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1 SOUTHCENTRAL FEDERAL SUBSISTENCE REGIONAL
2 ADVISORY COUNCIL PUBLIC MEETING

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VOLUME I

6

7

October 7, 2003

8

Talkeetna Alaska Lodge

9

Talkeetna, Alaska

10

8:30 o'clock a.m.

11

12 COUNCIL MEMBERS PRESENT:

13

14 Ralph Lohse, Chairman

15 Robert Churchill

16 Gilbert Dementi

17 Fred Elvsaas

18 Sylvia Lange

19 Susan Wells

20

21 Regional Coordinator, Ann Wilkinson

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

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3 (Talkeetna, AK - 10/07/03)

4

5 (On record)

6

7 CHAIRMAN LOHSE: We'll call this October
8 meeting of Southcentral Subsistence Regional Advisory
9 Council to order. I'd like to have a roll call.

10

11 MR. CHURCHILL: Mr. Chair. Gilbert
12 Dementi, Sr.

13

14 MR. DEMENTI: Here.

15

16 MR. CHURCHILL: Sylvia Lange.

17

18 MS. LANGE: Present.

19

20 MR. CHURCHILL: Fred Elvsaas.

21

22 MR. ELVSAAS: Here.

23

24 MR. CHURCHILL: Susan Wells.

25

26 MS. WELLS: Present.

27

28 MR. CHURCHILL: Ralph Lohse.

29

30 CHAIRMAN LOHSE: Here.

31

32 MR. CHURCHILL: And I am here, Bob
33 Churchill. Fred John is not with us this morning. So
34 six out of seven are here, sir.

35

36 CHAIRMAN LOHSE: So we have a quorum.

37

38 MR. CHURCHILL: Yes, in fact, we have a
39 quorum.

40

41 CHAIRMAN LOHSE: Thank you. Okay. I'd
42 like to take my glasses off so I can see everybody out
43 there and welcome you to this meeting. We'd like to do
44 our usual and have introductions of everybody that's here
45 and everybody that's at the front table. What I usually
46 do is we just start at the table, go around and go back
47 and forth and everybody stand up and tell who you are and
48 where you're from and what you do. With that, we'll
49 start with Susan.

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1 MS. WELLS: Susan Wells, Kenai.

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3 MR. DEMENTI: Gilbert Dementi, Cantwell.

4

5 MR. ELVSAAS: Good morning. I'm Fred

6 Elvsaas. I'm from Seldovia.

7

8 CHAIRMAN LOHSE: Ralph Lohse, Chitina.

9

10 MR. CHURCHILL: Bob Churchill, Anchorage.

11

12 MS. LANGE: Sylvia Lange, Cordova.

13

14 MS. WILKINSON: Ann Wilkinson, Anchorage.

15 Regional Council coordinator.

16

17 MR. ARDIZZONE: Chuck Ardizzone with OSM.

18

19 MR. JENNINGS: Mr. Chair. Tim Jennings.

20 I'm with the Office of Subsistence Management. I'm a

21 division chief. I supervise the staffing office of

22 Subsistence Management. We directly support your

23 council. With your permission, Mr. Chair, I'd like to

24 make an announcement and also an introduction.

25

26 CHAIRMAN LOHSE: You have my permission.

27

28 MR. JENNINGS: We're in transition with

29 our staff. Ann Wilkinson has been your coordinator for

30 three years. She has recently been promoted in our

31 office to a new position. She is now our statewide FACA

32 coordinator. FACA stands for the Federal Advisory

33 Committee Act. So her new responsibilities will include

34 nominations and appointments for councils statewide,

35 panel processes, the written documents that go back to

36 the secretary for approval, annual reports for all 10

37 councils and charters and other range of

38 responsibilities. So, on that note, we're very pleased

39 to recognize Ann's high qualifications. She's served the

40 Council for three years very well. I think this

41 promotion is a recognition of her doing a great job and

42 she's ready to move on to even bigger and better, I

43 guess, responsibilities.

44

45 (Applause)

46

47 MR. JENNINGS: And, as I mentioned, it is

48 a promotion for her, so we're quite please on that note.

49 This is her last meeting, so we're in transition. The

50 new coordinator for Southcentral is Donald Mike. Donald

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1 has been with our office for three years. He is
2 presently the Eastern Interior Council coordinator and
3 has been in that role for three years, so he's had these
4 overlapping issues with Southcentral and the Eastern
5 Interior.

6
7 Prior to coming to Office of Subsistence
8 Management, Donald worked for about 10 years with the
9 Parks Service as a subsistence specialist. He worked at
10 Katmai and Aniakchak with the Park Service there in a
11 subsistence resource position, and then prior to that he
12 spent six years in this region with Wrangell-St. Elias as
13 the subsistence resource specialist. So I think Donald
14 has some very firm grounding in the region. He brings a
15 lot of good skills to the position and we ask your
16 support for Donald as your new coordinator. On that
17 note, he will only have Southcentral Council as his
18 responsibility. The Eastern Interior Council
19 responsibilities will be taken on by Vince Matthews up in
20 our Fairbanks office. So thank you, Mr. Chair, for the
21 time for this announcement.

22
23 MR. MIKE: Thank you, Tim.

24
25 CHAIRMAN LOHSE: Welcome, Donald. Just a
26 couple comments on that, Donald. I mean Tim said that it
27 was promotion. I don't know how she can leave a council
28 like this and be promoted. That I don't understand.
29 (Laughing) I've known Ann from all the way back when I
30 worked with her on Fish & Game Advisory Council back
31 20-some years ago. She's always done a wonderful job.
32 She's done a real good job at making people like us, who
33 sometimes don't know what we're doing, look good. I'd
34 like to thank her personally for all of the service that
35 she's given to this Council and wish her well in her new
36 job, even if I'm not sure that I call it a promotion, and
37 I'd like to welcome Donald on board. Donald.

38
39 MR. MIKE: Donald Mike, council
40 coordinator, Office of Subsistence Management.

41
42 MR. BUKLIS: Larry Buklis, fishery
43 biologist with Subsistence Management.

44
45 MS. PETRIVELLI: Pat Petrivelli,
46 anthropologist with Office of Subsistence Management.

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48 MR. ZEMKE: Steve Zemke, Chugach National
49 Forest subsistence coordinator.

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1 MR. CAIN: Bruce Cain, fisheries director
2 for the Native Village of Eyak.

3
4 MR. JOYCE: Tim Joyce, fisheries
5 biologist for Cordova District of Chugach National
6 Forest.

7
8 MS. McCALL: Erica McCall and I'm the
9 Southcentral Region social scientist under the Partners
10 Fisheries Monitoring Program in Cordova.

11
12 MR. HART: Joe Hart with Chitina Native
13 Corporation.

14
15 MS. WRIGHT: Sherry Wright, Department of
16 Fish and Game.

17
18 MR. DENTON: Jeff Denton, biologist,
19 Anchorage office of BLM.

20
21 MR. GERHARD: I'm Bob Gerhard, National
22 Park Service Staff Committee member.

23
24 MR. KNAUER: Bill Knauer, policy and
25 regulation specialist, Office of Subsistence Management.

26
27 MR. SCHANDELMEIER: John Schandelmeier
28 for Paxson.

29
30 MR. BURCHAM: Milo Burcham, wildlife
31 biologist at the Cordova district Forest Service.

32
33 MR. BRYDEN: Jeff Bryden. I'm the lead
34 law enforcement officer for subsistence, Chugach National
35 Forest.

36
37 MR. NELSON: Dave Nelson. I'm a
38 fisheries biologist with the National Park Service
39 working out of Anchorage.

40
41 MS. COHEN: Janet Cohen, anthropologist
42 for the Park Service in Anchorage.

43
44 MS. SHARP: Debbie Sharp. I'm the chief
45 of natural cultural resources in Wrangell-St. Elias
46 National Park and Preserve.

47
48 MS. CELLARIUS: Barbara Cellarius,
49 cultural anthropologist and subsistence coordinator for
50 Wrangell-St. Elias National Park in Copper Center.

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1 MR. TAUBE: Tom Taube, fisheries
2 biologist for Department of Fish and Game in Glennallen.

3
4 MR. WATER: Elijah Waters, fisheries
5 biologist and subsistence coordinator Bureau of Land
6 Management in Glennallen.

7
8 MR. KING: I'm Mark King, Eyak Tribal
9 Council secretary. I got a new job as marine mammal
10 coordinator.

11
12 CHAIRMAN LOHSE: Thank you all. I hope
13 that we have a good meeting and I hope we accomplish a
14 lot this morning. With that, we're going to go and I'm
15 going to make an announcement right now, which I promised
16 my coordinator I'd make and have it made. All I have to
17 do is find it. Everyone attending the meeting needs to
18 sign in when they arrive each day. Sign in paper is on
19 the back. If you wish to make testimony, fill out one of
20 these blue sheets. This doesn't include government
21 officials. They don't have to do that. If you want to
22 hand out to the Council, make nine copies and give it to
23 Ann so she can give each one of us a copy. If you want
24 to hang something on the wall, do not use push pins. The
25 cost would be too great to the Subsistence Office to take
26 in case you've looked at this place. So, if you're going
27 to hang something on the wall, get permission and I think
28 they'll use tape or something like that to hang it there.
29 If there's any questions about any of these, ask me right
30 now. Okay. No questions.

31
32 Now, with that, review and adoption of
33 the agenda. Let's take a look at the agenda on the first
34 page of your book. I need a motion on the table.

35
36 MR. CHURCHILL: I'd like to move that we
37 adopt the agenda as written in our workbook.

38
39 MS. WELLS: Second.

40
41 CHAIRMAN LOHSE: I hear a move and a
42 second. Discussion. I think, Ann, you had a couple
43 things you'd like to add to the agenda, wasn't there?

44
45 MS. WILKINSON: Yes, Mr. Chairman. First
46 of all, tomorrow afternoon at 1:00 p.m. we'd like to have
47 that time reserved for Liz Williams of the Subsistence
48 Division to present the Cook Inlet subsistence fisheries
49 project study. They have completed the stakeholder
50 meetings, they have raw data and they would like to

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1 present what they have to date. It will take about an
2 hour or so, maybe two.

3

4 CHAIRMAN LOHSE: So you'd like to do that
5 just at 1:00? It really doesn't matter where we are in
6 the agenda, but just at 1:00.

7

8 MS. WILKINSON: Yes. And also to the
9 staff report, under Office of Subsistence Management,
10 following the Staff Committee role report, there needs to
11 be included one regarding the governor's request for a
12 member from Department of Fish and Game to sit on the
13 Federal Subsistence Board.

14

15 CHAIRMAN LOHSE: So that would be like a
16 3(a)?

17

18 MS. WILKINSON: Yes.

19

20 CHAIRMAN LOHSE: Does anyone else on the
21 Council have anything they'd like to add to the agenda?

22

23 (No audible response)

24

25 CHAIRMAN LOHSE: Hearing none. We have a
26 motion on the table.

27

28 MR. JENNINGS: Mr. Chair.

29

30 CHAIRMAN LOHSE: Yes, Tim.

31

32 MR. JENNINGS: I'd like to make a couple
33 of notes for you in terms of who would give the
34 presentations. There's changes to the agenda there on
35 Item 10, Fisheries Information Service. Doug McBride
36 can't be with us, so that will be Polly Wheeler. Doug is
37 at the Southeast meeting in Southeast Alaska. Then under
38 Office of Subsistence Manager, Item 2, the Draft Predator
39 Management Policy, that will be Dan LePlant from our
40 office. The item you just added, governor's request
41 regarding Federal Board membership, that will be Bob
42 Gerhard.

43

44 CHAIRMAN LOHSE: Thank you, Tim.

45

46 MR. DENTON: Jeff Denton, BLM. Also
47 under 13(A), for BLM reports, I'd like to give an update
48 on the Anchorage field office and some statewide BLM
49 policies.

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1 CHAIRMAN LOHSE: So that would be under
2 13(A) you'd like to add some policy in Anchorage office.

3
4 MR. DENTON: That's correct.

5
6 CHAIRMAN LOHSE: Okay. Motion to amend
7 it.

8
9 MR. CHURCHILL: I'd like to treat these
10 as a friendly amendment if the second agrees.

11
12 MS. WELLS: So agreed.

13
14 MR. CHURCHILL: Call the question.

15
16 CHAIRMAN LOHSE: The question has been
17 called. All in favor of the agenda as amended signify by
18 saying aye.

19
20 IN UNISON: Aye.

21
22 CHAIRMAN LOHSE: All opposed signify by
23 saying nay.

24
25 (No opposing votes)

26
27 CHAIRMAN LOHSE: The agenda carries.
28 Now, let's look at the minutes on Tab B and we need a
29 motion on the table to accept the minutes as written.

30
31 MR. CHURCHILL: I'd like to move that we
32 accept the minutes as written, starting on page five of
33 our workbook.

34
35 CHAIRMAN LOHSE: Do I hear a second?

36
37 MS. WELLS: Second.

38
39 CHAIRMAN LOHSE: It's been moved and
40 seconded that we accept the minutes. Are there any
41 additions or changes?

42
43 (No audible response)

44
45 CHAIRMAN LOHSE: Hearing none.

46
47 MR. CHURCHILL: Call the question.

48
49 CHAIRMAN LOHSE: The question is in
50 order. All in favor signify by saying aye.

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1 IN UNISON: Aye.

2

3 CHAIRMAN LOHSE: All opposed signify by
4 saying nay.

5

6 (No opposing votes)

7

8 CHAIRMAN LOHSE: Motion carries. We've
9 adopted the minutes as written. Chair's report. This
10 Chair is not very good at reporting things that are
11 already written down. I believe that everybody in this
12 Council, everybody in this audience can probably read
13 and, if you can't, I'm willing to read it for you.
14 Otherwise, you can find all of the information that you
15 need under Tab B and if there's any questions I'll be
16 happy to answer them. The board meeting went well. They
17 didn't agree with everything we said, but what they did
18 do is in here, what they did do was reasonable.

19

20 The annual report, the response that we
21 got to it, was kind of what we expected, but we'll
22 continue to put the same requests back in in the future.
23 But if there's any questions or any further explanation
24 anybody would like, they can either ask me now or ask me
25 later. The report is under Tab B.

26

27 Any other Council members have anything
28 to report from your areas? Anything interesting going on
29 that you'd like the rest of us to hear about? Fred.

30

31 MR. ELVSAAS: The halibut subsistence
32 fishery is well received. There's a lot of participation
33 by people and I did very well myself with it. But 20
34 fish a day is a pretty high goal. Thirteen is my best.
35 I don't think I'd care to clean 20 halibut in one day.
36 Thank you.

37

38 CHAIRMAN LOHSE: Thank you, Fred. Yeah,
39 that's a question I had when I saw that. I thought it
40 wasn't a limit of 20 in one day, but 20 for the year, but
41 their limit is actually 20 every day of the year?

42

43 MR. ELVSAAS: Every day.

44

45 CHAIRMAN LOHSE: Bob.

46

47 MR. CHURCHILL: Yeah, I've had contacts
48 from a number of people that are concerned about this
49 initiative to eliminate hunting bears over bait. What's
50 interested me is most don't actually use that particular

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1 method, but they're concerned about further encroaching
2 on methods and means and see it more of a movement to
3 eliminate special ways of hunting in different areas that
4 may later encroach on some very traditional ways of
5 harvesting animals that may go back to when they snared
6 Dall sheep because they didn't use firearms. There's a
7 real concern with that movement and I've had that
8 expressed by quite a few people.

9

10 CHAIRMAN LOHSE: Thank you, Bob. I think
11 what you're talking about is the fact that every time we
12 lose something it's awful hard to get it back.

13

14 MR. CHURCHILL: Yeah. And the other
15 piece of it, too, is they just see it as a further
16 encroachment of a wide variety of methods and means that
17 have been traditionally used.

18

19 CHAIRMAN LOHSE: Thank you. Any other
20 things from members of the Council?

21

22 (No comments)

23

24 CHAIRMAN LOHSE: Okay. With that, we can
25 go on to public testimony. I saw somebody bring one up.
26 We have an opportunity in this meeting to testify
27 throughout the meeting. We don't limit people to right
28 now. If you have a particular proposal that you'd like
29 to speak to, you can request that you wait until that
30 time to give your testimony. In a way, we like that
31 because that way it's all fresh in our mind. You an also
32 testify at the start of the meeting like this so we can
33 chew it over until that time comes. With that, so far
34 we've only got one person here and he'd like to speak to
35 Proposals 19 and 20. John, do you want to speak now or
36 do you want to speak when the proposals come up?

37

38 MR. SCHANDELMEIER: When are you going to
39 get to the proposals? It looks like it's right away.

40

41 CHAIRMAN LOHSE: Well, I would think that
42 we'd be on them this afternoon for sure. We might get to
43 them even this morning.

44

45 MR. SCHANDELMEIER: Okay. I would rather
46 wait until the proposals come up. It really doesn't
47 matter to me since I'm the only one likely to testify on
48 them.

49

50 CHAIRMAN LOHSE: Do you want to leave by

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1 noon or anything like that?

2

3 MR. SCHANDELMEIER: No.

4

5 CHAIRMAN LOHSE: If you have the
6 opportunity to stay, I'd just as soon you testify when we
7 got to the proposals myself because you are the only one
8 that's testifying on those proposals, if that's okay with
9 you.

10

11 MR. SCHANDELMEIER: That's just fine.

12

13 CHAIRMAN LOHSE: Thank you, John. Okay.
14 With that, we're going on to fisheries proposals for
15 Council review and recommendation to the Federal
16 Subsistence Board. Ann, have I missed anything?

17

18 MS. WILKINSON: No.

19

20 CHAIRMAN LOHSE: Okay. What we're going
21 to do, and I'm going to go through how we do this, we're
22 going to introduce the proposal and we'll have a Staff
23 member introduce the proposal, we'll have the Alaska
24 Department of Fish and Game give their comments, we'll
25 have Federal, State and Tribal agencies give their
26 comments, then we'll listen to the Fish and Game Advisory
27 Committee comments if there are any, then the written
28 comments, then public testimony and then we will
29 deliberate and go over the proposal. With that in mind,
30 I'd like to take a break and let everybody go get a cup
31 of coffee or anything because we're going to sit here for
32 a while.

33

34 (Off record)

35 (On record)

36

37 CHAIRMAN LOHSE: Okay. We're on Proposal
38 18 and Pat is going to present the proposal for us and
39 you'll find it on Tab C, page 41.

40

41 MS. PETRIVELLI: Thank you, Mr. Chair.
42 My name is Pat Petrivelli and I'm the anthropologist for
43 the Southcentral team. Larry Buklis is also here. He's
44 a fish biologist for the Southcentral team just in case
45 there are any questions. But I'm the lead analyst for
46 this particular proposal, so I'll start.

47

48 Proposal 18 was submitted by the Cooper
49 Landing Fish and Game Advisory Committee. Cooper Landing
50 requests that customary trade for subsistence-harvested

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1 fish, their parts or their eggs taken from the Kenai
2 Peninsula be prohibited.

3

4 The actual analysis starts on page 43.
5 The existing regulations for customary trade are on pages
6 43 to 44. I think, rather than go through them now,
7 basically they're broken into transactions between rural
8 residents and transactions between rural residents and
9 others, and then the prohibition of sales with fisheries
10 businesses, and then the other relevant regulations if
11 you're licensed to be a fisheries business you may not
12 engage in customary trade.

13

14 The proposed regulations are listed on
15 page 44 and they apply to sections 11 and 12 and deal
16 with straight prohibitions dealing with trade
17 transactions between rural residents and then rural
18 residents and others. The wording is identical for the
19 prohibition and I'll read it. "You may not exchange in
20 customary trade subsistence-harvested fish, their parts,
21 or their eggs taken from the Kenai Peninsula." Of
22 course, the exact same language would be for rural
23 residents and others.

24

25 It's on the Kenai Peninsula. The Kenai
26 Peninsula is within the Cook Inlet area. The Federal
27 jurisdiction on the Kenai Peninsula includes navigable
28 and non-navigable waters within the exterior boundaries
29 and inland waters adjacent to the exterior boundaries of
30 the Kenai National Wildlife Refuge and the Chugach
31 National Forest.

32

33 The current customary and traditional use
34 determinations for that area is there's a positive
35 customary and traditional use determination for rural
36 residents of the Cook Inlet Area for all fish except
37 salmon, Dolly Varden, trout, char, grayling and burbot.
38 These are listed on the bottom of page 44. There are no
39 determinations for salmon, Dolly Varden, trout, char,
40 grayling and burbot. Therefore, all rural residents are
41 eligible and there's currently a study underway about
42 these C&T determinations.

43

44 In the current regulations for the Cook
45 Inlet Area, Federal regulations for the take, methods and
46 means, seasons are identical to the State of Alaska
47 sportfishing regulations on the Kenai. Page 45 and 46
48 contain the regulatory history relating to customary
49 trade and the most important thing to note is that Title
50 VIII of ANILCA specifically identifies customary trade as

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1 a legitimate subsistence use. Customary trade is defined
2 by regulation as the "...exchange for cash of fish and
3 wildlife resources regulated in this part, not otherwise
4 prohibited by Federal law or regulation, to support
5 personal or family needs, and does not include trade
6 which constitutes a significant commercial enterprise."
7 Regulations were recently adopted in January 2003.

8
9 The next thing to note is that State
10 regulations do not allow the exchange of subsistence-
11 harvested fish for cash. Federal regulations do, but
12 there's also State health regulations that require that
13 processing meets government food health standards. The
14 customary trade regulations do not exempt those involved
15 from complying with regulations on the processing of
16 foods. The priority for Federal enforcement of these
17 provisions will be on large-scale cash sales that are not
18 consistent with customary and traditional practices. It
19 would be rare, but technically possible, for a
20 subsistence user to meet the government food health
21 standards and hold the necessary processing permits, and
22 yet not be a licensed fishery business. Licensed fishery
23 businesses are excluded from participating in customary
24 trade under Federal regulations. A subsistence fishing
25 permit is required to harvest salmon, Dolly Varden, trout
26 and char for subsistence purposes in the Cook Inlet Area
27 under Federal regulations and there are record-keeping
28 provisions required for those permits.

29
30 Page 46 has the harvest history and I
31 realized after the printing of the book that I have wrong
32 numbers for the harvest history because I used the mean
33 and I state in the Cook Inlet Area that a total of 4.2
34 million salmon were harvested commercially and that's a
35 mean from 1977 to 2000. For the 2002 season, 3.7 million
36 salmon were harvested in the 2000 season. For the
37 sportfishing season, I had 352,000 salmon, trout,
38 grayling and Dolly Varden were harvested and that was
39 also a mean. For the 2000 season, the last year figures
40 were available, 468,000 salmon were harvested in the 2000
41 season. But I did use the yearly seasons for the
42 subsistence figures and those were 9,760 salmon were
43 harvested in marine waters in the State subsistence
44 fisheries.

45
46 For the Federal subsistence fisheries, 36
47 salmon were harvested and two permits were issued in the
48 2002 season. I talked to Gary Sonnevil briefly and seven
49 permits were issued this year. I didn't get the number
50 of salmon harvested under Federal regulations.

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1 As to the effect of this proposal, the
2 proponent -- I guess we should go back to 43. When the
3 proponent mentioned that the Kenai Peninsula is a large
4 mix of non-rural, rural and seasonal residents and
5 they're just worried about the chances of abuse and the
6 consequences in the sale of subsistence-caught fish too
7 great to warrant this practice and we need to avoid even
8 the impression of a "cottage industry" selling
9 subsistence-caught salmon to tourists. So that was the
10 reason they submitted it.

11
12 Looking at the effects of the proposal on
13 page 46, this proposal would strictly prohibit the
14 activity of customary trade without the evidence of the
15 need. It was mainly just the potential for abuse. As
16 stated in the effect, as a practical matter, Federal
17 customary trade regulations essentially apply only to the
18 exchange of fresh fish because these regulations do not
19 exempt users from State of Alaska food processing health
20 standards and the number of Federal subsistence users who
21 hold the processing permits and are not operating as
22 licensed fishery businesses are few to none.

23
24 Also, even though this occurs in an area
25 of high-density use by non-subsistence fishers,
26 enforcement officials would be aided by the harvest
27 record-keeping requirements for Federal permit holders in
28 the subsistence fisheries. So the proposed prohibition
29 of all customary trade seems unnecessary at this time.

30
31 So, the preliminary conclusion
32 recommendation is to oppose this proposal because ANILCA
33 Section 803 expressly permits customary trade, there is
34 no legal basis for a blanket prohibition of the sale of
35 subsistence-harvested fish due to a potential for abuse,
36 particularly since a misunderstanding of what is legally
37 allowed with the combination of Federal harvesting
38 regulations and State prohibitions. The 36 salmon
39 harvested under Federal subsistence regulations in 2002
40 represents far less than 1% of the total salmon harvested
41 in the Cook Inlet Area. Permit record-keeping
42 requirements for the Federal subsistence fishery in the
43 Kenai provides law enforcement officials with sufficient
44 documentation to monitor potential abuses. That
45 concludes the analysis.

46
47 MR. CHURCHILL: Pat, have you done any
48 research on State violations currently of over-harvesting
49 of fish there on the Kenai Peninsula? Did you look into
50 that as an extension of your research?

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1 MS. PETRIVELLI: No, because under State
2 regulations it's all a non-subsistence area, so they were
3 violating State sportfishing.

4

5 MR. CHURCHILL: But might that not be a
6 good indicator of why the proposers are concerned with
7 what may occur in the future?

8

9 MS. PETRIVELLI: Well, Federal
10 subsistence users have record-keeping requirements, so
11 rural residents would be -- if they're engaging in the
12 customary trade sales, they have the record-keeping
13 requirements that State -- the monitoring of the State
14 recreational system, there is no monitoring, so there is
15 no record-keeping requirements. It's just the creel
16 harvest, I guess.

17

18 MR. CHURCHILL: I understand that, but
19 rarely do people, when they're violating the law, keep
20 good records of it. But you've answered the question.
21 Thank you.

22

23 CHAIRMAN LOHSE: Pat, I have a couple
24 questions and maybe I should wait until we have a federal
25 enforcement agent up, but I'll just ask them anyhow. I
26 know that in the customary trade definition, everything
27 from freezing to canning to smoking to salting was all
28 part of that customary trade as a legal method of taking
29 care of fish. Twice in here it says as a practical
30 matter these exchanges apply only to fresh fish because
31 of State department health regulations, which we
32 discussed extensively when we were having the meetings on
33 it. Has the State, that you know of, done any
34 prosecuting for violating these health standards?
35 Because we know there's a -- especially one of the things
36 we always talked about was the exchange of dried salmon.
37 That was one of the specific things that was discussed
38 under customary trade was the fact that that's a
39 customary practice and has gone on for a long, long time,
40 but that would not come under -- according to this, that
41 would not be currently allowed and yet it's currently
42 allowed under Federal regulations. I know we haven't
43 gone over what the State's going to do with jurisdiction
44 that's off Federal land or on Federal land, but I don't
45 know if we can use that for a reason because it's written
46 right into Federal law that that's allowed. Any comments
47 on that, Pat? I know it's in here twice and it just kind
48 of struck me that it says it and yet, when we discussed
49 it, we recognized that there are State health
50 regulations, but from a Federal standpoint we allow it.

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1 MR. BUKLIS: Mr. Chairman. Larry Buklis,
2 fishery biologist with OSM. Maybe I'll begin the
3 response to that by saying I worked with Pat and others
4 as a team on customary trade issues because there were
5 other proposals in other parts of the state. For my
6 part, I was the lead on one in Bristol Bay, so I've
7 worked closely with Pat and others on the issues that are
8 common to these proposals. You're right that the Federal
9 subsistence fishing regulations recognize customary
10 trade, allow for it and there's these recent regulations
11 that are more specific on customary trade that there was
12 a task force that you may have been involved with
13 developing that regulation. It does not speak to health
14 standards and processing requirements. It recognizes
15 customary trade in its many forms.

16

17 In the analysis here and elsewhere, in
18 other parts of the state, what we're trying to say is
19 that this allowance for customary trade in our fishing
20 regulations is not meant to imply any kind of exemption
21 from ongoing health codes. So, if the health codes
22 require a permit or require a certain way of handling
23 fish and treating the product, nothing we've done here
24 changes that. It's not something that our regulations
25 speak to, but we don't want to imply that this is a
26 special exemption from such standards.

27

28 Your question specifically was have you
29 researched recent cases by the State health enforcement
30 people. I haven't and I don't think Pat has. Our
31 understanding is the approach will continue to be or is
32 to not pursue small scale traditional exchanges but to be
33 more attentive to abuses of the situation, both on the
34 State and Federal side.

35

36 CHAIRMAN LOHSE: If I understand right,
37 then what you're saying is technically these uses are
38 allowed under Federal law. Technically, they're not
39 allowed under State health standard laws, but they will
40 be arbitrarily enforced depending on the agent's
41 definition of the size of the abuse.

42

43 MR. BUKLIS: Essentially yes, what you've
44 said, and also I think there's a sense of the extent to
45 which there's an enforcement ability to pursue this
46 widespread practice in rural Alaska. To what extent are
47 enforcement agents for the health codes going to go to
48 villages and fish camps and pursue the situation or not.
49 If it becomes a health problem, I think you'll see more
50 action, but it's an ongoing, long-standing practice in

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1 Alaska and they're not mounting an effort to reverse
2 that.

3

4 CHAIRMAN LOHSE: But they reserve the
5 right to do so.

6

7 MR. BUKLIS: Absolutely. Because,
8 strictly speaking, there are codes of standards on these
9 things.

10

11 CHAIRMAN LOHSE: Any other questions?
12 Thank you. I guess the reason I was asking those
13 questions is I really wonder whether they enter into --
14 they're the practical end of it, but do they enter into
15 -- we'll maybe later on get a legal opinion on that, but
16 do they enter into our discussion as to whether or not
17 this should be legally allowed or not legally allowed. I
18 mean how does this proposal meet the standards of ANILCA
19 as far as customary trade is concerned, not whether it's
20 -- it's kind of like the idea of abundance or shortage.
21 It doesn't really enter into whether or not this is an
22 ANILCA-allowed practice or not allowed practice whether
23 or not they can actually do it or can't do it. Pat.

24

25 MS. PETRIVELLI: ANILCA says they can do
26 it. It's a subsistence use in Section 803 in the
27 operations manual says customary trade is a recognized
28 use and it's listed as direct and personal family
29 consumption and it says for food, clothing, shelter and
30 it lists all the uses and it goes barter and customary
31 trade. It would be like do we prohibit barter because
32 there's potential uses for that. I mean singling out
33 customary trade activities because the potential for
34 abuse. We don't regulate each of those uses
35 individually. Each of those uses are subsistence uses
36 and once we make a positive determination for subsistence
37 use, customary trade is allowed. In ANILCA, for
38 restricting subsistence users, it's usually in the 804
39 restrictions. They're usually related to that for the
40 health of the resource and I forget the reasons, but
41 customary trade is an allowable use of subsistence
42 resources.

43

44 CHAIRMAN LOHSE: Thank you, Pat. Any
45 other questions? Thank you. With that, we'll go on to
46 Alaska Department of Fish and Game comments.

47

48 MR. TAUBE: Thank you, Mr. Chairman. Tom
49 Taube, Alaska Department of Fish and Game, Sportfish
50 Division. For Proposal 18, the Department recommends

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1 that action on this proposal be deferred until
2 information about the traditional and customary trade
3 practices for these Kenai Peninsula fish stocks is added
4 to the staff analysis. As noted in the analysis,
5 subsistence fishing in these waters was closed from 1952
6 until 2002. The analysis has no information about
7 customary trade practices for these stocks prior to the
8 closure. Absent any information about the history of
9 customary trade, that is sale of subsistence-caught fish,
10 regulations allowing such practices need to be carefully
11 crafted.

12

13 Although the analysis correctly points
14 out the very low harvest of fish under current Federal
15 subsistence regulations, this could rapidly change if the
16 regulations are liberalized, especially in an area on the
17 road system without the self-limiting mechanisms found in
18 more remote traditional communities. In addition, State
19 regulations do not currently recognize specific
20 provisions for customary trade of fish in the Kenai
21 Peninsula region. The Alaska Board of Fisheries has not
22 received any requests for authorization of customary
23 trade of fish in this area.

24

25 CHAIRMAN LOHSE: Any questions?

26

27 (No questions)

28

29 CHAIRMAN LOHSE: Thank you. Other
30 Federal, State, Tribal Agency comments. Do we have
31 anybody that wishes to speak to the issue? John. This
32 is on Proposal 18?

33

34 MR. SCHANDELMEIER: Yes. I just wanted
35 to make a comment. As I read through this proposal, it
36 talks about it being rare but technically possible for a
37 subsistence user to meet the government food health
38 standards and that may be the case at the present time,
39 but that's rapidly changing. I don't know how many of
40 you are aware that the Valdez Economic Development
41 Corporation has put in a public processing facility for
42 fisheries in Valdez and, in September, held free classes
43 to allow people to get their processing certificate.
44 They're having another set of classes in November. The
45 first 100 people will be free. It's possible this will
46 continue if this operation works. The objective is to
47 make it viable for small-time fishermen that either
48 fishes IFQ fish or salmon or something to sell his own
49 product legally. It's very difficult, as this mentions,
50 for an individual to meet government and State

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1 regulations, health regulations, but this will suddenly
2 be possible with these small processing facilities. If
3 this one works, you can bet there will be more of them,
4 Bristol Bay, Kenai, I would imagine would be the first
5 choices. Then it is quite possible that a subsistence
6 user could process their own fish and legally sell them
7 and meet all the State requirements.

8

9 For instance, I commercial fish halibut
10 out of Valdez. If I was to exercise my subsistence
11 fishing right and I'm signed up for this class in
12 November, the theory is that next summer I could sell
13 halibut all day long on the docks at Valdez, recognizing,
14 of course, that Valdez is not a rural community and the
15 State may have something to say about me selling a
16 subsistence-caught fish in a non-rural area, but,
17 nevertheless, there are no regulations to prohibit that
18 at this time. So it may not be so rare and you may have
19 to address it in the future, so you need to look at it
20 now before it becomes a problem. Thank you.

21

22 CHAIRMAN LOHSE: Thank you, John. Any
23 questions for John? John, just one comment on that. You
24 can only sell \$400 worth of halibut, you know.

25

26 MR. SCHANDELMEIER: I understand that,
27 but what is that? What is \$400 worth of processed
28 halibut? Can I trade it for your motorhome? That's
29 barter.

30

31 CHAIRMAN LOHSE: Any other agency, tribal
32 members that would like to speak? Federal agency, State
33 agencies, tribal members? I'm going to ask the
34 enforcement agent to speak if nobody else speaks because
35 I want to ask him some questions.

36

37 MR. BRYDEN: Jeff Bryden, lead law
38 enforcement officer, subsistence, Chugach National
39 Forest.

40

41 CHAIRMAN LOHSE: I had a couple questions
42 I wrote down while Pat was discussing it. One of the
43 questions is -- you know, we've come up with a definition
44 of customary trade and barter basically at the request of
45 enforcement. I mean it was an enforcement request that
46 brought the definition. Has this definition helped in
47 any way? Has it been applicable? Has it applied? Has
48 it aided enforcement?

49

50 MR. BRYDEN: I didn't incur anyone this

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1 year using it as a subsistence user. The numbers you saw
2 were pretty low. Personally, Cooper Landing is my back
3 yard. I live eight miles from it, so I'm there a fair
4 amount of time and didn't run into any of the folks using
5 it. The current regulations being the subsistence users
6 can only harvest what the State limit is. If you only
7 get three sockeye, you don't have a whole lot to stand
8 there and try and sell or do anything with at a time.

9

10 CHAIRMAN LOHSE: I wasn't even just
11 really thinking of the Kenai Peninsula because I know
12 when you get together with other enforcement agents you
13 talk shop. So I was just wondering on a statewide, from
14 talking with other enforcement agents in other parts of
15 the state or other parts of southcentral or anything like
16 that, has -- you know, we worked on the definition
17 because it was seen as we needed to get something that we
18 could have a hold of. Has it been applicable? Has it
19 helped? Has it been of no use or anything like that from
20 shop talk?

21

22 MR. BRYDEN: I know of no problems yet,
23 but it's so early from the time that that regulation and
24 everything got into the actual field seasons that we
25 haven't encountered anything in the southcentral area.
26 Southeast board is meeting right now also. I don't know
27 of any problems down there. My counterpart is down there
28 and has been working a number of deer issues. They're
29 starting to look at the deer canning and that type of
30 stuff again, but usually that happens November/December
31 type deal because nobody wants to go up the mountain to
32 harvest the subsistence deer. They want them on the
33 beach. If that will occur, it will probably start
34 occurring later in the season towards December type stuff
35 I suspect.

36

37 CHAIRMAN LOHSE: So, to your knowledge,
38 there hasn't been much evidence of misuse of it yet.

39

40 MR. BRYDEN: I know of no misuse
41 whatsoever.

42

43 CHAIRMAN LOHSE: Have you heard anything
44 as far as State enforcement, enforcing it from the State
45 side? One of the things we discussed is the fact that
46 this is a Federal law, it takes place on Federal land,
47 the State has not said that if any of these actions take
48 place on State land, whether they reserve the right to
49 prosecute or not. Has there been any State action on any
50 kind of a subsistence customary trade/barter type thing?

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1 MR. BRYDEN: None that I'm aware of. The
2 State, of course, is aware of a lot of stuff. They just
3 haven't done anything with a lot of it in the past and I
4 don't know of any future areas where they're looking at.
5 I suspect if you see an outbreak of botulism or
6 something, then they'll kick in and start looking at
7 stuff.

8
9 CHAIRMAN LOHSE: So basically the
10 regulation hasn't changed the status quo.

11
12 MR. BRYDEN: Not to my knowledge.

13
14 CHAIRMAN LOHSE: Not much at all because
15 everything is just going the same way as it was before.

16
17 MR. BRYDEN: Correct.

18
19 CHAIRMAN LOHSE: Anybody else have any
20 questions? Bob.

21
22 MR. CHURCHILL: Jeff, thank you. Are you
23 aware through your contacts with the State of ongoing
24 problems with enforcing fishing limits and harvesting
25 particularly of salmon? Could you speak on that at all?
26 I know it would be mostly anecdotal.

27
28 MR. BRYDEN: Are you referring to the
29 cases that were in the paper this summer?

30
31 MR. CHURCHILL: That as well as others,
32 yes.

33
34 MR. BRYDEN: Those major violations that
35 you saw, I believe the folks had like 300 fish type
36 deals. That was all in the Kenai Wildlife Refuge, down
37 in the lower part of the river, so it wasn't in my patrol
38 zone area, but they did do a multi-day stake-out and were
39 quite effective in catching some folks. After they got
40 their violations, they decided to go out and get a
41 significantly larger number of fish after that to help
42 pay for the violations and they got turned in again and
43 the judges on the State side were rather upset about it,
44 I believe, by the violation amounts and stuff that they
45 went after them for, so that was kind of nice to see for
46 once. Speaking in my area, most of the violations I got
47 were small violations. Double tripping is real common.
48 Get your limit in the morning and come back in the
49 evening.

50

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1 MR. CHURCHILL: Thank you very much.

2

3 CHAIRMAN LOHSE: Susan.

4

5 MS. WELLS: Would it be fair to say that
6 the abuses were from non-state residents?

7

8 MR. BRYDEN: Yes. Personally, all my
9 violations for stuff was from people that were non-
10 residents of the state.

11

12 MS. WELLS: Thank you.

13

14 CHAIRMAN LOHSE: Thank you, Susan. No
15 other questions. Thank you. Didn't mean to put you on
16 the spot. Fish and Game Advisory Committee comments.

17

18 MS. WRIGHT: Hi. I'm Sherry Wright with
19 the Department of Fish and Game Board Support, the
20 Southcentral Regional coordinator. I appreciate the
21 opportunity to address the Council and also appreciate
22 the funding that's been provided to the Fish and Game
23 Advisory Committees to attend these meetings.
24 Coordination efforts continue between the Department of
25 Fish and Game and the Federal Subsistence Boards.
26 Although this meeting occurs fairly early for the
27 advisory committees, the chairs of several committees
28 were able to contact members to provide comment on
29 Proposal 18.

30

31 The first one I'm going to read is from
32 the Kenai/Soldotna Fish and Game Advisory Committee. Our
33 advisory committee voted in a telephone polling to
34 support the Cooper Landing Advisory Committee's
35 recommendation No. 18 and they asked me to read into the
36 record the following statement: We, the Kenai/Soldotna
37 Fish and Game Advisory Committee supports recommendation
38 No. 18 submitted by the Cooper Landing Advisory
39 Committee. We further agree that any commerce linked to
40 customary trade would be inappropriate on the Kenai
41 Peninsula. We would be especially concerned about
42 enforcement issues and the strains this type of activity
43 may have on our resources. The vote was as follows. Ten
44 were for, one abstained, one was neutral, two were
45 unavailable and one person thought that they should not
46 comment on the issue. Thank you again for your valuable
47 help on this item.

48

49 The next comment is from the Cooper
50 Landing Advisory Committee. Nobody was able to make this

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1 meeting and they asked that I read their statement into
2 the record. Dear Council members: The Cooper Landing
3 Advisory Committee apologizes for not being able to send
4 a representative to your October 7th and 8th, 2003
5 meeting. We ask you to please accept this letter as our
6 testimony on this proposal. We have reviewed the staff
7 report in your meeting material and still support our
8 Proposal 18 as written. We feel this is an important and
9 very much a Cooper Landing issue.

10

11 While much of the Kenai Peninsula
12 fisheries occur in State and marine waters, Cooper
13 Landing is at the center of the most accessible and
14 productive Federal waters within the Kenai National
15 Wildlife Refuge and Chugach National Forest, the Upper
16 Kenai River Watershed. Also, Cooper Landing is the only
17 real community in the Kenai River Watershed. Thus, the
18 customary trade of subsistence-harvested fish has a very
19 direct impact on the community of Cooper Landing. Our
20 desire is to stop this unnecessary trade which has not
21 been customary for more than 50 years before it starts.

22

23 While Section 803 definitions defines
24 customary trade as one of the subsistence uses, it does
25 not require in our opinion that all subsistence uses be
26 provided in all cases. We could argue that Section 802
27 policy provides for a non-wasteful subsistence uses and
28 that the sale of subsistence fish to tourists might be
29 considered a wasteful use of subsistence fish.

30

31 If the Council cannot support or proposal
32 as written, we ask that you do not just dismiss the
33 issue, but provide the community of Cooper Landing with
34 other alternatives that you may feel are more appropriate
35 for our community. From reading proposals from others
36 printed in a proposal book, we are not the only area
37 wishing to control, reduce or eliminate trade. Each area
38 has a different solution, but the issue is much the same.

39

40 The Cooper Landing Advisory Committee has
41 another issue which we turn to the Regional Council for
42 your help. In the past two subsistence fishery proposal
43 calls, no areas were excluded. However, after we
44 submitted proposals for the Kenai Peninsula Area, both
45 times we were later informed that no proposals were being
46 accepted for the Kenai area. After the first denial, we
47 asked if the Kenai was excluded and were told unknown,
48 only to have our proposal denied again. We ask for the
49 Council's help in requesting that if areas are to be
50 excluded, the call for proposals' notice so states those

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1 areas. Submitting proposals only to be denied is not in
2 the best public interest.

3

4 We wish to thank the Council for
5 supporting the Advisory Committee system and ask you to
6 please give the two issues we raised in this letter due
7 consideration. Sincerely, Bill Stockwell.

8

9 The Mount Yenlo Fishing Advisory
10 Committee met on October 2nd and although they did not
11 adopt Proposal 18, there was one member that asked if his
12 comments could be read and the committee allowed. He
13 stated that he had concerns of abuse of the resource if
14 sales were allowed and the potential impact to other
15 users.

16

17 The Tyonek Advisory Committee met
18 yesterday and commented as follows: The Tyonek Advisory
19 Committee prefers no sale of subsistence-caught fish.
20 There are concerns of sales reducing the subsistence
21 harvest levels. Also, they've heard that the Kenai
22 residents can't catch enough salmon. They're only
23 permitted one educational permit, so why would they want
24 to sell them. That is all the Advisory Committee
25 comments I had.

26

27 CHAIRMAN LOHSE: Thank you.

28

29 MR. CHURCHILL: Sherry, if I understand
30 what you're saying, Mt. Yenlo took no position, but they
31 did allow one member to comment through the chair. Am I
32 understanding that correctly?

33

34 MS. WRIGHT: That's correct. They didn't
35 adopt it, but they did allow the comment to be read.

36

37 MR. CHURCHILL: Thank you.

38

39 MS. WELLS: Did you say that there was
40 only one educational permit on the Kenai?

41

42 MS. WRIGHT: The Tyonek Advisory
43 Committee, that was their understanding, that there was
44 not a subsistence permit, that there was only one
45 educational permit for the Kenaitze Tribe, I believe, and
46 that the chair had heard that they had trouble catching
47 what they needed with that permit.

48

49 MS. WELLS: Does not Ninilchik have an
50 educational fishery?

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1 MS. WRIGHT: I'm not sure.

2

3 MS. WELLS: They do. Pat says yes. And
4 Salamatof and Kenaitze have a joint permit, so there's
5 two tribes that are working that same permit and we have
6 been allowed three sites and two nets. Just for
7 clarification.

8

9 CHAIRMAN LOHSE: Can we go back to the
10 Cooper Landing comments. I'd like to have you reread
11 what they said about proposals being excluded.

12

13 MS. WRIGHT: The Cooper Landing Advisory
14 Committee has another issue which we turn to the Regional
15 Council for your help. In the past two subsistence
16 fishery proposal calls, no areas were excluded. However,
17 after we submitted proposals for the Kenai Peninsula
18 Area, both times we were later informed that no proposals
19 were being accepted for the Kenai area. After the first
20 denial, we asked if the Kenai was excluded and were told
21 unknown, only to have our proposal denied again. We ask
22 for the Council's help in requesting that if areas are to
23 be excluded, the call for proposals' notice so states
24 those areas. Submitting proposals only to be denied is
25 not in the best public interest. I'm not sure what
26 they're referring to.

27

28 CHAIRMAN LOHSE: I was trying to figure
29 out what they were referring to, too. I think that we
30 didn't take action on some Kenai proposals because we're
31 waiting for all of the information to come in on the
32 Kenai, so we weren't going to make some decisions on the
33 Kenai until we had that information. I guess, in a way,
34 they could feel that those were excluded, but they
35 weren't excluded. They basically have been told that
36 until the information comes, we aren't in the position to
37 make decisions in that area. So you might inform them
38 that they're not excluded, it's just that we're waiting
39 to get the information on the table so we can actually
40 take informed action on the proposals that they're
41 putting in. Am I correct on that, Mr. Knauer?

42

43 MR. KNAUER: That's correct.

44

45 CHAIRMAN LOHSE: But I can see where they
46 would feel they were excluded. Okay. Any other
47 questions for Sherry? Hearing none. Do we have any
48 written public comments, Ann?

49

50 MS. WILKINSON: Yes, Mr. Chairman. The

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1 Kenaitze Indian Tribe is opposed to Proposal 18.
2 Kenaitze people today still practice their subsistence
3 lifestyle as much as possible, living on fish and game
4 harvested on the Kenai Peninsula. Customary trade has
5 been practiced by the Kenaitze Indian Tribe since time
6 immemorial. In 1981, the Alaska Board of Fisheries
7 adopted the premise that the subsistence uses, the
8 customary and traditional uses of wild renewable
9 resources continue to exist in Cook Inlet and noted
10 specifically that this includes "A use pattern in which
11 the effort and products are distributed on a communal and
12 family basis including trade, bartering, sharing and
13 gift-giving." In Federal Register Volume 68, Number 72,
14 page 18146, dated April 15, 2003, the National Marine
15 Fisheries Services acknowledges that the subsistence
16 halibut may be used in customary trade "because customary
17 trade is a customary and traditional use of halibut."
18 That's all they have. Thank you.

19

20 CHAIRMAN LOHSE: Thank you, Ann. John,
21 you've already testified on this. Is there any other
22 public testimony? With that, we need a motion to put
23 this on the table.

24

25 MR. CHURCHILL: I move that we put
26 Proposal FPO4-18 on the table for consideration.

27

28 CHAIRMAN LOHSE: Do I hear a second?

29

30 MR. ELVSAAS: Second.

31

32 CHAIRMAN LOHSE: It's been moved and
33 seconded that we put Proposal 18 on the table.
34 Discussion, deliberation, recommendation. Bob.

35

36 MR. CHURCHILL: I have some experience in
37 this area and I talked to Bill Stockwell, who is
38 proposing. Here's their concern. It's a very geographic
39 specific concern with a long history to it. His concern
40 is the amount of over-harvesting that goes on in the
41 Cooper Landing area primarily under State regulations.
42 He's not pointing fingers at subsistence users. As a
43 matter of fact, Bill will tell you if he were here that
44 those people who are currently using salmon for
45 subsistence do it responsibly. He has no problem. What
46 he's afraid of and concerned with is does this open a
47 door where we're going to have people under the guise of
48 subsistence marketing fish to tourists and that's what
49 he's worried about.

50

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1 Again, he has no problem with traditional
2 subsistence uses, but therein lies his concern. I know
3 other councils have talked about the sale of fish and
4 fish parts to non-rural residents and that's kind of
5 where Cooper Landing is going with this. It really isn't
6 a problem with the traditional subsistence users. It's
7 opening a door that could create a problem.

8
9 I know I've certainly seen a long history
10 of folks from out of state harvesting far in excess of
11 what the legal limit allows. I've run into people with
12 campers full of canned salmon. They have small little
13 canning outfits and they're hauling it out of the state
14 and I know bloody well they're selling it in the Lower
15 48. That's kind of where they're going. It isn't a shot
16 at subsistence users at all. It's to try and prevent
17 what they see could be an abuse of it. It really is
18 aimed at someone selling subsistence-caught fish to out-
19 of-staters, which is the bone of contention there.

20
21 CHAIRMAN LOHSE: Ann.

22
23 MS. WILKINSON: Just a point of
24 clarification. When you put a motion forward, please
25 state whether you're making a motion to support or to
26 oppose rather than to just put it on the table. It makes
27 it a little easier for record-keeping later on. So is
28 this a motion to.....

29
30 MR. CHURCHILL: Motion to adopt.

31
32 CHAIRMAN LOHSE: Thank you, Ann. I
33 forgot that we had gone over that at one time. I always
34 thought that all motions had to be in the positive, but I
35 think it was not too long ago we were told we could make
36 them in the negative. So thank you, Bob. Susan.

37
38 MS. WELLS: Bob, in your comments then
39 that you're relaying, I don't feel that this proposal as
40 written would stop the abuses that we see from non-state
41 resident fishers that can and take it to the Lower 48 and
42 sell.

43
44 MR. CHURCHILL: No, obviously, it
45 wouldn't stop that. However, what they're trying to get
46 at is not creating an industry of where folks that live
47 on the Peninsula could use this as a vehicle to begin an
48 industry. They're concerned too about the lack of
49 effectiveness of enforcement. We've had some big
50 arrests, but, believe me, from somebody that spends a lot

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1 of time on the upper part of the peninsula, the vast
2 majority of it goes either ignored or undetected, the
3 level of abuse. Will that address out-of-staters
4 over-harvesting? No. What they're saying is they don't
5 want in-staters developing an industry where they're
6 selling to folks from the Outside. That's where they're
7 going. That's the heart of it.

8

9 CHAIRMAN LOHSE: Thank you, Bob. Anybody
10 else, any comments. I'd like to make a comment on it.
11 Again, trying to put it within the context of ANILCA. We
12 have a lot of problems and we see the same thing on the
13 Copper River exactly with the over-harvest of fish by
14 people who are taking it Outside and selling it and it's
15 not under subsistence law that they're doing it. The
16 problem is we have a problem with our current practices
17 under current law that have laws in place that prohibit
18 it, but they're not enforced or can't be enforced and
19 it's kind of like a lot of other things, to add another
20 layer of law doesn't stop the practice.

21

22 We've had this idea of trying to prevent
23 future abuses. We've ran into that from the start on
24 this from both sides. People don't want to let somebody
25 have customary and traditional because that community may
26 grow too big in the future and then they will be a
27 detriment to the subsistence resource. Or, from the
28 other side, if the subsistence resource users get too
29 powerful, they'll use too much of the resource. I,
30 myself, feel like the less laws, the better. When there
31 is a problem, you address the problem. You don't try to
32 make a law to prevent people from doing something that
33 they're not doing right now.

34

35 In this case, from everything we've seen,
36 we have no problem with the subsistence user there. We
37 have a definite problem with misuse of the resource and
38 I'd like to see that handled first before you put another
39 level on there. If it becomes a problem, in one year you
40 can have it on the books. In one year somebody can show
41 there's a problem and we can address it at that point in
42 time. Bob.

43

44 MR. CHURCHILL: I'd like to ask Susan.
45 She made a couple comments I found real interesting.
46 One, you talked about the educational permits and we
47 heard from Tyonek that the folks with educational permits
48 were having a difficult time harvesting enough salmon
49 under their permits. Can you comment on that? Is that
50 your sense of it or not?

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1 MS. WELLS: Every time I've used the net
2 I've gotten as many fish as I can use and then I also
3 fish for other people who can't go down to the net. It
4 hasn't been a problem of getting them. I think there's
5 more problems with people having time to use the permit
6 and get down there and fish. We have instituted with our
7 permit that there's a limit, so many per head of
8 household and so many per person in there. For some of
9 us, for me, I use more than 35 fish a year, so that
10 reduced me to doing the dipnetting, but I still have the
11 access to the fish. Does that help?

12

13 MR. CHURCHILL: Absolutely. I'm just
14 trying to get it on the record. Even as good-hearted as
15 Tyonek is, your reality doesn't match with theirs from
16 what you're saying.

17

18 MS. WELLS: That is correct.

19

20 MR. CHURCHILL: I guess the other thing
21 I'd like to hear us talk about is given Cooper Landing's
22 concern, if, in fact, an abuse does arise, might we
23 suggest to them that they offer some kind of proposal
24 that would limit sale of fish to non-rural residents as a
25 step if, in fact, abuse does develop with that? Is that
26 something that we might provide them? I mean I'm looking
27 at them saying that the system has not been responsive to
28 them. They're saying if you don't like our idea, what
29 would you feed back to us. Is that something we might
30 offer them if, in fact, they want to resubmit?

31

32 MS. WELLS: Well, I have no background
33 where -- I mean from everybody that I've known from
34 Seldovia, growing up there, and living in Kenai since
35 '67, I don't know of any subsistence user that has sold
36 any of their fish, even bartering. It's more of
37 providing and sharing for elders or family that doesn't
38 have access. So I don't know of anybody that's sold it.
39 I don't know that it's an issue.

40

41 MR. CHURCHILL: So what I hear you saying
42 is this doesn't exist if, in fact, sale to non-rural
43 residents was prohibited, it would have no negative
44 impact currently on any of the use patterns.

45

46 MS. WELLS: Not on use pattern, but the
47 negative impact to me would be the slap in the face of
48 telling me I can't do something I don't do, like making
49 me wear my seat belt by law when I did it anyway. It was
50 my law to begin with.

00030

1 CHAIRMAN LOHSE: Thank you, Susan. Thank
2 you, Bob. I see what you're saying, Bob, and I kind of
3 go along with Susan from that standpoint in one way and I
4 go along with you in another way. I would like to see
5 when somebody puts a proposal like this in that they
6 document that there is abusive practices taking place and
7 then do like you say, do it step by step. If it turns
8 out that was not the intention of customary and
9 traditional, that it would be something to do with the
10 tourist industry, and if it turns out that somebody
11 starts abusing this and using it to deal with tourists on
12 a money-making basis and it becomes a problem, then put
13 it before us as a step and say, okay, in this case we
14 don't want to stop everything that is legally allowed,
15 but here is a problem and let's address this problem.

16
17 To me, I see what Susan is saying. Okay,
18 we have the right to do this. We choose not to. Why
19 take away the right when we're not doing it anyhow. From
20 their standpoint, they're saying they have the right to
21 do this, they may misuse it, now let's take away the
22 right to do it because the potential for misuse is there.
23 It's kind of like a lot of the proposals that we see on
24 gun laws. We have the right by the Constitution to bear
25 arms, but we may end up shooting somebody, so the safe
26 thing to do is take away our guns so we don't shoot
27 anybody. Susan.

28
29 MS. WELLS: Following on that, the
30 concern isn't the subsistence user that's creating the
31 problem, but the regulation would impose a restriction on
32 the subsistence user when what we're really concerned
33 about are the tourists coming up that are breaking laws
34 and taking too many fish. They're imposing a what if
35 this happens on people that have not -- I don't know of a
36 record of this happening, so I have to oppose this.

37
38 CHAIRMAN LOHSE: Bob.

39
40 MR. CHURCHILL: Well, I'll give you a
41 parallel and I know this is part of the thinking that
42 goes into this. There's a lot of laws that prevent
43 people from guiding without a license on the Peninsula.
44 However, there's a fairly strong industry of people who
45 rent cabins and take people out in boats and swear
46 they're not guides and it erodes a lot of things in
47 place. Again, I think they're trying to address a
48 problem before it occurs and I can understand why people
49 would feel it's a slap in the face against subsistence
50 users, but we have a lot of folks that would fall under

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1 this law that I don't consider subsistence users that
2 could take advantage of it.

3

4 That's really where they are and I'd like
5 us to make some positive suggestions to these folks and
6 it might include working with the tribes on the
7 Peninsula, but it's pretty focused. The upper Kenai
8 River is where their concern is. So I'd like us to make
9 some kind of a positive response. I'd be more than
10 willing to write the letter on behalf of the Chair to say
11 here's our thoughts and concerns and here's what we'd
12 suggest you do as a process sort of thing to these folks.

13

14 CHAIRMAN LOHSE: Thank you, Bob, for
15 that. I'll use another parallel at the same time and get
16 my thinking on that. We have a tendency in our culture
17 to penalize those who want to abide by the law because
18 it's a lot easier to penalize them than it is to penalize
19 people who are already engaged in illegal activities.
20 All of these activities that we've been discussing as
21 problems on the Kenai are currently illegal. But it's a
22 lot easier to make a law that applies to those who want
23 to abide by the law than it is to make a law to those
24 that are doing something illegal.

25

26 My feeling would still be document the
27 abuses. When the abuses are there, present some
28 documentation of the abuses and address those abusers,
29 don't address those who are currently doing what is
30 right. Don't penalize those that are doing what's right
31 for the possibility that somebody might do something
32 wrong. Penalize those that are doing wrong.

33

34 I guess after 10 years I'm tired of
35 trying to figure out what somebody might do wrong in the
36 future and I'd rather just deal with what people are
37 doing. I think we need to give them something positive
38 and that's if you have a problem, bring us the problem,
39 don't bring us the potential problem. Do you think
40 that's legitimate?

41

42 MR. CHURCHILL: Yeah, I think that's
43 legitimate. I'll tell you, as is written, I think it's
44 too broad-scoped. I think it covers a larger area than
45 the intent and concerns, but I also know how it works
46 with -- we too often build a road in and three years
47 later, after the wildlife are gone, we pass the
48 regulations to protect them. I don't want to penalize
49 that thinking either. I appreciate the discussion and
50 just wanted to reassure this Council that I've talked to

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1 Stockwell in depth and it really wasn't a slap or an
2 intended slap towards subsistence users at all. I think
3 we can call the question.

4

5 CHAIRMAN LOHSE: Fred.

6

7 MR. ELVSAAS: Thank you. I'm opposed to
8 the proposal for many of the reasons stated here. It's
9 my feeling when the customary trade provision was
10 provided for, they recognized the need for some people to
11 offset the costs of subsistence fishing by selling some
12 of the subsistence-caught fish. I wouldn't want to stop
13 that. I don't sell my subsistence-caught fish. I have
14 too many friends and relatives that expect it for free.
15 But, nonetheless, it's there and I have to agree if there
16 is a problem and the problem arises, it has to be
17 addressed. But, at this point, it's a potential problem
18 and we can't be going around making rules and regulations
19 on potential happenings and so forth. Even if we did,
20 those that would violate this law would do it anyway.

21

22 It's no different than those that are
23 canning sport-caught fish and selling outside and so
24 forth. They avoid all the regulations and they over-
25 catch their limits and so forth. It's a generally-known
26 thing, but I can't say I really personally know of
27 anybody doing that, although I've heard it for years and
28 years and years and I tend to believe it. In turn, I
29 have to agree, if this does arise and it gets to be a
30 wholesale thing, first of all, enforcement has to address
31 it and then I think it could be addressed in a proposal
32 form at this level.

33

34 If we were to adopt this and because
35 there's a problem in Cooper Landing, denying everybody on
36 the Kenai Peninsula the right to offset costs of
37 subsistence fishing, we're doing something wrong. We've
38 solved a problem that didn't exist, but we've caused
39 another problem on the other hand. So, with that in
40 mind, I would ask that you not support this. Thank you.

41

42 MR. CHURCHILL: I'd like to call the
43 question.

44

45 CHAIRMAN LOHSE: The question has been
46 called. All in favor of Proposal 18, signify by saying
47 aye.

48

49 (No aye votes)

50

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1 CHAIRMAN LOHSE: All opposed to Proposal
2 18 signify by saying nay.

3
4 IN UNISON: Nay.

5
6 CHAIRMAN LOHSE: Proposal 18 fails
7 unanimously. With that, with the permission of the rest
8 of the Council, I think we should ask Bob Churchill to
9 write a letter expressing some of the thoughts that we
10 have expressed here today. I'd like to add one more
11 thought to that and I'm going to add that because I think
12 this is the most important one of all. Enforcement is
13 only as effective as community attitudes. If there is a
14 problem going on that is known in the community and the
15 community expects enforcement to do something about it,
16 they have a problem.

17
18 If this practice is taking place there,
19 people in the community know it. They are the ones that
20 can stop it. It has to become an attitude of the
21 community that this is an unacceptable practice and if
22 you do that, we will let enforcement know. And we will
23 not only let enforcement know, we're willing to go and
24 testify. Enforcement cannot be everywhere. Enforcement
25 can't see everything. If they have a problem with this
26 kind of over-catching, use enforcement. Become partners
27 with them.

28
29 MR. CHURCHILL: Then you'd like to make
30 part of that letter maybe a suggestion that they work
31 with Jeff and ask him to one of their advisory committee
32 meetings and develop kind of a better working
33 relationship, how they can work with him if abuse does
34 come up. I'd be happy to do that if we have the
35 concurrence of the Council.

36
37 CHAIRMAN LOHSE: If that's the
38 concurrence of the Council, I'd like to ask Bob to
39 include that. I think it's their responsibility if they
40 know of problems going on that they make use of
41 enforcement that's there to stop these practices. Yes,
42 please.

43
44 MR. BRYDEN: Just for your information, I
45 attend their meetings on a regular basis, so I know Bill
46 and the rest of the members. We talk quite a bit between
47 each other back and forth and they'll call me if they see
48 anything. So I think that's going on already.

49
50 MR. CHURCHILL: I don't want to ruin

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1 their relationship, but it's a very positive one. Bill
2 speaks very highly of Jeff's help.

3

4 CHAIRMAN LOHSE: Thank you. I think if
5 we did more of that, we'd have less need to write new
6 laws on the books. With that, we'll go on to Proposal 19
7 and Pat is going to present that to us.

8

9 MS. PETRIVELLI: Thank you, Mr. Chairman.
10 The actual analysis starts on page 53, but the summary
11 sheet is on 51. Proposal 19 was submitted by the Paxson
12 Fish and Game Advisory Committee and it requests that
13 there's a positive customary and traditional use
14 determination for salmon in the Copper River District for
15 residents of the Paxson area.

16

17 Paxson is located in the Prince William
18 Sound area, so it is included in the Glennallen
19 Subdistrict customary and traditional use determinations
20 but isn't included in the Chitina Subdistrict, so that's
21 what this proposal addresses, just the Chitina
22 Subdistrict, since they are already included in
23 Glennallen. The map on page 52 shows the two different
24 districts.

25

26 The extent of the Federal waters for the
27 Copper River includes all waters within the exterior
28 boundaries of the Wrangell-St. Elias National Park and
29 Preserve and the Chugach National Forest and inland
30 waters adjacent to these exterior boundaries. Also the
31 Federal public waters of the Gulkana River related to the
32 Wild and Scenic River, but since this proposal only
33 addresses the Chitina Subdistrict, those were the only
34 uses looked at.

35

36 The regulatory history for the Chitina
37 Subdistrict in October 1, 1999, when Federal subsistence
38 fishery management began, we largely adopted the relevant
39 regulations from the State. At that time, Chitina was a
40 personal-use fishery. So, for the Glennallen
41 Subdistrict, the uses by the residents of the Prince
42 William Sound Management Area were recognized as
43 customary and traditional users and then the Board later
44 considered the Chitina Subdistrict. In December, the
45 Federal Subsistence Board made positive customary and
46 traditional use determinations for salmon in the Chitina
47 Subdistrict, adding the 25 communities and areas listed
48 above and established harvest regulations. Since
49 December, the Board made customary and traditional use
50 determinations for salmon in the Glennallen Subdistrict

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1 that added the 12 communities and areas. Then in
2 December 2002 the Board rejected proposals to add
3 residents of Lake Louise and Delta Junction to the
4 determinations for salmon in the Glennallen and Chitina
5 Subdistricts through the consent agenda. The
6 justification was a lack of substantial evidence.

7

8 Page 55 has a clear map of the Chitina
9 Subdistrict and they've had differing regulations.
10 Basically, under the State program, dipnets are only
11 allowed in Chitina and fishwheels and dipnets are allowed
12 in Glennallen, but since then, and with the Federal
13 program, of course many changes have been made, allowing
14 both fishwheels and dipnets in the Chitina program just
15 under Federal regulations.

16

17 The data used in looking at the customary
18 and traditional use determination requests were mainly
19 two Division of Subsistence household surveys of the
20 Copper River basin area and they included Paxson as a
21 community within the Copper Basin and the study years
22 were 1982 and 1987. Other Copper Basin information was
23 obtained from the customary and traditional worksheet
24 used for the Chitina Subdistrict prepared in 1999 and
25 then also in 1996 comprehensive study of the Upper Copper
26 River subsistence salmon fishery, and then two 1983
27 reports by Holly Reckord for the National Park Service.

28

29 Table 1 on page 57 lists all the
30 communities that have existing positive customary and
31 traditional use determinations for Chitina, along with
32 the characteristics of Paxson. It shows from the 2000
33 census there's a current population in Paxson of 43
34 permanent residents and the most recent community of
35 Paxson has been occupied since 1906, so there were other
36 archeological sites located at Paxson of traditional
37 Ahtna villages. This particular area is the traditional
38 territory of Ahtna Athabaskans and that territory extends
39 from the Copper River basin westward to Cantwell. Around
40 the turn of the 20th century, settlement by non-Native
41 communities began and settlements such as Paxson began
42 with the building of gold rush trails and mining efforts.

43

44 In Factor 3, discussion is related to
45 gear types, about how the non-Native residents who moved
46 in largely adopted their methods based upon the
47 traditional methods but adapted to their own use, and
48 Paxson falls within those communities as described there.

49

50

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1 With all of these studies, I relied upon
2 those two ADF&G surveys. When they talked about the
3 Copper River basin, they talked about the Copper River
4 basin in general. The information I had specific to
5 Paxson is noted in the analysis but Paxson was described
6 as part of the Copper River basin and their patterns fit
7 within those general Copper basin patterns because of the
8 statistics and the nature of the area, so a lot of the
9 description is from the study as applicable to the basin
10 but also as applying to Paxson.

11
12 I'll start with Factor 1. The main
13 factors I'll be covering rather than all eight factors
14 because since proposals have been presented about
15 customary and traditional use of salmon on the Copper
16 River for the last three years and you've seen described
17 just preserving methods and other factors, so that
18 information is in here and described, but I'll start with
19 one, the long-term consistent pattern of use and then the
20 location and then I'll just touch on others where we have
21 data specific to Paxson. There is data about Paxson, but
22 it's just generalized.

23
24 For the actual use of salmon, that's
25 shown in Table 2 and it shows that from the latest study
26 in 1987 64 percent of the households in Paxson used
27 salmon, 50 percent received salmon, 28 percent gave and
28 community harvest is estimated at 1,030 pounds and there
29 was a per capita use of 45 pounds. This level of use,
30 when you compare it to the other communities that have
31 been given a positive customary and traditional use
32 determination, those are listed above, but the ranges for
33 the other communities range with the household using it
34 from 23 to 100 percent and a per capita harvest between 2
35 and 239 pounds yearly. So the Paxson use levels fall
36 within those uses.

37
38 Besides those household surveys, the
39 other measure of use are the permits that have been
40 issued in the Upper Copper River District and that
41 information is contained in Table 3 on page 59. From the
42 years 1988 to 2000, Paxson has been issued 37 permits
43 over a period of 13 years for an average of three permits
44 a year. The data for the other communities are listed
45 above. The one thing about permit data is whether --
46 these are just the permits returned that show the
47 information, so these are just generalized, so the permit
48 data for all communities are involved, just so you see
49 how Paxson falls within the use levels of other
50 communities.

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1 The other information about exactly where
2 they fish in Factor 4, there was harvest area mapping
3 done in a 1982 study. The description from the 1982
4 study said that residents of Paxson traveled to Copper
5 River to fish with fishwheels, mainly in the Tazlina-
6 Copper Center area. Harvest area mapping showed salmon
7 harvesting in the Gulkana River from the Middle Fork of
8 the Gulkana River.

9
10 Then the other specific information we
11 have for Paxson are just diversity of use and that's
12 shown in Table 4 and it shows that 92.9 percent of the
13 households used subsistence resources. They harvested
14 289 per capita pounds and the index of diversity of
15 resources used is 10. The range for all the communities
16 with positive customary and traditional use for the
17 Chitina Subdistrict, the range goes from 91.7 percent to
18 100 percent of subsistence resource uses and then the per
19 capita pounds harvested is 95 to 342 and the diversity of
20 resources goes between six to 16.6, so Paxson falls
21 within the levels of all communities with a customary and
22 traditional use in Chitina.

23
24 As far as adding Paxson to the Chitina
25 Subdistrict, there's no biological impact anticipated if
26 the proposal is adopted as written. The residents of the
27 Paxson area have a history of fishing in both the
28 Glennallen and Chitina Subdistricts. While under Federal
29 subsistence fishing regulations fishwheels may be used in
30 the Chitina Subdistrict, the terrain greatly limits the
31 use of this gear. So the preliminary draft conclusion is
32 to support the proposal.

33
34 The data from the household surveys,
35 community studies and permit data show that salmon is a
36 resource used by Paxson in the Chitina Subdistrict at
37 levels comparable to those communities with a positive
38 customary and traditional use determinations. That
39 concludes the analysis.

40
41 CHAIRMAN LOHSE: Any questions for Pat.
42 No questions. Pat, I have one comment. Susan, do you
43 have a question?

44
45 MS. WELLS: I was looking at your tables
46 here. You have approximately 17 established households
47 in Paxson. Is that what that's saying on Table 2?

48
49 MS. PETRIVELLI: Yes, it would be 17.

50

00038

1 MS. WELLS: And then on Table 3 you have
2 37 permits issued?

3
4 MS. PETRIVELLI: That's from 1988 to
5 2000.

6
7 MS. WELLS: Oh, so three per year.

8
9 MS. PETRIVELLI: Three per year. So
10 three of the 17 households get a permit yearly.

11
12 MS. WELLS: Thank you.

13
14 CHAIRMAN LOHSE: Pat, I've got two
15 comments on this. Under number four it says salmon are
16 not present in the immediate area around Paxson. Salmon
17 are present in that area and, in fact, a lot of salmon go
18 up in that area to spawn. It's just that they're not
19 present for harvest. We haven't done any harvesting up
20 in that area for a long time. The Gulkana is one of the
21 most productive river systems in the Copper River basin.
22 So the people in Paxson actually live where the salmon go
23 or live right in the area where the salmon go to spawn.
24 It's just that they have to go some place else to make
25 use of them.

26
27 I'd like to call attention to Table 2 and
28 Table 3. If we take a look at the figures that you've
29 given us on those tables, there's no place that comes
30 closer to the mean than Paxson. If you take the numbers
31 and you put it on the table, it comes right in the center
32 of the table. There's about exactly as many communities
33 that use more as there are communities that use less
34 within one on both tables. If we're going to go by
35 usage, Paxson fits the use pattern right dead center in
36 the middle. Thank you for the presentation. Any other
37 questions for Pat. Fred then Bob.

38
39 MR. ELVSAAS: I guess my concern is have
40 they applied for customary and traditional use in the
41 past?

42
43 MS. PETRIVELLI: The residents of Paxson
44 haven't. Last year Lake Louise asked for customary and
45 traditional use and we expanded the proposal, OSM staff
46 did, and we discussed the use of any resident who wasn't
47 included. So you considered a proposal that included use
48 by anyone who did not have a C&T use for salmon in the
49 Copper River. But this year only Paxson asked for it
50 themselves specifically. It's the first time they have

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1 asked. We limited the proposal analysis to just that
2 request.

3

4 MR. ELVSAAS: That was what I was
5 concerned about, if they had asked before and were denied
6 or something, what would be the purpose since they are
7 part of the Copper River system. Thank you.

8

9 CHAIRMAN LOHSE: Fred, in response to
10 that, they were submitted by the Office of Subsistence
11 Management. We, as a Council, instructed the Office of
12 Subsistence Management that if Paxson was interested,
13 they should present their own proposal. This is in
14 response to what we directed them to do.

15

16 MR. ELVSAAS: Okay.

17

18 MR. CHURCHILL: Pat, I noticed in the
19 community characteristics that 96 out of the 117
20 residences are used only seasonally. Any sense of if we
21 were to pass this if that would have an impact? Would it
22 change use patterns if it opened that for the folks that
23 are living there seasonally?

24

25 MS. PETRIVELLI: Currently Paxson is
26 included in the customary and traditional use
27 determinations for all the wildlife characteristics for
28 whatever unit they're in and the BLM Glennallen field
29 office has developed an affidavit of residency when there
30 is a question about residency, whether they're a
31 year-round permanent resident. Our regulations, when
32 they apply to rural residents, they apply to those who
33 can use their primary residence.

34

35 MR. CHURCHILL: A follow-up through the
36 Chair. Then I'm guessing that the majority, if not all
37 of these 96 residences, wouldn't be considered year
38 round.

39

40 MS. PETRIVELLI: More than likely they
41 wouldn't consider that their primary residence, so they
42 would not be included in our regulation.

43

44 MR. CHURCHILL: Thank you very much.

45

46 CHAIRMAN LOHSE: Barb, come on up.

47

48 MS. CELLARIUS: Barbara Cellarius,
49 subsistence coordinator for Wrangell-St. Elias National
50 Park. I just wanted to mention that the Federal

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1 subsistence fisheries permits for the Copper River are
2 issued by Wrangell-St. Elias National Park. The people
3 issuing the permits are specifically instructed only to
4 give permits to people who are full-time permanent
5 residents of whatever community.

6

7 CHAIRMAN LOHSE: Barbara, do you have a
8 system like the BLM affidavit or something they fill out
9 that says they are permanent residents?

10

11 MS. CELLARIUS: That's something we've
12 started this year. We didn't do it for fisheries this
13 year because we got it put together after the fishery
14 season, but we did do that for wildlife this year. So
15 they had to sign forms and fill out something that
16 indicated they were a permanent resident.

17

18 CHAIRMAN LOHSE: So this will probably
19 extend over to fisheries and everything in the future,
20 too. I mean this is just a process that's been started.

21

22 MS. CELLARIUS: I would expect that that
23 would be the case.

24

25 CHAIRMAN LOHSE: Does that answer your
26 questions, Bob?

27

28 MR. CHURCHILL: Yes, thank you very much
29 Barbara and Pat.

30

31 CHAIRMAN LOHSE: Thank you. Any other
32 questions for Pat. Thank you, Pat. With that, we'll go
33 on to Alaska Department of Fish and Game comments.

34

35 MR. TAUBE: Thank you, Mr. Chairman. Tom
36 Taube, Alaska Department of Fish and Game. The
37 Department supports adoption of Proposal 19 to include
38 the Paxson area in the C&T finding for salmon in the
39 Chitina Subdistrict based upon adequate documentation of
40 data and support of the eight factors in the staff
41 analysis. Care should be taken in drafting the
42 regulation to define Paxson to be inclusive of the
43 Sourdough area as well since the supporting data includes
44 both communities which stretch along the Richardson
45 Highway. C&T eligibility in roaded areas should not
46 exclude people living between named communities.

47

48 CHAIRMAN LOHSE: Thank you, Bob. That's
49 a point well taken. Any questions for Tom?

50

00041

1 MS. LANGE: I have one. Under community
2 characteristics it says there are no year-round residents
3 of Sourdough. My concern is the community characteristic
4 of this area. I'm not getting a real clear picture how
5 many residents, in fact, do live there year-round and how
6 do you determine that?

7
8 MR. TAUBE: I believe that would be
9 determined by the census and other information from the
10 local users. Maybe John Schandelmeier might be able to
11 answer this better. I thought there had been one
12 permanent resident around the Sourdough area. But, as
13 far as I know, if there are permanent residents, I think
14 tried to include the area as some of the information has
15 been collected for that whole area as opposed to just
16 specific to Paxson.

17
18 MR. CHURCHILL: I think, if I remember
19 correctly, it says between the Paxson and Sourdough area
20 there's a total of 43 year-round residents. I think
21 that's correct.

22
23 CHAIRMAN LOHSE: I think when we get John
24 up here we can ask him what was included in the Paxson
25 area. I guess I just took for granted that the Paxson
26 area was the Paxson Road from Paxson to Glennallen and
27 that was my feeling, but maybe we're talking about a
28 specific. It's just like the McCarthy Road area. That's
29 a community, but it's a spread out community. Bob.

30
31 MR. CHURCHILL: Again, I think the
32 literature has actually some mile markers in between what
33 they're measuring here, between mile markers, exactly
34 like the Chair indicates.

35
36 CHAIRMAN LOHSE: Tom, I think your point
37 is well taken because we've done that for the Kenny Lake
38 Road area, we've done that for the McCarthy Road area.
39 We recognize them as spread out communities. We should
40 make that very clear when we deal with this and I thank
41 you for that. Any other questions for Tom. No. Thank
42 you, Tom. Other Federal, State and Tribal Agency
43 comments. BLM. Nothing from the fisheries biologist on
44 the BLM? Joe.

45
46 MR. HART: Thank you, Mr. Chair. In
47 looking at your map of the area and what you're being
48 requested to do with this, I remember the discussion
49 happening when they were added to the Glennallen
50 Subdistrict. The residents of Paxson would be bypassing

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1 communities along the Copper River that provide them the
2 opportunity to harvest already, Gakona, Gulkana, Tazlina,
3 Copper Center. What I believe we're supposed to be
4 looking at is providing the opportunity to harvest under
5 the Federal system and that is already provided in the
6 Glennallen Subdistrict. Although we are sympathetic to
7 the needs or requests of the Paxson community, adding
8 them to the Chitina Subdistrict would be going against
9 the criteria number four, being able to harvest in a
10 reasonable proximity to the resources. That would be
11 bypassing other communities along the way to be able to
12 do so.

13

14 CHAIRMAN LOHSE: Thank you, Joe. That's
15 a good question there. I was just thinking about the
16 information that we were provided and while it shows use
17 of the Copper River, we don't have any specific
18 application to the Chitina Subdistrict. I don't know if
19 that's because the Chitina Subdistrict was out of access,
20 for a long time it was done by personal use permit, or
21 whether I missed something. Thank you on that. Any
22 other questions.

23

24 MR. CHURCHILL: Yeah, I guess, just for
25 the record, if you could give us your full name and who
26 you're testifying on behalf of and then I have a
27 question.

28

29 MR. HART: I'm Joseph Hart, Chitina
30 Native Corporation.

31

32 MR. CHURCHILL: And I guess my question
33 is -- we've looked at a lot of travel patterns and where
34 people actually have gone more than a fair amount of
35 distance and they'll combine harvesting of maybe moose
36 and caribou along with harvesting other species,
37 including fish. So I guess what you're saying, if I'm
38 understanding you, your objection to including Paxson is
39 that it's not economically feasible or the cost is
40 excessive for them to be included in harvesting this
41 particular fish resource?

42

43 MR. HART: That's correct. That would be
44 adding approximately 140 miles going from Glennallen to
45 Chitina and back, maybe even farther. When you go to
46 Gulkana and that area, you're adding another 32 miles
47 round trip on that, so almost 200 miles.

48

49 MR. CHURCHILL: Thank you very much, Joe.

50

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1 CHAIRMAN LOHSE: Joseph, can I ask you a
2 question. Do they have access to the river at Gakona,
3 Gulkana or any of those places or is a lot of that under
4 private and one of the first places that you have public
5 access to the river is at Chitina?

6
7 MR. HART: There are access points in
8 Gakona that I'm aware of. There are also several places
9 in that community that people have made access to. When
10 we talked about placing of fishwheels and things like
11 that, it's not uncommon for people to share fishwheels.
12 So, by befriending someone there or having relatives that
13 live in that area, it's not impossible for them to have
14 access in any of those communities the same as residents
15 that are in many of the other areas. Like myself, I can
16 access through either my uncle's fishwheel in Chitina or
17 in Tazlina.

18
19 CHAIRMAN LOHSE: I guess I was just
20 wondering, if I lived in Paxson, how far would I have to
21 go if I didn't know anybody before I would have access to
22 the river to put a fishwheel in?

23
24 MR. HART: My experience is that there
25 are public access routes that allow access to the Copper
26 River from public access roads, right-of-ways and I'm
27 sure you'd probably rather get that information from one
28 of the representatives from those agencies that manage
29 those access points, but I do know they exist. There are
30 points in Copper Center, points in Gakona and Gulkana
31 that do allow access to the Copper River.

32
33 CHAIRMAN LOHSE: Thank you. Any other
34 questions. Pat, do you have some information for us?

35
36 MS. PETRIVELLI: Well, I just wanted to
37 explain the rationale. I included data just about all
38 the Copper River permits and I combined them because when
39 we did the C&T determinations originally for Chitina,
40 that's how we presented the data, with the understanding
41 that users were restricted, you know, with the State
42 system with fishwheels and dipnets, so we just combined
43 it. So, for comparative purposes, that's how I presented
44 it, but I do have it available strictly for Chitina. The
45 Paxson people have gotten -- out of those 37 permits, 12
46 of them were for the Chitina Subdistrict, so they have
47 showed use specifically of the Chitina Subdistrict. Of
48 course, this is just through the permit data and I'm sure
49 John Schandelmeier will talk about using the Chitina
50 Subdistrict other ways, but the data shows that they have

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1 used the Chitina Subdistrict in the past where the
2 permits are available. They obtained 12 permits during
3 that period.

4

5 CHAIRMAN LOHSE: Thank you. Any other
6 Federal, State or Tribal Agencies that wish to speak.
7 Debbie, you're recognized.

8

9 MS. SHARP: Thank you, Mr. Chair. Debbie
10 Sharp, Wrangell-St. Elias National Park and Preserve.
11 I'm the chief of resources. We would like to recognize
12 the wide and varied uses of subsistence fishing in the
13 Copper Basin and understand that Paxson has used the
14 Chitina fishery before and feel that there are no
15 biological concerns if a few more people are added to the
16 people taking subsistence fish.

17

18 CHAIRMAN LOHSE: Any questions for
19 Debbie. Thank you. Tim.

20

21 MR. JENNINGS: Yes, Mr. Chair. Tim
22 Jennings, Office of Subsistence Management. I would like
23 to offer clarification on the customary and traditional
24 use determination for you. The question that is being
25 asked of the Council and ultimately the Federal Board is
26 whether or not Paxson has shown customary and traditional
27 use of the Chitina Subdistrict. Biological concerns at
28 this time and/or proximity to the resource are not really
29 a part of the customary and traditional use finding at
30 this stage. If, for instance, you recommend and the
31 Board concurs that Paxson has shown use of this area and
32 grants a positive customary and traditional use finding,
33 they are part of the Federally-qualified users.

34

35 In the future, if there becomes a
36 biological concern, the Federal Board first looks at
37 closing the resource to those who are not Federally-
38 qualified and then, as a second step, under the 804
39 criteria, the Board can look at restricting within the
40 Federally-qualified users to those who are closest to the
41 resource and look at other alternative resources that
42 folks may have in making a restriction within Federally-
43 qualified users. So I would like to offer that in terms
44 of clarification so that as you continue your discussions
45 you'll have that in mind. Thank you.

46

47 CHAIRMAN LOHSE: Thank you, Tim. Now, if
48 I understand correctly what you're saying is that as we
49 consider customary and traditional use, it's based on
50 past use, customary use, not on numbers of people or

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1 current numbers of resource. Those type of
2 determinations are made under 804 conditions, not under
3 customary and traditional conditions.

4

5 MR. JENNINGS: Yeah, that's correct. If
6 there's a conservation concern for the resource where a
7 particular level of use of the resource presents
8 conservation concerns, then there's other regulatory
9 mechanisms to look at cutting back on the use of the
10 resource in order to conserve the resource.

11

12 CHAIRMAN LOHSE: So even if there was a
13 conservation concern and this proposal was before us, we
14 would still have to make our determination on use
15 patterns, not on the state of the resource.

16

17 MR. JENNINGS: That's correct.

18

19 CHAIRMAN LOHSE: Thank you, Tim. Fish
20 and Game Advisory Committee comments. John. Now, are
21 these Advisory Committee comments?

22

23 MR. SCHANDELMEIER: Yes, these are
24 Advisory Committee comments. I'm here to present our
25 proposal actually as chair of Paxson Fish and Game
26 Advisory. I guess the proposal is well presented already
27 by the subsistence staff here. I'd just like to address
28 some of the concerns that were raised here. One of the
29 things that was first mentioned was residency in the
30 Paxson community. Our community residency is determined
31 by several factors. The census is not an accurate way to
32 determine population of Paxson since there are people
33 that claim residency at Paxson just to obtain subsistence
34 benefits. The Federal government, when they do the
35 census, they just walk around and check households with
36 people in them and ask them do you live here, so it's not
37 truly accurate. There's actually 35 people currently
38 living in Paxson that live there year round.

39

40 Our residency is determined as -- we have
41 mile markers that go from about Mile 170, which is Meiers
42 Lake, up to Summit Lake or just north of Summit Lake,
43 approximately Mile 200 and we also go out the Denali
44 Highway to Tangle Lakes, Mile 22. We consider the people
45 within that area to be Paxson residents. We have a
46 Paxson Community Affairs, a non-profit organization, and
47 we determine residency in Paxson for the Paxson Community
48 Affairs by an eight-months per year residency. Four
49 months has to be between October and April and the other
50 four months can be in the other six months. That's what

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1 we use for our community residency.

2

3 One concern that Tom Taube had addressed
4 was about Sourdough residents. Yes, there is one
5 Sourdough resident. Joe LeFave, he's been living in the
6 area for about 10 years. He has been at Hogan's Hill,
7 which is not necessarily Sourdough. It's Mile 156. For
8 the past four or five years he's been at Mile 148. He is
9 definitely a local resident. The only reason that wasn't
10 addressed, that particular community -- Pat had asked me
11 if I was interested in including Sourdough, but because
12 of your actions here last year and being specific as to
13 the community of Paxson, I only addressed the community
14 of Paxson. I'm certainly not opposed to including the
15 community of Sourdough and I think it should be, as
16 McCarthy Road is included; however, I'm only here to
17 address Paxson.

18

19 One of the concerns that Joe brought up
20 was proximity to the resource. I think the first thing
21 you have to consider when you consider proximity to the
22 resource is that we are not bypassing communities to get
23 to Chitina. All those other communities already have
24 determination, as does Cantwell, which is further from
25 the resource than anyone else. They certainly have
26 showed that they legitimately use the Chitina area to
27 harvest salmon.

28

29 Access was brought up and that is truly a
30 problem at Paxson. Chitina is a place where the access
31 is easiest. There are other places of access that can be
32 reached by a lot of people, but you have to realize that
33 Paxson is a community of older residents. There's only
34 one family in Paxson right now that has been there less
35 than 10 years. We don't have new residents. Out of the
36 35 residents we have, over half of them are over 60 years
37 old. They don't have the access to the river because you
38 have to walk and you have to carry fish and they're not
39 able to do that. There also is a timing issue. You go
40 down there and put a fishwheel in and that's very nice
41 and effective in the Glennallen Subdistrict. However,
42 that requires a lot of effort, days of time, and some of
43 these older people are not able to do that.

44

45 A lot of the younger residents are
46 working in the summer time when the fish are available
47 and their time is limited to get down there. A lot of
48 people there work at lodges. I work in the commercial
49 fishing industry and I'm a builder. I get down there
50 when I can, but a fishwheel is not a very good option for

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1 me. Even though I share my catch, if I'm going to catch
2 salmon, generally I fly my salmon back from Bristol Bay
3 and distribute them that way. However, there are other
4 people in the community that go down and dipnet because
5 they can get fish in a hurry that way and they're not
6 required to spend the night and that's a factor when
7 you're dealing with Paxson. So that's the reason we're
8 asking for the use at Chitina, is because it's the most
9 readily available salmon resources.

10

11 As you mentioned, Mr. Chairman, we have
12 salmon in Paxson and the salmon you're catching at
13 Chitina are salmon that are bound for Paxson to spawn.
14 We have the biggest red salmon hatchery in the world.
15 Not just in the state of Alaska but in the world. They
16 release 38-40 million eggs a year. Those fish are coming
17 back through Chitina. Those are fish destined for
18 Paxson. I think the community of Paxson is a bit put out
19 by people saying, hey, these are your fish but you can't
20 catch them and you can't have them. You can have them
21 when they get up there and you can't eat them, but you
22 can have them. You can't have them anywhere else. I
23 think the late run especially is composed of a terrific
24 number of Paxson-bound fish.

25

26 The other concern I have I guess I'll
27 wait until we deal with the next proposal on freshwater
28 fish. At any rate, that's the testimony I have. If
29 anybody has any questions, I'd welcome that.

30

31 CHAIRMAN LOHSE: Gilbert.

32

33 MR. DEMENTI: Yeah, John. Cantwell might
34 be a long way from the fisheries we're talking about, but
35 the Native people in Cantwell have a C&T for that fishery
36 because their ancestors lived there before they moved to
37 Cantwell, so that's why they got C&T for that fishery.

38

39 MR. SCHANDELMEIER: Yes, I understand
40 that and I agree with that. I was just using that as an
41 example that proximity to the resource really has little
42 to do with use. I mean certainly the people at Cantwell
43 have traditionally-used Chitina salmon. At the same
44 time, those people traveled through the Paxson area or
45 may have traveled through Paxson area. We don't know.
46 People from Dot Lake may have traveled through Paxson
47 area coming down the river to get down there to use
48 salmon and that's entirely legitimate. Like I say,
49 that's why I brought that up. Yeah, these people
50 legitimately use fish and so do we even though we are a

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1 ways from the resource. It shouldn't be a criteria.

2

3 MR. DEMENTI: How many people have C&T in
4 Paxson for those fisheries, do you know?

5

6 MR. SCHANDELMEIER: Individuals?

7

8 MR. DEMENTI: Household or individual.

9

10 MR. SCHANDELMEIER: At the present time?

11

12 MR. DEMENTI: At the present.

13

14 MR. SCHANDELMEIER: None. I guess I
15 didn't even realize it was available. We don't have a
16 C&T determination as a community. I assumed that we had
17 no C&T determination as individuals and I'm pretty sure
18 if that's my thought on it, there's probably no one else
19 in the community that is aware that we could obtain that
20 individually.

21

22 MR. CHURCHILL: John, what is your best
23 estimate of the year-round residence in Paxson?
24 Households, I guess, would be fine.

25

26 MR. SCHANDELMEIER: I guess it's not an
27 estimate. Thirty-five people live in Paxson and there
28 are 16 households occupied on a year-round basis.

29

30 MR. CHURCHILL: As a follow-up, you
31 indicated just walking around asking folks are you a
32 year-round resident isn't satisfactory. What criterion
33 would you suggest we use to determine residents? How
34 would you go about doing that in small communities?

35

36 MR. SCHANDELMEIER: Well, we've been
37 faced with this in Paxson and we are faced with it every
38 day. We have a terrific recreational community presence
39 in Paxson as indicated by the unoccupied households that
40 are not there. Actually, that figure is in error as
41 well. I mean the community of Summit Lake, which is
42 entirely a recreational community, is growing by leaps
43 and bounds and Sourdough also. As a non-profit
44 organization, the community of Paxson has attempted to
45 solve this by the eight month residency figure. At this
46 point, that works for us. It doesn't have any basis in
47 State or Federal regulation or law or statute.

48

49 I would have to say that the Federal
50 enforcement officer working out of Glennallen has done

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1 quite a good job the last several years in determining
2 community residency at Paxson just by checking
3 individuals and trying to determine residency by just
4 going from household to household of people who might
5 apply for a subsistence caribou permit or something. I
6 think there may be an occasional abuse, but at first
7 there was probably some, up as high as maybe 25 percent,
8 but at this point it's probably quite a bit less than
9 communities such as Glennallen or Delta Junction.

10

11 When I look at a community of Delta
12 Junction or Glennallen that may have C&T determinations
13 for this district for fish or game, we would be dealing
14 with issues like someone that comes in to work seasonally
15 or work at a business in the town and says, yes, I plan
16 to stay here and I get my voting registration and they
17 may have only been here two weeks and they would have a
18 customary and traditional determination automatically,
19 where someone such as myself who has lived in Paxson for
20 35 years would not. That is only determined by knowledge
21 of the community and by the same enforcement things that
22 you were addressing with the Cooper Landing issue. The
23 enforcement is done within the community.

24

25 MR. CHURCHILL: I'm guessing from what
26 you said that most of the folks that live there
27 seasonally are from probably the Delta Junction/Fairbanks
28 area, is that correct?

29

30 MR. SCHANDELMEIER: Not necessarily. We
31 have seasonal employees. Prince William Sound
32 Aquaculture Association, we have seasonal employees at
33 the lodges who are in there for a very short period in
34 the summer months. They come from all over the place.
35 They're recreational community members which are mostly
36 from Fairbanks area. There are some from Anchorage.
37 Most of them make no pretence at being a year-round
38 resident.

39

40 MR. CHURCHILL: Thank you very much.

41

42 CHAIRMAN LOHSE: Any other questions for
43 John. John, don't run off. You cannot obtain an
44 individual C&T for fish on the Copper River.

45

46 MR. SCHANDELMEIER: I didn't think you
47 could.

48

49 CHAIRMAN LOHSE: You can obtain, I think,
50 a 544 or something like that for use in the park proper.

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1 I don't remember what the number is. Debbie could give
2 us the proper number. But you can get an individual
3 access to the park for prior use, but you cannot obtain
4 an individual C&T for fish on the Copper River. At least
5 that's my understanding. I understand Joe's concern. I
6 just have one comment on the proximity issue. I know
7 people in Chitina, I know people along McCarthy Road, I
8 know people in Kenny Lake and people in Copper Center
9 that all go caribou hunting. They drive up the road and
10 they don't all stop at Sourdough to go caribou hunting.
11 They don't all stop at Meiers Lake to go caribou hunting.
12 A lot of them drive through Paxson all the way to Tangle
13 Lakes to go caribou hunting.

14

15 Sometimes you have to go where you have
16 access or where it's easier for you to do it and you're
17 still hunting the same caribou the same as you're still
18 taking the same fish. So, from that standpoint, like
19 we've been told, proximity only enters into that from the
20 standpoint that you are going to use an efficiency of
21 effort. If it's more efficient for me to take my canoe
22 and put it in at Tangle Lakes than it is to take a chance
23 on getting shot hunting off the road at Meiers Lake, I'm
24 going to take my canoe through Paxson and go to Tangle
25 Lakes to go caribou hunting. The same thing if you're an
26 older person and you want to dip a few fish, you're not
27 going to go to Gakona and spend the time putting in a
28 fishwheel, you're going to go down to Chitina and you're
29 going to go home.

30

31 From that standpoint, I sympathize with
32 that problem, but I can also understand the problem with
33 the fact that Chitina is the easiest accessible area, so
34 the people of Chitina bear the brunt of everybody from
35 every place coming there and it's a concern to the
36 community. But that doesn't enter into what we can deal
37 with when it comes to C&T. C&T is have the people shown
38 a past use and do they use it. So, from that standpoint,
39 we're going to have to deal with it. Thank you. Any
40 other questions for John.

41

42 MR. SCHANDELMEIER: It probably matters
43 little to the fish if I catch him at Chitina or I wait
44 until he gets to Paxson to take him. He probably doesn't
45 care. As you say, ease of take is a big factor.

46

47 CHAIRMAN LOHSE: It might not make any
48 difference to the fish, but if I'm going to eat at your
49 table, I'd much rather eat one that came from Chitina
50 than one that came from Paxson.

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1 MR. SCHANDELMEIER: I would not serve you
2 one that came from Paxson.

3

4 CHAIRMAN LOHSE: Thank you. Tim.

5

6 MR. JENNINGS: Tim Jennings, Office of
7 Subsistence Management. In case you come back to this
8 discussion on residency, if you have your fisheries or
9 wildlife regulations, I'll direct you in the fisheries
10 regulations booklet, it looks like this, to page little
11 Roman numeral xviii, under general information. There is
12 a definition for the Federal program in terms of
13 residence and also rural. Obviously Paxson is a rural
14 area of the state for the purposes of our program, so
15 residency in that area in Federal regulation can be found
16 under the definition of what is a resident. We look at
17 any person whose primary permanent residence for the
18 previous 12 months was within Alaska and then there are
19 factors that we look at in terms of determining the
20 primary residence and it lists a number of them in the
21 regulation. So that's how we in the Federal program
22 determine residency. I wanted to bring that to your
23 attention for clarification in case you decide to have a
24 further discussion on that item.

25

26 CHAIRMAN LOHSE: Thank you, Tim. Any
27 other questions for Tim. I know that the BLM in
28 Glennallen has said if you're going to claim your
29 residence there, expect the fact that one of the troopers
30 could just stop out and see if you're home. We're on
31 private testimony right now. State your name and
32 everything.

33

34 MR. CAIN: Bruce Cain, executive director
35 for the Native Village of Eyak. Thank you for listening
36 to my comments. C&T determination is something I just
37 want to urge caution to the Advisory Council on. We did
38 have a very long, drawn out discussion on this issue with
39 the Alaska Board of Fish this winter in Cordova. Any
40 action like this will be scrutinized very carefully by
41 the Alaska Department of Fish and Game and by their legal
42 department. I would urge the Council to be very careful
43 to follow the eight criteria and look at the eight
44 criteria and be very specific. I know we all want to
45 help out and do good and everybody needs a chance at fish
46 and we all understand that, but this particular issue of
47 a C&T determination needs to be very carefully weighed
48 against the criteria.

49

50 I just want to remind you, criteria two,

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1 a pattern of use recurring in specific seasons for many
2 years. On the proximity issue, the customary and
3 traditional uses of the fish in the Paxson area from
4 people I know in the Ahtna community, there were villages
5 in the Paxson area and I think some of that is documented
6 in Bill Simeone's report. They trapped and caught the
7 fish with weirs and dried the red fish and it was a very
8 important food use in that area. I don't believe that
9 that pattern is in existence anymore because it was
10 outlawed by the State of Alaska.

11

12 Also, criteria six, a pattern of use
13 which includes the handing down of knowledge of fishing
14 and hunting skills, values and lore from generation to
15 generation. We've heard testimony that there's a lot of
16 older people that are living there that maybe need some
17 special attention. Where are the relatives? Where are
18 the grandchildren? Where are the sons that are taking
19 care of these older people? We talk about not having a
20 site or not knowing someone. That's not even something
21 that can happen if you're handing down knowledge of
22 fishing and hunting skills from generation to generation.
23 So those are the kind of things I think need to be
24 weighed and those questions need to be asked with all due
25 respect. Thank you.

26

27 CHAIRMAN LOHSE: Bob.

28

29 MR. CHURCHILL: Bruce, thank you. Could
30 you expand a little bit more on your discussion of
31 concerns under criterion two.

32

33 MR. CAIN: Many years. That's a
34 generational type of issue. Many seasons and many years.
35 At least in my knowledge, the customary and traditional
36 use of the salmon by the villages in that area were by
37 trap and weir and then that ended. Now we've got a more
38 modern way of doing things.

39

40 MR. CHURCHILL: What would you suggest we
41 use as just a guideline in terms of more than one
42 generation or more than 20 years? I'm not trying to trap
43 you in a corner. I'm just wondering how you might
44 suggest or what we might suggest to use as a guideline.

45

46 MR. CAIN: I'd go back to what you've
47 used in the past when you've made the customary and
48 traditional determination for the other communities and
49 when you heard this previously. This issue in this area
50 has already been heard once and turned down. I'd review

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1 it and see what's changed.

2

3

MR. CHURCHILL: I guess a follow-up on
4 six. What I hear you saying is that under six, if in
5 fact it meets criterion six, unless there are no living
6 family members, the elder should be taken care of by
7 people within their own family that are continuing this
8 traditional ways of harvest on the resource. Am I
9 understanding you correctly?

10

MR. CAIN: Those elders should be handing
11 their knowledge down. They ought to be doing it. It's
12 their job. It shouldn't be it's convenient for me to go
13 down here because it's easy for me to drive there and do
14 it. It's something that our family has always done since
15 I was little and I'm showing my grandchildren. That's
16 the handing down of knowledge from generation to
17 generation that I understand.

18

19

MR. CHURCHILL: Okay. Thank you.

20

21

22

CHAIRMAN LOHSE: Any other questions for
23 Bruce. Bruce, you lived up in that area, so I'm going to
24 put you on the spot a little bit. We did turn this
25 request down before because it didn't come from the
26 people up there. We turned the request down because it
27 was presented to us by the Office of Subsistence
28 Management and as a Council we said if the people in the
29 area want it, they should request it, not the Office of
30 Subsistence Management.

31

32

So I believe that this proposal is in
33 front of us in response to our direction that we weren't
34 going to take blanket proposals that came from the
35 Subsistence Management, but that we wanted the
36 communities themselves to submit it. I may be wrong on
37 that and if somebody can correct me on that, I'd like
38 correcting. We didn't turn this community down. We
39 turned the proposal down because it wasn't submitted by
40 this community. So, from that standpoint, that's a moot
41 issue right there.

42

43

Again, we're talking about communities,
44 we're not talking about specific individuals. It's not
45 the specific individuals who make up the community at
46 this present time, but we're talking about community
47 characteristics of the community itself. One of the
48 things you've just said is there has been a community in
49 this area that goes back a long way. With the data
50 that's been presented to us, would you feel like this

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1 community meets these criteria or doesn't meet these
2 criteria?

3

4 MR. CAIN: I would say it doesn't.

5

6 CHAIRMAN LOHSE: From specifically number
7 two?

8

9 MR. CAIN: Two, four and six.

10

11 CHAIRMAN LOHSE: Since most of the salmon
12 in the whole area traditionally were taken with weirs and
13 traps and all current methods and means are non-historic,
14 fishwheels, dipnets and rod and reel, which are all now
15 recognized as proper uses for customary and traditional
16 subsistence taking of salmon, should we go back then and
17 apply this same reasoning to the other communities that
18 currently take salmon with these methods and means. I'm
19 looking at it from the standpoint that the same reasons
20 and the same criteria we apply to communities like Kenny
21 Lake, McCarthy and things like that that gave them C&T,
22 this community seems to fit right in the middle.

23

24 How far back do we have to go for
25 generation to generation? At one time we said three
26 generations, from father to son to grandson or something
27 like that and we applied that at one point, but we didn't
28 make that a specific reason. We have a community that
29 has a characteristic that uses it under current methods
30 and means but that historically used it under old methods
31 and means that nobody can use anymore. They're outlawed.
32 So what do we do?

33

34 MR. CAIN: Well, you've got to apply the
35 criteria consistently from what you've done in the past.
36 That's what I'm saying. You've got to be very careful.
37 Otherwise you'll end up with nothing here on these
38 criteria. These criteria become meaningless.

39

40 CHAIRMAN LOHSE: Anybody else have a
41 question. Thank you, Bruce.

42

43 MR. CAIN: Thank you.

44

45 CHAIRMAN LOHSE: Bill.

46

47 MR. KNAUER: Thank you, Mr. Chairman.
48 Bill Knauer, Office of Subsistence Management. The last
49 speaker mentioned a concern with the Board of Fish and
50 the Alaska Department of Law and their consideration of a

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1 criteria. Although they do have eight similar criteria,
2 their system is not the same as the Federal system. My
3 understanding of the State system is more of a checklist
4 type situation where communities must receive a check
5 mark on every and all criteria.

6
7 In the Federal system, the communities
8 generally exemplify the criteria as examples and
9 therefore is not a mandatory checklist that they must
10 have one from number one, one from number two, et cetera.
11 The Federal Board has utilized the Federal system for
12 many years and there has regularly been disagreement from
13 the State to this, but the Board has utilized this and it
14 has worked well. As you and Mr. Jennings pointed out,
15 the C&T determination is an indication of historical use.
16 You've mentioned that this community appears to fit in
17 the median area of all of these communities. Thank you.

18
19 CHAIRMAN LOHSE: Any questions for Bill.
20 Thank you, Bill. Joe.

21
22 MR. HART: Thank you, Mr. Chair, for
23 letting me speak again. The caution that Mr. Cain was
24 asking you to exercise is in the fact that what actions
25 the Federal Subsistence Board takes is done under
26 recommendation by the process that we're following today.
27 At the 1999 meeting, that happened with the Chitina
28 Subdistrict in the State system, that determined that
29 they were made subsistence was done so. In 2003, when we
30 went through this whole process again in the State
31 system, they looked at the actions that the Federal
32 Subsistence Board took and all of the comments and things
33 that were discussed at all of these meetings that we're
34 going through and they used that to say they did it, why
35 shouldn't we do it. And that is the caution that Mr.
36 Cain is asking to ensure that we're taking when we're
37 reviewing these criteria.

38
39 In the same sense, we need to also look
40 at the other -- if we're going to look at the Federal
41 system, look at the availability of the resource through
42 the State system. These residents of Paxson have access
43 to the same resource through the State system that's
44 currently there. Personal use or subsistence in the
45 Glennallen Subdistrict under the State system. So, in a
46 sense, I believe that we have reviewed all the
47 information with regards to the C&T for this community
48 when we reviewed this before. The same issues, same
49 concerns, same comments all still apply that we did
50 before.

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1 Now we have a community that did step
2 forward and say we want to discuss this with you. I
3 think the arguments that were made before still apply,
4 regardless whether the community itself came forward or
5 not, and that's what I offered before with criteria four.
6 We could go through each of the criteria and look at them
7 in the State system.

8

9 What they did with the Board of Fish was
10 they looked at the standard for subsistence and what was
11 that and they determined that that was generally the
12 people in the Glennallen Subdistrict. So they do have
13 subsistence C&T under the Glennallen system already. The
14 Chitina Subdistrict is a completely different area. It's
15 more personal use and I believe they have adequate access
16 through the State system currently.

17

18 CHAIRMAN LOHSE: Thank you, Joseph. Bob.

19

20 MR. CHURCHILL: So, if I'm understanding
21 you right, Joe, your concern is more of proximity to
22 resource geographic than anything else with this?

23

24 MR. HART: That's an initial concern that
25 I brought forward to you. The other concern is I would
26 like to echo what Bruce Cain said and the fact that
27 whatever actions you do take, the other residents of
28 Alaska are going to look at that action and they're going
29 to utilize that to their argument when they go to the
30 State system and they might utilize what you have done
31 for this one issue and they might tweak it to help their
32 argument and get that Chitina Subdistrict reclassified to
33 subsistence versus personal use under the State system.
34 So when we apply these criteria, the caution or the thing
35 that I'm asking for is to please look at it very closely,
36 as Bruce Cain had said.

37

38 MS. LANGE: Is your concern, the caution
39 here, about whether this community qualifies now or that
40 it might change to something that wouldn't qualify in the
41 future? Is that the concern? I'm a little confused
42 because the community itself, from the criteria we've
43 heard, really does seem to fall right in the middle and
44 for all the users that are there and listening to the
45 gentleman that lives in that area, it just so totally
46 fits the picture. I'm confused as to what the caution
47 is. Is the concern the enormous use of non-residents or
48 local residents for the area or what it may turn into?

49

50 MR. HART: The difference between the

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1 year-round residence and non-year-round residence is one
2 of the concerns. But when we're going through the
3 criteria and we're applying each of them to this
4 community and then the discussions, well, okay, because
5 in the past they've gone through, how did they get their
6 access to that resource. Did they come down to Chitina?
7 What was the reason behind it? What Mr. Cain had said is
8 that we have traditions of passing down knowledge,
9 passing down traditions.

10

11 Then there's a wide reliance on
12 subsistence resources. It's not just fish. When you
13 apply that one criteria on the wide reliance on wildlife
14 and fish resources, you can't look at just salmon. You
15 have to look at the reliance on all subsistence
16 resources, not just the salmon. You have to look at the
17 caribou, the moose, the sheep, porcupine, rabbits,
18 berries, all of those resources that are considered
19 subsistence. Do they pack their water, do they haul
20 their firewood. Those are all subsistence resources.
21 It's a lifestyle, it's not just one resource. So when
22 we're looking at the criteria and we apply that criteria
23 to it, you need to consider that as well.

24

25 CHAIRMAN LOHSE: Any other questions,
26 Sylvia?

27

28 MS. LANGE: But we're only considering
29 this one resource at this time, so that's a decision we
30 have to make. It just seems like they have -- are you
31 satisfied with the residency requirements for the area
32 and the way the community has been depicted here? Does
33 that, in your opinion, adequately describe this
34 community?

35

36 MR. HART: The boundary issue, there's no
37 legal definition or description for a legal boundary and
38 I don't believe it's outlined in any of the regulations
39 or any place and that's a concern. So, if I live near
40 Paxson, I could say I lived in Paxson and might not be
41 one of the residents that live there year round, but if
42 Paxson itself has a C&T, when I move to that area,
43 definitely I'm going to try and claim that for
44 subsistence benefit and that is a concern. I don't agree
45 with the fact that the boundary -- I think that needs to
46 be more defined. I mean we're saying that from X mile to
47 X mile -- and I understand the issue about the McCarthy
48 Road and those residents are spread out quite a ways.
49 And the same thing along Kenny Lake area. They're spread
50 out over quite a ways. But I think if we're going to

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1 talk about Paxson community, we need to definitely come
2 up with a definition of the boundaries for that area and
3 then we do need to have some sort of system to check and
4 balance on whether or not these are real year-round
5 residents and are reliant to the resource.

6

7 CHAIRMAN LOHSE: Sylvia.

8

9 MS. LANGE: It sounds like what the
10 community of Paxson has done is tried to define that and
11 they've come up with a non-profit organization and
12 created their own definition and it sounds pretty rigid
13 actually. I'm just trying to get a feel for this area
14 because, frankly, I don't know anything about it.

15

16 MR. HART: We're talking about the
17 Chitina Subdistrict in this one proposal and the
18 definition -- in my opinion, I don't believe this
19 community should be added to the Chitina Subdistrict for
20 this proposal based on the information. We can sit and
21 debate this all day long and still not reach consensus on
22 it. That's where the responsibility falls on your
23 shoulders to go through and make your mind up on how
24 you're going to decide. The people that I represent,
25 they don't feel like the criteria have been met for
26 giving C&T to Paxson for the Chitina Subdistrict.

27

28 CHAIRMAN LOHSE: Thank you, Joseph. You
29 brought up a real good point, but, for me, it even
30 confuses the issue even further, and that was the idea
31 that subsistence isn't just one resource. Subsistence is
32 making use of many resources. Again, when we're dealing
33 -- I understand the problem because we have a lot of
34 people in the Paxson area who don't live there, but we
35 also have people who do live there. When we look at the
36 people who do live there and we look at the chart on
37 Table 4, we find out that 92 percent of them make use of
38 subsistence resources and on an average they use 10
39 different resources. We go to Chitina and we come up
40 with Chitina has 94 percent of the people make use of
41 subsistence resources and they use 8.3 resources. I'll
42 take my area. We go to the McCarthy Road. We come up
43 with 100 percent use subsistence resources and they use
44 10.2 different kinds of resources. You and I know what
45 these resources are. They're everything from caribou to
46 fish to berries to grouse, the whole nine yards.

47

48 So, again, we end up with a community
49 like Paxson that sits right in the middle. It uses not
50 as many resources as some communities, but not as few

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1 resources as other communities. Again, it's almost dead
2 center in the middle again. So, when we start applying
3 these characteristics, how do we -- and I can understand
4 the fact that here's one more community that has access
5 to the same resource that all the rest of them have. How
6 do we differentiate from them when they come in the
7 center. It's not like they're the biggest users, it's
8 not like they're the littlest users. When it comes to
9 diversity, they actually, on the chart, come out with
10 using more resources than Chitina does and possibly
11 that's because of the area that they live in.

12

13 Other than proximity and access in other
14 places and the fear that there are non-residents who
15 could try to qualify for it, is there any specific reason
16 why these characteristics don't apply to them that apply
17 to Chitina people. Chitina people we know. The village
18 of Chitina has been there a long time, but a lot of the
19 residents of Chitina haven't been there any longer than
20 the residents of Paxson. We hear from a man whose been
21 there 35 years. A lot of the residents of Chitina have
22 been there for a lot less time than he has. What would
23 be the specific reason why this C&T should be denied?

24

25 MR. HART: I guess the residency issue
26 that was brought up. You had a gentleman come up with
27 the definition for residency. That's one of the things.
28 The first portion of it says residence in Alaska. That
29 comes forward and they could live in Fairbanks and have a
30 claim in Paxson. We're talking about a minority of the
31 resident total of this mostly recreational community.
32 That's a diversity between Chitina and Paxson. Chitina
33 is not a recreational community. It is a year-round
34 community. The people that live in Chitina are there
35 year round. When you move to Chitina, you're not moving
36 to Chitina to go snowmachining, you're not moving there
37 to go fishing or fly fishing or sportfishing or any of
38 that. You're moving there because you're going to live
39 there and that's a difference.

40

41 I understand the issue the Paxson
42 residents are facing. When you asked is there a reason
43 -- and I agree that they fall right in the middle. They
44 meet many of the same patterns, but when we apply the
45 criteria, think about how other people of the state are
46 going to review the discussions and the issues and
47 they're going to say, well, I live in Fairbanks and I
48 have a parcel that's in Copper Center, therefore I should
49 get C&T for the Wrangell-St. Elias Park. The same issue
50 that we're talking about. We have a community that is a

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1 recreational community. There are some that live there
2 year round. That's a tough question to try to come up
3 with an answer to.

4

5 CHAIRMAN LOHSE: Thank you, Joe. I
6 thought that was a very good example. It doesn't help
7 the people that live there year round, but it is an
8 example of people who move to McCarthy or people who move
9 to Chitina or people who move to Kenny Lake normally move
10 there to live there, they don't live there to play there.
11 That doesn't mean that there aren't people that come
12 there to play, but the majority of the people that move
13 there do move there to live there. Any other questions
14 for Joe. Fred.

15

16 MR. ELVSAAS: Thank you. As I understand
17 it, you're talking about proximity now. They can fish in
18 the Glennallen Subdistrict but you don't want them in the
19 Chitina Subdistrict. When I look at these tables, I see
20 Tok and Northway fish in the Chitina Subdistrict.
21 They're a lot further away. It seems to me that if what
22 we heard is correct, Paxson is where some of the major
23 spawning grounds are for these fish, so that basically
24 Paxson produces these fish that people catch in the
25 Chitina Subdistrict. Looking at the resource, wouldn't
26 it make more sense to have them fish downriver than right
27 there in the spawning beds, even if the fish were
28 useable, which I'm sure they're not at that point.

29

30 So we've got proximity problems and the
31 resource itself. I just think that if people would
32 travel from Paxson down to Chitina to fish because it's
33 easier than fishing in the Glennallen Subdistrict, I just
34 don't see that as being an awful large impact on the
35 fishery. So I'm just wondering, if they meet the
36 criteria of customary and traditional subsistence uses,
37 wouldn't it be better to have them fish where the fish
38 were bright and solid and so forth rather than spawned
39 out?

40

41 CHAIRMAN LOHSE: Joe.

42

43 MR. HART: I agree with you that it's not
44 good to have people harvesting fish on the spawning beds
45 and that's an issue that we face in the Klutina area,
46 Tonsina, all the way up to Tangle Lakes. So it is
47 understandable that we'd want them to fish downstream
48 from those areas and catch the fish before they reach the
49 spawning beds. I believe the regulations do provide
50 adequate protection for that happening. The issue that

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1 we have -- I mean you mentioned the fact that we have
2 residents of Tok that are C&T. Well, they have ancestry
3 to the areas south of Tok. They have relatives that came
4 from that area. Katie John traditionally fished from
5 Chitina. She no longer fishes there, but she still has
6 relatives and descendants that come down to Chitina to go
7 fishing and that's probably the reason why it was
8 determined they should receive that C&T.

9

10 We don't have any information prior to
11 1987 to prove that any of these residents came from
12 Paxson down to Chitina to do their harvesting. When we
13 talk about the generational requirement, passing of
14 knowledge or a long pattern of use of the resource, the
15 information only goes from 1987 or the 1980s and it's
16 kind of hard to justify that they meet that criteria to
17 give them C&T for this area. You have to go off personal
18 testimony and that's what I believe the Office of
19 Subsistence Management has come forward and told you.
20 We've talked to people and they've told us they've done
21 this.

22

23 They found adequate information to give
24 that to them for the Glennallen Subdistrict, but when you
25 look at criteria four -- I understand the issue of access
26 to the resource and limited access, but are you providing
27 the opportunity to harvest and you are providing the
28 opportunity to harvest in the Glennallen. Under criteria
29 four, for the Chitina Subdistrict, and looking at the two
30 for comparison, they are being given adequate opportunity
31 to harvest the resource in the Glennallen Subdistrict.
32 Therefore, would they meet criteria number four for the
33 Chitina Subdistrict. What I'm saying is, no, they
34 wouldn't because they're passing up the other communities
35 along the way incurring additional cost to be able to
36 harvest the fish and there is adequate access and
37 opportunity to harvest this resource in the Glennallen
38 Subdistrict.

39

40 CHAIRMAN LOHSE: Fred.

41

42 MR. ELVSAAS: As I understand it then at
43 this point, they don't have customary and tradition, so
44 what you're suggesting is that they just apply for the
45 Glennallen Subdistrict and not Chitina then.

46

47 MR. HART: They already have the
48 Glennallen Subdistrict as C&T. Paxson does. What
49 they're asking for now is a C&T for the Chitina
50 Subdistrict.

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1 MR. ELVSAAS: I'm a little confused
2 because I was under the understanding they didn't have
3 C&T.

4
5 MR. HART: They do have C&T for the
6 Glennallen Subdistrict, not the Chitina Subdistrict.

7
8 MR. ELVSAAS: Okay.

9
10 CHAIRMAN LOHSE: I think that's a point
11 well taken. I didn't realize that everybody didn't
12 understand that. They do have C&T for the Glennallen
13 District, but the Upper Copper Chitina District they
14 don't have C&T. Up until recently, nobody had C&T for
15 the Upper Copper Chitina because it was a closed area.
16 It's only been three years that we've had subsistence in
17 the Chitina Subdistrict. Now, the thing to remember is
18 that the C&T determination only gives them an advantage
19 in times of shortage. At this point in time, they can
20 fish in the Chitina Subdistrict because there's no
21 shortage, but they fish under State regulations. Then,
22 in times of shortage, when we go to an 804, then even
23 among C&T users restrictions can be made to restrict
24 those that are farther away from those that are closer.
25 So this determination becomes more of a political
26 determination than a determination of actual access at
27 this point in time. Susan.

28
29 MS. WELLS: So if there was that 804
30 problem, the Office of Subsistence Management would be
31 considering Chitina area separately from the Glennallen
32 area. I mean that shortage, they would start with an
33 area, saying, okay, Paxson has availability at
34 Glennallen, so they're out of the Chitina area. So in
35 any times of shortage, my understanding is they have the
36 C&T for this Glennallen area, so they would be forced to
37 or they would have to get their fish there anyway.

38
39 CHAIRMAN LOHSE: Susan, I'm going to try
40 and answer your questions on that and I hope that Bill
41 Knauer or somebody corrects me if I'm wrong. This is my
42 understanding. In times of shortage, the first thing
43 that would be closed down would be all other users.
44 First they would have to close down sport users,
45 commercial users, personal uses and then state
46 subsistence users on Federal waters. Then, if they had a
47 C&T for the Glennallen District, when that would happen,
48 they would not be allowed to fish in the Chitina
49 District. If they had a C&T for the Chitina District, as
50 long as all people with C&T were allowed to fish in the

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1 Chitina District, they would be allowed to fish in the
2 Chitina District. If the shortage got severe enough,
3 then among C&T users distinction could be made and it
4 could get to the point where if the shortage was severe
5 enough the only people with C&T that would be fishing in
6 the Chitina Subdistrict would be people from Chitina.
7 What you would end up doing is the least priority users
8 even with C&T would be cut off first. That's something
9 we haven't had to face any place yet at this point in
10 time, have we, Bill?

11

12 MR. KNAUER: That's correct.

13

14 CHAIRMAN LOHSE: So that's under the 804
15 criteria. The only advantage to having C&T in the
16 Chitina Subdistrict would be that they would still be
17 there when all other users were closed down except C&T
18 users. If it got more severe, then there would be a
19 possibility it would go on proximity. The only
20 disadvantage of not having it is that if there was a
21 general closure, they would be there as personal use
22 fishermen, not as C&T. Susan.

23

24 MS. WELLS: But I am hearing then that
25 Paxson does have a C&T for this Glennallen area. Is
26 there access to the resource for the elderly?

27

28 CHAIRMAN LOHSE: I'll ask Pat or John to
29 answer that question.

30

31 MS. PETRIVELLI: I wanted to step back a
32 minute with your statement that the only advantage, that
33 was under previous -- to be in the Chitina Subdistrict,
34 there are advantages with seasons and harvest limits.
35 Since implementation of the regulations, the Board has
36 acted to provide differing regulations. When we first
37 adopted Chitina regulations, we had seasons and bag
38 limits exactly as the State. Since then we've adopted
39 varying regulations that do provide more opportunities
40 for subsistence users under Federal regulations that are
41 different than the existing personal use regulations. So
42 there's varying gears, there's combining cumulative
43 harvest limits so that someone could have a Chitina and a
44 Glennallen permit. Under the State regulations, they
45 cannot. So there are advantages to the subsistence users
46 to have a C&T. I also have the 804 considerations. If
47 you'd like, I'll hand them out. But specifically for the
48 elder access, I'm not quite sure. The ease of using the
49 Chitina Subdistrict is a plus, but John did mention it
50 previously.

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1 CHAIRMAN LOHSE: I thank you for that
2 clarification because I did miss that. Susan.

3
4 MS. WELLS: So I just want to get it
5 straight. Glennallen then does have varying seasons as
6 well?

7
8 MS. PETRIVELLI: Under the State
9 regulations. There's distinct permits for each district.
10 If you have a permit in the Glennallen District, you
11 cannot have one in the Chitina one. Under our
12 regulations, they are both subsistence permits and we've
13 allowed people to have a permit in both and use two gear
14 types under one permit. Whereas under the State you have
15 to do an either/or. The State had a purpose for making
16 two separate districts because they deal with all
17 residents of the state. State regulations account for a
18 number of different users. Our regulations apply to
19 subsistence users only. We do recognize Paxson as a
20 subsistence user in the Glennallen Subdistrict and also
21 under various wildlife regulations.

22
23 MS. WELLS: I guess what I wanted
24 clarification for is just for subsistence use only. In
25 the Glennallen area, there are times where people can
26 access the resource in addition to what the State allows
27 then. I mean your seasons are varied, so it gives more
28 time for access of the resource.

29
30 MS. PETRIVELLI: I think our main
31 advantage is the combination, the accumulation of use in
32 both subdistricts, but I think we follow the seasons the
33 same. It's just the cumulative impact. Larry can
34 clarify.

35
36 MR. BUKLIS: Mr. Chairman, Ms. Wells. Up
37 in the Glennallen Subdistrict, the State subsistence
38 fishery remains a subsistence fishery, you're right, and
39 we, on the Federal program, also have a subsistence
40 fishery. The regulations even there do differ a bit
41 between the two systems. You're right, the Federal
42 system allows the fishery to begin May 15th, I believe,
43 and it's June 1st in the State system. The State and
44 Federal systems allow fishwheels and dipnets up there,
45 but the Federal system also allows rod and reel. I know
46 it's not exercised much, but it's allowed under
47 subsistence, not a sport license. Pat's points about how
48 you combine your efforts with the Chitina Subdistrict is
49 another factor.

50

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1 MS. WELLS: Can you give us any
2 information on the accessibility for residents that may
3 be elderly and have a hard time getting to a river or
4 getting to a resource in the Glennallen area?

5
6 MR. BUKLIS: I think there are others in
7 the room that are closer to the issue of access from
8 their own experience or as land managers than Pat or I.

9
10 MS. WELLS: So hopefully we can get that
11 clarified. From what I'm understanding is that the C&T
12 for Chitina widens their area for access to the resource.
13 What I want to establish is that if they have the C&T for
14 Glennallen that it would be sufficient for the residents
15 of Paxson.

16
17 MS. PETRIVELLI: I don't think it's up to
18 us to say what's sufficient and C&T use determinations
19 are not supposed to be based upon evidence of need. The
20 idea is, with ANILCA's recognizing the customary and
21 traditional use, the past uses of resources. There are
22 no needs limit. The only time evidence of needs come
23 into are with these 804 criteria. Those three criteria,
24 and this is only when you're discriminating amongst
25 recognized subsistence users, then you look at customary
26 and direct dependance upon the population as the mainstay
27 of livelihood, local residency and the availability of
28 alternative resources. In making the initial
29 determination, the determination isn't based upon how
30 those residents use the resources in the applicable area.
31 So Paxson residents have requested recognition of their
32 use of the Chitina Subdistrict and that's what the data
33 and the analysis shows. It's not whether they need more
34 salmon or they should get it closer to their house
35 instead of getting it in Chitina, it's just whether they
36 have used that resource in the past.

37
38 CHAIRMAN LOHSE: Thank you, Pat. Susan,
39 were your questions answered?

40
41 MS. WELLS: Yes.

42
43 CHAIRMAN LOHSE: I think Pat did a good
44 job bringing us back on track right there. That's the
45 hard thing because C&T isn't based on the resource, it
46 isn't based on access, it's not based on abundance, it's
47 not based on possibility. It's does this community meet
48 the same characteristics as other communities that have
49 C&T for this resource and that's what we have to decide.
50 Has this community shown that it's used the resource and

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1 does it meet the same characteristics that we've applied
2 to other communities that use this resource. Bob.

3

4 MR. CHURCHILL: A quick question before
5 we break for lunch. I just wanted to see if I've
6 captured what Joe's advising us. If I'm understanding
7 what you're saying, under four you'd ask us to use as a
8 guideline the closest source that provides a reasonable
9 opportunity for the particular species. Am I
10 understanding your advice correctly?

11

12 MR. HART: Yes, you are understanding the
13 point I'm trying to get across.

14

15 MR. CHURCHILL: Thank you very much.
16 That clarifies it in my mind.

17

18 CHAIRMAN LOHSE: I got the hint about
19 lunch break, but there's seven minutes until lunch time
20 and you're not going to get out for seven more minutes.
21 We have one more hand up. I think we'll listen to John
22 and then we'll take a lunch break.

23

24 MR. SCHANDELMEIER: This is our request.
25 I would like to clear up maybe some misconceptions here
26 that I've heard addressed by everyone that's spoken after
27 me. To start with, we're talking proximity to a
28 resource. That seems to be a big concern. When you
29 applied the criteria to Tok, I don't see any way in the
30 world that Tok meets the criteria more effectively than
31 Paxson. After hearing that proximity argument, I just
32 had to throw that in.

33

34 I'd like to address the three areas of
35 concern that I've heard over and over and that's area
36 two, four and six in your criteria. The recurring
37 pattern of use in part two talks about before regulations
38 in the Copper River. We are not dealing with before
39 regulations anymore. We're dealing with hatchery fish
40 and we're dealing with a terrific number of hatchery fish
41 that come to Paxson. It is recent. It has nothing to do
42 with before 1977. It has to do with 10 to 15 years ago
43 and that's it. So, when we're talking pattern of
44 recurring use, we can only go back that far when we're
45 talking hatchery fish. That's the fall fishery. These
46 are Paxson fish, period. I mean you can harvest them
47 wherever you want. Paxson would choose to harvest them
48 in Chitina because you can dipnet in Chitina in September
49 and August. You can't dipnet on the Copper at that
50 particular time. So that particular item, I think

00067

1 there's only one answer to that.

2 When we're talking consistent harvest use
3 of fish and wildlife as related to past method and means,
4 I would have to reiterate the access problem. There is
5 no access to those late fish, specifically those Paxson
6 fish, in the upper Glennallen Subdistrict. Yeah, we can
7 catch them by rod and reel as they come under the Gulkana
8 River bridge. That is a legitimate subsistence method
9 and that is an accessible spot, but if you're an older
10 person, you're not going to walk down there on those
11 rocks. And they're arriving now, not in June when the
12 weather is nice. We had snow last week and it stayed.
13 It wasn't just there for a couple days. Ice on the
14 rocks. It's not practical. Our residents are old and
15 they've been in Paxson a long time. So we've had
16 consistent use as far back as we can go. Within 500 feet
17 of my house there was a traditional Ahtna settlement of
18 some sort that used fisheries and game resources in the
19 Paxson area. It's a historical site. We can go as far
20 back as we like. We've got it.

21

22 Then I would go to number six. One thing
23 that Bruce Cain brought up, a question, where are the
24 relatives. The relatives are in Glennallen and Delta and
25 these kind of places and they do provide their elders
26 with fish, but they're also out there working. Some of
27 these people actually have Chitina Subdistrict C&T
28 determinations because they live in Glennallen and they
29 do provide some of their parents with fish. My kids
30 aren't old enough to provide me with fish. They don't
31 have the determination anyway. They live in Paxson. We
32 have three other families with kids that live in Paxson.
33 Their kids can't get them any fish either. So that's not
34 an argument and I don't think number six is intended to
35 say that. I think it talks about contemporary hunting
36 parties made up of relatives and groups of peers. That's
37 what we have and that's how the older people in Paxson
38 get their fish. That's how all of them get their fish at
39 this time.

40

41 I find it quite ironic that Paxson, as an
42 advisory committee and as a community supported by
43 letter, the return to a personal use fishery in Chitina
44 rather than a subsistence fishery because we felt that
45 that truly should be a subsistence fishery and you
46 shouldn't have people from Anchorage and Fairbanks
47 calling it subsistence when it was not. We assumed that
48 we were subsistence fishermen. We don't just fish
49 subsistence fish. Paxson, more than any other community
50 listed here, with the exception maybe of some of these

00068

1 very small outlying ones like Healy Lake, we don't have
2 electricity. You talk about other subsistence resources.
3 We pack water, we pack firewood. We provide our own
4 electricity. There's people that have generators,
5 there's people that have solar panels, there's half a
6 dozen wind generators in Paxson. Every residence other
7 than Meiers Lake Lodge and Paxson Lodge has solar panels
8 up or has propane lights or kerosine lanterns or
9 something along those lines. We are more a subsistence
10 community than almost any community I see listed on here.

11

12

13 One of the things we're going to address
14 in the next proposal is freshwater fish and I'm talking
15 about proximity to resource. We go down to Chitina to
16 fish and we can't subsistence fish, yet the people from
17 Chitina can come up and subsistence fish in Paxson. I'm
18 not sure that seems quite fair and equitable. I don't
19 think it actually meets any of these eight criteria to
20 have people from McCarthy come up and fish in the Gulkana
21 River right above or below Paxson, yet we can't.

22

23 So that's where these proposals come
24 from. This proposal and No. 20 are tied together and you
25 can't really separate them as much as we have in this
26 book. They are one proposal and that is customary and
27 traditional use of resources at Paxson itself.

28

29 I guess I understand people's concern
30 about Paxson being a recreational community. Paxson is
31 not a recreational community. It is a community with
32 many recreational users. None of the people that live in
33 Paxson are recreational people that came down there to
34 recreate and ended up staying. They're people that came
35 down there to live and have lived there many, many years.
36 We happened in the last 10 years to be inundated by a
37 recreational group of snowmobilers. I can tell you
38 there's five or six households in Paxson that have
39 snowmobiles. So, as far as recreational snowmobile
40 users, a recreational snowmobile community we're not.

41

42 The people that hunt out of there and
43 fish do so mostly in as traditional methods as you can
44 imagine. I guess, listening to this stuff from people
45 who are from elsewhere, even though be it from Glennallen
46 and slightly further away, I'm getting a feeling that not
47 too many people know what the community of Paxson is
48 about. I hope I've expressed that. Thank you.

49

50 CHAIRMAN LOHSE: Thank you, John. Any

00069

1 other questions for John. I can empathize with you
2 because the same is true all over Alaska. People who
3 moved to the rural areas to live years and years ago now
4 have recreational uses all around them and that doesn't
5 negate the fact that people who live there live a more
6 subsistence lifestyle than people who live in communities
7 that have the C&T for their areas and they don't. Thank
8 you for the information.

9

10 MR. SCHANDELMEIER: Thank you.

11

12 CHAIRMAN LOHSE: We're going to break for
13 lunch. Because we have to go a little distance, if you
14 don't want to eat here in the lodge that is, I think
15 we're going to take an hour and a half for lunch. Does
16 that sound legitimate to the rest of the Council? 1:45.

17

18 (Off record)

19

20 (On record)

21

22 CHAIRMAN LOHSE: I'd like to call this
23 fall meeting of the Southcentral Regional Subsistence
24 Council back in session. We're discussing Proposal 19.
25 As Chair, just before we go any farther with our
26 discussion, with the permission of the rest of the
27 Council, I would like to read something out of the Senate
28 report that deals with exactly the subject that we're
29 dealing with right here. This is a report to the Senate
30 on ANILCA. I'm going to start on page 269 and part of
31 270.

32

33 MS. WILKINSON: I'm sorry to interrupt
34 you, but the only thing we have left to do is read the
35 written public comments before we go into discussion.

36

37 CHAIRMAN LOHSE: I'll read it before
38 discussion. Thank you.

39

40 MS. WILKINSON: There were some written
41 public comments. Ahtna Inc. wrote that they do not
42 support Proposal 19 to include Paxson in the customary
43 and traditional use determination for salmon in the
44 Chitina and Glennallen subdistricts until a customary and
45 traditional use salmon study is done for that community.
46 The community of Paxson did not have a high level of
47 harvest of salmon in 2001. ADF&G data shows that one
48 dipnet permit was issued and that the permit holder did
49 not report any harvest. ADF&G records show that Paxson
50 community harvested only 61 sockeye salmon and seven

00070

1 Chinook salmon using fishwheels in 2001.

2

3

4 The Chitina Native Corporation is opposed
5 to this proposal. They wrote Paxson residents have ample
6 opportunity to harvest salmon through the state fisheries
7 that are currently provided. The description of the
8 community is different from that of traditional C&T users
9 of the Copper River and we feel that Paxson residents are
10 better described as personal use fishermen of the Chitina
11 Subdistrict dipnet fishery.

12

13 The Cordova District Fishermen United
14 supports traditionally dependent users of Alaska's
15 fisheries resources having access to subsistence
16 (resources). The residents of Paxson that live on and
17 use the salmon of the Copper River merit a positive
18 finding.

19

20 The Wrangell-St. Elias National Park
21 Subsistence Resource Commission opposes the proposal.
22 They wrote that the residents of Paxson already have
23 ample opportunity to harvest salmon in the Copper River.
24 Thank you, Mr. Chairman.

25

26 CHAIRMAN LOHSE: Thank you. That's all
27 of the written comments. Okay. At this point we have
28 public testimony, but I think all of our public testimony
29 has pretty well been given. So we're ready for Regional
30 Council deliberations, recommendations and
31 justifications. I'll ask for a motion to put this
32 proposal on the table.

33

34 MR. CHURCHILL: I'd like to move that we
35 put Proposal 19 on the table. We would adopt Proposal
36 19.

37

38 CHAIRMAN LOHSE: Do I hear a second?

39

40 MR. DEMENTI: Second.

41

42 CHAIRMAN LOHSE: It's been moved and
43 seconded. Before we go into discussion, I'm going to
44 read something that I think is pertinent to it. Like I
45 said, this comes from the Senate report and it goes into
46 customary and traditional and it goes into what we've
47 talked about before, about the 804 preferences, the
48 preferences that come in place and when they come in
49 place.

50

It starts out: However, the phrase

00071

1 customary and traditional is intended to place particular
2 emphasis on the protection and continuation of the taking
3 of fish, wildlife and other renewable resources in areas
4 of and by persons, both Native and non-Native, resident
5 in areas of Alaska in which such uses have played a long
6 established and important role in the economy and culture
7 of the community and in which such uses incorporate
8 beliefs and customs which have been handed down by word
9 of mouth or example from generation to generation.

10

11 The factors of local residency, economic
12 dependence and availability of alternate resources have
13 been included in Section 804 rather than in the
14 definition of customary and traditional. Although a
15 truly comprehensive definition of subsistence uses must
16 include a mix of these factors. The committee has
17 determined that they should be incorporated through
18 appropriate action by the state rule-making authority in
19 conjunction with the recommendations of the regional
20 councils established pursuant to Section 805 to implement
21 the subsistence preference set forth in Section 804.

22

23 Sections 803 and 805 are intended to
24 establish a dynamic process for the regulation of
25 subsistence resources and uses which will enable rural
26 people to participate in the decision-making process of
27 the state rule-making authority. In the inclusion of the
28 local residency, economic dependence and availability of
29 alternative resource factors into the definition of
30 subsistence uses on a case-by-case basis to meet the
31 needs of a particular management situation in a
32 particular area.

33

34 Section 804. This section requires both
35 the state and federal government to accord non-wasteful
36 subsistence uses a preference over the taking of such
37 resources for other purposes on the public lands.
38 Although the committee recognizes that only rarely will
39 the failure to adequately provide for the preference
40 result in the threat of literal starvation, in many
41 instances the failure to obtain fish to dry for winter
42 use or fresh meat to supplement other foods can endanger
43 considerable individual, community and cultural trauma
44 and hardship.

45

46 Consequently, this section envisions the
47 governmental action affecting subsistence resources and
48 uses shall be undertaken in a manner which adequately
49 provides for the preference on an ongoing basis and not
50 only when critical allocation decisions may be necessary

00072

1 because a particular subsistence resource may be
2 threatened with depletion so long as such action is
3 conducted in a manner which is consistent with the
4 protection of the continued viability of fish and
5 wildlife populations which may be affected by such
6 action.

7

8 If a particular fish or wildlife
9 population, example salmon, moose or caribou, in a
10 particular area is sufficient to sustain a harvest by all
11 persons engaged in subsistence and other uses, the
12 implementation of restrictions on taking set forth in
13 this section need not be imposed by the state rule-making
14 authority. However, if the continued viability of a
15 particular population or the ability of rural subsistence
16 dependent residents to satisfy their subsistence needs
17 would be threatened by a harvest by all such persons, the
18 state rule-making authority in conjunction with the
19 recommendations of the regional council representing the
20 affected area is required by this section to establish
21 regulations which restrict the taking of such populations
22 to Alaska residents engaged in subsistence uses.

23

24 If the subsistence uses must be further
25 restricted to protect the continued viability of the
26 population or to ensure the satisfaction of rural
27 subsistence needs, the state rule-making authority in
28 conjunction with the recommendations of the regional
29 council must limit such uses to the local residents of
30 the affected area or, if necessary, only those local
31 residents with the most customary and direct dependence
32 on the population as the mainstay of livelihood and with
33 the least access to alternative food supply.

34

35 In the latter situation, the committee
36 believes that in making such difficult allocation
37 decisions, the state rule-making authority in conjunction
38 with the recommendations of the regional council should
39 endeavor to utilize the special knowledge of local
40 conditions and requirements of the local advisory
41 committees within the affected region.

42

43 This section also requires the Secretary
44 of the Interior and the Secretary of Agriculture to give
45 subsistence uses preferential consideration in their
46 management activities on the public lands which directly
47 relate to the taking of fish and wildlife and to take
48 appropriate action to protect such uses and the continued
49 viability of fish and wildlife populations upon which the
50 continuation of such uses depend.

00073

1 Now, it's my understanding that some of
2 the things that we've been bringing up, such as
3 availability of alternate resources, scarcity or amount
4 of people that may be involved, only apply under 804
5 situations. Prior to that, when it comes to customary
6 and traditional, we need to look at whether they have a
7 long established use of it and whether it is an important
8 role in their economic and cultural value of the
9 communities that we're talking about. With that in mind,
10 let's get back to our discussions and deliberations.
11 Comments anybody. It's a quiet Council.

12

13 (No comments)

14

15 CHAIRMAN LOHSE: I guess the question
16 before us is, with the information before us, have they
17 established a customary and traditional use pattern.
18 Fred.

19

20 MR. ELVSAAS: Mr. Chairman. As I
21 understand it, at one time the Subsistence Board said
22 they had and then it was a matter of procedure. Has
23 there been a finding of customary and traditional by
24 Staff?

25

26 CHAIRMAN LOHSE: There's been a finding
27 of customary and traditional for the Upper Copper
28 River/Glennallen District. This request for the Upper
29 Copper River/Chitina District is the first time it's been
30 before us.

31

32 MR. ELVSAAS: So there hasn't been any
33 research as to whether they've had historic use or
34 grandfathering rights to the area and they do have the
35 alternative. It's a real mixed bag because, on the one
36 hand, I see people much further away with the right to
37 fish, yet, on the other hand, it's never been determined
38 that they have customary and traditional, which is what
39 the Ahtna people want to find out. That's their main
40 opposition.

41

42 CHAIRMAN LOHSE: Our question, Fred, is
43 whether the data that's been presented to us today is
44 sufficient. Out of 37 of their permits that they have,
45 12 of them were in the Chitina area. That's all we have
46 for data on permits. Out of the amount of people that
47 use it, they're in the middle. The amount of things that
48 they use, they're in the middle. My question is, if they
49 don't qualify, how do some of these other communities
50 qualify? Where are we consistent?

00074

1 MR. ELVSAAS: Right. Where is the
2 consistency?

3
4 CHAIRMAN LOHSE: Bob.

5
6 MR. CHURCHILL: It seems to me that in
7 terms of a subsistence lifestyle that I'm satisfied that
8 they hit the criteria. I guess the point of debate I'm
9 hearing is -- I don't think there's a question that
10 salmon makes up a major part of their harvest. As I
11 remember the numbers, the average household use 289
12 pounds. Roughly 45 pounds of that was salmon. The
13 question is, where are they harvesting it, which
14 subdistrict? I'm not convinced that's our question to
15 answer at this point. I think maybe our question is,
16 whether they got the salmon in the Glennallen Subdistrict
17 or the Chitina Subdistrict, they have relied on the
18 salmon. If it becomes an 804 issue, as I understand it,
19 then we start looking at those people, their closeness to
20 the resource, their proximity to say who are we going to
21 allow to harvest the amount of salmon that can be
22 harvested. I agree, there is quite a few questions here,
23 but I am inclined to support this at this point. I'll
24 call the question.

25
26 CHAIRMAN LOHSE: The question has been
27 called. All in favor of Proposal 19 as submitted signify
28 by saying aye.

29
30 IN UNISON: Aye.

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

34
35 (No opposing votes)

36
37 CHAIRMAN LOHSE: Motion carries. Okay.
38 Proposal 20. Pat.

39
40 MS. PETRIVELLI: Thank you, Mr. Chairman.
41 The draft staff analysis for Proposal 20 begins on page
42 67 and Proposal 20 was also submitted by the Paxson Fish
43 and Game Advisory Committee and it requests a positive
44 customary and traditional use determination for
45 freshwater fish throughout the Copper River drainage
46 upstream of Haley Creek for the residents of the Paxson
47 area.

48
49 Since the original proposal was
50 submitted, I got clarification from the proponent and

00075

1 they really intended to request a customary and
2 traditional use determination for freshwater fish for the
3 Gulkana River only. Also, in our regulatory book,
4 showing on page 67, we had the proposed regulations
5 adding Paxson and also adding residents along the
6 Richardson Highway between milepost 169 and 200. The
7 proponent had put in those milepost markers to clarify
8 what they meant by Paxson. In their mind, it was one in
9 the same thing, so it's not a request for two separate
10 people. Of course, their definition does extend along
11 that other highway in the Tangle Lakes area. They were
12 submitted for informational purposes and, as John
13 Schandelmeier mentioned, they're boundary markers used by
14 the non-profit organization Paxson Community Affairs as
15 the community boundaries in dealing with the Alaska
16 Department of Community and Economic Development.

17

18 Page 66 is a map and it shows where the
19 Gulkana Wild and Scenic River is and it also shows the
20 rest of the Copper River where Haley Creek is. That's
21 pretty much the extent of the Federal waters. Included
22 in this proposal is the Gulkana Wild and Scenic River,
23 even though there are other proposals on that map, but
24 the request only deals with the Gulkana Wild and Scenic
25 River Federal waters.

26

27 The Federal Subsistence Board made
28 customary and traditional use determinations for the
29 communities listed in the existing regulation for
30 freshwater fish in the Copper River drainage upstream
31 from Haley Creek at the December 2001 meeting. Before
32 these determinations were made, all rural residents were
33 eligible. At the December 2002 meeting, the Federal
34 Subsistence Board rejected a proposal submitted by OSM
35 Staff to add residents of Lake Louise and Paxson to this
36 determination, citing a lack of substantial evidence of a
37 long-term, consistent pattern of use of the Copper River
38 drainage.

39

40 Much of the data in this analysis, since
41 it's about Paxson, the information relating to data on
42 community characteristics is the same as Proposal 19.
43 I'm just going to talk about places where it's different.
44 That would be on page 71, Table 2, where it shows data
45 relating to the use of non-salmon fish. This data shows
46 that 78.6 percent of the households in Paxson use
47 freshwater fish and 28.6 receive and give freshwater
48 fish. For the community, they harvest about 2,432 pounds
49 a year and a per capita harvest of 63 pounds annually.
50 The household survey showed that the species harvested

00076

1 were burbot, Dolly Varden, lake trout, grayling, pike
2 sucker, rainbow/steelhead trout and whitefish.

3

4 For comparison purposes, which is also
5 contained in Table 2, the communities that currently have
6 C&T, their use of non-salmon fish range from 50 percent
7 to 100 percent of the households and they show harvest
8 levels ranging from 471 to 41,000 pounds on a community
9 basis. The per capita harvest ranges from seven to 129
10 pounds and the Paxson levels fall within these areas.
11 The higher level of use of freshwater fish in Paxson was
12 noted in the 1984 study of the Copper River Basin and the
13 significance of freshwater fish for them was described as
14 parallel to the significance of the salmon in the
15 communities located directly along the Copper River. So
16 they definitely follow the pattern of using freshwater
17 fish in nearby lakes and streams and it's likely they
18 also use lake fish while hunting, a pattern described by
19 record in the seasonal round of subsistence activities.

20

21 Table 3 on page 73 shows freshwater
22 fishing harvest areas that were mapped in the 1982 study.
23 The Federal waters used by Paxson residents were the
24 Gulkana River, the Middle Fork and the West Fork of the
25 Gulkana River. They also used the Tangle Lakes and Upper
26 Tangle Lakes area. The B section of that table shows all
27 the state waters that they use for freshwater fish.

28

29 The effect of this proposal, currently
30 there are customary and traditional use determinations
31 for freshwater fish in the Copper River drainage for 25
32 communities and areas. Adoption of this proposal would
33 recognize the residents of the Paxson area. No increase
34 in harvest is anticipated because opportunity to harvest
35 freshwater fish is available through State regulations.

36

37 The preliminary draft conclusion is to
38 support the proposal as modified by the proponent, which
39 just limits it to the Gulkana Wild and Scenic River and
40 it just names Paxson.

41

42 The justification for this recommendation
43 is data from the ADF&G Subsistence Division household
44 surveys show that freshwater fish is a significant
45 resource for residents of the Paxson area. The 1982 and
46 1987 study and 1984 mapping of resource use areas show
47 that Paxson residents used the Federal public waters of
48 the Gulkana Wild and Scenic River. That concludes the
49 analysis.

50

00077

1 CHAIRMAN LOHSE: Any questions for Pat.
2 Bob.

3
4 MR. CHURCHILL: Yeah, Pat. The majority
5 of the fish that are being harvested were whitefish and
6 lake trout, is that correct?

7
8 MS. PETRIVELLI: I didn't look at the use
9 amounts of different ones. I just listed them, but I do
10 have that data if you want them.

11
12 MR. CHURCHILL: Yeah, I'd like it.

13
14 CHAIRMAN LOHSE: It's kind of interesting
15 to me, Bob, because when I look at the only communities
16 that use more freshwater fish, they're all whitefish-
17 based communities.

18
19 MR. CHURCHILL: I think we'll find that
20 to be true. I was just curious. It was also interesting
21 to me that they average 45 pounds of salmon per capita
22 and 63 pounds of freshwater fish.

23
24 CHAIRMAN LOHSE: For those that have been
25 up in the Paxson area though, that's not surprising when
26 they have some of the best fishing in the state right out
27 their back door.

28
29 MR. CHURCHILL: Pat, I assume the
30 majority of this is for human consumption.

31
32 MS. PETRIVELLI: I'm pretty sure in the
33 household use it's for personal or family consumption.
34 Whitefish was 498 pounds, then the next harvest highest
35 number was char, 318, burbot was 198, after that grayling
36 128 pounds. That's an estimate for the whole community.

37
38 MR. CHURCHILL: Thank you.

39
40 CHAIRMAN LOHSE: Any other questions for
41 Pat. Pat, if I understand right, the proponent would
42 like to change this proposal to just apply to the Gulkana
43 Wild and Scenic River corridor, not the Copper River down
44 to Haley Creek.

45
46 MS. PETRIVELLI: Yes. That's what they
47 were asking for originally.

48
49 CHAIRMAN LOHSE: Any other questions for
50 Pat. Then for purposes of this proposal, they're calling

00078

1 the Paxson community from mile 159 to 200 and to mile 22
2 on the Denali Highway, right?

3

4 MS. PETRIVELLI: Well, they included
5 those milepost markers for informational purposes. We
6 don't put community boundaries on those other
7 communities, but, as a Council, you might want to make a
8 recommendation.

9

10 CHAIRMAN LOHSE: It's just kind of
11 interesting to me because it's about a 20-mile circle,
12 which seems fairly reasonable for a stretched-out
13 community like that. Thank you. Any other questions for
14 Pat. Thank you, Pat. Okay. Alaska Department of Fish
15 and Game comments.

16

17 MR. TAUBE: Thank you, Mr. Chairman. Tom
18 Taube, Alaska Department of Fish and Game. The
19 Department supports adoption of Proposal 20 to include
20 the Paxson area in the customary and traditional finding
21 for non-salmon fish in the Copper River Drainage based
22 upon adequate documentation of data in support of the
23 eight factors in the Staff Analysis. As with Proposal
24 19, the recommendation is to take care in drafting the
25 regulation and define Paxson to be inclusive of the
26 Sourdough area as well since the supporting data included
27 both communities which stretch along the Richardson
28 Highway.

29

30 CHAIRMAN LOHSE: Thank you. Any
31 questions for Tom. Bob.

32

33 MR. CHURCHILL: You don't see any
34 potential harm at all in this target species from a
35 subsistence fishery?

36

37 MR. TAUBE: The area that's included in
38 this would be the Gulkana River. The Department has not
39 issued any subsistence permits for freshwater fish in the
40 Gulkana. We have denied permits for the Gulkana due to
41 concerns over steelhead and rainbow trout. We do issue
42 several permits each year for Paxson Lake itself for
43 whitefish and I believe that's the only species we've
44 issued permits for freshwater fish so far.

45

46 MR. CHURCHILL: Thank you.

47

48 CHAIRMAN LOHSE: Tom, are the whitefish
49 that are taken in the Gulkana River by spear, are those
50 subsistence or does that come under a different

00079

1 regulation?

2

3

MR. TAUBE: Whitefish can be taken by
4 spear under the sportfishing regulations and there is no
5 limit on that, so it's unlimited harvest and that does
6 occur each year. Last year there were several households
7 from Glennallen and the surrounding area that did go fish
8 by Sourdough with spear and I believe there is some that
9 occur at the Tangle Lakes also.

10

CHAIRMAN LOHSE: Do they need to get a
12 permit for that so there's a record of what was taken or
13 does that just come under sportfish regulations in the
14 creel census?

15

16

MR. TAUBE: That just comes under the
17 sportfish regulations. They need to have a sportfishing
18 license and then harvest would be documented through the
19 statewide harvest survey.

20

21

CHAIRMAN LOHSE: Thank you. Any other
22 questions for Tom. Thank you. Other Federal, State and
23 Tribal Agencies. Any Federal agencies that wish to speak
24 to this.

25

26

(No comments)

27

28

CHAIRMAN LOHSE: State agencies.

29

30

(No comments)

31

32

CHAIRMAN LOHSE: Tribal agencies.

33

34

(No comments)

35

36

CHAIRMAN LOHSE: Okay. Fish and Game
37 Advisory Committee comments. Do we have any? John.

38

39

MR. SCHANDELMEIER: Thank you. This
40 seems to me to be a pretty self-explanatory proposal.
41 There are a few things I'd like to clarify and bring to
42 your attention concerning this. Obviously, Paxson is the
43 community closest to the Gulkana River and I would concur
44 with what Tom says about including Sourdough.

45

46

I guess I would start with clarifying
47 something that Pat has brought up. She mentioned that
48 freshwater fish are available with State permit in this
49 area and that's not true. As Tom touched on, the Gulkana
50 has not been available by State permit. They don't allow

00080

1 it. You had brought up about people from McCarthy going
2 to Tangle Lakes for caribou because it was easy, not
3 because it was close. I mean we can have people from
4 McCarthy coming to Paxson to fish whitefish in the
5 Gulkana where there are no State permits issues, but yet
6 a person from Paxson who lives there can't do that. The
7 parallel would be someone from Chitina not being able to
8 fish salmon in Chitina but people from Paxson could go
9 down there and do so. To me, this proposal seems like
10 sort of something that was overlooked to start with and
11 sort of a no-brainer.

12

13 Another thing that Pat brought up that is
14 not accurate is the per household use of freshwater fish.
15 She brought up that char, I think, was used a certain
16 number of pounds. Char is not utilized in the Paxson
17 area and that's a typo. That should be lake trout and
18 not char. The char that are utilized in Paxson are
19 strictly a planted fish by the ADF&G and they are
20 utilized now, but they weren't there historically. So
21 that's just a point I would like to bring up.

22

23 All I can say about the fish use at
24 Paxson, especially in the Gulkana River, is the real
25 inconsistency of not allowing the area residents to fish
26 but allowing people from far, far away to come and fish
27 who have no historically ever used the resource on the
28 Upper Gulkana.

29

30 I'd also like to point out something that
31 goes along with this inconsistency within the Federal
32 regulations. I can speak of this on a personal level. I
33 would talk about Tangle Lakes. The Federal regulations
34 allow for no subsistence fishing in the Delta River. The
35 State does and the Federal allows for sportfish within
36 the Delta River. A few years back I applied for a permit
37 for the Gulkana River for a whitefish. I was refused by
38 the State. So I applied for Tangle Lakes. I was given a
39 subsistence permit for Tangle Lakes. The Federal people
40 said if I used it, they would cite me for that, so we had
41 quite a few letters that went back and forth between
42 ADF&G in Fairbanks and the Federal people in Fairbanks
43 and they finally agreed that the Tangle Lakes area, if I
44 fished in between the lakes, that was not considered the
45 Delta Drainage, that was considered the lakes, then that
46 would probably be okay so they wouldn't cite me.

47

48 So we've got some inconsistencies in the
49 regulations here and these are things that need to be
50 looked at and cleaned up somehow. I realize we're not

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1 talking about the Delta River at the moment, but at this
2 point, if I followed Federal regulations, I would not be
3 allowed to fish anywhere near Paxson for whitefish. The
4 State allows me to fish there, fortunately. So all these
5 freshwater fish that you see us taking on your tables
6 would be in violation of Federal regulations. If the
7 Federal people were to enforce the Tangle Lakes drainage,
8 as it may be interpreted, then every fish we take for
9 subsistence purposes would be in violation of the law.
10 We need to think about this so we're not breaking the law
11 every time we go out.

12

13 At any rate, all the things we talked
14 about in Proposal 19 still apply in Proposal 20 only more
15 so since we live there. I really, at this point, can't
16 see how there could possibly be any opposition to this.
17 If you allow Tok or McCarthy or Glennallen to fish on
18 Paxson Lake or Paxson Lake outlet, then I guess I'm
19 pretty comfortable that you would allow the community of
20 Paxson to do so also. Thank you.

21

22 CHAIRMAN LOHSE: John, a couple
23 questions, if anybody else doesn't have any. Bob.

24

25 MR. CHURCHILL: John, I'm looking at the
26 language on page 75, which appears to have been something
27 that you and Pat talked about as being more to what
28 you're requesting than the original language. Am I
29 understanding that correctly?

30

31 MR. SCHANDELMEIER: Yes.

32

33 CHAIRMAN LOHSE: Fred.

34

35 MR. ELVSAAS: Yeah. We just heard before
36 you sat down that whitefish were taken with spear. Is
37 that a common way of fishing there?

38

39 MR. SCHANDELMEIER: Yes, it is. It's
40 been pretty common in the Tangle Lakes area where the
41 creeks are shallow and you can wade around in them and
42 they're also open in late October and November, they're
43 not frozen and they don't freeze ever. There's two main
44 spawning runs we'll have in the winter in the Paxson
45 area. One starts now and run through maybe the 10th of
46 November and those are the cisco's which are a smaller
47 whitefish and they probably run up around 12, 13, 14
48 ounces. Those are what is generally speared. Later in
49 the winter, in December, the lake whitefish or the round
50 whitefish are taken in some of the creeks and those are

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1 generally taken with a net because it's done in deeper
2 water and that's done either at Paxson outlet, down on
3 some of the open water on the Gulkana and was
4 traditionally done up on the Middle Fork of the Gulkana
5 by Dickey Lake and those fish could also be accessed by
6 spear a little bit in Dickey Lake. That's been done as
7 far as I know ever since there was people in the area. I
8 have documentation going back to the early 1900s.

9

10 There have been some netting under the
11 ice. In the past, before permits were required, back in
12 the early '70s and even the late '60s, the Gulkana River
13 was netted under the ice also in places. Yeah, there's a
14 concern that there could be an occasional steelhead or
15 rainbow taken in that area, but, in all fairness, the
16 areas that have been netted in the past there's probably
17 not many over-wintering steelhead. The data on
18 over-wintering steelhead, this happens to be the
19 northernmost steelhead run in the world actually, and the
20 data that has been done on that suggests that those fish
21 are few and far between and some have wintered in Dickey
22 Lake and others have wintered on the main stem.

23

24 MR. ELVSAAS: But spearing is just an
25 accepted way of fishing then.

26

27 MR. SCHANDELMEIER: Yes.

28

29 MR. ELVSAAS: Thank you.

30

31 CHAIRMAN LOHSE: For your information,
32 Fred, spearing is done at night with a light.

33

34 MR. SCHANDELMEIER: You've never speared
35 fish? It's sort of a community thing at Paxson. It
36 happens on Halloween. It's happened on Halloween ever
37 since I've been in Paxson. People will go out and build
38 a campfire and sit around and tell stories and spear
39 fish.

40

41 MR. ELVSAAS: It sounds like fun. It
42 caught my ear because in the subsistence fishing for
43 halibut, you can spear halibut, but how in the heck you
44 do it I don't know. Thank you.

45

46 MR. SCHANDELMEIER: Very deep hip boots.

47

48 CHAIRMAN LOHSE: Don't run off, John. I
49 have just a couple questions that I want to ask you. I
50 need a clarification on one. I was under the impression

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1 and I must be wrong that Federal law only supersedes
2 State law when it's more lenient. In other words, if
3 State regulations allow a subsistence fishery, I didn't
4 know that Federal regulations would disallow it. I
5 thought under subsistence we were using Federal
6 regulations to make it more lenient, not more strict, and
7 I must be wrong on that one there.

8

9 MR. SCHANDELMEIER: The Tangle Lakes, the
10 Delta River Drainage specifically states no subsistence
11 use, yet it allows for sport use, which is in conflict to
12 everything that I read in the Federal Subsistence
13 Regulations, so I can't answer that question. I thought
14 so too, but that's not the case in this circumstance.

15

16 CHAIRMAN LOHSE: And that's no
17 subsistence use for fish.

18

19 MR. SCHANDELMEIER: Correct. You can
20 sportfish whitefish under Federal or State regulations on
21 the Delta River, but there is no subsistence use of any
22 fish species on the Delta River.

23

24 CHAIRMAN LOHSE: But there is subsistence
25 use for fish species on the Delta River under State
26 regulations.

27

28 MR. SCHANDELMEIER: No. There is
29 subsistence fisheries in the Delta River in the Tangle
30 Lakes area, which is the Delta River Drainage, but for
31 purposes of my permit, is the way it sounds, so as not to
32 have the conflict -- in the letter that I have that went
33 back and forth, and I'm pretty sure someone here can
34 clear this up a little bit, it appears to me that the
35 Federal enforcement people agreed to not consider the
36 Tangle Lakes part of the Delta River Drainage, even
37 though under ever other definition of the Delta River
38 Drainage they are included. But for the purposes of my
39 permit, I don't think they are, even though I am fishing
40 in flowing waters. And my permit is in effect again this
41 year, so I guess if the Federal enforcement want to come
42 and see me, they have to figure out what date I'm going.

43

44 CHAIRMAN LOHSE: I guess I misunderstood
45 you. I thought the State had a subsistence fishery.

46

47 MR. SCHANDELMEIER: They do.

48

49 CHAIRMAN LOHSE: They have a subsistence
50 fishery on the Delta River.

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1 MR. SCHANDELMEIER: Yes.

2

3 CHAIRMAN LOHSE: Okay. So there is a
4 State permit available for the Delta River for
5 subsistence fishery.

6

7 MR. SCHANDELMEIER: Not the Delta River.
8 Tangle Lakes.

9

10 CHAIRMAN LOHSE: For the Tangle Lakes.
11 Okay. So the Feds have agreed that that won't be part of
12 the Delta River for the sake of your permit which you
13 have from the State.

14

15 MR. SCHANDELMEIER: Evidently.

16

17 CHAIRMAN LOHSE: The other question I
18 have, you don't have Dolly Varden up there?

19

20 MR. SCHANDELMEIER: Not native. Other
21 than the Upper Susitna Drainage, the McClaren River
22 Drainage, the upper parts of that.

23

24 CHAIRMAN LOHSE: But not on the Gulkana.

25

26 MR. SCHANDELMEIER: Not on the Gulkana to
27 my knowledge.

28

29 CHAIRMAN LOHSE: Do the lake trout, which
30 are actually a char, do they drop into the Gulkana River?

31

32 MR. SCHANDELMEIER: Occasionally.

33

34 CHAIRMAN LOHSE: But when you're talking
35 about the Gulkana River, you're talking about the Gulkana
36 River and the lakes that are hooked onto it then for this
37 purpose.

38

39 MR. SCHANDELMEIER: I'm talking about the
40 flowing waters of the Gulkana River. The lakes have been
41 adequately addressed by the State and jurisdiction over
42 those lakes, I guess, is a question. Whereas the Gulkana
43 Wild and Scenic River is under Federal jurisdiction, so
44 that's all I'm addressing.

45

46 CHAIRMAN LOHSE: So the lakes, it's just
47 a question of jurisdiction on that between the State and
48 the Federal and there are regulations that give you
49 sufficient access to the lakes.

50

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1 MR. SCHANDELMEIER: On the lakes, yes.
2 Paxson Lake and Tangle Lakes are given access by State
3 regulations. I would like to see clarified who actually
4 controls the Tangle Lakes just because I know, again, for
5 this one permit it's fine, but what happens when I go
6 away and my kids decide they want to fish Tangle Lakes.
7 Are they going to be allowed or is somebody going to come
8 along and tell them they've broken the law. Paxson Lake
9 seems to be controlled by the State, as does Dickey Lake,
10 and that's fine. We don't have a problem with that.

11
12 CHAIRMAN LOHSE: But Tangle Lakes
13 wouldn't be part of this proposal anyhow because this is
14 the Gulkana.

15
16 MR. SCHANDELMEIER: This is only the
17 Gulkana River.

18
19 CHAIRMAN LOHSE: And this is the Gulkana,
20 both the West Fork and the main stem.

21
22 MR. SCHANDELMEIER: Wild and Scenic
23 River, Middle Fork, West Fork. The West Fork, to my
24 knowledge, has probably not been utilized by Paxson
25 residents. It may have been utilized by Sourdough
26 residents. I couldn't speak to that.

27
28 CHAIRMAN LOHSE: Thank you. Any other
29 questions for John. Thank you. Summary of written
30 comments. Ann.

31
32 MS. WILKINSON: Thank you, Mr. Chairman.
33 Ahtna Inc does not support making a customary and
34 traditional use determination until such a study of
35 freshwater fish is done for the community of Paxson and
36 those residents between milepost 168 and milepost 200
37 along the Richardson Highway.

38
39 The Chitina Native Corporation is opposed
40 to this proposal. This proposal asks you to give a C&T
41 for an area where many of the residents do not have a
42 traditional or cultural tie to the resources in
43 consideration. Not only is Paxson presented to you for a
44 C&T, but residents along the Richardson Highway also,
45 many of which are not a part of the area historically nor
46 deserving of a C&T classification. If any of the
47 residents have the rights to qualify, they may obtain a
48 permit through the managing agency. Do not give a C&T
49 classification to a resident area simply because there
50 are people living there with considerable distance to the

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1 resource. They must have a historic use of the resource.
2 This proposal asks that people who do not have a historic
3 tie to the resource be given a very valuable
4 classification. Once the C&T determination is given, it
5 is very hard to reverse. Please do not pass this
6 proposal as it is an injustice to subsistence users that
7 do meet the criteria for a C&T determination. And those
8 are the only two comments.

9

10 CHAIRMAN LOHSE: Thank you, Ann. Public
11 testimony. Am I missing somebody? Joe, would you like
12 to speak to this one?

13

14 MR. HART: No.

15

16 CHAIRMAN LOHSE: Okay. With that, we'll
17 go on to Regional Council deliberation, recommendation
18 and justifications. I need a motion on the table to
19 accept this proposal. Bob.

20

21 MR. CHURCHILL: I'd like to move that we
22 accept the proposal with the language included on page 75
23 of our work booklet. Do I need to read that language
24 into the record, Ann?

25

26 MS. WILKINSON: No.

27

28 MR. CHURCHILL: Okay. It's contained on
29 the top of page 75 of our workbook.

30

31 MS. WELLS: I would second that with a
32 possible amendment to add Sourdough, if that's something
33 we want to look into.

34

35 MR. CHURCHILL: I'd accept that as a
36 friendly amendment and put a slash in between.

37

38 CHAIRMAN LOHSE: It's been moved and
39 seconded. I have a few questions I'd like to ask before
40 we get started to clarify some things that have been
41 brought up. I don't mean to put anybody on the spot.
42 I'm afraid I have to start by asking Joe a question.
43 When Chitina and Ahtna were replying to this, at that
44 time the proposal was from Haley Creek all the way up the
45 Gulkana. At the present time, the proposal that's in
46 front of us is just the Gulkana area, up in the area
47 where Paxson is. Do you think that would affect how they
48 feel about the written testimony?

49

50 MR. HART: I believe it would.

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1 CHAIRMAN LOHSE: I was wondering about
2 that because that takes a lot less area. Okay. The
3 other question I had was Ahtna brought up the question
4 about a study done and we got data today that gave us
5 poundage and usage from up in that area for Paxson. Pat,
6 is that a fairly recent set of data that we have right
7 there?

8
9 MS. PETRIVELLI: The figures I gave you
10 was showing 1987 use, but Bill Simeone is doing that
11 study for the Fisheries Information Service and I sent a
12 copy of this proposal for him to review it and the
13 results of that survey won't be available, but he said it
14 would not be any different from what -- it wouldn't show
15 a significant difference of the level of use that is
16 shown in the numbers from 1987. So it's a consistent
17 pattern from '87 to now, whatever new data they have.

18
19 CHAIRMAN LOHSE: Those weren't new data
20 that you had, but those are new data that Bill Simeone
21 has.

22
23 MS. PETRIVELLI: Yeah, he's doing the
24 study of freshwater fish. I'm not sure if they're even
25 doing household surveys, but he said whatever new
26 information they had wouldn't show any difference in the
27 level of us.

28
29 CHAIRMAN LOHSE: So it's remained the
30 same since 1987.

31
32 MS. PETRIVELLI: Yes.

33
34 CHAIRMAN LOHSE: Thank you. One of the
35 questions that always seems to be coming up is residence.
36 Wild and Scenic River is run by the BLM. Am I correct on
37 that, Elijah?

38
39 MR. WATERS: Yes.

40
41 CHAIRMAN LOHSE: So you're same
42 definition of residence that you apply to the caribou
43 hunt would apply to subsistence fishing on the Gulkana
44 River if there was a subsistence C&T.

45
46 MR. WATERS: Yes, there would.

47
48 CHAIRMAN LOHSE: So the same criteria of
49 permanent residence would apply.

50

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1 MR. WATERS: Yes.

2

3 CHAIRMAN LOHSE: And then the other thing
4 I had, something that was brought up that instead of
5 having a C&T a permit could be gotten from the governing
6 agency, would also be the BLM. Does the BLM currently
7 have any permits available for subsistence fishing on the
8 Wild and Scenic River?

9

10 MR. WATERS: No, we don't. Elijah
11 Waters, Bureau of Land Management. I want to point out
12 just a couple things. First of all, I want to address
13 the one point of confusion over the Delta River. That
14 comes from page 19 of the Fisheries Regs where it says
15 the following locations are closed to subsistence fishing
16 and it mentions the Delta River. I wasn't here during
17 all this discussion, but my understanding of how that was
18 resolved is the definition of the Delta River was the
19 flowing river downstream of Tangle Lakes so that
20 subsistence fishing was allowed in Tangle Lakes and
21 Tangle River.

22

23 Now, back to your other question, we were
24 just looking at this and it says subsistence fishing is
25 permitted under the following regulations and freshwater
26 fish, but there's no specific regulations saying any kind
27 of methods, seasons, anything like that. I don't mean to
28 put Tom Taube on the spot, but what we started talking
29 about was the way that's handled is that would be under
30 State regulations. So we have no provisions. If
31 somebody came to us for a permit, we would turn to the
32 State and go from there.

33

34 CHAIRMAN LOHSE: Thank you, Elijah. In
35 other words, at this point, State regulations would apply
36 unless in the future we made our own regulations.

37

38 MR. WATERS: Exactly.

39

40 CHAIRMAN LOHSE: Tom.

41

42 MR. TAUBE: Mr. Chairman. Tom Taube,
43 Alaska Department of Fish and Game. Not that I want to
44 try to interpret the Federal regulations, but under the
45 general provision it says you may take fish other than
46 rainbow trout, steelhead trout in the Prince William
47 Sound area, which the Gulkana is part of, only under the
48 authority of a subsistence fishing permit, which would be
49 that Elijah could issue a Federal permit to a Federal
50 user for a freshwater fish, which is the same way that we

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1 do under the State. It's on a case-by-case basis.

2

3 MR. WATERS: But there's no regulations,
4 there's nothing -- for salmon, for example, it addresses
5 the limit, the fishwheel, the rod and reel, et cetera.
6 None of that is defined in Federal regulations for
7 anything other than salmon. We could write a permit, but
8 we would be deferring. Whatever the State regulations
9 are, that's what our permit would be.

10

11 CHAIRMAN LOHSE: So you would probably
12 recognize State methods and means bag limits and just
13 make the permit for Federal waters with a Federal permit.

14

15 MR. WATERS: Right. But in the test case
16 we're specifically thinking of, the fresh water of the
17 Gulkana -- and I know Mr. Schandelmeier has pointed out
18 it starts the flowing waters of the Gulkana, whereas a
19 lot of that subsistence harvest it appears has taken
20 place outside the flowing waters of the Gulkana. In the
21 case in the past where the State has turned down
22 subsistence request for the flowing waters of the
23 Gulkana, there was biological concern there over the
24 steelhead. So, if somebody comes to us with that same
25 question, we would have that same concern. I fully
26 support the customary and traditional use determination
27 for the people of Paxson. It's a no-brainer. But I
28 would really like to see some fleshing out of some rules
29 and regulations and seasons, harvest types, that kind of
30 thing just because of that biological concern.

31

32 CHAIRMAN LOHSE: Any question for either
33 one of the two that are sitting there?

34

35 (No questions)

36

37 CHAIRMAN LOHSE: Thank you. I'm sure
38 that's something that somebody is going to make proposals
39 on in the future, either enforcement or staff or
40 individuals.

41

42 MR. WATERS: When the BLM sat down and
43 looked at this proposal, we envisioned this as exactly
44 that, a two-stage thing. The first step is to get
45 customary and traditional use determination for the
46 residents of Paxson, then we didn't anticipate any
47 fishing then in that next season and then the follow up
48 with that would be somebody would bring a proposal in for
49 a specific harvest type and season. The way it is now,
50 anybody that comes to us for a permit it would

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1 essentially be a whole analysis of whatever they were
2 coming and asking for.

3

4 CHAIRMAN LOHSE: So you would probably
5 just apply State regulations.

6

7 MR. WATERS: That's exactly what we'd do.

8

9 CHAIRMAN LOHSE: Tom.

10

11 MR. TAUBE: I guess just for an example,
12 for our whitefish permits that we issue, on the permit it
13 states the gear type which has generally been either a
14 seine or gillnet. I believe we had one case of a pike
15 trap and the season goes from October 1st through March
16 31st and then we have a limit per permit of 1,500
17 whitefish. I guess, for clarification, the Tangle River,
18 what John was talking to, the sport limit for whitefish
19 there is 15 because that's a part of the Tanana Drainage.

20

21 CHAIRMAN LOHSE: When you put that in
22 comparison to 20 halibut a day, that's not many
23 whitefish.

24

25 MR. TAUBE: No.

26

27 CHAIRMAN LOHSE: Any other questions.
28 Thank you. I've got two hands up out there that would
29 like to speak. Larry.

30

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

32 Larry Buklis, fishery biologist with Subsistence
33 Management Office. I just wanted to clarify a few points
34 regarding regulation that came up in the last discussion.
35 First of all, our regulations do require a subsistence
36 fishing permit to take salmon or freshwater fish in this
37 area. When we use the term subsistence fishing permit in
38 this regulation book anywhere, if all we say is
39 subsistence fishing permit, then by definition it means
40 State or Federal permit. If we mean Federal permit only,
41 then it says a Federal subsistence fishing permit. So,
42 when I see the term a subsistence fishing permit, it
43 means we can implement a Federal permit or we can look to
44 the State permitting system if that works for us. For
45 example, Bristol Bay salmon. We don't have a Federal
46 permit. We recognized the State permit. Going back to
47 this particular situation, it then says you may take fish
48 only under the authority of a subsistence fishing permit.
49 So we would use the permit, State or Federal, as a
50 vehicle for putting restrictions in place.

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1 I think this Council and others have
2 looked to build regulations where we need to build
3 regulations into the book, but there are other situations
4 where a situation can be handled on a case-by-case
5 situation with permit system. The freshwater permit
6 program is relatively small and I think to this point has
7 been managed through permit stipulations and not building
8 complexity into our regulations. So there are different
9 ways of handling management of these fisheries and one
10 way is to use a permit system with permit stipulations
11 and that's how freshwater fish are being handled.

12

13 Eric Veatch is not here today, but he
14 would be a designated in-season manager for the Copper
15 River as a whole, although BLM manages the Gulkana Wild
16 River. My understanding is that, to this point, almost
17 without exception, people have been going to the State
18 for their freshwater fish permits. Sometimes people come
19 forward to Eric with an inquiry and he often sends them
20 to the State, so I don't think we've had an active
21 Federal freshwater fish permitting system, but our
22 regulations allow for it. I think to this point we would
23 build stipulations in to be conservative with the
24 resource. Very much what Elijah was saying, we would
25 look to the kinds of levels of use and dates and gear
26 that the State has been implementing if we implemented a
27 permit. We put similar stipulations in our permit. I
28 don't think that argues necessarily for building
29 regulations into the book to handle that.

30

31 CHAIRMAN LOHSE: Thank you, Larry. Any
32 questions for Larry. John.

33

34 MR. SCHANDELMEIER: I have a question for
35 Elijah Waters that I would like clarification on
36 something that may help with this determination, whether
37 it helps with Paxson's application or not. Right now
38 there is a C&T determination for the Gulkana River for
39 residents of places other than Paxson. My question to
40 Elijah is if a resident of Glennallen goes to the State
41 and says I would like a freshwater fish permit for the
42 Gulkana River, the State says no, we have steelhead
43 concerns, the Federal regulations allow for a subsistence
44 fishery there. My understanding is that he must grant
45 the permit under Federal regulations. I don't think he
46 can keep it closed and defer to State regulations which
47 does keep it closed. Federal regulations supersede that
48 and they allow for fishing in the Gulkana River. I think
49 the BLM must issue a permit. I don't think they have the
50 option. I think they must by regulation.

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1 We've had this discussion before over the
2 phone. Since Paxson did not have a customary and
3 traditional use determination, you know, I didn't make a
4 issue of it, but it was a question I wanted an answer to.
5 I think it important in an area like this where you have
6 State policy and Federal regulations differing. I think
7 that somewhere along the line we need an area of
8 consistency. Either the Gulkana River is closed to
9 subsistence fishing for everyone or it is open for a
10 customary and traditional determination. I think we need
11 to know that. That's something this Board isn't
12 concerned with. Your only concern is making the C&T
13 determination.

14
15 We have a terrific inconsistency in
16 regulation in this area and it leaves the door open for
17 all kinds of potential problems and none of us want those
18 problems. We're just trying to be there and use the
19 resource how they've been used in the past, whether there
20 was a regulation or no. Now our regulations are getting
21 more complicated to the point where -- obviously, we have
22 two fisheries people here and neither one necessarily
23 agree with each other or understand what each one is
24 saying, so how can I as just an individual know that.

25
26 So, anyway, I would like Elijah to
27 respond to that. If I had a C&T determination out of
28 Glennallen, I would like to know what he would do if I
29 asked for a permit. Thank you.

30
31 MR. WATERS: First of all, I want to make
32 it clear that that has never come up. As I said before,
33 if we got a permit or if we got a request for subsistence
34 fishing, there's ample opportunity under the State
35 regulations to take whatever species that whoever wants
36 to take for freshwater fish in the Gulkana. So we would
37 refer that person to the State to get the applicable
38 permit. Now, if the State had a conservation concern and
39 the only conservation concern that the State has to my
40 knowledge is anything that has to do with rainbow and
41 steelhead. If they were turned down by the State and
42 came to us and still seeking that permit, then a
43 biological concern is certainly justification to deny a
44 subsistence permit. So, if there's a conservation
45 concern, then we can deny that permit. Does that answer
46 your question?

47
48 MR. SCHANDELMEIER: No.

49
50 CHAIRMAN LOHSE: I have a question on

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1 that though, Elijah. Is the conservation concern on the
2 viability of the steelhead stocks or is the conservation
3 concern on protecting the steelhead stocks for
4 sportfishing? If the conservation concern is to protect
5 them for a different type of fishery, then subsistence
6 would have a priority. If the conservation concern is
7 protecting the stock themselves, then it becomes a
8 biological concern.

9

10 MR. WATERS: It is to protect the stock
11 itself. Very few people target steelhead on the Gulkana
12 River. It's a completely catch-and-release fishery. In
13 fact, the sportfishing regulations are designed to
14 protect that. You can't fish with bait before June 1st
15 or after June 19th. So I think the concern there is
16 protection of the stock, not maintaining a sport fishery.

17

18 CHAIRMAN LOHSE: Mr. Churchill.

19

20 MR. CHURCHILL: Let me see if maybe
21 Elijah will agree with this. I belong to a small secret
22 society of steelhead fishermen that are mostly insane and
23 this is probably one of the most frustrating. Everybody
24 wants to say they've caught a steelhead out of the most
25 northern run in the world, but the inconsistency will
26 make you crazy. I don't know of anybody that's killed a
27 steelhead out of there, so I'd echo what Elijah is
28 saying. This is not anything you'd want to protect for a
29 sport fishery. You feel lucky enough to just put one on
30 the line. I don't know of anyone that kills it. I know
31 quite a few of the folks that target that water.

32

33 MR. WATERS: If they do kill them,
34 they're definitely breaking the law.

35

36 CHAIRMAN LOHSE: Bill.

37

38 MR. KNAUER: Two points. One, in
39 speaking with John, a permit that they would be
40 requesting would not be for steelhead or rainbow, so the
41 manager would be able to include on the permit
42 stipulations on either method of take, area of take, time
43 of year, so it would still be the subsistence opportunity
44 without putting the steelhead run at risk.

45

46 Secondly, the issue of permits and so on
47 comes under the subpart (d), the annual harvest
48 regulations, as opposed to C&T. Of course, all of this
49 is secondary to that. The fishing could occur under a
50 subsistence permit next year if, in fact, there is a

00094

1 positive C&T made.

2

3 CHAIRMAN LOHSE: Thank you, Bill. Point
4 well taken. In other words, get back to the subject,
5 which is C&T, not where we can go catch steelhead, right?
6 Any further discussion.

7

8 MS. WELLS: I just want to make sure that
9 this definition here, those individuals that live along
10 the Tok Cutoff from Tok to Mentasta Pass and along the
11 Nabesna Road, is that inclusive of what the intent of
12 this proposal is?

13

14 CHAIRMAN LOHSE: That's already current
15 language that you're reading right there. That doesn't
16 address Paxson or -- that is the current. The current
17 language includes Tok to Mentasta Pass and along the
18 Nabesna Road. What we're looking at right now is Paxson
19 and what you and Bob both included was Paxson/Sourdough.

20

21 MS. WELLS: Correct. So on page 67 we're
22 not adding and along the Nabesna Road and along the
23 Richardson Highway. We're not adding that.

24

25 CHAIRMAN LOHSE: We would be adding along
26 the Richardson Highway if we were going to do what they
27 were talking about before, which was from Sourdough to
28 mile 200. But the Nabesna Road is already part of it.

29

30 MS. PETRIVELLI: That's a typo. The
31 bolded language on page 67 should have only been along
32 the Richardson Highway between milepost 169 and 200.
33 Along the Nabesna Road was an existing language.

34

35 MS. WELLS: Our motion was to use the
36 language on 75, so we need to make sure that the language
37 and along the Richardson Highway to the end needs to be
38 included on that.

39

40 CHAIRMAN LOHSE: So, in order to include
41 Sourdough, we'd have to say and the residents from.....

42

43 MR. CHURCHILL: We've already included
44 Sourdough in the language. I think what Susan is asking
45 is do we need to add the language of along the Richardson
46 Highway between milepost 169 and milepost 200. I thought
47 I heard some varying testimony about defining it that
48 tightly. By just leaving it Paxson/Sourdough covers the
49 area of concern. We can more tightly define that if we
50 wish.

00095

1 CHAIRMAN LOHSE: If I understand right,
2 Susan, Paxson defines their area as from 169 to 200 on
3 the Richardson Highway and to mile 22 on the Denali Road,
4 so that is what they consider the community of Paxson.
5 That was just put in here as a clarification of what they
6 meant by Paxson.

7

8

9 MS. WELLS: So you've answered my
10 question. We do not need that language.

11

12 CHAIRMAN LOHSE: We do not need that
13 language.

14

15 MS. WELLS: So we are adopting or
16 opposing the language on page 75 except we have added
17 Sourdough right behind Paxson.

18

19 CHAIRMAN LOHSE: Right.

20

21 MR. CHURCHILL: Call the question.

22

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

25

26 IN UNISON: Aye.

27

28 CHAIRMAN LOHSE: All opposed signify by
29 saying nay.

30

31 (No opposing votes)

32

33 CHAIRMAN LOHSE: Motion carries. While
34 we have some momentum, let's go on to Proposal 21.

35

36 MR. BUKLIS: Larry Buklis, fishery
37 biologist, Office of Subsistence Management. The
38 analysis for Proposal 21 can be found on page 81 in your
39 book. This proposal was submitted by the Subsistence
40 Resource Commission for Wrangell-St. Elias National Park.
41 The proposal requests a regulation change to allow those
42 taking a season harvest limit of a fish species under
43 Federal subsistence regulations in the upper Copper River
44 to also take a harvest limit of that species under sport
45 fishing regulations. It becomes most relevant to chinook
46 salmon.

47

48 The proponent states that the current
49 Federal regulation is more restrictive than State
50 regulations for these waters. The Federal regulation is

00096

1 said to be confusing and not well known, leading to
2 unintentional violations in the upper Copper River. I
3 think you'll recall that in a prior meeting, I think in
4 Cordova, we had a discussion about Federal subsistence
5 regulations and harvest limits and how they related to
6 State sport fishing harvest limits when you dealt with a
7 proposal to define a harvest limit for chinook take by
8 rod and reel under our Federal subsistence regulations.
9 So this proposal tries to clarify that area of confusion.

10

11 By allowing the accumulation of
12 subsistence and sport harvest limits in this area, it
13 should be understood that those participating in the
14 subsistence or sport fishery would need to comply with
15 the requirements for that fishery. For example, chinook
16 harvest in the sport fishery does require a sportfishing
17 license and a chinook stamp. This wouldn't change any of
18 that.

19

20 Those fishing under State regulations in
21 the upper Copper River may take harvest limits in both
22 the State-managed subsistence fishery and the State-
23 managed sport fishery. The proposed Federal regulation
24 would parallel this opportunity for those who participate
25 in the Federal subsistence fishery.

26

27 The analysis recommends support for the
28 proposal. This regulation change should not pose an
29 adverse impact to the fish stocks since the sport
30 fisheries are managed for sustained yield. Mr. Chairman,
31 that concludes my overview of the analysis.

32

33 CHAIRMAN LOHSE: Thank you, Larry. Just
34 a clarification. If I understood you correct, currently,
35 if a person operates under the State subsistence and
36 sport season, they can combine their two limits. Am I
37 correct?

38

39 MR. BUKLIS: Yes, Mr. Chairman. Another
40 way of saying it is they can take their full limit in the
41 subsistence fishery and they can fully participate in the
42 sport fishery, yes.

43

44 CHAIRMAN LOHSE: But currently, under
45 Federal law, if they obtain it under sport fishing, then
46 they can't take it under subsistence or if they obtain it
47 under Federal subsistence, they can't take it under sport
48 fishery?

49

50 MR. BUKLIS: Under current regulations,

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1 they can participate and take or harvest fish under both
2 regulations, but their total can't be larger than the
3 Federal subsistence harvest amount. So, in other words,
4 if there's a harvest limit in the Federal subsistence
5 regulations, they can't exceed that amount by
6 participating also in the sport fishery. They could take
7 a portion of that number in the subsistence fishery and
8 go sport fishing and take some more fish, but the total
9 between the two could not be larger than the Federal
10 harvest limit and that's what we mean by accumulating
11 harvest limits.

12

13 CHAIRMAN LOHSE: If the State subsistence
14 fishery allows five chinook and the State sport fishery
15 allows one chinook, under the State system you could go
16 home with six chinook. If the Federal subsistence season
17 allowed five chinook and the sport fishery allowed one
18 chinook and you were using the Federal subsistence, you
19 could go home with five chinook. Am I correct?

20

21 MR. BUKLIS: Mr. Chairman, you are
22 correct in concept. The numbers are a little different
23 in terms of the actual limits, but I won't get into the
24 details if you don't want to.

25

26 CHAIRMAN LOHSE: I didn't think they were
27 the correct numbers, but basically what we're saying is
28 if you use your Federal subsistence permit, you have to
29 go home with less salmon than if you use your State one.

30

31 MR. BUKLIS: In the example you used,
32 given the numbers you used, yes, you've got the concept
33 correct.

34

35 CHAIRMAN LOHSE: Thank you. Any other
36 questions from anybody.

37

38 (No questions)

39

40 CHAIRMAN LOHSE: Then this proposal would
41 allow you to do the same thing under Federal system as
42 you can currently do under State system.

43

44 MR. BUKLIS: That's correct. If I could
45 just take a moment, I won't get into a lot of details,
46 but I said in concept you're correct. In the Glennallen
47 Subdistrict, the harvest limits are the same between the
48 Federal and State systems, subsistence. The Chitina
49 Subdistrict, the Federal limit is larger for chinook than
50 the State system, so there's a little bit of

00098

1 differential. There's a larger harvest allowance in the
2 Federal system in Chitina than the State system in
3 Chitina, even when that was a subsistence fishery. So
4 the number diverge there a little bit, but, in concept,
5 you've got it correct in terms of participation and
6 harvest in the two fisheries and the combining of limits,
7 yes.

8

9 CHAIRMAN LOHSE: But under the Federal
10 system you could go to Chitina and catch your smaller
11 limit -- I mean if you went from the State, and you could
12 go to the Glennallen Subdistrict and complete your limit
13 so that you would have the Federal limit for subsistence,
14 then you could go to the Gulkana and if you're under the
15 State system and catch one more for sport and you could
16 have all of those in your possession, right?

17

18 MR. BUKKLIS: Mr. Chairman, if I've
19 followed your steps correctly, no. The State system does
20 not allow -- are you talking about when Chitina was
21 subsistence?

22

23 CHAIRMAN LOHSE: Yes.

24

25 MR. BUKKLIS: Okay. When Chitina and
26 Glennallen were both subsistence under State management,
27 a fisherman under State system had to elect one or the
28 other subdistrict to participate. Once they committed to
29 one or the other subdistrict and got that permit and
30 fished there, they couldn't go to the other subdistrict,
31 no. So your example was moving from Chitina State
32 management, Glennallen Subdistrict State management and
33 the sport fishery State management. No, the State system
34 did not allow a fisherman to participate in both
35 subsistence fisheries in the same year.

36

37 CHAIRMAN LOHSE: Did anybody else have
38 any questions for Larry? Fred.

39

40 MR. ELVSAAS: Did you just say that if
41 you participate in the Federal subsistence fishery, you
42 could not participate in the State subsistence fishery?

43

44 MR. BUKKLIS: I don't want to get too far
45 removed from the actual proposal at hand, but what I was
46 responding to was the Chair's example of a participant in
47 the State subsistence fishery down in Chitina when it was
48 subsistence. Harvesting fish there, then moving up into
49 the State Glennallen Subdistrict and harvesting fish and
50 then moving up into a sport fishery. My only correction

00099

1 was under State management they did not allow fishermen
2 to move between the two subdistricts in the subsistence
3 fishery. We, in the Federal system, do allow fishermen
4 the flexibility to fish in either or both subdistricts in
5 the same year, but the State system did not allow that
6 flexibility. It's not really central to this proposal,
7 so I don't want to get you off on that track.

8

9 Central to this proposal, the main point
10 is, a fisherman fishing State subsistence can also fish
11 sport fish and they can take full limits in both
12 fisheries, strictly speaking because of the way the
13 Federal general provisions are structured, you can
14 participate in the Federal subsistence fishery and you
15 can participate in the sport fishery. You can
16 participate in both, but your harvest total between the
17 two cannot be larger than your Federal subsistence
18 fishery harvest number. You can't expand your harvest by
19 moving into sport fishing and that is different than the
20 State sport and subsistence management. That's the
21 central point.

22

23 CHAIRMAN LOHSE: Thank you. Bob.

24

25 MR. CHURCHILL: Larry, in the Chitina
26 Subdistrict, in the Federal subsistence system, how many
27 kings can I take?

28

29 MR. BUKLIS: In the Federal system,
30 Chitina Subdistrict, you can take up to five by rod and
31 reel and up to five by dipnet and you may retain any
32 chinook that happened to be taken in your fishwheel.

33

34 MR. CHURCHILL: And if we're to pass
35 this, I could also add the number of chinook I can take
36 legally under the sport regulations, correct?

37

38 MR. BUKLIS: Yes. If you adopted this
39 and the Board did, then you could participate fully in a
40 sport fishery and take whatever the legal limits are
41 there, too.

42

43 MR. CHURCHILL: How many chinook would I
44 be able to have in my possession if we were, in fact, to
45 pass this?

46

47 MR. BUKLIS: The sportfish regulations on
48 top of what we just discussed, I believe, is one per day,
49 one in possession, four for the year, per person. The
50 other numbers we talked about for Federal subsistence is

00100

1 per household.

2

3 MR. CHURCHILL: So, if we pass this, I
4 could go from 10 in possession to 11?

5

6 MR. BUKLIS: In possession, yes. And
7 three more on other days in the year.

8

9 MR. CHURCHILL: Okay. Thank you.

10

11 CHAIRMAN LOHSE: Any other questions for
12 Larry. Thank you, Larry. I think we have it clear.
13 Alaska Department of Fish and Game comments.

14

15 MR. TAUBE: Thank you, Mr. Chairman. The
16 Department supports this proposal with some specific
17 caveats. We recommend that the fish marking requirement
18 of the proposal be modified. The current marking
19 requirements for State personal use and subsistence or
20 Federal subsistence-caught salmon allow enforcement
21 personnel to distinguish between sport-caught and
22 personal use/subsistence-caught salmon. Although the
23 proposal addresses all subsistence fish species, it
24 should either address only salmon or add a requirement
25 for the marking of all subsistence-caught fish. The
26 proposal would provide additional opportunity because
27 fishers could harvest freshwater species with both sport
28 and subsistence gear.

29

30 CHAIRMAN LOHSE: Any questions for Tom on
31 that. So, am I understanding you right, the way this is
32 currently written, this applies to all freshwater fish
33 and salmon?

34

35 MR. TAUBE: The way the Department
36 understood the proposal is that it applied to all salmon
37 and freshwater fish species.

38

39 CHAIRMAN LOHSE: Larry, is that the
40 understanding of the Office of Subsistence Management?

41

42 MR. BUKLIS: Yes, Mr. Chairman. The
43 reason I said in my presentation that this is most
44 relevant to chinook salmon is because if there isn't a
45 Federal subsistence fishery season harvest limit, then we
46 don't have this issue of combining of limits. So, for
47 example, in areas of the state where our Federal program
48 doesn't have a season harvest limit, like the Yukon River
49 for example, this isn't an issue because there isn't a
50 Federal harvest limit to be combined with the State limit

00101

1 in a sport fishery, so there's no issue. So, bringing it
2 back closer to the issue at hand here, if there is a
3 species of fish in the Federal program in this area for
4 which we don't have a season harvest limit, then this
5 issue of combining of sport and subsistence limits isn't
6 an issue. You can already do it.

7

8 For freshwater fish, I think was the
9 issue, we don't have a Federal regulation that sets a
10 season harvest limit in our regulations. There may be
11 permit stipulations when you apply for a permit and we
12 may put a whitefish harvest limit on you for this time
13 and place under this permit, but that isn't a season
14 harvest limit by regulation. So I don't think this
15 becomes an issue for the freshwater fish management and
16 combining of limits issues like it does for chinook where
17 we have the regulatory sport limit and the Federal
18 subsistence salmon harvest limit in place.

19

20 For the non-chinook salmon, the Federal
21 limits are very liberal. A household of more than one
22 person can request a limit on their permit of up to 500
23 salmon. These stipulations of dipnetting five by rod and
24 reel are for chinook. That's why the combining of sport
25 and subsistence limits could become an issue. But the
26 other 490 or 495 salmon of other species, like coho and
27 sockeye, are within your permit limit. So while these
28 other salmon have a limit, it's a very large limit of
29 500, so we don't envision that sport take would push a
30 person's number up close to that. That's why it kicks in
31 primarily, in our view, with chinook management.

32

33 CHAIRMAN LOHSE: Thank you. Bob.

34

35 MR. CHURCHILL: I guess I've been
36 primarily looking at this as it relates to chinook. I
37 have some very real concerns of what it might do to
38 enforcement and a number of other things if we apply it
39 to all fish species. I think that's what the State is
40 asking us to think about. This broad scope without an
41 awful lot of study I wouldn't support it. I'd certainly
42 support it for chinook though.

43

44 CHAIRMAN LOHSE: Tom.

45

46 MR. TAUBE: Mr. Chairman. I guess I had
47 some clarification of what Mr. Churchill is stating. The
48 State's had issues with enforcement when we've had our
49 Chitina fishery where you're only allowed 30 salmon, but
50 you can also have in your possession a daily sport limit

00102

1 of three and sport-caught fish are not required to be
2 marked, but the personal use/subsistence fish are. It
3 causes difficulty for enforcement officers to come upon
4 someone who has 33 fish and if not all are marked, they
5 could cite the individual for exceeding their sport
6 limit, which is the same concern for freshwater fish.
7 For example, for lake trout, if someone had the authority
8 to harvest 10 lake trout with the Federal subsistence
9 permit yet the State limit was one, there would have to
10 be some identifiers to those subsistence-caught fish so
11 that that person would not be cited under sportfishing
12 regulations.

13

14 CHAIRMAN LOHSE: Any questions for Tom.

15

16 (No questions)

17

18 CHAIRMAN LOHSE: Okay. Any other Federal
19 agencies.

20

21 (No comments)

22

23 CHAIRMAN LOHSE: Any other State

24 agencies.

25

26 (No comments)

27

28 CHAIRMAN LOHSE: Any other Tribal

29 agencies that want to make comments.

30

31 (No comments)

32

33 CHAIRMAN LOHSE: So we go to Fish and

34 Game Advisory Committee comments. Do we have any?

35

36 (No comments)

37

38 CHAIRMAN LOHSE: We don't have any.

39 Summary of written public comments.

40

41 MS. WILKINSON: Thank you, Mr. Chairman,
42 for Proposal 21. Ahtna Incorporated supports this
43 proposal. This will allow Federal subsistence users to
44 fish under the State of Alaska sport fishing regulations
45 as well as the Federal fishing regulations and provide an
46 opportunity to harvest more fish.

47

48 The Chitina Native Corporation supports

49 this proposal. It increases the opportunity or

50 subsistence users of the area to harvest the available

00103

1 resources and increases the methods by which they may be
2 harvested.

3

4 Cordova District Fishermen United opposes
5 Proposal 21. While the harvest limits discussed in this
6 proposal aren't of a magnitude to be a problem, we are
7 gravely concerned about the precedent that allowing
8 cumulative harvests sets for both fisheries and game in
9 subsistence management. If additional resource is
10 necessary to meet the needs of subsistence users,
11 subsistence bag limits should be adjusted to reflect
12 those needs, rather than implement cumulative bag limits.
13 We have never heard from Federally-qualified subsistence
14 users in the Copper Basin that their needs for salmon are
15 not being met; if they are not, this proposal is not the
16 appropriate solution.

17

18 The Wrangell-St. Elias National Park
19 Subsistence Resource Commission supports this proposal as
20 written. That's all for written public comment.

21

22 CHAIRMAN LOHSE: Okay. Do we have any
23 public testimony on this? No public testimony. So,
24 Regional Council deliberation, recommendation,
25 justification. We need a motion to put this on the table
26 either supporting it or opposing it.

27

28 MS. WELLS: Make a motion to adopt
29 Proposal 21.

30

31 MR. CHURCHILL: Second.

32

33 CHAIRMAN LOHSE: It's been moved and
34 seconded to adopt Proposal 21. Discussion. Bob.

35

36 MR. CHURCHILL: Yeah, I'm just concerned
37 that it's too broad-scoped as it's written. I haven't
38 heard any testimony anybody has actually been ticketed
39 for confusion over accumulated bag limits. I have a
40 level of empathy if we were talking about strictly
41 chinooks, but I'm not confident this broad-scoped I can
42 support this, so I intend to vote against it.

43

44 CHAIRMAN LOHSE: Fred.

45

46 MR. ELVSAAS: Yeah, I feel that if
47 somebody has, say, 33 fish, you're allowed 30 under one
48 and three under another, as long as you had the permits
49 and licenses, you're covered.

50

00104

1 MR. CHURCHILL: Call the question.

2

3 CHAIRMAN LOHSE: The question has been
4 called. All in favor of Proposal 21 as written signify
5 by saying aye.

6

7 IN UNISON: Aye.

8

9 CHAIRMAN LOHSE: All opposed, signify by
10 saying nay.

11

12 MR. CHURCHILL: Nay.

13

14 CHAIRMAN LOHSE: The motion carries with
15 one opposition. Okay. I think we need a five-minute
16 break.

17

18 (Off record)

19

20 (On record)

21

22 CHAIRMAN LOHSE: Proposal 22.

23

24 MR. BUKLIS: Mr. Chairman. The analysis
25 for Proposal 22 can be found on page 89. This proposal
26 was also submitted by the Subsistence Resource Commission
27 for Wrangell-St. Elias National Park. This proposal
28 requests regulatory changes for the issuance of
29 subsistence fishing permits for village council
30 fishwheels in the Upper Copper River District.

31

32 The current Federal regulation is seen by
33 the proponent as an unnecessary burden to both the
34 village councils and the in-season manager. The primary
35 change being requested would be to replace the
36 requirement for developing what is called a harvest
37 assessment plan with permit permissions. Standardized
38 reporting should contribute to better data collection.
39 Current Federal and State regulations are very similar on
40 village council fishwheel permits except the Federal
41 regulations name the Federal Subsistence Board in
42 addition to Fish and Game as an approval authority for
43 the required harvest assessment plan. Federal
44 regulations do not further delegate authority to the
45 village councils to issue household subsistence fishing
46 permits.

47

48 Even though the regulations are similar
49 currently between the State and Federal programs, in
50 practice, the State is making use of a standardized form

00105

1 for reporting purposes rather than asking each village
2 council to develop a harvest assessment plan. The
3 proposed changed in the Federal system would parallel the
4 actual approach being taken by the State.

5
6 The current regulation requires the
7 village council to notify Fish and Game or the Federal
8 Subsistence Board when households are to be added to the
9 fishing permit list. This need not be administratively
10 burdensome. In practice, the Board can designate to the
11 in-season manager to be the point of contact. The
12 analysis recommends support for the proposal.

13
14 CHAIRMAN LOHSE: Thank you, Larry. Any
15 questions for Larry.

16
17 (No questions)

18
19 CHAIRMAN LOHSE: Thank you. Now, if we
20 were the Board, we'd look at this and we'd see that
21 everybody supported and we'd pass it by consent, but
22 we're not the Board, so we have to go through it all.
23 Alaska Department of Fish and Game.

24
25 MR. TAUBE: Thank you, Mr. Chairman. The
26 Department supports this proposal. The village fishwheel
27 permit program was adopted at the 1996 Board of Fisheries
28 meeting following input from the Copper Basin villages.
29 It has provided a means for the collection of harvest
30 data, while reducing the burden of the permit reporting
31 process on village residents that were either unable to
32 harvest salmon themselves or found the permitting process
33 confusing. Under State management, no more than three
34 village fishwheel permits have been issued annually.
35 This will allow those Federally-qualified villages that
36 received village fishwheel permits under State
37 regulations to easily obtain similar permits under
38 Federal regulations. We do not expect that subsistence
39 harvests would increase due to this change.

40
41 CHAIRMAN LOHSE: Thank you, Tom. Any
42 questions.

43
44 (No questions)

45
46 CHAIRMAN LOHSE: Thank you, Tom. Other
47 Federal, State or Tribal Agencies that wish to speak to
48 this. Bruce.

49
50 MR. CAIN: Just some background on this.

00106

1 I support what's being done here. I helped work this
2 regulation up when it was done under the State. I had a
3 couple of suggested changes. The reason we had that
4 provision in there was this happened before the Federal
5 takeover of subsistence and it was an attempt, and I
6 thought it was a very good one, by the Board to try to
7 work with the tribes and the villages on the river and
8 the reason they put that harvest assessment plan in there
9 was because they had this other wording in there, the
10 other similarly qualified organizations, and that was
11 because of the State constitution. So they put that
12 restriction in there or that additional requirement so
13 that it could kind of be managed to prevent kind of a
14 ballooning of this when it was intended for village
15 councils. So that's why that wording got in there.

16

17 The only other recommended change I would
18 offer to you is that in the language that you strike,
19 where it's talking about the village councils, where it
20 says or other similarly qualified organizations. I'd
21 take that out, too, and then just deal with village
22 councils like the intent of it was. There's no real
23 reason to have that other provision in there because the
24 permit reporting works like is being suggested.

25

26 CHAIRMAN LOHSE: Bruce, you're suggesting
27 that we also strike other similarly qualified
28 organizations, am I correct in that?

29

30 MR. CAIN: Right. There would be two
31 places in your paragraph 27(i)(11)(xiv). In the first
32 line where it says a subsistence fishing permit may be
33 issued to a village council, or other similarly qualified
34 organization. I'd just strike the or other similarly
35 qualified organization. Then where it says whose members
36 operate fishwheels for subsistence purposes in the Upper
37 Copper River District to operate fishwheels on behalf of
38 members of its village and then or organization, I would
39 get rid of the or organization. That's the only two
40 changes that I would suggest.

41

42 CHAIRMAN LOHSE: Bruce, if I understand
43 correct, and I'd like Bill Knauer to correct me if I'm
44 wrong, but under ANILCA where it says Native and non-
45 Native we can't do that. We have to leave both villages
46 and other organizations in there. Am I correct on that,
47 Bill?

48

49 MR. KNAUER: Yes, you are.

50

00107

1 CHAIRMAN LOHSE: Thank you. Bob, did you
2 have a question?

3

4 MR. CHURCHILL: No. That was my concern
5 as well.

6

7 CHAIRMAN LOHSE: Any other questions for
8 Bruce.

9

10 (No questions)

11

12 CHAIRMAN LOHSE: Okay. With that, do we
13 have any other Tribal Agencies or State or Federal
14 Agencies that wish to make comments on this?

15

16 (No comments)

17

18 CHAIRMAN LOHSE: Then we'll go to Fish
19 and Game Advisory Committee comments. There are none.
20 Summary of written public comments.

21

22 MS. WILKINSON: Thank you, Mr. Chairman.
23 There are two. Ahtna Incorporated supports Proposal 22.
24 This will allow the village councils or organizations to
25 have fishwheels in their villages to provide fish for all
26 their members. The village council or organizations can
27 select whom they want to monitor the fishwheel(s) and to
28 do the required paperwork needed to comply with this
29 regulation. The village councils or organizations will
30 no longer have to go to the Alaska Department of Fish and
31 Game and the Federal Subsistence Board to get approval of
32 a harvest assessment plan.

33

34 The Chitina Native Corporation supports
35 this proposal, too. This will allow the village councils
36 and organizations to place fishwheels in their areas and
37 harvest salmon for their members or residents who may
38 need such assistance to harvest. It gives control of
39 fishwheel operations to the organization and ensures the
40 proper paperwork is completed and submitted to the
41 resource managers. It will streamline the process and
42 remove the need to get approval of a harvest assessment
43 plan which requires man hours and valuable manager's time
44 for consideration and approval.

45

46 Cordova District Fishermen United
47 supports Proposal 22. This is a housekeeping proposal
48 which provides timely and detailed reporting to both
49 State and Federal fisheries managers.

49

50 Also, the Wrangell-St. Elias National

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1 Park Subsistence Resource Commission wrote that they
2 support this proposal as written.

3

4 CHAIRMAN LOHSE: Thank you, Ann. With
5 that, we go on to public testimony. I don't have
6 anything on the papers here. Was there anybody that
7 wished to testify to this? Hearing none, we go on to
8 Regional Council deliberations.

9

10 MS. WELLS: I make a motion to adopt this
11 Proposal 22.

12

13 MR. CHURCHILL: Second.

14

15 CHAIRMAN LOHSE: It's been moved and
16 seconded to adopt Proposal 22 as written. Discussion.

17

18 MR. CHURCHILL: Yeah. Listening to the
19 comments on this and noting the record that it appears
20 the majority of the stakeholders all support this. It's
21 a matter to kind of clean up the record-keeping. We've
22 left all our options open that we need to under ANILCA.
23 I think we're well situated to support this.

24

25 CHAIRMAN LOHSE: Mr. Churchill, not only
26 does the majority, but unanimously they support it.
27 Maybe we'll have to think of having a consent agenda in
28 the future.

29

30 MR. CHURCHILL: I call the question then.

31

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

34

35 IN UNISON: Aye.

36

37 CHAIRMAN LOHSE: All opposed signify by
38 saying nay.

39

40 (No opposing votes)

41

42 CHAIRMAN LOHSE: Motion carries
43 unanimously. That concludes our proposal part of our
44 meeting. We will now go on. Polly, it's 4:00 o'clock.
45 Do you think we can take care of what you've got in the
46 next hour or should we put it off to first thing in the
47 morning?

48

49 MS. WHEELER: Mr. Chair. Polly Wheeler
50 with the Office of Subsistence Management. I probably

00109

1 could get through it in an hour, but it depends on the
2 questions that you might have, so it might be better to
3 choose some other quicker agenda items and we could start
4 fresh in the morning. Just a suggestion.

5

6 CHAIRMAN LOHSE: That was my next
7 question. Do you think we could probably do better fresh
8 in the morning on it?

9

10 MS. WHEELER: With all due respect, Mr.
11 Chair, probably.

12

13 CHAIRMAN LOHSE: Thank you. With that,
14 we're going to skip agenda Item 10 and we'll take it
15 first thing tomorrow morning. We're going to go on to
16 agenda Item 11 at this point in time. Pat, I think I
17 have something down for you for a presentation on this.

18

19 MS. PETRIVELLI: Mr. Chair, I just wanted
20 to report on the status of the deferred wildlife
21 proposals from the last cycle. There were three wildlife
22 proposals that were deferred and one was Proposal 12 that
23 dealt with the specific religious ceremonies. The
24 Wrangell-St. Elias Subsistence Resource Commission
25 reviewed the outcome of that and they decided to withdraw
26 the proposal considering the action taken on the
27 statewide provisions for religious ceremonies and they
28 would see how that's implemented. If they feel a need
29 to, they'll submit a proposal later that would match
30 that.

31

32 Also, 19 was deferred and it dealt with
33 residency issues in Unit 6(c). It's awaiting an opinion
34 from the solicitor's office. Then Proposal 20 was
35 deferred dealing with Unit 15 moose, a C&T determination,
36 and the Board agreed -- the Council had no action. The
37 Board deferred this proposal. Mr. O'Brien just recently
38 learned of that action and he's going to probably be
39 bringing that issue back, asking that that be considered
40 again. So just for informational purposes. That's all I
41 had about the deferred proposals.

42

43 CHAIRMAN LOHSE: Thank you, Pat. So,
44 from our standpoint, there's no action that needs to be
45 taken on these. The one has been withdrawn, the other
46 one is waiting for information and the other one probably
47 will be resubmitted, right?

48

49 MS. PETRIVELLI: Yes. Unless you want to
50 make recommendations of the type of information you would

00110

1 like about more Unit 15(a) moose issues so that there
2 would be a different recommendation, I don't think
3 there's a need for action at this time.

4

5 CHAIRMAN LOHSE: Does anyone in the
6 Council see a need for action on any of these proposals
7 at this time?

8

9 (No response)

10

11 CHAIRMAN LOHSE: Then I think we'll wait
12 and see how they come out that way. Thank you, Pat.
13 This is a call for proposals to change Federal
14 subsistence wildlife regulations. They are due by
15 October 24th. If anybody has any proposals they'd like
16 to submit to change wildlife regulations, they need to be
17 in by October 24th. We'll put that call out at this
18 point in time. Yes, Ann.

19

20 MS. WILKINSON: I'm sorry. I just
21 remembered that under that tab there is a format for the
22 proposals to submit and on the back side of that gives
23 the address to send them to. The e-mail address is
24 incorrect. It should be subsistence@fws.gov. Just for
25 anybody's information.

26

27 CHAIRMAN LOHSE: So any of you that wish
28 to send them in by e-mail, you can make that correction.
29 With that, we're going to go on to 12. I would prefer at
30 this point in time to skip A under 12 simply because the
31 person who is nominated asked permission to leave before
32 and I didn't see that it was that close to the time, but
33 we could go on to B and Hollis could work with us on that
34 one there, on B, on Vern Carlson.

35

36 MR. TWITCHELL: Good afternoon, Chair,
37 Council members. I'm Hollis Twitchell with Denali
38 National Park. We have two members appointed to the
39 Denali Subsistence Resource Commission by this Council.
40 One of those members is up for reconsideration. His name
41 is Vernon Carlson. He's been on the commission for two
42 terms now. At the last SRC meeting, we inquired on his
43 intentions to continue to serve or interest in that and
44 he expressed that he did. As a result, the commission
45 passed a motion in support of your reconsidering Vernon
46 for appointment again to the SRC. I believe you have a
47 copy of the letter in your records. Vernon has been very
48 outspoken, at times very challenging and a very
49 productive member on the commission. He's attended
50 virtually all meetings and has an excellent record. As

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1 far as an NPS individual, I would also concur with the
2 SRC's opinion, he has been very effective on the
3 commission in expressing the interests and concerns that
4 Cantwell has. So I would also advance the Park's
5 interest in you reconsidering him for appointment.
6

7 Again, as we mentioned with the other
8 appointment at the last cycle for Gilbert Dementi, there
9 is only one other individual whose name has been advanced
10 to me by the Denali Fish and Game Advisory Committee and
11 that's Marty Carress. So, again, I would put those names
12 out before you. If you wanted to consider an option for
13 Vernon, Marty's position was he would only consider
14 appointment if the existing member chose not to continue
15 to serve. So those would be the two names that I would
16 like to advance to you.
17

18 CHAIRMAN LOHSE: Hollis, if I understood
19 you correct, Marty said he would serve if the current
20 member chose not to serve, but Vern said he would serve.
21

22 MR. TWITCHELL: That is correct.
23

24 CHAIRMAN LOHSE: As a Council, a motion
25 to appoint somebody to this position is in order.
26 Gilbert, you're our direct contact up in that area. Do
27 you have anything that you'd like to express on it?
28

29 MR. DEMENTI: I think Hollis covered
30 everything. Vernon is pretty well outspoken on
31 subsistence. He said if he doesn't do it, who else is
32 going to do it. I think Vernon is a good member.
33

34 CHAIRMAN LOHSE: Would you like to make a
35 motion to that effect?
36

37 MR. DEMENTI: I make a motion.
38

39 MR. CHURCHILL: Second.
40

41 CHAIRMAN LOHSE: It's been moved and
42 seconded that we reappoint Vern Carlson to the Denali
43 SRC. Any discussion on that. Bob.
44

45 MR. CHURCHILL: I'd like to include the
46 comments from Mr. Twitchell into the record and then call
47 the question.
48

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

00112

1 IN UNISON: Aye.

2

3 CHAIRMAN LOHSE: All opposed signify by
4 saying nay.

5

6 (No opposing votes)

7

8 CHAIRMAN LOHSE: Motion carries. Thank
9 you, Hollis. Ann.

10

11 MS. WILKINSON: I have a question. Did
12 Joe Hart just leave for the day or is he gone gone.

13

14 CHAIRMAN LOHSE: He just left for the
15 day. It's not necessary that he's here, but I just
16 thought that since he was here and he's going to be here
17 for tomorrow, if we're going to consider him for an
18 appointment, it would be nice to have him speak directly.
19 Is there somebody else that's also available for that
20 position? Barbara.

21

22 MS. CELLARIUS: Barbara Cellarius,
23 Wrangell-St. Elias National Park subsistence coordinator.
24 In terms of candidates for the position, this is a RAC
25 appointment to the SRC. The candidate either needs to
26 come from the RAC or from a local advisory council. I
27 polled the local advisory councils and they also came up
28 with a name. It was Cole Ellis (ph).

29

30 CHAIRMAN LOHSE: Barbara, Joe also meets
31 the qualifications, too, doesn't he?

32

33 MS. CELLARIUS: Yes, he does.

34

35 CHAIRMAN LOHSE: So these are both from
36 local advisory councils?

37

38 MS. CELLARIUS: Yes, they are.

39

40 CHAIRMAN LOHSE: Thank you. We could
41 consider it without either one of them being here or we
42 could wait and hear from Joe since he is here. It's up
43 to the wishes of the Council. Ann's got something to put
44 in.

45

46 MS. WILKINSON: Or what we could do is
47 just look at the items for the 2003 annual report right
48 now.

49

50 CHAIRMAN LOHSE: Hearing no comments one

00113

1 way or the other from the Council, at the Chair's
2 discretion, I'm going to put this appointment off until
3 tomorrow and we'll go on to Item 14, items for the 2003
4 annual report. We could even go on to the election of
5 officers if we have to. Maybe this isn't something to do
6 at the end of the day either. What are some of the
7 concerns? What are some of the issues, as Council
8 members, as representatives of areas that you'd like to
9 bring up to present on the annual report? Bob.

10

11 MR. CHURCHILL: I think we've developed a
12 closer working relationship with a number of state
13 advisory committees and I think that ought to go into the
14 report as a positive for this Council.

15

16 CHAIRMAN LOHSE: Along that line, I don't
17 know if it's appropriate to put thanks in for the funding
18 that allows a representative of the advisory committee to
19 attend our meeting. I don't know if it comes from a
20 different level, but, if it's appropriate, I would
21 suggest that we put that in our report.

22

23 MR. CHURCHILL: I would agree with you
24 whether it's appropriate or not. I think that's a real
25 positive.

26

27 CHAIRMAN LOHSE: Any other issues that
28 any Council members have that they would like to put in
29 this annual report. I would like to put in thanks that
30 they've at least recognized the predator problem and have
31 worked on developing a management policy even if it is
32 ineffective, but at least it shows that they recognize
33 that it's there.

34

35 MR. CHURCHILL: Do we put that under baby
36 steps?

37

38 CHAIRMAN LOHSE: That would be one good
39 way to put it. Anything else that anybody can think of?
40 You could take a look at what we had in our annual report
41 for last year and see if you felt that a lot of them were
42 adequately addressed. I don't know of that much progress
43 that was made other than the fact that things were
44 recognized. One of the reasons that we do this annual
45 report is just so that they know that these issues do
46 exist. So, if you can think of something else that needs
47 to be in the annual report, either positive, negative or
48 things that you'd like to see addressed in the future
49 from their standpoint, now is the time to put it up. Or
50 things that have been accomplished this year that you'd

00114

1 like to applaud them for. Bob.

2

3

MR. CHURCHILL: We can exhaust our
4 ability in discussion today and if we have a drop-dead
5 date, might we be able to e-mail those to either Ann or
6 Donald as appropriate? What would be a drop-dead date
7 that you would want those items? Mr. Mike, when would
8 you want those items to include on the annual report?

9

MR. MIKE: Thank you, Mr. Chair, Council
10 members. Donald Mike, Council coordinator. I'm trying
11 to think of the date when the first draft of the annual
12 report is due, but I can leave you my card and we can
13 communicate either through telephone or e-mail. If I
14 could call on Ann.

15

16

MS. WILKINSON: I don't remember the
17 exact due date. I don't think there is a definite due
18 date. That's going to be part of my new job is to come
19 up with an exact due date. For now, the sooner the
20 better so that things will be fresh in your mind. There
21 is a process involved that the coordinator has to write
22 up and work with a team to do research, so it does take
23 time to come up with a good annual report.

24

25

CHAIRMAN LOHSE: Thank you. We're
26 shooting for the last day in October and I guess we can
27 just leave it up to Council members to bring things
28 individually for the annual report. The annual report
29 will end up coming back to the Chair for signature and if
30 I see something objectionable, I'll turn it over to
31 everybody else. I can't think of anything else that is
32 really pressing. I guess the continuation of the Kenai
33 rural process. The issue of subsistence on the Kenai.
34 The streamlining of regulations like we have been doing
35 that makes things easier for the public to understand.
36 Those would be concerns of mine. Bob.

37

38

MR. CHURCHILL: I have absolute comfort
39 you'll review and sign it and if you have any concern,
40 just get back to the individual who submitted it, but I'd
41 be surprised as you if there was anything any one of us
42 would submit that would terribly concern you. We might
43 wish Ms. Wilkinson the very best in her new assignment
44 after everything she's done for us.

45

46

CHAIRMAN LOHSE: Okay. With that, unless
47 somebody has anything more on this item. There are a
48 couple other small things that we could take care of.
49 It's 4:19. I hate to quit too early when we've got

50

00115

1 momentum going. We could either go on to the election of
2 officers. We can't do that?

3

4 MS. WILKINSON: Well, you can, but I'd
5 prefer you wait because, technically, when you elect new
6 officers, they immediately step in. It would be better
7 to wait till the end of the meeting.

8

9 CHAIRMAN LOHSE: I understand.

10

11 MS. WELLS: Mr. Chair. If there was a
12 consensus, there would be no change. Could we take care
13 of that?

14

15 MR. CHURCHILL: Do we have that
16 consensus?

17

18 CHAIRMAN LOHSE: A motion is in order.

19

20 MS. WELLS: I make a motion that we
21 continue with the same officers as we have now.

22

23 MR. CHURCHILL: Second.

24

25 MS. WELLS: Question.

26

27 CHAIRMAN LOHSE: Okay. We have a motion
28 on the table, we have a second, the question has been
29 called, that we continue with the same officers next year
30 as we had for this year. If there's no objection, all in
31 favor signify by saying aye.

32

33 IN UNISON: Aye.

34

35 CHAIRMAN LOHSE: All opposed signify by
36 saying nay.

37

38 (No opposing votes)

39

40 CHAIRMAN LOHSE: Very good. Now let's
41 see if we can do that good of a job on the next item,
42 number 16. Ann, if I understand right from talking to
43 you yesterday, at the next meeting we'll have 13 members,
44 right?

45

46 MS. WILKINSON: Yes, Mr. Chairman. The
47 Council composition will change considerably. There will
48 be nearly twice as many of you, which affects to some
49 degree where you can meet, so that is a consideration
50 you'll have to keep in mind. I wanted to point out too,

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1 in your folder, toward the back, there's a calendar. The
2 one that was in your book was incorrect. It skipped a
3 day, which kind of threw everything off. There's the
4 winter 2004 meeting and then the fall 2004 meeting. You
5 had already selected the dates of March 9, 10 and 11 for
6 the winter meeting, but had not selected a place.

7

8 CHAIRMAN LOHSE: So we've already set the
9 date for March 9th, 10th and 11th, but the place was to
10 be announced. We'll have 13 members of the Council that
11 will need a place to stay, but I don't think it will
12 increase staff at all, so it's just the Council members
13 themselves that will be the increase. Susan.

14

15 MS. WELLS: Isn't this the meeting we
16 were going to try to have in the Soldotna/Kenai area?

17

18 CHAIRMAN LOHSE: I believe that's
19 correct, but I'm not positive. Any suggestions as to
20 where we should hold the spring meeting?

21

22 MR. DEMENTI: Anchorage would be fine.

23

24 CHAIRMAN LOHSE: I'm inclined to agree
25 with you, Gilbert, simply because it's centrally located
26 at that time of the year. So why don't we just, with the
27 consent of the rest of the Council, pick Anchorage at
28 least for our spring meeting. Ann.

29

30 MS. WILKINSON: Since there will be so
31 many new members, there will be one day before the
32 meeting devoted to orientation and training. I know all
33 of you went through that last March and I appreciate very
34 much the input I received afterwards. Certainly one full
35 morning will be given to them for orientation and process
36 and afternoon to cover some of the larger regional issues
37 so they can get up to speed faster. So that will add a
38 day to the Council meeting. I'm not sure whether you
39 older members will want to be there or not, but that can
40 be discussed later with your new coordinator.

41

42 CHAIRMAN LOHSE: Do you feel like that
43 will be in addition to the 9th, 10th and 11th or will the
44 three days be sufficient?

45

46 MS. WILKINSON: Well, we don't know
47 because we don't have all the wildlife proposals yet.
48 Bill?

49

50 MR. KNAUER: I think thus far we've

00117

1 received one proposal for Southcentral. As you would
2 expect, most of the proposals come in within the last
3 week.

4

5 CHAIRMAN LOHSE: So, from that
6 standpoint, would we be better off to reserve a day at
7 the tail end in case we need it and start -- it's nice to
8 travel on Monday instead of trying to travel on Sunday.
9 Start with our orientation on the 9th and then, if we
10 can't finish the meeting on the 10th or 11th, the Council
11 would just recognize that we may end up having to lay
12 over until the 12th. Can that be done? Does that meet
13 the okay with the rest of the Council?

14

15 (No comments)

16

17 CHAIRMAN LOHSE: Does Anchorage meet the
18 okay of the rest of the Council?

19

20 MR. CHURCHILL: Sure.

21

22 CHAIRMAN LOHSE: Okay. So let's take our
23 spring meeting in Anchorage. We'll start on the 9th with
24 the orientation and start on the meeting itself on the
25 10th and hopefully get done by the 11th, but if we don't
26 we'll go on into the 12th. Fred.

27

28 MR. ELVSAAS: Did I hear there's one game
29 proposal so far? Can you tell us where it's from? I was
30 wondering about the area.

31

32 MR. ARDIZZONE: Mr. Chair. Chuck
33 Ardizzone. The proposal for Unit 16, that would be a
34 marten proposal. They want to extend the season for
35 trapping.

36

37 CHAIRMAN LOHSE: Thank you.

38

39 MR. ELVSAAS: I was just thinking if it
40 was a burning issue, we may want to look at the area of
41 concern before the meeting, but something like that I
42 don't see that. Anchorage will satisfy that meeting.

43

44 CHAIRMAN LOHSE: Okay. If that is the
45 wish of the Council, we will have it on the 9th, 10th and
46 11th in Anchorage. At this point in time, do we need to
47 set the date for our fall meeting? Let's take a look at
48 our calendar on the next day. Sherry, did you have
49 something that you'd like to add to what we have right
50 here?

00118

1 MS. WRIGHT: I just wanted to let you
2 know the Board of Fisheries scheduled their next year's
3 work session October 5th through the 7th and all their
4 meetings will be in Anchorage. The other thing I would
5 like to request, respectfully. The meeting is a little
6 bit later. It will allow for more of the Fish and Game
7 advisory committees to comment.

8
9 CHAIRMAN LOHSE: I think our window
10 closes about the 19th. That's as late as -- you weren't
11 talking about the end of October, you were just --
12 towards the end of our window.

13
14 MS. WRIGHT: Correct.

15
16 CHAIRMAN LOHSE: Susan.

17
18 MS. WELLS: That makes it easy then. We
19 can go right the next week there.

20
21 CHAIRMAN LOHSE: The 13th through the
22 15th, is that a suggestion?

23
24 MR. CHURCHILL: Sounds good to me.

25
26 CHAIRMAN LOHSE: Do we run into any
27 conflict on the 13th through the 15th? Are there any
28 other scheduled councils for that time period that we're
29 conflicting with? Are we the first one putting one down?
30 Ann.

31
32 MS. WILKINSON: None of the other
33 councils that they overlap with would be having a meeting
34 that week, so you could do it that week.

35
36 CHAIRMAN LOHSE: Then if that's agreeable
37 to the rest of the Council, let's shoot for the 13th
38 through the 15th next fall. Okay. Do we need to at this
39 point in time determine a place for that or should we put
40 that off until our spring meeting? Is it handier for you
41 to have a year's notice on that?

42
43 MS. WILKINSON: It is helpful to have
44 some advance notice because you can start researching
45 places and facilities, but you can always change it later
46 if you need to.

47
48 CHAIRMAN LOHSE: Thank you much, Ann.
49 Anybody have any suggestions? Fred.

50

00119

1 MR. ELVSAAS: Didn't we just talk about
2 doing the next fisheries meeting in Soldotna?

3
4 CHAIRMAN LOHSE: In the fall. Do you
5 have any suggestions?

6
7 MS. WELLS: In Soldotna we have the new
8 hotel, Aspen, so there's plenty of places she can
9 research. I would just suggest wherever there's the most
10 economic advantage, either Kenai or Soldotna.

11
12 CHAIRMAN LOHSE: Anybody else have any
13 suggestions? Is that agreeable to everybody? I was
14 thinking of Seward. It's not quite in the center. Would
15 you like to just pick those two towns and just say
16 Kenai/Soldotna and they can pick which one has the best
17 facilities or shall we pick one of them and go from
18 there? Bob.

19
20 MR. CHURCHILL: I'd trust the
21 coordinators. Best facility, best price, Kenai/Soldotna,
22 it wouldn't matter to me. I'd defer to Susan on that.
23 That's her stomping grounds.

24
25 CHAIRMAN LOHSE: With that, Susan, was it
26 agreeable to you to put the best place, best price out of
27 Kenai/Soldotna?

28
29 MS. WELLS: Gotcha.

30
31 CHAIRMAN LOHSE: Okay. Tim.

32
33 MR. JENNINGS: Mr. Chair. For those of
34 us who don't have the corrected calendar, could you
35 confirm October 13 is a Wednesday?

36
37 MR. CHURCHILL: Tuesday is the 12th.
38 12th, 13th and 14th.

39
40 CHAIRMAN LOHSE: We're going the 12th on
41 Tuesday, the 13th on Wednesday, the 14th on Thursday. We
42 want the middle of the week. I will have forgotten it by
43 next fall anyhow and the Regional Council coordinator
44 will have to tell me what day the meeting is on anyway.

45
46 Okay. That takes care of those two items
47 on the agenda. It's 4:36. We can't take the next item
48 on the agenda. That leaves us our Fisheries Information
49 Service for the first thing tomorrow morning, a
50 Subsistence Resource Commission appointment for the

00120

1 second thing and then we'll take as many of the agency
2 organization reports as we can in the morning unless
3 somebody from one of those organizations would like to
4 report tonight, and then at 1:00 we'll have the one that
5 we've got scheduled. So if there's anybody here for an
6 agency or organization that can report in 15 minutes, I
7 think we're going to recess early rather than give
8 anybody the opportunity to hurry through 15 minutes of
9 presentation. We have a 15 minute break until recess
10 time. We're recessing at 5:00 o'clock.

11

12

(Off record)

00121

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

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THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 20th day of October 2003.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 04/17/04

