a good question.  
21 That would be up to the Board. I mean we don't have a  
22 strict timeline on RFSS when they need to be done. I  
23 mean we, you know, try and get them done as quickly as  
24 possible. But in this case, with a 60-day window  
25 threshold analysis -- we have a scheduled meeting -- or  
26 will have a scheduled meeting in January. So I'm not  
27 going to say we can meet that, but it -- it would be up  
28 to the Board.

29  
30 CHAIRMAN LOHSE: Okay. But this being  
31 basically almost March, we're not going to have  
32 publication until March. More than likely. So 60 days  
33 after March puts it already to May.

34  
35 MR. ARDIZZONE: Right.

36  
37 CHAIRMAN LOHSE: And then they have to  
38 decide whether it's the threshold. And so there's a  
39 total possibility that this regulation will be in place  
40 for this coming fishing season, prior to considering an  
41 RFR.

42  
43 MR. ARDIZZONE: Yes.

44  
45 CHAIRMAN LOHSE: At which point in time  
46 possibly we might have a good enough show that they  
47 could see there's no problem. Hopefully.

48  
49 MR. ENCELEWSKI: Well, I think there's  
50 a lot more to it, Mr. Chair.

1 CHAIRMAN LOHSE: I know.  
2  
3 (Laughter)  
4  
5 CHAIRMAN LOHSE: I'm giving you a lot  
6 of confidence, Greg.  
7  
8 MR. ENCELEWSKI: Well, yeah. Through  
9 the Chair. And through Chuck, you know, I think the  
10 whole thing's farcical. You've got 43 things. If  
11 you've got 43 things, show us. You know, if you've got  
12 four that met it, we should see it.  
13  
14 I don't think any of them meet it. I  
15 think you've got a bunch of sportsmen and you're going  
16 to have 500 things. I don't think any of them meet  
17 your criteria. That's my personal opinion.  
18  
19 But I've talked to so many people,  
20 including Senator Bachiki, that immediately went to the  
21 Senate and didn't even contact any of the proponent or  
22 the writers of the proposal. I mean it's so outlandish  
23 it just reeks. I've never seen anything like it in my  
24 life.  
25  
26 But anyway, you know, there will be  
27 legal challenge I guarantee you from within. And I  
28 think that you -- you know, you're going to go through  
29 your process and it's going to be very interesting.  
30  
31 But I think -- I don't think we're  
32 going to get there, Ralph. Because I think when people  
33 realize, you know, the outcome is -- it's real simple.  
34 You know, they're going to have to close other  
35 fisheries first.  
36  
37 MR. ARDIZZONE: Yeah. Mr. Chair, I was  
38 just going to say I didn't say the four that I -- have  
39 merit. I just said they seemed to meet this criteria.  
40  
41 CHAIRMAN LOHSE: No. They addressed --  
42 they addressed it.  
43  
44 MR. ARDIZZONE: Right. Yeah. They  
45 didn't.....  
46  
47 CHAIRMAN LOHSE: They addressed it.  
48 They didn't answer it.  
49  
50 MR. ARDIZZONE: Right. Right.

1 CHAIRMAN LOHSE: They addressed it.  
2  
3 MR. ARDIZZONE: Right.  
4  
5 CHAIRMAN LOHSE: That's what I was  
6 trying to correct with you. Is at least they talked to  
7 the issues. They didn't just make comments.  
8  
9 MR. ARDIZZONE: Correct. That's what I  
10 was trying to say. Thank you, sir.  
11  
12 CHAIRMAN LOHSE: Yeah.  
13  
14 UNIDENTIFIED VOICE: It's like a tweet  
15 nowadays, holy smokes.  
16  
17 CHAIRMAN LOHSE: So anyhow, Mary Ann.  
18  
19 MS. MILLS: So will we be able to see  
20 the comments or the letters, or how does that process  
21 work.  
22  
23 MR. ARDIZZONE: Yes. We'll get those  
24 together. But like I said, it's just -- I mean we have  
25 new ones every day. And we have another 60 days to go.  
26 We thought we'd compile them and get them to you all at  
27 once, and that way you're not getting piecemealed.  
28  
29 CHAIRMAN LOHSE: Greg.  
30  
31 MR. ENCELEWSKI: Yeah. I've got a  
32 question through the Chair. My question and comment is  
33 why is not the OSM and the Federal subsistence -- you  
34 know, why are they not publicly coming out and, you  
35 know, correcting some of these mis-truths.  
36  
37 Thank you.  
38  
39 MR. ARDIZZONE: We have corrected --  
40 when people call, we correct them. We've had the  
41 Senators call and we've had the Representatives call.  
42 The one you mentioned -- I had a long conversation with  
43 his staffer and, you know, corrected him. And the  
44 problem is the first -- you know, that first article  
45 that went out was wrong and everybody's just copying  
46 it.  
47  
48 CHAIRMAN LOHSE: Right.  
49  
50 MR. ARDIZZONE: And it's just -- I

1 don't know. We have a -- you know, a person that works  
2 in outreach and she said it's like chasing, you know,  
3 something that you can't ever catch to try and correct  
4 things.

5  
6 CHAIRMAN LOHSE: Right.

7  
8 MR. ARDIZZONE: I mean we did put out a  
9 news release what happened. And that's the best we can  
10 do.

11  
12 CHAIRMAN LOHSE: Any other questions  
13 for Chuck.

14 Andy.

15  
16 MR. MCLAUGHLIN: Yeah. Through the  
17 Chair. When this compilation finally gets grouped  
18 together -- you have enough of them where you think  
19 that's the mass of them -- can those go through Donald  
20 and out to us, so we can see them.

21  
22 MR. ARDIZZONE: Yes. Yes, they can.  
23 Yep.

24  
25 CHAIRMAN LOHSE: And Council members,  
26 remember. It's not how many of them there are. It's  
27 just like on C&T. It's not the abundance. It's the  
28 merit.

29  
30 MR. ARDIZZONE: I mean it's just like a  
31 lot of other things where -- you know, people send all  
32 these form letters and they don't -- you know, that's  
33 just the same comment over and over. I mean that's  
34 kind of what we're getting right now is lots of, you  
35 know, request that you reconsider your decision.  
36 That's all.

37  
38 CHAIRMAN LOHSE: Yeah.

39  
40 Andy, one more.

41  
42 MR. MCLAUGHLIN: Yeah. Just curious.  
43 Of these like five criteria, you're talking about --  
44 could you give us a hint as to which ones they're kind  
45 of leaning towards falling under.

46  
47 MR. ARDIZZONE: I think a lot of them  
48 are trying to hang their hat on -- like what Mr. Lohse  
49 said -- the rainbow trout and conservation concerns, I  
50 believe. But.....

1 CHAIRMAN LOHSE: Well, thank you,  
2 Chuck. If there's no other comments, we've pretty well  
3 gotten to the point where we're going to go on to  
4 agency reports. And thank you muchly.

5  
6 And I think at this point in time we  
7 have a meeting tonight from 7:00 to 9:00. And is that  
8 going to be held here.

9  
10 MR. MIKE: Yes, Mr. Chair. It's a  
11 public meeting on rural. And the public's invited.  
12 And if the Council wishes to participate or listen,  
13 they are more than welcome to. But we'll be addressing  
14 this tomorrow also for action.

15  
16 Thank you.

17  
18 CHAIRMAN LOHSE: Oh. So am I -- okay.  
19 Am I under the impression then that this is not a  
20 Council meeting tonight. And that the Council is not  
21 required to come, but may come.

22  
23 MR. MIKE: That is correct. This is a  
24 public meeting. And we had the flyers out, inviting  
25 the public to come and testify on rural determination.  
26 And it's not a requirement for the Council members to  
27 attend. But if you wish to listen to the public,  
28 you're more than welcome to attend.

29  
30 Thank you.

31  
32 CHAIRMAN LOHSE: Thank you, Donald. If  
33 -- I would imagine then if they're going to be using  
34 this meeting room for something else tonight, you're  
35 probably better off to take your stuff home with you.  
36 And bring it back tomorrow.

37  
38 MS. CAMINER: 8:00 a.m.

39  
40 CHAIRMAN LOHSE: And the meeting starts  
41 at 8:00 tomorrow morning -- or 8:30.

42  
43 MR. ENCELEWSKI: How about 8:30.

44  
45 MR. MIKE: 8:30.

46  
47 MR. ENCELEWSKI: We're going to be done  
48 by noon, right. I've got to head out.

49  
50 MR. MIKE: Unless you want to start at

1 8:00, we can start at 8:00.

2

3 CHAIRMAN LOHSE: I thought we'd start  
4 at 6:00 o'clock and be done by 9:30.

5

6 (Laughter)

7

8 MR. MIKE: Okay. We.....

9

10 CHAIRMAN LOHSE: Do you think we could  
11 get the agencies to be here to start testifying at 6:00  
12 o'clock in the morning.

13

14 (Laughter)

15

16 MR. ENCELEWSKI: 8:30 tomorrow.

17

18 CHAIRMAN LOHSE: Okay. Okay. I have a  
19 Council member requested 8:30. What's the rest of the  
20 Council feel like. Huh. 8:30. 8:30. All in favor of  
21 8:00 hold your hand up.

22

23 MR. ARDIZZONE: Six.

24

25 (Laughter)

26

27 CHAIRMAN LOHSE: All in favor of 8:30  
28 hold your hand up. Okay. In that case, we have a  
29 consensus for 8:30 tomorrow.

30

31 (Off record)

32

33 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

UNITED STATES OF AMERICA )  
 )ss.  
STATE OF ALASKA )

I, Salena A. Hile, Notary Public in and for the state of Alaska and reporter for Computer Matrix Court Reporters, LLC, do hereby certify:

THAT the foregoing pages numbered 02 through 144 contain a full, true and correct Transcript of the SOUTHCENTRAL PENINSULA FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, taken electronically on the 18th day of February 2015 at Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 2nd day of March 2015.

\_\_\_\_\_  
Salena A. Hile  
Notary Public, State of Alaska  
My Commission Expires: 09/16/18