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11 SOUTHCENTRAL FEDERAL SUBSISTENCE REGIONAL
12 ADVISORY COUNCIL PUBLIC MEETING

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15 VOLUME II

16
17

October 3, 2002

18

Masonic Hall

19

Cordova, Alaska

20

8:30 o'clock a.m.

21

22 COUNCIL MEMBERS PRESENT:

23

24 Ralph Lohse, Chairman

25 Robert Churchill

26 Fred Elvsaa

27 Susan Wells

28

29 Regional Coordinator, Ann Wilkinson

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1 PROCEEDINGS

2

3 (Cordova, Alaska - 10/3/2002)

4

5 (On record)

6

7 CHAIRMAN LOHSE: Okay, we'll call this
8 fall meeting of the Southcentral Subsistence Advisory
9 Council back in session. We're going on to Proposals 11
10 and 13 combined. I think you'll find them starting on
11 Page 111, if I remember right -- nope, 115 in your book.
12 And Pat, you're going to give us the introduction to the
13 proposal and analysis, right?

14

15 MS. PETRIVELLI: Yes, Mr. Chairman. My
16 name is Pat Petrivelli, anthropologist for the
17 Southcentral team. And the draft Staff analysis begins
18 on Page 122.

19

20 Proposal 11 was submitted by the Office
21 of Subsistence Management and it dealt with adding the
22 rural residents of the Delta Junction area to the Chitina
23 subdistrict of the Upper Copper River district.

24

25 And Proposal 13 was submitted by Gary
26 Howard, president of the Lake Louise non-profit
27 Corporation and it requested a positive customary and
28 traditional use for salmon in the Glennallen and Chitina
29 subdistricts for the residents of Lake Louise.

30

31 Once the draft analysis was prepared for
32 these two proposals, George Sherrod worked on the Delta
33 Junction area because the residents of the Delta Junction
34 are residents of the Eastern Interior region and then
35 Lake Louise is in the Southcentral region so I did the
36 analysis for Lake Louise and George did the Delta
37 Junction area. And once we completed it, it was decided
38 that we should combine the analysis because it dealt with
39 the same area and it would be easier to evaluate the
40 activities since we could be dealing with actions for the
41 same region. And then also it was decided to look at all
42 possible other users of these two -- the Chitina and
43 Glennallen subdistricts.

44

45 So you'll find that with two different
46 analysts -- and the communities, although they're both
47 users of the resource, there's two different types of
48 data which I'll get into later. But I'm sure you --
49 we'll get through this.

50

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1 So one thing in the extent of Federal
2 waters, it was -- the only map and I thought there was
3 going to be two maps but the only map is the map of the
4 Prince William Sound area on Page 56 but you might have
5 better luck reading the map on the wall. But -- and on
6 there it shows the Chitina subdistrict and the Glennallen
7 but it's so small but we all know the Chitina subdistrict
8 would start north of Haley Creek and it goes for 10 miles
9 to the bridge. And then the Glennallen subdistrict goes
10 to the Slana River. And it's just the mainstem of the
11 Copper River. That's where the -- those two subdistricts
12 -- in 1999 when the Federal government took over
13 management, the Glennallen subdistrict was the only
14 subsistence -- or the only district -- subdistrict that
15 had subsistence use and the Chitina subdistrict was a
16 personal use fishery. And at that time the Federal Board
17 made regulations for the residents of the Prince William
18 Sound management area and Lake Louise is not part of the
19 Prince William Sound management area, it's just on the
20 other side of the line.

21
22 And then since that time, the Federal
23 Subsistence Board -- well, the State Board made Chitina a
24 subsistence fishery and then the Federal Board has also
25 added -- the first year they added the eight Ahtna
26 villages and then last year they added all the
27 communities that are resident zone communities of the
28 Wrangell-St. Elias National Park to the Chitina
29 subdistrict. And all those communities are listed on
30 Page 123 that have current C&T for Chitina.

31
32 To the Glennallen subdistrict they've --
33 the Board has added the communities in the Eastern
34 Interior -- well, all the Tok areas in -- well, that are
35 listed -- and then also Cantwell and Chisana because
36 those communities are not in the Prince William Sound
37 area either.

38
39 So in looking at possible users besides
40 Lake Louise and Delta Junction area, I looked in the
41 Copper Basin area, that's as far as I looked because
42 after the Copper Basin area in the Southcentral area, the
43 residents of the Kenai Peninsula I didn't find
44 substantial evidence of them traveling to Chitina, the
45 rural residents, so I just looked at the communities of
46 the Copper River Basin that didn't have C&T for those
47 areas besides Lake Louise for the Chitina subdistrict,
48 the people who didn't have C&T were residents of Lake
49 Louise, Paxson, Sourdough and then some residents along
50 the east and west Glenn Highway from Glennallen west.

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1 And those communities are on Page 29. Oh, and Chickaloon
2 was another community that didn't have C&T for Chitina.

3

4 The residents of the east Glenn Highway
5 area and Sourdough and Paxson would have C&T for
6 Glennallen though because they're included within the
7 Prince William Sound management area.

8

9 And then for the other areas, George
10 Sherrod looked at Parks Highway communi -- besides the
11 Delta Junction area he looked at the Parks Highway
12 communities and they're listed on Page 132. In the Delta
13 Junction area those include Big Delta, Delta Junction,
14 Gulkana, Dry Creek and Ft. Greeley. And since the Board
15 has made decisions to exclude Ft. Greeley in customary
16 and traditional use determinations because they're
17 temporary residents and they don't have a long term
18 consistent use pattern because they're stationed there
19 for two to three years at a time, it's not -- we've
20 excluded Ft. Greeley so we didn't look at those
21 characteristics.

22

23 For the Parks Highway communities, the
24 communities that were looked at were McKinley Village,
25 Healy, Anderson, Clear and Nenana. And Anderson and
26 Clear -- well, it just includes the permanent residents
27 of the Clear area or the Clear Air Force station.

28

29 So those are the communities whose
30 resources -- or whose use are included in this analysis.
31 Those Copper Basin communities that were left out and
32 then the Delta Junction area communities and the Parks
33 Highway.

34

35 And so we looked at the eight factors for
36 those communities and areas. The source of data we had
37 for the Copper Basin community studies were done in 1982
38 and in 1987, the household surveys. And these were the
39 same studies used for previous analysis' of the Chitina
40 and Glennallen subdistricts because those are the main
41 sources of data for Copper River Basin. In '82, the only
42 difference between the two studies is Chickaloon was
43 included in the '82 study and in '87 Chickaloon was left
44 out. So for Chickaloon the only source of data was in
45 '82. In '87 they just -- they did -- they only included
46 the west Glenn Highway area and they took a portion of
47 some of the Chickaloon residents but not all of them.

48

49 For the other communities there is a --
50 there was a household survey by ADF&G of Mckinley Park,

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1 Healy, Anderson and Clear that was also done in 1987.
2 But there was no -- it's just pure household surveys
3 without descriptions of fishing areas or other practices.

4

5 And then for the Delta Junction areas
6 there has been no subsistence surveys done whatsoever.
7 And so the only source of data we had were -- was permit
8 data. And as with all previous analysis of permit data
9 for the Copper River, that's when it's -- the data goes
10 back many years but on a community level basis it's from
11 1988 to the present and then what happens with that
12 permit data is mailing addresses. So for Lake -- for
13 instance, for Lake Louise there is no data for Lake
14 Louise because they get their mail at Glennallen so
15 they're included in the Glennallen area. So using permit
16 data is useful for some of the communities but not for
17 all. So there's been a -- the data that was available to
18 be included in this analysis was a combination of those
19 household surveys and the permit data from those Copper
20 River permits. And of course, we just -- we used either
21 the personal use data for the Chitina subdistrict or the
22 subsistence permits in the Glennallen.

23

24 So -- oh, -- and then I just had one
25 correction on Page 125, it says, fish and wildlife
26 harvest statistics collected by the ADF&G are not
27 available for all communities. It says they are
28 available but they are not available for all communities.
29 And then it just goes -- it just explains what I just
30 said. But just in writing, if you would write in the
31 second line there of that third paragraph, they are not
32 available for all the communities and we'll definitely
33 fix that before it gets to the Board.

34

35 So in looking -- and of course, when we
36 looked at the long term consistent use -- and so since --
37 for some areas we had just the 12 year permit data and of
38 course, some of these communities, most of the
39 communities when you look at their -- how long they've
40 been in the area, the one characteristics these
41 communities share is that they're along the highways. So
42 in the Copper River Basin, the communities along the
43 highway are, you know, well, and it's -- they're not even
44 named as communities, East Glenn Highway, West Glenn
45 Highway, those are the residents that live along the
46 highway. For the others, Lake Louise, Paxson, Sourdough
47 and Chickaloon, they're very small communities, none of
48 them are incorporated. The only one that has a tribal
49 government is Chickaloon but the others, Lake Louise,
50 Paxson and Sourdough are -- they're residing there in

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1 relation to recreational activities or lodge -- they --
2 they came about when the road was built. And of course,
3 well, not necessarily the road, but in 1903 with the
4 trail of -- when the trail went from Valdez to Fairbanks.
5 And so residents in those areas were established in
6 relationship to travel along the road there.

7

8 And the same goes for Delta Junction,
9 well, the Delta Junction area, that's where the Junction
10 is with the Alaska Highway and the Richardson Highway.
11 So all of those communities were established in relation
12 to transportation and then of course the Parks Highway,
13 except for Nenana. Nenana is a traditional Athabaskan
14 community and has a long history there. But it mainly
15 became permanently occupied with the establishment of the
16 highway there. And then those other communities Healy,
17 Lake Anderson -- or Anderson and Clear were established
18 in relationship with the construction of the highway, the
19 Parks Highway mainly. And so -- but -- and Nenana has a
20 city and a tribal government, too. I keep forgetting I
21 -- I strictly did the Copper Basin and I keep forgetting
22 to add in the Parks Highway ones but -- so their history
23 of use is -- of the Copper River area is dependent upon
24 those highway systems also. Well, the ones far away is
25 Parks and then the Delta Junction with the connections.

26

27 So -- but like I said, we only have the
28 data for the permit data or the household surveys. On
29 Page 137 and 138 shows data from McKinley Village, Healy,
30 Anderson and Nenana. And then on Page 140, there's the
31 permit data for the Cooper Basin area and then the Delta
32 Junction area communities. And one table also goes on
33 Page 142 that shows some Delta Junction -- it would have
34 been nice if we could have been putting it in -- got it
35 all on one page but we'll work on that.

36

37 In looking at the various sources of data
38 from household use and permit data, what it shows is
39 those closest to the Copper River use more salmon. For
40 instance, the West -- East Glenn Highway -- well,
41 actually from the permit data here it says there's only a
42 community harvest of 235 but that 235 pounds represents
43 -- and I forget where that is -- represents 40 -- or 55
44 percent of the per capita subsistence resources used for
45 that community. So -- but it's just a small number of
46 people we're talking about for -- for -- oh, the East
47 Glenn Highway area, that's 182 people. With the -- with
48 the other communities -- and Lake Louise it's 87 pounds,
49 possibly per -- an estimated harvest per household -- or
50 for the whole community but then for Paxson there's 1,730

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1 harvest of salmon. So there's -- these are all estimates
2 of salmon used. And it -- it's -- but it's generally --
3 except for -- it generally shows that they use -- the
4 closer they are to the Copper the more they use or -- and
5 then the farther away the less they use.

6

7 And one thing that George included was
8 the approximate milage between the communities for the
9 Delta Junction and Parks Highway. And the Delta Junction
10 areas range from 227 miles to 262 miles from Copper River
11 and Mt. Mckinley, the closest is 299 miles and the
12 farthest is 428.

13

14 So basically in looking at the use levels
15 of salmon by community and area and the distance from the
16 Copper River, aside from the other factors that showed
17 that people do use salmon, the recommendation was to have
18 C&Ts for the Copper River Basin communities and the Delta
19 Junction areas for those -- for those that needed it for
20 the Chitina and Glennallen subdistricts and not for the
21 Parks Highway because their level of use did not justify
22 a C&T determination. While displaying a consistent
23 pattern of use of Copper River salmon for the Parks
24 Highway the conformance with reasonably accessible
25 component of factor for the community level is highly
26 questionable. Additionally, the community level of
27 participation is not as high as is the case with the
28 other communities that have a customary and traditional
29 use of the area.

30

31 For the Copper River Basin communities,
32 the data from the household surveys and community studies
33 showed that salmon is a resource used by these
34 communities and areas and the lower levels of use of
35 salmon for Lake Louise is consistent with use levels in
36 the communities with a positive customary and traditional
37 use determination that are not located on the Copper
38 River. And the justification I'm reading is on Page 146.
39 But -- and that was just -- and then for the Delta
40 Junction, we recommended that residents of the Delta
41 Junction area have a history of fishing in the Chitina
42 dipnet fishery and the fishwheel fishery just upstream up
43 the Chitina/McCarthy road bridge, the quantities of fish
44 harvested make the distance traveled reasonable.
45 Additionally, the Federal Subsistence Board has
46 recognized the residents of the Delta Junction area as
47 having customary and traditional use resources in a
48 manner consistent with subsistence practices.

49

50 So the proposed regulation is -- the

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1 wording is there on Page 146 and we would -- the other
2 issue, besides adding these communities, was the
3 recognition that we would end up with a very long list of
4 communities, of named communities and we would be leaving
5 out residents that live along the highway in those areas
6 so we're proposing that we call residents of the Copper
7 River drainage above Haley Creek. And sometimes people
8 think -- anyway it's just the Copper River above Haley
9 Creek, which would be Chitina, about, but it's the actual
10 Copper River drainage so that would encompass the list
11 that's in Appendix A and they're listed -- it would be
12 all the communities, Chistochina, Chit -- well, all the
13 communities listed on Page 149 and that's from the
14 ADF&G's household surveys. And the way they did their
15 survey -- household studies, is they included all the
16 people that lived in the Copper River Basin. And I'm not
17 sure if it should be labeled Copper River Ba -- drainage
18 or Copper River Basin, which would be more useful for
19 people to clearly identify this inclusive of the people
20 -- or their -- or the proposed language would encompass
21 all those people -- and the way it lists is the members
22 of the -- residents of the communities and the residents
23 that live nearby along the highway so -- it's just a more
24 inclusive designation.

25

26 And for the -- where the drainage --
27 between the East and West Glenn Highway, the East Glenn
28 Highway section would be in the basin but the West Glenn
29 Highway wouldn't and that's Mile 137 and Mile 80. And
30 West Glenn Highway is from Mile 90 to Mile 137 on the
31 Glenn Highway.

32

33 So.....

34

35 CHAIRMAN LOHSE: Pat, now, from Mile 90
36 to Mile 137 drains into the Matanuska Valley, right?

37

38 MS. PETRIVELLI: Yes. So it wouldn't be
39 in the Copper River.

40

41 CHAIRMAN LOHSE: Okay, so that's why
42 that's classed as a separate part of the Glenn Highway?

43

44 MS. PETRIVELLI: Yeah.

45

46 CHAIRMAN LOHSE: And the Delta Junction
47 area drains into the Tanana, right?

48

49 MS. PETRIVELLI: Yeah. And actually I --
50 Matanuska Glacier shouldn't be in that portion, I'm

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1 sorry. Matanuska, because it's 77 to Mile 10 so that
2 needs to be fixed.

3

4 CHAIRMAN LOHSE: Now where is that now?

5

6 MS. PETRIVELLI: Matanuska Glacier, right
7 after -- and Lake Louise shouldn't be in there. So I
8 left them out by mis -- oh, I know this is the wrong
9 Appendix. I didn't separate them out for this one and
10 it's separated out in 170 on Page -- well, 169, 170 is
11 the wrong copy.

12

13 CHAIRMAN LOHSE: Um.

14

15 MS. PETRIVELLI: But on Page 169 and 170
16 -- on Page 170 has all the communities that would not be
17 in the Copper River drainage. So the Matanuska Glacier,
18 Sheep Mountain, Lake Louise, Mentasta Pass and the North
19 Wrangell Mountains, they were included in the Copper
20 Basin study but they wouldn't be part of the Copper
21 drainage area. And they're also not part of the Prince
22 William Sound management area either.

23

24 CHAIRMAN LOHSE: Okay, but when we go
25 back on Page 146.....

26

27 MS. PETRIVELLI: Uh-huh.

28

29 CHAIRMAN LOHSE:and we look at the
30 proposed regulation and then we're looking at Page 170 at
31 these non Copper drainage ones, now the Matanuska Glacier
32 isn't in Page 146 and it's got Mile 90 to Mile 137, it's
33 at Mile 137 that the drainage heads for the Copper,
34 right?

35

36 MS. PETRIVELLI: Yes, uh-huh.

37

38 CHAIRMAN LOHSE: Prior to that all of
39 that drainage is going into the Matanuska?

40

41 MS. PETRIVELLI: Uh-huh.

42

43 CHAIRMAN LOHSE: So that would include
44 Sheep Mountain but it wouldn't include the Matanuska
45 Glacier people at 77 then?

46

47 MS. PETRIVELLI: And that's why they have
48 to be listed -- well, as residents living along Mile 90
49 to Mile 137 because they're in addition to.

50

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1 CHAIRMAN LOHSE: Right. Right. But what
2 I mean is.....

3

4 MS. PETRIVELLI: Yeah.

5

6 CHAIRMAN LOHSE:so on 170 you
7 include the Matanuska Glacier.....

8

9 MS. PETRIVELLI: Oh, I excluded.....

10

11 CHAIRMAN LOHSE:from Mile 77 but in
12 the proposed regulation you leave that out, right?

13

14 MS. PETRIVELLI: Yeah. Yeah, I think
15 those -- oh, because they're the West Glenn Highway,
16 partly -- I couldn't get from ADF&G exact mile studies
17 that they -- milepost studies that they used in their --
18 and so -- but for the statistics, I think the West Glenn
19 Highway section they included was Mile 90 to Mile 137.
20 So Matanuska Glacier dropped out -- and it's just some
21 residents of the Matanuska Glacier that live from Mile 90
22 to Mile 137. So I just left out Mile 77 to Mile 190.

23

24 But I guess.....

25

26 CHAIRMAN LOHSE: Okay. Now, what does --
27 in that distance you've got -- let's see you've got that
28 Victory area right there at -- well, that's on 84, so
29 that's prior to that.

30

31 MS. PETRIVELLI: Uh-huh.

32

33 CHAIRMAN LOHSE: Okay. So this all
34 happens past Mile 90, so just before Caribou Creek then?

35

36 MS. PETRIVELLI: Uh-huh.

37

38 CHAIRMAN LOHSE: And from there to Mile
39 13 -- Mile 137 is the Nelchina River or is that -- okay,
40 anyhow, that's why that's written that way because that's
41 out of -- that's included but it's out of the Copper
42 River drainage?

43

44 MS. PETRIVELLI: Yes. Yeah.

45

46 MS. PETRIVELLI: And Cantwell,
47 Chickaloon, Chisana, Dot Lake, Healy Lake, Lake Louise --
48 now, Lake Louise is draining into the Delta system, too,
49 right or does Lake Louise drain into the Copper Basin, I
50 thought that was.....

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1 MS. PETRIVELLI: It drains into Susitna.

2

3 CHAIRMAN LOHSE: It drains into the
4 Susitna, okay. So we have expanded -- or has been
5 expanded in the past into the Tanana drainage with
6 Cantwell, Chisana, Dot and Healy Lake, Northway,
7 Tanacross, those are all going into the Tanana system?

8

9 MS. PETRIVELLI: And those were added by
10 the Board.

11

12 CHAIRMAN LOHSE: Those were added by the
13 Board in the past, okay.

14

15 MS. PETRIVELLI: Uh-huh.

16

17 CHAIRMAN LOHSE: Okay.

18

19 MS. PETRIVELLI: And their use levels for
20 those added -- well, for the permit data, those that have
21 been given C&T and the use levels of the existing
22 communities are on Page 130 and then also -- and I think
23 for permit use levels shows Page 140 of the communities
24 with existing C&T. And then the proposed communities,
25 their use levels are similar to those with existing C&T
26 determinations. Except for the Parks Highway
27 communities.

28

29 CHAIRMAN LOHSE: So the Parks Highway
30 communities didn't have a request in, the Staff just took
31 it to check them out?

32

33 MS. PETRIVELLI: That's true. Yeah. And
34 the Delta Junction area community came as a result of a
35 request by Nat Good from the Delta Junction area and then
36 the Board said that they would like to have it considered
37 during this cycle and then the minority -- or the Fish
38 and Wildlife Service representative on the Staff
39 Committee had mentioned -- oh, that's for freshwater so
40 -- in this -- Gary Howard, president of the Lake Louise
41 non-profit corporation specifically requested C&T for
42 Lake Louise for salmon for Chitina in Glennallen. But we
43 included -- we expanded the analysis as a result of -- so
44 that we don't have to keep looking at it every year.

45

46 CHAIRMAN LOHSE: Okay.

47

48 MS. PETRIVELLI: I mean not that....

49

50 CHAIRMAN LOHSE: That's why the Parks

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1 Highway group was in there?

2

3 MS. PETRIVELLI: Uh-huh.

4

5 CHAIRMAN LOHSE: And the Gulkana
6 drainage.

7

8 MS. PETRIVELLI: So hopefully once -- if
9 the Board makes a decision on this C&T now we would be
10 through with the C&T for the Chitina and Glennallen
11 district. But we can always do more analysis.

12

13 CHAIRMAN LOHSE: Okay, any questions for
14 Pat. Fred

15

16 MR. ELVSAAS: Yeah. Doing this C&T study
17 you mentioned the pounds of salmon, were those claimed as
18 -- especially like in the areas of Chickaloon and so
19 forth, as Copper River fish? They also fish Matanuska
20 River, Jim Creek, Susitna and Little-Sue.

21

22 MS. PETRIVELLI: With those estimated
23 community harvest, that is just an estimate of salmon and
24 there's no information as to where they were caught. And
25 unfortunately I think we don't have -- oh, we do have
26 permit data for Chickaloon. So what we have to do is --
27 oh, so we know they caught -- well, they used an average
28 of four permits, yearly average of four permits from the
29 Copper River. And over a 10 year period, well, they
30 received a total of 35 permits. So, yes, that salmon
31 could come from other areas.

32

33 MR. ELVSAAS: Yeah. So that's just their
34 total salmon then?

35

36 MS. PETRIVELLI: Estimated.

37

38 MR. ELVSAAS: Yeah.

39

40 MS. PETRIVELLI: Uh-huh.

41

42 MR. ELVSAAS: Mr. Chair.

43

44 CHAIRMAN LOHSE: Yes.

45

46 MR. ELVSAAS: I know the Chickaloon
47 people, they're Ahtna, they're related to the Ahtna
48 people and for some reason they moved over there, I think
49 that was in the railroad and coalmining days. But they
50 also, you know, go down to the Kenai and so forth. And

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1 they made a big deal several years ago down on the Kenai
2 where they put a full gillnet across the Kenai River
3 daring the Fish and Game to arrest them and Fish and Game
4 stood by and did nothing.

5
6 And so I'm just wondering, you know, do
7 they fish a little here, a little there and so forth and
8 if that's the case, there's people from other areas that
9 probably have fished the Copper at sometime and I just
10 don't know whether that justifies C&T for the Copper
11 River fishery. I have a little problem in my mind as to
12 how far this goes. And I also noticed a letter there
13 from Gloria Stickwan from Copper River Native Association
14 not wanting to add anymore communities to the thing.

15
16 CHAIRMAN LOHSE: Thank you, Fred.
17 Anymore questions for Pat.

18
19 MR. CHURCHILL: Yes.

20
21 CHAIRMAN LOHSE: Bob.

22
23 MR. CHURCHILL: Pat, thank you.
24 Question, when you were considering the Clear Air Force
25 Base, Anderson community, did you consider them in light
26 of your same findings with Ft. Greeley? I mean it seems
27 to be roughly similar if you're saying military or by
28 nature temporary residents and don't fall under the
29 fourth criteria of the C&T. Is that part of your thought
30 process or did you folks address that?

31
32 MS. PETRIVELLI: In -- well, the way
33 Anderson is described, I think when ADF&G did their
34 household study, they lumped Anderson and Clear together
35 but I'm sure they surveyed only permanent residents of
36 the community. So -- but I think it's civilian workers
37 from the Clear Air Force Station, but I'm -- George
38 Sherrod would know that more carefully. So the
39 characteristics that would have been available for us to
40 include in the analysis would be -- pertain to the year-
41 round residents or permanent residents of those areas.

42
43 That's all I can say.

44
45 And I think the permit data that George
46 used to evaluate them was just only from Anderson. So --
47 and I think they were just lumped together for the
48 survey. But the permit data was only available for
49 Anderson. So I think by default, because Anderson and
50 Clear is only at the very beginning in community

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1 characteristics and then later it's just Anderson.

2

3 MR. CHURCHILL: Yeah, and I think the
4 reasonably accessible criteria is going to bump that
5 anyway. Do you have any more in-depth sort of
6 information about the population trends up in the Lake
7 Louise area?

8

9 MS. PETRIVELLI: I think I only looked at
10 '90 and 2000 only included the 2000 population, but the
11 -- I think it's very -- the permanent population of Lake
12 Louise, I think is very similar for both census years.
13 It's just the seasonal occupancy various quite a bit.

14

15 MR. CHURCHILL: Yeah, I mean I guess
16 that's my point, too, is I know that area fairly well and
17 it seems like a large part of that population are
18 actually Fairbanks residents that have recreational
19 property and homes down there. Is that your conclusion
20 as well?

21

22 MS. PETRIVELLI: Oh, yeah, I completely
23 forgot about that, but over -- let's see, for Paxson and
24 Sour -- or Lake Louise and Paxson, over 80 percent of the
25 houses in those areas are occupied seasonally. So that
26 would mean less than 20 percent of the residents in those
27 areas are occupied year-round.

28

29 MR. CHURCHILL: Also, I guess I'm
30 curious, if I'm looking at the numbers correctly, your
31 personal use permits, the average take per permit ran
32 about 13 or 14 fish and your subsistence permits ran
33 closer to 63 or 64 fish. Is that consistent with your
34 information as well? I mean is that -- I mean I didn't
35 have a lot of years data to look at but that seems what I
36 can find to be a generally historic trend, is the
37 differences under those two permit systems?

38

39 MS. PETRIVELLI: I think that -- that's
40 logical.

41

42 MR. CHURCHILL: Thank you.

43

44 CHAIRMAN LOHSE: Any other questions Bob?

45

46 MR. CHURCHILL: No.

47

48 CHAIRMAN LOHSE: Pat, when considering
49 C&T, only the permanent residents of those areas are
50 eligible for C&T, aren't they? If there's 80 percent of

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1 the houses that are unoccupied except seasonally, the
2 people that have those houses, just because they have
3 those houses in the community are not eligible for C&T
4 unless possibly they claim those houses as their
5 permanent dwelling and the other one is their second
6 house, you know, but I mean how does that work?

7

8 MS. PETRIVELLI: I swear -- that's true.
9 Yeah, it's only the people who -- our regulations apply
10 to rural residents and when -- and so residents -- and
11 then when we make a C&T determination, it's residents of
12 the community that have eligibility characteristics. And
13 then we define resident as a person who declares that
14 primary place of residency and shows evidence that that
15 is their primary place of residence.

16

17 MS. WELLS: Pat, what kind of evidence
18 supports.....

19

20 MS. PETRIVELLI: I think we -- it's on
21 Page 158 and then factors demonstrating the location of a
22 person's primary permanent home may include but are not
23 limited to the address on their Permanent Fund Dividend
24 application, an Alaska license to drive, hunt, fish or
25 engage in an activity regulated by a government entity,
26 an affidavit of a person or persons who know the
27 individual, voter registration, local of residences
28 owned, rented or leased, location of stored household
29 goods, resident or spouse, minor children or dependents,
30 tax documents and whether the person claims residence in
31 another location for any purpose.

32

33 CHAIRMAN LOHSE: Okay, any other
34 questions for Pat. Thank you Pat. Let's go on to Alaska
35 Department of Fish and Game comments.

36

37 MR. TAUBE: Mr. Chairman, I'm Tom Taube
38 with Alaska Department of Fish and Game. Department
39 comments for both 11 and 13 have been deferred to final
40 review of the Staff analysis. We do have additional
41 comment from Subsistence Division that Mr. Rod Campbell
42 with the Department will respond to.

43

44 MR. CAMPBELL: Yes, Mr. Chairman, Council
45 members. For the record my name is Rod Campbell, Alaska
46 Department of Fish and Game Division of Commercial
47 Fisheries. As Tom said, I did have a couple of comments
48 from the Subsistence Division if it's appropriate to
49 present those at this time.

50

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1 CHAIRMAN LOHSE: It definitely is.

2

3 MR. CAMPBELL: It was on the Staff
4 analysis on Page 122 under discussion, the beginning of
5 the second paragraph. This was Mr. Good's statement, it
6 said, Mr. Good noted. The comments from the Subsistence
7 Division indicated that Mr. Good stated the Richardson
8 Highway was once the Valdez Trail and has connected Delta
9 Junction to the Chitina area for almost 100 years. It's
10 the Department's belief that this is false and it has not
11 been that long a term of use. Also to go on, Chitina was
12 not on the Fairbanks Trail -- Fairbanks to Valdez Trail
13 and is not on the Richardson Highway. There was some
14 other notes on that but that is the basic, at least,
15 correction that we felt needed to be noted.

16

17 And also just as a general statement, it
18 said there was no evidence of the, quote, hundred years
19 use of the Chitina area by Delta Junction residents. And
20 this use is mostly a product of about the last 30 years.

21

22

23 That's really all I had to add.

24

25 Thank you.

26

27 CHAIRMAN LOHSE: Any questions from
28 anybody on that? Thank you.

29

30 MR. CHURCHILL: Well, before they -- I
31 have something for Tom, if I might.

32

33 CHAIRMAN LOHSE: Okay, Bob.

34

35 MR. CHURCHILL: Yeah, Tom, we've kind of
36 kicked around a little bit the nature of the community up
37 around Lake Louise and establishing residency and I know
38 you're probably more familiar with that definition than I
39 am. Any thoughts on enforceability or problems that it
40 might cause to create a C&T finding for the folks up at
41 Lake Louise?

42

43 MR. CAMPBELL: Just from personal
44 experience with the Glennallen subdistrict, you know,
45 there are people that claim residency out there but we've
46 seen -- but we haven't been able to enforce it either
47 where certain individuals may claim Lake Louise their
48 residence but they, you know, run a business in Anchorage
49 and they're, you know, claiming Lake Louise residency but
50 it's pretty obvious that it's not their permanent

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1 residence. But we've been unable to, you know, prove
2 that so there is some discrepancy in the area where you
3 have a lot of seasonal residents to actually validate
4 that they are physical residents of the area. And with
5 Lake Louise, a lot of those residents are Mat-Su,
6 Anchorage and Paxson it tends to be Fairbanks residents
7 that are there.

8

9 MR. CHURCHILL: Thank you.

10

11 CHAIRMAN LOHSE: Any other questions.

12 Thank you. Are there any other Federal or Federal

13 agencies that would like to speak to this proposal?

14 Devi.

15

16 MS. SHARP: Good morning, Mr. Chairman,
17 and Regional Advisory Council members. My name is Devi
18 Sharp. I am the chief of resources for Wrangell-St.
19 Elias National Park and Preserve. I've been the primary
20 subsistence coordinator for the Park for the past five
21 years. I would like to thank you for the opportunity to
22 express my concerns about this proposal because it
23 impacts the Park greatly.

24

25 This proposal, if implemented would
26 significantly extend the C&T findings for the fisheries
27 in the Copper River adjacent to Wrangell-St. Elias
28 National Park and a portion of the Copper River that the
29 Park has delegated authority to manage. If there's to be
30 any value to Federal subsistence as outlined in Titles II
31 and VIII in ANILCA and 36 CFR, subpart (B) 13.40, we must
32 be very careful and thoughtful about extending C&T. We
33 can grant it but we haven't ever taken it back. So I
34 urge you to be cautious.

35

36 First, let me speak about Delta Junction.
37 In the analysis on Page 141 it says that the community --
38 the population of Delta Junction is 3,287. This would
39 almost double the number of people using this resource.
40 By comparison, I'll just give you a few examples of the
41 communities, some of the larger communities that already
42 have C&T. Chitina has 123 people. Copper Center 362.
43 Gakona 217. Gulkana 88. Glennallen 554. Kenny Lake
44 440. So you can see those communities are very small and
45 spread out, strung out along the highway and in the Park
46 and around the Copper River. So that concerns me adding
47 that many people.

48

49 The analysis, the application of the
50 eight factors doesn't, in my mind, support adding Delta

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1 Junction. Factor four, the consistent harvest and use of
2 fish and wildlife as related to past methods and means of
3 taking near or reasonably near -- or reasonable access
4 from the community or area. The address to that -- the
5 answer to that is -- the explanation is that there are
6 comparatively fewer salmon in the Tanana River, the
7 existence of the Valdez/Fairbanks Trail and that 10
8 percent of the Delta area population -- Delta Junction
9 area population use salmon. Ten percent doesn't seem
10 very consistent or very high use.

11

12 The link made to factor eight, a pattern
13 of use which relates to reliance upon a wide diversity of
14 fish and wildlife resources of the area and which
15 provides a substantial cultural, economic, social and
16 nutritional elements of the community area. The
17 analysis, on Page 144 states that the Alaska Department
18 of Fish and Game database documents that the residents of
19 Delta Junction harvest moose, caribou, beaver, bison,
20 brown bear, black bear, elk, goat, lynx, muskox, otter,
21 wolf and wolverine. I'm not sure how that relates to
22 salmon on the Copper River, but I'm sure the local rural
23 residents of the Copper Basin would have a very different
24 idea of what constitutes relying upon a resource.

25

26 Next, I'm somewhat concerned about adding
27 Lake Louise and Paxson Lake. Mostly because
28 approximately 15 percent of the people living in the
29 communities in the summer actually qualify for Federal
30 subsistence. So there's the administrative issue of
31 issuing the permits and how do we figure out if someone
32 actually qualifies. And then there is the problem of do
33 these people meet the eight factors.

34

35 I am very concerned about adding -- about
36 the process of adding Chickaloon. If you recall, in
37 2000, an individual from Chickaloon requested individual
38 C&T for sheep in Unit 11. The Staff from the Office of
39 Subsistence Management recommended that the community of
40 Chickaloon, the whole community be granted C&T for sheep
41 in Unit 11. The Native Council of Chickaloon objected
42 and asked the OSM not to grant the community C&T. The
43 Park looked at the individual and could not grant him a
44 1344 permit based on his activities in the Park because
45 he failed the 1344 criteria.

46

47 So I think this is a point that the
48 community should be consulted in this process. And that
49 speaking -- that one person speaking for a community is
50 not adequate.

00163

1 I'd also like to remind the Council that
2 no one is having their fishing rights taken away from
3 them. The State fishing rights -- State -- there's a
4 very ample opportunity to fish in the Copper River under
5 the State regulations. That still exists for all Alaska
6 citizens, that is not being taken away.

7
8 I'm not opposed to a thorough analysis of
9 the communities on the Glenn and Richardson Highway. It
10 is a little troublesome for us where Glennallen stops
11 when we issue permits for the Chitina subdistrict. I,
12 personally, would welcome a good thorough analysis of
13 which communities have been reliant upon the Chitina
14 fishery in a subsistence manner.

15
16 And with that, I'll end here and take
17 questions.

18
19 CHAIRMAN LOHSE: Bob.

20
21 MR. CHURCHILL: Yeah, this is just my own
22 ignorance, you referenced a 1344 criterion, I think.

23
24 MS. SHARP: Yes.

25
26 MR. CHURCHILL: And that would be.....

27
28 MS. SHARP: Let's see if I.....

29
30 MR. CHURCHILL: If this is.....

31
32 MS. SHARP: 1344 is a permit given to an
33 individual who does not live in a resident zone
34 community. I'm going to step back one step.

35
36 In ANILCA it was recognized that the
37 different land management agencies had different purposes
38 and they realized that the National -- that it would work
39 best for the National Park to make the people who use the
40 resources be local rural residents. There's a definition
41 of local rural resident.

42
43 MR. CHURCHILL: Sure, yeah.

44
45 MS. SHARP: And the way we apply that is
46 the resident zone communities. And Wrangell-St. Elias
47 has 23 resident zone communities and that's mostly what
48 you see in the list of the current Chitina subdistrict.
49 If there is an individual who lives in a community that's
50 outside of one of the resident zone communities but can

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1 demonstrate that he or she has used the resource prior to
2 1980, without aircraft, and has C&T we will write them a
3 1344 permit.

4

5 MR. CHURCHILL: Thank you.

6

7 MS. SHARP: It's a little convoluted, my
8 apologies.

9

10 MR. CHURCHILL: No, I thought it was
11 quite clear. But, you know, I'm only on my third cup of
12 coffee, I'll talk to you this afternoon.

13

14 MS. SHARP: This is confusing stuff.

15

16 MR. CHURCHILL: And as a follow-up, it
17 seemed that your main concern about adding Delta Junction
18 was the sheer numbers of people on that resource, am I
19 correct in understanding that?

20

21 MS. SHARP: Thank you for asking that.
22 It's a combination of the sheer numbers of people and the
23 lack of thorough and compelling analysis. The analysis
24 doesn't make me think that using the eight criteria that
25 these individuals qualify for Federal subsistence
26 priority. Because if there is any priority, if there's
27 to be any usefulness to Federal subsistence priority, we
28 have to be careful. Delta Junction is only, what, a
29 hundred miles from Fairbanks, it's not 150 miles, it's
30 very.....

31

32 MR. CHURCHILL: Having some experience
33 it's about 108 miles give or take a tenth of a mile.

34

35 MS. SHARP: Okay, well, there you go.

36

37 MR. CHURCHILL: So if I'm understanding
38 correctly what you're saying, is this seems to be a
39 fairly small part of the subsistence take for the Delta
40 Junction but is absolutely critical for many of the other
41 communities listed?

42

43 MS. SHARP: Salmon is really the
44 lifeblood of the Copper River communities. It's what
45 binds the communities together, much more than wildlife.
46 The meat is necessary but the salmon is the culture, the
47 fiber of the culture. And it's true for the --
48 particularly true for the Native Athabaskan cultures, but
49 even for the non-Native folks like myself, that's where
50 communities gather. It's the activity and it's the

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1 exchange, it's a really important part of the Copper
2 River culture.

3

4 CHAIRMAN LOHSE: Bob.

5

6 MR. CHURCHILL: Yeah, I'll just add to
7 that, the friends I have that live there, that have moved
8 there within the last 25 years have made that same
9 observation. They're long time hunters but they're
10 stunned at how critical the fish are to many aspects
11 within that community.

12

13 MS. SHARP: If I've learned nothing else,
14 I've figured that out.

15

16 CHAIRMAN LOHSE: Any other questions for
17 Devi. Devi, I'd like to say that your observations very
18 strongly go along with my observations and I wish a long
19 time ago we had decided on fish that C&T extended only to
20 the watershed and that all fish C&T's stopped at the
21 start of the next watershed and I think that would have
22 solved things very, very well. Because to the Copper
23 Basin, the fish are very, very important, I mean to the
24 whole Copper drainage and that goes -- to me that
25 includes from the top all the way down to Cordova. I
26 mean what drives the Copper Basin is the Copper River
27 fish. And to just extend it and extend it, from a
28 priority standpoint, that doesn't mean -- I don't hear
29 anybody in the Copper Basin say nobody else should use
30 it, I don't hear anybody in Cordova saying nobody else
31 should use it but what they're saying is, you know, for a
32 priority, if it becomes a priority, extend it to the
33 people who live there.

34

35 And C&T should have been local a long
36 time ago and that local should have been defined by, you
37 know, the watershed that you live in or the valley that
38 you live in or something like that. That would have been
39 much more in keeping with the original intent. We live
40 in a society that can travel 400 miles to go catch fish
41 and do it on the afternoon and go back home. They don't
42 move there into fish camp and stay there like the people
43 who live in the area, you know.

44

45 MS. SHARP: Mr. Chairman, would you
46 indulge me for a, like less than five minute explanation
47 of resident zone communities and how we determine them?

48

49 CHAIRMAN LOHSE: Yes. I think that might
50 be.....

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1 MS. SHARP: I think so, too.

2

3 CHAIRMAN LOHSE:because we have new
4 people on the Council that don't live in the area of the
5 National Park and I think that would be very
6 enlightening.

7

8 MS. SHARP: Okay. When someone requests
9 that a new community be added to the Park, a team of --
10 an inter-disciplinary team, including anthropologists
11 from both the Office of Subsistence Management and the
12 Park Service will visit the community repeatedly and
13 interview the people and the criteria that we have and I
14 don't have everything in front of me and if I miss
15 anything I would defer to Hollis, behind me, the criteria
16 we use is that a preponderance of the people in the
17 community have used this resource for a long time and
18 especially prior to the Park's establishment in 1980 and
19 without aircraft, which applies to both fish and
20 wildlife.

21

22 So a few years ago, a few residents from
23 Cordova asked that Cordova be made a resident zone
24 community and we came down here and held community
25 hearings and there was several individuals who qualified
26 for 1344 permits and those granted. But we determined
27 that there just simply weren't enough people, a long
28 enough history of the people currently living here that
29 used the Park for -- it was a wildlife issue at that
30 point, they were focusing on wildlife in the Park, and we
31 determined that there simply weren't enough people using
32 the Park in that manner for the whole community to
33 qualify as a resident zone community.

34

35 So when the communities of Tanacross,
36 Tetlin, Healy Lake, Dot Lake and Northway came to us and
37 said, you know, we didn't get -- we got left out the
38 first time, could we be reconsidered, it took us three
39 years to do all the anthropological research but what we
40 found out is even though those communities are seemingly
41 -- you know, on the map they're very far away, those
42 communities are completely related to the people in
43 Mentasta and Chistochina and other small Native
44 communities in the Park and that the cultural tie, when
45 someone goes to visit their cousin who lives in Mentasta
46 and they've traditionally hunted near the Batzulnetas
47 fish camp, Katie John's fish camp, well, that was a
48 traditional use. And those communities were small and so
49 many people could show that they had used that
50 traditionally. That was a compelling argument and we did

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1 add those and we put it into Federal regulation, it went
2 to the Federal Register. It was a long process.

3

4 Thank you for indulging me on that.

5

6 CHAIRMAN LOHSE: Okay. Bob.

7

8 MR. CHURCHILL: Thank you, Devi. What
9 drove the sense of -- I've heard you use, with great
10 emphasis a couple times, without the use of aircraft, was
11 that kind of a combination distance, economic
12 consideration that you folks put in?

13

14 MS. SHARP: Boy, this takes an ANILCA
15 guru, but back when they were framing ANILCA and then it
16 got put into regulation into 36 CFR, in 36 CFR in the
17 Park Service section, Part 13, it clearly says that you
18 can't utilize aircraft to -- what drove it, I think they
19 figured that people who were subsistence users didn't
20 necessarily need aircraft, that they were able to access
21 the Park in other ways because they were local, rural.

22

23 MR. CHURCHILL: I just wondered the
24 intent.

25

26 MS. SHARP: It was a topic of great
27 discussion.

28

29 MR. CHURCHILL: Yeah.

30

31 MS. SHARP: I don't know if Hollis has
32 anything to add.

33

34 MR. CHURCHILL: There's some sheep hunts
35 up in Kotzebue that suffer from that logic flow as well.

36

37 MS. SHARP: There are two exceptions to
38 that, in Kobuk Valley and the Malaspina Forelands.

39

40 MR. CHURCHILL: And when you talk about a
41 preponderance, are you using roughly 51 percent then --
42 and what's your ball park rule of thumb when you talk
43 about long term use, give or take a year?

44

45 (Laughter)

46

47 MS. SHARP: I don't know. I really can't
48 answer that off the top of my head.

49

50 MR. CHURCHILL: Thank you very much.

00168

1 MS. SHARP: Okay.

2

3 CHAIRMAN LOHSE: Thank you, Devi. Bill.

4

5 MR. KNAUER: Thank you, Mr. Chairman.
6 Bill Knauer. I need to clarify a couple of things and
7 impressions that were made. One relates to number of
8 residents. I know the number 3,000 was brought forward
9 relative to the Big Delta area in comparison with the
10 other communities. On customary and traditional use
11 determinations, overall numbers are not a factor. What
12 is the factor is whether or not the community has
13 exhibited a historic pattern of use as demonstrated by
14 various criteria. So whether the community is 10 people
15 or 10,000 people if the community has demonstrated a
16 historic use of a resource on Federal lands, that is for
17 the decision of the Board, not the number.

18

19 Relative to a community that is made up
20 of a mixture of residents that have their primary
21 residence there and seasonal, the criteria are based on
22 the characteristics of those individuals with their
23 primary residence there and any C&T determination would
24 only relate to those individuals that have their primary
25 residence there. Those that have a seasonal residence
26 there and have a primary residence elsewhere do not
27 qualify.

28

29 Also the related to the dependence on a
30 resource, particularly in times of shortage. That is not
31 one of the C&T aspects. That relates to what we call the
32 .804 situation. Whereas, in a time of shortage it's
33 necessary to make allocations among qualified subsistence
34 users, then those having a direct dependence and not
35 having alternative resources and those that are closest
36 to the resource are the ones that receive the priority
37 usage. So that's not something in C&T, that's a
38 different process.

39

40 CHAIRMAN LOHSE: Bill, but doesn't the
41 C&T enter into in times of shortage, in times of an .804,
42 if there is no need to distinguish between people who
43 have C&T, all people with C&T will get it prior to -- in
44 other words, the first people that wouldn't get it are
45 people without C&T and all people with C&T would be
46 qualified. If there's a farther shortage, then you
47 delineate between different levels of dependence of
48 people who have C&T?

49

50 MR. KNAUER: That's correct.

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1 CHAIRMAN LOHSE: So there is a priority
2 in having C&T, it gives you a priority over the general
3 public?

4
5 MR. KNAUER: That's correct.

6
7 CHAIRMAN LOHSE: But in timer of real
8 shortage there's a priority inside of C&T dependent on
9 actual usage and need and long term use and dependence?

10
11 MR. KNAUER: Yes.

12
13 CHAIRMAN LOHSE: We've never been in an
14 .804 situation any place yet, have we?

15
16 MR. KNAUER: Not formally.

17
18 CHAIRMAN LOHSE: Not formally, right.
19 Bob.

20
21 MR. CHURCHILL: And just a hypothetical
22 and I'm not taking the position so nobody rush the bench,
23 what do you think the impact would be if there was kind
24 of a default position if folks were able to maintain two
25 residences that it may preclude them from C&T? I mean I
26 because I know it's a problem in enforcement, I mean I
27 see it all the time, where folks take the advantage of
28 what position they have and quite a few people have two
29 homes that they can live in. What do you think would
30 happen if we said, hey, you got two homes we'll preclude
31 you unless you can demonstrate a higher level of proof on
32 a C&T finding?

33
34 MR. KNAUER: Any time there is confusion,
35 it relates to everyone. But all of the legal entities do
36 require individuals to demonstrate a single place of
37 residence. Not that they can't have, you know, multiple
38 homes and live for parts of the year elsewhere. If you
39 look at the Permanent Fund, there are requirements you
40 have to declare a certain place. The longevity bonus,
41 you have a particular place of residence. If you vote,
42 you can only vote in one place. You declare a residence
43 and if you have living places elsewhere that you declare
44 as a residence, then usually you're in violation of
45 something and subject to either civil or criminal
46 penalties.

47
48 MR. CHURCHILL: Yeah, and I appreciate
49 that and I understand it. I guess I've spent too many
50 years watching the Nelchina permits go out and I know the

00170

1 criterion full well and, you know, I'm figuring, uh, you
2 know, the neurosurgeon driving up the road in his
3 \$350,000 motorhome, I reread the criterion and it just
4 seems to be a bit of a conflict. And I guess that's what
5 I'm struggling with with some of this stuff. And I guess
6 I have some of the same concerns that our Chair does.
7 But that might be a fruitful discussion to talk about.
8 Because enforceability, I know, is just almost 'nil. I
9 mean it's just almost impossible. I've tried personally
10 to get involved with those Tier II permits and, boy,
11 nobody wants to talk about them.

12

13 Thank you.

14

15 MR. KNAUER: You'd have to talk with the
16 State about the Tier II permits and the enforceability.

17

18 MR. CHURCHILL: I understand. I
19 understand.

20

21 MR. KNAUER: Yeah.

22

23 MR. CHURCHILL: But I think we're dealing
24 with a roughly parallel system with the C&T finding for
25 some of these, you know, highly transitional resident
26 areas like Lake Louise.

27

28 CHAIRMAN LOHSE: Thank you. Any other
29 questions for Bill.

30

31 MR. KNAUER: Thank you.

32

33 CHAIRMAN LOHSE: Thank you, Bill. Is
34 there any other Federal, State or tribal agencies that
35 would like to speak to this? Okay, Taylor. Elijah.

36

37 MR. BRELSFORD: Mr. Chairman, Taylor
38 Brelsford with the Bureau of Land Management. And with
39 me is Elijah Waters, the biologist at the Glennallen
40 Field Office.

41

42 I want to start by applauding your effort
43 to identify the merits of the issues, to focus on the use
44 patterns rather than consequences. I think the comments
45 that Bill just offered are important, we need to address
46 the merits, the historic patterns of use and set aside
47 the sort of numerical consequences first, that ought not
48 to drive this decision. I actually think that Devi's
49 primary concern about Delta Junction was about the
50 question of community representative patterns. So if 10

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1 percent of a community uses something in some way, does
2 that qualify for the entire community. So I think,
3 again, all of us need to focus on the merits of a
4 historic use pattern.

5
6 Similarly, I'd like to kind of hone in a
7 little bit on this problem of seasonal residency and
8 whether we have effective administrative mechanisms to
9 identify permanent year-round residents and to
10 distinguish them from seasonal residents. And for that
11 purpose I'd like to recall for the Council the experience
12 that the Bureau of Land Management has in the Glennallen
13 area in administering the Nelchina Caribou Herd permits,
14 Federal subsistence permits and the moose permits in Unit
15 13.

16
17 Many years ago when those permits were
18 first established, there was a lot of concerns about
19 seasonal residents claiming residency for the purpose of
20 obtaining a Federal subsistence permit. There were sort
21 of a lot of undercurrents, that this was a liar's game,
22 that there was no real vehicle for the Federal agencies
23 to identify the true year-round residents. And as a
24 result, the Glennallen Field Office did develop an
25 affidavit asking for additional information about
26 residents. And I think Elijah could, maybe mention a
27 little bit about the experience of administering those
28 permits and trying to play fair, to ensure that folks who
29 really are year-round residents have the subsistence
30 permits and folks that are fudging are found out.

31
32 So Elijah, maybe you could say a bit
33 about permit administration for that purpose.

34
35 MR. WATERS: Okay. First of all, as
36 Taylor mentioned, we do -- when we give out a hunting
37 permit we do make the people sign an affidavit saying
38 that they meet the residency requirements that are laid
39 out within the Federal regulations.

40
41 Other things that we look at, the list
42 that Pat mentioned on Page 158, these are, you know, this
43 is the same list of acceptable things we use. It's not
44 all inclusive but it's certainly a good start. And we
45 do, what I consider a very good job of screening those
46 people. And the areas that we're talking about, Lake
47 Louise and Paxson, as you all know are two really
48 seasonal communities. And we actually issue very few
49 permits to the people of Lake Louise and Paxson just
50 based on that seasonal residency. Other things that we

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1 look at, we look at people's power bills. And, if, you
2 know, they only have power -- if they're paying a power
3 usage two months out of the year then we don't issue them
4 a permit. Other things we do, we send our ranger out if
5 there's a question. We'll send the ranger out to check
6 out that residency. And since we've had a full time
7 ranger, we're averaging about three or four cases a year
8 of where we'll actually go out and take those permits
9 back based on, you know, seasonal residency.

10

11 So if you'd like, I could even look, I
12 have my database with me, you know, I could tell you how
13 many permits we issued to Lake Louise and Paxson
14 residents. But we do a pretty good job of screening
15 those people and really make them go through the hassle
16 of proving that they are a resident. And one of the best
17 ways that we do is we do know the people who live there
18 year-round for Paxson, for example, the lodge owners, you
19 know, they can tell you right off the bat who lives there
20 year-round and who doesn't. And, you know, the same way
21 with Lake Louise, they can tell you right off who lives
22 there year-round and who doesn't.

23

24 MR. BRELSFORD: So to conclude, I think
25 our concern here would be that you look at the merits,
26 the use patterns of the year-round residents of Paxson
27 which is in the Copper River Basin and of Lake Louise.
28 Some of these closer proximate communities, consider the
29 use patterns of the year-round residents and we believe
30 there are effective mechanisms to ensure that subsistence
31 permits, if the Board adopts this, would only go to the
32 year-round residents and we would not have wide errors
33 with the seasonal residents.

34

35 Thank you. I believe that concludes our
36 points on this.

37

38 CHAIRMAN LOHSE: Bob.

39

40 MR. CHURCHILL: Yeah, Elijah, question,
41 what happens to those three or four folks that have their
42 permits jerked? What kind of penalties -- you indicated
43 they sign an affidavit that they're year-round residents,
44 what happens?

45

46 MR. WATERS: I'm not an enforcement
47 expert on this but generally our ranger, if there's any
48 way at all that he can prosecute them under State
49 regulations he gets State charges because the State
50 charges are much, much more severe than Federal

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1 regulations. So for example -- I will give a couple
2 examples of what I am familiar with. If shooting a
3 caribou out of the area, the Federal penalty for that is
4 confiscation of the animal and it has to be held for a
5 long time so the animal ends up being wasted. The
6 penalty is \$150. Well, in the State fine for that, the
7 animal, of course, is confiscated and it's given to
8 charity and then the penalty is, you know, \$1,500 or
9 something. So anytime there is a case like that, he
10 usually pushes for a State fine. And after that, I'm
11 not sure what happens.

12

13 Most of the time, though, when we -- if
14 we think we have something like that, a case like that,
15 that person will kind of turn themselves in when they
16 realize that we're wise to them.

17

18 MR. CHURCHILL: They do the honorable
19 thing when they have no other alternative?

20

21 MR. WATERS: Right, exactly.

22

23 MR. CHURCHILL: Yeah, okay.

24

25 (Laughter)

26

27 MR. CHURCHILL: And just for the record,
28 I've dealt somewhat with this and my understanding
29 another piece of it, due to the nature, without any
30 criticism intended to the Federal system, is just a
31 lengthier system by its nature and the State is able to
32 move a little more quickly.

33

34 MR. WATERS: Uh-huh.

35

36 MR. CHURCHILL: So we'd really want to
37 talk to the State then is your best advice to see the
38 consequences?

39

40 MR. WATERS: Yes. In fact, sometimes the
41 State's actually the ones that are tipping us off because
42 the State, there's a question about something else, you
43 know, we have people trying to claim residency in
44 multiple states just for hunting privileges.

45

46 MR. CHURCHILL: Thank you, Elijah.

47

48 CHAIRMAN LOHSE: Elijah, just as a
49 question, you said if possible you turn it over to the
50 State. Now, a person that would get a Federal permit and

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1 not be qualified and take an animal or a fish, since he's
2 not qualified for a Federal permit, he's taking that
3 animal illegally so from a State standpoint he's taking
4 that animal out of season or of improper horn magnitude
5 or whatever, so he's automatically in violation of State
6 law, isn't he?

7

8 MR. WATERS: Exactly. That's exactly the
9 way the ranger looks at it.

10

11 CHAIRMAN LOHSE: Good. Okay, any other
12 questions for BLM. Sue.

13

14 MS. WELLS: No.

15

16 CHAIRMAN LOHSE: No. Thank you. You
17 know we were wondering if we could -- if there's anybody
18 from enforcement here, as an agency here that could give
19 us any comments on.....

20

21 MS. WELLS: He's over there.

22

23 CHAIRMAN LOHSE: I see that.

24

25 MR. CHURCHILL: The uniform gave you
26 away.

27

28 (Laughter)

29

30 MR. BRYDEN: Jeff Bryden. I'm the lead
31 law enforcement officer for the Chugach National Forest.
32 The area we're talking about, there is no Chugach
33 National Forest up there so let me start it with that.

34

35 Although, some of the issues you're
36 talking about we deal with all the time. Unlike the BLM,
37 we take stuff Federally through the systems. Our fines
38 start at 500 bucks and go up. So we have a real good
39 working relationship. All Forest Service Federal
40 officers are also State commissioned troopers so we can
41 charge State or Federal quite easily.

42

43 As far as issuing the permits to local
44 residents. This year Cordova had their first subsistence
45 moose hunt. Basically what we looked at was individuals
46 put in for permits like you do under the State system,
47 their names were drawn out. You had to be a local
48 resident. The individuals here in town looked over the
49 names and it was pretty well known if you were a resident
50 or if you weren't a resident. And one of the individuals

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1 that was drawn was sent -- was removed as not being a
2 resident for that. So as far as the system down here, in
3 issuing permits for the individuals, it works real well.

4

5 I've been involved with the subsistence
6 enforcement since the very beginning. I was originally
7 brought up here in 1992 for that purpose. I worked out
8 of Yakutat for a number of years. The same thing there.
9 They issue local permits. We look over folks exactly as
10 it sounds. We look at driver's licenses, we look at
11 residency to see where you're at. We get a lot of set
12 net fishermen that want to take part in subsistence moose
13 hunts out of Yakutat. They've lived in Juneau, they've
14 lived in other areas and they weren't qualified. So we
15 go through the list of criteria, look at where your
16 vehicles are registered, where you voted at and it's not
17 a real hard system to take a look at. We have taken
18 people through the Federal court systems and have been
19 successful in the prosecution of them.

20

21 So as far as that part of the issue, we
22 don't have a problem at this time on the Chugach with
23 that. The folks are pretty on top of it. Our biologists
24 here, you know, they've lived here for quite a while and
25 everybody knows if somebody shouldn't get a permit.
26 People are knocking on our door saying, hey they got a
27 permit they shouldn't, you're taking away from the
28 subsistence users in the community and we want somebody
29 else to have it. So I think that part of it works real
30 well.

31

32 I did have one question on the population
33 of the Big Delta area, is that including all the military
34 folks?

35

36 MS. PETRIVELLI: Excluding Ft. Greeley.

37

38 MR. BRYDEN: So that 3,000 people
39 excludes Ft. Greeley?

40

41 MS. PETRIVELLI: Well, I guess I should
42 move up there.

43

44 MR. BRYDEN: You talked that they weren't
45 going to be counted but it sounded like in that
46 population data that they went and counted them all for
47 the numbers.

48

49 MS. PETRIVELLI: Yeah, that looks -- the
50 numbers on 132 and -- well, actually, Ft. Greeley --

00176

1 yeah, that excludes Ft. Greeley.

2

3 MR. BRYDEN: So there's 3,000 people in
4 the.....

5

6 MS. PETRIVELLI: Well, there's Big Delta,
7 Delta Junction, Gulkana and Dry Creek.....

8

9 MR. BRYDEN: Okay.

10

11 MS. PETRIVELLI:only 1,500.

12

13 MR. BRYDEN: Yeah, in the area I live, I
14 get counted with folks from Seward and they included all
15 the people so I was just curious if you were counting all
16 those numbers to get you up to 3,000, in my area they've
17 got 41 miles of road they count to get over 3,000 people.
18 So I was just curious. That's it.

19

20 Any questions.

21

22 CHAIRMAN LOHSE: Any questions. Can you
23 see that that kind of system probably works better in a
24 small community or a tight community than it does when
25 you extend it to a larger and mobile community type area
26 where people come and people go and have road access? I
27 mean I could see where it works real good in Cordova
28 because a person stays here very long and everybody knows
29 him because he can't get out.

30

31 (Laughter)

32

33 CHAIRMAN LOHSE: But a place like Delta
34 or someplace where people come and go and change
35 residency, you know, just by whatever jobs are available,
36 it just seems like it would be a little bit different
37 situation.

38

39 MR. BRYDEN: Uh-huh.

40

41 CHAIRMAN LOHSE: But thank you for the
42 information.

43

44 MR. BRYDEN: Okay, thanks.

45

46 CHAIRMAN LOHSE: I think I saw Hollis.

47

48 MR. TWITCHELL: Hollis Twitchell. I'm
49 with Denali National Park. I only had a couple of points
50 to bring forward regarding this analysis.

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1 The first is to caution you of the
2 difference between residents that live within Denali
3 National Park and those that live in the Mckinley Village
4 area. Although the distance between the two is only 15
5 to 18 miles between those two areas, there is a fairly
6 significant difference between the two.

7
8 Mckinley Village, for instance, is made
9 up of a number of other residents who are not employees
10 of Denali National Park. And there is a longer history
11 of those people using resources in terms of the length of
12 residency of those residents. Whereas McKinley Park
13 residences are generally Park employees and they tend to
14 be a little bit short in nature in terms of length of
15 their residency. There isn't anyone within the Park
16 headquarters area that's a subsistence user for Denali
17 National Park. In contrast there are a half dozen
18 individuals in the McKinley Village area who do have that
19 long term traditional use of Park resources.

20
21 And I see in the analysis that there is a
22 number of places where it's identified as McKinley Park
23 in terms of the data. And really what they're referring
24 to is McKinley Village. When the community use profiles
25 information was done in '87 or '89, I believe it was for
26 McKinley Village, they made an effort to segregate out
27 Park headquarters, residents from that McKinley Village
28 database because of that difference in use and length of
29 residency.

30
31 So when you look in the analysis here and
32 you see some references to Mckinley Park, you should be
33 thinking in terms of McKinley Village. A good example is
34 on Page 136 where it talks about the estimated pounds of
35 salmon harvested per capita, McKinley Park is listed
36 there as 167 pounds for residents of McKinley Park,
37 that's really McKinley Village that they're referring to.
38 That's a pretty high per capita of poundage of fisheries
39 resources.

40
41 And I've noted a number of other places
42 in the analysis where McKinley Park is interchanged for
43 McKinley Village data. So that's the first point to be
44 aware of.

45
46 The C&T's that we've done for moose and
47 caribou in the Denali area, we have often asked that the
48 residents of McKinley Park headquarters not be included
49 in those C&T determinations because of that. So if
50 you're considering a C&T determination I would ask you to

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1 consider the fact that Park headquarters is
2 characteristically different than McKinley Village.

3

4 The second point that I was going to
5 bring out was that the usage from those individuals in
6 the McKinley Village area for fisheries are fairly
7 closely tied to the Tanana River and my understanding of
8 much of their fisheries use is directed to various
9 subsistence fisheries as well as trade with other
10 individuals associated with the Tanana River fishery
11 system.

12

13 And that also is the case for the several
14 individuals from Healy who are subsistence users for the
15 Park. That contrasts quite a bit with Cantwell who have
16 cultural ties to the Copper River Ahtna people and also
17 have ties to use of fisheries down on the Kenai Peninsula
18 as well. So there seems to be some characteristic
19 differences in terms of where those two communities go to
20 get their fisheries resources.

21

22 And that was the final point that I was
23 going to mention.

24

25 CHAIRMAN LOHSE: Bob. Mr. Churchill.

26

27 MR. CHURCHILL: Bob's just fine. I would
28 assume in the Cantwell usage in the Kenai Peninsula would
29 be fairly recent with the completion of the George Parks
30 Highway, prior to that it must have been primarily Copper
31 River, does that fit with your knowledge?

32

33 MR. TWITCHELL: That's correct. There's,
34 I believe, one or two people in Cantwell who actually
35 have set net sites for harvesting fisheries and they do
36 harvest a fair percentage of the communities fisheries.
37 The other subsistence users utilize the Copper River and
38 have access to fishwheels because of cultural and family
39 ties.

40

41 MR. CHURCHILL: The other thing I'd
42 appreciate your thoughts on is if I remember correctly,
43 from the entrance to the Park to Healy is 10 or 11 miles
44 is all, and the difficulty of differentiating between
45 what we refer to as the McKinley Village and the other
46 residents in that area, I mean it's so tied
47 geographically to one another, how would you propose to
48 do that?

49

50 MR. TWITCHELL: Well, as I mentioned in

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1 the case of moose and caribou, when we were looking at
2 the C&T determinations for those particular species. We
3 had asked that there be a break out of the Park
4 headquarters as not being considered traditional users of
5 the resource and the C&T determination does specify that.
6 So they would allow McKinley Village in the C&T but then
7 specify the Park headquarters would not be considered
8 within that C&T.

9

10 MR. CHURCHILL: Thank you.

11

12 CHAIRMAN LOHSE: Thank you. Any other
13 questions for Hollis. Thank you, Hollis.

14

15 MR. TWITCHELL: There are a few of us
16 that are lifelong Alaskans at the Park but the general
17 make up of the residencies of people at Park headquarters
18 tend to be shorter nature individuals.

19

20 MR. CHURCHILL: Yeah, I know after
21 September 15th there are still a few folks up there.

22

23 CHAIRMAN LOHSE: Okay. I think if there
24 are no other State or Federal agency people who would
25 like to speak we'll go on to public comments. I have
26 quite a stack. Wilson Justin.

27

28 MR. JUSTIN: I learn how to do this.

29

30 (Laughter)

31

32 MR. JUSTIN: Thank you and good morning
33 Council and Mr. Chairman. I'm Wilson Justin, executive
34 vice president, Mt. Sanford Tribal Consortium in Mentasta
35 and Chistochina. And I represent also the village of
36 Mentasta, Chistochina and Chisana as it's called in our
37 indigenous dialect and also Healy Lake. I would like to
38 speak directly to the proposal before you and state our
39 position and then I have some general statements to make
40 in support of the position.

41

42 First of all, we support the letter from
43 the Copper River Native Association on further C&T
44 designation. And secondly, we oppose this particular C&T
45 designation request that you have before you. And when I
46 say, we, i'm saying both Mt. Sanford Tribal Consortium
47 and the villages of Healy Lake, Mentasta and Chisana.

48

49 In general, our opposition is predicated
50 on a number of factors. The first factor, of course, is

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1 the fact that the original C&T determinations prior to
2 the court case that came out in the late '80s where
3 basically an attempt to incorporate the Native
4 communities in the process of subsistence designations,
5 they were aimed at us for our benefit and at the time of
6 the court cases that came out in the late '80s, the court
7 case ruled against, particularly the kind of subsistence
8 designations we had wanted. So we're looking at a C&T
9 process that's kind of held over from a prior era. And I
10 think that in a lot of ways, that alone leaves the
11 process open to what you'd call abuses. This is the very
12 same thing that happened to us in the guiding business.
13 Originally when we started out it was a totally different
14 activity compared to what it ended up.

15

16 Our primary concern with the C&T process
17 today is what you would call standards. The community of
18 Northway, for instance, I was born at Nabesna which is
19 not a Copper River drainage, it's Tanana. At Nabesna,
20 six miles down from where I was born, there was over 200
21 graves at one time, there's only about 30 left that you
22 can find. And two-thirds of those graves came from the
23 people who are now living in Northway for the purpose of
24 the Park and for the purpose of subsistence activities in
25 the Park there was and never will be any difference
26 between Nabesna and Northway. But we spent years
27 developing the link so the standards were very high in
28 terms of looking at the community of Northway and others,
29 like Tanacross and Healy Lake in terms of a C&T
30 designation and a resident zone basis. And now we have a
31 request from Delta for C&T designation and the analysis
32 seems to be relatively low in terms of standards. And I
33 question whether or not any standards were used at all in
34 terms of applying or the application of this C&T to the
35 question of using the fisheries resources.

36

37 So that's one particular concern and
38 issue we have in this process.

39

40 Another that we have in terms of the
41 community is the issue and question of impact. It's
42 always been our stated position that one of the major
43 factors that C&T designation should be predicated upon is
44 patterns of use and dependency. And dependency, to me,
45 is the primary question when a peripheral community asks
46 for C&T. If a peripheral community asks for C&T
47 designation within a management system, the first thing I
48 would like to see is direct dependency. I don't see a
49 direct link in terms of dependency between any of the
50 residents of Delta and the Copper River fisheries. I

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1 know they like to come down, that's a given. And I also
2 know that they use the resources but it was mentioned
3 earlier there are other means. The State designated
4 fishery is more than adequate in my estimation to handle
5 anything that Delta needs.

6

7 So that brings up another issue. Why go
8 the C&T route. It's almost as if somebody's trying to
9 throw a smoke bomb into the middle of this whole process
10 and obscure the entire process again. Personally, to me,
11 we've just come through some very strenuous efforts with
12 the State in terms of trying to deal with the State's
13 view of personal fisheries and subsistence fisheries in
14 the Chitina subdistrict. The fall out from that
15 particular contact isn't settled, it's still going on.
16 It'll come back over and over again. It almost appears
17 to me and I hate to say this, but it appears to me that
18 there is a thought process on the table that should the
19 Chitina dipnet fisheries location be overturned at the
20 State level then the back up plan is to have a
21 designation here at the Federal level. And to me that's
22 a little too manipulative if that's actually the
23 occurrence. And I question the process, the thought
24 process that may exist in that terms, on a personal
25 basis.

26

27 Now, back to the tribal basis, another
28 concern that is of major concern to the tribal entities
29 that we deal with is the fact that C&T designations
30 doesn't confer any kind of a status in a real sense.
31 What it means is it shows that you have a direct and a
32 historical dependence or use of a resource. My daughter,
33 who I mentioned yesterday at 12 years of age was born and
34 raised in Anchorage. She will never have a subsistence
35 designation in any of the management systems in any of
36 the state of Alaska but she will also have a direct trade
37 and barter access relationship with Copper River region
38 and the home area that she's from which is Lake Iliamna,
39 her mother's from Nondalton. So the tribes have a real
40 problem when it comes to people asking for designation
41 when there are other means available to satisfy their
42 particular needs. I don't have a problem with the fact
43 that my daughter will never be able to have the same
44 status I do in the Wrangell-St. Elias National Park, to
45 me, it's only natural that generations change. It
46 doesn't mean my daughter's losing anything, it just means
47 that now she has to recognize, develop and actuate a
48 trade and barter situation with her relatives and her
49 family and her friends in these designated zones.

50

00182

1 So when a community comes out like Delta
2 and others that's mentioned and says, we want C&T
3 designation, I think the standards and the burden of
4 proof has to be higher than what it was for me. And it
5 was pretty high for us. And when I'm saying us, I'm
6 talking about the efforts to include Tanacross, Healy
7 Lake and Tetlin and Northway into resident zone
8 communities, they were all basically one people,
9 different drainages, one people. The Northway families
10 all were a part of the original Nabesna area, Chisana,
11 White River. My mother was born at Tanada Creek near the
12 outlet of Tanada Lake, my father was born actually over
13 in Canada, not too far up the river of White River from
14 the outlet of White River and the lake there, he was
15 about 18 miles inside the Canadian border where he was
16 born. And he roamed the White River and all of those
17 areas up there. I was born at Nabesna at Reeves Air
18 Field six miles up river from the old village site. So
19 the fluidity of the patterns of use in the area was very
20 intensive, while we could prove historically our ties to
21 not only Knik but also to the outlet of Cordova in terms
22 of trade and common -- and patterns.

23

24 So my central point here is that the
25 communities on the outlying regions who want C&T
26 determinations should be put to a higher standard of use
27 than those of us who lived right in the area and the
28 resources.

29

30 And if that's being unfair, I think that
31 the question of fairness isn't relevant to the issue.
32 Because if I was to say that I had historical ties to the
33 Buffalo at Delta I think everybody would say, well, yeah,
34 but the buffalo's only been there maybe 80 years. You're
35 not 80 years old. So I say that the question of fairness
36 and the fairness doctrine doesn't apply here. I think
37 the standards should always be higher for those outlying
38 areas in terms of C&T. Because the fact of the matter is
39 it's really easy to abuse the system. It's open to abuse
40 and it's open also to what you would call mischief. And
41 because it is those people who ask for designations from
42 afar should be willing to come here and say I recognize
43 the fact that mischief can be created in this process and
44 I recognize that abuse can occur but I still want to
45 state my case and I am more than willing to listen if
46 that occurs. And that's something that I think should
47 occur.

48

49 But the question, the representatives
50 from National Park brought up about one or two persons

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1 from a community making a case for the community, that I
2 totally disagree with, it should be the community by
3 resolution, by consensus, by whatever public means there
4 is in that community should make the presentation, not
5 individuals because it's already been shown when
6 individuals get involved in these issues, they always
7 have a personal agenda. That was adequately also
8 explained by the National Park representative about the
9 attempt to access sheep in Unit 11, which is basically
10 just down the road from me.

11

12 So I know it's a long drawn out general
13 statement but I wanted to state for the record we oppose
14 the C&T request.

15

16 My final statement is that I think at
17 this point in time that our villages would request that
18 any future discussion of C&T be put on hold. We'd like
19 to see a moratorium on C&T activities until some of the
20 larger questions involving customary trade are settled by
21 the process that's going on now.

22

23 So having said that, I thank you again
24 and will take any questions.

25

26 CHAIRMAN LOHSE: Mr. Churchill.

27

28 MR. CHURCHILL: Yeah, thank you very
29 much. I'd be real interested in your speaking a little
30 more on what standards or criterion you'd use for
31 dependency on a resource and this is just my own
32 ignorance. But I'd be real interested in a few more
33 comments about what you would use.

34

35 MR. JUSTIN: I thank you. Here's food
36 for thought.

37

38 (Laughter)

39

40 MR. JUSTIN: When we worked with Healy
41 Lake and I began, personally working with Healy Lake
42 without being asked to by any of the residents of Healy
43 Lake, I just happened to know about the practice of the
44 trade and barter and use of our resources down around
45 Batzulnetas between Tanacross, Dot Lake and Healy Lake
46 over a number of years and I knew some of the older
47 family names. But some of the things that we would
48 consider on a tribal basis, not particularly a general
49 public or community but some of the things that we looked
50 at and would really like to see involved is there should

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1 family ties, there should be ties to the area, direct
2 ties in terms of marriage, people living in there because
3 that kind of sets up the trade and barter routine. You
4 just can't walk into Chisana Village and tell somebody
5 you want to trade some fresh food for some salmon, you
6 have to know somebody there and you have to have a real
7 good working relationship with the tribal councils. So
8 you're more than welcome to barter and to trade for goods
9 that we have for goods that you have that we don't have.
10 But it doesn't happen automatically where you just walk
11 in. But there's a pattern of marriages between people
12 who live in Anchorage and people who live in Chistochina.
13 And that pattern of marriages sets up trade and barter.
14 That's one of the components I'd like to see.

15

16 The other one is I'd like to see first
17 and foremost on a personal basis, I'd like to see total
18 knowledge of the area by the people who want C&T
19 designation. I mean if I wanted C&T designation for
20 Spenard because I like to go to the Carrs Aurora store,
21 well, look at it this way, I know Spenard very well, I
22 know all of the stores in town, I know everything that,
23 as much as an outsider would know about Anchorage in
24 terms of driving, places to go and what have you. That's
25 the kind of knowledge I'd like to see a person have when
26 he comes to our area and says I want to access those
27 fishery resources. I'd like for them to tell me the
28 names of the villages that are nearby, the lands that are
29 in question in terms of use and potential trespass, the
30 old camp sites, the old fishing sites that used to be
31 used by families like the Goodlataw's, that's the kind of
32 stuff I like to hear a guy say when he comes over and
33 says, I want to share this traditional resources with
34 you. If a person has that much interest in the resource,
35 to me he should have just as much interest in the people
36 and the background of that particular area. And that's
37 another component I'd like to see installed in the C&T
38 process.

39

40 The last or I shouldn't say the last, but
41 possibly the third component that I'd like to see
42 involved, is I'd like to see a person or any persons or
43 any community that asks for C&T designation, I would like
44 to see on record their interpretation of what C&T means
45 prior to them coming here. They should be sending out
46 this stuff in advance and say, here is how we interpret
47 .804 of ANILCA and here is how we interpret the Section
48 .808, .806 of ANILCA. So that gives me the assurance
49 that these people are serious enough about what they want
50 to do their homework and do the courtesy of beginning to

00185

1 understand the same laws and regulations that we, at the
2 local level have to contend with.

3

4 If you run into Chitina on Saturday
5 afternoon, 2:00 o'clock and leave Sunday at 4:00, that's
6 not much interaction. That doesn't give me any assurance
7 that you're there because we have a common interest, all
8 that tells me is that you want to come there and take.
9 And in our traditions it's not just take, it's give and
10 take. And that's basically what tribal councils have the
11 most problems with in terms of these various
12 determinations. It's always give and take or share.

13

14 CHAIRMAN LOHSE: Mr. Churchill.

15

16 MR. CHURCHILL: Yeah, as far as would you
17 have any thoughts on, when we talk about dependency,
18 another way of looking at it would be what role that
19 resource plays in the ability to feed a family, that
20 would say, well, I'm dependent on that resource in terms
21 of what role the actual resource, the fish or the game
22 would play? Would you have any thoughts on standards
23 that could be used to measure that?

24

25 MR. JUSTIN: Not on measurements because
26 a lot of it is what you would call the honor system. And
27 you can't really measure honor in a system that's
28 dependent on that. But something that I always thought
29 fit well in terms of dependency is, for instance, at
30 Mentasta and also at some of the other communities.
31 While nobody can actually measure how much fish the kids
32 and the parents and grandparents eat on a daily basis,
33 we've had the kids develop all kinds of school projects
34 involving the fish migration, fish habitat, we've invited
35 a number of agencies to come and talk to the kids, even
36 the Cordova Science Center here has been out to talk to
37 our kids about migratory patterns of the salmon. So if a
38 community's interested and wants to show its dependency
39 on the resource, that community should also be able to
40 show how much information they've been able to develop
41 for their children in terms of dependency.

42

43 So I wouldn't be able to tell you about
44 measurement in terms of direct dependence. But I can
45 tell you that there are other actions you can take to
46 show how you depend on that resource.

47

48 CHAIRMAN LOHSE: Mr. Churchill.

49

50 MR. CHURCHILL: Also you mentioned the

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1 communities of Northway and Tetlin and I've been lucky
2 enough to spend some time in those communities and have
3 been told stories of times when there were people
4 couldn't catch a moose or that seemed to shift the focus
5 of the resource to salmon. How would you fold that in
6 when you go about making your -- when we go about making
7 our considerations because there are times when those
8 resources are desperately needed. I mean when the moose
9 population is down or there are problems with catching
10 whitefish. How do you fold that in when it's an
11 irregular use but it's obviously an extremely important
12 use?
13

14 MR. JUSTIN: Well, I have a number of --
15 it would take a while to put all the comments into
16 coherent form. But I'd like to concentrate on something
17 that was told to me, it evolves principles of starvation
18 and times of -- Katie John told me about the time when
19 she was -- she couldn't really tell me how old she was,
20 she was around four, maybe six, maybe eight she thought.
21 But there was two years of no fish runs, the first year
22 the salmon didn't come. The second year none of the
23 river born fish came. And the starvation began. It was
24 very intense in the villages in the up region so an
25 expedition was more or less launched in the spring of the
26 third year to the Knik region and the purpose was to
27 alleviate the shortage of food up there. What they did
28 was come down and spend a couple of weeks down at Knik
29 and it was through the help of the people of Knik they
30 were able to get a couple of those Beluga whales which
31 they strip dried and took back into the Interior region
32 with dog packs. And it's interesting that historically --
33 now, Katie thought this was around 1915, 1916 but I just
34 got finished reading a very interesting book about 1911,
35 1912 when there was wide spread famine in the state of
36 Alaska and that seems to fit the time more or less.
37

38 But that kind of example is extreme, yes,
39 in terms of both timing and era and background. But the
40 principal of what happens still exists today. A village
41 that suffers a shortage, let's say Chickaloon because you
42 hear their name, they have historical ties to Gulkana,
43 Gulkana would never consider not supplying Chickaloon in
44 times of shortage or use, they wouldn't question the
45 need. They would simply say, okay, a certain portion of
46 our take is going to go to you. That thinking and that
47 way of doing, trade and barter is instilled in Native
48 communities and I don't know that it's that instilled in
49 non-Native communities. But the general sharing of goods
50 in terms of need, that's instilled in everybody

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1 everywhere.

2

3 MR. CHURCHILL: Thank you very much.

4

5 CHAIRMAN LOHSE: Any other questions for
6 Wilson.

7

8 MR. JUSTIN: Again, I thank you for the
9 opportunity to make presentation.

10

11 CHAIRMAN LOHSE: Joseph Hart.

12

13 MR. HART: Thank you, Mr. Chairman. My
14 name is Joseph Hart with Chitina Native Corporation. On
15 Proposals 11 and 13 we oppose those. We don't support
16 the addition of C&T for Delta and Lake Louise.

17

18 On the issue of Paxson, kind of like to
19 see it separated also from Lake Louise. We think that it
20 would be a little bit different -- viewed differently if
21 they were separate proposals because we could see that
22 there is a closer tie to the Copper River than Lake
23 Louise has.

24

25 Some of the things that concern us are
26 the amount of change that is being asked for in such a
27 short period of time. I mean the Chitina subdistrict has
28 only been under the Federal system for this -- this is
29 its first season, it hasn't even closed yet and we're
30 being asked to consider adding more communities to that
31 area already. So the large amount of change for the vast
32 and vast amount of change that's being asked for, we'd
33 like to see that slow down quite a bit.

34

35 The addition of those communities, we
36 don't see that there is a -- like you heard before,
37 there's not a community that's being or a resident that's
38 being denied the resource. They do have access to the
39 resource through State fishery at this time.

40

41 So at this time Chitina Native
42 Corporation and residents of the Chitina area do not
43 support these proposals.

44

45 CHAIRMAN LOHSE: Any questions for
46 Joseph. I think that's pretty clear. Thank you. I
47 think I got everybody that turned in a green slip for
48 this one. Was there any other public comment, anybody
49 else that wanted to make public comments? With that
50 we'll go on to written public comments, do we have any?

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1 MS. WILKINSON: Two.

2

3 CHAIRMAN LOHSE: Two, okay. And after we
4 get through this part, I think we're going to take a
5 break and then we'll go on to Council deliberations.

6

7 MS. WILKINSON: Mr. Chairman, there were
8 two written public comments, both of them are in
9 opposition to Proposals 11 and 13.

10

11 Copper River Native Association speaking
12 on behalf of the Ahtna region is opposed to adding any
13 more communities to the list of the customary and
14 traditional use determinations made thus far for fish and
15 wildlife. The customary and traditional use
16 determinations made for wildlife and fish for the
17 communities listed thus far were inadequate to show
18 evidence of customary and traditional use of fish and
19 wildlife as compared to the evidence shown by the Ahtna
20 region. The Ahtna region provided written documentation
21 and gave many oral testimonies on customary and
22 traditional use of fish and wildlife that showed
23 substantial evidence of customary and traditional use.
24 The Ahtna region's position is that every community
25 should show the same substantial written documentation
26 and provide many oral testimonies before customary and
27 traditional use determinations are made.

28

29 The Alaska National Interests Lands
30 Conservation Act is not being adhered to by the Federal
31 Subsistence Board. The customary and traditional use
32 determinations made for those communities listed for fish
33 and wildlife did not show adequate written documentation
34 and oral testimonies are not given when many of these
35 positive C&T determinations were made by the Federal
36 Subsistence Board.

37

38 Please do not add any more communities to
39 the positive customary and traditional use determination
40 list to have a priority in times of shortage for fish and
41 wildlife.

42

43 The second is from the Wrangell-St. Elias
44 National Park Subsistence Resource Commission. They
45 oppose this proposal on the basis that it does not
46 adequately consider which communities are truly local and
47 rural to resources in consideration. We recognize that
48 many Alaskans use the Chitina subdistrict fishery as
49 State users and the communities listed in this proposal
50 can still exercise that opportunity. The SRC strongly

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1 feels that it's important to be careful and thoughtful in
2 expanding C&T and in granting the Federal subsistence
3 priority.

4

5 The SRC also feels that the communities
6 involved need to be consulted.

7

8 That concludes the written public
9 testimony.

10

11 CHAIRMAN LOHSE: Okay, thank you. Any --
12 oh, I guess we can't have any questions on this part of
13 it.

14

15 (Laughter)

16

17 CHAIRMAN LOHSE: With that, I think we're
18 going to take a five minute break or 10 minute break and
19 get back to Council deliberations on it. I have to have
20 a cup of coffee.

21

22 (Off record)

23

24 (On record)

25

26 CHAIRMAN LOHSE: With the permission of
27 the rest of the Council, I think we have a couple more
28 people who would like to speak before we start
29 deliberations, if that's okay?

30

31 MR. CHURCHILL: Absolutely.

32

33 MR. ELVSAAS: Fine.

34

35 CHAIRMAN LOHSE: Mr. Hicks.

36

37 MR. HICKS: Thank you, Mr. Chairman. I
38 wish to speak in opposition to Proposals 11, 12 and 13.

39

40 My reason for that is because I feel that
41 the criteria, in other words, the eight criteria where
42 you establish C&T is not being followed. I believe that
43 you need to take a really close at that and again, I have
44 to reiterate what I said yesterday, that a C&T began
45 let's say with eight villages and now it's up to 23 and
46 it's continuing to grow and grow. There needs
47 to be some strict guidelines being put in place or it
48 needs to be reconsidered.

49

50 I guess my really big concern is, you

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1 know, you have C&T for certain things. In other words,
2 you have moose, caribou, what's next here, you know, in
3 other words you're opening that door for everything else,
4 like mouse pretty soon.

5
6 You also have an issue that's going to be
7 dealt with here very shortly and that has to do with
8 migratory birds. Again, that proposal is going to come
9 to you at this table again. And, you know, I think it
10 needs to get tough.

11
12 So my comment is basically oppose.

13
14 CHAIRMAN LOHSE: Thank you. Any
15 questions. Bob.

16
17 MR. CHURCHILL: Yeah, thank you Joe. You
18 say the eight C&T criterion have not been followed. Can
19 you expand on that a little bit, please?

20
21 MR. HICKS: Well, there is eight
22 criteria's -- well, I'm not a legal expert on it, but I
23 know in regards to let's say the villages in other words,
24 that I'm affiliated with or that I work with, there is a
25 pattern of use or there's a history of use. There's a
26 history of how you determine subsistence. I mean pretty
27 much it's really cut and dry. And then when you start
28 saying C&T, let's say for Delta, and I'm not trying to
29 get on their case but, you know, where does that pattern
30 or use of history come in. I don't see it.

31
32 CHAIRMAN LOHSE: Mr. Churchill.

33
34 MR. CHURCHILL: Yeah, and again I'm not
35 looking for anything legal, I mean obviously you have a
36 real knowledge in this area and I'm just trying to better
37 understand, if you would offer any benchmarks or advice
38 that would help guide us on pattern and history issues,
39 what would that be?

40
41 MR. HICKS: Again, go back in history.
42 Just go back in history.

43
44 MR. CHURCHILL: Thank you very much.

45
46 CHAIRMAN LOHSE: Thank you. Any other
47 questions. Thank you. RJ Kopchak.

48
49 MR. KOPCHAK: Good morning and good day
50 again to all of you. My name is RJ Kopchak, I'm a

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1 Cordovan.

2

3 And I'm sitting here almost livid today.

4 Yesterday I was calm and just giving an opinion. Today

5 I'm a little bit livid. I'd like to speak against 11, 12

6 and 13. I'd like to ask you to carefully examine as the

7 folks who are going to be sitting in judgment of C&T

8 issues to establish independent of all of our comment

9 from out here, some kind of an internal check and balance

10 and point system relating to the way you evaluate any C&T

11 proposal at all and then make that kind of public. So

12 those of us who are out here trying to figure out how to

13 speak well relating to this particular assault on

14 resources by some, it will give us something we can speak

15 to.

16

17 I understand that Staff for various

18 agencies have introduced proposals for designations

19 relating to C&T. If I'm correct it's about the most

20 inappropriate thing I can think of. It is off base.

21 It's wrong. It's inconsistent with the way this machine

22 should be operating and being driven. There should be a

23 Staff driven process. It shouldn't be driven by somebody

24 off trying to figure out how to get more fish into C&T

25 because some how or other that's one of the things they

26 have assumed is their responsibility because they're a

27 designated representative of some agency who has

28 something written someplace about their interplay with

29 C&T. It's inappropriate.

30

31 Petitions for C&T and the information

32 that would back up a community's petition for C&T needs

33 to be a community initiative. I think it was addressed

34 very, very well earlier by Wilson. There are community

35 based values that deal with C&T. Either the impression

36 or the concept that a Staff member should take it under

37 their belts to rush forward to make a proposal on behalf

38 of a community is not the way this process should work.

39 You guys should admonish those members of agency staff

40 who have brought those in front of you. Tell them to go

41 back into the communities that they are working in,

42 present their perceived need of that community to

43 petition for C&T and suggest that the community do that

44 and do it within a framework and a structure that we can

45 all understand and respond to.

46

47 That's about all I can say, I'm pretty

48 upset about that particular methodology and about those

49 petitions coming before you and I hope you do the right

50 thing with them and chuck them in the ground file.

00192

1 Thank you.

2

3 CHAIRMAN LOHSE: Mr. Churchill.

4

5 MR. CHURCHILL: Mr. Kopchak. Your
6 testimony seems to be to the point, in fact, of being
7 upset and I appreciate that. Any specifics as far
8 criterion that pop to mind or that you've thought through
9 that we could use to guide us on under any of these eight
10 C&T criteria?

11

12 MR. KOPCHAK: You know, one of the things
13 I wrestle with all the time is, in Alaska, if a guy did
14 it last week, we kind of think he's established some kind
15 of a grandfather right to it. I mean not long ago, there
16 were guys, you know, who, because they liked to hunt in
17 some place ran four-wheelers in an area where it was not
18 appropriate, it was wrong. And after they did it for a
19 few years and established the trails, you know, we backed
20 up and recreated a new regulation to allow it because
21 they kind of had customary and traditional use and the
22 access. Well, how long have we had four-wheelers, I mean
23 give me a break.

24

25 If we're allocating this resource pound
26 for pound, fish for fish on customary and traditional use
27 and access, then the customary and traditional use and
28 access, let's go back just a hundred years, why don't we
29 pick 100 years, well, that means you guys don't have
30 anymore fish to give away up river because the customary
31 and traditional access for those fish is down here.
32 We've got our number if that's the way we judge it, just
33 back 100 years. So how far should we go back to
34 customary and traditional use and access and right to
35 exploit. You know that is the conundrum that you folks
36 need to wrestle with.

37

38 But I kind of go along with Wilson and
39 the folks in the villages kind of up river. These are
40 longstanding family ties that are tribal in nature or
41 clan in nature or community in nature and they span
42 periods of history that far exceed the 100 years. And I
43 don't think we go back 50 years for customary and
44 traditional use and I don't think we go back 75 or 100,
45 or again, if you're going to use that as the litmus test,
46 let's go ahead and list out who got how many fish during
47 what years and go back 100 years and use that as the
48 criteria we use then to judge who should continue to get
49 some percentage of the run for their use. I think that's
50 dead wrong, by the way, even as the guy who would be a

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1 big time winner on the 100 year look back because that's
2 not what we're talking about. And I think true
3 subsistence, real subsistence is the priority here and
4 that means those small villages and rural users who are
5 truly dependent on these resources.

6
7 And I know that this is the most
8 difficult thing for everyone to define because we want to
9 be so inclusive in the way we deal, both with our
10 resources and with our neighbors. But in this particular
11 issue we can't be all inclusive. There's simply not
12 enough fish to go around. We don't have the particular
13 magic to make them into more.

14
15 CHAIRMAN LOHSE: Mr. Churchill.

16
17 MR. CHURCHILL: Yeah, as a follow-up, and
18 there's been a number of speakers that have talked about
19 dependency and I'm getting kind of the sense that
20 dependency is a major part of either diet and not just an
21 occasional use and is that kind of how you're using
22 dependency when you spoke earlier?

23
24 MR. KOPCHAK: When I think of dependency
25 for a resource, I really do think of it as, not only --
26 as a major part of diet and or the barter that goes into
27 balancing your diet and I think that those are both major
28 players here in my mind.

29
30 Now, I also think that it is again
31 historic. Because if you look in my freezer, I bet I
32 eat, and my family eats as many fish and as much game as
33 anybody who lives in any isolated rural village. Now,
34 that may not be quite the case but I bet it is close.
35 You know we are a fish eating family and a game eating
36 family. And so it may not even be percentage of diet for
37 some of us. I'm sorry, I probably shouldn't be
38 qualifying for some subsistence right of access because
39 my fish are the ones that I get out of my commercial
40 catch. And I'd like to say, well, gosh those are my
41 subsistence fish they way we've carved up this beast in
42 the past says those are my fish out of my commercial
43 catch, you know, and that's kind of what I'm eating on
44 and that's because I also have a job. You know, some guy
45 in Delta that's got a job why does he need to eat -- you
46 know, why does he need to be able to freely go and take
47 whatever, you know, fish because that's what he likes to
48 eat and his freezer's full. It doesn't seem to me that
49 that's a dependence on those fish, that may be a
50 significant dietary factor and a source of protein, but

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1 it's certainly access to Carrs and other protein that is
2 commercially exploited is just a fair way of viewing that
3 person's protein needs. Somebody in a small village
4 someplace without a cash economy and with historic and
5 reliance on fish protein for their particular diet,
6 that's real subsistence need.

7

8 And I think Jay Hammond said it best, I
9 don't have a definition for subsistence but show it to me
10 and I'll recognize it.

11

12 MR. CHURCHILL: Thank you, that's very
13 helpful.

14

15 CHAIRMAN LOHSE: Thank you. I got a
16 couple questions Mr. Kopchak. Do you feel that
17 dependence can be more than just quantity and protein,
18 dependence can also be part of the way you live? I mean
19 you can live in the village and depend on Costco and you
20 can live in Cordova and you can depend on fish out of the
21 ocean or you can live in Cordova and depend on Costco and
22 you can live in the village and depend on fish out of the
23 Copper River, it's an attitude in the individual, it's an
24 attitude in the community or it's an attitude in the
25 group that really states dependence.

26

27 MR. KOPCHAK: You know, I think that is a
28 player but we get into a tough decision as we begin to do
29 that because, again, we can adopt dependence as a
30 lifestyle. And as we then say we're going to, as an
31 individual make a choice to adopt that wild game
32 dependence as my lifestyle, there simply again is not
33 enough game or fish should enough of the population make
34 that decision simply because it's what they want to do,
35 to go around for everyone. We simply open up the
36 opportunity in an expendential fashion.

37

38 I think the intent of ANILCA was to
39 preserve the right of small communities to continue to
40 have the resources they needed to survive because there
41 were not other opportunities or options. I know also
42 it's an attempt to reflect the cultural attachment of
43 these communities to the resources that they have
44 historically depended on. So I think we run into
45 problems when we open it up and say simply those of us
46 who would like to nominate our -- or who would like to
47 choose a dependence lifestyle are also included in this
48 band of brothers.

49

50 I mean I recognize it as a valid claim

00195

1 but I don't think it would meet the litmus test of the
2 true intent of ANILCA which is to try to identify and
3 preserve instead these traditional and historic and
4 cultural opportunities. IT also doesn't mean that a
5 person from outside the culture can't join within that
6 culture through marriage, through association and through
7 brotherhood. But I think to leave it wide open and
8 saying that that's an open opportunity or an open entry
9 opportunity for anyone who should so choose it is again
10 simply postponing the inevitable conflict between not
11 enough resources to fill that need.

12
13 CHAIRMAN LOHSE: Thank you on that. The
14 other thing that you brought up and the thing that I kind
15 of go along with is the fact that the people that we're
16 considering here aren't the ones in front of us
17 presenting the information why they should be included.
18 They're not the ones presenting the request. They're not
19 the ones that are writing the letters. They're not the
20 ones showing why they should be included.

21
22 From what you were saying, is that that
23 should originate from them and that should be important
24 enough to them that they do the work and present it to
25 us. Was I understanding you right in that?

26
27 MR. KOPCHAK: Absolutely. I don't
28 understand how any of you guys up there could make a
29 decision without some clear petition by a community for
30 inclusion. And again, I think Wilson spoke very, very
31 well to this earlier and I simply would say reflect back
32 on his earlier statement. It seems to be ludicrous if
33 one or two folks some place say, gosh, man, all we got to
34 do is ask the guys over at, you name the agency, fill in
35 the blank to throw us into the C&T process and all of a
36 sudden they've got a multi-million dollar funded agency
37 with guys making and gals making decent salary, you know,
38 trying to figure out how to squeeze them into the C&T
39 program by God because they got nothing better to do with
40 their time that day maybe. And because they're getting
41 paid to do C&T stuff. You know, so gosh darn, they're
42 going to be doing C&T stuff because that's what they get
43 paid to do.

44
45 It's inappropriate. If the community
46 wants a C&T designation then the community should band
47 together with a community organization, file a petition,
48 figure out how to justify their petition for C&T by
49 putting their historic uses and accesses and needs on
50 paper and providing that as a petition. At that

00196

1 particular point Staff should get involved to do an in-
2 house Staff review of that petition, make recommendations
3 for inclusions of additional missing material if it's
4 there, debate the material that is there, if it doesn't
5 reflect what they think is reality and move their
6 opinions along with the petition to this board. But for
7 them to initiate the petition is again inconsistent, I
8 think, with the kind of process that should be involved
9 here.

10

11 CHAIRMAN LOHSE: But even that doesn't
12 always work. There's only been one case in all the time
13 I've sat on this board that that really was worked that
14 way and that was when Cordova put their petition in for
15 C&T for sheep in Unit 11. And they presented more facts
16 and more figures and did it as a community than any other
17 one that has ever come before us as we've sat here on the
18 board. But to me, that's the example of what should be
19 done. The decision that was made is not in question.
20 What's in question is at least they were willing to do
21 the work to dig up the information and to come as a
22 community and send representatives as a community.

23

24 And from what I'm understanding you
25 saying, that's what you see this process should be?

26

27 MR. KOPCHAK: I think that's a big piece.
28 I think as well you guys don't get all the tools you
29 want. I see in the back of your book you're looking at
30 getting some GIS work done relating to the distribution
31 of use and traditional use and such. The organization
32 that I work for, part-time, Eco-Trust does this with the
33 financial and social equity issues relating to a
34 groundfish reduction program on the West Coast of the US.
35 We've been at it for 18 months, almost two years,
36 animated mapping showing the distribution of harvest, the
37 landings, the financial impacts and the social meaning of
38 changes relating to patterns. You guys don't have any of
39 those tools at your disposal.

40

41 It is very, very difficult then as you
42 review these petitions one at a time and make decisions
43 one at a time to have any concept whatsoever about what
44 the result will be after the accumulation of those
45 singular decisions impacts the resource as a whole. And
46 I would be extremely frustrated in your particular shoes
47 trying to address these issues one at a time when each
48 and every decision affects a much broader area,
49 especially as we, again, address issues relating to
50 social equity, social justice. And that means, how could

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1 we take -- if we've equitably distributed or inequitably,
2 if we have 100 percent distributed resource and we begin
3 to redistribute that resource, we have winners and
4 losers, I don't care how we all want to cut it. And if
5 we can't make a more comprehensive decision about the
6 impacts of a singular decision on the whole and the
7 accumulation of impacts of many singular decisions on the
8 whole, then we're doing an injustice to many of the folks
9 who are going to be affected by those decisions.

10

11 I think then, as well, the Council might
12 want to consider taking an accumulation of petitions,
13 taking a look at how those decisions would affect the
14 process as a whole prior to making a bunch of individual
15 or singular decisions on designations. It's a tough and
16 much more long drawn out, convoluted process. It
17 requires some technical assistance that I'm not sure you
18 have at your disposal but it's a process that might help
19 you have a much clearer vision of the effects of these
20 decisions on the resources.

21

22 CHAIRMAN LOHSE: Thank you. Any other
23 questions from anybody. Fred.

24

25 MR. ELVSAAS: Yeah, thank you for your
26 testimony. But, you know, you mention the Staff and the
27 work they do on these things. When these requests are
28 made and proposals are made the Staff has to analyze them
29 and do the research that they can on these. So I don't
30 know if I heard you right or wrong but the Staff is not
31 pushing a proposal one way or the other, they're only
32 trying to get the information to us.

33

34 You mentioned when you want fish you take
35 it out of your net as you're commercial fishing, it
36 raises an interesting point because you're fishing Copper
37 River fish so you're, in fact, using Copper River fish
38 for yourself even though taking it out of your net,
39 you're buying fish at the going rate because you take it
40 out of your income. But, you know, if we keep going into
41 these things and getting far-reaching things you could
42 make a proposal to fish the Copper River with a gillnet
43 because you've traditionally done it, fished Copper River
44 fish with a gillnet. I know it's a little ludicrous but
45 some of these things get in that fashion but I don't
46 think anybody should have to take fish from their
47 commercial nets and be buying fish in that sense.

48

49 I'm a commercial fisherman and I'm a
50 subsistence fisherman and I know for years I took out of

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1 my commercial catch to feed my family, too. But I just
2 think that's wrong that you have to do that. Some people
3 do and some don't but it's just an observation.

4

5 Thanks.

6

7 MR. KOPCHAK: Thank you. Well, thanks
8 for this opportunity to speak to you. By the way I meant
9 no disrespect directly to any individual Staff members.
10 I know we all get excited and become zealots relating to
11 representing what we perceive as our interests. And
12 again, if the Staff did not petition this Board directly
13 then I spoke incorrectly. If the Staff did petition this
14 Board directly for some recognitions then again I would
15 stand by my comments.

16

17 MR. CHURCHILL: Thank you.

18

19 CHAIRMAN LOHSE: Thank you. Okay, any
20 other public comments. With that, Regional Council
21 deliberations, recommendations, justification and no cup
22 of coffee until we're done. So we need a motion on the
23 table. Susan.

24

25 MS. WELLS: I'd like to make a short
26 comment first. I think the missing component for this
27 two and a half almost three hour discussion has been the
28 testimony from Lake Louise and Delta Junction and those
29 areas that are wanting to be included in the customary
30 and traditional findings. I do find that very difficult
31 in weighing any of these decisions, if they're not here
32 then it seems to me that it's more of a want than a need.

33

34 And so with that being said, I would like
35 to make a motion to oppose the customary and traditional
36 determination for salmon in the Chitina subdistrict of
37 the Upper Copper River district for Delta Junction and
38 Lake Louise.

39

40 MR. ELVSAAS: Can you make negative
41 motions?

42

43 CHAIRMAN LOHSE: We found out we can make
44 negative motions.

45

46 MR. ELVSAAS: Oh.

47

48 CHAIRMAN LOHSE: We've been in the past
49 thought we had to make all motions in the positive, we
50 can make a negative motion.

00199

1 MR. ELVSAAS: Well, I got to say I'll be
2 happy to second that.

3

4 CHAIRMAN LOHSE: Mr. Churchill.

5

6 MR. CHURCHILL: Yeah, I guess I mean I
7 understand where Ms. Wells is going but I'm not so
8 concerned with people not being here. This is an
9 expensive trip. But I am concerned and I think it speaks
10 to her concern as well, I really don't see any comment
11 for the record, any letters, anything like that and I
12 think I really don't differ much. But traveling gets to
13 be very expensive. So I may be wrong but I really don't
14 see any written comment or any attempt to contact this
15 board to provide information to support these proposals.

16

17 MS. WELLS: You know, I mentioned Lake
18 Louise and I want to make sure that I encompass all of
19 those communities that were wanting to be added. So if I
20 can make sure that I'm addressing the Proposal No. 11 and
21 13 that we've just discussed, I just wanted to make sure
22 that I didn't.....

23

24 CHAIRMAN LOHSE: If I understand right,
25 Susan, you're in opposition to Proposal 11 and 13?

26

27 MS. WELLS: Correct.

28

29 CHAIRMAN LOHSE: And see the other part
30 that was just Staff recommendation.

31

32 MS. WELLS: Yes.

33

34 CHAIRMAN LOHSE: So if you're in
35 opposition to 11 and 13, that's what's on the table.

36

37 MS. WELLS: That's what my motion should
38 be encompassing.

39

40 CHAIRMAN LOHSE: Yeah. In order to have
41 taken Staff recommendation, we'd have had to amend 11 and
42 13 to add it, modify it. So I'll have to say that my
43 reasoning is exactly the same. I see nothing other than
44 Staff information, I see no request, I see nothing on our
45 table to back up anything other than the original request
46 for the proposal, other than the Staff. And if it's that
47 important they should be here -- or not be here, being
48 here can be here with some form of communication, just as
49 easy as being here.

50

00200

1 And if there's any further discussion on
2 it.....

3
4 MS. WELLS: I'll call the question.

5
6 CHAIRMAN LOHSE: Question's been called.
7 All in favor of the motion in opposition to Proposal 11
8 and 13 signify by saying aye.

9
10 IN UNISON: Aye.

11
12 CHAIRMAN LOHSE: All opposed signify by
13 saying nay.

14
15 (No opposing votes)

16
17 CHAIRMAN LOHSE: Motion carries. 11 and
18 13 die. Okay, that was a lot of work for.....

19
20 (Laughter)

21
22 MR. CHURCHILL: So far it appears we've
23 done nothing but a lot of energy doing it.

24
25 (Laughter)

26
27 CHAIRMAN LOHSE: Okay. Let's take one
28 more and then we're going to have a break. I have to
29 have a break after that one, let's go on to 12. Okay,
30 Pat.

31
32 MS. PETRIVELLI: Mr. Chairman, my name's
33 Pat Petrivelli and I'm, again, the anthropologist.
34 Proposal 12 was submitted by the Office of Subsistence
35 Management. And it was at the request of the Federal
36 Subsistence Board to allow full public and Regional
37 Council review of the minority Interagency Staff
38 Committee recommendation for -- relating to Proposal 15
39 considered last year. Proposal 15 dealt with making
40 freshwater fish determinations for the Copper River
41 drainage and then at that time Lake Louise and Paxson
42 were left out of the determinations. And the minority's
43 recommendation recommended adding them and so that's what
44 this proposal deals with, to recommend adding Lake Louise
45 and Paxson to the freshwater fish determinations for the
46 Copper River drainage, drainage above Haley Creek.

47
48 The Copper River drainage, unlike the
49 Copper River district includes all the tributaries of the
50 Copper River drainage and then also the wild and scenic

00201

1 -- the waters of the wild and scenic river of the Gulkana
2 under BLM jurisdiction.

3

4 The community characteristics -- with
5 this proposal the same as with the previous proposal, we
6 looked at the use of freshwater fish for the other areas
7 and communities involved so that we could review the
8 customary and traditional use determinations all at once
9 to have the full implications of making these
10 determinations. And in looking at the communities that
11 use freshwater fish in these areas, I -- because of the
12 nature of the use of freshwater fish is generally the
13 local areas and so I only considered the Copper River
14 Basin and then those studies in 1982 and 1987. And in
15 looking at those use patterns, the communities I included
16 in the analysis were Lake Louise, Paxson, Sourdough and
17 then the East Glenn Highway area and I left out
18 Chickaloon and West Glenn Highway because the resource
19 map showed that they did not use any of the Federal
20 waters in question and they primarily got freshwater fish
21 in the lakes and areas nearest to their communities which
22 is not part of the Copper River drainage.

23

24 And their community characteristics are
25 on Pages 158 and 159 and we pretty much reviewed them as
26 we did in the last one. Those communities have been
27 occupied, there's archeological sites there, historical
28 settlements and -- but they've been primarily occupied by
29 residents, lodge owners and residents along the -- to do
30 with the transportation and highway activities since the
31 turn of the century.

32

33 So -- but in looking at their use of
34 freshwater fish, let's see -- freshwater fish made up
35 greater than 20 percent of the annual per capita use of
36 subsistence resources for Lake Louise, Paxson and
37 Sourdough. Lake Louise had 21.6 of their per capita use
38 -- or actually that was for Paxson. 22.4 for Lake
39 Louise, 21.6 for Paxson and 27.9 in Sourdough of their
40 per capita use was of freshwater fish. The East Glenn
41 Highway area non-salmon fish only made up 7.7 -- 7.4
42 percent of the per capita harvest which matched the
43 communities in the Copper River Basin, their level of use
44 because they had a higher level of salmon.

45

46 Unfortunately this updated table on Page
47 160 doesn't have those figures. Well, it has it for Lake
48 Louise and Paxson, for population but it doesn't have
49 Sourdough and Glennallen. And then I missed -- oh, those
50 figures on Page 162 and Sourdough and East Glenn Highway

00202

1 should have been included but they would just have that
2 27.9 percent for Sourdough and 7.4 for East Glenn
3 Highway.

4

5 In looking at the other factors, when
6 looking at the idea of using freshwater fish, they also
7 followed the same patterns of use with a lot of local --
8 where you use the lake water -- the lakes and the streams
9 close to your area and then if you go hunting then you
10 use other streams. But -- and so in looking at fishing
11 areas, Table 3 on Page 164 identifies all the Federal
12 waters that these communities used where they fished,
13 obtained freshwater fish from Federal waters and then
14 under the A section -- under B is where they obtained
15 fish in the State waters. And their hunting areas, they
16 have hunted a lot in the Gulkana River area and then also
17 in the Upper Chitina/McCall Ridge area or -- and Nabesna.
18 So they've used Federal waters in areas quite a bit -- or
19 they have a history of use of using Federal waters for
20 freshwater fishing specifically and hunting.

21

22 And then of course, their sharing
23 patterns and resources were covered in the last proposal.
24 And then in the recommendation I also made the
25 recommendation to consolidate the residents of the Copper
26 River drainage upstream from the Haley Creek at the same
27 time just to simplify the language and so the
28 modification would say freshwater fish -- or the
29 supported Staff recommendation would say -- modification
30 would say residents of the Copper River upstream from
31 Haley Creek and then it would add Lake Louise because
32 Paxson and Sourdough and all those residents living along
33 the highway in between north of -- well, Paxson,
34 Sourdough and then also the East Glenn Highway area
35 residence would be included in that designation.

36

37 CHAIRMAN LOHSE: Any questions for Pat.
38 Bob.

39

40 MR. CHURCHILL: Yeah, thank you very
41 much. I'm looking on Page 161 and under three, Item 3,
42 it says basket traps, one of the traditional methods of
43 harvesting fish such as whitefish, suckers and trout. My
44 understanding from anecdotal information that I've got is
45 that the main freshwater species that were historically
46 targeted as a human food source were whitefish. Does
47 that fit with what's being said here?

48

49 MS. PETRIVELLI: I think it depends upon
50 the region and the availability of the species, you know.

00203

1 You mean of non-salmon fish? I don't have -- I have
2 tables back in the office that shows exactly how many
3 fish they caught of the different species but whitefish
4 was a major source for areas where salmon wasn't the
5 predominate one, I think. But other species were -- I
6 think people got freshwater fish. They also got grayling
7 -- I mean all those others because other -- there's
8 whitefish, suckers and burbot -- I -- I don't know if --
9 I couldn't clearly state whitefish was a predominate non-
10 salmon species in -- where it was abundant, I guess it
11 would be.

12

13 MR. CHURCHILL: Yeah, that's my
14 understanding as well. On 163 it talks about subsistence
15 harvesting, knowledge, skills and values in some very
16 general terms. Could you expand on that a little bit
17 about the knowledge, skills, values that are being
18 referenced there?

19

20 MS. PETRIVELLI: The main information
21 relating to that in the various studies done, Holly
22 Reckert did a study of the subsistence activities in
23 relation to the Wrangell-St. Elias National Park and she
24 noted that -- and of course, she used a term called
25 indigenous White culture which I don't particularly care
26 for, but there is a term -- well, the idea for over the
27 past 100 years the way she states is there's -- that
28 people -- the -- as they moved into the area, of course,
29 the indigenous Native culture has been there, at least,
30 documented, archaeologically for a thousand years and
31 maybe longer. It's just the archeological studies show
32 that there's evidence of Ahtna culture being there for a
33 thousand years.

34

35 The new settlers that came in learned how
36 to hunt and fish -- or not how to but they learned or
37 spoke with the Natives in the area and learned particular
38 where the resources were, they shared with them and
39 everything and then eventually they developed their own
40 culture or way of doing things that is different. And
41 then that's a rural white culture that's been there for
42 at least 100 years. At least that's a statement that
43 Holly Reckert was saying.

44

45 MR. CHURCHILL: As a follow-up, you know,
46 what information I've had is that a lot of the freshwater
47 fish in the Lake Louise area were, in fact, lake trout
48 primarily out of that system. Is that right?

49

50 MS. PETRIVELLI: In the Lake Louise area?

00204

1 It's non-Federal land so I didn't look at it. But I mean
2 I guess I could provide the tables for you that showed --
3 I just -- I'm not certain but maybe Tom Taube would know
4 but -- but I don't.

5
6 MR. CHURCHILL: You've been ratted out,
7 Tom.

8
9 MS. PETRIVELLI: Yeah. I don't know the
10 fish distribution. I just know they're non-salmon.

11
12 MR. CHURCHILL: Thank you.

13
14 CHAIRMAN LOHSE: Mr. Churchill, I'm not
15 sure that the kind of fish in Lake Louise make any
16 difference, but I know they have lake trout, burbot,
17 grayling and whitefish and they probably have suckers,
18 too.

19
20 MR. CHURCHILL: Yeah.

21
22 CHAIRMAN LOHSE: Okay. Any other
23 questions for Pat. Pat, basically what we're dealing
24 with to a certain extent in this case here from what I
25 understand is this is kind of a cleanup proposal
26 requested by the Staff to clean up what's perceived as
27 missing information or missing -- we didn't actually have
28 any request from individuals or groups in these areas,
29 did we?

30
31 MS. PETRIVELLI: Last year we had the
32 request from the Wrangell-St. Elias Subsistence Resource
33 Commission to make determinations for freshwater fish in
34 the Copper River drainage. And they requested
35 determinations only for those resident zone communities
36 of the Park. And then, of course, this Council supported
37 that decision. And then the minority Staff Committee
38 mentioned that Lake Louise and Paxson probably use the
39 resource and the data -- but we didn't have the data at
40 that time when the Board was considering it or the time
41 to bring the data so this analysis -- proposal was a way
42 to allow full Council review and public review of
43 inclusion of Lake Louise and Paxson. And then in the
44 course of that here is the data and information relating
45 to Lake Louise and Paxson and then the other communities
46 that would have potential use of the resource in the
47 Copper Basin.

48
49 CHAIRMAN LOHSE: Well, I can understand
50 Paxson because it's right in -- it's on the drainage that

00205

1 produces a lot of the fish for the Copper Basin. I was
2 looking at some of the places Lake Louise lists for their
3 fishing and their hunting and it's pretty obvious that
4 Lake Louise is a very mobile community. One of the
5 places is Hanagita Lake. I would challenge anybody from
6 Lake Louise to hike into Hanagita Lake. And Sheep
7 hunting on McCall Ridge, that's a pretty long walk, too.
8 In fact, it's a long airplane ride. So I, you know,
9 there's no way on freshwater fish that I, with a clear
10 conscious could leave Paxson out even if they didn't
11 request it because they are on the main tributary that
12 produces freshwater fish for the Copper Basin. But it's,
13 again, -- and I know we've done this in the past and it's
14 one of the things that has raised objections in the
15 Interior communities, is the idea that, you know,
16 basically we need to clean things up and make sure we
17 didn't forget anybody and things like that. And we have
18 used anecdotal information from members of the Council
19 who know what's going on in that area.

20

21 But it's just, again, to me, you know,
22 the ones that are along the river are no problem, I have
23 trouble when we start getting away from the watershed
24 itself and then we have to make decisions and the people
25 involved didn't ask for them, you know.

26

27 I have absolutely no problems when it
28 comes to fish in the watershed for people who are in the
29 watershed. It's just when we get out of the watershed.

30

31 But be that as it may, thank you for
32 giving us this information right here. And it's a hard
33 job.

34

35 Okay, do we have any Alaska Department of
36 Fish and Game comments. Tom.

37

38 MR. TAUBE: Yes, Mr. Chairman. Tom
39 Taube, Alaska Department of Fish and Game. The
40 Department is deferring their comments until review of
41 the Staff analysis. There was one comment in there that --
42 or a recommendation that a listing of the waters outside
43 of Wrangell-St. Elias National Park be listed in the
44 regulation that are Federal waters to inform the users
45 which waters are eligible to cover under this.

46

47 And there was one other comment from
48 Subsistence Division and if I could have Mr. Campbell
49 come up and state that comment to add some more
50 information.

00206

1 CHAIRMAN LOHSE: Tom, basically, before
2 you go any farther. After what you just said, the only
3 Federal waters that we're dealing with then are the
4 drainages of the Gulkana River, the wild and scenic river
5 corridor, right?

6
7 MR. TAUBE: That's correct to my
8 understanding.

9
10 CHAIRMAN LOHSE: Okay.

11
12 MR. TAUBE: And I guess I would ask
13 Federal Staff to add if there was any lakes that were
14 included in that.

15
16 CHAIRMAN LOHSE: Because the Tango Lakes
17 system all goes towards Delta.

18
19 MR. TAUBE: Right. That's part of the
20 Tanana drainage.

21
22 CHAIRMAN LOHSE: Right. So we would be
23 dealing only with the lake -- only with the waters this
24 side of that divide going down the Gulkana River.

25
26 MR. TAUBE: Right. But my understanding
27 it would exclude Paxson Lake and Crosson Lake and Fish
28 Lake, all those lakes because the Federal waters are
29 starting at the outlets of those lakes.

30
31 CHAIRMAN LOHSE: Because those are State
32 waters.

33
34 MR. TAUBE: Right.

35
36 CHAIRMAN LOHSE: Okay.

37
38 MR. CAMPBELL: Yes, Mr. Chairman, Council
39 members. Again, for the record my name is Rod Campbell,
40 Alaska Department of Fish and Game, Division of
41 Commercial Fisheries. And as Tom said, we just had one
42 general statement from the Subsistence Division that we'd
43 just like to make.

44
45 And the State supports the areawide
46 approach to C&T determinations rather than the community
47 approach. And for that reason sometimes you get some
48 checkerboard patterns and some of the communities are
49 left out. I see in the Staff recommendations they have
50 made a recommendation to use an area versus the community

00207

1 approach, I believe on that. So just a general
2 statement, we concur with that type of C&T
3 determinations, area versus the community.

4

5 Thank you very much.

6

7 CHAIRMAN LOHSE: Thank you. Any
8 questions. Okay. Other Federal, State or tribal agency
9 comments. Devi.

10

11 MS. SHARP: Devi Sharp, Wrangell-St.
12 Elias National Park and Preserve.

13

14 The use of freshwater fish for these
15 communities in the Copper Basin has been poorly
16 demonstrated. It seems intuitive that the folks who live
17 around Paxson Lake and Lake Louise wouldn't drive 50 to
18 100 miles or 150 miles to fish somewhere else as their
19 primary fishing grounds because the two lakes have a lot
20 of fish and provide a lot of fishing opportunity. And
21 again, I think what Tom was saying is, that even if these
22 communities are granted C&T for freshwater fish within
23 the bodies of Wrangell-St. Elias National Park, they
24 would still need to be a resident zone community -- a
25 member of a resident zone community.

26

27 So for example, to fish in Copper/Tanada
28 Lake, Lake Louise -- the residents of Lake Louise would
29 not be able to do that without being a resident zone
30 community.

31

32 CHAIRMAN LOHSE: So if I understand you
33 right, then all of the Federal waters that are in the
34 Park proper would be off limits even if they had C&T.
35 All the Federal waters that are in the Preserve would be
36 accessible to them just like they are to any members of
37 the State except they would have C&T on them. All the
38 waters of the wild and scenic river corridor would be
39 applicable to them but the lake that's at their doorstep
40 wouldn't be?

41

42 MS. SHARP: Well, they.....

43

44 CHAIRMAN LOHSE: I mean they could still
45 fish but I mean the C&T for a person at Paxson doesn't
46 apply until they would go downstream on to the river
47 itself proper.

48

49 MS. SHARP: That's correct.

50

00208

1 CHAIRMAN LOHSE: And it wouldn't apply to
2 waters that drained into the Copper River from the
3 National Park.....

4
5 MS. SHARP: That's correct.

6
7 CHAIRMAN LOHSE:because they are
8 not a resident zone community?

9
10 MS. SHARP: That's correct.

11
12 CHAIRMAN LOHSE: Okay.

13
14 MS. SHARP: From the Park, not the
15 Preserve.

16
17 CHAIRMAN LOHSE: From the Park
18 standpoint. But everybody has access to the Preserve
19 part of it so they'd have the same access as anybody else
20 would have?

21
22 MS. SHARP: That's correct.

23
24 CHAIRMAN LOHSE: And Lake Louise isn't
25 even in the watershed basically.

26
27 MS. SHARP: That's correct.

28
29 CHAIRMAN LOHSE: So they have no Federal
30 waters near them. The closest Federal waters would be
31 the National Park?

32
33 MS. PETRIVELLI: Well, the Gulkana River
34 during the winter.

35
36 CHAIRMAN LOHSE: Oh, during the winter
37 cross on snowmachines, yeah. Yeah.

38
39 MS. SHARP: There's a hidden concern here
40 and this is not one of the eight factors. I'm speaking
41 as a Park manager. We're having a difficult time
42 managing ATV access into Copper and Tanada Lake. I'm a
43 little concerned that we add more subsistence users to
44 those lakes without the ability to support the access
45 except in the wintertime, snowmachines are not an issue,
46 that's not a concern for us at this point. But it does
47 concern me that if we add more subsistence users to the
48 Park, that we have more subsistence access which we have
49 less of an ability to control and the only reason we
50 would want to control it is because of resource

00209

1 degradation which is a very high concern for us on the
2 Tanada Lake trail and the Copper Lake trail. And I
3 understand this has nothing to do with C&T, I'm merely
4 speaking as a Park manager.

5
6 CHAIRMAN LOHSE: But this wouldn't add
7 any more to the Park because even if they had C&T they do
8 not have resident zone status in the Park anyhow.

9
10 MS. SHARP: That's true.

11
12 CHAIRMAN LOHSE: So they have -- this
13 confers no privileges in the Park at all anyway, so that
14 doesn't even enter into the equation because they can't
15 -- with C&T they can't access the Park anyhow.

16
17 MS. SHARP: Right.

18
19 CHAIRMAN LOHSE: Susan.

20
21 MS. WELLS: Is that possibly the reason
22 why those communities were not on the original C&T list,
23 because they couldn't establish residency anyway?

24
25 MS. SHARP: Well, there's two sides to
26 the Copper drainage. One side drains out of the National
27 Park and Preserve and the other side drains out of other
28 mixed waters, State and Federal, so in part, yes, but not
29 -- it's not that easy, it's not that clean.

30
31 CHAIRMAN LOHSE: The only Federal waters
32 that are in question right here and for these two
33 communities would be the Gulkana River.

34
35 MS. SHARP: For Paxson and Lake Louise?

36
37 CHAIRMAN LOHSE: For Paxson and Lake
38 Louise. Because the lakes up there are State waters, the
39 only Federal -- and the Tango Lake system is the Delta
40 River system so the waters that we're talking about are
41 the water of the Gulkana River.

42
43 MS. SHARP: Well, how about the
44 communities of Mendeltna and Tulsona, they're not
45 resident zone communities, they're on the Glenn Highway.
46 This is the area of road that I said that I would welcome
47 some very careful scrutiny to clean up that issue.
48 Tulsona is, I think, 10 miles out of Glennallen and
49 Mendeltna is another -- do you remember the mileage at
50 Mendeltna -- it's about another 15 or 20 miles -- it's 30

00210

1 miles out of Glennallen.

2

3 MS. PETRIVELLI: Both of those -- the
4 idea of the Paxson, Sourdough, Lake Louise, the Sourdough
5 and the East Glenn Highway area, there's 26 people for
6 the Sourdough and for the East Glenn Highway is 182 so
7 it's 208 other people besides the.....

8

9 MS. SHARP: Well, I'm thinking of the
10 distance between the communities and what the communities
11 call themselves, because there is a problem with Tulsona,
12 I mean those people get their mail in Glennallen. Their
13 children go to high school in Glennallen but they go to a
14 local elementary school.

15

16 CHAIRMAN LOHSE: Uh-huh.

17

18 MS. SHARP: They're not a community --
19 the whole Copper Basin is not in a borough so there's no
20 community lines. So it actually does add Mendeltna and
21 Tulsona that don't have C&T. So that's it. As well as
22 Sourdough.

23

24 CHAIRMAN LOHSE: This proposal adds that?

25

26 MS. SHARP: Well, yes.

27

28 MS. PETRIVELLI: The Staff modification.

29

30 MS. SHARP: The Copper River drainage up
31 stream from Haley Creek.

32

33 CHAIRMAN LOHSE: Okay, the residents of
34 the Copper River drainage because the drainage comes from
35 that side of Glennallen.....

36

37 MS. SHARP: Right.

38

39 CHAIRMAN LOHSE:to the Copper
40 River.....

41

42 MS. SHARP: Right.

43

44 CHAIRMAN LOHSE:to Mile 137.

45

46 MS. SHARP: Right.

47

48 MS. PETRIVELLI: Yes, Mile 137 east.

49

50 CHAIRMAN LOHSE: Okay, I see what you

00211

1 mean. So Mendeltna and Tulsona would be included in the
2 Copper River drainage upstream from Haley Creek and so
3 would Sourdough and.....

4

5 MS. PETRIVELLI: And all the residents
6 between Sourdough and Paxson.

7

8 CHAIRMAN LOHSE:and all the
9 residents between Sourdough and Paxson. And Paxson,
10 itself, drains into the Copper River.

11

12 MS. SHARP: Yeah, Gulkana.

13

14 CHAIRMAN LOHSE: So that's part of the
15 drainage. Okay.

16

17 MS. SHARP: It's a little convoluted.

18 It's not terribly straightforward.

19

20 CHAIRMAN LOHSE: But even if they had --
21 if they had C&T they still do not have resident zone
22 status for the Park?

23

24 MS. SHARP: That's correct.

25

26 CHAIRMAN LOHSE: Okay. So the waters
27 we're talking about really, for the people involved, are
28 the waters of the Gulkana wild and scenic river? I mean
29 that's the only Federal waters because we're only dealing
30 with Federal waters, that's the only Federal waters that
31 these folks have access to.

32

33 MS. PETRIVELLI: Well, the Federal waters
34 in the -- the C&T use -- we can make a C&T determination
35 but the Park would not allow them.....

36

37 CHAIRMAN LOHSE: Right, that's what I
38 mean.

39

40 MS. PETRIVELLI: Yeah.

41

42 CHAIRMAN LOHSE: Yeah. Okay, just trying
43 to get that clear in my own mind. Thank you. Any
44 questions for Devi. Thank you.

45

46 I see I've been skipping Fish and Game
47 Advisory Committee comments but I haven't seen any
48 representatives of any Fish and Game advisory committees
49 here so if there are none I'm not going to worry about
50 it.

00212

1 We now have public comments. I have no
2 public comments in front of me right here, do you have
3 any?

4
5 MS. WILKINSON: Yes, Mr. Chairman, there
6 were two written public comments.

7
8 One's from the Copper River Native
9 Association. They do not support the communities having
10 customary and traditional use determinations made as
11 stated in the comment for Proposals 11 and 13.

12
13 The Wrangell-St. Elias National Park
14 Subsistence Resource Commission recommends deferring this
15 proposal because the analysis does not adequately
16 demonstrate the customary and traditional use of
17 freshwater fish in the Upper Copper River Basin by
18 communities listed in the proposal. Again, the SRC feels
19 that communities should be involved in this process.

20
21 CHAIRMAN LOHSE: Thank you. Okay, we
22 need a motion on the table so the Regional Council can
23 deliberate, recommend and put justification in on this
24 one here. Do I hear any kind of motion? Don't everybody
25 speak at once.

26
27 MR. CHURCHILL: I'll move we adopt
28 Proposal 12.

29
30 CHAIRMAN LOHSE: It's been moved we adopt
31 Proposal 12, do I hear a second?

32
33 MR. ELVSAAS: I'll second it then.

34
35 CHAIRMAN LOHSE: Okay. It's been moved
36 and seconded that we adopt Proposal 12. Okay,
37 discussion. Mr. Churchill.

38
39 MR. CHURCHILL: Yeah, I guess my concern
40 here is with establishing historic use and what I'm
41 looking at is if I lived in Paxson, as the Chair's noted
42 about travel, I'd probably go up to Tango Lakes if I
43 wanted freshwater fish, about 20 miles. And if I lived
44 at Lake Louise, the answer to that one's obvious.

45
46 So I'm just not convinced that I have
47 enough information to support this, for either of these
48 communities that are listed. However, there is other
49 issues as far as the drainage.

50

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1 CHAIRMAN LOHSE: Susan, you have anything
2 to say?

3

4 MS. WELLS: No.

5

6 CHAIRMAN LOHSE: Fred.

7

8 MR. ELVSAAS: Well, I have to agree with
9 Bob's comments. I can't imagine anybody traveling long
10 distances when they live adjacent to freshwater fish
11 sources. And, you know, they do have the opportunity to
12 fish under the State regulations. So I don't see where
13 C&T would really be justified in this case.

14

15 CHAIRMAN LOHSE: Thank you. I, again,
16 will probably go along with what the SRC said. I think
17 communities should be involved. There should be
18 community involvement, community requests. I never gave
19 a thought before to the fact that the people we're
20 talking about live where everybody goes to catch fish,
21 not where everybody comes from to catch fish. I still
22 would have difficulty not thinking of Paxson as being on
23 the Gulkana River. But I would like to see Paxson say we
24 have a need for it and put in a request for it and show
25 that they use it. After what I've seen, if I was from
26 Paxson I probably would go in the -- I probably would
27 fish right out of my doorstep or go in the other
28 direction and get all the fish that I wanted. So I'll
29 agree with you there.

30

31 So if we have no further discussion.

32

33 MS. WELLS: I'll call the question.

34

35 CHAIRMAN LOHSE: You're calling the
36 question. All in favor of the proposal to adopt Proposal
37 12 signify by saying aye.

38

39 (No aye votes)

40

41 CHAIRMAN LOHSE: All opposed signify by
42 saying nay.

43

44 IN UNISON: Nay.

45

46 CHAIRMAN LOHSE: The motion fails. Your
47 clock says 12:00 o'clock, what time -- do you want a
48 break?

49

50 MR. CHURCHILL: Sure.

00214

1 CHAIRMAN LOHSE: What time is it?

2

3 MS. WELLS: 12:00.

4

5 MR. ELVSAAS: It's 12:00 o'clock.

6

7 CHAIRMAN LOHSE: It's 12:00 o'clock. I
8 was thinking we were going on 5:00 o'clock. Okay, we
9 will recess for lunch until 1:30.

10

11 (Off record)

12

13 (On record)

14

15 CHAIRMAN LOHSE: Okay. With the rest of
16 the Council's permission, another agenda change, I'd like
17 to take up the next proposal and then after the next
18 proposal we have a number of people that need to speak to
19 us that can't be here tomorrow. Do you think we could
20 take a break and have some of them.....

21

22 MR. CHURCHILL: Absolutely.

23

24 CHAIRMAN LOHSE:some agency people
25 give us their reports?

26

27 MR. ELVSAAS: I don't know.

28

29 (Laughter)

30

31 CHAIRMAN LOHSE: What's it worth to us,
32 uh?

33

34 (Laughter)

35

36 MR. ELVSAAS: We have to stay.

37

38 (Laughter)

39

40 CHAIRMAN LOHSE: Anyhow, let's hope that
41 we come across one that's a little simpler to handle. We
42 are now going on to Proposal 14, all in favor say aye.

43

44 MS. WELLS: Aye.

45

46 (Laughter)

47

48 MS. WELLS: This one does actually make
49 sense.

50

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1 CHAIRMAN LOHSE: Yeah. Okay. Oh, sorry,
2 Larry, my fault, I was reading the proposal, would you
3 start please.

4

5 MR. BUKLIS: Thank you, Mr. Chairman.
6 Larry Buklis, fishery biologist, Office of Subsistence
7 Management. Mr. Chairman, Proposal No. 14, the analysis
8 appears on Page 175 and I'll highlight some of the main
9 points of the analysis.

10

11 This proposal for the Upper Copper River
12 district was submitted by the Subsistence Resource
13 Commission for Wrangell-St. Elias National Park and
14 Preserve. The proposal requests clarification of the
15 requirement that permit holders immediately record salmon
16 take on the permit form and immediately remove the anal
17 fin from salmon taken. So seeking clarification of that
18 term immediately in both cases.

19

20 Clarification will allow permit holders
21 to quantify their salmon take, enter the information on
22 the permit form and remove the required fin from salmon
23 at the end of their fishing activity rather than as the
24 salmon are caught. Federal and State regulations require
25 that the permit holder immediately record the number of
26 salmon taken. Definition of immediately is not provided
27 in the Federal or State regulations for the Upper Copper
28 River district. However, in State personal use fishing
29 regulations for the Upper Cook Inlet area, those
30 regulations note that immediately means before concealing
31 the salmon from plain view or transporting the salmon
32 from the fishing site.

33

34 Federal and State regulations stipulate
35 that a person may not possess salmon taken under the
36 authority of a subsistence fishing permit in the Upper
37 Copper River district unless the specified fins are
38 immediately removed. Once again, the definition of
39 immediately relative to the marking requirement is not
40 provided in the regulations but it is interpreted by the
41 State to mean upon landing the fish.

42

43 Improved clarity in the regulations would
44 serve to better inform the public of what is required of
45 them and reduce ambiguity faced by those enforcing the
46 regulations.

47

48 The regulation change will ease the
49 burden on subsistence users by allowing them to record
50 harvest and remove the required fin prior to leaving the

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1 fishing site.

2

3 As noted by the proponent, this proposal
4 is not expected to result in a change in harvest. To
5 some extent the proposed regulatory changes would make
6 legal what is currently the practice in the fishery.

7

8 The analysis recommends modification to
9 streamline the proposed regulation by eliminating the use
10 of the term immediately in both cases. So rather than as
11 proposed, having the term immediately still built into
12 the regulation, then going on and saying, immediately
13 means and try to say what it means, what I've done is
14 simply replaced the word with the intended definition.
15 The intended meaning would be directly incorporated as
16 I've described making use of the State regulatory
17 language that I mentioned we found for the Upper Cook
18 Inlet area and this does not attempt to define the
19 fishing site. This approach makes use of the Fish and
20 Game comments that defining the fishing site is
21 unnecessary and complex. However, I should note that
22 there are now proposals to the Board of Fisheries to
23 define the fishing site in State regulation.

24

25 The proposed regulation with these
26 modifications I have tried to describe are on Pages 177
27 and 178. The very bottom of 177 and the top of 178 is
28 where you can find the proposed regulations as I've
29 modified them. And it would read:

30

31 A permit holder must record on the
32 appropriate form all salmon taken prior to concealing the
33 salmon from plain view or transporting the salmon from
34 the fishing site.

35

36 And on the next page, relative to marking
37 the fish:

38

39 You may not possess salmon taken under
40 the authority of an Upper Copper River district
41 subsistence fishing permit unless the anal or (ventral)
42 fin has been removed from the salmon prior to concealing
43 the salmon from plain view or transporting the salmon
44 from the fishing site.

45

46 Mr. Chairman, that concludes my summary.

47

48 CHAIRMAN LOHSE: Thank you. Any
49 questions for Larry. Larry, I noticed that the original
50 proponents, you know, did put a definition of the fishing

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1 site and like you said there are proposals in front of
2 the Board of Fish right now to define the fishing site.
3 Would it have been a problem -- I mean I can see how you
4 could, without saying the fishing site is or immediately
5 is to do just exactly like you did right here and just
6 say a permit holder must record on the appropriate form
7 all salmon taken prior to concealing the salmon from
8 plain view or transporting the salmon more than 100 feet
9 from the place of taking or something like that, you
10 know, and that way you would be defining your fishing
11 site as part of the regulation but not defining the
12 fishing site, you're just putting something in there
13 which would accomplish exactly what they're asking for,
14 the proponents.

15

16 I think what the proponents are really
17 asking for more than the word immediately is the
18 definition of, you know, the fishing site to a certain
19 extent.

20

21 Larry.

22

23 MR. BUKKLIS: Mr. Chairman, yes, you are
24 correct in your interpretation of the proposal. The
25 proponent does try to go ahead and define for us what
26 immediately would mean. In doing that, they also used
27 the term harvest site so they go on and tell us what they
28 mean by harvest site so that all the terms now used would
29 be defined.

30

31 Earlier in the analysis process that is
32 an approach I took working with that approach and an
33 input from the State was that they counseled us not to
34 try to get into defining harvest site or fishing site,
35 that it's complex, not necessary and we shouldn't be
36 getting into it but there now is a proposal in front of
37 the State Board of Fish, one from the public and one from
38 the State to do that very thing. So I think we remain
39 open to an approach that defines fishing site if it's
40 necessary and can be done in a way that's clear and
41 enforceable. We are also open to an input that it's not
42 necessary and in which case we wouldn't do it.

43

44 So I think there's some flexibility here
45 as long as it's workable.

46

47 CHAIRMAN LOHSE: Out of curiosity, if the
48 State defines fishing site, will that definition
49 automatically in a court of law and understanding of
50 everybody else be applicable to this proposal? I mean

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1 would it be redundant for us to have to define fishing
2 site if the State says the fishing site is 50 feet from
3 the place of taking -- I don't know what the Board of
4 Fish has in front of them, but if they would define it
5 would that definition automatically apply to us here and
6 would it carry in a court of law or would we -- if the
7 State does that will we be necessary to come back to it
8 and put that in our Federal regulations, too? In which
9 case if we are, it would be interesting to find out what
10 kind of proposal is before the State and whether or not
11 we would be willing to support that definition of fishing
12 site and put it in here as a show of support for them
13 putting it in there.

14

15 Mr. Churchill.

16

17 MR. CHURCHILL: I believe I have that
18 language and I was going to wait until discussion but I
19 think and, Larry, you've probably read this many times
20 but it seems to be workable.

21

22 As I understand they've used for the word
23 site, specific location or area where the fish was
24 removed from the water and becomes part of the permit
25 holder's bag limit. And that was their working
26 definition of site. What's your reaction to that?

27

28 MR. BUKLIS: Mr. Chairman.

29

30 CHAIRMAN LOHSE: Larry.

31

32 MR. BUKLIS: Mr. Churchill, I think it
33 might be more productive to ask some of these questions
34 and have this discussion as you hear from the State and
35 from other agencies. The State, of course, would be
36 ADF&G and perhaps enforcement, I don't know. And then
37 other agencies, perhaps the Park Service who manages this
38 fishery for the Federal Board, you might want to speak to
39 some of these specifics.

40

41 I could have some first responses for you
42 as they prepare their comments, too. What Mr. Churchill
43 read sounds familiar to me from the State Board of Fish
44 proposal process. I think it is something along those
45 lines that's being proposed on the State side. There may
46 be a concern in terms of the Federal managers that that
47 isn't allowing enough flexibility for the Federal users
48 because, I think taking possession, one of the concerns
49 is with fishwheel operation, those fish are pretty, you
50 know, promptly in your possession but Federal users would

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1 like some flexibility on getting up to their cleaning
2 site where they're going to work the fish and they're not
3 transporting it from the area but they're simply moving
4 the fish, the catch up to where they process the fish and
5 that would be the place, maybe, for removing fins. But I
6 think the managers can speak to some of this.

7

8 It's not so much just fine points of how
9 we arrange the language, I think there may be some
10 difference of view on flexibility for the user.

11

12 CHAIRMAN LOHSE: Mr. Churchill.

13

14 MR. CHURCHILL: I guess for some people
15 scrambling with their books, that's on Page 24 of the
16 proposal book at the bottom of the page.

17

18 CHAIRMAN LOHSE: And I'll agree with you,
19 Larry, there's a definite different philosophy in that
20 proposal and the proposal that was put forth by the
21 proponents which was to define fishing site as an area so
22 that they had room to do something. Fishing site as
23 defined in that definition is where you remove it from
24 the water and so consequently you have to -- if you use
25 that as the fishing site, then you would have to take the
26 fins off right where you removed it from the water and
27 not within the area like the proponents of this proposal
28 asked for.

29

30 MR. BUKLIS: Thank you, Mr. Chairman.
31 There was another question on the table from you about
32 legal interpretations and enforcement. There are
33 enforcement people here who could probably speak to it
34 better than I but what we're looking at is a proposal
35 that would be in the Federal regulations. To some extent
36 these regulations would be in parallel but if the State
37 goes on in their regulations and defines for their users
38 what fishing site is, it doesn't have authority in our
39 regulations, you know, de facto.

40

41 Now, how the different enforcement
42 officers would work together to enforce the rules, they
43 could speak to it better than I. If our regulations
44 don't define fishing site, but the State does, they may
45 have an approach as to how they apply that, I don't know.
46 But, you know, as this would be structured, I think that
47 it wouldn't strictly apply from the State's definition of
48 fishing site because, you know, the way the modified
49 language would be -- it talks about prior to concealing
50 the salmon from plain view or transporting the salmon

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1 from the fishing site. And I think the Federal officers
2 would maybe want to talk to you about how transporting
3 the salmon from the fishing site would be kind of a step
4 removed from taking possession.

5
6 CHAIRMAN LOHSE: Thank you. Any other
7 questions for Larry. Thank you, Larry. Alaska
8 Department of Fish and Game.

9
10 MR. TAUBE: Thank you, Mr. Chairman. The
11 Alaska Department of Fish and Game comments are support
12 with modification. But as the revised Staff analysis
13 includes those modifications I would say that the
14 Department supports the current proposal.

15
16 CHAIRMAN LOHSE: As modified?

17
18 MR. TAUBE: As modified in the Staff
19 analysis.

20
21 We would remove that last sentence,
22 that's probably a classic example of the final people
23 writing, the Staff didn't meet with area Staff where that
24 proposal that was referred to in the Board of Fish
25 proposal was submitted by myself and enforcement
26 personnel in the area. And those are Proposals 28 and
27 then there's also Proposal 34. Obviously the State's
28 going to support Proposal 28, which is the one we crafted
29 with enforcement.

30
31 The enforcement felt that placing a
32 distance from the fishing site was more difficult to
33 enforce, you know, requiring having them have to have a
34 tape measure out there because people are always going to
35 try to push the line. It allows some interpretation by
36 the enforcement officer if someone's removing the fish
37 from a fishwheel, that if they're taking it to cleaning
38 table and clipping the fins or filleting a fish there,
39 that would still be within the fishing site. And we may
40 see some changes at the Board of Fisheries meeting based
41 upon committee action on this proposal or may try to
42 clarify more for fishwheels. The initial intention of
43 this proposal was to address dipnets primarily in the
44 Chitina subdistrict because that's where the enforcement
45 problem has occurred.

46
47 And so I guess, you know, from my
48 recommendation to the Council would probably be to -- if
49 you wanted to comply with what the State definition comes
50 up with, maybe somehow create the wording as to what the

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1 Board of Fish comes up with or comply with the State
2 regulations as opposed to adopting what's in the book now
3 because proposals are always subject to change at Board
4 of Fish meetings.

5
6 CHAIRMAN LOHSE: Uh-huh. So you said as
7 it's modified right now, you could support that where it
8 just says, before concealing from plain view or
9 transported from the fishing site?

10
11 MR. TAUBE: Right. For the definition of
12 immediately, yes.

13
14 CHAIRMAN LOHSE: So that defines
15 immediately but doesn't define fishing site?

16
17 MR. TAUBE: That's correct. And the
18 Board of Fisheries meeting is actually before the Federal
19 Subsistence Board meeting so I don't know if the State
20 may have some additional input at the Federal Subsistence
21 Board depending on what action is taken at the Board of
22 Fisheries meeting.

23
24 CHAIRMAN LOHSE: Okay, thank you. Any
25 questions for Tom. Okay, any Federal, State or tribal
26 agency that would like to speak to this one? Eric.

27
28 MR. VEACH: Mr. Chairman, Regional
29 Council. Eric Veach with Wrangell-St. Elias National
30 Park. I'd just like to mention we met with the Wrangell-
31 St. Elias Subsistence Resource Commission last week and
32 you'll hear their written comments soon.

33
34 Their written comments will actually be a
35 recommendation to adopt the language that's specified in
36 Proposal 28 for the Board of Fisheries meeting, which is
37 the language that you were discussing earlier.

38
39 And I just kind of wanted to mention and
40 maybe help clarify a little bit but at that meeting what
41 we were discussing was really from a dipnet angle and
42 that language works very well from the perspective of a
43 dipnetter, at least in my mind. And that was the advice
44 I gave them. We weren't really thinking of fishwheels
45 and it wasn't until after the meeting was over that it
46 did cross the minds of a few of the Federal Staff that
47 potentially this could still cause a little bit of
48 confusion with the fishwheels because at the point the
49 fish fall into the box on the fishwheel, they have been
50 removed from the water and potentially, depending on the

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1 law enforcement officer's interpretation of the law that
2 could be reduced to possession. So I guess it still
3 maybe doesn't provide the clarity that the Subsistence
4 Resource Commission was looking for when they first
5 submitted the proposal, which, at that time -- because I
6 actually worked with them in crafting this proposal and I
7 know besides the concern tied to dipnetting they were
8 also concerned about being able to clearly carry those
9 fish from the fishwheel to their cleaning table.

10

11 That's really all I had. I just wanted
12 to present that so that there's a little more clarity
13 when you do hear the comments from the SRC.

14

15 CHAIRMAN LOHSE: So if I understand
16 right, Eric, at the last SRC meeting they looked at the
17 State proposed language and thought that that would fit
18 the bill for the site but that -- but we'd still stay
19 with what we were looking at here for immediately or
20 would you combine the two or.....

21

22 MR. VEACH: Their recommendation was to
23 -- basically to add the language that's specified in
24 Proposal 28 so that the fishing site would be defined as
25 the specific location or area where the fish was removed
26 from the water and where it becomes part of the permit
27 holder's bag limit.

28

29 CHAIRMAN LOHSE: And it is ambiguous in a
30 little way when it says area?

31

32 MR. VEACH: Right.

33

34 CHAIRMAN LOHSE: Because there's where
35 your -- and see that's what I was under the impression
36 originally they were trying to get away from was the
37 ambiguity, you know, so that there was a definitive
38 definition that you could -- okay.

39

40 MR. VEACH: Exactly. And definitely
41 their concern was, again, you know -- I mean what really
42 led to this discussion was their concern was they would
43 like a fishing site defined. And they could see the
44 problems with the enforcement problems tied to where do
45 you start measuring the 100 feet from and so that's kind
46 of why they went to this language. You know, on the
47 surface it seems pretty straightforward but it is a
48 little bit tougher issue to wrestle with than it might
49 appear.

50

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1 CHAIRMAN LOHSE: Mr. Churchill.

2

3 MR. CHURCHILL: Thank you. Eric, and I
4 guess this is just application and since you know intent
5 because you helped draft the language. It becomes part
6 of the permit holder's bag limit when that fin is
7 removed, would that not be true?

8

9 MR. VEACH: Well, I'm not a law
10 enforcement officer and there might be some folks here
11 that could answer that question better. I guess the way
12 that I would look at it is when it's reduced to your
13 possession that's the point where you have control of
14 that fish and so I guess my -- you know, if I was asked
15 to interpret that, when that fish is clearly dead within
16 the box in a fishwheel, at that point I would consider
17 that reduced to possession.

18

19 MR. CHURCHILL: Well, yeah, you're right,
20 we could go round and round on this. But yeah, okay,
21 thank you.

22

23 CHAIRMAN LOHSE: Okay, are there any --
24 there you go.

25

26 MR. CHURCHILL: That will teach you to
27 wear that shirt.

28

29 (Laughter)

30

31 MR. BRYDEN: Jeff Bryden, lead law
32 enforcement officer, subsistence Chugach National Forest.
33 Actually I was looking at another problem with this.
34 Prior to removing the salmon from plain view part of the
35 regulation.

36

37 If you're fishing and it's a hot day and
38 you got a cooler, you throw your fish in the cooler,
39 throw some ice on it, put the lid down it's no longer in
40 plain view.

41

42 CHAIRMAN LOHSE: You better have your
43 fins cut off.

44

45 MR. BRYDEN: Uh-huh. So, you know, as
46 the proposal reads, if you're transporting it from your
47 fishwheel back to shore to cut off the fins and you got
48 it in a cooler, you're going to be in violation of it the
49 way it reads. Now, whether any officer would do anything
50 on it, I don't know, but this is the time that it might

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1 be easy to correct it by just taking that out.

2

3 CHAIRMAN LOHSE: Yeah. Okay, let's look
4 at it from an enforcement standpoint. The idea here is
5 that once they're concealed from view they can be hidden
6 from the enforcement officer. To me, if you threw them
7 in the cooler and didn't have the fins clipped off,
8 you're in violation of the way this sits and that's what
9 it should be because otherwise you just take your cooler
10 out to the fishwheel, throw them in the cooler, take that
11 cooler to shore set it someplace go get another one and
12 unless somebody wants to, they don't even know if you
13 have any fish.

14

15 I think that was the intention here. Was
16 that if you conceal them from view, they need to be
17 marked. But as long as they're out in the open they
18 don't need to be marked, you know, as long as they're at
19 the site out in the open. Do you see -- there's a
20 potential -- I can see what you're saying, there's a
21 potential for somebody to inadvertently conceal their
22 fish from view that weren't intending to not mark them.

23

24 MR. BRYDEN: Correct.

25

26 CHAIRMAN LOHSE: But our bigger problem
27 is people who intentionally conceal their fish from view
28 so they don't have to mark them so they don't have to
29 count them. And do you see where this would cause an
30 enforcement problem on the person who is trying to get
31 away with something or would it be an enforcement problem
32 where somebody might accidentally not read this and --
33 but there's the cooler?

34

35 MR. BRYDEN: I guess I don't -- if
36 somebody's going to mark them, I don't see them trying to
37 conceal them and hide them in the boat.

38

39 CHAIRMAN LOHSE: Yeah.

40

41 MR. BRYDEN: If they're going to conceal
42 them they're going to conceal them because they're trying
43 to get away with more fish.

44

45 CHAIRMAN LOHSE: Right.

46

47 MR. BRYDEN: They're not concealing them
48 just to get -- if they're going to mark them they're
49 going to be in the open, there's no reason to conceal
50 them and then hide them someplace on a boat.

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1 CHAIRMAN LOHSE: Right. Yeah. See
2 that's kind of what I see here, too.

3

4 MR. BRYDEN: Yeah, it just -- when you
5 start using the verbiage of plain view it's pretty
6 specific what plain view is, that's already been through
7 the courts.

8

9 CHAIRMAN LOHSE: Uh-huh.

10

11 MR. BRYDEN: And if you're covering it up
12 it's out of plain view.

13

14 CHAIRMAN LOHSE: So plain view is a
15 defined thing in the courts?

16

17 MR. BRYDEN: Uh-huh.

18

19 CHAIRMAN LOHSE: You throw a tarp over
20 the top of it it's not in plain view.

21

22 MR. BRYDEN: It's no longer in plain
23 view.

24

25 CHAIRMAN LOHSE: You throw your raincoat
26 over it it's not in plain view.

27

28 MR. BRYDEN: Not in plain view.

29

30 CHAIRMAN LOHSE: Good. So that's a
31 fairly definitive definition right there.

32

33 MR. BRYDEN: And what we're looking at is
34 this -- previous ones that have come up on this when we
35 were just looking for a way of on the fishwheels, I
36 guess, to get the fish from the fishwheel to shore so you
37 could cut the fins on a steady platform and don't cut
38 your hands and stuff is what we were talking about. So
39 I'm just trying to help clean it up, particularly when we
40 start talking about the Upper Cook Inlet and those areas
41 where you're trying to make it as one regulation
42 statewide understandable that we just kind of look at it
43 on that note.

44

45 CHAIRMAN LOHSE: Uh-huh. Well, how did
46 you say you would change this?

47

48 MR. BRYDEN: I'd take out -- I'd just, on
49 the proposal, just take out the prior to concealing the
50 salmon from plain view.

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1 CHAIRMAN LOHSE: You'd just say, remove
2 from the salmon prior to transporting the salmon from the
3 fishing site.

4
5 MR. BRYDEN: From the fishing site and
6 let the issue of fishing site -- it's the one we're
7 really working on anyways, is to give them a location
8 where they don't have to do it on an unsafe platform.

9
10 CHAIRMAN LOHSE: Uh-huh. If you did
11 that, would that make it easier if somebody was going --
12 I mean the way it is written now if somebody wants to
13 sneak the fish out automatically by sneaking a fish out,
14 they're in violation and you took that away they could
15 always just say that, well, I'm just taking it to shore,
16 I'm not transporting it from the fishing site yet or
17 something like that. I mean you don't see any problem
18 with removing it?

19
20 MR. BRYDEN: Well, if you find the fish
21 already concealed in the boat, they're already in
22 violation.

23
24 CHAIRMAN LOHSE: Oh, they are, even if
25 this is not part of the law?

26
27 MR. BRYDEN: Well, what would their
28 justification being of having the fish hidden in the boat
29 then?

30
31 CHAIRMAN LOHSE: Okay. Fred.

32
33 MR. ELVSAAS: In the State subsistence
34 fishery in Seldovia, we fish outside the bay and you put
35 the fish in the boat and we cover them with burlap to
36 keep them cool. Then when we go into the boat harbor we
37 cut the fins. Now, that's roughly a mile. It seems to
38 be accepted, everybody does it because outside bay it's
39 too sloppy to be sitting there cutting fish.

40
41 MR. BRYDEN: Uh-huh.

42
43 MR. ELVSAAS: And when we have westerly
44 winds, it's hard enough picking the nets let alone
45 trimming fins. But we've never had a problem with
46 anybody coming along saying, hey, these are hidden or
47 anything like that.

48
49 MR. BRYDEN: Yeah, I understand. Well,
50 think like on the Kenai fisheries, if you're out there

00227

1 and you don't cut the fins immediately and State comes up
2 on you they'll cite you and you're in the river and
3 there's hundreds of boats going up and down swamping you
4 every which way, too, and again we're trying to make it a
5 statewide deal is what you're kind of looking at here and
6 I'm looking on it there, if you got to cut them out there
7 and you're getting bounced by the all the other boats,
8 you know, Think a fishwheel's a lot more stable for me to
9 be cutting a fin off of than bouncing around in a boat
10 when all the other boats are trying to run me over. But
11 that's just something to look at.

12

13 But I'm just saying, with using the
14 verbiage of plain view, you know, that's what you're
15 doing, you're no longer in plain view if you're covering
16 it up.

17

18 CHAIRMAN LOHSE: Well, it's interesting
19 to me on this one here because this only applies to the
20 Upper Copper River district and most of the dipnetting
21 takes place in the Lower Copper River district.

22

23 MR. ELVSAAS: Oh.

24

25 CHAIRMAN LOHSE: Mr. Churchill.

26

27 MR. CHURCHILL: Yeah, I guess I'm still
28 -- if we're still looking at the functional definition of
29 immediately, we've got -- it says, before concealing the
30 salmon from plain view or transporting the salmon from
31 the fishing site. So it would mean to me that I could
32 certainly conceal it, where you'd nail me was the minute
33 I transported it from the fishing site. This doesn't
34 read to me, at least, like it precludes me from
35 concealing it. But if I do conceal it and remove it from
36 the fishing site then I got a problem because it's an or.
37 Can we do that? We can do an and/or so that it would
38 require both elements in order to be citable.

39

40 MR. BRYDEN: Well, if you had an or, then
41 you wouldn't need both.

42

43 CHAIRMAN LOHSE: Uh-huh.

44

45 MR. BRYDEN: Either one would make it the
46 violation.

47

48 MR. CHURCHILL: So do we combine them?

49

50 MS. WELLS: You have to use and.

00228

1 MR. CHURCHILL: Yeah.

2

3 MS. WELLS: Not or.

4

5 MR. CHURCHILL: What if we were to
6 combine them?

7

8 MR. BRYDEN: Sure.

9

10 CHAIRMAN LOHSE: Then there's no need to
11 have the first part.

12

13 MR. BRYDEN: Yeah.

14

15 CHAIRMAN LOHSE: If you combine them
16 there's absolutely no need to have the first part at all
17 because that's.....

18

19 MR. BRYDEN: I'm looking at however to
20 make this easiest for the subsistence fishermen to get
21 their fish to a location that they can get the fins off.
22 I mean that's kind of what you're looking at here and not
23 to violate any rules while they're doing it so nobody
24 bothers them. So however the easiest on that way so
25 people can get their fish.

26

27 CHAIRMAN LOHSE: I see what you're
28 saying, is that, somebody can take their cooler out to
29 the fishwheel and then throw them in the cooler and keep
30 them good while they're taking them back to the table.

31

32 MR. BRYDEN: Sure.

33

34 CHAIRMAN LOHSE: Yeah.

35

36 MR. BRYDEN: I mean the idea is to keep
37 your fish the best you can. You want to keep them cool
38 if you can.

39

40 CHAIRMAN LOHSE: Yeah.

41

42 MR. BRYDEN: And you just don't want
43 somebody coming up to you saying, well, it's no longer in
44 plain view, which technically it won't be in plain view
45 at that point.

46

47 CHAIRMAN LOHSE: Any other questions.

48

49 MR. ELVSAAS: It just brings an
50 interesting thing, if you have a cooler and you put 20

00229

1 fish in it, some are hidden.

2

3 (Laughter)

4

5 CHAIRMAN LOHSE: Even if you got the lid
6 open.

7

8 MR. ELVSAAS: Yeah, even with the lid
9 open.

10

11 CHAIRMAN LOHSE: Mr. Churchill.

12

13 MR. CHURCHILL: No. No, I'll wait for
14 discussion.

15

16 CHAIRMAN LOHSE: Okay. I saw Tom Taube
17 shake his head at something I said just before so Tom was
18 there something I said that was wrong that needs a
19 clarification?

20

21 MR. TAUBE: No, it's just more of a point
22 of clarification, that the Upper Copper River district
23 includes the Chitina and Glennallen subdistricts.

24

25 CHAIRMAN LOHSE: Okay.

26

27 MR. TAUBE: The Lower Copper River
28 district would probably be considered that but there is
29 no Lower Copper River district.

30

31 CHAIRMAN LOHSE: Okay, that means
32 subsistence on the Copper River Flats, okay. Okay, but
33 this is not a statewide proposal, this is a Copper River
34 proposal?

35

36 MR. TAUBE: Yes, that's correct, it's a
37 Copper River.

38

39 CHAIRMAN LOHSE: Okay. Any other Federal
40 agency that wishes to speak to it? I don't think we have
41 any advisory committees that were waiting to speak to it,
42 do we? In that case, let's go on to public comments. I
43 don't have any green slips in front of me on it. Was
44 there any public that wished to comment on this one?
45 With that, we'll go on to written public comments.

46

47 MS. WILKINSON: Mr. Chairman. Cordova
48 District Fishermen United supports this proposal. It
49 clarifies marking requirements and therefore will aide
50 enforcement. CDFU believes that the language reduced to

00230

1 possession is confusing and that its definition should be
2 clearly explained in the new regulation.

3

4 Copper River Native Association supports
5 the proposal to record the salmon prior to leaving the
6 harvesting site or removing from plain view within 100
7 foot radius.

8

9 The Wrangell-St. Elias National Park
10 Subsistence Resource Commission supports this proposal
11 with the modification of incorporating the definition of
12 a fishing site proposed by the State. Board of Fisheries
13 Proposal 28 reads:

14

15 Fishing site would be defined as the
16 specific location or area where the fish was removed from
17 the water and becomes part of the permit holder's bag
18 limit.

19

20 CHAIRMAN LOHSE: Okay. Regional Council
21 deliberation, a motion's in order to put it on the table.

22

23 MR. CHURCHILL: So moved.

24

25 CHAIRMAN LOHSE: Is there a second.

26

27 MR. ELVSAAS: Second.

28

29 CHAIRMAN LOHSE: It's been moved and
30 seconded to put Proposal 14 on the table.

31

32 MS. WELLS: Was it changed in any way?

33

34 CHAIRMAN LOHSE: We have to do that.
35 Proposal 14 -- unless were to put it on the table as
36 modified. It's on the table as written right now. So we
37 can modify it ourself, we can adopt the Staff
38 modification, we can combine SRC with what we feel is
39 right or we can put our own modification in to get across
40 what we think should be done or we could leave it exactly
41 the way it is. It's up to the rest of the Council.

42

43 Mr. Churchill.

44

45 MR. CHURCHILL: Yeah, the value that I
46 see in this is to clarify the immediately. Because
47 having some experience taking care of fish and game in
48 the field, that seems to be impractical and unreasonable.
49 There seems to be some sticking points about defining
50 site. But I'm inclined to go with the recommendation of

00231

1 the State definition is where I'm at right now but I'd
2 certainly like to hear from people that have more hands-
3 on experience with this fishery than I do.

4
5 CHAIRMAN LOHSE: Comments from anybody
6 else.

7
8 MS. WELLS: I would -- you know, I
9 haven't fished in the Copper River but in the Kenai when
10 I pull fish out of that net, I want to put them out away
11 from the sun and I often will throw a tarp or gunny sack
12 over them to keep them from getting sunburned. So
13 striking the language, concealing the fish from plain
14 view or would protect me from getting cited for hiding my
15 fish when, in fact, I'm trying to keep them fresher or
16 more edible.

17
18 CHAIRMAN LOHSE: I think, you know, the
19 sense that I get out of this and I may be wrong but I
20 think there was a need -- I think the makers of this
21 proposal saw a need to define immediately.

22
23 MS. WELLS: Uh-huh.

24
25 CHAIRMAN LOHSE: And whether we have it
26 from plain view or just prior to removing it from the
27 site would solve that problem and I don't have any
28 problem with either one of those. But I also think that --
29 I know from listening to people up there, one of the
30 things that they really are concerned about, especially
31 the older fishwheel users is what is the fishing site,
32 you know. And somehow or another, I guess if you can
33 define -- if you use the State's definition which is area
34 which is ambiguous, which is left up to interpretation
35 but you can have confidence that it will be used and
36 enforced in a reasonable manner and be basically aimed at
37 people who are trying to take fish away without doing the
38 job, not just people who are trying to do the job, I
39 could go along with that Board of Fish proposal or the
40 proposal that's before the Board of Fish.

41
42 I have a feeling that people up there
43 would like a more definitive definition. Something that
44 they could hang on to and say -- and I don't know if
45 anybody, whether the 100 foot was an arbitrary thing or
46 something like that but the idea that, you know, that
47 either they could walk across the plank to their
48 fishwheel and take them someplace and sit down with them
49 I think is pretty important. And, you know, I don't know
50 all the ins and outs, I know there's some fishwheels that

00232

1 have their cleaning tables quite a ways from the
2 fishwheel and some fishwheels have got their cleaning
3 tables just practically on top of it. So I don't know
4 how to define site, but I think site -- I think what
5 they're really looking at is they're looking for
6 something so that they know what the site is and not have
7 to guess whether the enforcement agent is going to say
8 okay you're within the site, you're out of the site,
9 you're, you know, I think you still got them in the area,
10 no, you don't have them in the area, they'd like to be
11 able to say, okay, I need to set something up to cut the
12 fins off within at least this distance from my fishwheel
13 so that I know that I'm, you know, I know that I can take
14 them from there and I can, at least take them this far
15 and nobody's going to jump on top of me. And I don't
16 know what that distance has to be and I know you could
17 say, well, the enforcement agent has to run around with a
18 tape measure, no, he doesn't. If they guy is doing it --
19 if you said 50 feet or 100 feet and the guy's doing it
20 110 feet from it, so what, he's doing it. But, I mean if
21 he's packing them up the hillside before he does it
22 that's a different story.

23

24 Now, I don't know how to do it but I
25 really have the feeling from up there that people would
26 like to have site defined in such a way that they can put
27 a handle on it and it wouldn't depend on somebody else's
28 interpretation.

29

30 I probably, for lack of a better thing,
31 would probably have support of the proposed regulation as
32 it was written simply because the Board is going to have
33 to wrestle with it. By that time the Board of Fish will
34 have wrestled with it and it will show that our intent is
35 to define both immediately and site, knowing that, you
36 know, we're not writing the regulation. The regulation
37 is going to be changed, it's going to be changed in light
38 of what happens at the State. But to me, what the
39 proposer of this regulation was intending to do, his
40 intent is something that's needed to do up there, which
41 is to define immediately for the sake of the people that
42 are doing it and to define site for the sake of the
43 people that are doing it. Whether this is a good
44 definition of immediately or whether this is a good
45 definition of site, there's going to be a lot of
46 wrestling on that. Whatever we decide on that is, you
47 know, is going to color it but it's not going to be the
48 final definition.

49

50 And for myself, I can support this a lot

00233

1 better if we leave some kind of definition of site in
2 that's a little ambiguous than the one that the State's
3 proposing. And I'm willing to go along with whatever the
4 rest of the Board thinks that can be. I really have no
5 problem with before prior to concealing or prior to
6 leaving the site. If you define site, then concealing
7 has no effect, then it's just prior to transporting from
8 the site, you know. And I could drop the concealing real
9 easy.

10

11 But to me, I think the two are tied
12 together.

13

14 Fred.

15

16 MR. ELVSAAS: I have a bit of a concern
17 here. When you're taking the fish, whether you're
18 dipnetting or fishwheel or whatever, you're handling the
19 fish. As you handle each fish are you going to record
20 each fish? See that's -- because then you're talking
21 about getting your permit all wet again and the problems
22 I have carrying it in the boat with me. I could see
23 after you get all the fish in the boat or shore or in the
24 cooler or whatever, to, just take a little bit of time
25 and record how many fish you got.

26

27 But you know, the immediate thing, again,
28 I don't record my fish, I don't cut my fish until I get
29 into harbor. So if we're looking at on the river, it may
30 be a little different but yet you're wet, your hands are
31 wet and, you know, who will be able to read this permit
32 after you get through recording the fish as you catch
33 them?

34

35 CHAIRMAN LOHSE: I think that's why this
36 proposal is sitting in front of us because that's a
37 recognized problem.

38

39 MR. ELVSAAS: Uh-huh.

40

41 CHAIRMAN LOHSE: And that's why they want
42 a definition on what immediately is and that's why they
43 want a definition on what site is. So that they have the
44 opportunity to clip the fins. They have the opportunity
45 to record it in a manner that doesn't break the law but
46 gives them the opportunity to do that in a manner that's,
47 you know, much easier to handle.

48

49 MS. WELLS: Well, they have it -- the
50 Proposal 28 actually has something that we could slip in

00234

1 there. Taking out the term immediately and going with
2 the prior, starting with the boldface, prior to
3 transporting the salmon from the specific location or
4 area where the fish was removed from the water and
5 becomes a part of the permit holder's bag limit. Defines
6 the site and the time.

7

8 CHAIRMAN LOHSE: Uh-huh.

9

10 MR. CHURCHILL: I believe that's where we
11 started.

12

13 CHAIRMAN LOHSE: Yep. But it doesn't
14 define what the site is. It just says the site or the
15 area and see that's -- I think that's part of the
16 confusion up there.

17

18 MS. WELLS: It says specific location or
19 area.

20

21 CHAIRMAN LOHSE: Yeah.

22

23 MS. WELLS: And becomes part of the bag
24 limit. So if I'm sitting on the bank of the Kenai River
25 and I've got fish right on the bank and I'm starting to
26 transport those up to the parking lot, I should have that
27 -- well, we have to do the coddle fin, we should have
28 that fin clipped.

29

30 CHAIRMAN LOHSE: I agree with you.

31

32 MS. WELLS: If not, haven't removed it
33 from the area actually.

34

35 MR. ELVSAAS: The clipping is one thing
36 but the recording, see, you got to do the paperwork.

37

38 MS. WELLS: Sure.

39

40 CHAIRMAN LOHSE: Yeah.

41

42 MS. WELLS: That's part of the job.

43 That's part of the privilege, I guess.

44

45 CHAIRMAN LOHSE: Okay, well, we have a
46 proposal before us. We either need to modify it or vote
47 on it the way it is written or vote it down. Do I have
48 any motions to modify?

49

50 MS. WELLS: What is the motion that we

00235

1 have in front of us right now?

2

3 CHAIRMAN LOHSE: Proposed regulation, a
4 permit holder must record on the appropriate form all
5 salmon taken immediately after landing the salmon.
6 Immediately means prior to removing the salmon from the
7 harvest site or prior to removing the salmon from plain
8 view. The harvest site is the area within a 100 feet
9 radius from the place where the salmon are reduced to
10 possession. You may not possess salmon taken under the
11 authority of the Upper Copper River district subsistence
12 fishing permit unless the anal or ventral fin has been
13 immediately removed from the salmon. Immediately means
14 prior to removing the salmon from the harvest site or
15 prior to removing the salmon from plain view. The
16 harvest site is the area within a 100 foot radius from
17 the place where the salmon are reduced to possession.

18

19 Staff recommendation is to drop
20 immediately after landing and just say, a permit holder
21 must record on the appropriate form all salmon taken
22 prior to concealing the salmon from plain view or
23 transporting the salmon from the fishing site and you may
24 not possess salmon taken under the authority of the Upper
25 Copper River district subsistence fishing permit unless
26 the anal or ventral fin has been removed from the salmon
27 prior to removing the salmon from plain view or
28 transporting the salmon from the fishing site.

29

30 Some suggestions have been that we drop
31 prior to concealing the salmon from plain view out of
32 both of those.

33

34 Another suggestion has been that we add
35 the definition of the proposed language of the State for
36 defining the fishing site.

37

38 So those are all options that we have.

39

40 As it stands right now we would be voting
41 on the proposed regulation as written.

42

43 Fred.

44

45 MR. ELVSAAS: Recognizing this, we're
46 talking about the Copper River now and these fishing
47 sites and so forth are stationary, they're not mobile.

48

49 CHAIRMAN LOHSE: Some of them. You have
50 to remember we have two fisheries going on here, one is a

00236

1 dipnet fishery, the other is a fishwheel fishery.

2

3 MR. ELVSAAS: But the dipnet fishery,
4 don't most people stay in one place and dipnet or do they
5 move back and forth?

6

7 CHAIRMAN LOHSE: They can move back and
8 forth, they can move up and down. They can go from one
9 place on the river to the other. They wade way out into
10 the river, they catch their fish, they walk to shore.
11 Some places they pull them up the bank with a rope. And
12 some places they catch their fish and they pile them all
13 on a rock and then they pull them up the bank with a
14 basket on a rope. I mean and you see people standing in
15 the Copper River in water up to here and you see other
16 people hanging off the bank with a rope dipping off of a
17 cliff. So I mean you've got every kind of situation you
18 could imagine out there including some of them that you
19 don't know how the people survive.

20

21 Susan.

22

23 MS. WELLS: And eventually I think the
24 State will have -- if this is going to blanket the state,
25 in the Kenai we can dipnet out of our skiffs going up and
26 down the Kenai.

27

28 CHAIRMAN LOHSE: They do that right now
29 in the Copper also. They float down the Copper and hold
30 dipnet over the side and you see six people on one side
31 of the skiff all holding a dipnet in the water and the
32 skiff's going down the water like this and you wonder,
33 all somebody's got to do is breath wrong and the skiff's
34 going to go like that. I've always wondered how they
35 catch fish that way. But anyhow.....

36

37 MR. ELVSAAS: Mr. Chairman.

38

39 CHAIRMAN LOHSE: Fred.

40

41 MR. ELVSAAS: In Proposal 14 now, the
42 first part of it talks about recording but in the Staff
43 recommendation they're talking about marking the fish.

44

45 CHAIRMAN LOHSE: They're both there.
46 This is a double proposal, one is to record, the other is
47 to mark.

48

49 MR. ELVSAAS: Okay.

50

00237

1 MS. WELLS: Uh-huh.

2

3 CHAIRMAN LOHSE: Those are both
4 requirements on the Copper River, you have to record it
5 and you have to mark it.

6

7 I would imagine from protection
8 standpoint, if you were in a boat, the fishing site
9 becomes the boat. So basically what you would be saying
10 is prior to removing it from the boat if that's the
11 fishing site.

12

13 It's up to the rest of the Council. If
14 you don't want to -- you know, basically if we put this
15 proposal forward as it is, what we're saying to the Board
16 is we recognize the need to define immediately and we
17 recognize the need to define site and this is the best
18 that we can do at this point and time.

19

20 MS. WELLS: So moved then.

21

22 MR. CHURCHILL: It's already on the
23 table.

24

25 MS. WELLS: Okay.

26

27 CHAIRMAN LOHSE: It's already on the
28 table.

29

30 MS. WELLS: Call the question.

31

32 CHAIRMAN LOHSE: And so if somebody
33 doesn't modify it, I'm going to call the question.

34

35 MR. ELVSAAS: Well, in looking at this, I
36 really think for our purposes, the Staff recommendation
37 is a better proposal.

38

39 CHAIRMAN LOHSE: Then.....

40

41 MR. ELVSAAS: So I would move to amend
42 the proposal to the Staff recommendation.

43

44 MR. CHURCHILL: Are you offering that as
45 a friendly amendment -- I'll accept it as a friendly
46 amendment.

47

48 MR. ELVSAAS: Okay.

49

50 MR. CHURCHILL: Does the second?

00238

1 MR. ELVSAAS: (Nods affirmatively)

2

3 CHAIRMAN LOHSE: It's been moved and
4 seconded to amend the proposal in accordance with the
5 Staff recommendation. Do I hear any discussion on that?

6

7 MR. ELVSAAS: Question.

8

9 CHAIRMAN LOHSE: Question's been called
10 on the amendment, all in favor signify by saying aye.

11

12 IN UNISON: Aye.

13

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

16

17 (No opposing votes)

18

19 CHAIRMAN LOHSE: Now, we are voting on
20 this proposal as modified by the Staff, the Staff
21 recommendation. Now, you could still add another
22 amendment if you want, if you want to incorporate.....

23

24 MR. CHURCHILL: Point of order. If I
25 understand what we did correctly, it is Fred offered a
26 friendly amendment to the original and so it became part
27 of that proposal and I think we're okay.

28

29 MR. ELVSAAS: That's the original one
30 already.

31

32 MR. CHURCHILL: I think we're okay. I'm
33 not -- Ann, would have to correct us.

34

35 CHAIRMAN LOHSE: Wait a second, I lost
36 that. Now, the original proposal.....

37

38 MR. CHURCHILL: I put the proposed reg on
39 the table.

40

41 CHAIRMAN LOHSE: That's the proposed
42 regulation, right?

43

44 MR. CHURCHILL: Yeah. And Fred offered a
45 friendly amendment which I accepted.

46

47 CHAIRMAN LOHSE: Okay. So we don't need
48 to vote is what you're saying?

49

50 MR. CHURCHILL: Right.

00239

1 MR. ELVSAAS: Don't have to vote, that's
2 it.

3
4 CHAIRMAN LOHSE: Okay. So what we're
5 sitting with right now is we're sitting with the
6 modification as put forth by the Staff?

7
8 MR. ELVSAAS: That's right.

9
10 MS. WELLS: That we voted on.

11
12 MR. CHURCHILL: I don't believe we need
13 to.....

14
15 CHAIRMAN LOHSE: We didn't need to vote
16 on it.

17
18 MR. CHURCHILL:I don't think we
19 have to.

20
21 MR. ELVSAAS: We just approved it.

22
23 CHAIRMAN LOHSE: Okay.

24
25 MS. WELLS: Mr. Chairman.....

26
27 MR. CHURCHILL: We have actually passed
28 it, I think.

29
30 CHAIRMAN LOHSE: We've actually passed
31 it.

32
33 MR. CHURCHILL: It's scary.....

34
35 CHAIRMAN LOHSE: We're done.

36
37 MR. CHURCHILL:but we have, yeah.
38 Yeah.

39
40 CHAIRMAN LOHSE: Okay, we're done.

41
42 MR. CHURCHILL: Can we go home now?

43
44 MR. ELVSAAS: Unless you want to vote for
45 the amendment twice.

46
47 CHAIRMAN LOHSE: No. No. So we don't
48 have to vote on the amended proposal, by voting on that
49 we were voting on the proposal, not the amended --
50 amended -- okay, good. We're going to take a break and

00240

1 then I have a couple people who are not going to be here
2 tomorrow that I'd like to give the opportunity to speak
3 before -- oops, Larry, you got something to tell us?

4

5 MR. ELVSAAS: If I speak now could I go
6 home, too.

7

8 CHAIRMAN LOHSE: Larry.

9

10 MR. BUKLIS: Mr. Chairman, just for the
11 record so that it's very clear to me when we take this
12 forward to the next step, I want to completely understand
13 for the record what it is the Council approved. So if
14 you could just reference the document, did you approve
15 the language as appears in the bottom of 177, top of 178
16 as written and, if yes, do you realize that does not try
17 to define the fishing site?

18

19 CHAIRMAN LOHSE: We realize that.

20

21 MR. BUKLIS: Thank you.

22

23 MR. ELVSAAS: That's what we did.

24

25 CHAIRMAN LOHSE: That's what we did.

26

27 MR. BUKLIS: That's what I understood,
28 thank you. Okay, yeah, that's exactly what we did.

29

30 MR. CHURCHILL: Are we on break now?

31

32 CHAIRMAN LOHSE: Uh?

33

34 MR. CHURCHILL: Are we on break?

35

36 CHAIRMAN LOHSE: We're on break now for
37 five minutes and then I want to -- the people who have to
38 leave tomorrow that would like to speak right now, if you
39 could come up and talk to me for a minute.

40

41 (Off record)

42

43 (On record)

44

45 CHAIRMAN LOHSE: With the concurrence of
46 the prevailing side, which is all of us, we're going to
47 put that last motion back on the table so we can clear it
48 up without any confusion. Some of us thought we were voting
49 on the amendment, some of us thought we were voting on
50 the whole proposal.

00241

1 So we had an amendment in front of us, we
2 voted on -- some of us didn't understand what friendly
3 amendment meant, we voted on the amendment to the
4 proposal, we will revote on the amendment to the proposal
5 and then we'll have the amended proposal before us and
6 then there'll be an opportunity if anybody wants to add
7 to that and then we'll vote on the motion as amended.

8

9 So we have an amendment in front of us,
10 we'll call it a friendly amendment is to substitute the
11 Staff recommendation language for the proposal in front
12 of us, right?

13

14 MR. CHURCHILL: I think we actually need
15 a formal motion to do that, sir.

16

17 CHAIRMAN LOHSE: Okay. Do I have a
18 formal motion to do that?

19

20 MR. ELVSAAS: To reconsider?

21

22 CHAIRMAN LOHSE: Yeah, reconsider, that'd
23 be a very good one.

24

25 MR. ELVSAAS: Yeah, I would move to
26 reconsider the previous motion.

27

28 CHAIRMAN LOHSE: Okay. Do I hear a
29 second.

30

31 MS. WELLS: Second.

32

33 CHAIRMAN LOHSE: It's been moved and
34 seconded to reconsider. Now, we need a vote on the
35 reconsider.

36

37 MR. ELVSAAS: Question.

38

39 CHAIRMAN LOHSE: Question's been called
40 on the motion to reconsider, all in favor signify by
41 saying aye.

42

43 IN UNISON: Aye.

44

45 CHAIRMAN LOHSE: All opposed signify by
46 saying nay.

47

48 (No opposing votes)

49

50 CHAIRMAN LOHSE: Motion carries. Now,

00242

1 does the amendment still stand or do we need to remake
2 the amendment.

3

4 MR. ELVSAAS: The previous vote stands
5 but if you wish to amend it at this point you can. We're
6 just reconsidering what we did.

7

8 CHAIRMAN LOHSE: Mr. Churchill.

9

10 MR. CHURCHILL: If I'm correct and I
11 absolutely agree, what's been brought up to be
12 reconsidered is the language that we previously passed
13 which would be the language contained on Page 173 under
14 Staff recommendations, which is now back up for
15 consideration and my understanding possible amendment.

16

17 CHAIRMAN LOHSE: Okay. Okay, so the
18 language that's standing right now, is there a motion to
19 amend that language? Mr. Vice-Chair, will you take the
20 Chair so that I can put an amendment on the table?

21

22 MR. ELVSAAS: Yes, I will.

23

24 (Laughter)

25

26 MR. ELVSAAS: I'll take it home and this
27 meeting's over.

28

29 (Laughter)

30

31 MR. ELVSAAS: I will do that for the
32 purpose of this proposal.

33

34 CHAIRMAN LOHSE: Okay. I will explain a
35 little why I am doing this. I really feel that the
36 makers of this proposal feel that a definition of the
37 site is very, very important. While I don't have any
38 definitive answer for how to define the site, at this
39 point in time I am going to define the site. I'll define
40 the area as within 50 feet of where the fish is taken out
41 of the water. And I would like to make an amendment to
42 add that to the proposal. I will read the proposal as --
43 I lost my page real quick -- as I would right it then.

44

45 And that is, you know, recognizing that
46 it will probably be changed and there'll be much
47 discussion on it but I feel that the discussion is
48 important because I really feel that that was really one
49 of the central pieces of the original proposal.

50

00243

1 A permit holder must record on the
2 appropriate form all salmon taken prior to concealing the
3 salmon from plain view or transporting the salmon more
4 than 50 feet from the place taken from the water.

5
6 MR. ELVSAAS: That's your amendment?

7
8 CHAIRMAN LOHSE: That would be my
9 amendment on that one. And you may not possess salmon
10 taken under the authority of an Upper Copper River
11 district subsistence fishing permit unless the anal
12 ventral fin has been removed from the salmon prior to
13 concealing the salmon from plain view or transporting the
14 salmon more than 50 feet from the place it was taken out
15 of the water.

16
17 MR. ELVSAAS: And that's your....

18
19 CHAIRMAN LOHSE: That would be my
20 amendment.

21
22 MR. ELVSAAS: Okay. The two amendments
23 are within the single proposal so we can handle it as one
24 if you wish. I just have to ask, do you feel 50 feet is
25 appropriate? I see where it says 100 feet in other....

26
27 CHAIRMAN LOHSE: What I'm recognizing is
28 that the 100 feet was an arbitrary number, the 50 feet is
29 an arbitrary number, I think the Board and the people at
30 the meeting are going to have to wrestle with that. 50
31 feet will get anybody from a fishwheel to shore. They
32 can set up a little table, take care of their fish there.
33 It will at least give -- you know, I don't expect the
34 Fish and Game to sit down with a tape measure and say,
35 ah, you're 51 and a half feet, you're illegal or you
36 could have gone another seven feet, you're only 42 feet.
37 I think 50 feet is sufficient.

38
39 MR. ELVSAAS: I'm sorry, did you move
40 this?

41
42 CHAIRMAN LOHSE: I moved this, I made
43 this as a motion.

44
45 MR. ELVSAAS: Oh, did we get a second?

46
47 MR. CHURCHILL: I'll second it.

48
49 MR. ELVSAAS: Okay, now, we're discussing
50 before the second, I didn't realize there was a motion.

00244

1 CHAIRMAN LOHSE: Yeah, it was a motion.

2

3 MR. ELVSAAS: Okay, now, it's moved and
4 seconded and you've had your chance to speak.

5

6 (Laughter)

7

8 CHAIRMAN LOHSE: Okay, I'm done.

9

10 MR. ELVSAAS: Bob.

11

12 MR. CHURCHILL: No, I'm clear on what's
13 being amended.

14

15 MR. ELVSAAS: Susan.

16

17 MS. WELLS: I have it.

18

19 MR. ELVSAAS: It's clear as mud to me.
20 Do I hear a question?

21

22 MR. CHURCHILL: Well, I....

23

24 MR. ELVSAAS: Oh, you have....

25

26 MR. CHURCHILL: I guess just for the
27 record, as long as the motion is on the table. It's my
28 understanding that the 50 feet is just a starting point
29 and put in for purposes of clarification and to generate
30 discussion with other RACs and at the Board level. So
31 with that clarification I'm ready to have the question
32 called.

33

34 CHAIRMAN LOHSE: I will say as the maker
35 of the motion that that definitely is the reason for the
36 50 feet. It's just an arbitrary number picked to give us
37 a starting point.

38

39 MR. CHURCHILL: Call the question.

40

41 MR. ELVSAAS: Question's been called.
42 All in favor say aye.

43

44 IN UNISON: Aye.

45

46 MR. ELVSAAS: Opposed, same sign.

47

48 (No opposing votes)

49

50 MR. ELVSAAS: Motion passes.

00245

1 MR. CHURCHILL: Can we take another break
2 then?

3
4 (Laughter)

5
6 MR. ELVSAAS: No, I'll just take my
7 Chair, he gave it to me.

8
9 (Laughter)

10
11 CHAIRMAN LOHSE: Do I get the Chair back?

12
13 MR. ELVSAAS: Yes, Mr. Chairman, you can
14 have the Chair back.

15
16 CHAIRMAN LOHSE: Okay. We're going to
17 allow Sean Palmer real quickly to fill us in with a
18 little information. That will be our break.....

19
20 MS. WILKINSON: Mr. Chairman.

21
22 CHAIRMAN LOHSE: Yes, Ann.

23
24 MS. WILKINSON: You voted on the
25 amendment and now you have to vote on the main motion
26 again.

27
28 CHAIRMAN LOHSE: Oh, we're back to that
29 point. Sorry Sean.

30
31 MS. WELLS: Just stay there.

32
33 CHAIRMAN LOHSE: We voted on the
34 amendment. Now, can he give me the Chair back and then
35 we can -- okay, we have an amended motion before us, all
36 in the favor of the motion as amended signify by saying
37 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: The motion, as amended
47 carries. Now, that should be a pretty clear record,
48 shouldn't it though?

49
50 MR. CHURCHILL: It would seem so.

00246

1 MR. ELVSAAS: Track that.

2

3 MS. WELLS: She has to look at us and

4 nod.

5

6 CHAIRMAN LOHSE: Is it okay? Okay.

7 Sean.

8

9 MR. PALMER: Mr. Chairman, Council

10 members. I first want to thank you for letting me speak

11 early. I have to head out on the evening plane. My

12 wife's making me run a marathon and as you know I'd

13 probably rather be here tomorrow. But with that said,

14 for the record my name is Sean Palmer. I work for the

15 Alaska Department of Fish and Game, Commercial Fisheries

16 Division. I am the regional research and developmental

17 biologist for Cook Inlet and Prince William Sound. This

18 is my first Regional Advisory Council meeting so please

19 bear with me. I gave you all a report, the 2002

20 preliminary commercial salmon harvest for Cook Inlet and

21 Prince William Sound. And for the public behind me and

22 other agency members there are copies on the table.

23

24 I assume you've all read through it.

25 It's pretty self-explanatory. I just wanted to hit some

26 highlights, some high points in the data. Specifically,

27 the subsistence for Upper Cook Inlet, the sportfish PU,

28 educational and subsistence harvested sockeye salmon was

29 506,000 fish and that's for Upper Cook Inlet. And I'm

30 going to try to tease apart those numbers for you

31 according to the area management biologist. Evidently

32 200,000 of that was dipnet and 200,000 of that number was

33 sportfish caught in the Kenai River and 50,000 of that

34 number was personal use in the Kasilof and 50,000 of that

35 was sportfish in the Kasilof. So that leaves us with

36 6,000 fish. So between two and 6,000 fish were harvested

37 for subsistence in both Tyonek and the Yetna Rivers.

38

39 I have three areas, Cook Inlet, Upper Cook

40 Inlet -- excuse me, Cook Inlet which consists of Upper

41 Cook Inlet and Lower Cook Inlet and then I have Prince

42 William Sound to speak to so if you have any questions

43 regarding the data in the tables or the comments that I

44 made on Page 2 I'll take those now for Upper Cook Inlet.

45

46 I'll just let you know that most sockeye

47 escapement goals were met or exceeded with the exception

48 of the Yetna River which is a goal of 90,000 fish and

49 78,000 returned.

50

00247

1 And if there are no questions I'll go
2 right down to Lower Cook Inlet. Yes.

3

4 MR. ELVSAAS: Mr. Chairman, I notice in
5 these Seldovia subsistence harvests of 97 kings, I wonder
6 if that's a complete on all the returns. Because I know
7 personally there's more than 97 kings that were taken.

8

9 MR. PALMER: Yeah. Mr. Chairman, and
10 Council members this is preliminary numbers. And it
11 seems that the subsistence harvest numbers that come in
12 are always late and so this is what we have in. As the
13 numbers firm up and as the season progresses I'm happy to
14 give you final numbers for the 2002 season.

15

16 MR. ELVSAAS: Thank you.

17

18 CHAIRMAN LOHSE: Susan.

19

20 MS. WELLS: I overheard you speaking
21 earlier with the Chair and I would ask that you give us
22 the five year trend in your reports. That would really
23 helpful.

24

25 MR. PALMER: Mr. Chair and Council
26 members, I did hear that from you earlier and I was going
27 off the old template by my predecessor so I will be happy
28 to do that for you in the future.

29

30 And then for the subsistence -- you
31 covered -- we talked about Seldovia and the Lower Cook
32 Inlet. For subsistence in Port Graham and Nanwalek, the
33 other two areas in the Lower Cook Inlet area, they use
34 catch calendars and those have not been reported yet so I
35 don't have any information in regards to those two areas.

36

37 And for subsistence for Prince William
38 Sound, for the Copper River Delta there were 366
39 subsistence permits issued, 355 of them coming from the
40 Copper and Bering Rivers, with the remaining 11 permits
41 for Prince William Sound. And I'm no expert but the
42 local buzz or the hearsay is that subsistence fishing was
43 fair to good, however catch results don't have to be
44 submitted until October 31st with an added two week grace
45 period putting us into November. So again, I will
46 provide you with those firm numbers as the harvest
47 numbers come in.

48

49 MR. ELVSAAS: I have one more.

50

00248

1 CHAIRMAN LOHSE: Fred.

2

3 MR. ELVSAAS: I don't see the personal
4 use catch for Kachemak Bay, that's different than
5 subsistence.

6

7 MR. PALMER: It is. And I do not have
8 that information right now.

9

10 MR. ELVSAAS: Okay, thanks.

11

12 CHAIRMAN LOHSE: So a lot of that
13 information has delay, it doesn't have to be in at this
14 point in time yet?

15

16 MR. PALMER: That is correct.

17

18 CHAIRMAN LOHSE: Yeah.

19

20 MR. PALMER: So these are preliminary by
21 all means. However, it gives us an idea of what's going
22 on and had I provided you with the five year average,
23 which I will do in the future, we can kind of see trends
24 that are occurring.

25

26 CHAIRMAN LOHSE: That's why I think the
27 five year average would be handy because it will show
28 trends. Even if you weren't sure what happened for this
29 year you'd see what's -- you know, you'd see how things
30 have been progressing, how things are going.

31

32 MR. PALMER: Okay. And just a question
33 for the Chairman and the rest of the Council, what
34 information would you like to see in the future as it
35 pertains to hatchery production, escapement goals, brood
36 stock and cost recovery?

37

38 CHAIRMAN LOHSE: Well, that's a good one.
39 I'll have to do some thinking on that one. It would be
40 interesting -- have you got.....

41

42 MR. PALMER: I do have some of the
43 information at my fingertips.

44

45 CHAIRMAN LOHSE: You've got some hatchery
46 cost recovery built into this one right here. It would
47 be interesting to see what, you know, what the
48 contribution -- estimated hatchery contributions were to
49 the fisheries. That would kind of define wild stock
50 versus hatchery stock.

00249

1 MR. PALMER: Yeah, I can certainly
2 provide that.

3
4 CHAIRMAN LOHSE: And then when you're
5 doing Prince William Sound, probably Prince William Sound
6 is Copper River, too -- or Copper River Sound there, in
7 that it would be nice to have an estimate of, you know,
8 as close an estimate as can be done on, you know, on
9 subsistence catch and sport catch, too. And at least the
10 backtrack for the last four or five years, you know, so
11 we could see if there's much change in any of those
12 fisheries.

13
14 I don't think that you have definitive
15 data yet on the subsistence catch, personal use catch or
16 sport catch but I know you have last years data.

17
18 MR. PALMER: Right. And the years before
19 that.

20
21 CHAIRMAN LOHSE: And the years before
22 that. And then possibly an estimate of what happened
23 this year, you know, whether it looks like it's going to
24 be strong or less, more, you know, that type of thing.

25
26 Anybody else have anything they would
27 like to see? Mr. Churchill.

28
29 MR. CHURCHILL: Not so much what I'd like
30 to see but just, as far as these documents I assume a
31 number of them that you created are just electronic
32 documents?

33
34 MR. PALMER: Correct.

35
36 MR. CHURCHILL: Is it possible to have
37 you send them to us as data files?

38
39 MR. PALMER: (Nods affirmatively)

40
41 MR. CHURCHILL: What's the best number to
42 get a hold of you on?

43
44 MR. PALMER: 267-2211.

45
46 MR. CHURCHILL: I'm sorry, 267.....

47
48 MR. PALMER: 2211.

49
50 MR. CHURCHILL: Thank you.

00250

1 CHAIRMAN LOHSE: Thank you. Any other
2 questions for Sean. Thank you. Have a good trip.

3

4 MR. CHURCHILL: Good luck.....

5

6 MR. PALMER: Thank you, Mr. Chairman, and
7 Council.

8

9 CHAIRMAN LOHSE: Or maybe not have a good
10 trip.

11

12 (Laughter)

13

14 MR. PALMER: Thank you.

15

16 CHAIRMAN LOHSE: The last thing we'd want
17 you to do is trip.

18

19 (Laughter)

20

21 CHAIRMAN LOHSE: Okay, with that we're
22 going on to Proposal 15. Now, let's see if you guys can
23 keep from getting so hung up.

24

25 (Laughter)

26

27 MR. CHURCHILL: You guys?

28

29 CHAIRMAN LOHSE: Yeah.

30

31 (Laughter)

32

33 CHAIRMAN LOHSE: Well, Susan's always
34 very clear.

35

36 (Laughter)

37

38 CHAIRMAN LOHSE: Okay, Proposal 15.

39 Larry.

40

41 MR. BUKLIS: Mr. Chairman. Larry Buklis,
42 fishery biologist, Office of Subsistence Management. As
43 you look at your agenda, Proposal 15 is next but there's
44 an aspect of that that sort of relates to Proposal 18 and
45 I'd recommend that you consider taking up 15 after we've
46 worked through 18. So maybe putting that aside for now
47 and moving on to 16, then 18 and then going back to 15.

48

49 CHAIRMAN LOHSE: If that's okay with the
50 rest of the Council, we can sure do that if you feel that

00251

1 that makes better sense we definitely can do that. So
2 we'll go on to 16 then.

3

4 MR. BUKLIS: Thank you, Mr. Chairman.

5

6 CHAIRMAN LOHSE: Nobody in the rest of
7 the Council said no so I took that -- I didn't wait for
8 them to say yes. We're going to go on to 16.

9

10 MR. BUKLIS: The analysis for Proposal
11 No. 16 is on Page 193.

12

13 Proposal 16 is for the Upper Copper River
14 district and it was submitted by the Subsistence
15 Resource Commission for Wrangell-St. Elias National Park
16 and Preserve. The requested regulation would set a
17 harvest limit of five chinook salmon taken by rod and
18 reel. This would be in addition to the current limit of
19 five if taken by dipnet. Federal regulations for the
20 Upper Copper River district, which includes the
21 Glennallen and Chitina subdistrict allow use of
22 fishwheels, dipnets or rod and reel gear for the take of
23 salmon. So Federal regulations, fishwheel, dipnet or rod
24 and reel.

25

26 As the Federal regulations currently
27 read, there is no harvest limit specific to chinook
28 salmon if taken by rod and reel other than the overall
29 household salmon harvest limit. This was presumably an
30 oversight when the Federal subsistence fishing
31 regulations were initially developed from State
32 regulations. Rod and reel was added as an allowable gear
33 but the chinook harvest limit them in place for dipnet
34 was not extended to include the rod and reel gear. The
35 highly turbid mainstem Copper River does not lend itself
36 to harvesting chinook salmon with rod and reel except
37 perhaps in a few locations near miles of tributary
38 spawning streams.

39

40 The subsistence fishery targets sockeye
41 salmon. Any chinook salmon taken by fishwheel may be
42 retained since fish are typically dead when retrieved by
43 fishers by the above water holding boxes that are used on
44 these fishwheels. Households take by dipnet, however, is
45 limited to five chinook. Since this level of household
46 harvest has met subsistence needs and fish captured by
47 dipnet are capable of survival after being released.

48

49 Escapement information on chinook salmon
50 in the Copper River drainage has been primarily collected

00252

1 by aerial surveys of spawning areas. Work is under way
2 to improve escapement assessment for chinook. Results
3 for a radio-tagging study in 1999 and 2000 indicated that
4 chinook was below the low end of the newly established
5 biological escapement goal.

6

7 There isn't sufficient justification to
8 increase the total harvest limit above five chinook in
9 the subsistence fishery with gear from which catch can
10 reasonably be controlled.

11

12 Under State regulations household limits
13 on take of chinook by dipnet are five in the Glennallen
14 subdistrict and only one in the Chitina subdistrict.
15 State regulations do not allow the use of rod and reel
16 for subsistence take of salmon in this area.

17

18 Data from prior to and after initiation
19 of the dipnet harvest limit in 1991 indicate than overall
20 limit of five chinook by dipnet or rod and reel in
21 combination should be adequate to maintain subsistence
22 use levels. If additional chinook harvest opportunity is
23 required to meet subsistence needs, then that issue
24 should be taken up more directly on its own merits. If
25 such a need does exist and the stocks could sustain a
26 household harvest limit of 10 chinook, it would be more
27 appropriate to allow the larger limit to be taken by
28 dipnet or rod and reel in combination without imposing
29 the requirement that half be taken by rod and reel.

30

31 The analysis recommends modification to
32 include chinook taken by rod and reel within the existing
33 harvest limit of five chinook taken by dipnet. This
34 would preclude future conservation impacts. Subsistence
35 opportunity is not being reduced from the status quo with
36 this modification in a practical sense since rod and reel
37 is not presently being used to any significant extent for
38 take of chinook in the mainstem of the Copper River.

39

40 The proposed regulation as modified
41 appears on Page 197. I won't read through it all. I
42 would just emphasize the recurrent use of the phrase no
43 more than five chinook if taken in combination by dipnet
44 and rod and reel throughout the modified proposed
45 regulation.

46

47 Thank you, Mr. Chairman.

48

49 CHAIRMAN LOHSE: Thank you, Larry.

50 Larry, this has nothing to do with sportfishing

00253

1 regulations, right?

2

3 MR. BUKLIS: That's correct. It does not
4 address sportfishing regulations. It's subsistence use
5 taken by rod and reel which the Federal program allows
6 and the State program does not recognize in this area.

7

8 CHAIRMAN LOHSE: If a subsistence user
9 with a subsistence permit and a sportfishing permit takes
10 a chinook salmon in the Copper River with rod and reel,
11 is it a subsistence salmon or a sportfishing salmon?

12

13 MR. BUKLIS: My understanding of the
14 regulations is that the limits are not additive. So
15 whatever the user calls it it's not additive.

16

17 CHAIRMAN LOHSE: Okay.

18

19 MR. BUKLIS: And I believe the five
20 limit, if this was adopted as proposed -- as modified,
21 would have a limit of five chinook if taken by rod and
22 reel for subsistence, that's larger than the sport limit.
23 So they could have a larger limit under subsistence than
24 under sport regs. They could take some of their fish in
25 each type of fishery but the limits wouldn't be additive.
26 You can't add your sport bag limit to your subsistence
27 rod and reel use limit to get a new total.

28

29 CHAIRMAN LOHSE: Well, wait a second.
30 They're not additive but they don't cancel each other out
31 either do they? If the subsistence limit is five, the
32 current sport limit is two? Four. Current sportfish
33 limit is four and I decided to go fishing on the Copper
34 River with my rod and reel and I had a sport limit of
35 four and a subsistence limit of five, could I go out and
36 take my subsistence limit of five today and go out and
37 take my sport limit of four tomorrow?

38

39 MR. BUKLIS: Mr. Chairman, I do not
40 believe so. But the subsistence fishery for salmon is in
41 the mainstem of the Copper River, in the Upper Copper
42 River district. The person you're describing would be
43 free, I believe, to pursue sportfishing opportunities
44 outside the Upper Copper River salmon fishery. So they
45 could go, for example, to a tributary stream and
46 sportfish and operate under those limits in that place.
47 We're talking about the Upper Copper River district,
48 which is the mainstem only.

49

50 CHAIRMAN LOHSE: I realize that. Susan.

00254

1 MS. WELLS: From that explanation I
2 could, if I was that person, I would have nine chinook?

3

4 MR. BUKLIS: My response was no, you
5 can't add your limits under the two fisheries to get a
6 new total limit. You can pursue your five, if it was
7 passed as modified here, you'd have a limit of five by
8 rod and reel. You could also, independently pursue your
9 limit of four in a sportfishery, but you can't pursue a
10 total of nine between the two fisheries. The limits, you
11 can't add your limits to a new total limit. You're
12 constrained to the larger limit of the two.

13

14 CHAIRMAN LOHSE: But -- go ahead, Susan.

15

16 MS. WELLS: But I just heard you say that
17 I could go and, whether I'm using a dipnet or a rod and
18 reel, I could get five subsistence fish in the larger
19 portion of that river, okay?

20

21 MR. BUKLIS: As I understand the State
22 sportfishery in comparison to the Federal subsistence
23 fishery, in the mainstem Copper River, which is the Upper
24 Copper River district, if this proposal was adopted as
25 modified, you could pursue harvest or take of five
26 chinook by dipnet or five chinook by rod and reel as a
27 subsistence fisher if you're Federally-qualified.

28

29 MS. WELLS: Uh-huh.

30

31 CHAIRMAN LOHSE: Right.

32

33 MR. BUKLIS: If that Federally-qualified
34 subsistence fisher is also pursuing sport opportunities
35 in the mainstem Copper River and they take a few chinook
36 salmon, what I'm saying those chinook taken under sport
37 opportunity in that place can't be added on top of their
38 subsistence take to a new total. They have to live under
39 the constraint of the total of five. Those limits are
40 not additive to a new total harvest limit.

41

42 CHAIRMAN LOHSE: Susan.

43

44 MS. WELLS: Well, as a subsistence
45 fisher, of course, I wouldn't -- I would take my
46 subsistence rod and reel out and go get my five chinook.
47 And then maybe take my rod and reel up to a different
48 tributary and get four more sportfishing, could I not do
49 that?

50

00255

1 MR. BUKLIS: As I understand the
2 regulations one could do that because when you're in that
3 other place, in that tributary system pursuing
4 sportfishing, it's not in the same fishery and you're not
5 adding to your take in the Upper Copper River district
6 subsistence salmon fishery.

7
8 MS. WELLS: All right.

9
10 MR. BUKLIS: As a practical matter, the
11 gear is not very effective in the mainstem Copper River
12 and practically speaking people are not pursuing this
13 opportunity. This is mainly closing off a loophole in
14 the regulations in terms of, at this point, chinook take
15 is restricted to five from a gear type from which it can
16 be controlled, dipnet. Fishwheels, which are targeting
17 sockeye salmon incidentally take some chinook. And since
18 the fish are dead when retrieved by the fishers, it would
19 be wasteful to constrain them to five or less. Meaning
20 they would have to discard any caught beyond five. So
21 recognizing that, we do allow them to keep any chinook
22 captured by fishwheels but rod and reel use is more like
23 dipnet in that the harvest could be constrained.

24
25 Now, if you're using bait, the fish might
26 take the bait deeply and so you'd kind of have to stop
27 fishing once you caught five chinook. It's not that
28 you'd catch and release, you'd stop taking chinook at
29 five.

30
31 So what this -- the principal here is to
32 constrain the chinook take from the gear types with which
33 we can do that and that would be dipnet and rod and reel
34 use. The fishwheels taking sockeye incidentally capture
35 chinook and we're not trying to encourage discard of
36 additional chinook. Now, if we're getting off into could
37 people pursue these different opportunities, I'm trying
38 to respond to those questions but they're kind of
39 theoretical.

40
41 CHAIRMAN LOHSE: Well, I think what
42 Susan's asking and that was the same thing I was trying
43 to ask. If I decided to go subsistence fishing this
44 weekend and I went down there with my dipnet and I caught
45 my 30 reds, I mean I have a good weekend, I caught my 30
46 reds, I caught my five kings under my subsistence permit
47 and I fill my subsistence permit out and that took care
48 of my subsistence fish and now I'm no longer a
49 subsistence fisherman, I'm done. But next weekend I
50 don't have anything to do so I go back to the Copper

00256

1 River with my rod and reel and I know it's hard, I know
2 not many people do it, I also know that it's very
3 possible and there are some people who are very good at
4 it and I go back to the Copper River with my rod and reel
5 and I have a sport limit now, I'm a sport fisherman, that
6 doesn't cancel out my subsistence limit. I mean my
7 subsistence limit doesn't cancel out what I can take with
8 a sport rod even in the same district, does it?
9

10 I mean I am not mandated not to fish in
11 the same district, I could go back and fish in the
12 mainstem in the Copper River as a sport fisherman,
13 couldn't I or could I? I mean I'm not saying this isn't
14 a good proposal I'm just saying, can I or can I not?
15

16 I see heads shaking no, I see heads
17 shaking yes. Mr. Churchill.

18
19 MR. CHURCHILL: Would Tom Taube maybe
20 able to clarify the issue? He may have dealt with this.
21

22 MR. TAUBE: I could state what the State
23 regulation would allow but I couldn't speak towards the
24 Federal regulations. In the State regulations you can
25 take a subsistence limit of sockeye or king salmon and in
26 the same day you could take a limit, a sport caught limit
27 of that and we've seen that happen down in the Chitina
28 subdistrict where people may take their 30 sockeye by
29 dipnet and then take three sockeye from Haley Creek by
30 rod and reel and, you know, so under State regulations
31 you're able -- those are additive.

32
33 MR. CHURCHILL: Thank you. That
34 clarifies it for me.

35
36 CHAIRMAN LOHSE: Yeah. Because if I was
37 sportfishing, I'd be sportfishing under State
38 regulations.

39
40 MR. CHURCHILL: You've had two helluva
41 weekends.

42
43 MS. WELLS: Or one big day.

44
45 (Laughter)

46
47 MS. WELLS: So I don't see how this is
48 constraining us on.....

49
50 CHAIRMAN LOHSE: Well, it does on the

00257

1 subsistence fishery, it does.

2

3 MR. ELVSAAS: I don't understand why you
4 can't do it all in one day.

5

6 CHAIRMAN LOHSE: Bill.

7

8 MR. KNAUER: Yes. Mr. Chairman and
9 Council members. I will quote from the regulations, it's
10 the Federal Register. You may not accumulate harvest
11 limits authorized in this section or Section 28, which is
12 shellfish, with harvest limits authorized under State
13 regulations. You'll notice it does not specify sport,
14 personal use or subsistence, it says harvest limits
15 authorized under State regulations.

16

17 So the Federal subsistence harvest limit
18 is not cumulative with any State harvest limit.

19

20 CHAIRMAN LOHSE: Okay. Not cumulative
21 means you cannot add it to it or it isn't cancelled out
22 by?

23

24 MR. KNAUER: You cannot take -- let's say
25 the limit is five chinook.

26

27 CHAIRMAN LOHSE: On the Federal.

28

29 MR. KNAUER: On the Federal side.

30

31 CHAIRMAN LOHSE: Right.

32

33 MR. KNAUER: You cannot add that to any
34 State harvest limit, period.

35

36 CHAIRMAN LOHSE: Okay.

37

38 MR. KNAUER: So you cannot end up with
39 eight, nine.....

40

41 CHAIRMAN LOHSE: Uh-huh.

42

43 MR. KNAUER:39, whatever, the State
44 might allow.

45

46 CHAIRMAN LOHSE: Okay.

47

48 MR. KNAUER: It operates the same in the
49 wildlife regulations. If the State allows one and the
50 Federal allows two caribou, you can't take three caribou.

00258

1 CHAIRMAN LOHSE: Right. Okay.

2

3 MS. WELLS: That's what this says.

4 That's what this says.

5

6 CHAIRMAN LOHSE: Larry, do you have
7 anymore to add. Anybody have any questions for Larry.
8 Okay, thank you, Larry. Alaska Department of Fish and
9 Game.

10

11 MR. TAUBE: Mr. Chairman, the Department
12 was neutral with their comments on this. They did have
13 comments that this proposal provides clarification on the
14 harvest limit of chinook salmon by rod and reel and it's
15 anticipated that this would neither limit subsistence
16 harvest nor result in increased harvest of chinook
17 salmon.

18

19 CHAIRMAN LOHSE: Thank you. Any
20 questions. Mr. Churchill.

21

22 MR. CHURCHILL: Yeah, Tom, thank you. So
23 you've got a great deal of experience, do you see this
24 having any negative impact on any of the users in this
25 area?

26

27 MR. TAUBE: There are local users that do
28 sportfish in addition to subsistence fish and so under
29 Federal regulations, from what was explained here is that
30 some Federal users may be impacted by the fact that they
31 cannot take State sport limits. So that's -- I mean that
32 would be the conflict I see. But if they chose to
33 subsistence fish under State regulations, they would
34 still be able to take their sport limit but they cannot
35 use rod and reel under State regulations for subsistence.

36

37 MR. CHURCHILL: So they better pray for a
38 brown-shirter, uh?

39

40 (Laughter)

41

42 CHAIRMAN LOHSE: Is the -- and it just
43 shows my ignorance right now, is the State sport limit a
44 seasonal limit?

45

46 MR. TAUBE: Yes, it is. It's four fish
47 -- one per day, four per season for chinook salmon.

48

49 CHAIRMAN LOHSE: Right. So if you took
50 your four chinook salmon under State regulations by

00259

1 Federal law you'd only be allowed to take one more
2 chinook salmon because that would end up giving you your
3 five total?

4
5 MR. TAUBE: That's the way I understand
6 it.

7
8 CHAIRMAN LOHSE: But if you took your
9 five total for Federal, the State would still allow you
10 to take four more?

11
12 MR. TAUBE: Except that the Federal
13 regulations would not allow you to take four more the way
14 I understand it.

15
16 CHAIRMAN LOHSE: But you're not taking
17 them under Federal.

18
19 MR. TAUBE: That's true, you would not be
20 cited by a State protection officer for that reason.

21
22 CHAIRMAN LOHSE: Right.

23
24 MR. CHURCHILL: You have to pray for the
25 brown-shirters.

26
27 CHAIRMAN LOHSE: Yeah, okay.

28
29 (Laughter)

30
31 CHAIRMAN LOHSE: Anyhow, but basically
32 what we're trying to do is we're trying to set a five
33 total limit on all discretionary means of taking chinook
34 salmon in the Copper River?

35
36 MR. TAUBE: That's correct. And that's
37 why the State was neutral, this was just clarifying what
38 the limit was for rod and reel which there had not been
39 one before.

40
41 CHAIRMAN LOHSE: Okay, thank you. Bob.

42
43 MR. CHURCHILL: Again, your comments,
44 ADF&G comments would apply equally to the modified
45 proposed reg as the original proposed reg?

46
47 MR. TAUBE: Yes, that would still hold.
48 I mean it's -- that one actually would result in less
49 harvest and so we would still remain neutral on that.

50

00260

1 CHAIRMAN LOHSE: And it also looks like
2 it may actually give us a little more data, too, harvest
3 data?

4
5 MR. TAUBE: Yes.

6
7 MR. CHURCHILL: Thank you.

8
9 CHAIRMAN LOHSE: Okay. Are there any
10 other Federal or State agencies or agency -- Eric -- who
11 would like to speak to this.

12
13 MR. VEACH: Mr. Chairman, Eric Veach,
14 Wrangell-St. Elias National Park. I have just a little
15 more information I thought I might share with you on this
16 proposal.

17
18 Of course this year was the first year
19 that users in the -- Federally-qualified users in the
20 Glennallen or the Chitina subdistricts could alternate
21 between gear types. In the past they've needed to select
22 a gear type and then stick with that gear type for the
23 season. And I think it's reasonable to assume that
24 that's why we haven't seen any rod and reel use for
25 subsistence harvest in the past because the users
26 probably selected a more efficient gear type, either a
27 fishwheels or dipnet because that's what they were forced
28 to stay with for the entire season. So this was the
29 first year that we really expect to see any subsistence
30 harvest with rod and reel in either the Glennallen or the
31 Chitina subdistrict under Federal regulations.

32
33 I do know of at least one user that did
34 successfully harvest chinook in the Upper Copper River
35 district actually at the mouth of the Klutina River. I
36 did get a call from another user that was interested in
37 making sure that they understood the regulations, that
38 they could actually use a rod and reel to harvest chinook
39 under Federal regulations, I don't know whether or not
40 that individual was actually successful in harvesting any
41 chinook. So there was a little bit of use.

42
43 One other point I wanted to add, too, is
44 I can quite confidently say that the Wrangell-St. Elias
45 SRC wasn't aware of the question of whether or not the
46 subsistence limits and the sports limits were additive.
47 Probably some of the problem there is the poor Federal
48 Staff support that they receive, which is primarily me,
49 that I wasn't aware that that would be an issue either.
50 And as you'll hear when they read the SRC's comments,

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1 their comment, too, was that they were concerned at
2 looking at the regulations going to five chinook in
3 combination. They felt that that was -- that really if
4 there was a need to restrict the chinook harvest, it
5 should be on the State side first, that they wanted to
6 still see at least five chinook harvested under dipnet
7 and an additional five under rod and reel.

8

9 And even though I don't represent the
10 SRC, I think I can quite confidently say that if they
11 realize that they could potentially be giving up four
12 chinook harvested under sport regulations that would have
13 -- at least would have probably taken that position --
14 taken their position even more firmly.

15

16 That concludes my comments, Mr. Chairman.

17

18 CHAIRMAN LOHSE: Any questions for Eric.
19 Let me -- I caught something there that I -- you said the
20 SRC wanted to define that they could take five with the
21 dipnet and five with the rod and reel cumulative. And so
22 they would not have been in line with the Staff proposal
23 to make it in combination.

24

25 MR. VEACH: That's correct. Their
26 recommendation just last week was to stick with their
27 original proposal, which was five with -- five with rod
28 and reel and five with dipnet. And like I said, at that
29 time, I'm sure that they were all assuming that they
30 could also harvest an additional four fish under State
31 regulations as well.

32

33 CHAIRMAN LOHSE: Okay. No Fish and Game
34 Advisory Committee comments on this. Let's go to public
35 comments -- oh, Larry, would you like to add something?

36

37 MR. BUKLIS: Mr. Chairman. Before we
38 leave agency comments I was asked to, if I can, clarify a
39 little further our discussion on limits and combining
40 limits. I don't want to confuse it anymore than it might
41 be but in the specific case of the Copper River,
42 everything we said was correct as far as we interpret the
43 regulations. But if you take a larger view, a statewide
44 view and look at some other circumstances, the point is
45 the Federal subsistence harvest limit cannot be combined
46 with the State limit in that area of Federal
47 jurisdiction. Now, the Upper Copper River district
48 salmon fishery that we're talking about is entirely
49 within Federal jurisdiction, it's not a patchwork of
50 State and Federal jurisdictions. They're overlapping

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1 completely.

2

3 And so that's why I was talking about up
4 in -- if you go up in a tributary you'd be in a State
5 managed sportfishery, we're not in the Upper Copper River
6 district salmon fishery and you could get another limit
7 there.

8

9 It was pointed out to me, another example
10 to point this out to you, in a river system where it's
11 more of a patchwork, say for the Yukon River, for
12 example, you might be fishing on Federal lands and waters
13 and you'd be constrained by your Federal subsistence
14 limit, if there was such a limit there. And then on that
15 same river system maybe you could move into State
16 jurisdiction and you could harvest a limit in the State
17 managed waters and those could be additive in that case.

18

19 So I know we're focused on the Copper
20 River here and what we said stands. But if a river
21 system was more of a patchwork, what we said about the
22 two limits not being additive would apply in Federal
23 lands. But that covers the whole Copper River we're
24 talking about.

25

26 CHAIRMAN LOHSE: Now, I'll throw you
27 another loop then. Does that cover the Gulkana River
28 since that's Federal managed waters?

29

30 MR. BUKLIS: That's not in the Upper
31 Copper River district salmon fishery.

32

33 CHAIRMAN LOHSE: Okay, it's not in the
34 Upper Copper River district....

35

36 MR. BUKLIS: Subsistence fishery.

37

38 CHAIRMAN LOHSE:salmon fishery,
39 okay. So it's outside the scope of this regulation?

40

41 MR. BUKLIS: That's correct.

42

43 CHAIRMAN LOHSE: Okay.

44

45 MR. BUKLIS: You'd be fishing under sport
46 regulations not our subsistence regulations.

47

48 CHAIRMAN LOHSE: Okay. Thank you. Any
49 other questions for Larry. Okay, public testimony. I
50 don't have any green cards on my desk here. I have a

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1 green card for you right here Justin, I'll just write
2 this number on it also.

3

4 MR. WILSON: Thank you, Mr. Chairman, for
5 the indulgence. I was sitting back there thinking, just
6 when you think you've heard it all they come up with
7 something new and so throws your whole mind process back
8 into a tizzy.

9

10 I don't quite get the underlying
11 motivation for this particular proposal here. I can see
12 clearly the questions but I don't see where the answers
13 provide any solution to anything that's really troubling
14 anybody in terms of use.

15

16 Now, I can see that maybe a
17 sportsfisherman may be deeply troubled by the split
18 between State and Federal regulations. So I guess what
19 I'm saying is that -- well, I'll back up a second. I'll
20 go back to something that maybe should have been
21 mentioned throughout these proceedings these past few
22 years but have not been mentioned and should have been
23 mentioned.

24

25 When you have potlatches and when you
26 have ceremonial activities in a Native community and when
27 you talk about trade and barter, what you're really
28 talking about is chinook salmon for the most part. So
29 when I mentioned yesterday and possibly today about
30 barter and trade, I should have been very specific and
31 said, it's really king salmon that we're talking about
32 when we're talking about potlatches and ceremonial uses.
33 When we talk about trade, in general, particularly salmon
34 strips, the salmon strips that have been already
35 processed and bundled up then you have your regular
36 Copper River reds. But if we're talking about an
37 immediate ceremonial use or a barter like today at the
38 Native community level you're talking about chinook or
39 king salmon.

40

41 In our particular background we have
42 Senuna Creek, Indian River and Ahtel Creek, all formerly
43 good king salmon spawning creeks that are no longer so
44 good. So the return of king salmon is a real big
45 interest to us. And I was sitting here thinking about
46 the discussion, all of which is very good to a certain
47 extent but I keep coming back to the issue, who -- is
48 there somebody going to benefit from the way this is
49 written or is there somebody being harmed? It seems to
50 me there's a lot of discussion on numbers and the

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1 crossover between the State and Federal regulations. But
2 we should look at whether or not the issue is creating
3 too much confusion and too much discussion and maybe
4 leave it at that.

5
6 Because the king salmon, by and large, is
7 an extraordinarily important part on a limited basis of
8 the Native community. It's not something that we look at
9 every day in terms of importance. When you need it you
10 really, really have to have it and whether or not you
11 catch it by -- whether somebody who catches it by hook
12 and line and gives it to you for use or whether it comes
13 out of a fishwheels or whether or not it's dropped out of
14 an airplane isn't that important in terms of use. The
15 only time it becomes really important to me in my
16 estimation is if you're going to -- if you're going to
17 use it for barter then it becomes very important how you
18 catch it and where.

19
20 So I guess what I'm saying about this
21 particular proposal is that if we're going to spend this
22 much time on the technical language and this much
23 confusion, my own thinking is that just say no to it
24 because if I can't understand and follow the process then
25 you're talking about the regular guy on the riverbank
26 who's got to do it, he'll never catch up to anything
27 that's being said. So that's just -- I just wanted to
28 throw that out there because I kind of followed both
29 sides of the story to a certain place and then after that
30 I lose everybody.

31
32 Thank you.

33
34 CHAIRMAN LOHSE: Okay. Any questions for
35 Wilson. Mr. Churchill.

36
37 MR. CHURCHILL: Yeah, thank you. I guess
38 I'd just like to see if your understanding is the same as
39 mine. If we leave this alone, if we do nothing, then
40 theoretically a person could take as many chinook salmon
41 out of this fishery with a rod and reel as they wanted
42 to; is that your understanding?

43
44 MR. WILSON: This is the way I'm getting
45 what I'm hearing and my point is that it's not good for
46 the stock. It's not a good allocation measure. It
47 doesn't do anybody any good. It harms the salmon more
48 than anybody else. But what my point is is that at this
49 stage in the process we may be fashioning solutions that
50 nobody can make sense out of. So perhaps it's best to

00265

1 stop the doggone thing and back up about 10 steps and
2 start over. That's kind of the way I'm looking at it.

3

4 So in the short term this measure, in my
5 estimation is a harmful measure. But I just as soon let
6 it be and go back to another time and place and start
7 over and maybe fashion something everybody can understand
8 and deal with.

9

10 CHAIRMAN LOHSE: Susan.

11

12 MS. WELLS: For the purposes of
13 subsistence fishing, is it customary for a user to use a
14 rod and reel or is it more customary to use the dip and
15 the fishwheels?

16

17 MR. WILSON: Fishwheel is more customary
18 and traditional practice. What I was alluding to, if a
19 person wanted to make a gift for the purpose of a
20 ceremony or a potlatch of a chinook salmon and that
21 salmon was caught on hook and line I would still consider
22 it a gift and I would not question how that salmon was
23 caught. If I wanted to barter that salmon then I would
24 want to know that that salmon was appropriately and
25 properly caught with conservation measures over it. So
26 that's the fine line that I was trying to establish in
27 terms of how I see this particular measure.

28

29 CHAIRMAN LOHSE: Any other questions for
30 Wilson. Thank you.

31

32 MR. WILSON: Thank you again.

33

34 CHAIRMAN LOHSE: Okay, do we have any
35 written comments, Ann?

36

37 MS. WILKINSON: Yes, Mr. Chairman, there
38 were three. The Cordova District Fishermen United
39 supports providing for bag limits for all methods and
40 means.

41

42 Copper River Native Association supports
43 the proposal to take five chinook salmon by rod and reel.

44

45 The Wrangell-St. Elias National Park
46 Subsistence Resource Commission supports this proposal as
47 written, not the Staff recommendation.

48

49 CHAIRMAN LOHSE: Okay. With that, a
50 motion is in order to put it on the table.

00266

1 MR. CHURCHILL: So moved for purposes of
2 discussion.

3
4 CHAIRMAN LOHSE: As originally proposed?

5
6 MR. CHURCHILL: Yes.

7
8 CHAIRMAN LOHSE: Okay.

9
10 MS. WELLS: If I understand you, where
11 you put the proposed regulation on, not the Staff?

12
13 CHAIRMAN LOHSE: Right.

14
15 MS. WELLS: Okay, I'll second that one.

16
17 CHAIRMAN LOHSE: Okay. It's been moved
18 and seconded to put the proposed regulation on the table.
19 Discussion. Susan.

20
21 MS. WELLS: I've been so confused I'm not
22 really sure if I can even pose a question. From what I'm
23 understanding here, that the real issue that we want to
24 address is the harvest limit, the very -- the concern is
25 the taking of more than five chinook for conservation.
26 Where I guess I'm confused is when you add a gear type,
27 it's adding additional means to take those fish so I'm
28 not -- I guess I'm not opposed to the addition of
29 opportunities if the real issue is limiting the amount of
30 take.

31
32 CHAIRMAN LOHSE: I think -- if I can try
33 to explain it, Susan, the way I see it, the proposal as
34 written authorizes another gear type and an additional
35 five fish. The proposal as modified allows the use of
36 both gear types but keeps the limit at five fish.

37
38 So with the proposal as written, as I
39 understand it and I'd like to be corrected if I'm wrong,
40 you're allowed 10 kings, five by dipnet, five by rod and
41 reel. The proposal as modified, you're allowed five
42 kings, whether you use a rod and reel or whether you use
43 a dipnet. Am I correct on my understanding on that,
44 Larry?

45
46 MR. BUKLIS: Yes, Mr. Chairman, that's a
47 correct interpretation.

48
49 CHAIRMAN LOHSE: Thank you.

50

00267

1 MS. WELLS: Okay.

2

3 CHAIRMAN LOHSE: Both of them allow both
4 gear types. The only difference is one is a five limit
5 for the two gear types together, one is 10 limit for --
6 five limit for each gear type. So whichever way the
7 Council feels like going on this one. Both of them set a
8 limit for both. The second one sets a limit within the
9 parameters that we have set in the past for chinook for
10 gear types.

11

12 Mr. Churchill.

13

14 MR. CHURCHILL: Yeah, I guess just for
15 purposes of the record, both the Alaska Department of
16 Fish and Game and -- well, Fish and Game has indicated
17 that as written it would not create a problem with
18 conservation or excessive harvest. The Cordova District
19 Fishermen's United also supports it, I believe, if I'm
20 reading this correctly, as written. I'm perfectly
21 prepared to vote on it as it was originally proposed and
22 put it up the system to the Board.

23

24 CHAIRMAN LOHSE: Thank you. I don't
25 think that the actual impact is enough to make any
26 impact.

27

28 MS. WELLS: So this is 10 and this is
29 five?

30

31 CHAIRMAN LOHSE: Uh-huh.

32

33 MS. WELLS: Okay.

34

35 CHAIRMAN LOHSE: So.....

36

37 MS. WELLS: That's not what I heard.....

38

39 CHAIRMAN LOHSE: Do I hear the question.

40

41 MR. CHURCHILL: Call the question.

42

43 CHAIRMAN LOHSE: Question's been called
44 on the proposed regulation as written, all in favor
45 signify by saying aye.

46

47 IN UNISON: Aye.

48

49 CHAIRMAN LOHSE: All opposed signify by
50 saying nay.

00268

1 (No opposing votes)

2

3 CHAIRMAN LOHSE: Motion carries
4 unanimously. Okay, now, let's go on to 18 real quick and
5 then we'll go back to 15.

6

7 MR. BUKLIS: Mr. Chairman, the analysis
8 for Proposal No. 18 can be found on Page 204.

9

10 This proposal for the Upper Copper River
11 drainage, the Upper Copper River drainage not the Upper
12 Copper River salmon district, this proposal for the Upper
13 Copper River drainage was submitted by the Copper River
14 Native Association. This proposal requests that season
15 and operating limits be established for the use of fish
16 traps also known as basket traps in tributaries of the
17 Upper Copper River district. So tributaries of the
18 district. For the take of grayling, whitefish, rainbow
19 trout and dolly varden. The fyke net defined in Federal
20 and State regulations as a fixed funneling or fyke device
21 used to entrap fish is allowed gear, therefore the term
22 fyke net was substituted for fish trap in the analysis,
23 discussion and the Staff proposed modified regulation.

24

25 So to restate that, State and Federal
26 regulation includes on the list of approved gear, a gear
27 type known as a fyke net and a fyke net could be
28 interpreted as including this gear type of fish trap
29 that's being requested.

30

31 The definition of a lead in Federal and
32 State regulation includes its use as a length of fencing
33 employed for guiding fish into a fyke net. Federal
34 regulations do not allow more than one-half the width of
35 any stream to be obstructed in the Prince William Sound
36 area, however, even a partial lead can significantly
37 improve the effectiveness of a fyke net.

38

39 Freshwater fish species are currently
40 taken in subsistence and sportfisheries in the Copper
41 River drainage. Subsistence take occurs both by directed
42 effort under a permit for freshwater fish or as
43 incidental take under a permit for salmon. So freshwater
44 fish can be taken with a freshwater fish permit or
45 they're also taken incidentally in the salmon fishery in
46 the mainstem. Although legally allowed, there is no
47 known current use of fyke nets for subsistence take of
48 fish in the Copper River drainage. Subsistence harvest
49 of freshwater fish species in the Copper River drainage
50 is very low. Only one or two permits are usually

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1 requested each year. These are typically for the take of
2 whitefish using a gillnet. When the permit is issued,
3 the gear, location, target species and allowable harvest
4 amount are specified on the permit by the field manager.
5 The harvest limit on a permit for the take of whitefish
6 is usually on the order of a few hundred fish.

7

8 Our Fishery Resource Monitoring Program
9 includes a study now being conducted by Fish and Game to
10 gather traditional, ecological knowledge on non-salmon
11 fish in the Copper River drainage. This study will also
12 address harvest and use patterns for these fish and the
13 report is due in July of this next summer, 2003.

14

15 Fyke nets can be a very efficient means
16 of capturing fish present in a stream. Given the
17 exploitation potential of this gear and lack of
18 information regarding sustainable yields for these fish
19 stocks, a precautionary approach is warranted. Of
20 particular concern is the take of rainbow or steelhead
21 trout and the unintended take of salmon from spawning
22 streams.

23

24 The analysis recommends modifications
25 that would continue to allow for the use of this gear
26 while defining sufficient conservation safeguards in
27 regulation as opposed to being depended upon permit
28 conditions. Fish captured in a fyke net should be in a
29 good condition and capable of survival after release if
30 the gear is checked and emptied periodically. One
31 modification would require fyke nets to be checked and
32 emptied of all fish at least once in every 12 hour period
33 or more often if so stipulated on the permit. This
34 approach allows a permit requirement to check the gear
35 more frequently such as every six hours until we learn
36 more about the effectiveness of this gear and the
37 condition of the fish being held. Monitoring of results
38 may allow relaxing the requirement back to a 12 hour
39 level without needing to go through a regulatory change
40 process.

41

42 What I'm saying here is, rather than put
43 in a regulation that said you have to check the gear
44 every six hours and if we find that we could relax from
45 that, we'd have to come back with a regulatory change
46 process. Instead if we go with checking every 12 hours
47 or more often if stipulated on the permit then the
48 regulation could stand as every 12 hours and then in the
49 initial stage with this gear as it's being used, we could
50 stipulate a more frequent checking at first and then we

00270

1 could relax that back up to the regulatory 12 hours if we
2 find that that's sustainable.

3

4 Another modification clarifies
5 application of the regulation to tributary streams in the
6 Copper River drainage upstream from Haley Creek which
7 better captures the intended scope of the proposal. So
8 in other words, rather than talking about the Copper
9 River district and tributaries to the district, it'd be
10 clearer talking about the drainage above Haley Creek.

11

12 Targeted take of rainbow, steelhead trout
13 is not currently allowed in the area for subsistence and
14 there is not sufficient justification to allow that now
15 with this gear. The analysis for Proposal 15, which is
16 why I ask that we delay on that, the analysis for
17 Proposal 15 addresses a related modification concerning
18 retention of rainbow, steelhead trout from subsistence
19 net fisheries. When we get into Proposal 15, we'll talk
20 about that retention from subsistence net fisheries issue
21 and this fyke net would be a net fishery. So that's why
22 I wanted to take this up first.

23

24 Location allowed, in other words where
25 people could fish these nets, fyke nets or fish traps,
26 size of the gear and harvest limits for the allowed
27 species would be as specified on the permit. Dimensions
28 of fyke nets may be of concern, especially in small
29 streams, however, this could be addressed as a permit
30 stipulation appropriate to the circumstances.

31

32 The proposed regulation as modified
33 through the analysis appears on Page 208 in your book.

34

35 And, Mr. Chairman, I think I'll go ahead
36 and read that into the record so we're clear on the
37 modified proposal for use of this gear.

38

39 The standing regulation: You may take
40 fish by gear listed in this part unless restricted in
41 this section or under the terms of a subsistence fishing
42 permit.

43

44 And then this next paragraph would
45 introduce the restrictions on fyke nets.

46

47 You may operate a fyke net only in
48 tributaries of the Copper River upstream from Haley Creek
49 and only under the following conditions:

50

00271

1 A. For the take of Arctic grayling and
2 dolly varden from May 1st to May 31st.

3

4 B. For the take of whitefish and dolly
5 varden from August 31st to October 31st.

6

7 C. You may only operate a fyke net for
8 three days during each season established in paragraphs A
9 and B. You must check your fyke net and empty it of all
10 fish at least once in every 12 hour period or more often
11 if so stipulated on the permit. Fish other than those
12 allowed must be released unharmed to the water. After
13 three days, the fyke net must be completely removed from
14 the water.

15

16 D. The location allowed, size of gear
17 and harvest limits by species for fish taken by fyke net
18 are as specified on the permit.

19

20 Mr. Chairman, that concludes my review.

21

22 CHAIRMAN LOHSE: Thank you, Larry. Any
23 questions for Larry. Fred.

24

25 MR. ELVSAAS: Are there fyke nets being
26 used right now?

27

28 MR. BUKLIS: Fyke net is a legal gear in
29 State and Federal regulation but as far as we know it's
30 not being used. And the proponent, as I understand it,
31 was looking at trying to reestablish use of fish traps or
32 basket traps, whatever they're locally called as a method
33 of capturing fish that had been used in the past but is
34 not being actively used now. And there was a desire to,
35 probably on quite a small scale, keep this method alive.

36

37 But strictly speaking it's already
38 allowed in the regulatory language because it's embraced
39 in the term fyke net.

40

41 MR. ELVSAAS: Okay. The regulation says
42 you may not use more than half of the stream for the
43 lead. As the water raises and lowers in the stream, you
44 know, the stream size changes and I just could see this --
45 if it was in the channel of a stream and a gravel bar
46 was to appear when the water was low wouldn't you almost
47 be blocking the stream off?

48

49 MR. BUKLIS: Mr. Chairman. You're
50 correct that our regulations do not allow blocking more

00272

1 than half of a stream and as stream dynamics change the
2 fisher would need to respond to those changes.

3

4 MR. ELVSAAS: Okay.

5

6 MR. BUKLIS: This proposed modification
7 requires checking the gear at least once in every 12
8 hours or more often if so stipulated on the permit and
9 the total use period is three days.

10

11 MR. ELVSAAS: Okay, thank you.

12

13 CHAIRMAN LOHSE: Larry, fyke nets
14 currently are legal gear but currently there is no season
15 or stipulation as to when and where they can be used,
16 right?

17

18 MR. BUKLIS: That's correct. They are a
19 legal gear. The fish trap request is interpreted to come
20 under fyke net and as it stands now if someone came
21 forward and wanted to fish a fyke net, the issuing
22 officer, the biologist would need to stipulate conditions
23 and controls on that use. This allows some sideboards in
24 regulation so it's not a case by case, issue by issue
25 situation.

26

27 CHAIRMAN LOHSE: But at this time if
28 somebody wanted to use a fyke net, even if this wasn't
29 passed, it would be up to the manager in charge to set
30 some stipulations on it but a request could be put in to
31 use a fyke net?

32

33 MR. BUKLIS: That's correct. And the
34 users probably aren't aware that the traditional basket
35 traps, fish traps are embraced by the State and Federal
36 regulations as a fyke net. There may not be an awareness
37 of it but it is, strictly speaking, allowed and these
38 regulations would not be needed for a person to come
39 forward and request a permit. And you're right, the
40 biologist would probably be faced with creating
41 stipulations in response.

42

43 CHAIRMAN LOHSE: One last question.
44 Currently then if fyke nets are legal gear and there are
45 no limits or stipulations on them, what is to preclude
46 somebody from just using one?

47

48 MR. BUKLIS: Mr. Chairman, the take of
49 freshwater fish requires a permit. It's when they come
50 forward for their permit that these stipulations you and

00273

1 I are talking about would be written up.

2

3 CHAIRMAN LOHSE: Thank you. Mr.
4 Churchill.

5

6 MR. CHURCHILL: Yeah, I mean reading this
7 over, my understanding was that the intent of the
8 proposal was to encourage traditional methods of take,
9 particularly using the traditional type of fish traps; is
10 that correct?

11

12 MR. BUKLIS: That's correct.

13

14 MR. CHURCHILL: And historically, again,
15 from what I can read, both in this book and anecdotal, I
16 can offer that primarily was targeted -- a specific
17 species of whitefish in this area; is that also correct?

18

19 MR. BUKLIS: The anthropologist might be
20 more familiar with traditional uses of the method but it
21 was used for freshwater fish take and I think whitefish
22 is probably a primary species.

23

24 MR. CHURCHILL: I guess I have some
25 concerns about the use of fyke nets and the possible
26 impact. Because you know the two seasons we're talking
27 about, of course, are the spawning season for these fish
28 and I have some real concerns about possible impact. I
29 know you're tried to put in here as far as how frequently
30 they'll be checked and things but this worries me a bit,
31 going beyond the original request. Going beyond the
32 traditional traps that were used.

33

34 So I guess that's my concern.

35

36 CHAIRMAN LOHSE: Larry.

37

38 MR. BUKLIS: Mr. Chairman, just a point
39 of clarification. The modifications don't go beyond the
40 request. All the analysis is saying that the requested
41 gear which the proponent called a fish trap is already an
42 allowed gear under the term in State and Federal
43 regulations called fyke net.

44

45 MR. CHURCHILL: And we can debate the
46 point. But if the intent was to use traditional gear,
47 I've read a fair amount and talked to a fair amount and a
48 fyke net doesn't look anything like traditional gear to
49 me. And if you're talking about using traps as was
50 traditionally done, yeah, I guess it is a trap but that

00274

1 isn't the drift I got from reading this.

2

3 CHAIRMAN LOHSE: Larry.

4

5 MR. BUKLIS: I don't have any specific
6 response to that. All I can say, again, the input we
7 received from the Department of Fish and Game and an
8 inspection of our Federal regulations is is that the
9 requested gear, whatever term is used for it, the
10 intended type of traditional gear which is not actively
11 being used now but a desire to see it used on a cultural
12 traditional basis is encompassed in the currently allowed
13 gear called fyke net. And all we're trying to say is
14 that they don't need to create a new term called fish
15 trap and we're not establishing a new gear type by
16 talking about fyke net today, it's already an allowed
17 gear by both management agencies.

18

19 CHAIRMAN LOHSE: Larry, on that line, Mr.
20 Churchill, I would go along with Larry from that
21 standpoint because fyke nets, basket traps, willow root
22 baskets, the long pointed funnel trap made out of wire,
23 they call them fyke nets, they make them out of wire
24 screen and they use them in Canada to catch otters under
25 the ice, basically what you're dealing with is any kind
26 of a funnel trap, it doesn't matter what kind of material
27 it's made out of. It's not a trap in the bottom of the
28 river, it's basically a funnel that you put in the river
29 and you put a lead to the funnel and whatever goes in it
30 stays in it.

31

32 MR. CHURCHILL: I think I understand I
33 just disagree.

34

35 CHAIRMAN LOHSE: You just disagree, okay.
36 But I mean I think the traditional ones made out of
37 willows and it looks like a long funnel with a funnel
38 going into it but they come in all different kinds of
39 shapes and sizes but basically they have a funnel in
40 front of them.

41

42 The thing that I see in this, is there
43 any provisions in this for -- and I know exactly what Mr.
44 Churchill's getting at because I can think of a little
45 screen by our house that comes out of the lake that if
46 you put a fyke trap in it in spring you could catch every
47 grayling that goes up to the spawning grounds, is there
48 provisions in here for not just a time limit but a -- you
49 know a.....

50

00275

1 MS. WELLS: A catch.

2

3 CHAIRMAN LOHSE:quantity limit or,
4 you know, it's totally different if you've got a big
5 major lake system with a stream that's 20 feet wide and
6 you put a fyke trap in the center of that or you've got
7 another lake that's got a two foot wide creek coming out
8 of it that goes up into the swamp that all of the
9 grayling go into and it has 400 grayling up it and the
10 other one has, you know, 40,000 go up it. Will that be
11 up to the manager to decide whether or not the location
12 is applicable to put a fyke net in and set some kind of a
13 -- the thing that's not addressed to me in this and
14 there's nothing that addresses conservation concerns. It
15 strictly addresses the equipment, not the conservation
16 concerns of the fish.

17

18 MR. BUKLIS: Mr. Chairman, the attempt
19 was made to build in sideboards to the extent we could to
20 apply to the Copper River drainage above Haley Creek as a
21 whole. Item D or Part D in this speaks to the location
22 allowed, size of the gear and harvest limits by species
23 for fish taken by fyke net are as specified on the
24 permit. So the manager, the officer would retain the
25 flexibility as the proponent comes forward and says they
26 want to put it in this particular stream, or that the
27 manager can allow during those windows of time, that gear
28 to be put in that particular stream and if so, what size
29 of gear they can feel comfortable with and then the
30 harvest limits by species. So those additional features
31 would be the case by case situation and would be very
32 much along the lines you're describing of the size of the
33 stream and the situation.

34

35 CHAIRMAN LOHSE: Mr. Churchill.

36

37 MR. CHURCHILL: No.

38

39 CHAIRMAN LOHSE: I guess what I would see
40 is I don't see anything in here and I know we can't build
41 it in that the proponent for putting a fyke net in would
42 have to have some kind of evidence that there are
43 sufficient fish going up that area to support the harvest
44 that's intended to be taken. Larry.

45

46 MR. BUKLIS: Mr. Chairman, I think that
47 would fall to the manager to -- if they don't have
48 sufficient information and they have a sufficient
49 conservation concern to disallow that request for that
50 location and they might redirect the request to a

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1 location for which they have more confidence. So it
2 wouldn't be a rejection out of hand but it might be
3 working with the proponent, with the requesters of the
4 permit to put them in a situation where they can use this
5 traditional gear in a way that can be sustained.

6

7 CHAIRMAN LOHSE: Any other questions for
8 Larry. Okay, thank you Larry. Let's go on to the State,
9 Alaska Department of Fish and Game, Tom.

10

11 MR. TAUBE: Mr. Chairman, the Alaska
12 Department of Fish and Game is deferring their comments
13 pending review of the Staff analysis. But comments will
14 be provided after reviewing this Staff analysis defining
15 the amount necessary to meet subsistence needs for a
16 specific species.

17

18 As you stated earlier, you know, we
19 recommend providing a number that would better meet
20 subsistence needs than a time restriction of three days
21 as fish migration in tributaries in the Copper River can
22 vary in duration, timing and magnitude.

23

24 CHAIRMAN LOHSE: Thank you. Any
25 questions for Tom. Yes.

26

27 MR. TAUBE: I guess one more thing I may
28 add, is that, under State regulations the Department did
29 issue a permit for a fyke trap last year for whitefish in
30 the Paxson Lake tributary which is the first time we've
31 ever done it otherwise it's always been with gillnets.

32

33 CHAIRMAN LOHSE: Can I ask you a question
34 as long as I've got you and I'm not putting anybody on
35 the spot or anything but there currently is a spear
36 season for whitefish in the Gulkana River, too, isn't
37 there?

38

39 MR. TAUBE: Yeah, in the area -- the
40 Upper Copper River, Upper Susitna area you can spear
41 whitefish from, I believe it's October 1st through March
42 31st and there's no limits with that regarding sport.
43 That's under the sport license. In the Tanana drainage,
44 say, example, Tango Lakes, it's the same -- I believe
45 it's September 1st through March 31st but you're limited
46 to 15 whitefish for the Tanana drainage.

47

48 CHAIRMAN LOHSE: Okay.

49

50 MR. TAUBE: But that's all under

00277

1 sportfish regulation.

2

3 CHAIRMAN LOHSE: That's under sport, I
4 see.

5

6 MR. TAUBE: But spear is -- under State
7 regulations, spear is a legal subsistence gear so we
8 would also issue a permit for a spear.

9

10 CHAIRMAN LOHSE: For subsistence spear
11 taking?

12

13 MR. TAUBE: Yes.

14

15 CHAIRMAN LOHSE: Okay. Thank you. Other
16 Federal, State or tribal agencies who would like to speak
17 to this one. Okay, with that we go on to public
18 testimony and I don't have any green cards in front of
19 me. Do I have any members of the public who wish to
20 testify on this one? Written public testimony.

21

22 MS. WILKINSON: Yes, Mr. Chairman, there
23 are four.

24

25 Cordova District Fishermen United is
26 opposed to this proposal for conservation reasons. Both
27 the time periods requested in the proposal would occur
28 during prime spawning seasons for some species. Given
29 that fish traps are non-selective passage of this
30 proposal will undoubtedly result in conservation concerns
31 for some spawning populations. Rainbow and steelhead
32 would particularly be vulnerable during the spring.
33 While dolly varden and whitefish would be similarly
34 impacted during their fall spawning cycles. Spawning
35 salmon would also be vulnerable during the fall season
36 requested. Capture during spawning season could result
37 in reduction of spawning productivity if immediate
38 release does not occur.

39

40 Since all of the target species in the
41 proposal could be harvested with rod and reel subsistence
42 needs could be met without utilizing a means having such
43 severe conservation ramifications.

44

45 Copper River Native Association supports
46 the Staff recommendations for modifying this proposal.

47

48 Mr. Ed Warren, II, a Klukwan elder
49 supports this proposal. He wrote that in the 1990s the
50 archeology department of the University of Alaska in

00278

1 Juneau published news about the discovery of a Tlingit
2 fish trap in the Auke Bay area. And this trap was
3 carbonated to be older than 100,000 years old. This trap
4 was in use long before Alaska was Alaska and Natives
5 still need fish as a staple of their diet.

6

7 The Wrangell-St. Elias National Park
8 Subsistence Resource Commission supports this proposal
9 with the change of wording from you may take to
10 households may take.

11

12 CHAIRMAN LOHSE: What?

13

14 MS. WILKINSON: Change the wording from
15 you may take to households may take.

16

17 That's the end of the comments.

18

19 CHAIRMAN LOHSE: Thank you. A motion to
20 put this on the table for deliberation or recommendation
21 is in order.

22

23 MS. WELLS: I so move.

24

25 CHAIRMAN LOHSE: As written.

26

27 MS. WELLS: As written.

28

29 CHAIRMAN LOHSE: Okay, it's been moved to
30 put it on the table as written, do I hear a second?

31

32 MR. ELVSAAS: Second.

33

34 CHAIRMAN LOHSE: It's been moved and
35 seconded to put it on the table as written. Okay.
36 Discussion. Modification or whatever.

37

38 MS. WELLS: Mr. Chairman.

39

40 CHAIRMAN LOHSE: Yes, Susan.

41

42 MS. WELLS: I've heard of this -- the
43 traps being used in the Kenai -- or it's not actually in
44 the Kenai River, the Kenaitze have a trap in the Swanson
45 that they actually use during the summer. And it's main
46 purpose is for historical education and it isn't much of
47 an impact on the Swanson which is quite a bit bigger
48 because it's used towards the mouth. I support the
49 intent of this type of fishery as a cultural educational
50 tool as well as a way for catching subsistence fish. I

00279

1 do prefer the modifications that the Staff has
2 recommended because of the limits and the time usage on
3 it.

4

5 CHAIRMAN LOHSE: Do you wish to make a
6 motion to amend the regulation as in accordance with
7 Staff recommendations.

8

9 MS. WELLS: I was hoping to hear from the
10 rest of the Council first.

11

12 CHAIRMAN LOHSE: Okay. Fred.

13

14 MR. ELVSAAS: Other than these fyke nets,
15 what are they other ways that they catch these fish,
16 whitefish and the trout.

17

18 CHAIRMAN LOHSE: Gillnet.

19

20 MR. ELVSAAS: Gillnets.

21

22 CHAIRMAN LOHSE: Mostly gillnet and
23 spearing. Tom.

24

25 MR. TAUBE: Yes, Mr. Chairman, it would
26 be gillnet, spear and then we have had seine use before
27 also. But that's been primarily -- these are used in
28 lakes. The spearing usually occurs in tributaries but
29 gillnets and the seine has been used in lakes. There was
30 one seine that was used last year on the Delta River.

31

32 CHAIRMAN LOHSE: Tom, there is not much
33 rod and reel take of whitefish, is there?

34

35 MR. TAUBE: I believe in the statewide
36 harvest survey it's for the whole area, it's probably
37 under a thousand fish. I mean there are a few
38 individuals that have called me up and want to
39 specifically target whitefish. But it isn't a whole lot.
40 It's incidental, they're fishing for grayling and that's
41 under sport regulations.

42

43 CHAIRMAN LOHSE: Mr. Churchill.

44

45 MR. CHURCHILL: If I wanted to use a fish
46 trap, couldn't I apply for an educational permit now and
47 do that?

48

49 MR. TAUBE: If you wanted to use a fish
50 trap you could get a permit, just a regular subsistence

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1 permit from the State and use a fish trap. It wouldn't
2 require an educational permit.

3

4 MR. CHURCHILL: Okay, thank you.

5

6 CHAIRMAN LOHSE: So if I understand you
7 right, the opportunity to use this is here right now, it
8 just isn't being used?

9

10 MR. TAUBE: That's correct. And I
11 believe partly it may be that a lot of people aren't
12 aware of what gear is legal for freshwater fish. There's
13 been limited use and I think most of the subsistence use
14 for freshwater fish in this area has been under
15 sportfishing regulations.

16

17 CHAIRMAN LOHSE: Susan.

18

19 MS. WELLS: I was just going to add that
20 this is establishing seasons for this and so -- and the
21 harvest limits which has there been harvest limits or a
22 season at all before or is there in the State regs?

23

24 MR. TAUBE: In State regulation it falls
25 upon the manager but for the last 40 years basically for
26 whitefish we allow subsistence harvest between October
27 1st through March 31st. We limit the permits to no more
28 than 1,500 whitefish. Most have ranged from, you know,
29 50 to 1,5 -- we've only had two permit holders that asked
30 for 1,500, they're dog mushers and they feed the fish to
31 the dogs. Generally it's cabin owners like at Lake
32 Louise, there's some locals who live on Lake Louise or
33 Paxson Lake and they want 50 to 100 fish are used for
34 fishing bait for burbot or lake trout or for just smoking
35 the fish and even consumption. So it averages about 100
36 fish per permit per year and it's about 10 permits per
37 year we issue.

38

39 CHAIRMAN LOHSE: Thank you. Mr.
40 Churchill.

41

42 MR. CHURCHILL: This is not for Tom but
43 general discussion.

44

45 CHAIRMAN LOHSE: Thank you, Tom.

46

47 MR. CHURCHILL: But it seems like we have
48 the capacity to do what's being proposed by CRNA and I'm
49 concerned with adding to it and creating seasons may have
50 a conservation impact that's overall not in the interest

00281

1 of anyone. At this point I'm anticipating voting
2 against this strictly on that basis. That the ability
3 for these folks to do what they want to do already exists
4 and this may have some unintended consequences that would
5 have some fairly negative impacts.

6

7 CHAIRMAN LOHSE: I'd like to ask a
8 question of either Tom or Eric if I could. Since this
9 request has come before us, do you feel that the
10 information that this is available will go out to these
11 interested parties so that they know that they have the
12 ability to do this right now? I mean will you -- I mean
13 will there be any kind of educational thing that will go
14 on that will inform the parties that have requested this
15 that the ability to do this is currently present?

16

17 MR. VEACH: That's an excellent question.
18 Actually it's been an educational process for us as well.
19 Certainly when this proposal first came out I don't think
20 any of us, as Federal Staff were aware that folks could
21 operate a fish trap that is -- the nature of a fyke net
22 as a fyke net. We certainly -- I've met with CRNA since
23 we found this information out and we've explained it to
24 the folks that put this proposal forward, actually the
25 eight CRNA villages, so they are aware of that. I've
26 certainly let them know that if they'd like to fish in
27 Federal waters within Wrangell-St. Elias National Park
28 and Preserve, all they need to do is come and see me for
29 a permit.

30

31 But you're right, there's probably a need
32 to get this information out to more of the broader
33 public. And I'm not sure quite what the best vehicle to
34 do that is but I think it's very doable that we could get
35 that information out.

36

37 CHAIRMAN LOHSE: Tom.

38

39 MR. TAUBE: Mr. Chairman, I guess under
40 State regulations, we do provide the regulatory book and
41 people read that through. I mean sometimes there's some
42 concern about providing too much information since under
43 State regulations all residents are eligible for
44 subsistence and how many people do we want coming up to
45 the Copper Basin to provide -- or use fish traps or
46 spears and it's for any freshwater fish, you know,
47 whether it's lake trout or burbot and if someone asks for
48 a permit, I need to evaluate that. I have had some
49 question regarding burbot spearing and I've had to try to
50 scratch out a number that would meet their needs and also

00282

1 provide for sustained yield management.

2

3 CHAIRMAN LOHSE: Well, what I was
4 thinking of in this case here we have somebody that's
5 made a specific request, it's not the general public
6 that's requesting it. I kind of go along with Mr.
7 Churchill right now, that the opportunity is there.
8 Mostly seems like a lack of education. I don't see any
9 reason to jump in and make seasons and bag limits and
10 restrictions and stuff like that when we don't even know
11 if anybody's going to even want to do this, you know, or
12 to what level somebody's -- you know, if they end up
13 where they would like to have one for educational
14 purposes or something like that, you know, that's up to
15 the managers to take care of. Now, all of a sudden we
16 have a thousand people come forward and say, hey, I want
17 to put a fyke net in then at that time we need to sit
18 down and see if we've got a problem and let's put some
19 sideboards on it.

20

21 But I'm kind of with Mr. Churchill, I
22 don't see any reason for us to even handle this at this
23 point in time.

24

25 MR. VEACH: I might just mention, Mr.
26 Chairman, if this proposal is not adopted, kind of our
27 current plan is, say, if you came in tomorrow and asked
28 me for a freshwater fish permit would be that I'd
29 probably get on the phone to Tom, we'd try and identify
30 whether or not there would be any concerns with that
31 specific stock.

32

33 CHAIRMAN LOHSE: Yeah. That's what I
34 would expect. I mean I have a fair amount of confidence
35 in the interaction and professionalism of the people that
36 are involved in doing something like this that I don't
37 see where us putting sideboards on it that are so general
38 aren't going to make any difference at all, you're going
39 to decide how many, where and how long and all the rest
40 of that whether we put sideboards that say one month or
41 we say sideboards that put one day.

42

43 So I'm kind of like Mr. Churchill, I just
44 as soon.....

45

46 MS. WELLS: So if we were to adopt this
47 proposed regulation, you would still contact Tom in the
48 parameters of what fish could be taken or should be taken
49 or where?

50

00283

1 MR. VEACH: That's certainly correct.
2 What this would do is it would limit our abilities, the
3 in-season manager to issue a permit within the parameters
4 specified in regulation. So in that case if -- let's
5 just say that Tom and I felt that a particular stock
6 could handle maybe five days of fishing pressure, we
7 would still only issue a permit for up to three days
8 because that would be the regulation.

9
10 CHAIRMAN LOHSE: Mr. Churchill.

11
12 MR. CHURCHILL: Yeah, I guess given that,
13 I mean it just seems to be may call attention to an area
14 that we don't really want to. It not only -- it
15 restricts the managers, we have a good level of
16 cooperation. I think I've heard enough, I'm ready to
17 vote on this one.

18
19 CHAIRMAN LOHSE: Do I hear anymore
20 discussion. Okay, thank you gentlemen. You're going to
21 call the question.

22
23 MR. CHURCHILL: I'll call the question.

24
25 CHAIRMAN LOHSE: Okay, question's been
26 called. All in favor of this proposal as written signify
27 by saying aye.

28
29 MS. WELLS: Aye.

30
31 CHAIRMAN LOHSE: All opposed to this
32 regulation as written signify by saying nay.

33
34 MR. CHURCHILL: Nay.

35
36 MR. ELVSAAS: Nay.

37
38 CHAIRMAN LOHSE: Nay. Motion fails.
39 Okay, now, we go on to 15. And I think we're going to
40 have to take a break after 15 -- oh, my gosh.

41
42 MR. CHURCHILL: I would hope so.

43
44 (Laughter)

45
46 CHAIRMAN LOHSE: Somebody got me a clock.

47
48 (Laughter)

49
50 CHAIRMAN LOHSE: Okay, Larry. If anybody

00284

1 needs to take an individual break as we're going through
2 this, you're -- nobody's going to hold it against you if
3 you get up and come back and sit down quietly.

4

5 MS. WELLS: If we can get up, my
6 legs.....

7

8 CHAIRMAN LOHSE: Okay, Larry.

9

10 MR. BUKLIS: Mr. Chairman, Proposal No.
11 15. The analysis for this proposal can be found on Page
12 183.

13

14 This proposal is going to bring together
15 a couple of other issues we've talked about today. The
16 word, immediately is going to come up and we're going to
17 see the term fyke net built in here because it had been
18 proposed in No. 18 as a gear from which you would release
19 rainbow trout. So as we get to that I'll try to make
20 that clear to you.

21

22 There's a couple of other issues you've
23 dealt with today that kind of come together under this
24 proposal.

25

26 Proposal No. 15 is for the Upper Copper
27 River district and was submitted by the Subsistence
28 Resource Commission for Wrangell-St. Elias National Park
29 and Preserve. This proposal requests a change in the
30 regulations to allow retention of freshwater fish taken
31 incidentally to salmon in fishwheels.

32

33 As the regulations currently read,
34 rainbow steelhead trout are the only species that may be
35 kept incidentally to salmon.

36

37 Federal and State regulations allow targeted take
38 of freshwater fish for subsistence under the authority of
39 a subsistence fishing permit. The number of fish taken
40 by fishwheel incidentally to salmon is thought to be very
41 low. Species such as trout, burbot, whitefish, grayling,
42 dolly varden and lampray are occasionally caught. These
43 fish die in the fishwheel boxes. No further biological
44 impact on the stocks would be expected from allowing
45 users to legally keep these incidentally caught fish.
46 Retention of incidentally captured freshwater fish is not
47 explicitly provided for in the Federal regulations but
48 this is not being enforced.

49

50 So, Mr. Chairman, you need a permit to

00285

1 target for salmon in the Upper Copper River district and
2 you need a permit to target for freshwater fish in the
3 Upper Copper River drainage but we don't explicitly
4 address allowing for retaining your freshwater fish under
5 your salmon permit and that's what this proposal would
6 clarify.

7

8 The proposed regulation would make legal
9 the typical practice when fish, incidental to salmon are
10 infrequently captured by fishwheel. Further
11 clarification can be accomplished by modification to
12 specify that these fish are being taken incidentally to
13 salmon. Another modification would require recording of
14 only the rainbow steelhead trout among the incidentally
15 caught freshwater fish. Given the conservative approach
16 to management of rainbow and steelhead trout, it is
17 advised to require that they be recorded on the salmon
18 permit, however, a recording requirement was not seen as
19 warranted for the incidental harvest of the -- the
20 occasional incidental harvest of other species.

21

22 Regulatory changes that we spoke to in
23 Proposal 18 would have had consequences for this
24 proposal, No. 15, because in 18 we were addressing fyke
25 nets and their use and retention and non-retention of
26 rainbow trout.

27

28 To be consistent with our discussion on
29 Proposal 14, a modification is built into this analysis
30 addressing the word immediately. And instead of using
31 the word immediately, we replaced it by the intended
32 meaning of that term.

33

34 The proposed regulation as a result of
35 the modification appears on Page 186 and I'll read that.
36 The proposed regulation as modified by the analysis would
37 read, if you take rainbow steelhead trout incidentally in
38 other subsistence net fisheries, you may retain them for
39 subsistence purposes except when taken by dipnet and
40 tentatively I had or fyke net, but I understand from your
41 action you would probably want to strike that, in which
42 case you must immediately -- I'm sorry -- in which case
43 you must release them unharmed to the water.

44

45 Because we had the term fyke net built
46 into that clause in the regulations, I struck the word
47 immediately and just put release them unharmed to the
48 water because with the fyke net, the way we were building
49 the regulations for fyke net, you may not be able to
50 release them immediately because it's not an attended

00286

1 gear type, you're only going there once every 12 hours,
2 once every six hours, so it's not being released
3 immediately upon capture so that's why that language
4 would read, you must release them unharmed to the water.
5 It would better accommodate fyke net capture situations.
6 And fyke nets are still an allowed gear, it's just that
7 we haven't -- you haven't recommended building fyke net
8 regulations.

9

10 The second feature is rainbow steelhead
11 trout and other freshwater fish caught incidentally to
12 salmon by fishwheel in the Upper Copper River district
13 may be retained and that's the key feature of this
14 proposal. It clarifies that these other fish may be
15 retained. It removes any question.

16

17 You must record on your salmon permit the
18 number of rainbow steelhead trout retained. So those are
19 the only incidental caught fish that we would require
20 recording.

21

22 And existing language speaks to how they
23 need to be marked, and remove the anal or ventral fin
24 from each retained rainbow steelhead trout prior -- and
25 rather than using the word immediately, prior to
26 concealing the rainbow steelhead trout from plain view or
27 transporting the rainbow steelhead trout from the fishing
28 site.

29

30 So, Mr. Chairman, this proposal as
31 modified would continue to require that rainbow trout,
32 steelhead trout captured by dipnet be released unharmed
33 and that rainbow steelhead trout caught incidentally by
34 fishwheel may be retained but they must be marked, that
35 continues, but it builds in that these other freshwater
36 fish, yes, they may also be retained. And the only
37 recording requirement would be, of course, the salmon and
38 the incidental rainbow steelhead trout.

39

40 That concludes my review.

41

42 CHAIRMAN LOHSE: Larry, can I ask you a
43 question. Why, when we have the opportunity to learn
44 something do we decide that it's -- I mean the proposal
45 was you must record subsistence caught freshwater fish on
46 the subsistence salmon permit, incidentally at this point
47 in time we've got some idea of how many freshwater fish
48 are taken from basically krill surveys or something like
49 that, I mean they're not -- we don't have any definitive
50 thing, when we have the opportunity for no extra work and

00287

1 no extra expenditure, why not have them just record
2 whatever freshwater fish you get? It would be
3 interesting to see how many freshwater fish of what kind
4 are caught. And I can't understand why that part was
5 struck when the original proposers put it in.

6
7 I mean here was an opportunity to learn
8 something and we struck it and we just said just rainbow
9 trout need to be recorded -- rainbow steelhead. I would
10 be interested in how many lamprays are caught and how
11 many burbot and dollys and all the rest of it. I mean,
12 personally, just for my own information not as a -- just
13 because that's another piece of information that you can
14 learn. Could you give me a reason why?

15
16 MR. BUKLIS: Yes, Mr. Chairman. We had
17 discussions along those lines ourselves working to this
18 point and the discussion among the Staff I worked with
19 was that it's a trade-off between what you're asking of
20 the subsistence user to do and what you're going to do
21 with that information and how much you need it. And
22 while it may be of interest and the proponent was
23 actually submitting it that way, the thinking was that
24 our anecdotal information at this point is that these
25 other -- these species of fish are caught only
26 infrequently, there isn't a stock conservation concern
27 with whitefish, grayling and these other fish and that we
28 didn't know how we would actually apply the information
29 to management of those freshwater fish stocks and so it
30 wasn't something that we could justify -- I don't know if
31 the word, burden, would be used but additional
32 requirement of the subsistence user to record these fish
33 and place them in a violation system if they don't take
34 the effort to record it.

35
36 And so that was the judgement on that.

37
38 CHAIRMAN LOHSE: Well, as a Council we've
39 discussed sort of the same thing before with the
40 burgeoning freshwater guided systems up north, you know,
41 as Chairs and the Council and the idea that, you know, a
42 lot of this information isn't for immediate management.
43 We're not worried about taking this information and using
44 it next year or something like that but one thing it does
45 is it does show trends. I mean let's say that we're
46 catching a certain kind of fish now and 15 years down the
47 line those fish no longer show up in fishwheels, we've
48 learned something. We have an indicator of something's
49 going wrong. We requested that. We requested at one
50 time that the different sportfishing guiding operations

00288

1 up north would have to keep some kind of a log book, some
2 kind of a record of what they were catching and how big
3 it was so that we could see, are these systems remaining
4 static, is the size of the fish going down, is the amount
5 of people increasing, is the amount of take going up or
6 going down, does it take more effort to catch fish or
7 less effort to catch fish.

8

9 It has nothing to do with next year. It
10 has nothing to do with five years from now. But it gives
11 us a baseline so 20 years from now when the managers sit
12 down they say, oh, these fish used to be taken in
13 fishwheels on the Copper River and they're no longer
14 there, something's changed in the system. And that's
15 why, to me, when there's an opportunity to collect
16 information without putting any basic extra work into it,
17 other than recording it, that information will show
18 something, maybe not in our lifetime, but it's going to
19 show something as a trend in the future. And I think the
20 original proponents that said you must record subsistence
21 caught freshwater fish maybe realize that because maybe
22 20 years from now some of these fish aren't going to be
23 there anymore or some of these fish are going to have
24 increased and others are going to have decreased.

25

26 And if we wait until we have a problem
27 and start collecting information we have nothing to put
28 that information on. We have no base line, we have no
29 idea that they even existed before.

30

31 And I'm not being critical. I'm just
32 saying that, I was just wondering what kind of
33 conversation went into modifying a proposal to the point
34 where it was less effective in collecting information
35 instead of more effective in collecting information and
36 don't we understand that we -- I mean when we talk about
37 collecting traditional ecological knowledge and we talk
38 about collecting all of these kinds of things, that's so
39 that we can get a view that's not sitting there looking
40 at things today, we want to look at it from a panoramic
41 picture, you know, we want to be able to sit there and we
42 have to make a decision 10 years from now and I don't
43 mean me making the decision or Mr. Churchill, but
44 somebody's going to be making a decision 10 years from
45 now and they can say, oh, there appears to be a problem
46 in this, this data is showing something's changing, what
47 do we need to do to affect that change or are we
48 affecting the change, is the whole system changing and
49 what kind of an affect is that having on the things that
50 we're concerned about.

00289

1 And so I really have a difficulty when we
2 have an opportunity to collect information without any
3 large amount of work that we don't include the
4 opportunity to do that. Because otherwise what we end up
5 getting is we end up getting, this is a hypothetical
6 person -- we have a father-in-law that remembers what the
7 salmon fishing was like on the Copper River Flats when
8 everyone went out every period and caught 700 fish every
9 period but when you sit down and you look at the records
10 and you say, uh, 300,000 fish were caught that summer,
11 how did everybody get 700 fish every period, you know.

12

13 Because as fishermen, our memory.....

14

15 (Laughter)

16

17 MR. CHURCHILL: Hypothetical mind you.

18

19 CHAIRMAN LOHSE: Hypothetical. But as
20 fishermen our memory has a tendency to remember the good
21 times that we all caught fish and forget all of the days
22 in between that we didn't. And after a lifetime, you
23 have this accumulation of good times, well, we always
24 caught 25 steelhead every spring when we set our
25 fishwheels out, you know. And, oh, wait a second in a 60
26 year period we did that three springs but that becomes my
27 memory.

28

29 And that's why, to me, I would like to
30 take every opportunity to get this kind of data down as
31 solid data. I mean I like when somebody says something
32 like that, I like to say, oh, let's go back and look at
33 the Fish and Game catch records for the last 20 years and
34 my gosh, the average catch was 600,000 fish for the last
35 20 years and some of these years there was only 300,000
36 fish caught, you mean fishing was that good all of the
37 time and then you find some other old-timer that
38 remembers well, I can remember when high boat on the
39 flats was 500 fish for the season and he's got a memory
40 that goes in the other direction, you know, that's why we
41 need to get some of this stuff down because our memories
42 are selective. We remember what we want to remember.

43

44 And if we've got the data we can say,
45 hey, there were lamprays in the Copper River but we
46 haven't had a lampray in the fish trap for 10 years,
47 something's happened, you know. And, you know, to me,
48 I'm not looking at it for me, I mean my years of using it
49 are, you know, they're fairly short but my kids or my
50 grandkids or my great-grandkids, they're going to be

00290

1 interested in -- and they may be more interested in what
2 was actually available in my lifetime than I am because
3 all I'm going to do is use it, they may say, uh, dad
4 always tells us about such and such and such and such but
5 the records don't show that, you know. Or maybe they
6 show it was a lot better than he said it was, he just
7 wasn't a good fisherman, you know.

8

9 (Laughter)

10

11 MR. ELVSAAS: Well, with that in
12 mind.....

13

14 CHAIRMAN LOHSE: Everybody else caught
15 700 fish, I didn't.

16

17 (Laughter)

18

19 MR. ELVSAAS: You know, with that in mind
20 do you want records?

21

22 (Laughter)

23

24 CHAIRMAN LOHSE: Well, I'm enough of a
25 fisherman that I know that fish stop growing when you
26 measure them or weigh them and if you don't measure them
27 and you don't weigh them they continue to grow. I can
28 tell you a good joke on that later.

29

30 (Laughter)

31

32 CHAIRMAN LOHSE: But anyhow, that was
33 just a question because I saw in the proposal, the
34 proponents of the proposal said you must record it and it
35 was just interesting to me because I've seen this happen
36 before that, instead of getting as much information we
37 cut the information back. And I know the Council Chairs
38 requested in front of the Board that, you know, on some
39 of these new fisheries and things like that, that, you
40 know, that some information be collected because we
41 recognize that it's just the idea, like the catch and
42 release fishery, we can see the impact as it takes more
43 effort to catch the fish there that something's
44 happening. But if that's not recorded, then is it just
45 our memory that there was better fish there, is it just
46 our memory that there were bigger fish there or, wait a
47 second, it's taking eight hours to catch a sheefish where
48 when they first started guiding it took three hours to
49 catch a sheefish, you know. And those are the kind of
50 things that are going to affect our children and our

00291

1 grandchildren.

2

3 So, you know, again, it wasn't being
4 critical it was just a question. And I understand that
5 in your discussion that's what you decided because it
6 might be burdensome but, you know, it's not something we
7 have to worry about Fish and Game enforcing but there
8 should be a place at the bottom to write down your -- I
9 mean it only takes a second to write down whatever
10 freshwater fish you caught and, you know, you don't have
11 to have penalties involved with it. It could even be a
12 voluntary thing. You know, please record all freshwater
13 fish caught in your fishwheel, you know, or something
14 like that, you know, for future generations. And most
15 people that I know, if you put it to the fact that it's
16 going to affect their kids and their grandkids they're a
17 lot more inclined to do it than if they're going to do it
18 for the Fish and Game today.

19

20 And with that I'm going to shut my mouth.

21

22 But anyhow, any other questions for
23 Larry. And I'm sorry, again, I wasn't preaching at you
24 but it's a thing I see in the system and it's a thing
25 that bothers me sometimes.

26

27 Thank you.

28

29 Fish and Game.

30

31 MR. TAUBE: Yes, Mr. Chairman, the
32 Department supports the original proposal because it
33 would align the State and Federal regulations in the
34 Glennallen subdistrict. Currently State qualified
35 subsistence users are permitted to retain other
36 freshwater species caught in fishwheels and report them
37 on their subsistence permits.

38

39 And for example, before I came I looked
40 at the 2000 data and 80 freshwater fish species were
41 caught and it was a mixed between lampray grayling,
42 whitefish, burbot and dollys. I don't have the specific
43 numbers per species but.....

44

45 CHAIRMAN LOHSE: And this has been going
46 on for awhile?

47

48 MR. TAUBE: Yes. Yeah, at least since
49 1990 we've had an other species column on the reporting
50 part. So the users have been doing it under State

00292

1 regulations.

2

3 CHAIRMAN LOHSE: Thank you. Questions
4 for Tom.

5

6 MR. CHURCHILL: Yeah. Tom, as our Chair
7 mentioned, I'd like to know the value to you as a manager
8 of recording and having that type of information as the
9 proposal asks for?

10

11 MR. TAUBE: You know, for some species,
12 obviously like grayling and whitefish, a lot's dependent
13 upon what the gear, the mesh on or the screening on the
14 fishwheel so it, you know, could vary. But again, as the
15 Chairman stated, that it's a -- it is an indication of
16 what's there. And, you know, it's auxiliary information
17 and right now I don't utilize it for anything but, you
18 know, it is creating a database and at some point someone
19 may come back and look at that and see and I think, also
20 for some of the users, for them it's kind of unique
21 where, you know, I did catch a lampray and they feel like
22 they want to report it so I think it provides some
23 benefit to the users, too, where, you know, I want to
24 provide this information so why not let them, you know, I
25 haven't heard any complaints about people having to
26 record it.

27

28 MR. CHURCHILL: Thank you, that answers
29 my question.

30

31 CHAIRMAN LOHSE: Thank you. Any other
32 questions for Tom.

33

34 MS. WELLS: Yes. You said you support
35 the regulation as it was proposed?

36

37 MR. TAUBE: That's correct. Not the
38 modified.

39

40 MS. WELLS: Okay. So I can't -- I didn't
41 see where it said you have to -- oh, yes, never mind, I
42 saw it. Thank you.

43

44 CHAIRMAN LOHSE: Are there any other
45 Federal, State or tribal agencies that wish to speak to
46 this one? Eric.

47

48 MR. VEACH: Mr. Chairman, Eric Veach,
49 Wrangell-St. Elias National Park. I just wanted to
50 mention, too, that last week and you'll hear in our

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1 written comments that the Wrangell-St. Elias Subsistence
2 Resource Commission meeting there was much of the same
3 discussion that we've just heard here about folks seeing
4 a need to record the freshwater fish species that they
5 harvest and really not having any problem doing that.
6 You know, as Tom mentioned the users are used to doing
7 this, they've been doing it under State regulations for
8 quite a while and stuff and the folks at the SRC meeting
9 didn't perceive it as any additional burden.

10

11 CHAIRMAN LOHSE: Basically it goes right
12 along with the kind of program and the project that you
13 were running, doesn't it? I mean it's stock
14 identification and that kind of thing.

15

16 MR. VEACH: In fact, that's one of the
17 sources of data that we are using to complete that
18 freshwater inventory for the Parks.

19

20 CHAIRMAN LOHSE: Thank you. Oh, I never
21 asked, anybody else have questions for Eric? Oh, okay.

22

23 MR. CHURCHILL: We're supposed to wait
24 until he sat down back there.

25

26 CHAIRMAN LOHSE: Okay, and make him come
27 back up.

28

29 (Laughter)

30

31 CHAIRMAN LOHSE: Okay. At this point in
32 time I don't have any public comment in front of me. I
33 don't see anybody. Written public comment.

34

35 MS. WILKINSON: Yes, Mr. Chairman, there
36 are three.

37

38 Cordova District Fishermen United
39 supports utilization of freshwater fish incidentally
40 caught in fishwheels rather than recurring waste by
41 retaining them -- returning them, excuse me, to water
42 dead.

43

44 Copper River Native Association supports
45 the proposal to keep fish other than salmon taken from a
46 fishwheel and reporting the salmon and marking it as
47 stated in Proposal 14.

48

49 The Wrangell-St. Elias National Park
50 Subsistence Resource Commission supports this proposal

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1 with the Staff modification and continuing the current
2 regulation that requires users to record the incidental
3 take of freshwater fish taken in fishwheels.

4

5 CHAIRMAN LOHSE: Okay. Regional Council
6 deliberations, recommendations, justification. Do I hear
7 a motion to put this proposal on the table so that we can
8 act on it.

9

10 MR. CHURCHILL: So moved.

11

12 MS. WELLS: Second.

13

14 CHAIRMAN LOHSE: It's been moved and
15 seconded and that is the proposed regulation as written,
16 right?

17

18 MR. CHURCHILL: Correct.

19

20 CHAIRMAN LOHSE: Okay. Discussion. Mr.
21 Churchill.

22

23 MR. CHURCHILL: Yeah, I am in favor of
24 voting on it as proposed. You know, after the discussion
25 we've had and the testimony we've had, it seems like a
26 great starting point and if there's anything that needs
27 to be added it can certainly be added at the Board
28 session. But it looks good to go to me from everything
29 I've seen.

30

31 CHAIRMAN LOHSE: Any further discussion.
32 Anybody else.

33

34 MR. ELVSAAS: I would agree with the
35 statement.

36

37 MR. CHURCHILL: Call the question.

38

39 CHAIRMAN LOHSE: Question's been called.
40 All in favor signify by saying aye.

41

42 IN UNISON: Aye.

43

44 CHAIRMAN LOHSE: Opposed signify by
45 saying no -- nay.

46

47 (No opposing votes)

48

49 CHAIRMAN LOHSE: Motion carries. I
50 didn't say nay, I mean all in favor.....

00295

1 MR. CHURCHILL: Oh, sure.

2

3 CHAIRMAN LOHSE:all opposed by
4 saying, not no, say nay.

5

6 (Laughter)

7

8 CHAIRMAN LOHSE: I caught myself on that
9 one. I had an aye vote on that one not a nay vote.

10 Okay, now it's 4:45, let's see how short the next one is.

11 Do we have a chance to finish it. Which one has -- 17
12 was withdrawn.

13

14 MR. CHURCHILL: Haven't we done them all?

15

16 CHAIRMAN LOHSE: We've done 14, 15, 16,
17 17 and 18.

18

19 MR. CHURCHILL: Mr. Chair, we're done.

20

21 CHAIRMAN LOHSE: We have 19.

22

23 MR. ELVSAAS: Where's 19?

24

25 CHAIRMAN LOHSE: 19 is under -- it says
26 14(3)(a), it's actually 14(2)(e).

27

28 MR. ELVSAAS: Where are you reading this?

29

30 CHAIRMAN LOHSE: Proposal 19 on the
31 agenda, it says, see agenda item 14(3)(a), it's actually
32 supposed to be 14(2)(e), it's to streamline special
33 action processes, Proposal 03-28. We did that.

34

35 MR. ELVSAAS: Yeah.

36

37 MS. WELLS: Yeah.

38

39 MR. CHURCHILL: Yeah.

40

41 CHAIRMAN LOHSE: We did that, yes.

42

43 MR. CHURCHILL: So we are done.

44

45 MR. ELVSAAS: That's the way I read it.

46

47 CHAIRMAN LOHSE: Larry.

48

49 MR. BUKLIS: Mr. Chairman, there may be
50 some confusion. Earlier in your agenda, on the first

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1 page of your agenda, Proposal No. 28 referred you to a
2 later agenda item. You're right, we dealt with that, we
3 brought it back forward. Similarly, Proposal 19 refers
4 you to another place in the agenda, we haven't addressed
5 that one yet.

6

7 CHAIRMAN LOHSE: Oh, we haven't.....

8

9 MR. BUKLIS: Two, refer you to someplace
10 else on the agenda. We addressed one of them and this
11 one also refers you to someplace else on the agenda.
12 That's because Proposal 19, it refers you to an agency
13 report 14(3)(a) is the National Park Service report and
14 they were going to brief you on that issue. Proposal No.
15 19 was addressing identification of fishwheels with
16 signs. You were charged a year ago when that proposal
17 was in the process to coordinate with the State, the
18 Board decision was to defer for further coordination. So
19 this agenda item refers you to the Park Service and they
20 were intending to deliver a briefing to you on that
21 coordination process.

22

23 So it's not a proposal for your action.

24

25 CHAIRMAN LOHSE: It's a non-action.

26

27 MR. BUKLIS: It's a briefing on the
28 process.

29

30 CHAIRMAN LOHSE: Okay. So our action
31 proposals are finished at this point in time?

32

33 MR. BUKLIS: That's correct.

34

35 MR. CHURCHILL: Larry, can I get your
36 office phone number?

37

38 MR. BUKLIS: 786-3822.

39

40 MR. CHURCHILL: Okay, thanks.

41

42 CHAIRMAN LOHSE: Okay. Well, we have 14
43 minutes left and we're going to do number 10, call for
44 proposals to change Federal Subsistence wildlife
45 regulations, Tab E, which I don't have in my book -- oh,
46 we do too -- oh, could I get you in the morning?

47

48 MS. WRIGHT: Well, this is in regards
49 to.....

50

00297

1 CHAIRMAN LOHSE: This is where we're at,
2 this is where we need to start in the morning, yes. Do
3 you think we can handle this today, yet?

4
5 MS. WRIGHT: I just have to -- yeah,
6 mine's not long.

7
8 CHAIRMAN LOHSE: Okay. Okay, Sherry.
9

10 MS. WRIGHT: Hi, I'm Sherry Wright with
11 the Department of Fish and Game. And Terry Haynes is
12 with the Wildlife Division, he's the program coordinator
13 and he was the Federal Subsistence liaison, he wasn't
14 able to attend the meeting today so he asked me, when you
15 start discussing the wildlife proposals, the Board of
16 Game revised the brown bear hunting season dates in Unit
17 11 at its spring meeting. This has resulted in the State
18 season, August 10th through June 15th being longer than
19 the corresponding Federal subsistence season which is
20 September 1st through May 31st. Although the State bag
21 limit, one bear per four years remains more restrictive
22 than the Federal bag limit, one bear per year. The
23 previous State season dates were September 1st through
24 October 31st and April 25th through May 31st. That's the
25 Federal season used to be longer than the State season.

26
27 Terry talked with Bob Toby who's in our
28 Glennallen office and asked if he would support a change
29 in the Federal season dates to match the new State season
30 dates. He wouldn't oppose this and thinks it would help
31 to reduce confusion among the hunters.

32
33 So since neither Bob nor Terry could
34 attend he wanted me to point that regulatory issue out to
35 you and ask if you would consider submitting a proposal
36 to realign the State and Federal season dates. And,
37 again, it's for brown bear in Unit 11. This would
38 provide additional hunting opportunity for the Federally-
39 qualified subsistence users.

40
41 And that was it on this and I don't know
42 if you want the other -- I could do the other tomorrow,
43 but what do you want? What would you prefer?

44
45 CHAIRMAN LOHSE: Okay. I notice that we
46 can't do anything about it this fall, the season dates
47 are already passed on the fall. What we're dealing with
48 is a two week extension in the spring. I think the
49 Federal at this time ends on May 31st and the State ends
50 on June 15th. Let me see something.

00298

1 MS. WRIGHT: It's actually longer in the
2 beginning and the end.

3

4 CHAIRMAN LOHSE: Yeah, but I mean the
5 fall has already passed for this year.

6

7 MS. WRIGHT: Uh-huh.

8

9 CHAIRMAN LOHSE: So we couldn't change it
10 for this season. Can we put in a special request for
11 something like that or would we be better off just having
12 a proposal put in for the next round? Ann.

13

14 MS. WILKINSON: Well, I think a proposal
15 if you wanted it to be a permanent change would be the
16 best way to do it. And you can submit a proposal until
17 October 26th.

18

19 CHAIRMAN LOHSE: So we, as a Council,
20 could put a proposal in -- we could instruct Ann to put a
21 proposal in with our name on it.

22

23 (Laughter)

24

25 MS. WILKINSON: Yes.

26

27 CHAIRMAN LOHSE: If that's the will of
28 the Council to align the State and the Federal brown bear
29 seasons. Mr. Churchill.

30

31 MR. CHURCHILL: Yeah, for the record,
32 it's my understanding that Ms. Wright is telling us that
33 Bob Toby's conferred with Terry Haynes and Bob Toby's
34 been the manager in GMU 13 for 20 plus years and has an
35 impressive record, particularly with brown bear
36 management. If those two agree, I'd certainly encourage
37 us to go forward and align those seasons. So I'd speak
38 in favor of it.

39

40 CHAIRMAN LOHSE: What we need is a motion
41 on the table.

42

43 MR. CHURCHILL: So moved.

44

45 CHAIRMAN LOHSE: It's been moved that we,
46 as a Council, put forth a request that brown bear seasons
47 be aligned, Federal and State brown bear season in Unit
48 11 be aligned. Do I hear a second?

49

50 MR. ELVSAAS: I'll second it.

00299

1 CHAIRMAN LOHSE: It's been moved and
2 seconded. All in favor signify by saying.....

3

4 MR. ELVSAAS: Well, wait a minute.

5

6 CHAIRMAN LOHSE: Oh, discussion.

7

8 MR. ELVSAAS: We have a little discussion
9 about this.

10

11 CHAIRMAN LOHSE: Hey, it's.....

12

13 (Laughter)

14

15 CHAIRMAN LOHSE: It's the clock.

16

17 MR. ELVSAAS: Okay. What was the purpose
18 of changing the season?

19

20 MS. WRIGHT: From the State's?

21

22 MR. ELVSAAS: Yes.

23

24 MS. WRIGHT: That I don't know and I
25 don't think.....

26

27 CHAIRMAN LOHSE: Probably.....

28

29 MS. WRIGHT:anybody's.....

30

31 CHAIRMAN LOHSE:to increase the
32 brown bear take because it.....

33

34 MS. WRIGHT: Well, I know they have -- I
35 think they have plenty of brown bears.

36

37 CHAIRMAN LOHSE: That's right. We have a
38 bear predator problem in Unit 11 and 13. And I would
39 imagine that they felt that the season could be
40 liberalized with the dates, they didn't change the one
41 every four years but they did change the -- the
42 lengthened the season to give more opportunity. Mr.
43 Churchill.

44

45 MR. CHURCHILL: I have some personal
46 insight on that. I have a friend that used to be on the
47 Board of Game and that -- you're exactly right, is those
48 discussions were centered around, there certainly isn't a
49 problem with the number of bears, they've grown every
50 year. I think the quote from Mr. Toby was that he wished

00300

1 he could manage caribou as effectively. He continues to
2 increase and liberalize limits and gets more bears.

3

4 But that's exactly what the discussion
5 was on that.

6

7 MR. ELVSAAS: But with that in mind I
8 would ask that the State Fish and Game give a little
9 advance notice to that so we could be prepared to realign
10 rather than shoot from the hip after the fact. That's
11 all I have. I agree with realigning to make them
12 consistent.

13

14 CHAIRMAN LOHSE: Sherry.

15

16 MS. WRIGHT: Yeah, just one thought on
17 that, we can provide the summary of actions from the
18 Board meetings and that would probably help.

19

20 MR. ELVSAAS: Yeah.

21

22 MR. CHURCHILL: Call the question.

23

24 CHAIRMAN LOHSE: Okay. Question's been
25 called. All in favor signify by saying aye.

26

27 IN UNISON: Aye.

28

29 CHAIRMAN LOHSE: All opposed signify by
30 saying nay.

31

32 (No opposing votes)

33

34 CHAIRMAN LOHSE: You will submit a
35 proposal in our name and I'll sign it.

36

37 MS. WILKINSON: Yes, Mr. Chairman.

38

39 CHAIRMAN LOHSE: Is that okay to say it
40 that way. Okay, do you have something more to share with
41 us Sherry?

42

43 MS. WRIGHT: Yeah. Just the one other
44 thing, you probably noticed there was some additional
45 books on the desk and I brought the Board of Game and the
46 Board of Fish proposals for you if you choose to look at
47 some. I wrote on the front the particular ones that
48 pertain to subsistence issues that you might be
49 interested in. So I just wanted to make those available
50 if you'd like to submit comments on those.

00301

1 CHAIRMAN LOHSE: As a Council?

2

3 MS. WRIGHT: As the Council.

4

5 CHAIRMAN LOHSE: Ann, can I ask you a
6 question?

7

8 MS. WILKINSON: Yes.

9

10 CHAIRMAN LOHSE: If these are not on our
11 agenda, can we take action to support or not support
12 these in front of the Board as a Council to recommend to
13 the Board of Game or Board of Fish action on it or
14 advisory -- not advisory ones but can we take any kind of
15 action on it as a Council, if they're not on the agenda?

16

17 MS. WELLS: If she's brought it to our
18 attention. If she's brought it before us.

19

20 CHAIRMAN LOHSE: Yeah.

21

22 MS. WILKINSON: Mr. Chairman, yes, you
23 can. You can put things on your agenda that were not,
24 you know, in the book.

25

26 CHAIRMAN LOHSE: Okay.

27

28 MS. WILKINSON: But it would be helpful,
29 if you wanted to do that, you know, when you receive
30 these books, if you see something that you think is of
31 interest that you would like to address, bring it to my
32 attention and then we can get it on the agenda earlier.

33

34 CHAIRMAN LOHSE: Okay. Then I'll
35 instruct the rest of the Council to look at the proposals
36 that she wrote on the front of these books and if you see
37 one that you think or you feel that we should, as a
38 Council, make comments to the Board of Fish or Board of
39 Game, we'll take it up tomorrow.

40

41 MR. CHURCHILL: And I mean also, I also
42 sit on the Fish Game Advisory Committee for Anchorage and
43 this points out an area that could really be helpful, is,
44 by that, maybe encouraging that relationship where we
45 could talk and draw things through here to gain the
46 expertise and backgrounds of the advisory council. So it
47 could just bring us closer together. I think it's a good
48 point.

49

50 MR. ELVSAAS: Isn't this meeting to

00302

1 review fishery proposals?

2

3 CHAIRMAN LOHSE: Right.

4

5 MR. ELVSAAS: Didn't we just do a game
6 proposal?

7

8 CHAIRMAN LOHSE: No, no, we didn't do a
9 game proposal. What we did on the game proposal is we
10 made a proposal to -- we didn't do a game proposal.

11

12 MR. ELVSAAS: Oh, okay.

13

14 CHAIRMAN LOHSE: We made a proposal.

15

16 MR. ELVSAAS: Okay.

17

18 CHAIRMAN LOHSE: Sherry.

19

20 MS. WRIGHT: Yeah, just one other comment
21 on that, you do have on the agenda, the Department of
22 Fish and Game and you do have fisheries and you do have
23 wildlife later on under agencies so.....

24

25 CHAIRMAN LOHSE: So at that point we
26 could take them up. Okay, good.

27

28 MR. ELVSAAS: If the body agrees we can
29 change the agenda anytime.

30

31 CHAIRMAN LOHSE: Yeah. Okay. Well, we
32 can't change the agenda and add proposals that we put
33 before -- I mean we can't.....

34

35 MR. ELVSAAS: Take proposals.

36

37 CHAIRMAN LOHSE: We can't take up
38 proposals that aren't on our agenda and -- can we? I
39 don't think so.

40

41 MS. WILKINSON: Mr. Chairman, I would
42 believe you could.

43

44 CHAIRMAN LOHSE: Okay.

45

46 MS. WILKINSON: If you -- excuse me, as
47 part of your business. But what kind of proposals are
48 you talking about, are you talking about the State
49 proposals?

50

00303

1 CHAIRMAN LOHSE: Yeah.

2

3 MS. WILKINSON: If you were wanting to
4 make comment for the State, yes.

5

6 CHAIRMAN LOHSE: We could make comments
7 on the State proposals.

8

9 MS. WILKINSON: Yes.

10

11 CHAIRMAN LOHSE: But we could not take up
12 a proposal for the Federal that was not on the agenda,
13 could we?

14

15 MS. WILKINSON: Federal proposal that was
16 not on the agenda?

17

18 CHAIRMAN LOHSE: Yeah. I mean somebody
19 couldn't come to the meeting and propose a proposal and
20 we take action on that?

21

22 MR. ELVSAAS: It has to go through the
23 process.

24

25 CHAIRMAN LOHSE: It has to go through the
26 process.

27

28 MS. WILKINSON: Through the process,
29 right.

30

31 CHAIRMAN LOHSE: Right. Right.

32

33 MS. WILKINSON: Right. And the time
34 would be past for submitting.

35

36 CHAIRMAN LOHSE: This isn't the same,
37 this would just be making comment on State proposals.

38

39 MS. WILKINSON: Right. That's right.

40

41 CHAIRMAN LOHSE: And it would just be
42 comment, not....

43

44 MS. WILKINSON: That's correct.

45

46 CHAIRMAN LOHSE: Okay. Just didn't want
47 to get us in trouble.

48

49 Okay, with that, we're going to recess
50 two minutes early tonight.

00304

1 MR. ELVSAAS: Wow.

2

3 MR. CHURCHILL: A country club
4 environment.

5

6 MS. WELLS: Are you going to make us come
7 early tomorrow?

8

9 MR. CHURCHILL: Two minutes?

10

11 CHAIRMAN LOHSE: Would you like to come
12 early tomorrow just because some people have to leave at
13 11:00 o'clock, shall we start at 6:00 o'clock in the
14 morning?

15

16 (Laughter)

17

18 MR. ELVSAAS: Yeah, you're welcome to
19 start any time you wish.

20

21 CHAIRMAN LOHSE: Uh?

22

23 MR. ELVSAAS: I say, you are welcome to
24 start any time you wish.

25

26 (Laughter)

27

28 CHAIRMAN LOHSE: Should we start at 8:00?

29

30 MR. ELVSAAS: Sounds fine to me.

31

32 CHAIRMAN LOHSE: Does 8:00 sound fine to
33 the rest of the Council? Do we have any objections from
34 people out in the audience, if we do we're not going to
35 listen to them anyhow.

36

37 (Laughter)

38

39 MR. CHURCHILL: Oh, my.

40

41 (Laughter)

42

43 CHAIRMAN LOHSE: We are recessed until
44 8:00 o'clock tomorrow morning.

45

46 (PROCEEDINGS TO CONTINUE)

00305

1 CERTIFICATE

2

3 UNITED STATES OF AMERICA)

4)ss.

5 STATE OF ALASKA)

6

7 I, Joseph P. Kolasinski, Notary Public in and for the
8 state of Alaska and reporter for Computer Matrix Court
9 Reporters, LLC, do hereby certify:

10

11 THAT the foregoing pages numbered 146 through 305 contain
12 a full, true and correct Transcript of the SOUTHCENTRAL FEDERAL
13 SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, VOLUME II, taken
14 electronically by Nathaniel Hile on the 3rd day of October
15 2002, beginning at the hour of 8:30 o'clock a.m. at the Masonic
16 Hall in Cordova, Alaska;

17

18 THAT the transcript is a true and correct transcript
19 requested to be transcribed and thereafter transcribed by under
20 my direction and reduced to print to the best of our knowledge
21 and ability;

22

23 THAT I am not an employee, attorney, or party interested
24 in any way in this action.

25

26 DATED at Anchorage, Alaska, this 18th day of October 2002.

27

28

29

30

31

32

33

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 04/17/04