

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

5 VOLUME I
6

7 SOLDOTNA SPORTS CENTER
8 Soldotna, Alaska
9 October 12, 2004
10 8:30 o'clock a.m.
11
12

13 COUNCIL MEMBERS PRESENT:
14

15 Ralph Lohse, Chairman
16 Fred Elvsaas, Vice-Chair
17 Susan Wells
18 Doug Blossom
19 Richard Greg Encelewski
20 Gilbert Dementi
21 Gloria Stickwan
22 Dean L. Wilson, Jr.
23 James Showalter
24 Tom Carpenter
25
26 Regional Coordinator, Donald Mike
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P R O C E E D I N G S

(Soldotna, Alaska - 10/12/2004)

(On record)

CHAIRMAN LOHSE: I'd like to call this fall meeting of the Southcentral Subsistence Regional Advisory Council in session. And with, with the rest of the Council's permission, I'd like to ask Gloria to open us in prayer. Do I hear any objections?

(No objections)

CHAIRMAN LOHSE: Gloria, would you do that for us?

MS. STICKWAN: (Gives opening prayer)

CHAIRMAN LOHSE: Okay. Roll call. We'll just start with Donald calling the roll.

MR. MIKE: Okay. Thank you, Mr. Chair, I'll do the roll call. Donald Mike, subsistence coordinator.

Robert Churchill. Mr. Churchill called me and he came up with an emergency, family issues, so I spoke to Rob and he's excused.

Susan Wells.

MS. WELLS: Present.

MR. MIKE: Doug Blossom.

MR. BLOSSOM: Present.

MR. MIKE: Greg Encelewski.

MR. EDWARDS: Present.

MR. MIKE: Gilbert Dementi.

MR. DEMENTI: Here.

MR. MIKE: Sylvia Lange. Fred Elvsaas.

MR. ELVSAAS: Here.

1 MR. MIKE: Gloria Stickwan.
2
3 MS. STICKWAN: Here.
4
5 MR. MIKE: Dean Wilson.
6
7 MR. WILSON: Here.
8
9 MR. MIKE: James Showalter.
10
11 MR. SHOWALTER: Here.
12
13 MR. MIKE: Ralph Lohse.
14
15 CHAIRMAN LOHSE: Here.
16
17 MR. MIKE: Tom Carpenter.
18
19 MR. CARPENTER: Here.
20
21 MR. MIKE: Harley McMahan. Harley
22 McMahan, he's got some work that he's doing on the
23 Nelchina, so I spoke to the Chair, and he's excused.
24
25 Mr. Chairman, we have a quorum.
26
27 CHAIRMAN LOHSE: We have a quorum. With
28 that, I'd like to welcome everybody that's here, and
29 we'll go through our usual introduction just so that
30 everybody knows who everybody's is, although most of the
31 faces out there are pretty familiar today. But we'll
32 just start at this end of the table and come around, and
33 then we'll just go row by row down and everybody can tell
34 who they are and who they represent or what their
35 position is here. Tom, would you like to start.
36
37 MR. CARPENTER: My name is Tom Carpenter.
38 I'm from Cordova, I own a sporting goods store, and I
39 also commercial fish. I'm chairman of the local advisory
40 committee.
41
42 MR. DEMENTI: Gilbert Dementi from
43 Cantwell.
44
45 MR. SHOWALTER: James Showalter,
46 Soldotna/Sterling area. I commercial fish Cook Inlet.
47
48 CHAIRMAN LOHSE: Ralph Lohse, Chitina.
49 McCarthy Road actually. Chairman, Southcentral
50 Subsistence Regional Advisory Council.

1 MR. ELVSAAS: Not a pilgrim.
2
3 CHAIRMAN LOHSE: No, not yet.
4
5 MR. ELVSAAS: I'm Fred Elvsaas.
6
7 MS. DOWNING: Your microphone, sir.
8
9 MR. ELVSAAS: From Seldovia.
10
11 MS. DOWNING: Your microphone.
12
13 MR. ELVSAAS: Excuse me. I'm Fred
14 Elvsaas from Seldovia. I commercial fish, sport fish,
15 subsistence fish, and once in a while I pouch one or two.
16
17 (Laughter)
18
19 MR. BLOSSOM: I'm Doug Blossom,
20 commercial fisherman, from Clam Gulch, Ninilchik area. I
21 also subsistence fish and hunt.
22
23 MS. STICKWAN: Gloria Stickwan, Tazlina.
24
25 MR. WILSON: Dean Wilson, Jr. from Kenny
26 Lake. I own a river business on the Copper River, and I
27 trap, hunt and fish on Unit 11 and Unit 13.
28
29 MS. WELLS: Susan Wells. I live in
30 Kenai. I hold a commercial set net permit four miles
31 south of the Kenai, but not in any -- I don't fish in any
32 of the Federal waters under consideration at this
33 meeting.
34
35 MR. ENCELEWSKI: I'm Greg Encelewski, and
36 I'm from Ninilchik. I subsistence hunt. I also
37 commercial fish. I have a set net site in Clam Gulch,
38 and it's not affected by anything under the proposals
39 today.
40
41 MR. MIKE: Don Mike, Southcentral
42 Regional Council Coordinator.
43
44 MR. KESSLER: Steve Kessler with the
45 Forest Service. I'm on the Inter Agency Staff Committee.
46 I work out of Anchorage.
47
48 MS. PETRIVELLI: Pat Petrivelli. I'm the
49 anthropologist for the Southcentral Region. I'm with the
50 Office of Subsistence Management.

1 MR. MORPHET: I'm Tom Morphet. I'm with
2 United Fishermen of Alaska, Subsistence Outreach Program.

3
4 MS. CLARK: My name is Maureen Clark.
5 I'm the public affairs person with the Office of
6 Subsistence Management.

7
8 MR. CHEN: Good morning. My name is
9 Glenn Chen. I'm with the Bureau of Indian Affairs out of
10 Anchorage.

11
12 MS. WRIGHT: Sherry Wright with Board
13 Support at the Department of Fish and Game in Anchorage.

14
15 MS. HOLLAND: Debbie Holland, Bureau of
16 Land Management, Alaska State Office.

17
18 MS. JENNINGS: Good morning. My name is
19 Tim Jennings. I'm with the Office of Subsistence
20 Management. I'm a division chief and the office manager
21 and have staff in support of this Council.

22
23 MR. PROBASCO: Good morning, Mr. Chair.
24 I'm Pete Probasco. I'm the Deputy Assistant Regional
25 Director for the Office of Subsistence Management.

26
27 MR. TAUBE: I'm Tom Taube, area sport
28 fish biologist for the Alaska Department of Fish and Game
29 out of Glennallen.

30
31 MS. KELLYHOUSE: I'm Rebecca Kellyhouse,
32 assistant wildlife manager out of Glennallen, Fish and
33 Game.

34
35 MR. SONNEVIL: I'm Gary Sonnevil. I'm
36 with the U.S. Fish and Wildlife Service here Kenai. I'm
37 also the Cook Inlet area in-season manager for the
38 Federal fisheries subsistence program.

39
40 MR. JOYCE: Mr. Chairman. Board. My
41 name is Tim Joyce. I'm the fisheries subsistence
42 biologist in Cordova for U.S. Forest Service.

43
44 MR. VAN DEN BROEK: I'm Keith Van Den
45 Broek, biologist for the Native Village of Eyak in
46 Cordova.

47
48 MR. TWITCHELL: I'm Hollis Twitchell.
49 I'm with Denali National Park, subsistence/cultural
50 manager.

1 MR. GERHARD: And I'm Bob Gerhard, from
2 National Park Service, Inter Agency Staff Committee.
3
4 MR. ZEMKE: Steve Zemke, Chugach National
5 Forest subsistence coordinator in Anchorage.
6
7 MR. WATERS: I'm Elijah Waters. I'm a
8 fisheries biologist with BLM in Glennallen.
9
10 MR. VEACH: I'm Eric Veach, I'm a
11 fisheries biologist with Wrangell-St. Elias National Park
12 and Preserve in Copper Center.
13
14 MR. NELSON: Dave Nelson. I'm a
15 fisheries biologist with the National Park Service in
16 Anchorage.
17
18 MS. PENNINGTON: Donna Pennington. I'm
19 with Ahtna, Incorporated, Board of Directors, in
20 Glennallen.
21
22 MS. LOHSE: Lonita Lohse, Chitina Native
23 Corporation.
24
25 MS. CELLARIUS: Barbara Cellarius,
26 subsistence coordinator and cultural anthropologist for
27 Wrangell-St. Elias National Park and Preserve, Copper
28 Center.
29
30 CHAIRMAN LOHSE: Thank you, and welcome
31 to this meeting.
32
33 I see some of the Council members already
34 shortstopped me. I was going to bring up the fact that
35 we needed to go through disclosure statements after we
36 went through the agenda, so for those of you that didn't
37 do it, or for those of you who think you need to adjust
38 it, we're going to review and adopt the agenda, and
39 review and adopt the minutes, and then in your packets
40 you'll find a green slip that gives you kind of an idea
41 of how to do it. Kind of pick one of those and fit your
42 name and everything into it, and for the sake of the
43 record, we'll go through the disclosure statement as a
44 disclosure statement and not as part of our
45 introductions.
46
47 So with that, let's take a look at our
48 agenda. I need a motion from a Council member to accept
49 the agenda as written, or some motions to change the
50 agenda. Do I hear such a motion.

1 MR. ELVSAAS: You better give us one.
2
3 CHAIRMAN LOHSE: I can't give the motion.
4
5 MS. WELLS: I make a motion to adopt the
6 agenda as written.
7
8 MS. DOWNING: Microphone, and your name,
9 please.
10
11 MS. WELLS: I'm Susan Wells, I make a
12 motion to adopt the agenda as written.
13
14 MR. CARPENTER: Second.
15
16 CHAIRMAN LOHSE: It's been moved and
17 seconded to adopt the agenda as written. Has everybody
18 taken a look at it?
19
20 (Council nods affirmatively)
21
22 CHAIRMAN LOHSE: Does anybody have any
23 additions or changes they'd like to make to it.
24
25 (No comments)
26
27 CHAIRMAN LOHSE: If not, the question's
28 in order.
29
30 MR. CARPENTER: Question
31
32 CHAIRMAN LOHSE: The question's been
33 called. All in favor of adopting the agenda as written,
34 signify by saying aye.
35
36 IN UNISON: Aye.
37
38 CHAIRMAN LOHSE: All opposed signify by
39 saying nay.
40
41 (No opposing votes)
42
43 CHAIRMAN LOHSE: Motion carries.
44
45 I'm going to take a short break right
46 here. The one person we didn't have introduce herself
47 was our recorder, and maybe she'd have some things that
48 she would like to tell us for hints, too.
49
50 MS. DOWNING: Meredith Downing, and, yes.

1 When you speak, please remember to turn your microphone
2 on, and it would really help me if you would state your
3 name. There's a lot of you for me to try and catch,
4 especially when you make motions.

5
6 Thank you.

7
8 CHAIRMAN LOHSE: Okay. Thank you muchly,
9 and we'll try to do that, but we haven't -- maybe the
10 rest of them have, I haven't been very good at doing that
11 kind of thing. Okay.

12
13 Review and adoption of minutes. I need a
14 motion on the table to accept the minutes as written, and
15 then they're open for changes or corrections.

16
17 MS. WELLS: Susan Wells. So moved.

18
19 MR. CARPENTER: Second.

20
21 CHAIRMAN LOHSE: It's been moved and
22 seconded that we adopt the minutes as written. Do I hear
23 any additions, changes or corrections.

24
25 (No comments)

26
27 MR. CARPENTER: Question.

28
29 CHAIRMAN LOHSE: Hearing none, the
30 question's been called. All in favor signify by saying
31 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: Motion carries.

41
42 With that, we're going to go on to our
43 disclosure statement, and like I said, in your handout
44 there's a little green slip right here, and I know some
45 of you did a pretty good job of it as we had
46 introductions, but just for the sake of the record, we'll
47 go through this and we'll just go down the line and
48 everybody can find one that your name fits in, and -- or
49 if you can modify one, and just use this kind of a
50 format, and we'll go through the disclosure. Tom, you

1 want to start.

2

3 MR. CARPENTER: My name is Tom Carpenter.
4 I live in Cordova. I subsistence hunt and fish on
5 Federal lands under consideration at this meeting. I
6 hold an Area E commercial drift permit, Prince William
7 Sound, Copper River Delta. I'm also a board member of
8 Prince William Sound Aquaculture Corporation, and the
9 chair of the fish and game advisory committee for the
10 Copper River area. I do not feel that I have any
11 conflicts at this time.

12

13 MR. DEMENTI: My name is Gilbert Dementi.
14 I live in Cantwell. I subsistence hunt in the Federal
15 lands, waters under consideration at this meeting. I do
16 not hold any commercial permits or conduct any business
17 activities directly affected by any agenda items before
18 the Council.

19

20 MR. SHOWALTER: My name is James
21 Showalter. I live in Sterling. I hold a commercial
22 fishing permit on Cook Inlet, which is a commercial
23 fishery, and -- but does not affect -- I don't do
24 anything in Federal waters under consideration at this
25 meeting.

26

27 CHAIRMAN LOHSE: My name is Ralph Lohse.
28 I live in -- on the McCarthy Road, 44.5 on McCarthy Road.
29 I commercial fish out of Cordova in the summertime. I
30 have a commercial fishing permit for Area E, and I don't
31 feel it has anything to do with any of the Federal waters
32 under consideration at this meeting.

33

34 MR. ELVSAAS: I'm Fred Elvsaas. I live
35 in Seldovia. I subsistence hunt and fish, but not in any
36 of the areas up for discussion at this time. I do have a
37 commercial set net fishing license, and I don't see any
38 conflicts for myself during this meeting.

39

40 MR. BLOSSOM: My name is Doug Blossom. I
41 live between Clam Gulch and Ninilchik on the Sterling
42 Highway. I am a commercial fisherman, holding an Area H
43 set net permit, an Area H seine permit. I also have
44 halibut quotas. I am president of the Cook Inlet
45 Fishermen's Fund, a local fishing group. I sit on the
46 Central Peninsula Advisory Committee as a board member.
47 I'm active in local snow machining. I hunt and fish on
48 the Kenai Peninsula on Federal waters and on the land,
49 but I don't see where I have any conflict with this.

50

1 MS. STICKWAN: My name is Gloria
2 Stickwan. I live in Tazlina. I fish in federal waters,
3 and I don't have any commercial permits, and I do help
4 with the fisheries monitoring projects with the villages.
5 I don't have any conflict at this meeting.

6
7 MR. WILSON: Dean Wilson, Jr., from Kenny
8 Lake. I subsistence hunt, trap and fish in Unit 11 and
9 parts of Unit 13, and I own a river transporter business
10 on the Copper River.

11
12 MS. WELLS: I'm Susan Wells, and I live
13 in Kenai. I hold a commercial set net fishing permit
14 south of the Kenai, but not in -- I don't fish in any
15 Federal waters under consideration at this meeting, and I
16 have no conflict.

17
18 MR. ENCELEWSKI: Excuse me. My name is
19 Greg Encelewski, and I live in Ninilchik. I subsistence
20 hunt and fish. I also have a commercial set net permit,
21 but not in any Federal waters under consideration at this
22 meeting, so I feel I have no conflict there.

23
24 CHAIRMAN LOHSE: Donald.

25
26 MR. MIKE: Thank you, Mr. Chair. Donald
27 Mike, Council Coordinator.

28
29 The Southcentral Regional Advisory
30 Council member body do not have any significant financial
31 interests directly related to matters before the Council
32 at this meeting, and may fully participate. Thank you,
33 Mr. Chair.

34
35 And before we go on, I gave everybody a
36 folder, and it's got some information on disclosure and
37 travel reminders, and there's some comments from the
38 Subsistence Resource Commission from Denali and actions
39 taken by the Eastern Interior. You'll find them all in
40 your folders that I handed out this morning. Thank you,
41 Mr. Chair.

42
43 CHAIRMAN LOHSE: Thank you, Donald.
44 Thank you for your help in this, and with that we're
45 going to go on.

46
47 We have a Chair's report. If you take a
48 look on Page 17, you'll see the action that the Federal
49 Board took on the proposals that we worked on last time.
50 If anybody here would like me to go through them proposal

1 by proposal, I will. Otherwise I take for granted that
2 we can all read, and I don't have anything more to say
3 than what's already written. So unless there's a request
4 for me to make a verbal report on any of the actions that
5 the Board took, I will leave it up to you to look at it
6 in your handout.

7

8 (No request)

9

10 CHAIRMAN LOHSE: Hearing no such request,
11 we'll go on to the letter and our annual report response,
12 which you'll find also in the handout between Pages 17
13 and 21. If there's no questions on those, I'm not going
14 to take up your time with them. If there's questions on
15 them, we can go over any part that you have questions
16 with.

17

18 (No comments)

19

20 CHAIRMAN LOHSE: Hearing no questions,
21 I'll leave it up to you to pursue them in your handout,
22 and if you have any questions, you can come and ask me,
23 but I think it covers the subject matter pretty well, and
24 it's pretty self-explanatory. And there's not much that
25 I can add to it, so I think we'll just leave it go at
26 that, if that's okay with the rest of the council
27 members.

28

29 (No objections)

30

31 CHAIRMAN LOHSE: Hearing no objection,
32 I'll take for granted that that's okay.

33

34 Do we have any Council members that have
35 anything they would particularly like to report or bring
36 to the attention of the Council at this point in time.

37

38 (No comments)

39

40 CHAIRMAN LOHSE: Boy, I knew being
41 without coffee would quiet things down.

42

43 (Laughter)

44

45 CHAIRMAN LOHSE: Either that or it's too
46 early in the morning. Nobody has anything they would
47 like to report to the Council at this point in time.

48

49 With that, we're going to go right on
50 into our agenda then. I know that we have some people

1 here who would like to speak today, and be able to make
2 it back home and not have to spend the night. So if we
3 can move forward, we're going to go into fishery
4 proposals for the Council's review and recommendation to
5 the Federal Subsistence Board.

6
7 If you take a look on your agenda, on
8 Page 2, you'll see the procedures that we'll go through
9 in order to analyze these proposals. We'll have an
10 introduction of the proposal, and an analysis by a member
11 of the Staff. We'll ask the Alaska Department of Fish
12 and Game for their comments. We'll ask for other
13 Federal, State and tribal agency comments. We'll go to
14 Inter Agency Staff Committee comments, fish and game
15 advisory committee comments. We'll have a summary of the
16 written public comments. We'll have public testimony,
17 and then as a Regional Council, we can go on to
18 deliberation, recommendation and justification.

19
20 And I know as the Chair I have a tendency
21 to skip the first seven and go right on to the eighth, so
22 if anybody hears me doing that, correct me and put me
23 back on track. I have a tendency to want to get into the
24 deliberations before we've heard all the information.

25
26 So, with that, we're going to go on to
27 Proposal 11 and 12, to establish a C&T use determination
28 for eulachon in the Bering River and Copper River Delta
29 areas. And it's going to be presented by Pat Petrivelli,
30 and you'll find it on Page 25 of your book. Pat.

31
32 MS. PETRIVELLI: Thank you, Mr. Chair.
33 My name is Pat Petrivelli, and I'll be presenting the
34 analysis. And the Staff analysis portion begins on Page
35 27 of the book.

36
37 These proposals were submitted by the
38 Copper River/
39 Prince William Sound Native Fishermen's Association, and
40 the Native Village of Eyak Traditional Council in
41 Cordova. They request a customary and traditional use
42 determination for eulachon in the Bering River area,
43 which is Proposal No. 11, and in the Copper River delta,
44 which is Proposal 12, for the residents of Cordova.

45
46 I contacted the proponents to see if they
47 had meant this use proposals just to have exclusive use
48 for Cordova residents of eulachon in those areas. And
49 they indicated that they hadn't been able to contact
50 residents in Chenega Bay or Tatitlek, and so I went ahead

1 and contacted them. And they said that they did use
2 those resources, so I included them in the analysis.

3
4 And then in looking at -- the only other
5 rural community in Prince William Sound is Whittier, and
6 in looking at Whittier, the previous subsistence use
7 studies for Whittier, surveys showed that households used
8 eulachon, but in describing their harvest methodology,
9 their general pattern involved harvesting during day
10 trips. And the distance between Whittier and Cordova was
11 too great to involve a day trip, so I just left
12 consideration of Whittier out of analysis of this
13 proposal.

14
15 Eulachon are one of seven species of
16 smelt found in
17 Alaska. The recent eulachon commercial test fisheries in
18 Cordova raised concerns about the potential impacts, and
19 it ended up that they wanted the recognition of the
20 subsistence use of eulachon in this area. And besides
21 asking recognition with a customary and traditional use
22 determination in our program, they're working with others
23 -- the Native Village of Eyak and the Copper River/Prince
24 William Sound Native Fishermen's Association is also with
25 ADF&G on developing a management plan for eulachon that
26 recognizes subsistence use amounts.

27
28 Currently there are no customary and
29 traditional use determinations for eulachon in Prince
30 William Sound, so all rural residents are eligible.

31
32 And the community characteristics are
33 described on Page 29, but generally with those -- the
34 three communities that were looked at, historically the
35 groups involved are, well, traditionally, the traditional
36 residents involved, the Chugach Alutiiq, the Eyak and the
37 Tlingit. And then later there was later settlements
38 around the -- relating to mining and other activities.
39 But Cordova generally.

40
41 Chenega has a special history in that
42 during the earthquake the community ended up, because of
43 the tidal wave, all the residents of Chenega have
44 resettled in either Tatitlek or Cordova, so they have
45 special ties with Cordova. And they eventually resettled
46 Chenega Bay in 1983. So there is a special relationship
47 between Chenega residents and the community Cordova.

48
49 So I'm going to go on to discuss the
50 eight factors. And since all three of these communities

1 have been recognized for other subsistence uses in the
2 past, I'm going to concentrate on the factors of the use
3 of eulachon, and then the -- which is factor one, and
4 that is the long-term, consistent pattern of use,
5 excluding interruptions beyond the control of the
6 community or area, and then factor four, which looks at
7 the specific location in the areas requested.

8
9 The data that's available, there has been
10 a number of subsistence studies because of the EVOS oil
11 spill, or household surveys, and the data from those
12 household surveys are all in Table 1 on Page 31. And
13 because of the recent interest, the Forest Service worked
14 with others in the Native Village of Eyak, and they
15 conducted two studies specifically to eulachon. And one
16 just looked at subsistence use amounts, and then the
17 other one was a study looking at the resource itself and
18 the presence and absence in the Copper River Delta.

19
20 In the six years of data from the
21 household surveys, for Chenega Bay the use of eulachon
22 occurred in every year except for one, and that was in
23 1990, and in Cordova and Tatitlek, the use of eulachon is
24 shown in each of the years in the five years where the
25 surveys occurred. Cordova is the only community where
26 harvest occurred every single year. And that generally
27 fit the pattern that the residents of Chenega and
28 Tatitlek described, in that they use the -- they harvest
29 the resource when the opportunity presents itself, so
30 when they happen to be in Cordova, when the eulachon
31 happens to run, that's when they carry out the harvest.
32 But they generally use it, and they use it by gifting
33 from residents of Cordova or other trading activities.

34
35 In the household surveys conducted
36 recently in 2002, the information is presented in Table
37 2. And what that shows is what the household residents
38 themselves felt was their typical use. And it shows just
39 generally most households -- well, of course, 98
40 households were surveyed in Cordova, 13 in Chenega and 17
41 in Tatitlek, and the highest level of use in all of them
42 were in the half to five gallons of use, and then the
43 other uses ended up -- well, were use, but at least most
44 households reported some use of eulachon.

45
46 And then they asked the type of use, and
47 that's presented in Table 3, and the majority used it for
48 food, but some used for bait, and some just to make oil
49 and others for trading.

50

1 And as far as the location of eulachon,
2 in the Prince William Sound area, the Copper River Delta
3 is considered to be the major spawning area for eulachon.
4 Eulachon harvest for residents of Chenega Bay and
5 Tatitlek were identified as the Cordova area, or the
6 Alaganik Slough, which is located in the Copper River
7 Delta. These areas were also described as harvest areas
8 for Cordova in the 1985 and 1986 household surveys. The
9 recent studies that were done that focused on the Copper
10 River Delta showed harvest by all three communities.

11
12 And the proponents indicated harvest of
13 eulachon in the Bering River area and described uses that
14 were parallel to the Copper River Delta. And when I
15 asked the proponents why they separated out Bering River
16 from Copper River Delta, they were concerned that there
17 was no documentation of their use of the Bering River
18 area, so they didn't want that to jeopardize their use in
19 the Copper River Delta.

20
21 But the recent study did show that the
22 presence of eulachon changes from year-to-year and month-
23 to-month, so generally -- but the pattern is to harvest
24 eulachon whenever they're present, so if there were
25 eulachon present in Bering when they're not in the Copper
26 River Delta, it would make sense that they would harvest
27 it when they're in the Bering River. And that was the
28 pattern indicated also for Chenega Bay and Tatitlek.

29
30 And there are use by residents of
31 Cordova, Chenega and Tatitlek in the Bering River area.
32 They have a positive customary and traditional use
33 determination for black bear, goat, and moose in that
34 area that's been recognized before.

35
36 For the effect of this proposal to be --
37 these proposals to be passed, if modifications to include
38 the residents of Chenega Bay and Tatitlek are adopted
39 along with these proposals, the customary and traditional
40 use of eulachon by the residents of these three
41 communities would be recognized in the Copper River Delta
42 and the Bering River area. This recognition would help
43 to ensure the provision of continuing subsistence use of
44 eulachon in the Prince William Sound area, and it would
45 somewhat parallel a determination made by the State of
46 Alaska which recognized smelt as a subsistence resource,
47 although the State makes their customary and traditional
48 use determinations differently than we do.

49
50 The preliminary conclusion is to support

1 the proposals with modification to add the residents of
2 Chenega Bay and Tatitlek, and the proposed regulation can
3 be found on Page 34.

4
5 Household surveys, technical reports, and
6 historical accounts provide documentation of the use of
7 eulachon by residents of these three communities on a
8 long-term basis. These accounts also describe the
9 harvest by residents of all three communities in the
10 Copper River Delta. The only documentation for the
11 harvest of eulachon in the Bering River Area is the
12 statement by the proponents and through inference from
13 the variability of eulachon in run timing and location.
14 And this inference also supports the opportunistic
15 pattern of use described by residents of Cordova, Chenega
16 Bay and Tatitlek.

17
18 That concludes my presentation.

19
20 CHAIRMAN LOHSE: Thank you. Any
21 questions for Pat.

22
23 MS. DOWNING: Your microphone, Mr. Chair.

24
25 CHAIRMAN LOHSE: Thank you, Pat. Any
26 questions for Pat. Tom.

27
28 MR. CARPENTER: Yes, thank you, Mr.
29 Chairman. Pat, I just had a couple questions. Not to
30 drag this through the mud or anything, but there's a very
31 distinct difference in relation to Cordova that the
32 Copper River Delta has to the Bering River. And there's
33 no question in my mind that the people of Cordova have a
34 customary and traditional use for the use of eulachon.

35
36 And I also think that there is quite a
37 bit of use that goes on in Tatitlek and Chenega, but my
38 personal belief is, and I actually talked to quite a few
39 people before I came here, I think most of the use that
40 takes place with Tatitlek and Chenega is the harvest that
41 they do themselves in the Sound. I mean, you're talking
42 to go from Chenega to Bering River, you're talking about
43 going 80 or 90 miles across the Gulf of Alaska, and I
44 just have a hard time believing that anybody would do
45 that to go get eulachon. I mean, I know that they
46 harvest capeling, which is one of the seven species of
47 smelt, and there definitely probably is some sharing that
48 goes on.

49
50 But I guess my question is, is that they

1 -- the proposer requested that Cordova residents be
2 considered for customary and traditional use, and I just
3 have a hard time myself modifying what somebody asked
4 for. You know, if Chenega and Tatitlek wanted to be
5 included, I would think that they would have wrote a
6 letter, that they would have asked for this in the past.
7 I don't know, maybe you can give some background there as
8 to do you really think that people from Chenega went all
9 the way to Bering River to harvest eulachon.

10

11 MS. PETRIVELLI: When I called the
12 proponents, I just -- and that's the problem with talking
13 on the telephone, but I mentioned that the proposals were
14 made, and I think -- and, of course, because we didn't
15 have the map in front of it, but I asked if they used
16 eulachon, but I -- and I guess I should have checked back
17 to see if they used the Bering River area specifically,
18 but they indicated that they did have a customary and
19 traditional use of eulachon, and I -- of course, I didn't
20 -- because there's no documentation for either Cordova
21 residents or Bering River -- or Chenega Bay and Tatitlek,
22 because the surveys all focused on, the recent surveys
23 all focused on the use of Copper River Delta. So I feel
24 secure, and I can't answer with certainty about the
25 Copper River Delta, but it is true there is some
26 uncertainty about the Bering River area. But I think
27 because of the opportunistic nature, that even the use of
28 the Copper River Delta -- I'm not certain about -- I
29 can't say with absolute certainty they wouldn't have used
30 Bering River.

31

32 CHAIRMAN LOHSE: Doug.

33

34 MR. BLOSSOM: Yeah, Mr. Chairman. Pat,
35 I'm trying to understand this. As I hear you talk, you
36 have no record of anyone harvesting eulachon in the
37 Bering River, is that right?

38

39 MS. PETRIVELLI: Yes, there is no
40 documentation, because the surveys all focused -- well,
41 the household surveys when they describe the harvest
42 activities, they just describe harvesting in the Copper
43 River Delta, and then the Cordova area. And then the
44 most recent survey was specifically about the use of
45 eulachon in the Copper River Delta, so no one asked, did
46 you harvest eulachon in the Bering River.

47

48 MR. BLOSSOM: I guess adding to my
49 question, Mr. Chairman, to get to the Copper River Delta
50 area, they used the road, didn't they, by land, and went

1 to the river and worked along the river bank? They
2 didn't go there by boat, did they?

3

4 MS. PETRIVELLI: They would use the road
5 for the Copper River Delta, and I'm not sure, I think
6 that's how it's described. Yeah.

7

8 MR. BLOSSOM: Okay. I just -- because I
9 see, you know, the Bering river is unaccessible by road,
10 they would have had to have taken a boat a long way to
11 get there.

12

13 Thank you.

14

15 CHAIRMAN LOHSE: Tom.

16

17 MR. CARPENTER: Mr. Chairman. Just to
18 give Doug a little background. Doug, there's an old
19 settlement down near Bering River called Katalla, and
20 there's a large -- well, not a large group of people, but
21 there is a group of people that live in Cordova that once
22 the settlement kind of faded, they moved to Cordova. I
23 believe Sylvia's mom actually was born in Katalla. And
24 the people from Katalla were the ones that typically
25 harvested from the Bering River area. And so that's
26 where the connection to Cordova is in regards to Bering
27 River.

28

29 CHAIRMAN LOHSE: Thank you, Tom. That
30 was one of the things I was going to bring out.

31

32 I've got a couple of comments on this,
33 Pat. On Page 29 it says when a positive customary and
34 traditional use determination has not been made, it is
35 the standard procedure to look at all potential users of
36 the requested resource, since a positive determination
37 will result in a more restricted pool of users. That
38 restricted pool of users only comes into effect in times
39 of shortage. The fact that Cordova would have a
40 customary and traditional determination on this, on
41 eulachon, does not restrict any users at this time,
42 unless there's a shortage. Am I correct in that?

43

44 MS. PETRIVELLI: Once a determination is
45 made, those would be the only users of the resource
46 recognized in the program.

47

48 CHAIRMAN LOHSE: But those wouldn't be
49 the only users of the resource. Those would be.....

50

1 MS. PETRIVELLI: Oh, under Federal
2 regulations they would be.
3
4 CHAIRMAN LOHSE: They would be the only
5 one that could get a Federal permit to use it.
6
7 MS. PETRIVELLI: Yeah. But under State
8 regulations.....
9
10 CHAIRMAN LOHSE: Right.
11
12 MS. PETRIVELLI:eulachon are
13 recognized as a subsistence resource, so they could -- if
14 the State had subsistence provisions, they could under
15 the State regulations.
16
17 CHAIRMAN LOHSE: But it would not
18 restrict the users unless there was a shortage.
19
20 MS. PETRIVELLI: No. It's restricted as
21 soon as the determination is made, because in order to
22 become eligible to harvest the resource under our
23 programs, first you have to be a rural resident, but then
24 you must also have a positive customary and traditional
25 use determination. So once that positive customary and
26 traditional use determination is made, then only those
27 users with the determination are eligible to harvest the
28 resource.
29
30 CHAIRMAN LOHSE: No, only those users are
31 eligible for a Federal permit to harvest those resources.
32
33 MS. PETRIVELLI: Yeah, a Federal permit.
34 Yes.
35
36 CHAIRMAN LOHSE: But the resource is
37 still available unless there's a shortage and the Federal
38 Government decides there's enough of a shortage that they
39 can restrict other uses.
40
41 MS. PETRIVELLI: To only Federal users,
42 yes.
43
44 CHAIRMAN LOHSE: Right. Okay. Okay. So
45 that's one thing that I think we need to make clear.
46
47 Just a little comment, the word is
48 Alaganik.
49
50 MS. PETRIVELLI: Oh, not Alaganik. Yeah.

1 Alaganik.

2

3 CHAIRMAN LOHSE: But anyhow, eulachon,
4 the only -- and Tom can give me some comments on this one
5 right here, I'm trying to remember if eulachon are
6 present in Bering River during the time of commercial
7 salmon season.

8

9 MR. CARPENTER: Well, Mr. Chairman,
10 usually the Bering River District for the commercial
11 salmon season doesn't open typically until, oh, mid to
12 late June, and most of the eulachon run from, oh, say as
13 early as February starting near Cordova, until, you know,
14 late May. I suppose there probably is some that are, you
15 know, down there, but I think the majority of the runs
16 are well past from then, but that's my recollection.

17

18 CHAIRMAN LOHSE: That's my recollection,
19 too. I just wanted to know whether that was the same
20 situation that you'd observed, because that would be one
21 way that, since there are folks from Chenega and Tatitlek
22 who hold Copper River gill net permits, they could
23 possibly fish down at Bering River, and if eulachon would
24 be present at that time, they could take eulachon.

25

26 Like has been pointed out, subsistence is
27 opportunistic, but most of the effort that goes down the
28 Bering River is for bear and moose in the fall, and there
29 are no eulachon present in the fall down in the Bering
30 River District.

31

32 As far as people from Chenega or Tatitlek
33 having C&T in the Copper River area, one of the things
34 that has happened a lot, and that's been brought out in
35 our meetings in the past, there's been a lot of movement
36 between Tatitlek and Chenega and Cordova. A lot of
37 relatives on both sides, and so there's a lot of passing
38 back and forth, and people will spend a year in Cordova,
39 and spend next year in Chenega, and the same thing for
40 Tatitlek. So it's pretty hard to separate those three
41 communities in my way of thinking when it comes to the
42 Copper River.

43

44 But I'm kind of like Tom on the Bering
45 River. There just isn't much solid data, except for the
46 fact that both of us know people whose families or who
47 actually came from Katalla, and now live in Cordova. And
48 if they came from Katalla, they used the Bering River
49 area.

50

1 So with that I'm going to let it go and
2 see if there's any other questions from anybody else, or
3 any other discussion on this issue.

4
5 (No comments)

6
7 CHAIRMAN LOHSE: I wish we had more
8 information on the Bering River. It's pretty hard to
9 make a decision when you don't have, you know, any
10 documentation. The Copper River is pretty well
11 documented, and I think both Tom and myself and, if
12 Sylvia was here, we've all taken part in that. So I see
13 a lot of people out in the audience that have also
14 probably taken part in that, too, so I don't see where
15 there's much doubt that people from Cordova, and possibly
16 Chenega and Tatitlek, make use of the Copper River
17 eulachon run.

18
19 What does the Alaska Department of Fish
20 and Game have to say.

21
22 MS. SEE: Good morning, Mr. Chairman and
23 members of the Council. My name is Marianne See with the
24 Alaska Department of Fish and Game. I'm the assistant
25 director of the Division of Subsistence. And I also
26 serve as the team leader of the liaisons for Fish and
27 Game that work with the Federal subsistence program.

28
29 I have some comments actually that are
30 sort of a preface to our very brief comments on this
31 proposal. What Donald is passing around is our very
32 brief comments for the proposals for this particular
33 meeting.

34
35 But we want to note that what we're
36 trying to do in this cycle with the proposed regulations
37 is to really comment on the merits, the issues, the kinds
38 of points where we have some technical knowledge or
39 regulatory knowledge that we think we should make sure is
40 on the record for your consideration as you look at these
41 proposals and conclude your own recommendation of them
42 rather than have us sort of lead off with our position.
43 We think it's important to honor the public process and
44 to allow an opportunity for us as well as everyone else
45 to hear what gets offered at these meeting, and to
46 consider that in developing our final recommendation that
47 we make to the Federal Subsistence Board. So our
48 comments are really to the issues themselves.

49
50 And I would also note that Dr. Jim Fall,

1 who is the Southcentral regional supervisor for
2 Subsistence Division, and his staff, one or more of them
3 would usually be here at your meeting, but this week they
4 have a commitment to a workshop on EVOS household survey
5 data, which was redone after several years, and that date
6 was set about a year ago, so unfortunately there was a
7 conflict with your meeting, and they all wanted me to
8 note that on the record. Otherwise you would have some
9 of those staff here who are far more expert than I in
10 these particular proposals today.

11
12 On these proposal before you at the
13 moment, we note that the Federal analysis of the proposal
14 adequately addresses the documented customary and
15 traditional uses of eulachon in these areas, and thus we
16 have no further comments at this time.

17
18 Thank you.

19
20 CHAIRMAN LOHSE: Thank you. Any
21 questions for her.

22
23 (No comments)

24
25 CHAIRMAN LOHSE: Other Federal, State and
26 tribal agency comments.

27
28 (No comments)

29
30 CHAIRMAN LOHSE: No other comments.
31 Inter Agency Staff Committee comments.

32
33 MR. GERHARD: Yeah, thank you. Bob
34 Gerhard with National Park Service. The Staff Committee
35 has no additional comments beyond those presented in the
36 Staff analysis.

37
38 CHAIRMAN LOHSE: Thank you, Bob. Unless
39 anybody has a question for Bob.

40
41 (No comments)

42
43 CHAIRMAN LOHSE: Bob, thank you. Fish
44 and game advisory committee comments. Do we have any?

45
46 (No comments)

47
48 CHAIRMAN LOHSE: Written public comments.
49 Donald.

50

1 MR. MIKE: Mr. Chair, there was no
2 written public comments received on this proposal. Thank
3 you, Mr. Chair.
4
5 CHAIRMAN LOHSE: In other words, this was
6 a real hot issue in everybody's mind.
7
8 (Laughter)
9
10 CHAIRMAN LOHSE: Public testimony. Do we
11 have any public testimony on it, Donald.
12
13 MR. MIKE: I did not receive any public
14 testimony, unless you have the sign-in sheets there.
15 Thank you, Mr. Chair.
16
17 CHAIRMAN LOHSE: Okay. With that,
18 Regional Council deliberations, recommendation, and
19 justification. Do we want to take these -- we can take
20 these one at a time, or we can take them together.
21 Whoever would like to make a motion to put one of these
22 or both of these on the table, do so.
23
24 MR. CARPENTER: Mr. Chairman, I'd make a
25 motion that we approve Proposal 11 and 12 as written by
26 the originator.
27
28 CHAIRMAN LOHSE: It's been moved that we
29 approve Proposals 11 and 12 as written by the originator.
30 Do I hear a second.
31
32 MR. ELVSAAS: I will second that.
33
34 CHAIRMAN LOHSE: It's been seconded by
35 Fred Elvsaas. I need my coffee. Okay. We now have it
36 on the table. Discussion. Fred.
37
38 MR. ELVSAAS: Mr. Chairman. Yeah,
39 there's a little confusion about access to the area for
40 the fishery and so forth, but if you look at the past
41 history with Katalla being one of the places that people
42 in Cordova have historically used it, and also the
43 intertie between the Villages of Tatitlek and Chenega
44 with Cordova, I think the motion is proper and I will
45 support it.
46
47 Thank you.
48
49 CHAIRMAN LOHSE: Any other discussion.
50 Susan.

1 MS. WELLS: Do I understand that the
2 motion that we have before us is as presented, so is that
3 leaving out the Chenega and Tatitlek in the C&T?
4

5 MR. CARPENTER: As I stated the motion,
6 it was -- the motion was to include only what the
7 proposer, which is the Native Village of Eyak, requested,
8 that Cordova residents have a customary and traditional
9 use finding for the Copper River Delta, Bering River
10 area.
11

12 CHAIRMAN LOHSE: Did you understand that
13 when you seconded, Fred?
14

15 MR. ELVSAAS: Yes. Yes, I understand
16 that, but again like you had said earlier, the people
17 move back and forth. So if the people of Chenega and
18 Tatitlek go to Cordova, they're eligible to fish.
19

20 And I have to agree, it would be a pretty
21 far stretch to see people going from Chenega and Tatitlek
22 specifically down to the Copper to fish eulachon. They
23 may do it during the commercial season or something, but
24 as I recall, the eulachon fishery in the Copper River
25 area, Bering River is quite early in the year compared to
26 the commercial fisheries. And so those people of Chenega
27 and Tatitlek that go into Cordova, I would see them as
28 eligible for the fishery, but not to leave the villages
29 just specifically to fish. So I think the motion is in
30 order.
31

32 Thank you.
33

34 CHAIRMAN LOHSE: Okay. So then, Fred,
35 your second was just for residents of Cordova, right?
36

37 MR. ELVSAAS: Exactly.
38

39 CHAIRMAN LOHSE: Okay. So the motion on
40 the table then limits the C&T for determination on the
41 Bering and the Copper River to residents of Cordova.
42

43 MR. SHOWALTER: Yes. James Showalter.
44 As was discussed earlier, you know, residents of Tatitlek
45 and Chenega also has been going to Cordova. They could
46 be in Cordova at that time frame to fish eulachon. So
47 according to this proposal, we're going to be leaving
48 them out, but yet there's going to be sharing there. So
49 in my opinion, I believe that those other two villages
50 should be included in the proposal.

1 Thank you.

2

3 CHAIRMAN LOHSE: James, if that's your
4 opinion, you can always offer that as an amendment to the
5 proposal as it's on the table. Tom.

6

7 MR. CARPENTER: Mr. Chair, I can
8 understand what you're saying there, James, and if you
9 were to do that, I made the motion with both Proposal 11
10 and 12 in the motion. If you were to make an amendment
11 like that, I think we'd have to split these proposals and
12 vote on them separately, because there is potential
13 sharing and harvest from the two villages in Cordova, but
14 not in the Bering River District. And these two
15 proposals are independent. You know, they're two
16 different river systems. So, you know, that's just a
17 point of order, and I don't know what Mr. Chairman would
18 like to do about that.

19

20 I think Fred made a good point. I think
21 what happens is a lot of the people from the villages
22 tend to move back and forth from Cordova to the villages
23 and if you are living in Cordova, you would be considered
24 eligible to harvest in both of these areas. I just -- I
25 really don't think that too many people ever come to
26 Cordova or go to Bering River to harvest eulachon. There
27 is a lot of harvesting that goes on in Cordova, and a lot
28 of the people that have relatives end up taking hooligan
29 by boat back to the villages for people to use, but --
30 I'll stick with my original motion at this time.

31

32 CHAIRMAN LOHSE: Okay. So what we have
33 on the table then right now is a motion to take 11 and 12
34 as submitted by the Native Village of Eyak, to have
35 Cordova residents C&T for the Bering and the Copper River
36 Delta.

37

38 If I understand Tom right, if a motion is
39 made to include Chenega and Tatitlek, he would probably
40 make a motion to withdraw his original motion. Am I
41 correct, Tom?

42

43 MR. CARPENTER: If an amendment was made
44 to my original motion, I would request that the amendment
45 only include Chenega and Tatitlek for the Copper River
46 District, not the Bering River District.

47

48 CHAIRMAN LOHSE: Okay. Thank you. Thank
49 you, Tom.

50

1 Fred, just for -- you made a comment
2 before about the eulachon being done early in Cordova.
3 Like Tom pointed out before, eulachon start early in
4 Cordova, eulachon run all the way -- well, they actually
5 run all the way to about the first of July on the Copper
6 River Delta, and I know for myself, for the last few
7 years, or for quite a while, most of the eulachon that
8 I've taken for my own use have come out of my gill nets
9 while gill netting on Copper River Flats. I don't gill
10 net Bering River, so I don't know what happens down
11 there. But -- and that's why I was asking Tom whether
12 there was eulachon down there during the gill net season.
13 And we have no record, or no evidence of that, or even
14 anecdotal information on that from either one of us. I
15 do know that eulachon are taken on the Copper River
16 flats. And I do know that there are Chenega and Tatitlek
17 residents that commercial gill net on the Copper River
18 Flats, and so they could take their eulachon that way.

19
20 So a motion -- if somebody wants to make
21 an amendment to include them for the Copper River Flats,
22 that would probably be acceptable. If somebody doesn't,
23 that's okay, too.

24
25 We have a motion on the table that
26 includes just the residents of Cordova for the Copper
27 River Flats and the Bering River.

28
29 MS. WELLS: Mr. Chair.

30
31 CHAIRMAN LOHSE: Susan.

32
33 MS. WELLS: If Tom would accept it, I'd
34 like to amend his motion to include Tatitlek and Chenega
35 to the Proposal 12 which would be the determination for
36 the Copper River Delta.

37
38 CHAIRMAN LOHSE: Susan, you just would
39 have to offer that as an amendment. It needs a second,
40 and we have to vote on the amendment.

41
42 MS. WELLS: Okay. That's what I'm doing.

43
44 CHAIRMAN LOHSE: Okay. Susan, you're
45 offering that as an amendment, to include Chenega and
46 Tatitlek on Proposal 12, Copper River Delta.

47
48 MS. WELLS: Correct.

49
50 CHAIRMAN LOHSE: Do I hear a second.

1 MR. ENCELEWSKI: Mr. Chairman, I'll
2 second that. Greg Encelewski.
3
4 CHAIRMAN LOHSE: Okay. It's been moved
5 and seconded. Discussion on that point.
6
7 (No comments)
8
9 CHAIRMAN LOHSE: Hearing none.....
10
11 MR. ELVSAAS: What was the motion again,
12 please.
13
14 CHAIRMAN LOHSE: The motion is to include
15 Chenega and Tatitlek under Proposal 12 for C&T
16 determination for Copper River Delta.
17
18 MR. ELVSAAS: Just Copper.
19
20 CHAIRMAN LOHSE: Just the Copper River
21 Delta. No other discussion, question's in order.
22
23 MR. ELVSAAS: Question.
24
25 CHAIRMAN LOHSE: The question's been
26 called. All in favor of the amendment to include Chenega
27 and Tatitlek under Proposal 12 for C&T use determination
28 for the Copper River Delta signify by saying aye.
29
30 IN UNISON: Aye.
31
32 CHAIRMAN LOHSE: Opposed signify by
33 saying nay.
34
35 (No opposing votes)
36
37 CHAIRMAN LOHSE: Motion carries. We now
38 have a motion on the table to grant C&T for the Copper
39 and Bering River District to the residents of Cordova and
40 to the Copper River Delta to the residents of Cordova,
41 Chenega Bay and Tatitlek. Any other discussion.
42
43 (No comments)
44
45 CHAIRMAN LOHSE: Tom.
46
47 MR. CARPENTER: Question.
48
49 CHAIRMAN LOHSE: The question's been
50 called. All in favor signify by saying aye.

1 IN UNISON: Aye.

2

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

5

6 (No opposing votes)

7

8 CHAIRMAN LOHSE: Motion carries.

9

10 Okay. With that, we go on to the next
11 one, which is -- Pat, are you going to present it to us
12 again? Good.

13

14 MS. PETRIVELLI: Yes, Mr. Chair. Again,
15 I'm Pat Petrivelli, and these two proposals deal with the
16 Upper Copper River District, and they were submitted by
17 the Chickaloon Village Traditional Council, and they
18 request a positive customary and traditional use
19 determination for salmon in the Chitina Subdistrict, and
20 the Glennallen Subdistrict.

21

22 The existing customary and traditional
23 use determinations are on Page 39. And then the map on
24 Page 41 shows the two subdistricts.

25

26 The data used in this analysis were
27 obtained from a 1982 Division of Subsistence household
28 survey of the Copper River basin, and at that time
29 Chickaloon was included as part of the Copper River
30 basin. Additional data is from household surveys in '87,
31 but when they conducted their second study, Chickaloon
32 wasn't included in that study, but the information for
33 the other communities with a C&T use, that data has been
34 used for a comparison. Other information about the
35 Copper River basin was from the 2002 traditional
36 ecological knowledge study by Simeone and Kari, and then
37 the ADF&G Division of Subsistence customary and
38 traditional worksheet for the Chitina Subdistrict, and
39 then a comprehensive study done in 1986 by Simeone and
40 Fall just of the Copper River subsistence salmon fishery,
41 and then there were two 1983 reports by Holly Reckord
42 with the Park Service.

43

44 And I also got to actually go to the
45 Chickaloon fish camp, and that was interesting, but I'll
46 just put that in later.

47

48 Chickaloon's a community with 213
49 residents in 87 households. Currently Chickaloon
50 residents have representation from two different

1 community organizations: The Traditional Council for the
2 Federally recognized tribe, and then a non-profit
3 organization, the Chickaloon Community Council.
4

5 And again we're -- I'm just going to
6 concentrate on factors 1 and 4, since Chickaloon has been
7 recognized for subsistence for other areas. But I do
8 want to note that the information presented in the
9 analysis on factors 2, 5 and 6 included descriptions of
10 the whole Copper basin from 1982, and since Chickaloon
11 was part of that study, it was -- the information was
12 used in the analysis, because it didn't break it down for
13 specific communities.
14

15 Table 2 contains the household use data
16 for just -- from the household surveys about the use and
17 harvest of salmon, and Chickaloon shows that there was 66
18 percent of the households used salmon, and they had a per
19 capita harvest of 39 pounds. And their level of use is
20 comparable with other communities that have a positive
21 customary and traditional use determination.
22

23 The permit data is in Table 3 on Page 46,
24 and their permit history for both the Glennallen and
25 Chitina Subdistrict is also at a comparable level with
26 other communities that have a positive customary and
27 traditional use determination.
28

29 The other area specific to the use of the
30 Glennallen Subdistrict is from the educational fishwheel,
31 and they've operated this -- they've had a permit to have
32 an educational community fishwheel since 1999. The
33 reported harvest for the first year was six salmon, and
34 then they had harvest of 273, 140, 91 and 113.
35

36 This year at the fish camp they harvested
37 86 reds and four kings. The camp ran from June 27th to
38 June 30th, and at the camp the elders that were providing
39 information was John and Irene Goodlataw, and they also
40 let the participants use a fishwheel site right next to
41 their camp. For each year of operation, for the
42 educational fishwheel, the Goodlataws have provided the
43 traditional knowledge of the Ahtna manner of fish
44 processing, and other participants of the camp shared
45 their ways of processing fish. So it was a community
46 sharing of knowledge, and with a goal of having the young
47 people learn different ways of processing fish, but doing
48 it in a respectful manner of all people's traditions.
49 They also tied other activities at the ship camp, and I
50 think that people from Chickaloon will be testifying

1 about their activities.

2

3 With the effect of the proposal, the
4 residents of the Chickaloon area have a history of
5 fishing in both the Glennallen and the Chitina
6 Subdistricts.

7

8 Oh, and I forgot to mention that
9 historically Chickaloon, the current ties with the Copper
10 River basin are through Ahtna residents from the Tyone
11 Lake area that resettled in Chickaloon in the late 19th
12 century, and so there are kinship ties maintained between
13 Chickaloon and the Ahtna River.

14

15 And the preliminary conclusion is to
16 support the proposals, and that's because data from the
17 Subsistence Division household surveys, community studies
18 and permits show that salmon is a resource used by
19 Chickaloon in the Chitina and Glennallen Subdistricts at
20 levels comparable to other communities with a positive
21 customary and traditional use determination.

22

23 And that concludes the presentation.

24 Thank you.

25

26 CHAIRMAN LOHSE: Any questions for Pat
27 this time.

28

29 MR. CARPENTER: I have a question.

30

31 CHAIRMAN LOHSE: Tom.

32

33 MR. CARPENTER: Pat, where was their fish
34 camp that you went to?

35

36 MS. PETRIVELLI: By Tazlina. I think
37 it's -- it was by Tazlina.

38

39 MR. CARPENTER: Thank you.

40

41 MS. STICKWAN: It's in Tazlina on the
42 Copper River.

43

44 MR. CARPENTER: What?

45

46 MS. STICKWAN: It's in Tazlina on the
47 Copper River.

48

49 MR. CARPENTER: It is Tazlina.

50

1 CHAIRMAN LOHSE: Thank you, Gloria. Any
2 other questions for Pat. Thank you, Pat. Alaska
3 Department of Fish and Game.
4
5 MS. DOWNING: Your microphone.
6
7 CHAIRMAN LOHSE: Alaska Department of
8 Fish and Game.
9
10 MS. SEE: Mr. Chair, members of the
11 Council. Once again I'm Marianne See with Department of
12 Fish and Game.
13
14 And our comments are again very brief on
15 this proposal. We note that the Federal analysis of the
16 proposal adequately addresses the documented customary
17 and traditional uses of salmon in this area. These
18 areas. We have no further comments to offer at this
19 time. Thanks.
20
21 CHAIRMAN LOHSE: Thank you. When you say
22 adequately address, that does not necessarily mean that
23 you agree with it, but you think they covered the subject
24 matter well?
25
26 MS. SEE: Mr. Chair, we think that they
27 looked at all the available information that we know
28 about, documented in literature, and that they've
29 summarized it very clearly and accurately.
30
31 CHAIRMAN LOHSE: Thank you. Any
32 questions.
33
34 (No comments)
35
36 CHAIRMAN LOHSE: Hearing none, thank you.
37 Other Federal, State or tribal agency comments. Do we
38 have any other Federal comments on this, or State
39 comments, or tribal comments. Be sure to introduce
40 yourselves.
41
42 MS. WADE: We will.
43
44 MS. DOWNING: And turn on the microphone.
45
46 MS. WADE: My name is Angela Wade, and
47 I'm the tribal environmental program director for
48 Chickaloon Village. I'm also a member. I'm an
49 Athapaskan. I have relatives from Chitina and my great-
50 great-grandparents came from Tyone Lake and Old Man Lake,

1 in that area.

2

3 MS. DRYDEN: And I'm Jessica Dryden. I
4 work for Chickaloon Village Traditional Council in the
5 Environmental Department.

6

7 MS. WADE: I'd like to talk about our
8 historic use of salmon in Chickaloon and Copper River.
9 An elder in Tazlina recognized our history and our
10 descendency from that area and gifted us the use of that
11 traditional fishwheel space that we're talking about, and
12 our usage. And our traditional council is working to
13 educate Native and non-Native community members of the
14 importance of salmon as a traditional resource.

15

16 And this year we've had a fish camp.
17 We've done this actually before in the past, and have
18 gone in smaller, less organized groups in the past five
19 or so years, that that space has been gifted to us.

20

21 I'd also like to add that everybody
22 should look at the pictures, because they're very good,
23 but the salmon that were preserved in this bigger,
24 organized fish camp, and as is often done anyway, but
25 this salmon that we preserved here were taken by our
26 school children and given out to the elders. So it was a
27 really nice connection of all of our community members
28 and our cultural -- those cultural ties that we
29 recognize.

30

31 MS. DRYDEN: And the pictures here on
32 this poster are representatives from that fish camp.
33 They depict harvesting the fish in the fishwheel, cutting
34 it, drying it. We built a traditional fishwheel drying
35 rack, and smoke rack. Canning it, we did that on site.
36 And then in addition we also had a few other activities,
37 traditional birch bark making and some salmon biology,
38 ecology type practices that we did while waiting for the
39 salmon to dry and smoke.

40

41 MS. WADE: Uh-huh. And talked a lot
42 about our language, too, so it was really nice. It was
43 really an awesome -- and again we had internal and
44 external Native and non-Native community members there.
45 It was a really, really good time.

46

47 MS. DRYDEN: I think we ended up having
48 about 70 people come.

49

50 MS. WADE: Yeah.

1 MS. DRYDEN: It was a four-day affair,
2 and people came and went throughout the time allowed, but
3 it was pretty inclusive.
4
5 CHAIRMAN LOHSE: Tom.
6
7 MR. CARPENTER: How long has the village
8 been -- how long have they had the fish camp there?
9
10 MS. WADE: I think the past five years is
11 when I've known about it. I think it's been the past
12 five.
13
14 MS. DRYDEN: Uh-huh. And previous to
15 that though, fish were often gifted to us directly from
16 people that live up there and have their own fishwheels.
17 And even now that we have our own fishwheel, oftentimes
18 residents of Chickaloon will go up and just stay with
19 families that they know up there so that they have that
20 community bond, and they will actually use our direct
21 fishwheel, but work with other community members up
22 there.
23
24 CHAIRMAN LOHSE: Tom, you had another
25 question you wanted to ask?
26
27 MR. CARPENTER: No, I was just curious
28 about that, and she answered my question. Thanks.
29
30 CHAIRMAN LOHSE: Thank you, Tom. Any
31 other questions. Fred.
32
33 MR. ELVSAAS: Yeah. Excuse me. As I
34 understand it, you have taken 213 fish this season at the
35 camp.
36
37 MS. WADE: Uh-huh.
38
39 MR. ELVSAAS: Did you also fish at
40 Chitina.
41
42 MS. WADE: We did not.
43
44 MS. DRYDEN: No.
45
46 MS. WADE: We -- most of us stick to.....
47
48 MR. ELVSAAS: I see that in the proposal.
49
50 MS. WADE:stick to the fishwheel

1 area right now. We're kind of getting more of the
2 community members to utilize the resource in ways that we
3 haven't for quite a long time, yeah, because in our area
4 we're kind of from a different drainage, so in our area
5 we've had coal mining impacts to our salmon, and so a lot
6 of people have just kind of gotten out of the use of
7 salmon. So we're kind of trying to make that
8 reconnection. We're doing a whole sustainable foods
9 project, and salmon is a big part of that.

10

11 MR. ELVSAAS: I'm, you know, well aware
12 that the Chickaloon ties are with the Copper River
13 people, the Ahtna, and so forth, but I was just wondering
14 now, it mentions the two subdistricts, and.....

15

16 MS. DRYDEN: In the past some of the
17 tribal members have harvested fish in the Chitina
18 Subdistrict. They've done that with other community
19 members though in that area, so we've never had a
20 fishwheel set up in that location. And at this point we
21 don't have any plans, too, but we wanted to keep that
22 option open if in the future that became necessarily.
23 But currently the only fish that we harvest from that
24 area would be from communal harvests with other family
25 and friend connections. And so we're mostly based in the
26 Glennallen area.

27

28 MR. ELVSAAS: Thank you. Mr. Chairman,
29 I'm really not up to speed on the Copper, are both of the
30 subdistricts open at the same time, or do they open one
31 and close the other, do you know?

32

33 CHAIRMAN LOHSE: The Glennallen
34 Subdistrict is open continuously if I remember right, and
35 Eric Veach can correct me if I'm wrong. The Chitina
36 Subdistrict opens and closes by EO, by emergency
37 announcement depending on the fish. But the Glennallen
38 Subdistrict is the traditional -- the recent traditional
39 subsistence area that's been open continuously from the
40 start of the season to the end of the season.

41

42 MR. ELVSAAS: Thank you.

43

44 CHAIRMAN LOHSE: And if anybody correct
45 me on that, I'm more than open to correction, but that's
46 my understanding anyhow.

47

48 Any other questions. You say you had
49 about 70 people there this year?

50

1 MS. WADE: Uh-huh.
2
3 CHAIRMAN LOHSE: Mostly kids?
4
5 MS. DRYDEN: A large percentage were
6 kids.
7
8 CHAIRMAN LOHSE: Yeah, it looks like it
9 from the picture right there.
10
11 MS. DRYDEN: Well, they're so photogenic.
12
13
14 CHAIRMAN LOHSE: Yeah. And they stayed
15 there for the whole four days then, the kids did?
16
17 MS. DRYDEN: Yes, the kids did.
18
19 CHAIRMAN LOHSE: So you camped out in
20 tents or, you know.
21
22 MS. WADE: We had the full experience.
23
24 MS. DRYDEN: Yeah, aside from the smoke,
25 it was the perfect camping conditions.
26
27 MS. WADE: Yeah. There was a lot of
28 smoke up there this year.
29
30 MS. DRYDEN: Very minimal mosquitos this
31 year, too.
32
33 CHAIRMAN LOHSE: Yeah.
34
35 MS. WADE: Yeah, a lot of dragonflies, no
36 mosquitos. It was good.
37
38 CHAIRMAN LOHSE: Did you have a nice
39 shallow spot by the river there where you don't have to
40 worry about the kids too much?
41
42 MS. WADE: Well, no.
43
44 MS. DRYDEN: We had rules with regards to
45 the water.
46
47 MS. WADE: Yeah, we had some river
48 safety. We threatened to tie them to trees like they
49 used to do.
50

1 CHAIRMAN LOHSE: Yeah, I can't imagine
2 looking after that many kids next to water and mud.
3
4 MS. WADE: Yeah.
5
6 CHAIRMAN LOHSE: Any other questions for
7 them.
8
9 (No comments)
10
11 CHAIRMAN LOHSE: Gloria, do you have any
12 comments on it. You're from that area up there more than
13 we are. You have a better understanding of it.
14
15 MS. STICKWAN: I support this proposal.
16 I know that Chickaloon people are related to my dad
17 through Katy Wade and my dad are cousins. While they may
18 have not used it for a long time, I know that historical
19 ties through kinship they have. And that's why I support
20 this proposal for Chitina and.....
21
22 CHAIRMAN LOHSE: One question, Gloria.
23 Even if they haven't used it themselves, do you feel like
24 they've used it from the standpoint that people from your
25 area have taken them fish in the past?
26
27 MS. STICKWAN: I believe they traded, or
28 people in our area have given them fish in the past.
29
30 CHAIRMAN LOHSE: Thank you. Any other
31 questions.
32
33 MS. DOWNING: Your microphone.
34
35 CHAIRMAN LOHSE: Any other questions.
36
37 (No comments)
38
39 CHAIRMAN LOHSE: Thank you for your
40 presentation.
41
42 MS. DRYDEN: We'll leave this so you can
43 look at it at your break.
44
45 MS. WADE: Where would you like us to put
46 it?
47
48 CHAIRMAN LOHSE: Stay right there.
49
50 MS. DRYDEN: Okay.

1 MR. ELVSAAS: Fish, too.
2
3 CHAIRMAN LOHSE: Right.
4
5 MS. DRYDEN: Yeah.
6
7 CHAIRMAN LOHSE: But you could have
8 brought some of the dried fish and left them there.
9
10 MR. ELVSAAS: Samples.
11
12 CHAIRMAN LOHSE: Maybe we should make
13 that are regulation in the future, that if anybody's
14 asking for C&T on something, they can bring samples.
15
16 (Laughter)
17
18 CHAIRMAN LOHSE: Okay. With that we'll
19 go on to Inter Agency Staff Committee comments.
20
21 MR. GERHARD: Yeah, Bob Gerhard, National
22 Park Service. Once again the Staff Committee had nothing
23 further to add to the Staff analysis. And so I don't
24 start sounding like a broken record, I can give you a
25 heads up in the following two proposals, I will be saying
26 the same thing, or else you can carry these comments
27 forward.
28
29 CHAIRMAN LOHSE: Okay.
30
31 MR. GERHARD: Thank you.
32
33 CHAIRMAN LOHSE: In other words, you
34 haven't got anything additional to add than what's
35 already written down.
36
37 MR. GERHARD: No, we concur with the
38 Staff analysis and have nothing further to add.
39
40 CHAIRMAN LOHSE: Thank you. Fish and
41 game advisory committee comments. Do we have any,
42 Donald?
43
44 MR. MIKE: No, Mr. Chair, we don't have
45 any fish and game advisory committee. We do have written
46 public comments if you're ready for that.
47
48 CHAIRMAN LOHSE: Okay. Summary of
49 written.....
50

1 MR. MIKE: You'll find your written
2 public comments starting on Page 50. The Ahtna
3 Subsistence Committee supports Proposal 14 and 15 to
4 allow the Community of Chickaloon to have a positive
5 customary and traditional use determination for salmon in
6 the Upper Copper River District and the Chitina
7 Subdistrict. They have used salmon historically in the
8 Copper River, and should be allowed to have a positive
9 C&T.

10
11 And in your folder there's draft
12 recommendations from the Eastern Interior Regional
13 Advisory Council on Proposals 14 and 15, and they
14 deferred to the home region, stating that the home region
15 will have a better perspective on these issues.

16
17 Thank you, Mr. Chair.

18
19 CHAIRMAN LOHSE: Thank you, Donald. And
20 do we have any public testimony.

21
22 MR. MIKE: None right now, Mr. Chair.
23 Thank you.

24
25 CHAIRMAN LOHSE: Thank you. Okay. With
26 that a motion to put this proposal on the table for
27 discussion is in order. Do I hear anybody so move.

28
29 MR. SHOWALTER: So move. James
30 Showalter. So move.

31
32 CHAIRMAN LOHSE: It's been moved to put
33 Proposal 14 on the table as written. Do I hear a second.

34
35 MR. ELVSAAS: Second.

36
37 CHAIRMAN LOHSE: It's been moved and
38 seconded. Discussion, deliberation, recommendation,
39 justification.

40
41 MR. CARPENTER: Mr. Chair.

42
43 CHAIRMAN LOHSE: Tom.

44
45 MR. CARPENTER: Is the motion to include
46 both proposals at once? Is it -- because there is two
47 proposals. Are we dealing with 14 and 15 in one motion.

48
49 CHAIRMAN LOHSE: I will ask the
50 person.....

1 MR. CARPENTER: And if so, I have a
2 question.
3
4 CHAIRMAN LOHSE: Yeah. I will ask the
5 person who make the motion.
6
7 MR. SHOWALTER: Yes, I believe at this
8 time I'll encompass both of them.
9
10 CHAIRMAN LOHSE: Does the second concur?
11
12 MR. ELVSAAS: Yes.
13
14 CHAIRMAN LOHSE: Okay. So then the
15 motion is to put Proposals and 14 and 15 on the table as
16 a package. Tom.
17
18 MR. CARPENTER: Just a question, and I'm
19 not sure who an answer this. Maybe if Pat can. Actually
20 I may have a question for somebody from the Department of
21 Fish and Game. I see Tom's out, Taube.
22
23 Fred asked the interesting question. You
24 know, obviously there's been some harvest in the
25 Glennallen Subdistrict, and there's been testimony to
26 that. There hasn't been any testimony to any recent or,
27 you know, harvest that has taken place in the Chitina
28 Subdistrict, and I guess maybe do you have anything that
29 you can add to that, Pat, and I'm also curious if the
30 Department of Fish and Game has any information in
31 regards to anybody from Chickaloon that's registered in
32 the Chitina Subdistrict for a permit. Is it in the book
33 here?
34
35 CHAIRMAN LOHSE: Tom, I think you'll find
36 it on Page 46.
37
38 MR. CARPENTER: Okay. Thank you.
39
40 MS. PETRIVELLI: Yes, Mr. Chair, you
41 referred him to the right page, and it is Page 46, and
42 it's Table 3. And so the permit data is broken down by
43 subdistrict, and it shows that residents from Chickaloon
44 have received 56 permits over that time period. They
45 harvested a total of 690 salmon for an average of 12 per
46 permit. And because the Chitina Subdistrict -- and
47 that's just for the years 19 -- and actually that should
48 be 1988 to 2002 I think, not 1998. But -- and it just --
49 you can see it reflects with the comparable levels for
50 the other residents with C&T, because of the nature of

1 the Chitina Subdistrict with it being just dip netting
2 only, and just the congested area. A lot of people would
3 use the Glennallen Subdistrict mainly, but some people do
4 use the Chitina, and it was mainly to get king salmon.
5 You know, there's certain dip netting for kings. So
6 they're two different districts. And, of course, the
7 area is much more congested, because the Chitina
8 Subdistricts 10 miles, and the Glennallen's 100 miles.
9 But the Chickaloon residents do have that history from
10 that permit history there.

11

12 MR. CARPENTER: Can I ask a follow-up.

13

14 CHAIRMAN LOHSE: Yes, Tom.

15

16 MR. CARPENTER: Just one more question.
17 Can you explain to me again why they were once considered
18 a -- the Community of Chickaloon or the village was
19 considered to have, you know -- it was on the list for
20 communities, and why was it taken off.

21

22 MS. PETRIVELLI: It wasn't particularly
23 on the list. It was included for the household surveys
24 when the did the study of the Copper basin in 1982. They
25 drew -- they had the area go quite wide and they
26 included, well, from Chickaloon all the way to
27 Glennallen, is that Chickaloon east to Glennallen? And
28 then they more clearly defined it by drainages later in
29 1987. So they specifically did the drainage of Copper
30 River basin communities. And 1982 was much broader,
31 because at that time they included Cantwell in the 1982
32 study. In fact, that's one of the few household surveys
33 we have for Cantwell is from the 1982 study. But it went
34 -- it included Cantwell, Chickaloon, Sheep Mountain. You
35 know, it went pretty far west, but for some reason in '87
36 they strictly defined it as a drainage, so it was just
37 the -- getting more refined in their study methods I
38 think. It wasn't intentionally -- it wasn't a reflection
39 of that these residents are not subsistence users, it's
40 just that they were more clearly defining drainages for
41 those study methods.

42

43 CHAIRMAN LOHSE: So, Pat, if I'm
44 understanding correct, has Chickaloon ever put in a
45 proposal for C&T for the Copper River before?

46

47 MS. PETRIVELLI: No, they haven't. Well,
48 when we started doing C&T, well, we took -- started in
49 1999, and then everyone when we first looked at the
50 Chitina subdistrict, I think we concen -- our office

1 concentrated on the Park Service communities that were
2 recognized as resident zone communities, and Chickaloon
3 is not one of those. And I think that's how it got left
4 out. And then the next year when we looked at it, we
5 looked at the whole State, and the Council didn't like
6 that idea. So then we looked at just Lake Louise and
7 Glennallen who asked that -- or Lake Louise and Paxton
8 that -- oh, and Sourdough, yeah. But now Chickaloon,
9 this is the first time Chickaloon has specifically asked.
10 They have -- they were included in the one year when we
11 looked at the whole State, but they have not asked
12 themselves specifically before.

13

14 CHAIRMAN LOHSE: So this is the first
15 time a proposal for Chickaloon for the Copper River has
16 come before the Council.

17

18 MS. PETRIVELLI: Yes, sir.

19

20 CHAIRMAN LOHSE: Thank you. Fred.

21

22 MR. ELVSAAS: Mr. Chairman, thank you. I
23 don't have a question for you, Pat. I just want to say,
24 I've known the Chickaloon people since the 40s, the
25 Harrisons and Latimans were very good friends of mine.
26 Still are. But my problem in looking at this is I don't
27 recognize these young people.

28

29 But anyway I know back in the 40s and 50s
30 the Chickaloon people fished the Copper River as a river.
31 It wasn't in units and subunits and so forth. That was
32 their traditional way. The Chickaloon people are Ahtna
33 people. They speak the language, and they're teaching
34 the language to the young people now. And they don't
35 utilize Cook Inlet, although they're in the Cook Inlet
36 drainage, the way somebody like -- those of us in the
37 proximity to the Inlet are. They use the Copper River.
38 And although this camp may be in the Glennallen
39 Subdistrict, their history of using the river is
40 sufficient for me to support their proposal for both the
41 Chitina Subdistrict and Glennallen Subdistrict. I view
42 that as a river.

43

44 Thank you.

45

46 CHAIRMAN LOHSE: Any other discussion,
47 comments.

48

49

(No comments)

50

1 MR. MIKE: Thank you, Mr. Chair. I
2 neglected to add one more public comment received from
3 the Subsistence Resource Commission from Wrangell-St.
4 Elias on Proposals 14, 15. The Commission unanimously
5 supports these two proposals as written. They know that
6 there are kinship ties between residents of Chickaloon
7 and the Copper basin area, and that Chickaloon residents
8 have traditionally used salmon as well as other resource
9 in the park -- area of the park. Thank you, Mr. Chair.

10
11 CHAIRMAN LOHSE: Thank you, Donald.
12 Doug.

13
14 MR. BLOSSOM: Doug Blossom. I guess I
15 would have been a lot more comfortable had I heard that
16 they were fishing the Matanuska system, but you've
17 convinced me that they use that area, and I'm going to
18 write down on my notes that Mr. Elvsaas said, that they
19 don't use Cook Inlet, and I'm going to support this.

20
21 (Laughter)

22
23 CHAIRMAN LOHSE: Thank you, Doug. Fred.

24
25 MR. ELVSAAS: I don't want to preclude
26 them from using Cook Inlet. I think people should fish
27 where they can get fish. That's my theory.

28
29 Thank you.

30
31 CHAIRMAN LOHSE: I'll leave that between
32 the two of you.

33
34 (Laughter)

35
36 CHAIRMAN LOHSE: James. My fault.

37
38 MR. SHOWALTER: Yes, James Showalter.
39 Yes, I've known Chickaloons that do and have used the
40 Cook Inlet. In fact, some years back there was quite an
41 incident about the boat use on the Kenock River (ph) in
42 particular, and usage of it since.

43
44 Thank you.

45
46 CHAIRMAN LOHSE: I knew since we got
47 close to the Cook Inlet, we'd.....

48
49 (Laughter)

50

1 CHAIRMAN LOHSE: Anyhow, any other
2 discussion. Any comments. I think, Gloria, I think you
3 said that as Ahtna you support this proposal.
4
5 MS. STICKWAN: Yes. Yes, I do.
6
7 CHAIRMAN LOHSE: You do. The question's
8 in order if anybody doesn't have anything further to say.
9
10 MS. WELLS: Call the question.
11
12 CHAIRMAN LOHSE: Susan asks that the
13 question be called. All in favor signify by saying aye.
14
15 IN UNISON: Aye.
16
17 CHAIRMAN LOHSE: All opposed signify by
18 saying nay.
19
20 (No opposing votes)
21
22 CHAIRMAN LOHSE: Motion carries. I'd say
23 we take a break for a cup of coffee, but we don't have
24 any coffee to take a break for, but -- oh, we do? And
25 maybe everybody had enough coffee at breakfast time
26 they'd like to break right now anyhow, so we're going to
27 take a 10-minute break at this point in time.
28
29 (Off record)
30
31 (On record)
32
33 CHAIRMAN LOHSE: I've been asked to
34 remind everybody to please make sure you sign in so that
35 your name can be spelled correctly on the blotter -- I
36 mean, on the report.
37
38 (Laughter)
39
40 CHAIRMAN LOHSE: We have, and I'm going
41 to ask the Council's concurrence on this, we have some
42 reports on Cook Inlet scheduled for 1:00 o'clock this
43 afternoon, and Proposal 10 deals with Cook Inlet. I kind
44 of think that we should put Proposal 10 off until after
45 we hear the report from Cook Inlet, and if that's okay
46 with the rest of the Council, I would like to change the
47 agenda to the extent that we put Proposal 10 off until
48 after this -- until this afternoon after we've heard the
49 reports, and that we go on to Proposal 13, which deals
50 with the Copper River District this morning. Are there

1 any objections.

2

3 (No objections)

4

5 CHAIRMAN LOHSE: Hearing none, that's
6 what we'll do. So with that in mind, we're going to go
7 on to Proposal 13. Jerry. And you can find that on Page
8 67. Well, you can find it before 67, but -- 59.

9

10 MR. BERG: Thank you, Mr. Chair, members
11 of the Council. My name is Jerry Berg. I'm a fishery
12 biologist, and work in the Office of Subsistence
13 Management.

14

15 And we've had some staffing changes
16 recently in our office. I think at your last meeting
17 Larry Bucklis was still the Staff fish biologist for your
18 Council, and Larry's taken a different position in our
19 office, and so I've been reassigned to work with the
20 Southcentral Council. I've been working in the Office of
21 Subsistence Management for about eight years now, and
22 most recently working on fishery issues in the Yukon and
23 Kuskokwim River drainages. I have worked with this
24 Council a little bit in the past, and I'm happy to be
25 back working with Southcentral Council issues. I've
26 always enjoyed working with this Council and this region.

27

28 CHAIRMAN LOHSE: Thank you, Jerry. I'm
29 going to have to interrupt for a second. I did make a
30 mistake. I was correct in saying it was page 67, not 59.
31 And with that, Jerry, thank you muchly for your
32 tolerance.

33

34 MR. BERG: Thank you, Mr. Chair.

35

36 Proposal 13 deals with customary trade.
37 Actually Proposal 10 and 13 both deal with customary
38 trade, and as you've requested, we'll go ahead and move
39 to Proposal 13 first. As I said, both proposals deal
40 with customary trade.

41

42 And a key aspect to keep in mind while
43 reviewing these customary trade regulations is that
44 there's really two sections to the customary trade
45 regulations: one that defines customary trade between
46 rural residents, often times referred to as rural-to-
47 rural; and then another section that defines customary
48 trade between rural residents and other individuals, and
49 we oftentimes refer to that as rural-to-other. So we
50 have those two sections in the customary trade

1 regulations. So it's good to keep in mind those two
2 sections as we move through this.

3

4 Proposal 13 would modify the customary
5 trade regulations for the Upper Copper River District.
6 If adopted, customary trade of salmon to people other
7 than rural residents, so rural-to-other, in the Upper
8 Copper River District, would be limited to \$100 per
9 household each year; no more than 50 percent of the
10 household annual catch. There would also be a reporting
11 requirement, and also it would allow the sales of
12 traditionally prepared salmon. So it would do all those
13 things for customary trade between rural resident and
14 others.

15

16 It would also customary trade of salmon
17 between rural residents, so rural-to-rural, but it would
18 be limited to no more than 50 percent of the annual
19 household catch without any monetary limits. And again
20 sales of traditionally prepared salmon would be allowed.

21

22 The proponents felt that customary trade
23 of salmon may increase in the Upper Copper River, because
24 people are now more aware of the regulation, and because
25 the area's on the road system. They want to see the
26 customary and traditional practices continue, but they
27 want subsistence harvest -- but they do not want
28 subsistence harvest to increase in their area due to the
29 customary trade regulations. They also believe that
30 proposed changes will help keep customary trade at
31 traditional levels in the Upper Copper River area.

32

33 A Federal subsistence fishing permit is
34 required to harvest salmon in the Upper Copper River
35 District, and only rural residents who reside in that
36 area with a positive customary and traditional use
37 determination for salmon in the Upper Copper River
38 District qualify for those Federal permits.

39

40 I have a little bit of background
41 information for some of the Council members that may not
42 be familiar with the customary trade history that we've
43 gone through to get to the point we are today. So some
44 of that background history of customary trade is that
45 Title VIII of ANILCA specifically identifies customary
46 trade as a legitimate subsistence use. customary trade
47 is defined as the traditional sales of subsistence
48 harvested fish and wildlife for cash.

49

50 The Board recognized that the Federal

1 regulations regarding customary trade would need to be
2 refined, most notably the term significant commercial
3 enterprise was not defined in regulation. This had the
4 potential to cause confusion for subsistence users and
5 law enforcement personnel when determining if a
6 transaction is traditional customary trace, or a
7 significant commercial enterprise.

8
9 There was also a concern that allowing
10 customary trade without further regulatory clarification
11 could create a loophole permitting valuable subsistence
12 resources to become a commodity on the commercial market
13 for monetary gain. Without a more specific definition of
14 significant commercial enterprise, or other regulatory
15 modification, law enforcement personnel felt that the
16 regulation was unenforceable.

17
18 To address these concerns, in January
19 2003 the Board adopted a revised set of customary trade
20 regulations based on a lengthy public process in order to
21 provide a more enforceable regulatory framework for this
22 long-standing subsistence practice in many areas of the
23 State. When adopting the rule, the Board tried to
24 accommodate customary and traditional practices to the
25 extent reasonably practicable, while preventing abuses of
26 the subsistence preference in the form of a significant
27 commercial transaction. The Board also recognized that
28 it would probably be necessary to make future
29 modifications to accommodate regional differences in
30 customary trade. This proposal represents such a
31 regional modification request.

32
33 So for the Upper Copper River District,
34 some of the harvest history, Federal subsistence fishing
35 permits have been required in the Upper Copper River
36 District since 2002. Table 1 summarizes the number of
37 Federal permits issued, and the reported harvest by
38 subdistrict and species. You can find that in the
39 analysis.

40
41 Only rural residents who reside -- sorry,
42 I skipped down a sentence there. However, a majority of
43 the permits issued and salmon harvested continues to
44 occur under State issued subsistence and personal use
45 permits for the Upper Copper River District.

46
47 To engage in customary trade, subsistence
48 harvested fish must be harvested under Federal
49 regulations and thus would need to be harvested using the
50 Federal permit available for the Upper Copper River

1 District. Subsistence salmon fishing in the Upper Copper
2 River District is well documented, dating back many
3 generations. However, there are no records of the
4 amounts of salmon exchanged in customary trade in the
5 Upper Copper River District, or the amounts of cash
6 involved.

7
8 Historically, there was some level of
9 exchange of traditionally prepared salmon for barter,
10 possibly some more recent exchanges of traditionally
11 prepared salmon for cash, but it's not been documented.
12 So we really don't have a good idea of what that level
13 really is.

14
15 Similar regional modifications were made
16 to the customary trade regulations in the Bristol Bay
17 area last year with similar dollar limits and a
18 requirement that sales with non-rural residents be
19 recorded.

20
21 The proposed language to include a
22 provision that there be no monetary limit for cash sales
23 of salmon between rural residents, currently exists in
24 the statewide customary trade regulations.

25
26 The portion of the proposal that would
27 allow the sales of salmon processed using customary and
28 traditional methods falls outside the Federal subsistence
29 program. Food health issues, including fish processing,
30 are regulated by the State of Alaska. The customary
31 trade regulations do not exempt anyone from complying
32 with State health regulations for processing foods for
33 sale. The portion of the proposed language to allow the
34 sale of processed salmon could mislead users to think
35 that they could sell processed salmon without meeting the
36 required health standards.

37
38 The amount of customary trade occurring
39 in the Upper Copper River District that complies with all
40 applicable regulations is probably only a small portion
41 of the overall practice, taking into account these health
42 regulations. The cash limit would apply only to the
43 customary trade of salmon taken with a Federal permit
44 that complies with health requirements. This would place
45 the burden on users who do not hold the required health
46 permits to record cash exchanges for unprocessed salmon
47 only. Any processed salmon sold would still fall under
48 the current category of an illegal small scale sale,
49 unless the required health regulations were adhered to.

50

1 Without a recording requirement for sales
2 between rural residents, and a limit of no more than 50
3 percent of the annual household harvests of salmon, it
4 would be difficult to monitor or enforce this 50 percent
5 provision.

6
7 There is not a need to include the
8 wording within Federal jurisdiction in the regulatory
9 language since all regulations only apply within waters
10 subject to Federal jurisdiction. Also, using the word
11 catch in regulation could be misleading and a more
12 appropriate term to use would be the harvest of salmon.

13
14 If adopted, there would need to be a
15 focused outreach effort to help avoid further confusing
16 this complex area of regulation. Users would need to
17 understand that allowed customary trade is limited to
18 salmon harvested with a Federal permit, and that
19 remaining within dollar limits, the percentage of harvest
20 and recording exchanges with those other than rural
21 residents does not provide an exemption from the health
22 permit requirements.

23
24 So with that, Mr. Chair, the preliminary
25 conclusion is to support the proposal with modification,
26 and the modifications would be to remove the portion
27 pertaining to no monetary limit for cash sales between
28 rural residents since that's already allowed, and
29 removing the wording that cash sale of salmon processed
30 using customary and traditional methods be allowed, since
31 that really falls outside of the Federal program.

32
33 Thank you, Mr. Chair. I'd be happy to
34 try to answer any questions the Council may have at this
35 time.

36
37 CHAIRMAN LOHSE: Council members, any
38 questions for Jerry.

39
40 MR. SHOWALTER: Yes.

41
42 CHAIRMAN LOHSE: James.

43
44 MR. SHOWALTER: James Showalter. You're
45 indicating on customary and traditional processing of the
46 salmon, and the State's coming along and, well, with
47 regulations say due to health standards. Let's say
48 smoking of salmon. I believe there are some of the
49 regulations, you have to have a certain temperature on
50 the smoking. Well, that is not customary and traditional

1 with the local, wherever the area is. It's a cold smoke,
2 so I believe within that portion there would be a
3 conflict with the State regulations and customary and
4 traditional usage there.

5
6 Thank you.

7
8 CHAIRMAN LOHSE: Thank you, James. I
9 think what Jerry was pointing out was that the only thing
10 that under the Federal program we can limit is things
11 that apply to the Federal program. We can't make
12 exceptions that go in an area that's totally different,
13 like health standards. Now, I think he also pointed out
14 very clearly that most of the salmon exchange that takes
15 place is outside of those health standards right now. I
16 know exactly what you're saying, most -- you can't make
17 dried salmon and meet State health requirements, period.
18 It's almost impossible to. You can, but it's pretty
19 hard. And we know that that's what's traded. But you
20 don't want to -- you can't put it in the record that we
21 can make it legal. We can't make it legal. It's an
22 illegal act that at this point in time nobody's
23 enforcing. But even if we wrote it into the regulations,
24 we would be out of place, because we can't make it legal
25 by writing that into the regulations. Am I write, Jerry,
26 on that?

27
28 MR. BERG: Yes, that's correct, Mr.
29 Chair, that any processed fish could not legally be sold
30 under our program without the State health permits
31 necessary to meet the health standards. So basically the
32 customary trade regulations apply to a fresh whole fish
33 that could be sold. If it's processed in any way, you're
34 required to have State health permits that are in place
35 to protect people from health difficulties.

36
37 CHAIRMAN LOHSE: So what you're saying,
38 Jerry, is even if we wrote it in, we can't make it legal.

39
40 MR. BERG: Yes, that's correct. And
41 that's what was -- that was the -- some of the language
42 that was in the proposal was that the cash sale of salmon
43 processed using customary and traditional methods be
44 allowed, that we can't put that in Federal regulation,
45 because it's a State -- the State health regulations are
46 in place for State health standards, and so we can't get
47 around that. Just by putting it into Federal regulation
48 doesn't get around that fact, so it doesn't -- it
49 wouldn't get us anywhere by putting that in regulation.
50

1 CHAIRMAN LOHSE: Any other questions for
2 Jerry. Fred.

3
4 MR. ELVSAAS: Excuse me. Fred Elvsaas.
5 Okay. So we can't make something legal, why should we
6 bother trying to make it illegal? Let's just leave it
7 alone. You know, that to me is the answer, but it says
8 here, of course, this is in the proposal, the sales of
9 processed salmon using customary and traditional methods
10 be allowed. Now, is the sale customary and traditional,
11 or is it the processing? What does that mean?

12
13 Thank you.

14
15 MR. BERG: Yeah, Mr. Chair, Mr. Elvsaas,
16 the sale of a whole fresh fish would be allowed under the
17 customary trade regulations. But if it's processed in
18 any way, smoked or filleted or dried, canned, then you
19 have to adhere to the State health regulations. And so
20 that's why that portion of the proposal, I've removed
21 that from the modified language. If you read on Page 76
22 and 77, we put language in there with a modification from
23 the proposal that eliminates the wording pertaining to
24 the cash sale of processed salmon. We've removed that
25 from the recommendation.

26
27 CHAIRMAN LOHSE: Thank you, Jerry. Fred,
28 I think exactly -- I think what Jerry's doing is exactly
29 what you were talking about. By not commenting on it one
30 way or the other, you don't make it legal or illegal.
31 And practices will probably continue, but it's up to the
32 State to decide whether they want to prosecute them or
33 not.

34
35 Jerry, is anything to be shared?

36
37 MR. BERG: Yeah. Pete was just reminding
38 me that the Federal program has no jurisdiction over
39 State health regulations. We can't modify those. Those
40 are in place and it is required for any salmon that's
41 sold that it adheres to the health regulations. So --
42 and we can't change that. So to try to put it into our
43 regulation, we just couldn't do that, because we can't
44 change the health regulations. So it can't be sold if
45 it's processed, unless you have this required permits by
46 the State. So that's why we've removed it from the
47 recommended language you see on Page 76 and 77.

48
49 CHAIRMAN LOHSE: Roger. What you're
50 saying is the Federal Government can't give permission

1 for it to be sold outside of State health regulations.
2 It's up to the State to decide whether they want to
3 prosecute on something like that or not.

4
5 MR. BERG: Yes, that's correct.

6
7 CHAIRMAN LOHSE: Any other questions.
8 Any other questions for Jerry.

9
10 (No comments)

11
12 CHAIRMAN LOHSE: If not, we'll go on to
13 Alaska Department of Fish and Game comments.

14
15 MS. SEE: Mr. Chair, members of the
16 Council, I would just like to clarify before I read
17 comments from Fish and Game, that the comments do not
18 include the matter of health standards, because that, in
19 fact, is managed under the Department of Environmental
20 Conservation and the Environmental Health Division, and
21 we don't have a representative from that agency here
22 today. But I'm not in a position to speak to those
23 issues.

24
25 I can say, however, about the proposal
26 itself, on behalf of the Department, that there may be
27 some public testimony offered today to your Council which
28 could be helpful in providing more specific context and
29 historical background regarding this proposal.

30
31 The Department fundamentally does not
32 support regulations authorizing customary trade of salmon
33 where the customary nature and levels of trade have not
34 been demonstrated in the regulatory record. Given the
35 passed adoption of such regulations by the Federal
36 Subsistence Board, however, the State does generally
37 support restrictions in the amount of fish or dollar
38 values allowed to prevent abuse and commercialization of
39 the practice.

40
41 We also note that in this particular
42 proposal, it's unclear how the proposed limits would be
43 assessed, because customary trade between rural residents
44 would not have a reporting requirement. And that was
45 also noted in the Federal Staff analysis.

46
47 That concludes my comments, Mr. Chair.

48
49 CHAIRMAN LOHSE: Any questions for the
50 State.

1 (No comments)

2

3 CHAIRMAN LOHSE: Thank you. I think you
4 make it very clear the separation between the health
5 issues and the conservation issues.

6

7 Other Federal, State or tribal agency
8 comments. Eric.

9

10 MR. VEACH: Mr. Chair, Eric Veach with
11 the National Park Service.

12

13 I just wanted to mention we met with the
14 Village of Chistochina about two weeks ago, and one
15 suggestion that they asked me to bring forward to you at
16 this meeting was they would like to see basically family
17 -- they mentioned family members that may not be rural
18 residents that live in, say, Anchorage or Fairbanks,
19 basically excluded from the monetary limits, so that if
20 they were to sell to say folks that would maybe meet the
21 definition of say second degree kin I guess, and that
22 live in an urban setting that the \$100 limit would not
23 apply to the sales of fish between those family members.

24

25 CHAIRMAN LOHSE: Any questions for Eric.
26 James.

27

28 MR. SHOWALTER: Yes. I've got a question
29 that's kind of been bothering me on rural to non-rural,
30 is it says I believe here, customary trade. Okay. With
31 customary trade, with this \$100 limit annually, it was a
32 customary trade. They just have a real little or nothing
33 dollar value on their trade goods to go that maximum
34 limit. So my question is why is it just \$100.

35

36 Thank you.

37

38 MR. VEACH: I might defer that question
39 to the proponent, but I could give you I think a little
40 bit of insight in that I did work with the proponents
41 that developed this proposal, and originally they had
42 wanted to establish basically -- they didn't want to
43 allow any customary trade, so the dollar value would have
44 been zero. And my recommendation to them was is that the
45 Federal Board probably wouldn't adopt a proposal for no
46 customary trade, because ANILCA does allow for customary
47 trade and so I suggested the \$100 limit so that it would
48 be something the Board would consider.

49

50 MS. STICKWAN: Mr. Chairman.

1 CHAIRMAN LOHSE: Thank you, Eric.
2 Gloria, could you.....
3
4 MS. STICKWAN: We had written this
5 proposal, and there's disagreement about how much or how
6 little we should. There's people said don't sell any
7 fish, and other people said they wanted 5,000 -- I mean,
8 \$500 or \$1,000, so we couldn't really agree on a dollar
9 amount.
10
11 CHAIRMAN LOHSE: Sounds like normal on
12 customary trade.
13
14 (Laughter)
15
16 CHAIRMAN LOHSE: Does that answer your
17 question, James? I think basically from what I read from
18 the proposal is they're more worried about abuses than
19 they are worried about dollars.
20
21 MR. SHOWALTER: Yes, the dollar amount,
22 that's satisfactory, but the trade situation there, trade
23 could be zero dollar value.
24
25 Thank you.
26
27 CHAIRMAN LOHSE: Okay. Any other
28 comments.
29
30 (No comments)
31
32 CHAIRMAN LOHSE: With that, no comments
33 for Eric, no questions for Eric, we'll go on to Inter
34 Agency Staff Committee comments. And I think the Inter
35 Agency Staff Committee told us that they concurred with
36 what was written before.
37
38 MR. GERHARD: That's correct.
39
40 CHAIRMAN LOHSE: Thank you, Bob. So they
41 have nothing additional to add to that.
42
43 Fish and game advisory committee
44 comments. Do we have any fish and game advisory
45 committee comments, Donald.
46
47 MR. MIKE: None. We have one written
48 public comment on page 78 of your Council books.
49
50 CHAIRMAN LOHSE: We have a written public

1 comment?

2

3

MR. MIKE: Yes. The Ahtna.....

4

5

CHAIRMAN LOHSE: Page 78.

6

7

MR. MIKE: The Ahtna Subsistence Committee supports Proposal 13 to establish limits on the amount of customary trade allowed in the Copper River District. We support customary trade for salmon among rural residents without a limit on the amount of cash, as long as 50 percent of the annual catch is kept by the household. We support customary trade with a cash value that does not to exceed \$100 between rural residents and non-residents, to allow no more than 50 percent of the annual catch to be sold, and to have the seller be responsible to keep a customary trade record keeping form.

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50

And the Wrangell-St. Elias SRC coordinator will present their recommendation on the proposal.

CHAIRMAN LOHSE: Donald, did you say the Wrangell Mountain SRC supported that proposal?

MR. MIKE: Yes. The coordinator will present a summary of their recommendation.

CHAIRMAN LOHSE: Okay. Thank you.

MS. CELLARIUS: Mr. Chair, my name is Barbara Cellarius. I'm the subsistence coordinator for Wrangell-St. Elias National Park and Preserve, and as such I provide staff support for the Wrangell-St. Elias Subsistence Resource Commission. If anybody has questions about what that is, I can explain that.

But on this proposal, the Wrangell-St. Elias National Park Subsistence Resource Commission unanimously supports the proposal with modification. The Commission voted to amend the proposal as follows. First, the monetary limit on customary trade between urban and rural residents would be increased from 100 to \$500. Second, a reporting requirement should apply to customary trade between rural residents as well as between urban and rural residents.

The \$100 limit on customary trade with urban residents unnecessarily restricts customary trade,

1 and thus a \$500 limit would better allow the continuation
2 of customary trade by subsistence users.

3
4 The reporting requirement on customary
5 trade with rural as well as urban residents will help to
6 develop baseline information on the extent and nature of
7 customary trade that takes place.

8
9 Additionally, the SRC voted unanimously
10 to recommend to the Federal Subsistence Board that a
11 study be initiated of the current and historic level of
12 customary trade. They feel that additional information
13 on this practice is needed, and that this information
14 would be use to them in decision making.

15
16 That concludes their comments. If there
17 are any questions I can try to answer them.

18
19 CHAIRMAN LOHSE: Thank you. Any
20 questions for Barbara.

21
22 (No comments)

23
24 CHAIRMAN LOHSE: And this is from the
25 SRC, right?

26
27 MS. CELLARIUS: Yes, that's from the SRC,
28 which is a body of nine subsistence users from in and
29 around the park who advise the park on subsistence
30 issues.

31
32 CHAIRMAN LOHSE: Okay. If no questions,
33 thank you. Okay. Public testimony we've already had.
34 So we have now the opportunity -- Donald.

35
36 MR. MIKE: The Eastern Interior Council
37 recommendation on Proposal 13 is support Staff
38 recommendation with the approval of the Southcentral
39 Regional Council. And their justification, support the
40 genera concept. Thank you, Mr. Chair.

41
42 CHAIRMAN LOHSE: Who was that from,
43 Donald?

44
45 MR. MIKE: The Eastern Interior Regional
46 Advisory Council.

47
48 CHAIRMAN LOHSE: Oh, Eastern Interior.
49 Okay.

50

1 Now, I've got -- the testimony request
2 forms, are they for this proposal, Donald? They don't
3 have a proposal that they wish to speak to on it. Did I
4 miss something here? Donna and Rebecca.

5
6 (No comments)

7
8 CHAIRMAN LOHSE: Okay. So, Donna.

9
10 MS. PENNINGTON: Thank you, Mr. Chairman.
11 My name is Donna Pennington. I'm on the Ahtna Board of
12 Directors.

13
14 I wasn't on the working group that
15 produced this proposal, but since it was drafted, I have
16 taken it and spoken with other elders and subsistence
17 users all up and down the Copper River, all the way to
18 Batzulnetas, and after further discussion, we had to
19 change our position.

20
21 We agree some form of regulation is
22 required per ANILCA to prevent the abuse of subsistence
23 salmon sales, and to prevent it from becoming commercial.
24 However, this proposal has to protect the poorest of the
25 salmon users, and that's the subsistence user. Sometimes
26 subsistence salmon is survival salmon for these people.
27 Although we only use salmon for subsistence use,
28 sometimes part of subsisting is selling labor or dried
29 fish or berries, or fish to get the increasingly
30 expensive non-food items, the necessities such as gas,
31 oil, transportation costs.

32
33 Being restricted to selling only \$100 in
34 salmon restricts the subsistence user to become the
35 lawbreaker, should they be depending on selling a little
36 more fish to make ends meet. Changing the \$100 annual
37 amount to 500 would provide the leeway for these people
38 who need it the most to be able to sell part of their
39 salmon to cover their basic, but expensive necessities.
40 Just building a fishwheel costs a lot more -- costs more
41 than some people can pay in cash. One needs to get gas
42 to get there. For example, the Mentasta people, we
43 travel 35 miles one way to get to our fish wheel. One
44 way.

45
46 There's no impact on the amount of salmon
47 taken by the subsistence user as compared to that taken
48 -- the allowances taken by the commercial users over all.
49 There are, according to Mr. Veach, approximately 250 fish
50 wheels on the river, on the Copper River. If all of them

1 -- this is a far stretch, but if all of them sold \$500
2 worth of fish, you're only talking about at the most
3 \$125,000. For the whole river.

4
5 With the cost of inflation, \$100 doesn't
6 go very far.

7
8 But there is a negative impact on the
9 rural salmon users who customarily trade with those who
10 can afford it. Urban -- rural to rural trade, sometimes
11 the subsistence users don't have the spare cash to buy
12 another person's subsistence food. And we have to bring
13 it to where there is the money, and a lot of times it's
14 here in Anchorage. I have a sister who sells fish, and
15 it's to a family -- I'm glad that point was brought up,
16 because it was to a family member, but she's my great
17 aunt who lives in Anchorage. Elderly, disabled, no way
18 to get fish, but Judy -- my sister cannot be just giving
19 it to her. She has to sell to make ends meet with her
20 expenses. So the sale takes place with someone who can
21 afford it, the urban user.

22
23 These are not in amounts that would ever
24 compete with commercial interests on the sale of salmon.

25
26 Other impacts include the additional
27 paperwork, recording requirements that the subsistence
28 users must face, with the threat of penalties for
29 noncompliance. Again, borne by the poorest user in this
30 state.

31
32 Placing a low limit will not deter the
33 abuser at all from the sale of salmon, but rather
34 encourages them technically to not report their sales.
35 There will be abuses. There's always abuses, but it's
36 not by the person just trying to just feed his family.

37
38 Both types of transactions, sales to
39 rural or urban residents, are unenforceable. No thought
40 has gone into how it will be enforced, who the regulation
41 is intended to restrict. Again, tying the hands of the
42 poorest as they face what's sometimes just a daily
43 struggle to survive.

44
45 Another point is that the value of salmon
46 is versatile, changing daily, and changing value as it is
47 packaged or smoked. But in this case I'm only talking
48 about raw salmon. How does one determine the value being
49 exchanged for cash? Must every subsistence user own a
50 scale if the value is determined by pound? If exchanged

1 for non-cash items, is the value lower or higher? If
2 it's exchanged for other fish or labor or berries.
3 There's no way to establish a value on it.

4
5 Until more research is done and these
6 questions are answered, establishing a limit just to
7 clarify significant commercial enterprises in ANILCA is
8 harmful to those who depend on customary trade in the
9 Ahtna region. There are no baseline figures to determine
10 the current levels of C&T usage, so I personally object
11 to just establish -- placing a figure in there, or a
12 dollar amount without any C&T baseline figures.

13
14 A point I'd made when I testified before
15 the SRC, and I'd still like to make it now is, for
16 example, to trade for labor. Say I need to get my six-
17 wheeler tuned up. My mechanic charges me \$30 an hour,
18 but he'll take one fish. Does it make it a \$30 fish?
19 How am I determining value? And it's confusing to the
20 subsistence user. And I'm educated person. What if --
21 we have elders out there who don't understand why this is
22 being done. A lot of people don't agree to selling
23 salmon. But there are people who depend on it for
24 livelihood.

25
26 And I'll gladly answer any questions.

27
28 CHAIRMAN LOHSE: Any questions for Donna.
29 James.

30
31 MR. SHOWALTER: Yes. James Showalter. I
32 agree with, you know, this trade and barter. How do you
33 put a value on that, other than the existing money market
34 today, because whereas you had something I want, and I've
35 got something you want, well, that's a trade and barter.

36
37 MS. PENNINGTON: Uh-huh.

38
39 MR. SHOWALTER: So how do we define a
40 value on that. So right now I would say we can't really
41 put a value on that, because we're not dealing barter.
42 Are you bartering for a greenback dollar or are you
43 bartering for something else.

44
45 That's my question. Thank you.

46
47 MS. PENNINGTON: Well, sometimes you need
48 non-cash items. I could barter for gas. But I tell you
49 what, the price of fish, if we have to go by what the
50 Anchorage current prices are, I had a salmon the other

1 day at a restaurant. It cost me \$29 for a little sliver.
2 Twenty-nine bucks for a little sliver, so that means that
3 salmon's worth 300 bucks a pound? Where is my baseline
4 for value. Where do I begin? And I don't like to put
5 that in without studying it. Really, I don't know how to
6 answer your question.

7
8 CHAIRMAN LOHSE: So, Donna, if I
9 understand correctly, this proposal as it was submitted
10 by Ahtna, you don't agree with then?

11
12 MS. PENNINGTON: Oh, we just want to
13 increase it to \$500 so that until our baseline studies
14 are completed and all that.

15
16 CHAIRMAN LOHSE: Oh, okay.

17
18 MS. PENNINGTON: That we're not just
19 penalize the poorest person by restricting that person to
20 \$100 sale.

21
22 CHAIRMAN LOHSE: Okay.

23
24 MS. PENNINGTON: As I said, it does not
25 begin to compete with commercial interests.

26
27 CHAIRMAN LOHSE: So your suggestion would
28 be just to increase the limit to \$500 instead of to \$100?

29
30 MS. PENNINGTON: Yes. Uh-huh.

31
32 CHAIRMAN LOHSE: Like the SRC.

33
34 MS. PENNINGTON: Yes.

35
36 CHAIRMAN LOHSE: Okay.

37
38 MS. PENNINGTON: I'd like to think it was
39 based on my testimony to the SRC.

40
41 CHAIRMAN LOHSE: Fred.

42
43 MR. ELVSAAS: Yeah. Excuse me. I'm Fred
44 Elvsaas. But you support the 50 percent provision?

45
46 MS. PENNINGTON: Uh-huh.

47
48 MR. ELVSAAS: Yeah. I think that's very
49 important.

50

1 MS. PENNINGTON: Yes.
2
3 MR. ELVSAAS: And I have to agree with
4 Mr. Showalter that putting this dollar value is a real
5 tough one, because, you know, by the time this is
6 enacted, and we've got \$4 gasoline, and your \$300 fish is
7 a \$600 fish.
8
9 MS. PENNINGTON: Uh-huh.
10
11 MR. ELVSAAS: And we're going to cast
12 this in stone. So I have a hard time with any dollar
13 values myself. But if your request is for \$500, I could
14 support that. But I would like to see the 50 percent
15 remain.
16
17 MS. PENNINGTON: Mr. Chairman, if I may,
18 we do agree that regulation is required, you know.
19
20 CHAIRMAN LOHSE: Reporting?
21
22 MS. PENNINGTON: We don't -- yes, we
23 don't want to see the abuses either.
24
25 CHAIRMAN LOHSE: Okay. That was the next
26 question I was going to ask you. You support the SRC's
27 proposal that record keeping be put in place?
28
29 MS. PENNINGTON: Yes, I agree, but as I
30 testified, it places the burden again on the poorest
31 person. A lot of our subsistence users still aren't as
32 literate, and there's just expenses and other things that
33 haven't been thought out on the reporting.
34
35 CHAIRMAN LOHSE: Do you feel like between
36 the village councils and stuff like that you have enough
37 education and people to help the people who don't.
38
39 MS. PENNINGTON: Yes.
40
41 CHAIRMAN LOHSE: I mean, between the
42 programs that you have, that you would be able to help
43 them to comply?
44
45 MS. PENNINGTON: Yes, we do our best to
46 do that. However, if there's people who don't come to us
47 for assistance and then are out of compliance, we can't
48 step in and defend them.
49
50 CHAIRMAN LOHSE: Right. Well, that's

1 true all the time. But you have a program available
2 where you have people available to help these people.....

3
4 MS. PENNINGTON: Yes. Yes, we do.

5
6 CHAIRMAN LOHSE:with things that
7 they don't understand.

8
9 MS. PENNINGTON: Yes, we do.

10
11 CHAIRMAN LOHSE: Okay. Any other
12 questions for Donna.

13
14 MS. PENNINGTON: Thank you for your time.

15
16 CHAIRMAN LOHSE: Oops, got one right
17 here. Dean.

18
19 MS. PENNINGTON: Dean.

20
21 MR. WILSON: I've got one for you. Dean
22 Wilson. Since you were talking with, you know, Ahtna,
23 CRNA and some of the folks there, has there been any talk
24 at all about any abuses up to this point that anybody's
25 aware of?

26
27 MS. PENNINGTON: No, not specific names
28 of anything, but what there -- one of the people I talked
29 to is afraid that they may be considered an abuser,
30 because they've already exceeded that \$100 limit, you
31 know. So they're -- the subsistence user is -- we're
32 trying to make this work, because we don't want to lose
33 any of our subsistence rights, so the person who's
34 actually operating under a subsistence permit is very
35 diligent about, you know, how they process, how they
36 work, how they, you know, and to report it, that wouldn't
37 be another problem. I guess I lost track of what your
38 question was, but.....

39
40 MR. WILSON: I'm just.....

41
42 MS. DOWNING: Your microphone.

43
44 MR. WILSON: Got it on now. I'm just
45 curious whether or not there's been any abuses that
46 anybody's aware of up until now. I guess I should have
47 asked the last folks also that were up here with the
48 agencies, but, yeah, I haven't heard anything either.

49
50 MS. PENNINGTON: We haven't heard of any

1 specific abuses, but we're afraid of them, too, you know.
2 One abuser ruins the program for everyone.

3
4 CHAIRMAN LOHSE: Yeah, Donna, that's what
5 I was -- that was one of my next questions that I was
6 going to ask you is, you know, along with the fact that
7 you're capable of helping those that need help in
8 complying with this, and the fact that somebody did
9 something in the past doesn't -- you know, nothing is
10 ever retroactive. It's always into the future. But at
11 the same time you folks are on the river, and you're in
12 the area. A lot of the fear for abusers, and I know
13 that's one of the reasons Ahtna put in it, is not so much
14 for the Ahtna people, it's for somebody who might come
15 from some place else and abuse it and then make a rotten
16 apple for them.

17
18 MS. PENNINGTON: Yes.

19
20 CHAIRMAN LOHSE: When you say you're not
21 -- when you're not aware of any abuses, I realize that
22 that's among the Ahtna people. But have you seen any
23 abuses from outsiders, I'll put it -- I'll just use that
24 word for lack of a better way of putting it, that would
25 make you think that something like this needs to be put
26 into effect?

27
28 MS. PENNINGTON: To be honest with you,
29 Mr. Chairman, I have been to Chitina during the season.

30
31 CHAIRMAN LOHSE: So have I.

32
33 MS. PENNINGTON: There's abuses, okay.
34 But they're not by the people that I know that depend on
35 fish for survival.

36
37 CHAIRMAN LOHSE: Right.

38
39 MS. PENNINGTON: They're abuses from
40 outside of our region. And, you know, in defense of
41 Chitina, it's really hard for that Council to defend
42 their lands, and clean up after all the abuses have gone.
43 So, you know, not being a person who patrols it, I know
44 they occur. I just can't specifically state any.

45
46 CHAIRMAN LOHSE: I think any of us that
47 have been there at that time of the year have seen the
48 same thing.

49
50 MS. PENNINGTON: Yes.

1 CHAIRMAN LOHSE: So any other questions
2 for Donna.
3
4 (No comments)
5
6 MS. PENNINGTON: Thank you.
7
8 CHAIRMAN LOHSE: Thank you. I don't
9 think we have any other public testimony on the docket.
10
11 Barbara, did you have something you
12 wanted to add?
13
14 MS. CELLARIUS: Please, with your
15 permission.
16
17 CHAIRMAN LOHSE: You have my permission.
18 We'll like to get anything we can get.
19
20 MS. CELLARIUS: Mr. Chair, what I'm
21 hearing in your discussion, I think there might be a
22 little confusion. What we're talking about here with
23 customary trade is a cash sale. When Donna's sister
24 sells her great aunt some fish and there's exchange of
25 dollars. Those are the dollars that would be counted
26 that would need to be recorded that would be subject to
27 regulation.
28
29 If Donna gives someone a fish to tune up
30 her six-wheeler, that's called barter. And that would
31 not be counted. So there's not going to be a need to try
32 to make this subjective judgment, what price do we
33 charge. The only with customary trade that would be
34 counted is when there's actually an exchange of dollars.
35
36 CHAIRMAN LOHSE: Thank you, Barbara.
37 That was one of the things that I'd planned on
38 explaining, is that nothing that's gone -- if you trade
39 for moose meat, if you trade for gas, if you trade for
40 work on your snow machine, it doesn't count towards that
41 \$500. Okay.
42
43 With that, we don't have any more
44 testimony. What time have we got? 11:30. We have
45 plenty of time for the Council to put this on the table
46 and have some deliberations and recommendations on it, so
47 a motion is in order to put Proposal 13 on the table.
48 And again we can put it on the table, either modified or
49 unmodified. We can make amendments or not make
50 amendments in the future to it, so do I hear a motion to

1 put Proposal 13 on the table.
2
3 MR. SHOWALTER: So move. James
4 Showalter, so move.
5
6 CHAIRMAN LOHSE: And are you putting it
7 on as recommended by Staff or as originated by Ahtna?
8
9 MR. SHOWALTER: With the addition of that
10 \$500 from \$100 and the recommendations, yes.
11
12 CHAIRMAN LOHSE: And the recommendations
13 of the Staff for the part that needs to be removed.
14
15 MR. SHOWALTER: (Nods affirmatively)
16
17 CHAIRMAN LOHSE: Okay. Do I hear a
18 second.
19
20 MR. ELVSAAS: I will second that.
21
22 CHAIRMAN LOHSE: Okay. So if I
23 understand correct, basically what you're doing is
24 supporting the SRC's position on this then. Gloria.
25
26 MS. STICKWAN: There was -- they wanted
27 to have research done for historic uses.....
28
29 CHAIRMAN LOHSE: Right.
30
31 MS. STICKWAN:and current uses as
32 well.
33
34 CHAIRMAN LOHSE: Yeah. I don't think we
35 can put that as part of the proposal. That's something
36 that we can request, because that's not a law. That's,
37 you know, not a regulation that they do research. The
38 record keeping part can be part of the regulation, but
39 the research part is something we have to request that
40 they do, because that's dependent on funding.
41
42 And somebody can correct me if I'm wrong
43 on that from out there. Is Bob here? No. I don't think
44 that we can put a request for research into the
45 regulation.
46
47 MR. PROBASCO: No.
48
49 CHAIRMAN LOHSE: We can put record
50 keeping into it, and we can request research, but it

1 can't be part of the regulation.

2

3 MR. PROBASCO: That's correct.

4

5 CHAIRMAN LOHSE: Okay. So basically what
6 we have in front of us then is the proposal as modified
7 by the Staff and SRC, to increase the limit to \$500, and
8 to drop the cash sale of salmon processed using customary
9 and traditional methods, because we can't do anything
10 about that.

11

12 MS. WELLS: Mr. Chair.

13

14 CHAIRMAN LOHSE: Yes.

15

16 MS. WELLS: So am I correct in thinking
17 that the proposal that we're really looking at is on Page
18 76, the one that has been modified.

19

20 CHAIRMAN LOHSE: Yep.

21

22 MS. WELLS: So that's what's before us.

23

24 CHAIRMAN LOHSE: Except that the \$100 is
25 modified to \$500.

26

27 MS. WELLS: I think it's there.

28

29 CHAIRMAN LOHSE: No, it's not on this one
30 here. This is the modified proposal, on Page 76 is the
31 modified proposal, but the \$100 has not been changed.
32 Barbara.

33

34 MS. CELLARIUS: Mr. Chair, the SRC made
35 two modifications. I don't know whether you want to
36 accept both of them.

37

38 CHAIRMAN LOHSE: The record keeping.

39

40 MS. CELLARIUS: One was the record
41 keeping, the other was the \$500 limit.

42

43 CHAIRMAN LOHSE: Uh-huh. Yeah. And
44 that's what I understand what the motion on the table is,
45 am I correct on that? So if we look on page -- makers of
46 the motion, if we look at Page 76 -- and that, Barbara,
47 was including between rural residents, wasn't it?

48

49 MS. CELLARIUS: Yes.

50

1 CHAIRMAN LOHSE: Yes. If we look on Page
2 76, we have Upper Copper River, the total number of
3 salmon per household taken within the Copper River
4 District and exchanged in customary trade to rural
5 residents may not exceed 50 percent of the annual harvest
6 of salmon by the household. These customary trade sales
7 must be immediately recorded on a customary trade record
8 keeping form. Am I correct in that right there. The
9 other, Upper Copper River District, the total cash sales
10 of salmon per household taken within the Upper Copper
11 River District and exchanged in customary trade between
12 rural residents and individuals other than rural
13 residents may not exceed, and your proposal is \$500,
14 James?

15
16 MR. SHOWALTER: Yes.

17
18 CHAIRMAN LOHSE: \$500 annually, and no
19 more than 50 percent of the annual household harvest may
20 be sold. These customary trade sales must be immediately
21 recorded on a customary trade record keeping form. The
22 recording requirement and responsibility to ensure the
23 household limit is not exceeded rests with the seller.

24
25 And, see, there is no limit on the other
26 one, so we don't need that part in that part there. So
27 is that -- that is the motion that you have on the table,
28 right? Am I correct on that, James?

29
30 MR. SHOWALTER: Yes. That's correct.

31
32 CHAIRMAN LOHSE: Okay. And that's
33 understood by the second?

34
35 MR. ELVSAAS: Yes.

36
37 CHAIRMAN LOHSE: Okay. Okay. Now we're
38 up for deliberation, recommendation and justification.
39 Tom.

40
41 MR. CARPENTER: I have a couple of
42 questions. On page 77 where it says that the sales, and
43 I understand it's been changed to \$500, that's what the
44 intent of the motion was. If the total sale can only be
45 \$500, why do we have to have the language in there that
46 says are no more than 50 percent? I mean, \$500 is not
47 that many fish. Why do we have to have the language in
48 there that says are no more than 50 percent if we have a
49 dollar value? I mean, if somebody wants to sell their
50 fish for 25 cents a pound, they have every right to, but

1 I don't think that that's really what's going to happen.

2

3 And the second question that I had, let
4 me find my notes here. I believe, and I'm considering an
5 amendment, that all transactions to rural residents and
6 non-rural residents, there should be a reporting
7 requirement for this. I mean, we're talking about doing
8 something here that we have absolutely no data line on.
9 There's absolutely no historical data in regards to
10 values, in regards to dollar values that's been sold in
11 the past, in regards to, you know, second degree kin. I
12 mean, this is really a new area here, and I think we need
13 to be pretty cautious. That's just a comment I had.

14

15 CHAIRMAN LOHSE: Tom, in answer to both
16 of our questions, that's I think what the SRC saw, and
17 that's why they included the fact that there had to be
18 record keeping and recording on it for both of them, for
19 both the rural -- and that's part of the motion on the
20 table right now.

21

22 MR. CARPENTER: Okay.

23

24 CHAIRMAN LOHSE: And as being person that
25 sat in on that 50 percent, we realize that the 50 percent
26 thing is -- would be a hard thing to enforce, but the
27 idea behind the folks that put that in was the idea that
28 it showed that the first thing for subsistence is you are
29 taking it for your own household, and you shouldn't sell
30 more than 50 percent of what you took. It's not
31 something that can be enforced, but it sets a tone, a
32 precedent. In other words, you're not in this for
33 commercial sales, but you are taking some of your
34 surplus, you're keeping some for yourself and taking some
35 of your surplus for sale. Otherwise you could just go
36 put your fishwheel in and, I don't like fish, but I want
37 to sell my \$500 worth. This way you have to at least say
38 I'm taking it for my family, and I have a surplus I can
39 sell. And I recognize your hesitancy with it, because
40 it's totally unenforceable. But it does set a tone.

41

42 And with the dollar value, like you say,
43 if anybody takes any amount of fish, they're not going to
44 sell 50 percent of them. Tom.

45

46 MR. CARPENTER: I guess just one more
47 point. I think, you know, getting back to a statement I
48 made earlier, the intent from the originator was \$100.
49 These are the people that live in that area. They came
50 up with this value. They discussed this between

1 themselves. You know, we're here to put a value on a
2 resource. I think we need to take into consideration
3 what the originator came up with. We put a proposal on
4 the table here that's modified the dollar value I believe
5 without taking into consideration what the originator and
6 the people in that region had thought about and talked
7 about to come up with this proposal, so personally I'm
8 against this proposal the way it's written, and I'm not
9 going to support it.

10

11 MS. WELLS: Mr. Chair, I believe we heard
12 testimony from a board member from Ahtna who after this
13 proposal was written went back and talked to the people
14 in her area, and after further consideration brought
15 forth to us the need to increase that amount to \$500.
16 And also acknowledged the need of proper recording,
17 limits, the 50 percent limits to protect abuses -- or
18 keep from abuses. There was a concern from all of the
19 people in the area that she spoke about of abuses, the
20 necessity of making sure that we curtail those.

21

22 I would agree with the 500 because of the
23 testimony that was brought forward, and the need of the
24 people there. And because they are one of the
25 originators, I think that that has been addressed to us.

26

27 CHAIRMAN LOHSE: Thank you, Susan.
28 Gloria.

29

30 MS. STICKWAN: I just want to state that
31 when this proposal was written, it was passed by the full
32 committee, and then some people went back I think and
33 reread the proposal and then changed their mind
34 afterwards, so that was why it was changed to 500. And
35 it just all depends on who you talk to. There's
36 different people who say don't sell fish at all. Several
37 people said \$1,000 should be the limit, and, you know, it
38 just changes with whoever you talk to.

39

40 CHAIRMAN LOHSE: Thank you, Gloria. I
41 think that we find that in everything, that, you know,
42 it's hard to get unanimous agreement on anything.

43

44 Tom.

45

46 MR. CARPENTER: Thank you. I think that
47 was the point I was trying to make, is that we heard
48 today from a representative of Ahtna. The proposal was
49 put in by Ahtna, the Copper River Native Association, and
50 the Chitina Corporation. You know, we're talking about

1 three entities of people there that came up with an
2 original proposal. We've only heard from one of the
3 three at this meeting that's testified that the values
4 out to have been changed. I have a hard time changing
5 what the originator of a proposal has written when only
6 one-third of those people have come to us and said that
7 this is the views, and this is why we want to change
8 them. That's just what I'm hearing. If CRNA and the
9 Chitina Native Corporation would have also come, or would
10 have written testimony that said we went back and
11 rethought this, and we believe that the value ought to be
12 500, I would take that into consideration, because all
13 three of them have come forward. But I just have a hard
14 time changing something when, you know, only a small
15 percentage of the originators is here to testify to that.

16

MS. WELLS: Mr. Chair.

17

MS. LOHSE: Can I come forward, please?

18

19

CHAIRMAN LOHSE: Lonnie.

20

21

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MS. LOHSE: Hi, I'm Lonita Lohse. I'm
Ralph Lohse's sister-in-law in case anybody's wondering,
and I'm with the Chitina Native Corporation, and the
Chitina Native Corporation supports the \$500.

MS. PENNINGTON: Mr. Chairman.

CHAIRMAN LOHSE: Donna, would you like to
speak again.

MS. PENNINGTON: Thank you, Mr. Chairman.
I just want to clarify that the three people on the
proposal all testified before the SRC, and all three were
represented there and then the SRC carried our opinions
forward. And so we have a person from Chitina and
myself. The only one not present is CRNA.

MR. CARPENTER: Thank you.

CHAIRMAN LOHSE: Thank you. Any other
questions for Donna?

(No comments)

CHAIRMAN LOHSE: Thank you.

MS. PENNINGTON: Thank you.

1 CHAIRMAN LOHSE: Does that kind of answer
2 some of your questions on that, Tom? I understand your
3 concerns on it.

4
5 MR. CARPENTER: Yeah. I mean, like I
6 said, I just had a hard time -- I have a hard time
7 changing proposals without the people that originated the
8 proposal having come to us and said, this is why we want
9 to change our original intent. And I think we've heard
10 that there is some consensus there, and I feel a little
11 bit more comfortable with it. Thanks.

12
13 CHAIRMAN LOHSE: Thank you, Tom. Any
14 other discussion, deliberation.

15
16 (No comments)

17
18 CHAIRMAN LOHSE: Well, I think we've made
19 some progress on this one here. I'm real happy to see
20 that everybody recognizes the fact that there's potential
21 for abuse and that we need some recording requirements
22 when we do something as broad as this is. And I'm glad
23 to see that that came directly from the users themselves,
24 because that's one of the things we've had hesitancy in
25 the past on.

26
27 I think that the part that was brought up
28 on the health issues, you know, just needs to be
29 recognized that no matter what we do, we can't make
30 something legal that's illegal under State law. And it
31 was brought up all through the customary trade thing that
32 we all know that fish is traded in that way, because
33 that's the traditional way to use it. It's going to
34 behoove the people who do it to be extra careful, because
35 all it's going to take is one big disease outbreak or
36 something like that, and all of a sudden the state will
37 have no choice but to step in. Up to this point in time
38 it hasn't had to do that, because it's been small scale,
39 and it's been between people who are related to each
40 other, and there hasn't been any big health problem with
41 it. But about the time it got to be large scale or it
42 extended into the towns, and there was a big health
43 problem, it wouldn't matter what we did, somebody's going
44 to step in there. So I think that that's one thing that
45 you need to take back to your people, the responsibility
46 that, you know, to do this in a method that doesn't cause
47 more regulations to come in place.

48
49 With that, I haven't got anything more to
50 say on it. If nobody else has anything to say, the

1 question's in order.

2

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

4

5 MR. SHOWALTER: Question.

6

7 CHAIRMAN LOHSE: The question's been
8 called on the motion as modified, and I've read the
9 motion once before. Do I have to read it again? No.
10 We're on the record. Basics things on this motion is
11 there will be a recording requirement, and it's \$500
12 annually. So with that in mind, all in favor signify by
13 saying aye.

14

15 IN UNISON: Aye.

16

17 CHAIRMAN LOHSE: All opposed signify by
18 saying nay.

19

20 (No opposing votes)

21

22 CHAIRMAN LOHSE: Motion carries. And
23 with that we are going to recess until 1:00 o'clock. We
24 have a report at 1:00 o'clock, unless somebody else has
25 something they -- Gloria.

26

27 MS. STICKWAN: Could we make that
28 recommendation that.....

29

30 CHAIRMAN LOHSE: What?

31

32 MS. STICKWAN: Could we recommend to the
33 subsistence management that research be done.

34

35 CHAIRMAN LOHSE: Oh, yes, I think that's
36 a real good idea. Gloria, would you like to make -- let's
37 see, what do we call that now. That's just a
38 recommendation, isn't it. A resolution. A resolution.
39 Would you like to propose a resolution that we recommend
40 to the Board that they institute some research on
41 customary trade amounts on the Copper River?

42

43 MS. STICKWAN: Yeah, you said it. That's
44 good.

45

46 CHAIRMAN LOHSE: Okay. I said it, that's
47 good. Okay. Gloria makes the motion for the resolution.

48

49 MS. WELLS: And I would second that.

50 Susan Wells.

1 CHAIRMAN LOHSE: And we heard a second
2 from Susan. Again, this is not regulation, this is just
3 something we're making a resolution to the Board that
4 they institute some research into customary trade amounts
5 on the Copper River. Any discussion.

6
7 (No comments)

8
9 CHAIRMAN LOHSE: Hearing none, the
10 question is in order.

11
12 MS. WELLS: Question.

13
14 CHAIRMAN LOHSE: The question's been
15 called. All in favor signify by saying aye.

16
17 IN UNISON: Aye.

18
19 CHAIRMAN LOHSE: All opposed signify by
20 saying nay.

21
22 (No opposing votes)

23
24 CHAIRMAN LOHSE: Motion carries. With
25 that, we will now recess until 1:00 o'clock. Maybe we
26 better recess until -- everybody's got to go some place.
27 Let's recess until 1:15. So that gives everybody a
28 little bit more chance to go find some food and get home
29 and stuff like that.

30
31 (Off record)

32
33 (On record)

34
35 CHAIRMAN LOHSE: Okay. We'll call this.

36
37 MS. DOWNING: Microphone.

38
39 CHAIRMAN LOHSE: That's what I get for
40 borrowing your gavel.

41
42 (Laughter)

43
44 CHAIRMAN LOHSE: We'll call this fall
45 meeting of the Southcentral Regional Subsistence Advisory
46 Council back into session.

47
48 And we're going to start with a report on
49 Cook Inlet area Federal subsistence fisheries proposed
50 next steps, and harvest assessment, and then we'll go on

1 to a proposal from Cook Inlet. And I believe Pete's
2 going to be presenting it to us, right?

3
4 MR. PROBASCO: Well, Mr. Chair, thank
5 you. I will start out. The meat of the subject, if you
6 will, will be presented by Pat, but I thought it would be
7 important that we bring that Council back in time to help
8 us focus why we're here. I think it's important to
9 emphasize that this presentation will focus strictly on
10 the Cook Inlet area, and this hopefully will help in the
11 future outline steps as we consider future subsistence
12 regulations, proposals before the Council as they address
13 salmon, Dolly Varden, trout, grayling, burbot and char.

14
15 There is a written briefing in your
16 booklet that's on Page 51, and what I will do is just
17 pick out the highlights from that briefing, and there's
18 more detail in that briefing to assist you, and then plus
19 Pat will give you the details of the study.

20
21 As you recall, Mr. Chair, back in 2001,
22 consideration of customary and traditional use
23 determinations were deferred. And the purpose of that
24 deferral was that as we got into proposals, it became
25 very evident in the Cook Inlet area that a lot of the
26 information needed for the Council and subsequently the
27 board to make decisions was not there. If you recall,
28 back in 1952 the subsistence fisheries in this area were
29 restricted or closed, and since then there's no basis to
30 establish subsistence regulations.

31
32 When the Federal program game into
33 managing Federal waters, Federal jurisdiction on
34 subsistence fisheries, we had State subsistence fisheries
35 to work from, to use as a baseline in establishing our
36 regulations. Well, that was not true for Cook Inlet.
37 There were not subsistence fisheries to establish our
38 baselines for fresh waters, and subsequently as we worked
39 through our program, and it became evident in 2001, the
40 information was not there to make the decisions that were
41 needed.

42
43 So after 2001 the Council, working with
44 the Board, working with the Office of Subsistence
45 Management, had this concept that we need to collect the
46 information, and that's where Pat's going to come in and
47 present you the results of that study that was done with
48 the Alaska Department of Fish and Game. They were the
49 lead in conducting this study, Dr. Fall, and Pat's report
50 or oral report will go over that.

1 As you also recall, that there are some
2 proposals that the Board has deferred since 2001,
3 specifically Proposals 02-11 through 02-14, and those
4 proposals are deferred. And what we're going to do with
5 those proposals is go back to the proponent, contact
6 them, and see if they want to be resubmitted for this
7 next cycle of fishery proposals.

8
9 Also another point is that since 2001 as
10 far as funding for proposals for consideration under the
11 monitoring program, those, too, have been deferred. And
12 so consequently those will be up for consideration.

13
14 Our next steps, as outlined, Proposals 11
15 through 14, we'll get back with the proponents to see if
16 those will move forward. New subsistence fishery
17 proposals for the Cook Inlet area will be accepted during
18 the 2006/2007 regulatory cycle, which will be your winter
19 meetings. And your window to submit those proposals will
20 be January and March.

21
22 And then the decision to consider new
23 research proposals, you'll have Doug McBride up here
24 giving you the status report later on, will be made prior
25 to the 2007 fisheries resource monitoring program. And
26 the window for submitting these proposals for research
27 studies, keep in mind you just did a resolution, will be
28 November 2005 through January 2006.

29
30 So, Mr. Chair, with that, that's a brief
31 outline to hopefully bring you up to speed from 2001, why
32 we're here before you, and with your concurrence, I'll
33 turn the mike over to Pat, and she'll give you the
34 details of this study, Mr. Chair.

35
36 CHAIRMAN LOHSE: Unless anybody has any
37 questions for Pete, we'll do that.

38
39 (No comments)

40
41 CHAIRMAN LOHSE: Hearing none, thank you.

42
43 MS. PETRIVELLI: Mr. Chairman. Again my
44 name is Pat Petrivelli, and I'll be making this
45 presentation. And the only reason I'm making this
46 presentation is as Marianne See mentioned, a lot of the
47 Subsistence Division are involved in an EVOS workshop,
48 but the primary authors of this study, or researchers are
49 Jim Fall, Ron Stanek, Brian Davis, Liz Williams, and
50 Robert Walker. But we did work closely with them on this

1 study, and so I'm familiar with it.

2

3 Today's presentation, we're going to
4 review the study goals, describe study methods and
5 products, and present selected study findings and results
6 from historic uses, household survey results, scoping and
7 stakeholder comments and conclusions. The executive
8 summary is in your meeting pages in Pages 53 through 58,
9 and the majority of the data in this PowerPoint
10 presentation are from those tables, and the information
11 in that executive summary. The other thing -- so I'll
12 let you know when relevant tables are in there so you
13 could look at that rather than the PowerPoint.

14

15 The study goals as Pete mentioned, the
16 Cook Inlet situation was unique, it presented a unique
17 situation, so the goals of the study was to gather
18 information and data on past, present, and potential use
19 of fish on Federal public waters, and research the
20 effects of the 1952 regulatory closure and identify
21 issues regarding development of subsistence fisheries.

22

23 The study methods involved a literature
24 review to look at the -- and key respondent interviews to
25 explore the historic and past uses. Four scoping
26 meetings that were held in Anchorage, Cooper Landing,
27 Kenai and Ninilchik. And mainly those scoping meetings
28 were to help us develop a household survey that was
29 different, because generally the subsistence household
30 surveys just look at the uses of resources, and this time
31 there was questions about potential uses. So -- and then
32 the household surveys, there were 355 systematic
33 household surveys, and they were done in Cooper Landing,
34 Hope, Nikolaevsk, and Ninilchik and Seldovia.

35

36 The next phase after the surveys were
37 completed were stakeholder meetings in Cooper Landing,
38 Kenai, Ninilchik and then that presentation last fall
39 where we reviewed study findings at these meetings just
40 to see if other areas should be explored. And then the
41 final report was written from those sources with the
42 interviews, the literature review, and then those surveys
43 and stakeholder meetings.

44

45 And that's 190 pages plus appendices, and
46 all of you have a copy of the report on the table. And
47 if you don't want a copy, then I wrote your names in
48 pencil, and you could just erase it and I could give it
49 to someone else. But otherwise we're going to put it in
50 the library on the Kenai Peninsula so others will have

1 the ability to look at it, and then it will probably be
2 put on the web also, because it's officially a technical
3 report of the Division of Subsistence. And then we do
4 have the executive summary that we'll be mailing to the
5 355 households that were surveyed also.

6
7 When we carried out those scoping
8 meetings, one thing that happened is the confusion about
9 rural and non-rural on Federal public lands, so we're
10 going to -- this is just to review where rural and non-
11 rural areas on the Kenai Peninsula are. And so the three
12 non-rural areas are the Kenai non-rural area that you can
13 see on the map, the Seward non-rural area, and then the
14 Homer non-rural area. And then the only other
15 communities shown on there are the five study
16 communities. And there are other rural communities, such
17 as Port Graham, Nanwalek, and Tyonek that are distinct
18 communities in the rural areas, but they didn't show a
19 use of Federal public waters, so they weren't included in
20 the study.

21
22 And here's the actual waters involved in
23 the study. And it's the Federal public waters located
24 within the exterior boundaries of these conservation
25 units: the Kenai National Wildlife Refuge, the Chugach
26 National Forest, and there was a look at some of the
27 lands on the Lake Clark National Park, and just a small
28 paragraph is included about that in the executive
29 summary.

30
31 And then the hatch marks, you could see
32 there hatch marks for the Kenai Fjords National Park and
33 then around the municipality, and those are non-
34 subsistence areas.

35
36 To begin with, we'll start reviewing the
37 findings much like the report does. Well, the executive
38 summary and also the report. We'll start with the
39 historic uses.

40
41 And from the findings of the study for
42 historic uses, Dena'ina and others have subsistence
43 fished in fresh and marine waters for centuries
44 throughout the Cook Inlet area. Significant factors that
45 affected the subsistence fishing was in 1878 commercial
46 fishing began, and with the commercial fishing, the way
47 that affected the uses or pattern were population centers
48 moved to the coastal areas. And that was for two
49 reasons. One, to participate in the commercial
50 fisheries, but the main one was the fish traps that were

1 put in the mouths of the rivers, and so essentially the
2 pattern shifted with summer subsistence fishing occurring
3 in marine waters, and then fall and winter fishing
4 occurring, if there were any, in the Federal public
5 waters, because then the traps were removed, and the fish
6 were going up the river.

7
8 The next significant factor that affected
9 historic patterns was the 1950 oil and gas development.
10 And with that came road building and then the
11 homesteading and rapid population growth. This rapid
12 population growth caused the 1952 closures to subsistence
13 net fishing in all fresh waters of the Cook Inlet area,
14 and people shifted to rod and reel fishing within the
15 fresh waters, or they went into set nets into the marine
16 waters. And since the 1950s subsistence and personal use
17 in the Cook Inlet area has occurred mainly in the marine
18 waters.

19
20 This one figure that's in the executive
21 summary on page 54, it shows the rapid population growth,
22 particularly, well, in 1960 the population was around
23 9,000 people on the Kenai Peninsula, and by the 2000
24 census it was close to 50,000 people. So in those 40
25 years the population increased drastically. Of course,
26 that is the whole Kenai Peninsula, and not all of those
27 residents are rural. The rural residents are, under our
28 program, of those close to 50,000, only 5,700
29 approximately are rural residents.

30
31 And here's just to show the study
32 communities again, and that's who we surveyed to look at
33 potential uses. Well, the study communities. We only
34 surveyed rural residents that would have use of Federal
35 public waters, and the communities were Hope, Cooper
36 Landing, Ninilchik, Nikolaevsk, and Seldovia.

37
38 The sample achievement in those
39 communities it shows for them on the bottom row the
40 percentages that were interviewed. In the smaller
41 communities we did do most of the communities, and it was
42 mainly in Ninilchik and Seldovia, the larger communities
43 where we had a random survey. So in Ninilchik we
44 surveyed 17 percent of the households, and in Seldovia 30
45 percent.

46
47 They attempted to survey everyone in the
48 Nikolaevsk area, but part of that, because there's that
49 component of the Old Believer community, and then just
50 their heavy involvement in commercial fishing, which will

1 come across later, the higher rate of surveying wasn't
2 achieved. But it was still 54 percent of the households.

3
4 For the demographics, just to get a
5 picture, a snapshot of the community, and that's on page
6 55 in the executive summary, this just shows the total
7 households, some of the characteristics of the community
8 itself, the total households, the population, the percent
9 of Alaska Native, and then just some of the residency. A
10 majority of the residents in all the study communities
11 were born in states other than Alaska, and then a
12 majority of the household heads lived in Cooper Landing
13 and Hope and Ninilchik, have lived in those communities
14 for less than 10 years. So these demographics show up
15 those characteristics of that rapid population growth,
16 because when the population increases from 9,000 to 50,
17 it's just an influx of quite a few people that live in
18 the community that are new residents.

19
20 Now we'll switch to some of the uses of
21 fish, and these are showing household use in the year
22 2002/2003, and the next couple of slides will show how
23 people -- just to get a picture of the current uses of
24 fish in these communities.

25
26 And, of course, in the majority of the
27 communities, in all of the communities, a majority of the
28 households used fish. When you use at the actual harvest
29 per person, the road community levels were relatively
30 low, whereas in seldovia it was much higher, and that
31 just is characteristics just borne out for road
32 connectedness, that non-road connected communities
33 usually have a higher level of use. But all communities
34 show percentage-wise that they do harvest and use fish.

35
36 In looking at methods and means, in four
37 of the study communities rod and reel provided most of
38 the harvest for fish. the one exception was Nikolaevsk.
39 In that community, removal of fish from the commercial
40 catch was the primary source.

41
42 With these figures, they don't add up to
43 100 percent, and that's because the other methods were
44 retention from commercial catch, or retention of fish
45 from guiding activities.

46
47 Other characteristics, I've already
48 mentioned about Nikolaevsk, that removal of fish from
49 commercial catch provided most of their harvest.

50

1 For the year 2002/2003, the harvest
2 levels, respondents were asked if those levels of harvest
3 were typical for them. And most people said they were
4 about the same, you know, that that level of use was
5 about the same for them.

6
7 In the study year, Hope and Cooper
8 Landing were the only communities with a significant use
9 of Federal public waters.

10
11 And then after we shared these results
12 with the stakeholders, they commented and they asked us
13 to look at if there was any difference in the harvest
14 levels between Native and non-Native harvest levels, or
15 between residency. And in doing comparison of those
16 statistics, there was no statistical significant
17 differences in those categories, either between Natives
18 or non-Natives, or from length of residency. So the
19 levels of harvest were comparable amongst all the groups.

20
21 Then we asked people about -- besides the
22 2002/2003 year, we asked them about their participation
23 in any fisheries in the past, and here were some of the
24 statistics. The majority of the households that were
25 interviewed have participated in rod and reel fisheries
26 on the Kenai Peninsula. And then as far as participating
27 in dip netting, the ones -- Nikolaevsk and Ninilchik have
28 the highest levels of participation at 64 percent and 63
29 in dip netting. And then the set net, the noncommercial
30 set net participation was the lower use, and only --
31 Ninilchik came the highest at 32 percent, and then
32 Seldovia at 22 percent. So the levels of participation
33 in that fishery wasn't as high as in rod and reel or in
34 dip net.

35
36 The last set of questions, series of
37 questions we had dealt with potential or future use of
38 the resource, and this table isn't in your executive
39 summary, but it is in the final report. You have one row
40 of the data there in the one that says about right, but
41 we did ask them all of these questions. And essentially
42 though in all study communities, a majority of the
43 households did agree that the State personal use fishery
44 seasonal limits for salmon are about right. And, of
45 course, not everyone agreement, but some did think it was
46 too low, some thought they were too high, and some just
47 didn't have any feeling at all.

48
49 And then when we asked if Federal
50 subsistence fishing regulations should be the same as the

1 sport fishing regulations, which is what the case is at
2 the current time, in three of the study communities the
3 majority agreed that they should be, in Cooper Landing,
4 Hope and Ninilchik. And then all the rest of them, well,
5 as far as disagreeing with that, less than 24 -- well, 24
6 percent was the highest rate of disagreement, and that
7 was in Seldovia, but it was much lower, well, in Cooper
8 Landing, Hope, Nikolaevsk and Ninilchik. Well, not much
9 lower. Ninilchik's pretty close, 20 percent as opposed
10 to 24. And then there was significant numbers in like
11 Nikolaevsk where they didn't know. Or Seldovia.

12
13 And then there was an open-ended question
14 where we asked about potential subsistence fishing in
15 Federal public waters. We asked them where they would
16 like to fish, you know, how much and the seasons. And in
17 four of the five communities, a majority of them didn't
18 even offer a potential scenario. It was only in Home
19 that had a significant number of households, 58 percent,
20 did offer a scenario, but the rest didn't. And the
21 reasons that people didn't offer one was they were either
22 opposed to Federal subsistence management or they were
23 opposed to freshwater subsistence fisheries, and
24 concerned about conservation implications. And, of
25 course, as we noted before, only Hope and Cooper Landing
26 for the past study year showed a significant use of
27 Federal public waters for the study year.

28
29 The other concerns that they expressed
30 about future fisheries, quite a few households wanted
31 expanded opportunities in non-Federal waters, and then
32 the ones that did suggest Federal subsistence fisheries,
33 a large majority of those with suggestions recommended
34 rod and reel as the only allowable gear type.

35
36 As I mentioned, we shared those survey
37 results in the stakeholder meetings, and here's just a
38 few of the comments that were made. People expressed
39 concern that by conducting the household surveys only in
40 the rural communities, and those surveys just to rural
41 residents, and excluding some past users that are now
42 classified as non-rural, it would create an incomplete
43 picture of the fishing traditions on the Kenai Peninsula.
44 Of course, and then others expressed concern just about
45 creating any new subsistence fishing on the Kenai
46 Peninsula. And then there was concerns that differing
47 regulations for subsistence users as opposed to the
48 recreational users would create tension between the user
49 groups. And then concern that there should be -- that it
50 should be possible to maintain opportunity for

1 subsistence fishing even if current uses are not
2 particularly high, because the regulations prohibited a
3 high level of participation under the current
4 regulations. But there is a whole chapter in the final
5 report outlining those concerns and comments.

6
7 For the conclusions of the study itself,
8 this study presented a comprehensive summary of past and
9 current uses, as well as potential future subsistence
10 uses by rural residents on Federal waters in Cook Inlet.
11 In the road connected areas, the current patterns
12 followed by a majority of users are distinctly different
13 from the pre-1950 patterns. Restrictions and closures to
14 subsistence fisheries because of the rapid population
15 growth and development were inevitable. And developing
16 regulations that provide opportunities current with
17 consistent practices from the 2002/2003 study year
18 appears to be an achievable goal.

19
20 Some of the results from the household
21 survey year, the 2002 study year are as follows.

22
23 In Nikolaevsk, removal of fish from the
24 commercial catch provided most of the harvest.

25
26 Hope and Cooper Landing were the only
27 communities with significant use of Federal public lands.

28
29
30 There were no statistical differences in
31 harvest levels between Native and non-Native harvesters,
32 or between length of residency.

33
34 As far as evaluations of personal use
35 limits, only 11 percent or less by community through they
36 were too low.

37
38 For Federal subsistence limits, in
39 evaluating whether they should be the same as sports
40 limits, only 24 percent of less by community disagreed
41 with that sentiment.

42
43 And a large majority of those with
44 suggestions recommended rod and reel as the only gear
45 allowed.

46
47 And I'd just like to reiterate now that
48 the study's completed, there's a call for proposals in
49 the next regular fishing cycle, so we'll be accepting
50 proposals January through March of 2005. And then the

1 Regional Council and advisory committee will have the
2 opportunity to review new proposals and the deferred
3 proposals that will be updated with this data next fall
4 in the September/October meeting. And I can't remember
5 what date you guys selected. And then the Federal
6 Subsistence Board could take future action in January of
7 2006 in making a customary and traditional use
8 determination for the area. Because currently all rural
9 residents -- well, there are no determinations for those
10 species.

11

12 And that concludes the presentation.

13

14 CHAIRMAN LOHSE: Any questions for Pat.
15 Fred, did I see you start to hold your hand up? Did you
16 have something you going to ask her?

17

18 MR. ELVSAAS: Hmm?

19

20 CHAIRMAN LOHSE: Did you have something
21 you wanted to ask her?

22

23 MR. ELVSAAS: No.

24

25 CHAIRMAN LOHSE: Okay. James.

26

27 MR. SHOWALTER: Yes. James Showalter. I
28 notice on your suggestions and stuff up here, there's
29 only two Federal subsistence areas, and those are mostly
30 coming out of Cooper Landing the way I see it, and it
31 looks like they're making the decisions for everybody
32 else. I don't know if I'm wrong, or how is that?

33

34 MS. PETRIVELLI: You mean the suggestions
35 about rod and reel, the only large -- part of it --
36 anyone can make a proposal to the regulations. And what
37 this is is it's a survey, so anyone can put forth a
38 proposal, and it will be evaluated along with any other
39 suggestion. Because -- well, like one of the deferred
40 proposals are from residents of Hawaii, so, I mean, it's
41 -- they're Federal public lands or waters, so anyone has
42 a right to make a proposal to change the regulations.

43

44 MS. WELLS: Mr. Chairman.

45

46 CHAIRMAN LOHSE: Susan.

47

48 MS. WELLS: I think I probably spoke on
49 this before when we were going through this process.
50 This report was to research the Cook Inlet customary and

1 traditional subsistence fisheries, yet in the selection
2 of the communities to be -- to get our data, we excluded
3 the major users in my opinion, which would have been the
4 people that are now living in non-rural areas. The
5 traditional users of this subsistence fisheries would
6 actually coming out of Kenai and Soldotna areas, and they
7 were excluded from this report, I mean this survey
8 altogether.

9
10 Nikolaevsk is relatively a new community
11 to this area, and yet they had the privilege of being
12 surveyed for this baseline data, yet the Kenai people
13 who, because of the determination, they weren't even
14 considered as part of this.

15
16 So I think that a lot of the information
17 in this has been skewed because they were left out. And
18 I understand, because of the rural determination and the
19 usage of Federal lands that that was the reason why they
20 were left out, but I think a big chunk of the information
21 has been eliminated from this report because of that.

22
23 Cooper Landing is also -- well, let's
24 see, how do I put that. Relatively new considered some
25 of the length of uses of people that living right in the
26 Kenai area proper that is no longer determined rural.

27
28 So I guess I don't really have a question
29 for you, other than maybe if you can explain again why
30 the most traditional users were excluded from this
31 survey.

32
33 MS. PETRIVELLI: When we undertook the
34 whole study, there was the realization that historic uses
35 -- well, because factor 1 of doing a customary and
36 traditional use determination says long-term consistent
37 pattern of use excluding factors beyond the user's
38 control. But we can only find customary and traditional
39 uses for rural residents.

40
41 But in defense of the study design, Jim
42 Fall and Ron Stanek did carry out interviews with key
43 respondents of people who are Kenaitzes and who live in
44 the Kenai area, and then they did do extensive research
45 and they talked with Allen Boris (ph) and the final
46 report in that Chapter 2, I think it's Chapter 2, the
47 historic findings -- let me see. But the actual final
48 report itself has all the materials -- let's see. It
49 starts on page 15 with the historical background, and it
50 does a fairly thorough discussion of the available

1 written documentation of historic uses.

2

3 And, of course, that was a significant
4 conclusion by the author that those historic uses, and
5 the uses practiced by the household survey respondents
6 are very different. But, of course, the reasons for
7 those differences are regulatory and other things, you
8 know, because there was -- in other areas, say in the
9 Glennallen/Copper River area, there's been a continuous
10 pattern of use, and the people who moved in got to copy
11 or pattern their uses based upon some traditional uses,
12 much like Chickaloon is doing. And that just was not
13 possible on the Kenai Peninsula for a number of reasons.
14 The rapid population growth, the resource conflicts, and
15 others. But there is a pretty extensive discussion.

16

17 And Jim Fall did want to say that if you
18 have more comments, if some historic uses weren't
19 covered, that he would be open to receiving more
20 information, and, of course, any time as this data is
21 going to be used in analysis, more information would also
22 be welcome for consideration by the Council and by the
23 Board.

24

25 MS. WELLS: The other -- Mr. Chair.

26

27 CHAIRMAN LOHSE: Susan.

28

29 MS. WELLS: The other thing that I'd like
30 you to maybe address is the -- if you looked at the
31 traditional -- well, I think it was -- the term was used,
32 traditional, but the dip net fishery. That fishery is
33 relatively new to the Kenai area, and it's only confined
34 to the lower Kenai. So I've heard reference to the dip
35 netting as a methods and means, you know, and it isn't on
36 the Federal lands at all. So could you discuss that a
37 little.

38

39 MS. PETRIVELLI: I think they just looked
40 at it just to see what kinds of fisheries people were
41 participating in in the past, and just because people
42 have, oh, because it's the personal use and just limits
43 are different, because we knew people usually will go to
44 alternative methods, and that was the one regulatory
45 fishery available. I mean, it is just to ask people
46 about their uses, because we know -- we could try to
47 determine from permit data, but it was just a way to
48 double check people's participation through the household
49 surveys with those rural residents, just to see what
50 people were participating in, to give a snapshot of past

1 uses.

2

3 CHAIRMAN LOHSE: Anybody else. Doug.

4

5 MR. BLOSSOM: Yeah, Mr. Chairman. Pat,
6 just to comment on what just happened there, that dip
7 netting all took place in the non-rural area, so those
8 people that you're talking about all went to where the
9 non-rural areas were and did the dip netting, so just
10 keep that in mind.

11

12 MS. PETRIVELLI: Yes, we knew it was non-
13 rural areas, and we -- but we were just trying to figure
14 out, you know, where people were getting their fish and
15 how, and that was one means that they were doing it. So
16 just to find out how people were getting their fish, and
17 where they were harvesting it.

18

19 CHAIRMAN LOHSE: Pat, can I ask you a
20 question. Did this -- I know that we ended up
21 concentrating on the people who lived in the rural areas.
22 Did this survey pretty much deal with only fish that were
23 taken in what were considered Federal subsistence waters,
24 or did we just sit down and look at the Kenai Peninsula
25 as a whole and what used to be done on the Kenai
26 Peninsula.

27

28 MS. PETRIVELLI: There was a focus to
29 determine, because the Federal Subsistence Board when
30 they deferred their decisions, they were wanting to know
31 more information about how people specifically use the
32 resources in Federal public waters, so there was that
33 bent, but there was also the acknowledgement that when
34 people do talk about their use of fish, because of
35 regulatory constraints and other things, that when we
36 surveyed them, when -- like when we got the data for
37 household uses, you know, when we asked them how much
38 they harvested, when they harvested and when they
39 harvested, just to create a picture of their use of fish,
40 so the household surveys looked at those statistics for
41 the study year 2002/2003 to look at patterns of fishing.

42

43

44 Then also that -- and then we looked
45 further back in that past participation. With the
46 realization that for some of those fisheries, well, for
47 them to use Federal public waters with any kind of net,
48 that has been outlawed since 1952. So it has not been
49 regulatory possible for them to participate in any net
50 fishery in Federal public waters.

1 But the literature review and interviews
2 with key respondents did provide information about those
3 uses, and that's in the Chapter 2.

4
5 CHAIRMAN LOHSE: Pete.

6
7 MR. PROBASCO: Mr. Chair, if I may add to
8 what Pat's saying, I think the focus here is two things,
9 and Ms. Wells spoke to it very well as far as how do we
10 capture what took place prior to 1952, but the key here
11 is that we're dealing with Federal waters as they deal
12 with freshwater. And second is that the Board wanted a
13 comprehensive study that focused on what we have
14 jurisdiction on, where we can develop regulations. And I
15 understand the non-rural/rural issue, but we also have to
16 face the facts that we're dealing with, what authority we
17 have and where can we implement or propose regulations.
18 And so that's why the study focused strictly on Federal
19 waters, rural areas. Mr. Chair.

20
21 CHAIRMAN LOHSE: That's what I -- from
22 what I was seeing in the report and from our discussions,
23 and I know this happens every time we get on the Kenai
24 subject. We start looking at the Kenai -- people look at
25 the Kenai as a whole. And we did this and we did this
26 and we did this, but most of where they did this is
27 outside of Federal jurisdiction. A lot of it's in salt
28 water. I mean, you read the thing, you know, we were
29 digging clams here, and we were, you know, getting fish
30 off the barge there, and stuff like that. That all took
31 place outside of Federal -- outside of waters that the
32 Federal Government has current jurisdiction on. And it's
33 hard to focus on what were the practices in this small
34 area that's currently under federal jurisdiction, and
35 what were the practices of the people involved in that
36 area.

37
38 And, you know, Susan brought up
39 something, and it's true, you know, you didn't look at
40 people -- let's say, I'll just use a town, just say you
41 didn't look at people that lived in Kenai, but most of
42 what Kenai took place on took place out on the salt
43 water, or took place in the mouth of the river, which is
44 off of Federal land.

45
46 And we haven't even come down to the
47 conclusion yet. We haven't even made a final
48 determination on whether the Kenai is rural or non-rural,
49 let alone, you know, anything else, but it's awful hard
50 to get us, to focus us, by us I mean people in general,

1 to focus on the fact that what we're dealing with is a
2 very limited amount of the water that's on the Kenai
3 Peninsula. We can't go back and rectify everything
4 everybody used to do, because it's outside of the
5 jurisdiction. That would have to be -- somehow or
6 another that would have to come under State changes,
7 because the Federal waters are, if we look on the map,
8 fairly limited.

9
10 And I'm just wondering how in scoping
11 this project out, how could you limit it. You know, when
12 you're asking people for anecdotal information, people's
13 memories encompass everything. How do you limit it to
14 where you're limiting it to now what took place on
15 Federal waters and what didn't take place on Federal
16 waters.

17
18 MS. PETRIVELLI: The authors of the study
19 specifically addressed historic uses in Federal public
20 waters.

21
22 And I have to admit when we talked with
23 Allen Boris at the Peninsula College, it was interesting
24 about the history of fishing on the whole Kenai River,
25 and he gave a nice overview. Of course, being an
26 anthropologist, it's always nice to listen to another
27 anthropologist. Maybe we're the only ones that listen to
28 each other, but -- and so he gave a nice detailed history
29 of Kenai River fishing. But the authors of the study
30 only included the information that dealt with the Federal
31 public waters, so that information -- and I know it leads
32 to frustration, because generally it is nicer to have the
33 holistic approach in people's uses, and it's hard to --
34 because uses of resources, whether they happen on Federal
35 public waters or non-Federal public waters, doesn't seem
36 correct. But Chapter 2 describes the historic uses of
37 Federal public waters.

38
39 CHAIRMAN LOHSE: Susan.

40
41 MS. WELLS: Mr. Chair, I'd just like to
42 say again that, you know, this report is a start, but the
43 whole basis of this research was to consider subsistence
44 uses, so it's the subsistence that we should be studying,
45 which would encompass and use those people who used to
46 and may no longer because of a determination of where
47 they live. But if we want to get an accurate picture of
48 where they live, but if we want to get an accurate
49 picture of the subsistence uses of the Kenai Peninsula,
50 it should have included the whole area, not just rural

1 areas that are Federal waters now. I think that's going
2 to make a difference when we go to look at customary and
3 traditional uses of lands that are in the Federal
4 jurisdiction, and I think that was -- even though we do
5 have some anecdotal, and thank you for Allen Boris' input
6 on this, that that was a component that I think makes
7 this whole report a little skewed, and we do have that
8 anecdotal or that Chapter 2 that's going to help fill in
9 some of those gaps. But even the key respondents that
10 were chosen were not those that had -- would be -- I
11 mean, my -- I would have customary and traditional use.

12

13 CHAIRMAN LOHSE: Thank you, Susan. Fred.

14

15 MR. ELVSAAS: Yeah, thank you. There's
16 several things here. I can understand your study being
17 limited to what you call the Federal waters, and, of
18 course, the study is Cook Inlet, but when you look at the
19 Tuxedni, Chisik Island area, the Feds relinquished the
20 Federal waters for some reason. It was suggested here in
21 a letter, and those lands are on the Federal lands -- the
22 waters around there are no longer Federal waters, which
23 they always were, as I understood it.

24

25 But in doing this particular study, given
26 the Port Graham, Nanwalek people do not have Federal
27 waters now, shouldn't have taken them out of the study.
28 They do use what is now the Kenai Fjords, which I
29 understand is closed also. So all of a sudden, within
30 the Cook Inlet area, you have these Federal properties,
31 but they're closes. And there's a limited amount of
32 them.

33

34 Back on what Ms. Wells was talking about,
35 if you talk to all the people in the rural areas, you'll
36 find that people used all of Cook Inlet for subsistence.
37 Now it's no longer Federal, so it doesn't apply to your
38 study, and so forth, but yet on the other hand, I think
39 it would be well to have the study include everybody to
40 show the history of the personal use and subsistence and
41 whatever else you want to call it through the centuries
42 by all the people that lived here in the early days, not
43 just the Russian village people, who are the latecomers.
44 All of a sudden they have great recognition and their
45 word is carrying more weight than the people that lived
46 here forever.

47

48 And one of the purposes for this I think
49 would be at some point, the issue of the Statehood Act in
50 recognizing the rights of the Native people and so forth

1 has to be acknowledged, and the documentation would
2 assist greatly in -- maybe the Federal subsistence laws
3 could apply at some future point to State waters. So it
4 would be good to have a realistic view of the whole area.
5

6
7 Seldovia has a subsistence fishery, it's
8 on State waters. We got that finally because we've
9 always had subsistence fisheries there, long before
10 Statehood. Tyonek has a subsistence -- but those are
11 just little tiny pieces out of the whole picture of the
12 Cook Inlet/Kenai Peninsula area. And we've got to keep
13 in mind the west side of Cook Inlet also.
14

15 But I think it would do well to do this
16 study including all the people concerned and all the
17 areas concerned. It's unfortunate in the Kenai urban
18 situation, but like Ms. Wells mentioned, there's the dip
19 net fishery. The whole State goes to an urban area to do
20 subsistence fishing, and, you know, we're in a Catch 22
21 situation here. And no matter which way you look at it,
22 all the knowledge should be documented.
23

24 Thank you.
25

26 CHAIRMAN LOHSE: Pete. I was just going
27 to make a comment. We just received this, right? None
28 of us have had a chance to look at it. I've done just a
29 quick scanning in it, and there's a lot of information in
30 here. Some of it's going to answer some of the questions
31 that I've been hearing at the table here, and it does
32 cover a lot more than just what I thought it covered when
33 I first looked at one chapter. My suggestion would be
34 that we all take this home, read it from cover to cover,
35 and then see what kind of questions that we have on it,
36 because it has a lot of information in it. A lot more
37 than -- a lot of it that answers a lot of questions that
38 I've heard, a lot of the questions that I've had myself.
39 Doug.
40

41 MR. BLOSSOM: Yeah, Mr. Chairman. I
42 think this one to you, Pete. Table 2 on Page 56, as I
43 understand it then these harvest person of fish, that
44 poundage was taken on Federal waters?
45

46 MS. PETRIVELLI: No. No, that's just
47 their harvest of fish period. So it's not in Federal
48 waters, it's just.....
49

50 MR. BLOSSOM: I thought I heard you just

1 say that you tried to keep this just to Federal areas.
2
3 MS. PETRIVELLI: The description of the
4 historical uses.
5
6 MR. BLOSSOM: But if it's a use, and
7 they've got poundage down here, did they take any of this
8 in Federal water?
9
10 UNIDENTIFIED VOICE: Yes.
11
12 MS. PETRIVELLI: Yeah, there might --
13 it's hard to say. And there might be some table in
14 there, but I don't know if we asked them their specific
15 location, but some of it would be like rod and reel.
16 Because with Federal waters, we only allow the use of rod
17 and reel, and so whatever percentage would have been
18 taken by rod and reel would be Federal waters.
19
20 MR. BLOSSOM: I guess, Mr. Chairman, my
21 point is, is that if we're going to try to make this for
22 just Federal areas, then we shouldn't be taking poundages
23 of the product from non-Federal area and mixing it in.
24
25 MR. PROBASCO: Mr. Chair.
26
27 CHAIRMAN LOHSE: Pete.
28
29 MR. PROBASCO: Mr. Blossom, I think
30 that's an accurate statement. The take-home message I
31 get from this table is telling me the reliance households
32 have on fish as a whole for the Cook Inlet area, but
33 you're accurate as far as it having a mixture of both,
34 Mr. Chair.
35
36 CHAIRMAN LOHSE: Thank you. Any other
37 comments. Greg.
38
39 MR. ENCELEWSKI: Yeah, Mr. Chair, I'd
40 just like to make one comment. I think Doug is very
41 accurate in his statement that there appears to be a
42 mixture there, and I would certainly like to add some
43 additional information to subsistence use in the
44 Ninilchik area. We're pretty well dominated by sport
45 fishery now, and I think a lot of these reports you're
46 getting is from the rod and reel fishermen that take
47 their fish and leave, and the subsistence fishermen are
48 still trying to get theirs. Anyway, I'd like to add some
49 more to this in the future.
50

1 Thank you.

2

3 CHAIRMAN LOHSE: Thank you, Greg. Fred,
4 you were next.

5

6 MR. ELVSAAS: Yeah. You know, I think
7 your comments on reviewing this being new to us and so
8 forth is great, but you've got to remember that the cover
9 letter on the report up there said final report. Is it a
10 dead issue then?

11

12 CHAIRMAN LOHSE: Fred, if I understand
13 right, this is a final report. What we do with the
14 report and how we apply it to the proposals that come
15 before us is our choice. But if I understand right, this
16 is a finished product right here, but this isn't the last
17 word on the subject.

18

19 MR. ELVSAAS: Okay.

20

21 CHAIRMAN LOHSE: Am I correct on that,
22 Pete?

23

24 MR. PROBASCO: Mr. Chair, you are
25 correct. And this doesn't preclude any future studies
26 that may want to expand on some of the points like Ms.
27 Wells articulated, so this is just the completion of the
28 study that started in 2001. It's done, but it doesn't
29 preclude anything to do in the future, Mr. Chair.

30

31 CHAIRMAN LOHSE: Pete, I think that's
32 something to explain it. This report doesn't make any
33 decisions. All this report does is provide a piece of
34 information which can be added to, subtracted from,
35 agreed with, disagreed with, or anything like that. But
36 what it is, is it's a piece of information.

37

38 MR. PROBASCO: Mr. Chair, that's correct.
39 And also along with this piece of information,
40 information that the Council Chairs or the public brings
41 to the table is equally as considered as with this
42 report. But when we got into 2001 we saw that we had to
43 start somewhere, Mr. Chair, and this is a start.

44

45 CHAIRMAN LOHSE: I for one plan on going
46 home and reading it and seeing what it has to say before
47 I make any more comments on it.

48

49 Anybody else. Susan.

50

1 MS. WELLS: Yes. This report is going to
2 be used in the future to make determinations on
3 subsistence uses, and I think it needs to be said again
4 that this is just a piece of a pie. Even though there is
5 that Chapter 2, that there is a significant population
6 that was not included in any of the household surveys
7 that skews this report. So I hope that when we do
8 consider subsistence issues for the Kenai in the future,
9 that this will be taken with more than one grain of salt
10 so to speak, because it is eliminating a significant
11 population from this report.

12

13 CHAIRMAN LOHSE: Thank you.

14

15 MS. WELLS: Well, I guess my concern is,
16 is that this is now a finished product, nicely bound and
17 sanctioned, and we've got credible authors here that did
18 this research using sound research methods, but only on a
19 certain population. And so it's going to hold a lot of
20 weight, and that concerns me.

21

22 CHAIRMAN LOHSE: I agree with you, Susan,
23 but that's why it becomes your responsibility, and
24 anybody else's responsibility that has additional
25 information to go on that subject, or to disagree with
26 that subject to present it when it comes time so that it
27 isn't the only piece of paper on the table when proposals
28 are considered to which it applies. And that's why when
29 some of those proposals come up, there needs to be the
30 people who are directly affected by them out here saying
31 something. Because if they're not, then that kind of
32 thing, other than if there's somebody at the table here
33 who can disagree with it, that kind of thing becomes the
34 Bible, for lack of a better way to put it, you know.

35

36 So any other comments on it. Thanks,
37 Pete, thanks, Pat.

38

39 MR. PROBASCO: Thank you, Mr. Chair.

40

41 CHAIRMAN LOHSE: So I guess our first
42 responsibility is to take it home and read it. Yeah.

43

44 Okay. With that, do we want to go to
45 Proposal 10 now or take a short break since we just went
46 through that. If we go to Proposal 10 -- did I hear a
47 short break from another member of a Council? Since
48 everybody ate and drank over lunch hour, we might need --
49 and we'll try to limit this one to 10 minutes.

50

1 (Off record)

2

3 (On record)

4

5 CHAIRMAN LOHSE: Hello, Pat.

6

7 MS. PETRIVELLI: Mr. Chair, I forgot to
8 announce that for those members of the audience that
9 wanted a copy of the final report, there's a sign up list
10 at the sign-up table, and we'll be happy to mail them a
11 copy.

12

13 CHAIRMAN LOHSE: Thank you, Pat. Did
14 everybody hear that?

15

16 I have two things that I'd like to
17 announce right now. For the Council members, don't
18 forget to fill out your travel things for Donald. It
19 makes his job a lot easier. Either fill them out before
20 you leave, or get them in the mail fairly shortly after
21 you get home.

22

23 And then I have a request for testimony
24 from somebody, and I'd like to give them the opportunity
25 to do that now before we start on another subject. I
26 don't see Susan here right now. Is Mary Ann Mills here.
27 Mary Ann, do you want to wait until Susan gets here or --
28 I mean, would you, or would you prefer to give it now. I
29 mean, we're -- I think Susan should be here any minute,
30 but.....

31

32 MS. MILLS: Oh, I can go ahead.

33

34 CHAIRMAN LOHSE: Okay. Can you? Okay.

35

36 MS. DOWNING: Turn the microphone on.
37 You have to turn the microphone on. There's a little bar
38 there. That's it.

39

40 MS. MILLS: Okay. My name is Mary Ann
41 Mills, and I'm a member of the Kenaitze Indian tribe.

42

43 And I would like to say that first of all
44 subsistence is a basic human right, and the Alaska Native
45 people gathered in Anchorage in the 1990s have adopted
46 this as a key principle in our battle to maintain the
47 rights we are presently free to exercise.

48

49 We have adequate legal basis for lawsuits
50 and for the claim that our rights are indeed protected.

1 They are promoted by common law, tribal law, State law,
2 Federal law and international law. It is important to
3 recognize and remember that these rights are not granted
4 by any government. They are inherent, basic, sacred,
5 fundamental human rights. You are born with them, and
6 according to the highest laws of the land, these rights
7 are protected.

8
9 Yet we see the constant and continuing
10 erosion of these rights. Restrictions are placed upon
11 the people supposedly having the right to them. The
12 governments involved are managing people, not resources.
13 There's no officially recognized or declared shortage of
14 any resource, yet the subsistence user group, the
15 smallest user group, is blamed for the problems in huge
16 bureaucracy and legal argument has arisen over it. While
17 this dispute plays out in court, it is the indigenous
18 people declared non-rural who suffer.

19
20 A basic human right is one that if
21 infringed upon will prevent persons from exercising other
22 rights. Ken Renshaw (ph) in his book, Basic Rights, said
23 basic rights then are everyone's minimum reasonable
24 demands upon the rest of humanity. They are the rational
25 basis for justified demands the denial of which no self-
26 respecting person can reasonably expected to accept.

27
28 We, the Dena'ina, Kenaitze, predate the
29 arrival of the colonists who now occupy our territories
30 by thousands upon thousands of years. Indeed, our
31 creation stories maintain that we emanated from here. We
32 are not migrants over any land bridge. There are no
33 stories in any tribes in the Americas that includes any
34 mention of any of us coming from elsewhere.

35
36 There is no question that we have
37 practiced our lifestyle and the usage of all resources
38 should and must be considered customary and traditional.

39
40 Our rights were intact upon the arrival
41 of white man. No one was going hungry and no ecological
42 devastation was allowed under our management regimes. No
43 tribe or group has entered into any treaty with any
44 eligible entity ever. That means we have legally never
45 surrendered any of our rights. Our rights and titles
46 remain legally intact.

47
48 All documents in the development of the
49 Territory of Alaska include a clause guaranteeing prior
50 valid existing rights and promising that they would not

1 be preempted.

2

3

4 The Alaska Statehood Act and the
5 Constitution of the State of Alaska includes a disclaimer
6 clause which guarantees our fishing rights forever.

7 Fishing rights generally include hunting rights in the
8 law.

9

10 And I would also like to say that Alaska,
11 the Article XII, Section 12, for the disclaimer agreement
12 was a prerequisite to statehood. There could not be
13 statehood without this. And in short it says the State
14 and its people further disclaim all rights and titles in
15 or to property including fishing rights, the rights or
16 title to which may be held by or for any Indian, Eskimo,
17 Aleut or community thereof as that right or title is
18 defined in the Act of the admission.

19

20

21 The Alaska National Interest Lands
22 Conservation, ANILCA, Act declares that we as Alaskan
23 Natives have the right to preserve our traditions and our
24 cultures. These are powerful words, and the dichotomy is
25 one we have never exploited. The rights protected are
26 the two specific groups, Alaska Natives and non-Natives.

27

28

29 We cannot protect our traditions or our
30 culture if we are not allowed to practice food gathering
31 and preservation and preparation. If we cannot practice
32 our tradition and culture, then we are not a separate and
33 distinct people any more. That is genocide.

34

35

36 The negotiations on the Title VIII of
37 ANILCA, it was determined by our legal counsel that we
38 had what they considered to be a constitutionally
39 protected right, but our corporate leaders chose not to
40 follow their advice, and that is how we ended up with the
41 term rural resident, a term with no legal definition
42 whatsoever. The term plagues us today. A term which
43 removes us from the definition of a people one more step.
44 Dehumanization.

45

46

47 There's a clear recognition that there is
48 continuing increased pressure on the resources necessary
49 to our existence. They admit that this is a matter of
50 equity, and also fulfill the promise and obligation of
51 the Alaska Native Claims Settlement Act. The policy
52 enunciated is in my opinion apartheid and an act of
53 genocide upon certain groups of Alaska Natives. Not only
54 is there no definition for rural resident, there is no

1 definition in the law for rural. It is a mere term of
2 art used to make capricious decisions based upon a term
3 which is not defined.

4

5 Article 73 of the United Nations charter
6 of the United Nations also guarantees to us certain
7 political recognition and rights to self-government which
8 were never offered to us. The United States of America
9 accepted these conditions placed upon the non-self-
10 governing and Pacific trust territories after World War
11 II. They acted -- they accepted a sacred trust, which is
12 the definition of suzerainty. Suzerainty is the act of
13 holding something until the true owner has the ability
14 and desire to exercise their own sovereignty. Suzerainty
15 does not confer upon the holder any rights of ownership,
16 nor is it a step towards sovereignty by colonial
17 governments save by the fully informed and freely granted
18 consent of the people with allodial title -- with
19 allodial rights and titles.

20

21 The truth of the matter is that during
22 World War II, the United States of America actually
23 occupied Alaska under the pretext of protecting us from
24 the Japanese who had already left. Alaska is still under
25 occupation. From the final report required under Article
26 73(e), the United States of America does not even mention
27 us as a consideration.

28

29 Upon making sure that the troops
30 stationed in Alaska could vote, the statehood vote was
31 taken. The occupying army voted itself into a nation.
32 The vast majority of Alaska Natives did not vote. It was
33 still a requirement that one had to read or write English
34 in order to register to vote.

35

36 We have recognized rights in the Charter
37 of the United Nations. The Charter is a treaty, the
38 supreme law of the land. Article 73 states members of
39 the United Nations which have or assumed responsibility
40 for administration of territories whose people have not
41 yet attained a full measure of self-government recognize
42 the principles that the interest of the inhabitants of
43 these territories are paramount, and accept as a sacred
44 trust the obligation to promote to the utmost within the
45 system of international peace and security established by
46 the present charter the well being of the inhabitants of
47 these territories, and to this end to ensure with -- (a)
48 to ensure with due respect for the culture of the peoples
49 concerned, their political, economic, social and
50 educational advancement, their just treatment, and their

1 protection against abuses. (b) To develop self-
2 government to take due account of the political
3 aspirations of the peoples, and to assist them in the
4 progressive development of their free political
5 institutions according to particular circumstances of
6 each territory and its people, and their varying stages
7 of advancement.

8
9 In 1976 the United States of America
10 became signatory to two covenants. The pertinent
11 sections are below. In both covenants the United States
12 of America agrees by treaty that in no case may people be
13 deprived of its own means of subsistence. In
14 Congressional record testimony on Title VIII of ANILCA
15 reference is made to these covenants. I believe that
16 ANILCA is a flawed response to these recognized and
17 agreed upon principles.

18
19 Article 1, Part I, Article 1, all peoples
20 have the right of self-determination. By virtue of that
21 right they freely determine their political status and
22 freely pursue their economic, social and culture
23 development. 2. All peoples may for their own ends
24 freely dispose of their natural wealth and resources
25 without prejudice to any obligations arising out of
26 international economic cooperation based on the principle
27 of mutual benefit and international law. In no case may
28 a people be deprived of its own means of subsistence.

29
30 I would also like to interject in this
31 portion that the Alaska Native Claims Settlement Act was
32 never ratified by our people. It was a decision of just
33 a few of our people.

34
35 Destruction of our traditions and culture
36 is prohibited by the Genocide Convention to which the
37 United States is finally a signatory to.

38
39 Among the duties of the Southcentral
40 Alaska Subsistence Regional Advisory is to (a) initiate,
41 review and evaluate proposals for regulations, policies,
42 management plans and other matters relating to
43 subsistence uses of fish and wildlife on public lands
44 within the region. Therefore I would like to ask the
45 Council to review and take issues of the concerns I've
46 expressed today, and advise the United States of America
47 its fiduciary responsibility of protecting its sacred
48 trust over the Dena'ina and Kenaitze tribal people.

49
50 Thank you.

1 CHAIRMAN LOHSE: Questions.
2
3 (No comments)
4
5 CHAIRMAN LOHSE: Thank you. Okay. With
6 that we will now.....
7
8 MS. DOWNING: Your microphone.
9
10 CHAIRMAN LOHSE: Thank you. And thank
11 you, Mary Ann, not what I've got the microphone on, I'll
12 say it again.
13
14 With that we will go on to Proposal 10,
15 Page 59. Thank you, Jerry.
16
17 MR. BERG: Thank you, Mr. Chair, members
18 of the Council. This morning we dealt with the customary
19 trade proposal dealing with the Copper River. And so
20 this one now deals with the Cook Inlet area.
21
22 So as I said before, there was -- you
23 know, the Federal Subsistence Board revised the customary
24 trade regulations in 2003, which basically applied to the
25 entire State. There was one regional modification last
26 year to Bristol Bay, and then you took up the regional
27 modification to Copper River this morning, and so this
28 one would be the third one, if it's adopted by the
29 Federal Board for Cook Inlet.
30
31 Proposal 10 was submitted by the Cooper
32 Landing Fish and Game Advisory Committee, and it requests
33 regional modifications to the customary trade regulations
34 for the Cook Inlet area.
35
36 The proposed change would do two things.
37 It would limit customary trade of all fish, not just
38 salmon, but all fish, between rural residents in the Cook
39 Inlet area to an annual total cash value of \$500 per
40 household. So that's rural-to-rural would be \$500 per
41 household. And secondly it would limit the customary
42 trade of all fish in the Cook Inlet area between rural
43 residents and others, other individuals, to an annual
44 value of \$400 per household, with the requirement that
45 these sales to others be recorded on the form.
46
47 The proponent believes that this change
48 would help law enforcement to monitor and police abuses
49 that could occur. If this proposal were adopted,
50 customary trade in the Cook Inlet area would be similar

1 to the regional modifications adopted for salmon in the
2 Bristol Bay area last year, except that this proposal
3 applies to all fish, not only salmon, as it does in the
4 Bristol Bay area.

5
6 We went over some of the history through
7 Pat's summary, that since 1952 subsistence fisheries have
8 been prohibited in most areas of the Kenai Peninsula.
9 Fishery resources in the Cook Inlet area have been
10 primarily allocated to commercial, sport, and personal
11 use fisheries.

12
13 In 2002, that was the first year that
14 subsistence fishing was allowed under Federal regulations
15 for the Cook Inlet area. However, these provisions
16 basically parallel the State's sport fishing regulations.
17 That's currently what's in place today.

18
19 I don't want to go over the history since
20 I already went over that earlier, unless you have
21 questions.

22
23 Federal subsistence regulations require
24 qualified users to have a Federal subsistence fishing
25 permit to harvest salmon, Dolly Varden, trout, or char
26 for subsistence purposes in the Cook Inlet area. The
27 permit requirements have the same seasons, harvest, and
28 possession limits and methods and means as those for the
29 taking of the same species under State sport fishing
30 regulations.

31
32 Federal subsistence fishing permits have
33 been required since 2002, and participation has been very
34 low so far. In 2002, and you can follow along on Table 1
35 on page 64, in 2002 there were only two permits issued
36 with the total reported harvest of 36 salmon. In 2003
37 there were nine permits issued, with a reported harvest
38 of only three sockeye salmon from the Russian River by
39 one permit holder. The other eight permit holders
40 reported that they did not harvest fish under the
41 authority of that Federal permit. In 2004, this year, so
42 far there have been three permits issued, and the harvest
43 reports are due the end of this month.

44
45 So to engage in customary trade, any
46 subsistence harvested fish must be sold -- any harvested
47 fish that is sold must be harvested under the Federal
48 regulations and in Federal public waters.

49
50 The proposed changes to customary trade

1 of fish in the Cook Inlet area would apply both to
2 exchanges between rural residents and exchanges with
3 other individuals. So again the proposal is for
4 customary trade between rural residents to have an annual
5 limit of \$500 without a recording requirement, and that
6 the customary trade between rural residents and other
7 individuals be \$400 per household, but that those
8 exchanges be recorded on a form. Any recording
9 requirement could be added to the Federal subsistence
10 fishing permit for the Cook Inlet area.

11
12 The level of documented Federal
13 subsistence fishing activity for the Cook Inlet area is
14 very low with only two permits in 2002, nine in 2003, and
15 three so far this year.

16
17 As mentioned earlier, the Kenai Peninsula
18 does have high levels of commercial, sport and personal
19 use fishing in the area, and has had -- generally has had
20 healthy fish populations in recent years. The area is
21 also easily accessible by road. This access could
22 enhance the opportunity for customary trade of fish of
23 cash; however, few fish are actually being taken under
24 these Federal regulations as you can see in the harvest
25 information we have so far, although this is a fairly new
26 regulation, or a very new regulation for us.

27
28 The dollar value limit being proposed in
29 the Cook Inlet area is not directly related to current
30 or historical amounts of fish exchanged for cash, but is
31 a limit the proponent has requested to prevent exchanges
32 that could be perceived as excessive or an abuse.
33 Adopting the proposed regulations would help prevent
34 potential large-scale sales of fish under the customary
35 trade regulations, and could help prevent the possibility
36 of such abuses. However, the amount of customary trade
37 occurring in the Cook Inlet area is probably very low or
38 possibly even nonexistent, especially given the reported
39 participation, harvest levels and the required health
40 regulations that we discussed in more detail this
41 morning.

42
43 Federal subsistence regulations in the
44 Cook Inlet area have only been in place for three
45 seasons, with State regulated subsistence fisheries being
46 very limited in this area of the State. This is in sharp
47 contrast to the well-established and current subsistence
48 fisheries in the Bristol Bay area, for example, which is
49 the area from which the dollar limits are being proposed,
50 or in the Upper Copper River District as we discussed

1 earlier today, which has a well-established subsistence
2 fishery.

3
4 Placing dollar limits in a regulation for
5 a practice that appears to be very low or possibly
6 nonexistent seems unnecessary at this time. The current
7 harvest levels being reported do not suggest that further
8 limitations in regulations are needed.

9
10 So with that, Mr. Chair, the preliminary
11 conclusion is to oppose the proposal, primarily due to
12 the low level of participation in the harvest under the
13 Federal regulations. However, you know, Regional Council
14 member discussion should help focus the issue on what
15 might be the most appropriate recommendation for the Cook
16 Inlet area.

17
18 Thanks, Mr. Chair. I'd be happy to try
19 to answer any questions the Council may have.

20
21 CHAIRMAN LOHSE: Thank you, Jerry. Do we
22 have any questions. Doug.

23
24 MR. BLOSSOM: Yeah, Mr. Chairman. Jerry,
25 didn't you earlier this morning say that there was a \$100
26 thing that you'd come up with for statewide for
27 subsistence to another individual? Wasn't that taken up
28 as a standard procedure? So why wouldn't that be a
29 standard to use here.

30
31 MR. BERG: Mr. Chair, Mr. Blossom, that
32 \$100 limit was a proposed limit for the Copper River
33 area. That was proposed by Ahtna and the Chitina Native
34 Corporation for that area. Right now the statewide
35 regulation, there are no dollar value limits statewide.
36 So it's unlimited at this point statewide.

37
38 MR. BLOSSOM: Okay. I heard you wrong.

39
40 MR. BERG: Thank you.

41
42 CHAIRMAN LOHSE: Fred.

43
44 MR. ELVSAAS: Yeah, thank you. How does
45 this affect the subsistence halibut fishery in Cook
46 Inlet.

47
48 CHAIRMAN LOHSE: Jerry, can you answer
49 that?

50

1 MR. BERG: Yes, Mr. Chair, Mr. Elvsaas,
2 it would not affect. It would not have any affect on the
3 halibut regulations. That's handled through NOAA and
4 National Marine Fisheries Service, and there is a halibut
5 program in place. I believe the limit is \$400. And
6 that's a completely separate program, and so this
7 regulation would not impact that regulation at all.

8

9 MR. ELVSAAS: Thank you.

10

11 CHAIRMAN LOHSE: Tom.

12

13 MR. CARPENTER: So really the only reason
14 in your mind that you would not put a dollar limit on it
15 right now is because there's no abuse. You're basically
16 saying that being proactive is not necessary at this
17 time.

18

19 CHAIRMAN LOHSE: Jerry.

20

21 MR. BERG: Yes, Mr. Chair, Mr. Carpenter,
22 yes, that's essentially where we came down on this, is
23 that the level of participation and use just seems to be
24 so low that there's not a need to put additional
25 regulations in place at this time. However, if the
26 Council feels otherwise, you know, I'd certainly
27 encourage more discussion and the Council's
28 recommendation. Thank you, Mr. Chair.

29

30 CHAIRMAN LOHSE: Thank you, Jerry. Any
31 other questions. Susan.

32

33 MS. WELLS: Mr. Chair. Jerry, is there
34 any evidence that any fish out of Federal waters have
35 been sold on the Kenai? Any Kenai Federal waters have
36 been sold at all?

37

38 MR. BERG: Mr. Chair, Ms. Wells, actually
39 that's a very good question, and we did try to look into
40 some historical documents and try to answer that same
41 question, and we found some information that some fish
42 were sold to Anchorage residents back in the turn of the
43 century, the early 1900s, but where those fish were
44 taken, it's likely that they're probably, you know,
45 what's currently are State waters, marine waters, but it
46 was not evident even in that report where they were
47 actually taken, so we can't really answer that for sure
48 exactly, you know, what level of use if any has taken
49 place on Federal waters.

50

1 CHAIRMAN LOHSE: Thank you, Jerry.
2 Susan, were you asking whether any of the fish that have
3 been currently taken under current permits have been
4 sold, or were you talking about historically?
5
6 MS. WELLS: Either/or. Because I don't
7 know of any fish that has been -- that I know of that
8 have been sold, so I just wanted to know if they did.
9
10 CHAIRMAN LOHSE: Thank you, Susan. With
11 that reported amount of fish that they've had taken, they
12 couldn't have very many sold.
13
14 MR. CARPENTER: Mr. Chairman.
15
16 CHAIRMAN LOHSE: Tom.
17
18 MR. CARPENTER: I guess, Jerry, I guess
19 one other question I have is would you be opposed, you
20 know, if there was no dollar value as it is right now,
21 you know, in regards to what the Federal Board has said,
22 would you be opposed or your Staff be opposed to having a
23 reporting requirement like we adopted earlier for the
24 Copper River? I mean, basically there would be no value,
25 but there would be a reporting requirement for people
26 that did sell it so that your Staff in the future would
27 have kind of data line to work off of in regards to
28 future proposals that come before the Council in regards
29 to setting a dollar value.
30
31 CHAIRMAN LOHSE: Jerry.
32
33 MR. BERG: Mr. Chair, Mr. Carpenter,
34 yeah, I guess that would be one way to gather
35 information. I guess it would require that any time
36 somebody came in for a permit, we would have to, you
37 know, make sure that they're aware of that fact, that if
38 they do sell any of their fish as customary trade, that
39 they would have to record it. Yeah, I think that's
40 certainly something that possibly could be done.
41
42 I guess I did want to point out one thing
43 that's in the proposal, but I didn't point out, was that
44 this same group, the Cooper Landing Fish and Game
45 Advisory Committee, as some Council members may remember,
46 they submitted a proposal last year to not allow any
47 customary trade on the Kenai Peninsula, and that proposal
48 was not adopted by the Federal Subsistence Board. So
49 this is their second try at trying to put some sort of
50 limitation on customary trade in this area. So, thank

1 you, Mr. Chair.

2

3

CHAIRMAN LOHSE: Susan.

4

5

MS. WELLS: Thank you for that. And I'm just going to make a comment, that having a regulation on about 39 fish, not including the numbers for this year, seems a little overbearing for that amount of fish. And it says in this report here that the money part would place a burden on the users. And I think that having regulations that would require reporting of any kind would also do a -- create a burden for the users. Or I think it would. What do you think?

14

15

CHAIRMAN LOHSE: Jerry.

16

17

MR. BERG: Yeah, Mr. Chair, Ms. Wells, well, it certainly would be an additional requirement if that's what the wishes of the Council was to recommend that there be a requirement that they -- that all sales be recorded, it certainly would be an additional thing that subsistence users that chose to use the Federal regulation would have to abide by, so it could be an added burden for the subsistence user.

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CHAIRMAN LOHSE: Anybody else have any comments. Jerry, if they did something like that, they have to come in and get a permit anyhow, don't they?

MR. BERG: Uh-huh.

CHAIRMAN LOHSE: Do they have to report -- and they have to obviously send you a report at the end of the season, or return a report on their permit, right?

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MR. BERG: Yes, they're supposed to, although I understand that -- Gary Sonnevil, the in-season manager is here. I believe he had to make some follow-up phone calls last year to get -- for the people that didn't harvest anything, to actually get those harvest levels. But they're supposed to turn in their harvest report by October 31st.

CHAIRMAN LOHSE: So there are actually reporting requirements already required for the issuance of that permit?

MR. BERG: Yes, there are.

1 CHAIRMAN LOHSE: And so to have -- so
2 that it really wouldn't cause much additional reporting
3 to report how much was sold on a -- I mean, all it would
4 take would be one more line on the report.

5
6 MR. BERG: Yeah, we'd just have to add
7 something on the back of the permit, and get them to, you
8 know, record that during the season.

9
10 CHAIRMAN LOHSE: Yeah. Or even just at
11 the end of the season, that would report, you know, what
12 had been done. So I know as a Council we have been very,
13 very proactive on getting information, not making
14 decisions before there was a problem, but getting
15 information so that if a problem did show up, you would
16 have access to information to make a decision on. And
17 myself personally, I personally would be very much
18 supportive of having, as long as they have to return a
19 report on their permit to start off with, having to
20 report if there was any sale of fish on there. And that
21 would keep us informed if there was any issue in this
22 area. I mean, at this point in time, like Susan said,
23 with 39 fish being taken, and three permits out this
24 year, those three aren't going to impact a real lot of
25 fish. But as long as they have to return a report
26 anyhow, it sure wouldn't take much extra to fill one more
27 line out and say whether any of those fish have been
28 sold. And so I would be very supportive of a proposal
29 that would include reporting of sale along with reporting
30 of what was taken. Jerry.

31
32 MR. BERG: Yeah, Mr. Chair, I guess it
33 would probably be -- the most difficult thing would just
34 be explaining to people what the customary trade
35 regulations are. I think a lot of people are not aware
36 of what the regulations are, so that would probably be
37 the most difficult part of implementing that portion of a
38 reporting requirement, is when you give them the permit
39 to explain to them what the customary trade regulations
40 actually are. I think that a lot of people aren't even
41 aware that that's a provision that's in regulation, so
42 that's my only comment.

43
44 CHAIRMAN LOHSE: You're right, Jerry.
45 Sometimes you can cause a problem by putting more
46 information out than is necessary. But if somebody --
47 yeah. Okay. Anyhow, with that, anybody have any more
48 questions for Jerry. We're still on the introduction.
49 We're not on the deliberation. Susan.

50

1 MS. WELLS: Would you even need a
2 proposal from this Council to put that information on a
3 permit? I would think that that would be administrative.

4
5 MR. BERG: I think it would actually be
6 better it was a recommendation from the Council to modify
7 this proposal before them to require that a recording
8 form of some sort be added to the permit without any
9 monetary value. I think it would be better just to go
10 through the public process, that that's what the
11 recommendation of the Council would be, and then the
12 Federal Board would take action on it, and then it would
13 go from there.

14
15 CHAIRMAN LOHSE: Fred.

16
17 MR. ELVSAAS: Yeah. As I understand it,
18 there's no great haste on action on the monetary
19 assessment and so forth. Possibly a resolution similar
20 to what happened for the Copper River would be in order
21 rather than action on this proposal, because we can't
22 stipulate that they do things.

23
24 CHAIRMAN LOHSE: In this case, Fred, we
25 can stipulate that that's part of the permit. We can
26 stipulate that. We can't ask them to do research, but we
27 can stipulate that as part of the regulations required
28 for obtaining a permit. If I'm correct on that, Jerry --
29 if I'm not correct, correct me.

30
31 MR. BERG: No, that's correct. You can
32 support the proposal as is, or you can modify it as you
33 see fit as a Council, and part of modifying it would be
34 taking portions of the proposal and making that part of
35 your recommendation if you'd like.

36
37 CHAIRMAN LOHSE: Fred.

38
39 MR. ELVSAAS: I might have stated it a
40 little different, but I would not be comfortable taking
41 this proposal, if I didn't support what's being proposed,
42 and amend the proposal to say something different.
43 That's my problem with it right now. In other words, I
44 don't support the proposal. Thanks.

45
46 CHAIRMAN LOHSE: Jerry, any comments on
47 that? This is a two-part proposal -- this actually is a
48 three-part proposal. They have a dollar value that
49 wasn't there for the rural, they have a dollar value for
50 the non-rural, and they have reporting requirements for

1 the non-rural. So there are three parts to this
2 proposal. We can support the whole thing, part of it, or
3 any part of it there without changing it. Jerry.

4
5 MR. BERG: Yeah, I guess I did just think
6 of -- I did talk to the proponent quite a bit on this
7 proposal, and the Cooper Landing AC is in favor of any
8 sort of limitations or to try to get a handle on what the
9 customary trade level is, so I think it would be fair to
10 say that they would be in support of putting some sort of
11 regulation in place that would at least travel the level
12 of use. I wish Mr. Caldwell was here to address it. He
13 was going to try to be here. He's the chair of the AC.
14 I think some of you Council members may remember him, but
15 anyway he -- when I talked to him, he did want to see
16 something in place. As I said, they tried to put a
17 proposal in last year that was not adopted, and then so
18 this is their second try. And the only reason they put
19 in those dollar values was because that's what passed in
20 Bristol Bay last year. So they definitely would like to
21 see something in place from -- speaking from the
22 proponent and having talked with them over the past few
23 months. Thank you, Mr. Chair.

24
25 CHAIRMAN LOHSE: Thank you, Jerry. Any
26 other questions. James.

27
28 MR. SHOWALTER: Yes, James Showalter. I
29 see this is a Coopers Landing Fish and Game Advisory
30 Committee. What about the residents of Coopers Landing.
31 Have they an opinion here, or is this just coming from
32 the committee?

33
34 CHAIRMAN LOHSE: Jerry.

35
36 MR. BERG: Yeah, Mr. Chair, Mr.
37 Showalter, my understanding is it's just coming from the
38 advisory committee. I don't -- I'm not sure if it
39 represents that view of many people from Cooper Landing
40 or not. I just know that it represents what the advisory
41 committee wanted to propose.

42
43 CHAIRMAN LOHSE: Thank you, Jerry. Any
44 other questions for Jerry. With that.....

45
46 MR. WILSON: I've got a question.

47
48 CHAIRMAN LOHSE: Okay. Dean.

49
50 MR. WILSON: I'm Dean Wilson. I'm kind

1 of under -- I'm still confused here. You talked to the
2 proponent of the proposal, and I still don't understand
3 what the concern is. We're talking a very small amount
4 of fish, and what was their reason why two years in a row
5 now they've tried pushing this through. Did they have a
6 reason for that?

7
8 MR. BERG: Through the Chair, Mr. Wilson,
9 yeah, my understanding is that they feel it is a loophole
10 that could be abused if the wrong person had the wrong
11 intentions, and so they wanted to just try to close that
12 loophole before there was a problem. That's my
13 understanding of why they have been trying to address
14 this issue. Thank you, Mr. Chair.

15
16 CHAIRMAN LOHSE: Thank you, Jerry. Dean,
17 did you have some more to say?

18
19 MR. WILSON: Yeah, but there is no record
20 of any abuse up to this point that they're pointing to or
21 anything like that. They just want to shut it down
22 before anything happens with the 39 fish or whatever
23 they're getting.

24
25 MR. BERG: Yeah, through the Chair, Mr.
26 Wilson, that's my understanding. There's no abuse that's
27 been recorded. There's actually been no recorded
28 customary trade of any sort that we're aware of under the
29 federal regulations.

30
31 Thank you.

32
33 CHAIRMAN LOHSE: Thank you, Jerry. Dean,
34 I think to a certain extent it's like what some of our
35 original ideas that we did on the Copper, only there we
36 had more incidence of people using it and more potential
37 abuse. But I know when we worked on the first set of
38 proposals, that we basically thought we should put some
39 kind of a limit just to keep people from going too far
40 over. And that's kind of like what Ahtna presented.
41 Gloria.

42
43 MS. STICKWAN: I see Chickaloon's in this
44 Cook Inlet area, so if this were adopted, they would part
45 of both. They're in the Cook Inlet region. Chickaloon.
46 They would have two different regulations to follow.

47
48 MS. DOWNING: Gloria, could you pull you
49 microphone up a little bit. You're awfully soft spoken.
50 Thanks.

1 MS. STICKWAN: I said I see in the Cook
2 Inlet region there's -- Chickaloon's a part of that
3 region, so they would have two different regulations, or
4 how would that work?

5
6 CHAIRMAN LOHSE: I think, Gloria, and
7 Jerry can correct me if I'm wrong, it would apply to them
8 for each individual subsistence permit -- each individual
9 subsistence fishery they were taking part in, because the
10 two fisheries are separate, but I may be wrong on that.
11 Jerry, what do you think?

12
13 MR. BERG: No, Mr. Chair, you're correct,
14 that if they harvest those fish in the Copper River under
15 an Upper Copper River District permit, then they're bound
16 by the regulations, so if they sell fish that were caught
17 under that permit, then they would apply to the values
18 that you -- well, if it's adopted, then if the Federal
19 Board adopts that proposal, then people from Chickaloon,
20 if that proposal's adopted to where they're allowed C&T,
21 then they would be bound by the same dollar values that
22 you would be on Copper River.

23
24 Now, if they also have C&T for the Cook
25 Inlet area, and they come down here, and they get a
26 Federal permit and they harvest fish in Federal waters,
27 they would be allowed to sell those fish under the
28 regulations that are in place for the Cook Inlet area.
29 So they would only -- those regulations only apply for
30 those areas and for the people that qualify for the
31 Federal permits in those areas. Does that answer your
32 question, Gloria?

33
34 MS. STICKWAN: Uh-huh.

35
36 MR. BERG: Thank you.

37
38 CHAIRMAN LOHSE: Is that okay? Okay.
39 Without any more questions, Jerry, thank you. We'll go
40 on to Alaska Department of Fish and Game comments.

41
42 MS. SEE: Mr. Chair, members of the
43 Council, my name is Marianne See with the Alaska
44 Department of Fish and Game.

45
46 I have comments very similar to those we
47 offered for Proposal 13, but also a couple of additional
48 points. And we did provide this in writing, but I'll add
49 a couple of points to it.

50

1 For one, the first sentence here in your
2 written version, I'll have to correct that. This
3 regional proposal would establish limits on the amount of
4 customary trade allowed for salmon and other fish
5 harvested. It's not just salmon harvested by fishers in
6 the Cook Inlet area.

7
8 There may be -- after I speak, there may
9 be some additional public testimony offered to the
10 Council which could be helpful in providing more specific
11 context and historical background regarding this
12 proposal.

13
14 However, the Department fundamentally
15 does not support regulations authorizing customary trade
16 of salmon where the customary nature and levels of the
17 trade have not been demonstrated in the regulatory
18 record. Given the past adoption of such regulations by
19 the Federal Subsistence Board, however, the State does
20 generally support restrictions in the amount of fish, or
21 the dollar values allowed to prevent abuse and
22 commercialization of the practice.

23
24 We note that the Cook Inlet area is not
25 remote, and has considerable road access.

26
27 For this proposal, it's unclear how the
28 proposed limits would be assessed, because customary
29 trade between rural residents would not have a reporting
30 requirement as proposed, and that's already been
31 mentioned under discussion from the preceding points from
32 the Federal analysis.

33
34 I would like to note though that
35 customary trade is an exchange, and it's a trade for
36 cash. The use of the term sale in a lot of the
37 discussion this afternoon is troubling, because sale is
38 not customary trade. I think the use of the term sale is
39 sending a message that's distinctly different, and is
40 going to potentially be very confusing for people, and I
41 would urge you to be very careful, and for all of us,
42 trying to describe this particular topic to try to adhere
43 to the term customary trade. It's intended to be a trade
44 for cash. It's an offset to the expense of subsistence
45 fishing. It is not literally the sale of your fish.

46
47 And with that, I conclude my comments.
48 Thank you.

49
50 CHAIRMAN LOHSE: Thank you. Any

1 questions. James.

2

3

4 MR. SHOWALTER: Yes. James Showalter.
5 As you said there was -- this proposal is originally
6 coming from Coopers Landing, and the way I understand,
7 you done your survey there. So with that, I'm looking at
8 -- the way I'm seeing it is they want to contain the
9 people within that area, so with this proposal, they're
10 trying to impose this on the total area of the Cook
11 Inlet, other subsistence users, and with that, I'm going
12 to have to vote against this proposal just for that
13 reason.

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Thank you.

CHAIRMAN LOHSE: Thank you, James. Any other questions for her.

(No comments)

CHAIRMAN LOHSE: Thank you for your presentation. Other Federal, State or tribal agency comments. Do we have any.

(No comments)

CHAIRMAN LOHSE: With that, then we'll go on to Inter Agency Staff Committee comments. And, Bob, is it the same as what it's been?

MR. GERHARD: Yes. Nothing further, thank you.

CHAIRMAN LOHSE: Nothing further. Just what's written down. Okay.

Summary of written public comments. Do we have -- oh, fish and game advisory committee comments. Do we have any of them.

(No comments)

CHAIRMAN LOHSE: Summary of written public comments. Do we have any written public comments.

MR. MIKE: No, no written public comments, Mr. Chair, thank you.

CHAIRMAN LOHSE: No written public comments. And public testimony. Do we have any public

1 testimony. I don't have any forms in front of me here.
2
3 MR. MIKE: None received, Mr. Chair.
4
5 CHAIRMAN LOHSE: None received. Okay.
6 With that then a motion to put this proposal on the table
7 is an order, or it can just be left to die where it is,
8 but we need to do something.
9
10 MS. WELLS: I'll put this on the table at
11 written.
12
13 CHAIRMAN LOHSE: A motion's been made to
14 put Proposal 10 on the table as written. Do I hear a
15 second.
16
17 MR. CARPENTER: Second.
18
19 CHAIRMAN LOHSE: It's been moved and
20 seconded. Discussion, deliberation, recommendation,
21 justification. Susan.
22
23 MS. WELLS: Well, I'll start off. One of
24 the things I think that needs to be done before a permit
25 is even issued is that is there not supposed to be
26 customary and traditional use determination for a permit
27 before they're issued?
28
29 CHAIRMAN LOHSE: That's a good question.
30 But I think if there hasn't been any customary and
31 traditional use determination, then it applies to
32 everybody. But somebody can correct me if I'm wrong on
33 that. Pat.
34
35 MS. PETRIVELLI: When there are no
36 customary and traditional determinations made, all rural
37 residents are eligible.
38
39 CHAIRMAN LOHSE: All rural residents are
40 eligible.
41
42 MS. PETRIVELLI: So all rural residents
43 could go to the Kenai National Wildlife Refuge and apply
44 for a permit.
45
46 CHAIRMAN LOHSE: At this point in time.
47
48 MS. PETRIVELLI: Uh-huh.
49
50 CHAIRMAN LOHSE: Okay. Thank you. Does

1 that answer your question, Susan?

2

3 MS. WELLS: Yep. Thank you. I'm going
4 to oppose this because of the establishment of limits on
5 a resource that's not even used, but that is minimally
6 used, and until it becomes an issue, I don't feel that we
7 need to be proactive in this particular fishery.

8

9 CHAIRMAN LOHSE: James.

10

11 MR. SHOWALTER: Yes. James Showalter.
12 As I said, I'll have to oppose this regulation due to the
13 fact also that there's low numbers of harvest, and this
14 resolution summary here, it would be imposing on other
15 rural residents of the Cook Inlet, and where as I see it
16 they want to put it on themselves. So I have to vote no on
17 it.

18

19 Thank you.

20

21 CHAIRMAN LOHSE: Doug.

22

23 MR. BLOSSOM: Mr. Chairman, can we get
24 Mr. Sonnevil up here for just a second.

25

26 CHAIRMAN LOHSE: Thank you, Doug.

27

28 MR. BLOSSOM: Gary, the present
29 regulations, we just have sport fishing regulations for
30 subsistence, right?

31

32 MR. SONNEVIL: That's correct.

33

34 MR. BLOSSOM: Okay. That's the thing I
35 wanted to ask you. So I guess my comment is I'll oppose
36 it at this time, but if we in the future go to different
37 regulations for subsistence, then we need to look at this
38 again. But at present, if it's the same as sport fish
39 regulations, I can see why there's a low level of
40 participation, because they can just as soon do it under
41 sport fish as subsistence, and a lot less paperwork.

42

43 Thank you.

44

45 CHAIRMAN LOHSE: Thank you. Have you got
46 anything that you'd like to add since you're from that
47 area to our discussion at this point in time?

48

49 MR. SONNEVIL: Just the fact that the
50 permits are primarily issued out of my office, and I

1 personally issued the three that have been issued this
2 year. They're due back in a couple of weeks, at the end
3 of the month. If I don't receive them by early November,
4 then I do have their phone numbers and addresses, and
5 reach them telephonically. I've never had to write a
6 letter to get a response back from one of our permit
7 holders. But it's been a very low participation.

8

9 We do go over it when they do come in for
10 a permit. I establish where their residency is, that
11 they are qualified. I do go over customary and
12 traditional -- or the trade aspect of it with them, too,
13 and we spend at least 20 minutes talking before I
14 actually sign a permit over to them, and also explain the
15 reporting requirements.

16

17 CHAIRMAN LOHSE: So with that kind of
18 personal contact, do you feel like if there was a
19 problem, that you would be able to recognize it pretty
20 fast?

21

22 MR. SONNEVIL: I would hope so, yes.

23

24 CHAIRMAN LOHSE: Thank you.

25

26 MR. SONNEVIL: Thank you.

27

28 CHAIRMAN LOHSE: Doug, thank you for
29 bringing that up. That was something I had forgotten,
30 and that's something that hadn't come out in the
31 discussion before that currently these are all fish that
32 are taken under State sport fishing regulations,
33 mirroring State sport fishing regulations.

34

35 Any other discussion. Tom.

36

37 MR. CARPENTER: Yes, Mr. Chair, I'll
38 oppose this proposal as written. I do feel that it would
39 not be a bad idea to have some kind of a record of
40 customary trade, sales, between rural residents and other
41 rural residents, although listening to fellow members on
42 the Council here that live regionally, they don't seem to
43 have a whole lot of concern with this. You know, this is
44 the place they live, and I can live with that decision.
45 I just think that, you know, it's not a bad idea to have
46 information. That was the whole intent of asking the
47 questions that I did earlier.

48

49 Thank you.

50

1 CHAIRMAN LOHSE: Thank you, Tom.
2 Comments from anybody else.
3
4 (No comments)
5
6 CHAIRMAN LOHSE: Well, I'll echo what
7 Tom. I'm a firm believer that having information staves
8 problems off. But if you've got a biologist that's
9 issuing the permits, knows the people individually, and
10 actually sits down and talks to them, more than likely
11 he'll recognize the problem long before any of the rest
12 of us do. And at that point in time, I would hope he
13 would come to us and suggest that we put some record
14 keeping on the issuance of the permits if he doesn't feel
15 he can get the information any other way.
16
17 So with that, if nobody else has any
18 further discussion or deliberation, the question is
19 order.
20
21 MR. CARPENTER: Question.
22
23 CHAIRMAN LOHSE: The question's been
24 called. All in favor of Proposal 10 signify by saying
25 aye.
26
27 (No affirmative votes)
28
29 CHAIRMAN LOHSE: All opposed signify by
30 saying nay.
31
32 IN UNISON: Nay.
33
34 CHAIRMAN LOHSE: Motion fails. And I
35 actually was smart enough to say fail instead of carries
36 like I have done in the past.
37
38 Okay. With that we're going to go on --
39 does anybody have a watch to tell me what kind of time
40 we're sitting right now.
41
42 UNIDENTIFIED VOICE: Twenty to four.
43
44 CHAIRMAN LOHSE: Oh, my gosh. Twenty to
45 four. Doug, can you get us started on the Fisheries
46 Monitoring Program this evening.
47
48 MR. McBRIDE: Absolutely.
49
50 CHAIRMAN LOHSE: I don't know if we can

1 finish it before 5:00 o'clock, but you can at least get
2 it started. A question, let me stop for just a second.
3 Steve. Is Steve Kessler here.

4

5 MR. KESSLER: Right here.

6

7 CHAIRMAN LOHSE: Steve, did you say you
8 needed to get yours done tonight?

9

10 MR. KESSLER: No, I don't. I'm here
11 tomorrow.

12

13 CHAIRMAN LOHSE: Okay. Okay. I was
14 trying to remember. Somebody else said that they had to
15 be gone tomorrow, and I can't remember what it was.
16 Okay. Doug.

17

18 MR. McBRIDE: Thank you, Mr. Chairman.
19 Members of the Council. My name is Doug McBride. I'm
20 with the Office of Subsistence Management in the
21 Fisheries Information Services, and I'm here to talk to
22 you today about the Fishery Resource Monitoring Program.
23 There are actually main things that I'd like to present,
24 and then discuss and get Council comments on.

25

26 First I'm going to go through the 2005
27 monitoring program recommendations. Those begin on Page
28 79 in your Council book. The cover page is this picture.
29 And then there are copies of this material on the back
30 table. And this is the recommendations for projects to
31 be funded in 2005.

32

33 Then second I'm going to -- I'd like to
34 make a presentation and solicit Council review comments
35 on a strategic planning exercise that we did for the
36 monitoring program. That was the material that was just
37 distributed by Donald, but we'll go through the
38 presentation of the 2005 monitoring plan, and discussion
39 of that first, Mr. Chairman.

40

41 Turning to Page 80 in your book, there's
42 some introductory material about how the monitoring
43 program is administered, and how we come about the
44 recommendations for project selection that we do. I'm
45 going to really, really briefly go through this, because
46 we covered this during the training at the last meeting.

47

48 I think the main thing to remember about
49 how the monitoring program is administered, and how we
50 come about making recommendations, is largely on Page 81.

1 We have a Technical Review Committee that looks at
2 investigation plans for the proposals that we receive,
3 and when we make a recommendation to either fund or not
4 fund, we're looking at four evaluation criteria, and
5 that's what's on Page 81, and I'll just very briefly go
6 through them.

7
8 First is strategic priorities. And
9 that's really a question of how important is the issue
10 being addressed. And when we talk about the strategic
11 planning here in just a short while, that's an exercise
12 that we went through to try to really hone in on what is
13 strategically important for this region to get
14 information about.

15
16 Second, we look at technical and
17 scientific merit. In other words, is the program, is the
18 methodology competent. You know, what kind of methods
19 are being used for data collection. What are the
20 analytical methodology. Is the report writing
21 appropriate, those kinds of things. So we look at that,
22 and evaluate that.

23
24 Third, we look at the past performance
25 and administrative expertise, so when we get a proposal,
26 we look at the past history of who or what organization's
27 proposing it, making sure that they've got a good track
28 record of delivering products.

29
30 And then finally we look at partnership
31 and capacity building. In other words, how well does the
32 proposal achieve the objective of trying to bring Alaska
33 Native and rural residents into the realm of meaningful
34 natural resource management.

35
36 It's a combination of those four things
37 that we look at when we say, yes, we think this proposal
38 is ready to be funded, or, no, it's not.

39
40 If you turn the page to Page 82, there's
41 a table at the bottom, Table 1, and I think it's
42 important to look at that for this upcoming year, because
43 that lays out the amount of money that's available for
44 funding new studies in 2005. And in particular look at
45 the two lines towards the bottoms for Southcentral and
46 the other one for Southeast Alaska. And the reason I
47 would highlight those is because you have to get into
48 sort of the trees of how the program is administered and
49 funded.

50

1 Our money comes from two places. One is
2 through the Department of Interior, U. S. Fish and
3 Wildlife Service, and those monies fund land mass-wise
4 most of the State. The northern part of the State, the
5 Interior, Bristol Bay, Kodiak, Alaska Peninsula. But
6 Southeast and Southcentral Alaska, because that's where
7 the national forest are, that money comes through USDA
8 Forest Service, and it funds those two areas. So any
9 flexibility that we have in the program to move money
10 across areas for here in southcentral is really between
11 here and Southeast Alaska, because of the mandate of
12 those agencies, that they have to spend their money on
13 the lands that they administer. So when we're talking
14 about how much money's available, the first thing we look
15 at is the target dollar amount for Southcentral, and
16 there's at least some level of flexibility between here
17 and Southeast Alaska, because of where the money comes
18 from.

19
20 Mr. Chairman, that's all I'm going to say
21 about the introductory part of this, unless there's any
22 questions on the part of the Council.

23
24 CHAIRMAN LOHSE: Any Council members have
25 any questions.

26
27 I have just one question then, Doug. So
28 Southcentral gets some Department of Interior dollars and
29 some Department of Agricultural dollars, because we have
30 both kinds of land in our areas. Southeastern gets all
31 Department of Agricultural dollars.

32
33 MR. McBRIDE: Mr. Chairman, that's
34 correct. Obviously there's the Chugach National Forest
35 here, but also Wrangell-St. Elias National Park. But if
36 you look at the dollar amounts, it's really driven by
37 USDA Forest Service.

38
39 CHAIRMAN LOHSE: A question then. But
40 the USDA or the U.S. Department of Agricultural dollars
41 have to be spent on projects in Southcentral that are on
42 Forest Service land. It's not that that money goes into
43 a pool for Southcentral and, well, basically we look at
44 the pool there and we see \$287,000, if I remember right,
45 and that pool can't be used for projects all over
46 Southcentral. \$215,000 of that has to be used for
47 projects that are on Forest Service land. Am I correct?

48
49 MR. McBRIDE: Mr. Chairman, that's
50 essentially correct. It has to have nexus to the

1 forest.....

2

3 CHAIRMAN LOHSE: To Forest Service.

4

5 MR. McBRIDE:which is -- yeah,
6 there has to be a connection to the forest.

7

8 CHAIRMAN LOHSE: Right.

9

10 MR. McBRIDE: It doesn't have to be
11 physically sited on the forest, but there has to be a
12 connection to it.

13

14 CHAIRMAN LOHSE: Right. Okay.

15

16 MR. CARPENTER: Can I ask a question.

17

18 CHAIRMAN LOHSE: Tom.

19

20 MR. CARPENTER: Reading where you get the
21 funding, it says 2000 it started with \$5 million, and
22 then since 2001, you have \$6.25 million, 4.25 which comes
23 from U.S. Fish and Wildlife, 2 million from the
24 Department of Agriculture. And then you look at the
25 total amount of money that's spent on projects is about
26 two million bucks. Where is the other \$4.25 million at?

27

28 MR. McBRIDE: Mr. Chairman. Mr.
29 Carpenter, I'm actually going to cover that next.

30

31 MR. CARPENTER: Okay.

32

33 MR. McBRIDE: But the short answer is the
34 total dollar amount in total annually is \$6.25 million.
35 That's statewide. But what you have to subtract from
36 that are project commitments already made, and that's
37 what we're going to cover in just a second, because when
38 we met last year, we did the 2004 monitoring program, and
39 a lot of programs, or a lot of projects were initiated.
40 So we have to take those funding commitments off the top
41 and then we have what's left.

42

43 CHAIRMAN LOHSE: So what we're dealing
44 with is monies available for new projects or continuing
45 projects whose time has ran out.

46

47 MR. McBRIDE: Mr. Chairman, that's
48 correct.

49

50 CHAIRMAN LOHSE: Okay. Thank you.

1 MR. McBRIDE: Mr. Chairman. Members of
2 the Council. If you'd turn to Page 85, that starts then
3 the overview for the Southcentral Region. So we're going
4 to leave now the statewide perspective, and the
5 administrative perspective of the entire program, and now
6 focus on what's been done and what's being recommended
7 for Southcentral Alaska.

8
9 The first thing I'd like to say is under
10 the issues and information needs, that's -- this now
11 speaks to strategic importance. What issues, what
12 questions are important to address through this program.

13
14 The information that we presented here,
15 we actually went ahead and used the results of the
16 strategic planning exercise that we did this past spring.
17 And again, I'm going to cover that after this
18 presentation, but I think it's important to realize that
19 what our group did, the issues and information needs or
20 the strategic issues that we identified, at least in our
21 view largely parallel those that were originally
22 articulated by this Council. But I think what -- where
23 the value added in that exercise was, was trying to put
24 them into some sense of priority so we have a good idea
25 of what's most important, what's next most important, and
26 so on.

27
28 And to that end, if you look at the
29 middle of Page 85, we identified what we called
30 subsistence fisheries, or subsistence fishery units, and
31 the planning group put those in order of priority for
32 information needed for the Federal Subsistence Program.
33 They're not meant to be in order of priority to the users
34 of those resources, but they're in order of priority for
35 information to this system, to the Federal Board, to the
36 Council, to the Staff.

37
38 And there's really no surprises here. I
39 mean, our program really in Southcentral has largely
40 focused on Copper River salmon as the most important
41 issue, and then you can ok and see at least how the
42 planning group prioritized fisheries in terms of
43 information needed.

44
45 The next thing I think to cover will
46 really address the question that Mr. Carpenter raised in
47 terms of what prior commitments, where have we been in
48 terms of projects that we've already funded. So if you
49 turn the page to Page 87, you'll see that table, Table 1,
50 and that is a summary of every project that we have

1 funded under the monitoring program in Southcentral
2 Alaska. And it's kind of a busy table, and I'll just try
3 to real briefly go through how best to get thorough that.

4
5 If you look at the columns, on the far
6 left is simply the project number, and it's just a coding
7 of the project, of the projects, but probably the
8 important thing to realize there is the first two numbers
9 there are the year in which that project was initiated.
10 So if it has a 00, that was in the first year of study,
11 2000. If it was an 04, it's one that we did -- or we
12 started just last year.

13
14 The next column is the data type. We
15 recognize two data types in this program. SST means
16 stock status and trends. Those are studies largely about
17 fish populations. And then the other data type is HM-
18 TEK, or harvest monitoring and traditional ecological
19 knowledge.

20
21 The third column there is just the
22 project title. Then we have the acronym of the
23 investigators that are actually doing those studies.

24
25 And then we have the amount budgeted for
26 that project by the year in which the project was done.
27 And if you'll remember, one of the sideboards of this
28 program is we allow program -- or project commitment of
29 up if to three years duration, so when we start a
30 project, we can make a funding commitment for up to three
31 years, and if the project is proposed to go longer than
32 that, we revisit doing it longer than that.

33
34 If you go to the column that's labeled
35 2004, any project that has a number under that column
36 means it's currently underway right now. So if you go
37 down, the first place where you see that is for the
38 project Copper River chinook radio telemetry in the
39 amount of \$185,300. And so for that project, that is in
40 the third and final year of study. That's a radio
41 telemetry project to look at distribution of chinook
42 salmon in the Copper River.

43
44 Below that you will see a whole block of
45 numbers, starting with the project Long Lake sockeye
46 escapement in the amount of \$17,800. And that block of
47 projects were the ones that we just did a year ago.
48 Those were all initiated in 2004. So those are in the
49 first year of study. Some of those really are brand new
50 projects, like the Long Lake project, or at least new to

1 this program, and others are continuations of previous
2 efforts, such as the Copper River chinook abundance
3 estimate program that's done by the Native Village of
4 Eyak.

5
6 And then we also initiated a harvest
7 monitoring-TEK study. Make sure I've got the right one.
8 The GIS Atlas of customary and traditional subsistence
9 fish harvest in the Upper Copper River that's being done
10 by CRNA.

11
12 Those are all the projects that we
13 initiated a year ago. And then also if you go further
14 down towards the bottom there under Prince William Sound
15 salmon -- and I also should have pointed out that these
16 projects area grouped by the fishery units that were on
17 the previous page, so we've got all the Copper River
18 salmon projects together, all the steelhead projects
19 together, all the Copper River freshwater species
20 projects together, and so on.

21
22 We've got two Prince William Sound salmon
23 projects that are in the final year of study.

24
25 So if you do all the math on this, if you
26 look at the amount of money available for Southcentral,
27 you subtract all these project commitments, that's how we
28 come up with the amount of money available for new
29 studies in 2005. Mr. Carpenter.

30
31 MR. CARPENTER: Just one question. Like
32 the Copper River chinook radio telemetry program that ran
33 from 2001 and ends -- well, I guess it ended this last
34 year. How do you come to the point to where you decide
35 what you're going to fund? You know, do you do only do
36 things for three years, because I know there are programs
37 in place that, you know, you started with, and then you
38 have renewed for three more years. Is it just based on a
39 level of competence? Is there only a certain amount of
40 years you want to do certain things? You know, I guess
41 that's what I'm getting at.

42
43 MR. McBRIDE: Mr. Chairman. Mr.
44 Carpenter, to renew a study, we would have to get a new
45 -- or a proposal to do that. For instance, one of the
46 ones I highlighted, the Copper River chinook abundance
47 estimate, we actually did that project for three years in
48 2001 through 2003. Then we received a proposal to
49 continue that. Now, it was no surprise that we received
50 that proposal. I mean, we were working with the

1 investigators, and we very much thought that was a
2 project that was worth continuing, and so we received a
3 proposal to do that. And then we make a recommendation
4 whether to fund it or not fund it, and in this particular
5 case, we recommended to fund it. That recommendation was
6 publicly reviewed through this council a year ago, and
7 then that project was approved last December by the
8 Federal Subsistence Board to I guess start in 2004, or
9 continue, depending on how you want to look at it.

10

11 For some projects like that chinook radio
12 telemetry, again we've worked with the investigators, and
13 in our view and in their view, they did not submit a
14 proposal to renew that project. And one of the things
15 you have to realize about that particular project, there
16 were actually three other years, three prior years of
17 study that were done completely by the Alaska Department
18 of Fish and Game, Sport Fish Division, so we actually
19 have six years of that data. What I've laid out here is
20 just what we have funded.

21

22 And in fact the proposal that I'm going
23 to speak to here shortly is a proposal to take that exact
24 project and do it for sockeyes. So basically what they
25 propose doing is to look at the distribution of sockeyes
26 in the drainage, and to be quite frank, they've already
27 got the infrastructure both on the grounds and
28 analytically to do that project.

29

30 MR. CARPENTER: I guess my concern was I
31 -- you know, I'm not a scientist, but you know, if you do
32 a -- if you fund a project for three years, does three
33 years give you enough time to where you can, you know,
34 confidently estimate something, or does it have to be --
35 I mean, how -- does it depend on each project, the time
36 frame that you need and involved?

37

38 MR. McBRIDE: Mr. Chairman. Mr.
39 Carpenter, it really depends on each project. We decided
40 on three years as reasonable trade off between providing
41 some continuity for investigators that were proposing a
42 multiple year study. In other words, we could have set
43 up a sideboard where we made them come back every year to
44 request funding, but as the program was originally
45 framed, we wanted to provide some ability -- or, you
46 know, stability to their lives. But the trade off is
47 then how often do we need to revisit, you know, these
48 projects to make sure that it's still strategically
49 important, it's still technically competent, it's still
50 promoting capacity buildings, those kinds of things. So

1 three years was arrived at as a trade off between those
2 two factors.

3

4 CHAIRMAN LOHSE: Doug, one thing you can
5 point out is that all projects aren't automatically
6 funded for three years either. There are projects that
7 are funded for shorter periods of time.

8

9 MR. McBRIDE: Mr. Chairman, that's
10 exactly correct. In fact, you can see in some of these
11 projects, they're funded some of them for one year, some
12 for two, some for three. So it depends on what's
13 proposed, but it also depends on our recommendation of
14 what to do. Some of the proposals we've received for
15 instance were proposed for three years, and it was at our
16 recommendation that they be done for less than that.

17

18 CHAIRMAN LOHSE: Thank you, Doug.

19

20 Okay. Mr. Chairman. Members of the
21 Council. If you turn the page to Page 89, what you'll
22 see there are Table 2 and Table 3, and those lay out some
23 of the summaries of particularly the financial
24 information for the proposals that are on the table for
25 funding. And we have three projects that were proposed
26 for funding in 2005.

27

28 The first one, spawning distribution and
29 run timing of copper River Sockeye salmon, that was the
30 -- that's the project that I just spoke about in answer
31 to Mr. Carpenter's question. That's a radio telemetry
32 study to look at the timing and distribution of sockeyes
33 as they move up the Copper River.

34

35 The second project, Project 502,
36 abundance, timing and distribution of Copper River
37 steelhead, that's a very similar piece of work for Copper
38 River steelhead. And I'll talk about both of those in a
39 little more detail in just a minute.

40

41 And then a third project, Project 553,
42 changes in subsistence salmon harvests on the Copper
43 River, that's a harvest monitoring-TEK study looking at
44 contextual information to explain changes in harvest
45 patterns for subsistence harvest of Copper River salmon.

46

47

48 The information that was summarized in
49 Table 2 is about how the total project amounts would be
50 spent by various organizations. And what I want to

1 highlight in there is that one of the things that we
2 highly promote in this program is capacity building, and
3 getting organizations outside of Government to do as much
4 of the work as they're capable of doing. As you can see
5 for each one of these projects, a large part, if not the
6 majority, of each one of these projects are being
7 conducted by an Alaska Native organization. And then in
8 the case of all three of these projects, they are
9 partnered with the State of Alaska, Alaska Department of
10 Fish and Game. That's the information that's in Table 2.

11
12 In Table 3 we also look at how much of
13 the budget is going into local hire, and you can see that
14 there is local hire certainly associated with the two SST
15 projects, and then also if there is any matching funds
16 being brought to the table. Those would be funds in
17 addition to what has been requested to this program. And
18 obviously one of the things that we highly value is
19 leveraging other monies in terms of doing this work. And
20 so you can see particularly for the Copper River
21 steelhead project, even though the total request of this
22 program is only whatever it is, \$36,500, that project is
23 in fact substantially more expensive, and in this case
24 the Alaska Department of Fish and Game is providing a lot
25 of other funding to do that study. That's what those
26 matching funds are.

27
28 If you turn the page to Page 90, then you
29 get into the recommendations. And I'll start with the
30 stock status and trends projects. And we're recommending
31 -- well, I'll cut to the chase. We're recommending all
32 three of these projects be funded.

33
34 Let me just briefly summarize the two
35 stock status and trends projects. Again, the first one,
36 501, spawning distribution and run timing of Copper River
37 sockeye salmon, we think this project is of very high
38 strategic importance. Getting abundance and timing
39 information about sockeyes moving up the Copper River
40 after they pass through the commercial fishery, and as
41 they're enumerated at Miles Lake sonar is a very high
42 priority from a strategic perspective.

43
44 From a technical perspective, this
45 project is very much off the shelf technology in our
46 view. That radio telemetry project that's already been
47 done for chinook very clearly demonstrates that the
48 investigators have the ability to successfully do this
49 project. Basically all they're going to do is stop
50 tagging chinook and tracking them, and start tagging

1 sockeyes and tracking them, so there's an incredibly high
2 likelihood that this project will be successful.

3

4 It's clearly got a very strong capacity
5 building component. It's -- the PI or principal
6 investigator for this project is the Native Village of
7 Eyak, and this program is in our view very important and
8 ready to go.

9

10 The next pro -- I'm sorry.

11

12 MS. STICKWAN: How far does this study go
13 up the Copper River? Does it go all the way up to Tanada
14 Creek?

15

16 MR. McBRIDE: Yes, actually, yes, it
17 does. And I think that also speaks to the value that
18 we're going to get out of this program. For instance, we
19 are already funding tributary escapement projects
20 particularly at Tanada Creek and Long Lake on the Copper
21 River, and this is going to give us I think a lot of good
22 information to look at those escapement assessments and
23 put them into context in terms of what's the timing of
24 those stocks as they move up the Copper River.

25

26 The next project, Project 502, abundance
27 timing and distribution of Copper River steelhead, this
28 project is really kind of an add-on project to that
29 sockeye project. We've got -- if we, as recommended,
30 fund the sockeye project, we've got all the
31 infrastructure in place to answer the same question for
32 Copper River steelhead. And we've funded some projects
33 already for Copper River steelhead, and we clearly
34 recognize that steelhead are not a huge driver of the
35 subsistence harvest on the Copper River, but we look at
36 the harvest pattern -- or the level of harvest during the
37 main part of the subsistence fishery in the Glennallen
38 Subdistrict, and we've also looked at the abundance of
39 spawning fish in the two known spawning areas, which are
40 Dickey Lake and Hanagita Rivers. And so the question
41 then becomes, those two spawning locations, are those
42 really the major ones, or are there other spawning
43 populations. And so that's what this project seeks to
44 answer. And it only makes sense to do this project with
45 the investment that's already made in the sockeye
46 project.

47

48 And again there's no question at least in
49 our view that this project will work. In fact, ADF&G did
50 a pilot study just -- they just completed it last month,

1 to look and make sure that they could capture enough
2 steelhead at the wheels that are at Canyon Creek. And
3 they ran those wheels for a period of time, they
4 definitely caught steelhead. So they're confident that
5 they can meet the sample sizes they want to get for that
6 study.

7
8 So again we're recommending both these
9 studies for funding in 2005.

10
11 Then at the bottom of Page 91 and on Page
12 92 is the one harvest monitoring-TEK study, Project 553,
13 changes to subsistence salmon harvest on the Copper
14 River. And again we are recommending this program for
15 funding. What this project would do is work with and
16 interview subsistence users in Upper Copper River and
17 what it seeks to do is put any changes in harvest
18 patterns, and there certainly have been changes in
19 harvest patterns over the years, into context. In other
20 words, look at what is driving the harvest patterns that
21 were seen. Instead of just looking at a table of numbers
22 and saying, well, the harvests are going up, the harvests
23 are going down, it seeks to put some explanation behind
24 that.

25
26 And in total, if you look at the bottom
27 of Page 92, we're recommending all three of these studies
28 for funding. If we take some money from Southeast Alaska
29 and combine it with the target amount for Southcentral,
30 there is adequate money to fund all three projects. And
31 in total we find them all of strategic importance.
32 They're all technically sound. The investigators for all
33 three projects are proven commodities, so they've
34 definitely got the administrative expertise to do this,
35 and they all promote capacity building.

36
37 Mr. Chairman, I'll end my presentation
38 there and ask if there's any questions about these
39 recommendations.

40
41 CHAIRMAN LOHSE: Tom.

42
43 MR. CARPENTER: Yeah, I'd just like to
44 thank you for that. You know, the projects that you have
45 funded the last, I don't know, four or five years anyway,
46 have been of great importance to the Copper River region,
47 and I appreciate, you know, all the knowledge basically
48 that we've gained from these projects, because I think
49 otherwise I don't necessarily think that we have near the
50 handle of information that we have now in regards to --

1 specially the chinook studies that have gone on. I think
2 that's really opened the eyes of some people, and allowed
3 us to really understand what the spawning distribution is
4 in the -- you can get a confident level of what that run
5 really -- how big it really is, and I would encourage the
6 rest of the Council to support you in these three
7 proposals, because between your office and the different
8 organizations that have helped, you know, build this
9 knowledge, it's been a real success. So thanks.

10

11 CHAIRMAN LOHSE: Any other questions for
12 Doug. Doug, I just have a couple, if you don't mind.

13

14 Like on the stock status and trend on the
15 Copper River for sockeye, it says that the sample size is
16 going to be 500 sockeye. And will these 500 sockeye then
17 be spread out over the course of the whole season so that
18 we hit all of the runs from all over pretty much?

19

20 MR. McBRIDE: Mr. Chairman, yes. Yes,
21 they will, exactly.

22

23 CHAIRMAN LOHSE: So it won't be the first
24 500 sockeye they get. It will be spread over the whole
25 season then?

26

27 MR. McBRIDE: Yeah. Mr. Chairman, yes,
28 it will. For instance, in the chinook project, what they
29 do is they look at, you know, past migratory timing
30 curves, and then take, you know, the total number of
31 radio tags, in this case 500, and they spread that out
32 over time, and they try to tag basically in proportion to
33 abundance. And so what you get then is, you know, your
34 500 tags should mirror what the run timing is in total.
35 Then their stationary data loggers as you move up the
36 drainage, both on the main stem and going into some of
37 the major spawning tributary locations. And so what we
38 can do then is track those fish as they move up the
39 drainage, and then spread out into spawning locations.
40 And then in addition to that, there's also some aerial
41 tracking, you know, to actually track the fish right up
42 to their final locations on the spawning grounds.

43

44 CHAIRMAN LOHSE: Well, the only reason I
45 was asking that is I know that this actually makes this
46 quite a bit longer project than it does for chinook then,
47 because the chinook pass through in a much shorter period
48 of time. I mean, they've got about a month and a half
49 that they have to operate their wheel for the chinook,
50 but they're going to have to operate their wheel for two

1 and a half months minimum in order to do the sockeye.

2

3

4 And then the other thing is are they
5 going to have to add additional radio towers? I mean,
6 the sockeye go into areas that chinook don't go and they
7 spread out in more areas than chinook go to, so in order
8 to get a good comprehensive view as to where these fish
9 are going, they're going to have to add more radio towers
10 or have more overflights or something on that order?

11

12 MR. McBRIDE: Mr. Chairman, the short
13 answer is yes. They're clearly making use of the
14 infrastructure they already have. In other words,
15 they're going to take those data loggers and move them to
16 the appropriate places for sockeyes, and then I believe
17 that budget also speaks to adding at least some
18 additional equipment, and then, you know, the aerial
19 survey portion of the budget is appropriate for sockeyes.

20

21

22 I mean, in total, the work's expensive.
23 I mean, you know, you've got to look at what we're
24 already spending for the chinook abundance estimate, so
25 while that project is in place, which is basically most
26 of May through -- you know, a good portion of May through
27 most of June, at least at the tagging site in Bear (ph)
28 Canyon, and then they're going to have to add onto that,
29 as you must mentioned, to incorporate the entire run
30 timing of sockeyes, and then they have to look in
31 different places, at least to some degree, and over a
32 different time frame. So that budget, I mean it's not
33 inconsequential. It's, you know, at least a quarter
34 million dollars, but it reflects the existing investment,
35 and then what needs to be done in addition to that to do
36 this work.

37

38

39 CHAIRMAN LOHSE: Well, that's what was
40 interesting to me, because, you know, if we go back and
41 we look at that radio telemetry on the chinook, you know,
42 there was a larger initial investment, and then it
43 settled down to about \$185,000 a year to operate. And
44 we're not dealing with a real large increase. We're
45 going up to about 215,000, which is \$30,000, but we're
46 talking about a project that has to last for almost twice
47 as long and has to cover more areas. And it just -- it
48 seems -- it just seemed hard for me to think that they
49 could do twice as much -- you know, twice as much time in
50 a bitter area for that little bit of a -- you know, 10,
15 percent increase in the budget right there.

51

1 And then if they're going to go on to
2 steelhead, they're going to take that on into the fall
3 then, aren't they, for the steelhead, Doug?

4
5 MR. McBRIDE: Yeah, Mr. Chairman. Mr.
6 Chairman, that is correct, yeah. The steelhead tagging
7 would be done late August and September, and that's just
8 going to be at the one, at Canyon Creek. They're not
9 going to run the two sites. They're only going to be
10 running that one site.

11
12 CHAIRMAN LOHSE: Right. Okay.

13
14 MR. McBRIDE: Mr. Chairman, if I might,
15 what you're seeing here is a summary of what's going to
16 be done, and how much it's going to cost. The detailed
17 investigation plans that we get from the investigators, I
18 mean, for instance, one of the pieces we get is a very
19 detailed budget of what's going to be done. And we go
20 through this in a lot of detail with the investigators,
21 so, like I say, what we present here is a summary of that
22 information, but I can tell you that I've got a lot of
23 confidence that they can do what they said they can do
24 for this amount of money.

25
26 CHAIRMAN LOHSE: For this amount.

27
28 MR. McBRIDE: And, again, it's not an
29 inconsequential amount of money. I mean, it's an
30 additional quarter million dollars to do this work, but
31 we're already making, you know, an investment basically
32 that large in the chinook program.

33
34 CHAIRMAN LOHSE: Oh, okay. Then correct
35 me if I'm wrong, but I thought the chinook program --
36 this was the last year of the chinook program.

37
38 MR. CARPENTER: Look at the bottom of the
39 table. I believe it's for another three years.

40
41 MR. McBRIDE: Mr. Chairman, if I might,
42 what's in the last year of study for chinook is the radio
43 telemetry portion of it.

44
45 CHAIRMAN LOHSE: Okay.

46
47 MR. McBRIDE: What we just continued, if
48 you will, in 2004 is the abundance estimate. That's the
49 mark/recapture where they.....

50

1 CHAIRMAN LOHSE: Okay. Okay.
2
3 MR. McBRIDE:capture at Bear,
4 recapture at Canyon Creek. So all that infrastructure is
5 in place. Those are the fishwheels, those are the
6 tagging crews, and that's a huge part of the expense of
7 doing that.
8
9 CHAIRMAN LOHSE: Right. So they will
10 just tack the radio tele -- I missed that, and I
11 apologize for that. So the radio telemetry will just be
12 using fish that are taken during the work that they're
13 already doing.
14
15 MR. McBRIDE: Correct.
16
17 CHAIRMAN LOHSE: Then I only have one
18 other question. I know that they've got steelhead at
19 Dickey Lake and Hanagita. Are they going to have radio
20 telemetry receivers in other places to find other places
21 that they're going? I mean, just in case it turns out
22 that those aren't the majority of the steelhead.
23
24 MR. McBRIDE: Mr. Chairman, yes, they
25 will. And they're also going to be doing some aerial
26 overflights. So what they should be able to do when it's
27 all said and done is estimate what fraction of the total
28 of what they tagged, which again will reflect the total
29 run timing of steelhead, goes to those known spawning
30 locations, and then through the aerial overflights, and
31 by subtraction, if you will, figure out then, you know,
32 what fish are going somewhere else, and then also have a
33 pretty good idea of where those somewhere else locations
34 are.
35
36 CHAIRMAN LOHSE: Uh-huh. Any other
37 questions for Doug.
38
39 (No comments)
40
41 CHAIRMAN LOHSE: Now, do you have more?
42 We're going to go from here on. I've got to get my.....
43
44 MR. McBRIDE: Mr. Chairman, just.....
45
46 CHAIRMAN LOHSE: Now we need discussion,
47 or you've got your -- these are what you're recommending,
48 right?
49
50 MR. McBRIDE: Mr. Chairman, that is

1 correct.

2

3

CHAIRMAN LOHSE: Okay. Okay. And
4 there's -- so there's only three of them in front of us
5 right here. So we need some discussion and review by the
6 Council, and recommendation by the Council. Do we want
7 to take these one at a time, or take them as group. Do I
8 have a motion on the table. Fred.

9

10 MR. ELVSAAS: Mr. Chairman, I have a
11 question before we get into that. It looks like we're --
12 if we authorize, request these funding numbers, we're
13 over the limit of 286,500. What are you going to do
14 about that?

15

16 MR. McBRIDE: Well, Mr. Chairman. Mr.
17 Elvsaas, that's why I highlighted the interplay between
18 Southcentral and Southeast Alaska. We have enough money
19 to fund what we've recommended in Southeast, and all
20 three of these studies for Southcentral. So in essence
21 some of the money that originally would have been
22 targeted for Southeast would be used to fund this package
23 of recommenda -- this recommendation for Southcentral.

24

25 Mr. Chairman, if you carry forward with
26 that, I'm hoping you'll put in a good word for me with
27 Mr. Littlefield, because that recommendation wasn't quite
28 as popular in Juneau.

29

30 CHAIRMAN LOHSE: Bring it on. That's the
31 next question I was going to ask you. Doesn't Southeast
32 have to agree to that, or do they not?

33

34 MR. McBRIDE: Well, Mr. Chairman, I was
35 trying to be -- like I say, there was a lot of question
36 about that, but for the projects that we recommended
37 funding in Southeast, there was sufficient funds. The
38 other thing I told the Southeast Council is really what
39 you're seeing here is our ability to hit these target
40 dollar amounts in a low money year, because you've got a
41 finite amount of money, and a relative handful of
42 projects. And so particularly when you get projects, you
43 know, for instance like that sockeye one that's a large
44 dollar amount, I mean, it chews up a lot of money just
45 all in one fell swoop. So our ability to hit those
46 target dollar amounts is much better when we have more
47 money on the table, and more projects to choose from, so
48 it's -- we have the money in total to do both Southeast
49 and Southcentral as we recommended it. And this has been
50 discussed with the Southeast Council, and after a lot of

1 discussion, they agreed with it.

2

3 CHAIRMAN LOHSE: Okay. Thank you, Doug.
4 That was a question on my part, too.

5

6 Okay. The wishes of the Council. Would
7 you like to take these one project at a time, would you
8 like to just make a motion that we accept the
9 recommendations. Tom, I see your hand.

10

11 MR. CARPENTER: Mr. Chairman, I would
12 make a motion that we accept the recommendations from Mr.
13 McBride that Project No. 501, 502 and 553 be funded.

14

15 MS. WELLS: I'll second.

16

17 CHAIRMAN LOHSE: I hear a second. It's
18 been moved and seconded. Discussion, deliberation,
19 justification. Tom.

20

21 MR. CARPENTER: Mr. Chairman, I think
22 that looking back through past history and the projects
23 that have been funded on the Copper River have shown
24 significant importance, and ultimately has lead to better
25 management of the Copper River. I think that the
26 partners that are involved with these projects have shown
27 in the past that they have been reputable, and I don't
28 see any concerns at this time.

29

30 Thank you.

31

32 CHAIRMAN LOHSE: Thank you, Tom. I, too,
33 have been very pleased with the information that's come
34 out of the studies that they've done so far, and I'm
35 almost willing to bet that when they're done with 05-502,
36 they have some new information that they've never seen
37 before.

38

39 Anybody else.

40

41 (No comments)

42

43 MR. CARPENTER: Question.

44

45 CHAIRMAN LOHSE: The question's been
46 called. All in favor of the motion signify by saying
47 aye.

48

49 IN UNISON: Aye.

50

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

3
4 (No opposing votes)

5
6 CHAIRMAN LOHSE: Motion carries. Do you
7 want to go on to the strategic plan, Doug.

8
9 MR. McBRIDE: Mr. Chairman. Members of
10 the Council. As we discussed during that last discussion
11 that we had, we have initiated a strategic planning
12 effort for the monitoring program. And I'll just very
13 briefly kind of take you back here to the last Council
14 meeting.

15
16 Back in February Tom Boyd, the ARD for
17 the Office of Subsistence Management, distributed a
18 letter to all the Council chairs explaining that he had
19 directed his Staff to initiate a strategic planning
20 effort for the monitoring program for each region of the
21 State. And the reason for that is our money has
22 basically remained static since the inception of the
23 program, and even though I would completely agree that
24 we've addressed a lot of important issues, there's still
25 no lack of important issues to go and address. So in
26 most cases -- actually what we just did was kind of in my
27 view a very unique situation where we had three good
28 projects on the table, and we had sufficient money to
29 fund all three of them. Usually what we're doing is
30 leaving some good projects unfunded because there's just
31 simply insufficient money. So to that end, what we
32 needed to do is to do a more rigorous job of identifying
33 strategic priorities for each region.

34
35 And so the way we initiated that program,
36 we actually started our strategic planning effort in this
37 region, and what we did last spring, in April, was we
38 coalesced through a workshop a working group of regional
39 professionals, managers that are knowledgeable about
40 information needs for Federal subsistence, and we held a
41 workshop, and we articulated program goals, research
42 objectives and information needs to address Federal
43 subsistence management in Southcentral Alaska.

44
45 And that workshop and the participants in
46 that workshop, probably the best way for me to portray
47 that for you is I think probably two-thirds of the
48 workshop participants are here today in this room. So I
49 would ask them if they maybe would just stand up or raise
50 their hand in terms of the workshop participants, and you

1 can see who they are. There were a total of 18. By my
2 count I think, including myself, there are 11 here today
3 of those workshop participants.

4

5 And so what we got were professionals,
6 managers, researchers from Federal agencies, from the
7 Alaska Department of Fish and Game. We had Ms. Erica
8 McCall, who's one of our partner positions with the
9 Native Village of Eyak. And then we also asked this
10 Council explicitly for two members, and Gloria Stickwan
11 was one of the participants. Unfortunately Mr. Bob
12 Churchill was -- he was going to be there, but he was
13 unable to attend really at the last minute due to an
14 unavoidable conflict for him at work.

15

16 But what we did was we drafted a
17 strategic plan, and that plan was actually distributed to
18 the Council in a letter from Mr. Boyd dated July 28th, so
19 you would have received it in early August, and there
20 were three parts to what you received. There was a cover
21 letter that laid out what we did, and where we think
22 we're going with this. And then there was the plan
23 itself, which is this document right here, and then an
24 executive summary of that.

25

26 And so what I thought I would do, Mr.
27 Chairman, is I was going to speak to the executive
28 summary and we made new copies of the executive summary,
29 and that was what Donald just distributed to the Council.
30 So I was going to just very briefly go through this
31 executive summary. Also, for members of the audience,
32 there should be copies of this executive summary on the
33 back table.

34

35 So speaking to the executive summary, I
36 think the first thing really to look at, if you'd turn to
37 Page 2, you'll see a graph. And what you'll see there
38 are the subsistence salmon fishery -- or, excuse me, the
39 subsistence fishery units that we talked about when we
40 talked about the 2005 monitoring program.

41

42 Really the first thing that the group did
43 was they looked at the major subsistence fishery units or
44 groupings in Southcentral Alaska, and we defined that as
45 the Copper River and Prince William Sound, and then tried
46 to rank those in order of importance for information
47 needed for Federal subsistence management. So when I
48 spoke about that in the 2005 monitoring program, what I
49 was really doing was referencing this graph that's on
50 Page 2.

1 And this is basically just a picture of
2 how the group rated those fishery units in terms of
3 information. So you can see Copper River salmon had a
4 very high priority, and then you step down through them.
5 And we certainly recognize that there's some subsistence
6 effort, for instance, for Prince William Sound,
7 freshwater species, but clearly on a relative basis for
8 information, that's of much less importance than say
9 Copper River salmon or Copper River freshwater species,
10 et cetera.

11
12 Then as you step through this, where we
13 started in our framework is we identified major program
14 goals for the monitoring program, and I thought I'd just
15 really briefly speak to each one of those goals.

16
17 The first goal, at the bottom of Page 2,
18 to obtain, develop, and improve information needed to
19 sustain fish populations necessary to provide for
20 subsistence uses. This goal speaks to studies, or
21 gathering information about fish populations important
22 for subsistence fisheries. In other words, Copper River
23 salmon, Copper River eulachon, the freshwater species of
24 the Copper River, Prince William Sound salmon. So when
25 we structure these plans, you look at subsequent research
26 objectives and information needs that would group under
27 that broad program goal to do that.

28
29 Then second, the second goal really
30 speaks to assessing and monitoring the subsistence
31 fisheries themselves. And that's at the top of Page 3.
32 In other words, information to get baseline estimates
33 about subsistence fisheries, descriptions of subsistence
34 use patterns, and contextual information. So, for
35 instance, that harvest monitoring-TEK study that we just
36 recommended for study in 2005, that would fall under that
37 program goal.

38
39 Then third we recommend -- or we
40 recognize a program goal to develop and evaluate
41 effective regulatory and management strategies to provide
42 for subsistence uses. One of the things that you
43 discussed earlier today was the need for information
44 about customary trade. That's where that would fall is
45 under that broad program goal.

46
47 Then the fourth program goal, to promote
48 public support and involvement for fisheries monitoring.
49 That's not an unimportant program goal, but we did not
50 address that in the strategic planning. That speak to

1 more how to do business, and it's not an information
2 need, if you will. So we didn't address the fourth
3 program goal in the strategic planning exercise.

4
5 The remainder of the executive summary
6 then lays out the strategic plan for each one of these
7 subsistence fishery units. So, for instance, if you go
8 to Page 4, what you'll see there is a schematic of
9 program goals, research objectives, and then very
10 specific information needs for Copper River salmon. And
11 those numbers that are associated with each one of those,
12 we actually went through a process where we actually
13 assigned a numerical value, if you will, to each one of
14 those. And the reason that we did that was so that we
15 could get some sense of priority when it was all said and
16 done. And the best way to look at the priority is not to
17 look at that schematic on Page 4. The best way to look
18 at the priority is the graph on Page 5, which is then all
19 those 28 information needs in relative order of priority.

20
21 And so what you'll see is we thought --
22 or it was the collective wisdom of that work group that
23 the most important information need was to estimate or
24 index abundance of total run by species. And I think the
25 program that we've got in place so far speaks to doing
26 exactly that. In other words, that the project that
27 we've now funded for three years, and we've recommitted
28 for another three years to estimate timing and abundance
29 of chinook salmon moving up the Copper River, that's
30 exactly where that would fall. And that's a significant
31 investment, but it was certainly recognized as the top
32 information need for this program.

33
34 And you can go down through all of those,
35 I won't read them all, but you can see how those
36 information needs, at least in the view of the work
37 group, play out in order of importance for Copper River
38 salmon.

39
40 The remaining pages of the executive
41 summary then are the same framework of goals, objectives,
42 and information needs for the other fishery units. We
43 did not put all of those in order of priority. We had a
44 three-day workshop, and we did not get all the way
45 through making a graph of relative importance for every
46 one of these remaining fishery units. However, I would
47 say that we are going to have a subsequent workshop here
48 in another month, in early November where we hope to
49 finish the strategic planning exercise, and one of the
50 things we will ask the work group is to prioritize these

1 other -- the information needs for these other fishery
2 units.

3

4 Mr. Chairman, I guess the last thought I
5 would leave you with is a couple of things. We
6 distribute this to the Council specifically to get your
7 review and comment. We're looking for the Council and
8 members of the public to give us comment on what we have
9 drafted so far.

10

11 Our intent is to, again, reconvene this
12 same work group in early November, and the first thing
13 we're going to do is address the review comments. If
14 people look at this and see either missing information
15 needs, or perhaps information needs that seem not in the
16 right order priority, that's the kind of stuff that we're
17 -- or the kind of review comments that we're looking for.
18 So we're going to address those review comments.

19

20 And then the other main piece of business
21 that we'd like to do with the work group is to look at
22 what has been funded so far, not only within the
23 monitoring program, but in total through the Federal
24 agencies, the State agencies, and look at what is being
25 addressed, or what has been addressed, and then look for
26 particularly gaps in knowledge so that, for instance,
27 when you look at a graph like is on Page 5, what we may
28 find in a particular year is that some of these high
29 priority information needs may in fact already be
30 addressed through existing program commitments, and some
31 of these other information needs may not be addressed at
32 all, which would make them a high priority in that
33 particular year for our program.

34

35 Mr. Chairman, that concludes my comments.
36 I'd be happy to answer any questions.

37

38 CHAIRMAN LOHSE: Thank you, Doug. Any
39 questions for Doug.

40

41 Doug, you said that -- Gloria.

42

43 MS. STICKWAN: Are you going to do this
44 every three or four, five years? Or is this just a one-
45 time thing?

46

47 MR. McBRIDE: Mr. Chairman. Gloria,
48 that's a good question. I'm not sure we totally know the
49 answer to that yet. My guess is that we will
50 periodically revisit these strategic plans. What we want

1 to do first is get all the way through the State, and so
2 far we have draft plans for Southcentral and Bristol Bay.
3 That was the other area that was done, and that was just
4 reviewed by the Council, I believe it was either last
5 week or the week before. And so the first thing we want
6 to do is get through all the regions of the State.

7
8 My experience with these strategic plans
9 has been if you do them, and then they just sit on the
10 shelf, then they just become dust collectors, and they
11 don't really mean much. I do think that periodically
12 revisiting these to make sure that, you know, what you
13 come up with still is current and it makes sense. So my
14 guess is we will periodically review them. Whether it's
15 every three years or five years, I just don't know at
16 this point.

17
18 CHAIRMAN LOHSE: Doug, if you're going to
19 try to fit in what information you gathered and what
20 information needs to be gathered, you're going to have to
21 review these every year to see what you would be
22 prioritizing for projects for the coming year, wouldn't
23 you?

24
25 MR. McBRIDE: Mr. Chairman, yes, you're
26 exactly correct. The way I understood Gloria's question
27 was were we going to convene the entire work group, you
28 know, to revisit the entire plan. But what you spoke to
29 is exactly what Staff would be doing. Once we have these
30 plans, then what we would do on an annual basis is we
31 would look at what programs are underway, both in our
32 program and in the State's program, and in the Federal
33 agencies' program, and anybody else's program, categorize
34 them by these information needs, and then figure out
35 which ones would rise to the top, if you will, because
36 they're not being currently addressed. So it is actually
37 Staff would go through on an annual basis.

38
39 CHAIRMAN LOHSE: Okay.

40
41 MS. STICKWAN: Mr. Chairman.

42
43 CHAIRMAN LOHSE: Gloria.

44
45 MS. STICKWAN: I just went through this
46 process, and I thought it was a good process where all
47 the, you know, professional people got together with
48 RACs, and me being part of it, and I gave knowledge about
49 TEK and the studies that should be done. I think it was
50 a good interaction between professional people and the

1 user groups, subsistence users, and just wish there had
2 been more TEK people there to voice what our concerns
3 are.

4
5 CHAIRMAN LOHSE: What the concerns are.

6
7 MS. STICKWAN: And I wonder if Bob Church
8 is going to be there in November. If he isn't, somebody
9 else should be.

10
11 CHAIRMAN LOHSE: Yeah. I was just going
12 to mention that. If we find out that Bob can't make it
13 in November, we should appoint an alternative that would
14 be willing to sit in on it, just so that we would have
15 two people there. And this will still be basically on
16 this Copper River, Prince William Sound, right, at this
17 point in time?

18
19 MR. McBRIDE: Mr. Chairman, yes, it will.
20 It will be, yes, exactly. And that was one of the things
21 I was going to ask you is to get either Mr. Churchill
22 and/or someone else.

23
24 CHAIRMAN LOHSE: Okay. I think we'll
25 need to do that. Now, a question, Doug, when you're
26 asking us to review and comment on this, were you hoping
27 that we could review and comment on it during this
28 meeting? I know you said Southeastern already had.

29
30 MR. McBRIDE: Bristol Bay already.....

31
32 CHAIRMAN LOHSE: Oh, Bristol Bay already
33 had.

34
35 MR. McBRIDE: Yeah, Bristol Bay. At
36 least they received a similar kind of presentation. Mr.
37 Chairman, that's up to you. If you can give us comments
38 now, that would be great, or if it's something that you'd
39 want to, you know, get back to us on. What would be most
40 helpful would be to get those comments, you know, prior
41 to our November 8-9, workshop.

42
43 CHAIRMAN LOHSE: Uh-huh.

44
45 MR. McBRIDE: But if it's something you
46 want to follow up on, that would be great.

47
48 CHAIRMAN LOHSE: Well, I was just
49 wondering is if -- I know that nobody's going to be able
50 to go the whole thing tonight, but we have 10 pages here,

1 and if the Council wishes, the Council could read those
2 10 pages tonight and then we could make some comments on
3 them. We could have a little -- we could open the
4 meeting tomorrow with a little discussion on it. And
5 then each individual could make comments on it directly
6 to you after this meeting prior to -- you're talking
7 about early November. You're not much time. If somebody
8 had comments.

9

10 I mean, from my standpoint, from what
11 I've seen on it, I like it. I mean.....

12

13 MR. CARPENTER: I have a comment.

14

15 CHAIRMAN LOHSE: Tom.

16

17 MR. CARPENTER: Yeah, Doug, I just had
18 one question. On Page 2 you have the chart there,
19 subsistence fishery units, and I take it you have those,
20 you know, the way the graph is listed in priority that
21 the work group came to. And I guess I look at the middle
22 two, the Copper River steelhead and the eulachon, and
23 then I look at the Delta salmon and the Prince William
24 Sound salmon. And I just to myself wonder if that's the
25 correct order.

26

27 And the reason I say that is basically
28 the whole Delta is Federal land, and basically almost all
29 of Prince William Sound is, except for some of the
30 private Native land around Tatitlek and Chenega. And
31 with the road going through in Whittier, you know, a few
32 years ago, I mean, the influx of people onto the Federal
33 lands has really and dramatically increased. And also I
34 guess I look at the Delta salmon with the ever, ever
35 increasing tourism that's come to Cordova the last five
36 years.

37

38 I kind of wonder to myself if maybe some
39 of those resources aren't of greater priority than
40 possibly the steelhead or the -- I mean, I understand the
41 eulachon has a significant biological impact on the river
42 system, but the steelhead as a whole, it seems to me like
43 it might even be the lowest subsistence -- but maybe I
44 don't understand exactly -- maybe upriver it is of
45 greater importance than I understand. But maybe you can
46 make a comment on that.

47

48 CHAIRMAN LOHSE: Doug.

49

50 MR. McBRIDE: Mr. Chairman. Mr.

1 Carpenter, first of all, I would like to say that's
2 exactly the kind of question and comment that we're
3 looking for. In other words, a judgment has been made
4 here, and what we're asking is other knowledgeable people
5 to ask questions exactly like that, because what that
6 will do is that -- we will bring this back to the work
7 group, of course, a lot of them are here listening to
8 this, and then revisit, you know, some of these
9 judgments.

10

11 And specifically in answer to your
12 question, just above that graph there's some bullets
13 there, and those are the assessments or the questions
14 that the work group asked to come to these judgments.
15 And I don't know that I have a -- I don't want to, you
16 know, specifically defend what they did. I think you're
17 raising some very good points, and it's very possible
18 that the work group just didn't adequately address the
19 questions that you're raising about development and where
20 people are going and stuff.

21

22 I do know that what the work group looked
23 at was, for instance, in Prince William Sound, obviously
24 the vast majority of the fishing is occurring in marine
25 waters, which has nexus to this program, but not under
26 the jurisdiction of the program, and that the total
27 harvest, subsistence harvest was low in relation to both
28 abundance and competing uses. Those two points probably
29 were the major driving factors to put them in the order
30 of priority that were done here.

31

32 But I think the points that you're
33 raising are very valid, and I would certainly encourage
34 the work group to go back and revisit those and make sure
35 that either they really think that this is the correct
36 order of priority, or to look at some of the points that
37 you raised, and perhaps reverse them.

38

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

41

42 (No comments)

43

44 CHAIRMAN LOHSE: What does the rest of
45 the Council, how does the rest of the council feel about
46 my suggestion that we take this home for the evening, and
47 we'll put this on the agenda for the first thing that
48 we'll do tomorrow morning, we'll have any comments that
49 anybody wants to make on it. And then we will leave it
50 open for each individual Council member to make any other

1 comments that they would like to make at a later point in
2 time, but that way we would have something for Doug
3 tomorrow morning.

4

5 So that means that one piece of homework,
6 we've got 10 pages to go through, which shouldn't take
7 too long this evening, but.....

8

9 MS. WELLS: Mr. Chair.

10

11 CHAIRMAN LOHSE: Susan.

12

13 MS. WELLS: I just wanted to comment that
14 I found this very impressive given the different entities
15 that were involved, to come up with such a concise
16 document that makes sense to a lay person like me. The
17 framework here, I think that's -- it's amazing, it's
18 incredible, something that it seems like it could be
19 taken from this area maybe even to the Cook Inlet or to
20 any other area as fish or any kind of resources is
21 considered. So I'm pretty impressed. But I'll read it
22 closer.

23

24 CHAIRMAN LOHSE: Doug, if I understand
25 right, this is still incomplete, because this doesn't go
26 through all of the fisheries that you've identified yet.
27 You still -- that's what the thing this November will be,
28 to go on to some of the other fisheries that haven't been
29 identified, but you haven't gone through the whole
30 process yet, right? Or am I wrong?

31

32 MR. McBRIDE: Mr. Chairman, I'd say in
33 part. For the other fishery units, for instance, if you
34 turn to Page 6, I mean, that's the Cooper River
35 freshwater fishery unit, we did identify goals,
36 objectives, and information needs. We simply didn't --
37 or we did not put them in order of priority, so we
38 couldn't generate a graph like that.

39

40 CHAIRMAN LOHSE: Okay.

41

42 MR. McBRIDE: But we did look at goals,
43 objectives, and information needs for the other fishery
44 units. And what you'll see is that by and large the
45 lists for these other fishery units are shorter than they
46 are for Copper River salmon, and so the way the work
47 group tackled this is we started with what we'd
48 identified for Copper River salmon. We changed some of
49 them as appropriate to the biology of whatever we were
50 looking at. In other words, you know, we don't really

1 talk about escapement, if you will, of eulachon, but we
2 changed some of those, particularly the objectives and
3 information needs, as appropriate for the species. But
4 then for some of the less important fishery units, we
5 simply eliminated some of the information needs or
6 objectives or in some cases even goals that we recognize
7 basically as being of much less importance for those
8 fishery units. But for whatever was left for those
9 fishery units, we did not put them in order of
10 priorities. That's definitely one of the things we have
11 to do in November.

12
13 CHAIRMAN LOHSE: Okay. Any other
14 comments for Doug, any other comments on this, or
15 questions.

16
17 (No comments)

18
19 CHAIRMAN LOHSE: Anybody have a watch?
20 What kind of time have we got right now. We've got
21 quarter of five.

22
23 Doug, partners for fisheries monitoring.
24 Can you take care of that in 15 minutes, or should we put
25 that off until tomorrow morning.

26
27 MR. McBRIDE: I think it would be -- can
28 you give me just a second. I had two things on my brain,
29 I didn't have that third one in my.....

30
31 CHAIRMAN LOHSE: Okay. So would it be
32 more convenient just to put it off until tomorrow
33 morning?

34
35 MR. McBRIDE: Yes.

36
37 CHAIRMAN LOHSE: Okay. If that's okay
38 with everybody else here. Don, you were saying something
39 about us having to have a meeting tonight to hit
40 something. Does it look like we'll be able to do without
41 that?

42
43 MR. MIKE: Mr. Chairman, I spoke to the
44 BLM representative, Elijah Waters, he said there's no
45 need to do an evening session, so he can do it during the
46 agency reports tomorrow, or if you wish to do so, today.
47 I don't know how brief he's going to be, but we can
48 ask.....

49
50 CHAIRMAN LOHSE: Yeah, I was going to

1 say, for Elijah to brief, that's about seven and a half
2 hours.

3

4 (Laughter)

5

6 CHAIRMAN LOHSE: So does that leave room
7 for anybody else? Do you feel like you can fit it in
8 tomorrow, Elijah?

9

10 MR. WATERS: Yes. You always put me last
11 anyway, so.....

12

13 (Laughter)

14

15 MS. WELLS: And then we know the
16 meeting's over.

17

18 CHAIRMAN LOHSE: Well, with that in mind,
19 if the rest of the Council is in concurrence, it's about
20 10 minutes until five right now. We could call it a day
21 and recess until tomorrow morning. And that gives you 10
22 minutes to sit down and read your 10 pages while
23 everybody else leaves. No, you don't have to sit here
24 and read your 10 pages.

25

26 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

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

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