

1 SOUTHCENTRAL FEDERAL SUBSISTENCE
2 REGIONAL ADVISORY COUNCIL MEETING

3
4 PUBLIC MEETING

5
6 VOLUME I

7
8 Anchorage, Alaska
9 March 13, 2007
10 1:00 o'clock p.m.
11

12
13 COUNCIL MEMBERS PRESENT:

- 14
15 Ralph Lohse, Chairman
16 Doug Blossom
17 Tom Carpenter
18 Fred Elvsaas
19 Richard Greg Encelewski
20 John Lamb
21 Pete Kompkoff
22 James Showalter
23 Gloria Stickwan
24 Tricia Waggoner
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27 Regional Council Coordinator, Donald Mike
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P R O C E E D I N G S

(Anchorage, Alaska - 3/13/2007)

(On record)

CHAIRMAN LOHSE: I'd like to call this spring meeting of the Southcentral Alaska Subsistence Regional Advisory Council in session. At this point I'd like Donald to make the roll call and establish a quorum.

MR. MIKE: Thank you, Mr. Chair. Donald Mike, Regional Council Coordinator. Roll Call. Mr. Robert Churchill.

(No comments)

MR. MIKE: Mr. Chair, Mr. Robert Churchill submitted his resignation effective March 9th and you have a copy in your folder and I'll explain it to you later. It was dated March 9th and that was his official resignation. Mr. Pete Kompkoff, Jr.

MR. KOMPKOFF: Present.

MR. MIKE: Mr. Doug Blossom.

MR. BLOSSOM: Present.

MR. MIKE: Mr. Greg Encelewski.

MR. ENCELEWSKI: Present.

MR. MIKE: Ms. Tricia Waggoner.

MS. WAGGONER: Present.

MR. MIKE: Mr. John Lamb.

MR. LAMB: Present.

MR. MIKE: Ms. Gloria Stickwan.

MS. STICKWAN: Here.

MR. MIKE: Mr. Dean Wilson. Mr. Chair, Mr. Wilson called and he stated that he had a family emergency he had to take care of. His wife broke her ankle, so he had to stay home and take care of the

1 kids. Mr. James Showalter.
2
3 MR. SHOWALTER: Here.
4
5 MR. MIKE: Mr. Ralph Lohse.
6
7 CHAIRMAN LOHSE: Here.
8
9 MR. MIKE: Mr. Tom Carpenter.
10
11 MR. CARPENTER: Present.
12
13 MR. MIKE: Mr. Fred Elvsaas.
14
15 MR. ELVSAAS: Here.
16
17 MR. MIKE: Mr. Chair, you have 10
18 members present. You have a quorum. Thank you.
19
20 CHAIRMAN LOHSE: Thank you, Donald. At
21 this time I'd like to welcome all the people that are
22 out there in the audience and all the people that are
23 here at the table. What I'd like to do is I'd like to
24 have everybody introduce themselves. What I'd like to
25 do is I'd like to have everybody introduce themselves.
26 What I usually do when I do that is I start with the
27 Council up here and then we just go down a row, back a
28 row, down a row, back a row. State who you are and if
29 you're representing somebody or some group or something
30 like that, say that. Just so we have an idea and can
31 put names to faces. With that, James, we'll start with
32 you.
33
34 MR. SHOWALTER: James Showalter of
35 Sterling. I guess that's about it.
36
37 MR. ELVSAAS: I'm Fred Elvsaas. I'm
38 from Seldovia.
39
40 MR. LAMB: I'm Chuck Lamb. I'm from
41 Hiline Lake, west of the inlet.
42
43 MR. KOMPKOFF: Hi. I'm Pete Kompkoff
44 from Chenega Bay, which is the western part of Prince
45 William Sound.
46
47 MR. CARPENTER: Tom Carpenter, Cordova.
48
49 CHAIRMAN LOHSE: Ralph Lohse from
50 McCarthy and Cordova.

1 MS. STICKWAN: Gloria Stickwan,
2 Tazlina.
3
4 MR. BLOSSOM: Doug Blossom, Clam Gulch.
5
6 MR. ENCELEWSKI: I'm Greg Encelewski.
7 I'm from Ninilchik.
8
9 MS. WAGGONER: Tricia Waggoner from
10 Palmer.
11
12 MR. MIKE: Donald Mike, Regional
13 Advisory Council coordinator.
14
15 (Public introductions not at
16 microphone)
17
18 MR. MIKE: Mr. Chair. We have some
19 public participation on teleconference. We'll have
20 them introduce themselves, Mr. Chair.
21
22 MS. KRON: Laura Kron, United Fishermen
23 of Alaska.
24
25 MR. MIKE: Do we have anybody else on
26 line?
27
28 (No comments)
29
30 MR. MIKE: Mr. Chair. It doesn't sound
31 like it. That was Laura Kron from UFA. Thank you, Mr.
32 Chair.
33
34 CHAIRMAN LOHSE: Thank you, Donald. I
35 see we have two others that just came in. One in front
36 and one in the back. Just stand up and introduce
37 yourselves.
38
39 MR. HILSINGER: John Hilsinger,
40 director of commercial fisheries. Sorry for being
41 late.
42
43 CHAIRMAN LOHSE: No problem. The one
44 in the back just walked out, so we don't have anybody
45 else. With that, I'd like to go into a little thing.
46 We have these green slips right here. If you wish to
47 testify, would you please fill out one of these green
48 slips. If you're going to testify, put down the
49 proposals you'd like to testify to because we'll
50 probably end up blocking our proposals into game

1 proposals and fish proposals. Also, if you're here as
2 a representative of an organization, like the Advisory
3 Committee or a village or something like that, put that
4 down on your green slip also, and then give your green
5 slip to Donald.

6

7 Donald, you gave this to me. Was it
8 just to remind me?

9

10 MR. MIKE: Yes, Mr. Chair, it was a
11 reminder. I have more green slips here, but when we
12 get into the proposals I'll submit them to you, Mr.
13 Chair.

14

15 Thank you.

16

17 CHAIRMAN LOHSE: Thank you, Donald. I
18 thought that's what you were doing and I know I need
19 reminding quite often on all kinds of things. With
20 that, again, welcome to all of you. We're going to
21 look at our agenda.

22

23 Donald.

24

25 MR. MIKE: Thank you, Mr. Chair. Just
26 a briefing. I submitted to the Council Members two
27 folders. One is in red and one is in pink. The one in
28 red I'd like the Council Members to look at the yellow
29 handout. That's the latest agenda. Plus, for the
30 public, we have some out on the table. It's a yellow
31 copy of our current agenda. In the pink folder, we
32 have supplemental information for Kenai Peninsula
33 fisheries issues. Also, we have two books. One is in
34 goldenrod color for Southcentral wildlife materials and
35 the blue book is the Kenai Peninsula fisheries
36 materials.

37

38 Thank you, Mr. Chair.

39

40 CHAIRMAN LOHSE: Thank you, Donald. If
41 we look on our agenda, we see the next order of
42 business is the election of officers. With that, I
43 will open the floor for nominations. Pete.

44

45 MR. KOMPKOFF: If there's no objections
46 with the rest of the Council Members, I would like to
47 ask for unanimous consent for the current officers.

48

49 CHAIRMAN LOHSE: Pete's made a motion
50 to ask for consent for the current officers. Do I hear

1 a second.

2

3 MR. CARPENTER: Second.

4

5 CHAIRMAN LOHSE: It's moved and
6 seconded. Do I hear any objections.

7

8 MR. CARPENTER: Question.

9

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

12

13 IN UNISON: Aye.

14

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

17

18 (No opposing votes)

19

20 CHAIRMAN LOHSE: Motion carries. It
21 looks like somebody is trying to put things on a fast
22 track. With that, we'll look at review and adoption of
23 the agenda that we have in front of us. Does anybody
24 have any comments, any changes they'd like to request.

25

26 Donald.

27

28 MR. MIKE: Thank you, Mr. Chair. For
29 the wildlife portion of the agenda items, the crossover
30 proposal is on Page 3, middle of the page. We have
31 Proposal 57 and we have an additional crossover
32 proposals that was inadvertently left out, so it would
33 be Proposal 59. If we can add that to the agenda, Mr.
34 Chair.

35

36 Thank you.

37

38 CHAIRMAN LOHSE: So we'd add that right
39 after Proposal 57, right?

40

41 MR. MIKE: That's correct, Mr. Chair.

42

43 CHAIRMAN LOHSE: Any other comments.

44 Doug.

45

46 MR. BLOSSOM: Mr. Chair. I guess since
47 I've seen the agenda I was wondering why FP07-28 -- I
48 would have thought we would have put that right at the
49 front and took that one first and then went to the rest
50 of the fishery proposals.

1 CHAIRMAN LOHSE: Would you propose
2 putting that at the front. Donald, do you see any
3 problems with that?

4
5 MR. MIKE: I don't, but maybe our
6 fisheries Staff may have a better approach as far as
7 addressing the Kenai Peninsula fisheries proposal.

8
9 CHAIRMAN LOHSE: Hearing no objection,
10 unless there's an objection from some other Council
11 Members, we'll do that then, Doug.

12
13 MR. ENCELEWSKI: Mr. Chairman, it's
14 Greg. I was hoping to address that as it came up on
15 the agenda. I wanted to discuss it with some other
16 members.

17
18 CHAIRMAN LOHSE: Oh, you would prefer
19 it stayed where it was at? If one Council Member wants
20 to keep it where it's at, it will stay where it's at.
21 Okay. I have a suggestion I'd like to throw to the
22 Council, too. I think with all of our proposals here
23 we're going to have lots of testimony. I don't know at
24 this point in time what amount of testimony we're going
25 to have. We have a couple places for public testimony
26 on our agenda. Number 10 was public testimony and that
27 public testimony was intended for testimony that didn't
28 deal with the issues that were on our plate. And then
29 we also had a standard of how we were going to present
30 procedure for proposals and after the summary of
31 written public comments we were going to have public
32 testimony.

33
34 With the amount of public testimony
35 that I think we're going to have, I would like to
36 suggest that we take the public testimony for C through
37 E and put it right after B so people don't have to
38 stick around all of the time. If we can put the public
39 testimony for C through E right after B and the public
40 testimony for F through H right prior to F, what we
41 would have then are people that could testify and not
42 have to stay around for all of the proposals. If we
43 have enough people, we may have to limit the time like
44 they do with the Board of Fish, but at this point in
45 time we haven't got that many calls for testimony yet.

46
47 So if that's agreeable to the rest of
48 the Council, if that looks like a good way to do it,
49 I'd like to hear some comments. Tom.
50

1 MR. CARPENTER: Yeah, Mr. Chairman, I
2 think that's a reasonable idea. I think we are going
3 to have probably somewhere in the neighborhood of --
4 we'll probably have the most testimony we've ever had.
5 There are a lot of people that are interested in the
6 fishery proposals for sure. I think if we gave the
7 public the opportunity to testify as a whole before we
8 discuss any of the fisheries proposals, we can take
9 notes as Council Members. I think that's probably the
10 best way to go forward.

11
12 CHAIRMAN LOHSE: Any other comments or
13 discussion. Greg.

14
15 MR. ENCELEWSKI: Yeah, Mr. Chairman. I
16 have no objection, but I just wanted to make a comment
17 that it may get a little confusing if they're wanting
18 to testify to one specific proposal and we're opening
19 up a whole bunch of them. I mean we may want to handle
20 one and move on. Just a thought.

21
22 CHAIRMAN LOHSE: Any other comments.

23
24 (No comments)

25
26 CHAIRMAN LOHSE: No objections. Okay.
27 We'll put that there then. Any other changes that
28 anybody sees on the agenda or would like to see on the
29 agenda.

30
31 (No comments)

32
33 CHAIRMAN LOHSE: Hearing none. A
34 motion to accept the agenda as revised is in order.

35
36 MR. CARPENTER: So moved.

37
38 MR. ENCELEWSKI: Second.

39
40 CHAIRMAN LOHSE: It's been moved and
41 seconded. Any discussion.

42
43 MR. ENCELEWSKI: Question.

44
45 CHAIRMAN LOHSE: The question has been
46 called. All in favor signify by saying aye.

47
48 IN UNISON: Aye.

49
50 CHAIRMAN LOHSE: All opposed signify by

1 saying nay.

2

3 (No opposing votes)

4

5 CHAIRMAN LOHSE: Motion carries. Okay.

6 With that we're going to go to the review and adoption

7 of the minutes for our last meeting.

8

9 MR. CARPENTER: Mr. Chairman. I move

10 we adopt the minutes from the October 17 through 20

11 Southcentral Subsistence Regional Advisory Meeting in

12 Homer.

13

14 CHAIRMAN LOHSE: Do I have a second.

15

16 MR. ELVSAAS: I second.

17

18 CHAIRMAN LOHSE: It's been moved and

19 seconded that we adopt the minutes that we have on the

20 meeting that we had in October. Discussion, changes,

21 corrections. Anything that you guys found when you

22 were reading through it.

23

24 (No comments)

25

26 MR. CARPENTER: Question.

27

28 CHAIRMAN LOHSE: Hearing none. The

29 question has been called. All in favor of adopting the

30 minutes of our October meeting as they stand signify by

31 saying aye.

32

33 IN UNISON: Aye.

34

35 CHAIRMAN LOHSE: Opposed, signify by

36 saying nay.

37

38 (No opposing votes)

39

40 CHAIRMAN LOHSE: Motion carries. At

41 this time, the next item on the agenda is the Chair's

42 report and this Chair has not got a lot to report.

43 There's been a lot happening. A lot of it has been

44 happening outside of my involvement. The .805 report

45 is there for everybody to read. If you have any

46 questions on the .805 report after you've read it, you

47 can ask me or Donald and we'll try to do our best to

48 explain it, but I think it's pretty self-explanatory.

49 Donald, do you have a comment.

50

1 MR. MIKE: Mr. Chair. I was just going
2 to comment that also Mr. Tom Carpenter chaired the last
3 meeting in Homer.

4
5 Thank you, Mr. Chair.

6
7 CHAIRMAN LOHSE: That was the next
8 thing I was going to do, Donald. I was going to ask
9 for a vice-chair report. With that, Tom, it's yours.
10

11 MR. CARPENTER: Well, Mr. Chairman, I
12 did chair the meeting in Homer when you were unable to
13 attend due to some unfortunate circumstances, but the
14 meeting went well. I think we got a lot accomplished.
15 I then attended the Federal Board meeting in Anchorage
16 where at that meeting we did decide to -- I made a
17 recommendation to the Federal Board that they allow the
18 Southcentral Council to call a special meeting. At
19 that time, as you all know, we formed the Kenai
20 Subcommittee. I believe the subcommittee met twice.
21 We're going to hear a report on how that went.
22

23 I did also attend the rural status
24 meeting in Anchorage at the Egan Center. There was not
25 a lot of debate about most of the communities that were
26 under consideration in our region. The big one was
27 Saxman in Southeast. Other than that, I have nothing
28 further.

29
30 CHAIRMAN LOHSE: Does anybody have any
31 questions for Tom. Thank you, Tom. At this point
32 we're open for other Council Member reports; meetings
33 you attended, comments you'd like to make, things you'd
34 like to bring to our attention. Are there any other
35 Council Members that would like to report something at
36 this meeting.

37
38 Pete.

39
40 MR. KOMPKOFF: I would like to make a
41 report on the western part of Prince William Sound. In
42 December we had 27 humpback whales in the bay. As of
43 last week when I left Chenega, there was still seven of
44 them in the bay, and a lot of sea lions. A lot of
45 activity, birds. It looked good out there. Almost
46 reminded me of an old spring we used to have years ago.
47

48 Thank you.

49
50 CHAIRMAN LOHSE: Thank you, Pete. It's

1 always good to have a good report. I was going to ask
2 you, is it common or normal to have that many humpback
3 whales at this time of the year?

4

5 MR. KOMPKOFF: Normally they go the
6 other channel over to Prince of Wales or Montague
7 Straits, but this time they're sticking pretty close to
8 Sawmill Bay, Chenega. I don't know what the phenomenon
9 is. Maybe the herring are coming back in great
10 abundance, but that's just wishful thinking though, I
11 think. Anyway, that's all I have to say.

12

13 CHAIRMAN LOHSE: Thank you, Pete. We
14 had killer whales right in Orca Inlet this winter, so
15 hopefully that's a good sign. Okay. Any other Council
16 Members have anything to report.

17

18 Greg.

19

20 MR. ENCELEWSKI: I think it's on the
21 agenda, but the workshop down on the Kenai, we'll
22 probably be talking to that a little later.

23

24 CHAIRMAN LOHSE: Okay. Hearing none.
25 We'll go on to administrative business. Donald, do you
26 have some administrative business for us.

27

28 MR. MIKE: Thank you, Mr. Chair. Just
29 to briefly go over the folders that I gave out to the
30 Regional Council. We have two folders. One is in red,
31 like I said earlier, and the other is in pink. The one
32 we'll be using today is the one in the pink and that
33 includes all the supplementary materials that will be
34 supporting the Council blue book and we'll have Staff
35 go over those too, Mr. Chair, during our subcommittee
36 report.

37

38 In the red folder are additional
39 information, public comments we received and you have a
40 copy of the letter from Mr. Churchill. Just for the
41 public information, these two folders that I handed out
42 to the Regional Council, we have copies out in the
43 front desk and everything we have here is out in the
44 front desk, so if the public needs to follow the
45 meeting, they can get copies out on the front desk, Mr.
46 Chair.

47

48 Mr. Chair, that concludes my briefing.
49 Thank you.

50

1 CHAIRMAN LOHSE: Thank you, Donald.
2 Just a question on my part. Do we have an appointment
3 to make to the SRC this meeting or is it in the fall
4 meeting?

5
6 MR. MIKE: It is on our agenda to make
7 appointments to Denali and Wrangell-St. Elias, Mr.
8 Chair, and we have letters from Mr. Dean Wilson. He
9 was the current appointee from this Council to serve on
10 the Wrangell-St. Elias Subsistence Resource Commission
11 and he submitted his resignation. The Wrangell-
12 St. Elias SRC wrote a letter to the Council making
13 their recommendation who they wanted to be seated on
14 the SRC. Mr. Chair, when that time comes around, I'll
15 go over the letter with the Council.

16
17 Thank you, Mr. Chair.

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

21
22 (No comments)

23
24 CHAIRMAN LOHSE: Hearing none. Is
25 there anybody else in the OSM that has any
26 administrative stuff they need to bring before us at
27 this time.

28
29 (No comments)

30
31 CHAIRMAN LOHSE: Hearing none. We'll
32 go on. At this point we have public testimony down and
33 that public testimony at this point is not on the
34 proposals that we have in front of us. What I'm seeing
35 right here -- okay, we have a couple here that look to
36 me like they're pretty general.

37
38 I have four people who have asked to
39 testify and they haven't put down whether they're
40 testifying on the fishery or the game proposals or
41 whether they just want to testify in general, so I'm
42 just going to ask them. The first one is Dennis Gease.

43
44 MR. GEASE: Fisheries.

45
46 CHAIRMAN LOHSE: I'll write that down
47 then. We'll probably be getting around to that, from
48 what I look at the agenda, it will probably be tomorrow
49 before we'll be taking testimony on that, but don't go
50 running off. We might get that far today. Bruce

1 Morgan. Does anyone know what he might be here to
2 testify for?
3
4 MR. MORGAN: Fisheries.
5
6 CHAIRMAN LOHSE: Okay, Bruce, I'll put
7 you down for fisheries here, too. Ron Rainey.
8
9 MR. RAINEY: Fisheries.
10
11 CHAIRMAN LOHSE: And Paul Michelsohn,
12 Jr.
13
14 MR. MICHELSON: Michelsohn.
15 Fisheries.
16
17 CHAIRMAN LOHSE: Fisheries. Thank you.
18 Excuse my mispronunciation. Okay. We have Jim Ward.
19
20 MR. WARD: Fisheries.
21
22 CHAIRMAN LOHSE: Fisheries. And Andy.
23 I'm not going to try.
24
25 MR. SZCZESNY: Szczesny. It's
26 pronounced exactly like it's spelled.
27
28 (Laughter)
29
30 CHAIRMAN LOHSE: Thank you. And these
31 are fisheries proposals, right?
32
33 MR. SZCZESNY: Yes, sir.
34
35 CHAIRMAN LOHSE: Thank you. Did
36 anybody put a wish to testify just in general on
37 subjects that aren't connected with the fisheries
38 proposals or the game proposals we have in front of us.
39 Did I miss anybody?
40
41 (No comments)
42
43 CHAIRMAN LOHSE: With that, then, we'll
44 take those public testimonies when we get to those
45 subjects and we'll go on to -- Donald.
46
47 MR. MIKE: Thank you, Mr. Chair. I
48 just want to ask anybody on line if they had any
49 interest on testifying on a fisheries proposal. Mr.
50 Chair, it sounds like we don't have any.

1 Thank you, Mr. Chair.

2

3 CHAIRMAN LOHSE: Okay. With that we go
4 on to item 11 on our agenda. Fisheries and wildlife
5 proposals for Council review and recommendations to the
6 Federal Subsistence Board. What we have right here, if
7 you guys have an agenda in front of you, on item 11 it
8 tells you the procedure that we go through with the
9 proposal. OSM will introduce the proposal and give us
10 an analysis on it. We then let the Alaska Department
11 of Fish and Game give their comments on it, then we
12 open it for other Federal, State and Tribal Agency
13 comments and they get a chance to comment on it, then
14 InterAgency Staff Committee comments, then fish and
15 game Advisory Committee comments and we'll take this on
16 every proposal. If you're here to represent a fish and
17 game Advisory Committee, we'll take your comments on
18 every proposal. Depending on how many people we get
19 wanting to go on a specific proposal, we may take all
20 the proposals at one time for everybody else. Then we
21 have a summary of written public comments, then we have
22 public testimony and then the Regional Advisory Council
23 will deliberate, recommend and give the justification
24 for their actions.

25

26 So, with that, we're going to go to the
27 SCRAC subcommittee report on the Kenai Peninsula
28 fishery proposals at this point in time. I think you
29 can find that report in your pink book. Donald, who is
30 going to be doing the presenting on this.

31

32 MR. MIKE: Mr. Chair. We'll have Mr.
33 Dick Lafever do the overview of the subcommittee
34 report. Thank you, Mr. Chair.

35

36 CHAIRMAN LOHSE: Thank you. Just as a
37 word, if you come up to testify, put your microphone
38 on, give your name for the court recorder and who
39 you're representing so he can get the information down
40 good.

41

42 MR. LAFEVER: Mr. Chairman. My name is
43 Dick LaFever. I'm with a consulting company,
44 Crossroads Leadership Institute, and I was hired as a
45 facilitator for the two subcommittee meetings that were
46 held in Soldotna last month.

47

48 CHAIRMAN LOHSE: Thank you. I think
49 we're ready for your report.

50

1 MR. LAFEVER: Well, the written report
2 I'm sure you've -- I don't know how much time you've
3 had to look it over and get into the details. I know
4 that proposals that has been presented to you by the
5 Office of Subsistence Management has been put forward.
6 I don't know if there's been any revisions in that. I
7 know there was some hope that there would be some
8 additional studies on the part of the Office.

9
10 It may be just as well if there's
11 questions about the process that the Council might
12 have, I'd be glad to answer those. The substantive
13 issues or the substantive items in the report itself,
14 I'm not a biologist, I'm more the process person and
15 making sure that people had a chance to be heard and to
16 try to follow a reasonable process so that these
17 delicate and sensitive issues can be heard.

18
19 It was a trying experience for me as a
20 facilitator to just keep people in the room for the
21 first day and the second day and then subsequently to
22 have the third day on the second meeting. I have to
23 admit that the process at times seemed to wander and to
24 get lost and that was probably more my responsibility
25 than it was the subcommittee members. But the members
26 stayed with it, they deliberated, they had some very
27 deep feelings about subsistence. I don't think anyone
28 there is in opposition to subsistence because they know
29 it's the law. They know it's something that they're
30 trying to work out. With the proposals that you're
31 going to be deliberating and the testimony that you're
32 going to be hearing, you're going to be seeing some of
33 the feelings and ideas come out that we experienced in
34 the three days of the meetings.

35
36 I think at the end a number of people
37 that were around the table felt that they had made some
38 progress. People started to come to understand the
39 significance of subsistence and what it meant to people
40 and what it means to people. Also, what other issues
41 and interests that people were expressing from the
42 commercial and from the sports fishing and from the
43 public in general.

44
45 Given a longer period of time and a
46 process where people could have been engaged and really
47 looking at the science behind this and understanding
48 the customary and traditional uses, understanding the
49 culture, understanding a little bit more where people
50 are coming from, I think we could have done a better

1 job. On one hand, people were tired of meeting. On
2 the other hand, we needed more time, so it was kind of
3 a dilemma.

4
5 If there's questions about the process,
6 there's biologists and people here that have a much
7 deeper understanding of the content of the issues than
8 I do, but I'll be glad to answer any questions, Mr.
9 Chairman.

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

13
14 (Pause)

15
16 CHAIRMAN LOHSE: Dick, I have a couple
17 questions. You said that you felt like if you'd had
18 more time and yet people were tired. You know, how
19 about if the time would have been spread over a longer
20 period instead of trying to put the time right back to
21 back? Do you think it would have made any difference
22 or not?

23
24 MR. LAFEVER: Well, with other clients,
25 the sensitive issues where communities come together,
26 building relationships is very important. Most of the
27 subcommittee members -- a lot of them have known each
28 other for years, but really getting to understand and
29 to appreciate the perspectives, I think if we had more
30 time we could have heard each other, listened to each
31 other a little better.

32
33 Trying to build public policy in a
34 forum not unlike this is a little difficult. People
35 are watching, people are waiting for you to say
36 something that they can pounce on or write about and
37 it's difficult to create public policy in that kind of
38 environment. I know it's the kind of environment we
39 have, but people live and work on the Kenai or go to
40 the Kenai to recreate, to fish, and sometimes it's a
41 little difficult to really get those feelings out
42 without sometimes wondering how you're going to be
43 perceived.

44
45 So a longer period of time, shorter
46 meetings, maybe a day interspersed with some findings,
47 some biological research, cultural research, things
48 that people could read and get a handle on I think a
49 little bit better. From my perspective, it would have
50 done this a little more justice.

1 CHAIRMAN LOHSE: Thank you, Dick. But
2 do you think that the product that came out of it is
3 applicable to what we wanted?

4
5 MR. LAFEVER: From my perspective, I
6 think the issues that are in the report, especially in
7 the notes that were taken, relate to the proposals or
8 the analysis that was done. A lot of questions around
9 sites, questions around harvest limits, quotas. We
10 even got into talking about fishwheels. To me, from an
11 outside viewpoint, not being a biologist, I think there
12 are legitimate questions still to be answered. Again,
13 I'm not a biologist, I don't know the science, I don't
14 know about runs and stock and the health and all those
15 things, but I do know that people have great vested
16 interest in what they're trying to decide here. I
17 really compliment them.

18
19 I think every person that came to that
20 meeting was well-intended. They brought their best
21 thinking forward. I do think that, you know, in terms
22 of really being open and honest about their own
23 feelings sometimes, I think they may have had different
24 feelings even from the organizations they may have been
25 representing.

26
27 So, again, it was very delicate for
28 them as well.

29
30 CHAIRMAN LOHSE: Thank you. Any
31 questions from the rest of the Council for Dick or
32 comments.

33
34 Tom.

35
36 MR. CARPENTER: Thank you, sir. One of
37 the questions before the subcommittee was formed and
38 there was differing opinions on the Council here as to
39 whether the committee should be formed or not. Some
40 members of this Council felt that this forum was the
41 appropriate time for people with differing views to
42 present their ideas or their concerns to the Council
43 and that we'd deliberate on each proposal individually
44 and that we'd send our recommendation to the Board.
45 Others had differing opinions.

46
47 Do you think that after these two
48 meetings have been completed, and I personally thought
49 it was going to be a task that was going to be hard to
50 get any kind of consensus out of, personally, although

1 reading the notes, maybe I was wrong to a certain
2 degree to some of that, but do you think that the
3 people that were involved in this process that have a
4 vested interest in the Kenai Peninsula, do you think
5 this was a process they appreciated and that they would
6 participate in again or do you think it was just a
7 waste of time to some of them?

8

9 MR. LAFEVER: Well, I don't think it
10 was a waste of time. At the end of the second session,
11 the third day, there were a number of comments from
12 participants from the subcommittee that expressed
13 everything from I didn't have any hope for this going
14 in but I feel like there's been progress, to I think
15 this has been useful to get some of the points out.
16 I'm paraphrasing now. I think people also -- the time
17 crunch between the last day and this meeting, knowing
18 that hopefully there was going to be maybe some work on
19 the part of OSM, they were done with it. I think
20 people were kind of frustrated. They maybe wanted to
21 have more progress. But again, I think the time
22 constraints, from my perspective, created that
23 frustration.

24

25 I do think, personally, public policy
26 -- and I've done work around the state like this, is
27 that it's very difficult to do in a fishbowl when
28 people are watching you. It's hard to really have that
29 heart-to-heart talk. I'm not sure if there are other
30 viable alternatives with the kinds of rules and
31 regulations that you folks and other Federal agencies,
32 State agencies work under.

33

34 I'd like to see a better process
35 overall. Not necessarily to this group, but I think to
36 public policy in general. We need a way that people
37 can come together and build community, they can
38 understand interest, not take firm positions and say,
39 you know, either my way or the highway. There has to
40 be room for collaboration. I hope that groups like
41 this can look at better ways of doing that.

42

43 I think this was very helpful and I
44 commend the Council on creating the subcommittee. I
45 think it was very innovative and I'd like to see more
46 of that in this state.

47

48 CHAIRMAN LOHSE: Gloria.

49

50 MS. STICKWAN: Maybe you answered my

1 question, but I had two questions. How much time do
2 you think they needed to finish what they had to
3 discuss? I don't think you really answered that. And
4 then the other thing is they agreed not to meet again
5 and they said they weren't provided enough information
6 from U.S. Fish and Wildlife, OSM, so they said they
7 agreed to quit even though they didn't have enough
8 information. That seems kind of -- I don't know.
9 There's a question mark. They're saying they did have
10 enough time and then they're saying they didn't. They
11 didn't have enough information.

12

13 MR. LAFEVER: I don't want to leave the
14 impression that they said they didn't have enough time.
15 I think people felt that the time they had was
16 constrained. My perspective, I think a longer period
17 of time, maybe over six, eight months, where people
18 could have come together periodically and in between
19 maybe asking for more information from OSM on specific
20 questions that they could get feedback on. So at the
21 end of the process there would have been good dialogue,
22 good communication between not only the subcommittee
23 members but OSM, maybe Fish and Game, State, I'm not
24 sure, so that there would be a well-rounded discussion,
25 collection of information, deliberation and then to put
26 forward recommendations back here to the Council that
27 would create firmer recommendations in writing that you
28 folks could use. I hope that answers your question.

29

30 MS. STICKWAN: Yeah, I think you did.

31

32 CHAIRMAN LOHSE: Greg.

33

34 MR. ENCELEWSKI: Yeah, Dick, a couple
35 questions I just wanted to clarify. I know that the
36 Council asked for unanimous consent on a lot of these
37 things and basically there was very little we could
38 consent on. There was a few items. No one wanted
39 widespread nets and that was unanimous consent. First
40 of all, everyone was very concerned about conservation.
41 That was the number one priority. Number two, they
42 consented not to meet again and there was reasons for
43 that.

44

45 I have a little different take on the
46 meeting than you do. I don't think that several of us
47 could have agreed if we had two months, but that's just
48 the way it went because a lot of people didn't feel
49 that subsistence should be there.

50

1 Anyway, it was very positive in my eye
2 because it opened up and got people talking and we did
3 accomplish a fair amount, I think, and people
4 understand it. They don't like it, but I think it was
5 very good. The other consensus, I think, was the
6 Hidden Lake thing, to take a look at that. So there
7 was some consensus.

8
9 MR. LAFEVER: Mr. Chairman, if I may,
10 I'd build on what Greg was saying. I think as we got
11 more into the issues and people were bringing up ideas,
12 options and thinking around how can a fishery be
13 created, a subsistence fishery be created, ideas like
14 Hidden Lake started to come out. Again, I think when
15 people are given enough time and are asked to be
16 creative, they can come up with very interesting
17 solutions or at least ideas that might lead to
18 solutions.

19
20 Again, I commend the subcommittee
21 members who were involved and participated in that and
22 bringing those ideas forward.

23
24 CHAIRMAN LOHSE: James.

25
26 MR. SHOWALTER: Yes. I have a couple
27 of comments. The first one is on alternates. My
28 understanding was I was to be an alternate of the two
29 Council members here that was at the meeting, but the
30 last day I was told I could not be there as an
31 alternate, so I didn't show. That was disappointing
32 since the Southcentral RAC is the one that got this
33 meeting organized.

34
35 Then the other part I have heartburn
36 with is all the sportsmen trying to implement sport
37 fishing ways to subsistence users. We should remember
38 that a subsistence user wasn't born with a rod and reel
39 in their hand. They were out there subsisting with
40 other means other than a rod and reel. To me, it
41 looked like they were pushing in that direction.

42
43 Thank you.

44
45 CHAIRMAN LOHSE: Thank you, James.
46 Greg.

47
48 MR. ENCELEWSKI: Dick, I just want one
49 question I want to ask you and maybe you could address
50 it so the people know. I was very disappointed in the

1 makeup of the work group. Saying that, when we got
2 there, we had Ivan from the tribe, we had Mary Lou from
3 Salamatof and she was also represented in Kenai, but
4 people from Hope and Cooper Landing were both guides.
5 Looking at it, there was very little subsistence
6 representation on that board or that work group. Do
7 you think it would have worked better if it would have
8 really had more subsistence users?

9

10 MR. LAFEVER: As far as the composition
11 of the subcommittee, that was the decision of the --
12 obviously the RAC decided who should be there. I'll go
13 back to an earlier comment I made, Greg, about the
14 overall process. I think that having -- and maybe
15 stakeholders is not the right term here. Some people
16 don't like that word. I think people that have
17 interest and obviously the subsistence users, all those
18 folks in, let's say, proportionate number, and I'm not
19 sure what that would be, but to have those voices heard
20 I think is very important. And not just in terms of
21 numbers, but in terms of, on one hand, what subsistence
22 means to people and what that means to people that are
23 not necessarily subsistence users.

24

25 So, as far as the composition of the
26 subcommittee is concerned, maybe there weren't as many,
27 in your opinion, subsistence users there. If I had to
28 compose a group, I probably would have looked at a
29 longer process and maybe more subsistence users from my
30 perspective, personally.

31

32 CHAIRMAN LOHSE: Thank you, Greg. Any
33 other questions for Dick. Dick, I'm trying to put
34 together what I heard here. It sounds to me like
35 basically in a broad way you got consensus to the fact
36 that subsistence is going to be there and that there is
37 a subsistence priority and it needs to be met, but you
38 were unable to get a consensus on how or where or how
39 much. That's kind of the feeling I get when I look at
40 the papers, when I listen to people talk. That it at
41 least worked to the point where people recognized that
42 subsistence is something that is going to be there and
43 how do you make it viable yet not destroy something
44 else. That's kind of the feeling I got.

45

46 MR. LAFEVER: That's right, Mr.
47 Chairman, yes.

48

49 CHAIRMAN LOHSE: That's probably a big
50 step in comparison to before the committee was there, I

1 feel. When it comes to how and where and how much,
2 then the Board gets put in the same position as the
3 Board of Fish or the Board of Game. We get put in the
4 same position as Councils that recommend to the Board.
5 That's something that everybody has to remember. The
6 Council makes recommendations. The Council does not
7 make rules. We'll take the information that we get,
8 which is one step higher than a subcommittee, and we'll
9 make recommendations to the Board, but in the end the
10 Board will make regulations. It's the same situation
11 that the Board of Fish is in or the Board of Game.
12 Somebody has to make allocation decisions. What we end
13 up having to do is how do we do that doing the least
14 damage to the least people.

15
16 I think a little bit of that did seem
17 to get -- from what I've been listening to and from
18 what you said, I think a little of that did seem to
19 come out of this subcommittee. If that came out of it,
20 that was a step, even if it was a small step, in
21 getting people to come together. Once you recognize
22 that, then maybe people can say, okay, this is here,
23 now how do we make it work and doing the least hurt to
24 any of us.

25
26 Did you get any kind of feeling like
27 that? I mean that's a feeling I get from what I read.

28
29
30 MR. LAFEVER: Yes, I did, Mr. Chairman.
31 In fact, there were several of the subcommittee members
32 that were very pointed in expressing even their
33 personal opposition to subsistence, but said that's the
34 law, that's what we need to do, that's what we need to
35 move forward with. There's still probably and will for
36 many years be opposition to subsistence. I don't think
37 that's necessarily going to be a light bulb that's
38 going to go on and off. Personally, I think the --
39 again, going back and looking at how -- any time you
40 legislate, even like civil rights, you legislate it and
41 then you hope behavior changes.

42
43 Subsistence fisheries establish that's
44 the law, that's where it's going to be. Will there be
45 problems implementing and policing and hearing and all
46 that? Yeah, sure, from a personal standpoint. But I
47 think the people around the subcommittee felt that this
48 is something that maybe they couldn't agree on, all
49 those methods and means and harvest limits and seasons,
50 but they felt this was something that was coming and it

1 was the law.

2

3

CHAIRMAN LOHSE: Doug.

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CHAIRMAN LOHSE: Gloria.

MS. STICKWAN: How well do you think people knew and understood about subsistence and do you think there was enough information provided or should there have been more information provided to those people?

1 MR. LAFEVER: I'm sorry, I didn't catch
2 the first part of your question.

3
4 MS. STICKWAN: I said how well do you
5 think they knew and understood what subsistence fishery
6 was when they first sat down. Did they understand that
7 very well?

8
9 MR. LAFEVER: Well, there was one
10 comment that concerned me when one person said I don't
11 see any people starving when referred to in terms of
12 subsistence. That's not what subsistence is about from
13 my perspective. I don't know whether that was a
14 genuine comment or a tongue in cheek or something like
15 that, but it was disturbing to hear it. I'm not trying
16 to cast dispersions on anyone, but it made me think do
17 people really understand what subsistence culture is.
18 If they do, fine. If they don't, how do they. I can't
19 read a person's mind. I know myself I've been a
20 subsistence user when I lived in rural Alaska. Not a
21 customary and traditional when I lived there, but my
22 own background, I've been a subsistence user where I
23 grew up in Montana and I know what that meant for me in
24 the customary and traditional way. It means something
25 different to different people. But having a uniform
26 understanding of that, there's probably still some work
27 left to be done there. I think sometimes quite a bit.

28
29 CHAIRMAN LOHSE: Gloria.

30
31 MS. STICKWAN: I was wondering about
32 the information that was provided. Do you think it
33 could have been better information provided or was
34 there too much information.

35
36 MR. LAFEVER: From the OSM, the
37 analysis. Boy. I heard from people on the
38 subcommittee, people from opposite viewpoints, people
39 very much in support of subsistence, people that
40 weren't, had very favorable comments about the
41 information. There were some areas that they felt
42 maybe didn't get explored enough. For instance, the
43 community gillnet that Ninilchik had been asking for,
44 was there a sufficient analysis on that. The people
45 from OSM gave their reasons why. There was a back and
46 forth dialogue there. There was some request from OSM
47 to look at the use of fishwheels. Whether or not that
48 gets done, I'm not sure. That's something that may be
49 in the future for future proposals. I'm not sure.

50

1 But my own personal view is that when I
2 looked at that information and read it and tried to
3 read it carefully, not being a biologist, it made sense
4 to me and I could make sense out of it. Now whether
5 the numbers are right, I have to depend on the
6 scientist or people that are users of the resource on
7 the Kenai that know that river in and out. I don't, so
8 I leave that up to others to decide.

9
10 CHAIRMAN LOHSE: My understanding what
11 Gloria was asking, do you think there was enough
12 information provided that showed what subsistence is
13 under the law. In other words, so that people
14 understood not just that subsistence was under the law
15 a priority but showed the gamut that subsistence covers
16 and the depth of the culture involved in it. I know
17 that a lot of the people that were on the committee
18 probably understand it because they've lived in
19 communities that use it. I'm not sure anybody on the
20 committee didn't understand the wide range subsistence
21 covers. I think that's what Gloria was asking. Was
22 there enough information provided so everybody really
23 had an understanding of what subsistence meant. That,
24 like you said, doesn't mean that somebody is starving
25 and this puts the only food on their table.

26
27 MR. LAFEVER: Is that what your
28 question really is?

29
30 MS. STICKWAN: I was wondering if they
31 knew what subsistence was, the information I said. I
32 was also wondering about the other information
33 provided, was that enough, like the gear types. Was
34 that enough information provided or do you think they
35 could have added more information to that?

36
37 MR. LAFEVER: I'll take the second one
38 first. The gear type I don't know. I don't know if it
39 was sufficient or not. I'll just leave it at that.
40 I'm not sure. Maybe others in public testimony or on
41 the Council. As far as the first, no, I don't think
42 there was sufficient -- in thinking about your
43 question, in the agenda and the presentation, of what,
44 from my definition of customary and traditional
45 subsistence use would be or why. Why is this a
46 particular view or how do some people look at
47 subsistence that may have been explored a little
48 greater during our meeting, it probably could have.

49
50 Again, I'll go back to the time we had.

1 I think a longer process where people can come to
2 understand what this really means, understanding
3 whether it's rural or Native or however you want to
4 explore that. I think a greater insight, a greater
5 understanding of whether people appreciate it, that's a
6 choice, but I think more time could have been spent. I
7 hope that could have been done in a longer process.
8 Hopefully that's answering your question.

9
10 CHAIRMAN LOHSE: Thank you, Dick. What
11 she brought up was kind of my question, too. I know
12 that you can understand that it's the law and I know
13 that you can understand that it's rural Alaskan, but
14 unless you have an understanding of the gamut that it
15 covers, you can come up with some generalizations, just
16 like that comment that you made that subsistence is
17 making sure you have enough food on the table so you
18 don't starve to death. As we've dealt with subsistence
19 more and more, I've found that that's part of it, but
20 that's a pretty small part of it actually, that it
21 covers a lot bigger scale. I think that kind of
22 understanding needs to be there if you're going to sit
23 down and discuss now how do we accomplish this without
24 hurting somebody else. So, from that standpoint, I
25 really appreciate Gloria bringing that question up.

26
27 Are there any other questions for Dick.
28 Any other comments you'd like to make to us before you
29 leave the microphone?

30
31 MR. LAFEVER: No, that's fine.

32
33 CHAIRMAN LOHSE: Thank you.

34
35 MR. LAFEVER: Thank you.

36
37 CHAIRMAN LOHSE: With that, we are
38 going to take a 10 minute liquid break.

39
40 (Off record)

41
42 (On record)

43
44 CHAIRMAN LOHSE: I'd like to call this
45 meeting of the Southcentral Alaska Subsistence Regional
46 Advisory Council back in session. We are on number B
47 on Page 2, which is an overview of the Staff draft
48 analysis of the Kenai fishery proposals and this is
49 covering all of the Kenai fishery proposals if I
50 remember right. Just for everybody's information,

1 after this report we're going to begin taking public
2 testimony on the Kenai/Kasilof fisheries proposals. I
3 have a couple people from the subcommittee who would
4 like to give a quick report of what they saw when they
5 were on the subcommittee and then we're just going to
6 go into individual testimony. If there's anybody who
7 has a real tight schedule that have something important
8 they have to get to, let me know and we'll try to fit
9 you in early enough that you can get to it.

10

11 Donald.

12

13 MR. MIKE: Thank you, Mr. Chair. As
14 far as the Kenai Peninsula fisheries proposals are
15 concerned, we received over 25 written public comments
16 and some are pretty lengthy and I'm still in the
17 process of trying to summarize those comments, but by
18 tomorrow morning I'll have a summary of how many
19 comments we received to date. I will not go over each
20 individual comment as far as written public comments
21 are concerned, but I will have with me for public
22 review all the written comments we received in our
23 office and a copy will be provided to our recorder.

24

25 Thank you, Mr. Chair.

26

27 CHAIRMAN LOHSE: Thank you, Donald.
28 With that, we're going to go on to the overview and
29 turn it over to you.

30

31 MR. MCBRIDE: Mr. Chairman, Members of
32 the Council, thank you. My name is Doug McBride. I'm
33 a fishery biologist with the Office of Subsistence
34 Management. The reason I'm giving this presentation is
35 for the last several months myself, along with two
36 other members of the OSM Staff, Mr. Richard Cannon and
37 Mr. Steve Fried, prepared this 100-plus page analysis
38 that you have before you of the Kenai fisheries
39 proposals. There's clearly a lot of information here
40 and it's going to take some time to get through all
41 this, but the first six pages of this document are what
42 we titled the overview.

43

44 So my purpose here right now is to give
45 the Council a brief presentation of this overview. In
46 addition, Mr. Chairman, I'll briefly summarize the
47 three supplemental materials that are in this salmon-
48 colored folder that were along with the subcommittee
49 report.

50

1 CHAIRMAN LOHSE: Can I ask you a
2 question. This will be the overview on all of them,
3 but you have in here -- we will address each proposal
4 when it comes up from the OSM standpoint in the Staff
5 Committee comments, right?

6
7 MR. MCBRIDE: Mr. Chairman, that is
8 correct. When you get to each section on the agenda,
9 for instance like Kasilof salmon, and that will be
10 Steve Fried and myself will come up and make a short
11 presentation about the Kasilof salmon part of this. So
12 the presentation right now is only about the first six
13 pages plus these three supplemental materials.

14
15 CHAIRMAN LOHSE: Thank you.

16
17 MR. MCBRIDE: Mr. Chairman, Members of
18 the Council. The reason why we did this overview is we
19 thought it served two very important functions for
20 getting through all of this. First of all, Staff felt
21 that we needed to clearly state as clearly as we
22 possibly can the framework of ANILCA that we operate
23 under when we analyze or assess a proposal. There are
24 things that we have to pay attention to that are
25 mandates within the law, within ANILCA. So that's one
26 purpose of the overview.

27
28 The second purpose, as you can see,
29 this is not what we typically do. For instance, when
30 you get to the wildlife part of the meeting, there's a
31 proposal-by-proposal analysis. We ended up not doing
32 that and we think we have some very good reasons for
33 not doing that. The purpose of the overview is to lay
34 out why we ended up doing what we did and basically
35 provided an organizational blueprint for getting
36 through the rest of the 100 pages of this analysis.

37
38 Where I'd like to start then, what does
39 ANILCA tell us as -- pretty good for Staff. What
40 framework do we have to operate within when we evaluate
41 a proposal. That information really is in the middle
42 of Page 4, but I'm going to briefly summarize what that
43 says.

44
45 The very first thing that we have to
46 pay attention to when we look at any subsistence
47 proposal is we have to first ensure that whatever we
48 evaluate and what we recommend provides for
49 conservation of healthy populations of fish. That is
50 absolutely first and foremost. We cannot make a

1 recommendation that at least in our view would violate
2 any principal to conservation if you will for any of
3 the fish populations in question.

4
5 The second part of the framework is
6 that we obviously then need to provide for a
7 subsistence priority, but that subsistence priority is
8 within the context of conservation if you will. That
9 conservation mandate stays above that.

10
11 Third, and these really are in
12 hierarchy or in order. The third part of the framework
13 is that we have to remain mindful of any existing uses
14 while we're evaluating the subsistence proposal and
15 then making recommendations on how to deal with that
16 proposal. I don't think I need to tell you what a big
17 deal that is in this area, the existing uses in that
18 area.

19
20 What I'd like to do now is go back
21 through each one of those frameworks and lay out how we
22 dealt with each one of those principals, each part of
23 that framework. So the first one is the conservation
24 of healthy populations of fish. In this area, the
25 definitions of what healthy fish populations look like
26 are basically contained in the State of Alaska's
27 fishery management plans. If you look at the top of
28 Page 4 in that overview, you'll see a small table up
29 there, Table 1. Those are the State fishery regulatory
30 management plans that, in our view, apply to the
31 fisheries in this area and the proposals that we
32 received about subsistence fisheries in this area.

33
34 It's very important to remember that
35 there's an interim memorandum of agreement between the
36 State of Alaska and the Federal Agencies that comprise
37 the Federal Subsistence Board. The Federal subsistence
38 program has to pay attention, has to address any State
39 regulatory management plan unless for some reason we
40 thought they did not provide for subsistence or unless
41 the Federal program came up with its own management
42 plan.

43
44 Now, I'm not going to go through the
45 details of what's in these management plans. There's
46 pages and pages and pages of regulation in these
47 management plans. But the key parts of them that we
48 need to pay attention to is they provide the
49 definitions, and I'll use State language here, for
50 sustained yield. What does sustained yield look like

1 from these various populations. Or in the words of
2 ANILCA, what does a healthy fish population look like.

3
4 The way they're defined in those
5 management plans is in a whole variety of ways. A lot
6 of the salmon populations you'll see escapement goals
7 in there. They have different kinds of escapement
8 goals and I'm not going to go into the details of that,
9 but numbers of fish to spawn. So that's a key part of
10 many of these management plans. In addition, you'll
11 see things in there about conserving size composition
12 of populations of fish, you'll see instructions in
13 there on preserving genetic diversity, you'll see
14 instructions in there about having spawning season and
15 area closures, protecting spawning fish. And you'll
16 also see instructions in there about preserving and
17 protecting riparian or bank habitat.

18
19 I think that as a body of regulatory
20 language I think you'd be hard-pressed to find any
21 other area of the State that has this amount of
22 regulatory instruction on what healthy fish populations
23 should look like. This area, to say the very least, is
24 very intensively managed on the State side. So as we
25 evaluated these proposals and addressed the
26 conservation mandate of ANILCA, we were looking
27 repeatedly at what's contained in these management
28 plans.

29
30 The second part of the framework is the
31 subsistence priority. That starts for us with the
32 proposals and we'll talk about those in a minute. But
33 we received a whole bunch. I believe it was nine
34 fisheries proposals for subsistence fisheries in this
35 area. The meaningful priority is provided then through
36 whatever ultimately comes out of this program and
37 through the limits, the seasons, the gear types and all
38 those methods and means if you will. All that has to
39 be done within the conservation mandate.

40
41 The third part of the framework are the
42 existing uses. As I said before, this is clearly a
43 huge issue on the Kenai Peninsula and it's really
44 exacerbated for the Federal subsistence program in that
45 there have not been Federal subsistence fisheries in
46 this area for over 50 years. There are very well
47 established and very intensively managed fisheries,
48 particularly sport fisheries, in the Federal waters of
49 the area in question.

50

1 To give you an example of how we
2 started by looking at these proposals, if you would,
3 please look at Figure 2 on Page 3. What this is is a
4 schematic of all the proposals that we received that
5 would apply to the Kenai River drainage. I'm just
6 going to walk you through the aspects of these
7 proposals. I think it provides a pretty good example
8 of why we ended up dealing with these proposals in the
9 manner that we did.

10
11 As you look at Figure 2, what you'll
12 see across the top, the main thing there, is the
13 species. We received proposals for every major fish
14 species in these waters, both salmon and resident
15 species. As you look at the second column that says
16 proposal component, those proposals had components to
17 them. Within each box is a proposal.

18
19 So, for instance, if I looked at
20 Proposal 27B, it requested gear types and in this case
21 it was a community gillnet fishery and rod and reel.
22 That proposal requested what we called total harvest
23 quotas, so a total number of fish of 1,000 chinook,
24 4,000 sockeye and 2,000 pink. Now, that particular
25 proposal intended for those harvest quotas to extend
26 across the Kenai and Kasilof drainages, so now we're
27 starting to mix drainages when we look at these harvest
28 quotas. Then that proposal also requested household
29 and dependent limits, which are very common types of
30 limits in subsistence fisheries. So, for instance, for
31 chinook it was 10 chinook and two additional chinook
32 for each dependant or 25 sockeye for a household and
33 five additional for each dependant in the household.
34 Again, those household limits are very common.

35
36 But we received other proposals for
37 salmon. For instance, if you go right below that and
38 you see that giant box in the middle, that's Proposal
39 29. That was for a gillnet proposal specific to the
40 lakes of the Kenai drainage and that was specifically a
41 request for gillnets. Not a community gillnet fishery,
42 but more of an individually-based gillnet fishery. In
43 that particular proposal, he was looking at sockeye
44 salmon and coho salmon and then also four resident
45 species; rainbows, lake trout, Dolly Varden and
46 whitefish. Then it had a whole series of
47 recommendations for mesh sizes.

48
49 So, as you look across, you'll see
50 different proposals for different gear types and

1 different species and different limits. If you look
2 vertically on that figure, you'll see multiple
3 proposals for various species. Particularly for
4 resident species, I mean there were a lot of proposals.
5 We got a jig proposal in 27D that addressed rainbow,
6 lake trout and Dolly Varden. Then we got a gillnet
7 proposal in 29 that addressed those species plus
8 whitefish. Then we had individual proposals down at
9 the bottom, 11, 12 and 13, that were gillnet. So you
10 can kind of see it's sort of this unwieldy matrix if
11 you will of requests for subsistence fisheries.

12
13 Given the complexity of all this, we
14 really struggled with how to begin this analysis.
15 Given the complexity of this, we finally lighted on a
16 strategy, if you will, on how to get through this and
17 how to present it. So now what I'm going to do is I'm
18 going to direct you to the information on Page 5.

19
20 We did some organizational things with
21 all this information that, again, is a little different
22 than what we typically do, which is just strictly a
23 proposal-by-proposal analysis. The first thing that we
24 did was we limited all of our analyses to the Kasilof
25 and Kenai River drainages. We did that to maintain the
26 focus on the largest issues.

27
28 When you go back and look at the
29 requests, many of the proposals are specific to those
30 drainages. A real good example would be Proposal 29.
31 That was very specific to the Kenai River drainage. Or
32 Proposals 27B and C, which were very specific to both
33 the Kenai and Kasilof drainages. But some of the
34 proposals just simply stated Federal waters and there
35 are other Federal waters out in Cook Inlet outside of
36 these two drainages. For instance, Six Mile Creek over
37 by Hope or the Swanson River are on either the Kenai
38 National Wildlife Refuge and/or the Chugach National
39 Forest.

40
41 When we did our analysis, we limited
42 our analysis to the Kenai and Kasilof River drainages,
43 again, to maintain focus on certainly our impression of
44 what we think the primary interest is in terms of the
45 proposals and where the primary concern is. So our
46 analysis is only limited to those two drainages. If
47 there is further interest in drainage outside of the
48 Kenai and Kasilof Rivers, we would recommend that that
49 be handled through subsequent proposals.

50

1 The second organizational thing that we
2 did was we analyzed the proposals by drainage. So we
3 looked at the Kenai River drainage separately from the
4 Kasilof River drainage. That is primarily done because
5 those drainages are completely separate stocks of fish
6 even within the same species. The conservation
7 mandates and definitions are specific to drainage. For
8 instance, say for late run sockeye salmon there is an
9 escapement goal for sockeye salmon to the Kasilof that
10 is completely separate and independent from the late
11 run sockeye salmon escapement goal for the Kenai River.
12 The level of information about those stocks and those
13 runs and those species in those drainages is very
14 different. For instance, like for resident species, we
15 know very little about the resident species in the
16 Kasilof River drainage. We know a lot more about many
17 of the resident species in the Kenai River drainage.
18 They don't mix, they don't interact, they're very
19 separate. So we separated those two drainages in our
20 analysis.

21
22 Then the final organizational thing
23 that we did was then we grouped the proposals that
24 dealt with salmon and we grouped the proposals that
25 dealt with resident species within those drainages.
26 What you have in the rest of this document is an
27 analysis for Kasilof River salmon, an analysis for
28 Kasilof resident species and an analysis for Kasilof
29 steelhead and then an analysis for Kenai salmon and
30 then finally an analysis for Kenai resident species.

31
32 Mr. Chairman, I'm going to pause just
33 for a minute here to make sure or see if the Council
34 has any questions about anything I've covered so far
35 before I move on.

36
37 CHAIRMAN LOHSE: Any member of the
38 Council have any questions for him. Tom.

39
40 MR. CARPENTER: Yeah, Doug. Getting
41 back to something you said right when you started,
42 there was three things that basically ANILCA lays out.
43 One of them was mindful of existing uses that took
44 place on the Kenai or the Kasilof River. Has there
45 ever been a challenge to that in regards to looking at
46 a fishery, for example, that was not a Federal fishery
47 but that it was taking place in the same river system
48 or corridor?

49
50 I don't know if you understand my

1 question. My question is if you had an existing
2 Federal sport fishery, let's say where the State sport
3 fishery is now on the Kenai River, would ANILCA -- I
4 guess I'm trying to figure out how I can ask this
5 question. The Federal law in ANILCA, has there ever
6 been a challenge to say that it doesn't have to be
7 mindful of a fishery that's not a Federal fishery, I
8 guess is my question.

9

10 Sorry to bring you up here already,
11 Ken.

12

13

14 MR. LORD: Ken Lord with the
15 Solicitor's Office. In the Ninilchik Traditional
16 Council case, which is Unit 15 moose case, we argued
17 that the Board has the authority to try to balance
18 competing interest of subsistence, sport and
19 commercial. The court accepted that as within the
20 Board's authority to do that. So we've sort of taken it
21 as a charge that we've taken upon ourselves in a way to
22 do that when we can. Others interpret that decision as
23 requiring us to make that balancing. We don't
24 interpret it that way.

25

26 MR. CARPENTER: Okay. Thank you.

27

28 CHAIRMAN LOHSE: Anybody else have any
29 questions for Doug. If not, I do. You might as well
30 stay there. I think I know what Tom was getting at
31 because I think I came up with the same one. When I
32 look at that ANILCA, it says ANILCA also prohibits the
33 Board from imposing restrictions on the taking of fish
34 and wildlife for non-subsistence uses unless necessary
35 for the conservation of healthy populations in fish and
36 wildlife, for reasons of public safety, or to continue
37 subsistence uses of such populations. I was wondering
38 if that word continue also means to begin; in other
39 words, to continue subsistence.

40

41 Let me go through something and then
42 you can tell me where I'm sitting at. You referred to
43 these management plans up here. If I remember right,
44 most management plans have two parts. They have the
45 part on how to maintain a healthy fish stock, but they
46 also have the part on the allocation of the fish stock
47 that's there. Most of these fish stocks that we're
48 talking about are fully allocated fish stocks, which
49 therefore means that if they're fully allocated, you're
50 maintaining a healthy fish stock with the allocation

1 that you've got and you put another allocation into
2 that management plan, the only way you can put another
3 allocation into that management plan and maintain the
4 healthy fish stocks is to reallocate the fish stocks
5 that are there.

6

7 If I read this in ANILCA right,
8 basically what it's saying is -- I mean it doesn't say
9 you need to be mindful. That's come out of the court
10 case like you said. That's a balancing act that you
11 did. But it says that you can't put restrictions on
12 other users unless it's necessary to maintain a healthy
13 population or to continue the subsistence uses of that
14 population. So, therefore, while you're looking at
15 putting on a subsistence fishery and maintaining
16 healthy fish stocks -- and that's where the crux of
17 this whole problem comes in. You're basically also
18 looking at reallocation of the fish stocks that are
19 there.

20

21 Now, I know as a Council and as the
22 Board it's always been the idea that you do that with
23 the least damage to any existing fishery, but it also
24 doesn't say that you do it with no damage to any
25 existing fishery. Am I correct on that assumption or
26 do I need to look at this from a different standpoint?

27

28 MR. LORD: You are absolutely correct
29 in that assumption. That's the nature of the
30 subsistence priority that was set out in ANILCA. It
31 resolves that controversy for us by telling us that
32 subsistence users get a priority. I would submit too
33 that when Section .815 of ANILCA uses the word
34 continuation in continuation of subsistence users, by
35 having made a positive customary and traditional use
36 determination, the Board has already found that we will
37 be continuing uses that simply were temporarily
38 discontinued by action of the State and the territorial
39 government before that.

40

41 CHAIRMAN LOHSE: That was the next
42 question I was going to ask you. The fact that that
43 has been interrupted by time doesn't affect the fact
44 that it's a continuation.

45

46 MR. LORD: That is correct.

47

48 CHAIRMAN LOHSE: And there's another
49 word in there that says meaningful. What has
50 meaningful been interpreted in the law?

1 MR. LORD: In that same case, the judge
2 said that meaningful means -- he didn't exactly define
3 it, but he found that a three-day preference in the
4 moose hunt was not meaningful, was not enough to give
5 subsistence users that priority that they were
6 guaranteed to under ANILCA. Really, it's up to the
7 Board to build into the administrative record a finding
8 that a priority given is meaningful in nature.

9

10 MR. KOMPKOFF: Mr. Chairman.

11

12 CHAIRMAN LOHSE: Yes, Pete.

13

14 MR. KOMPKOFF: I have a question.
15 Beings as how we're on ANILCA, could you put it in
16 layman's terms what this sentence means here. ANILCA
17 requires the Board to give subsistence users a
18 meaningful priority over other consumptive users when
19 the Board attempts to strike a balance between or
20 competing aims of conservation, subsistence or others.
21 Could you break that down in a simpler term?

22

23 MR. LORD: Well, I'll try. When we
24 talk about consumptive uses, we mean taking. We're not
25 talking about photography. We're not talking about
26 other uses that are not consumptive in nature. So, in
27 that sentence what we're talking about are subsistence,
28 in this case sport fishing, commercial fishing, things
29 that result in a take of the fish or wildlife, if we
30 were talking about that. Very simply put, what
31 Congress decided was that in considering those
32 different kinds of takings, that subsistence should be
33 the first priority on Federal public lands in this
34 state.

35

36 I think that's as simply as I can put
37 it. If I didn't clarify, please let me know.

38

39 MR. KOMPKOFF: Oh, you did very well.
40 I have a question for Doug. Did the Staff adopt
41 several policies or strategies to analyze the proposal?

42

43 MR. MCBRIDE: Mr. Chairman, Mr.
44 Kompkoff. Yes, we did. That's what we're trying to
45 present in this overview. We did several
46 organizational things and that's what we've gone
47 through so far, but then there was some other
48 strategies that we're going to get to in terms of gear
49 types and then accounting for subsistence harvest.

50

1 MR. KOMPKOFF: Thank you.

2

3 MR. SHOWALTER: Mr. Chair. While we
4 have legal staff up here, I want to hear it one more
5 time. On the Kenai National Wildlife Refuge, is
6 subsistence a different priority there than any other
7 Refuge?

8

9 MR. LORD: No, it is not. That
10 argument has been around for as long as ANILCA has been
11 around. For those who aren't familiar with it, it
12 stems from the fact that subsistence was not listed as
13 a purpose of the Refuge, unlike other Refuges in the
14 state where it's expressly listed as a purpose of the
15 Refuge. Now, in the Ninilchik case again, we made that
16 argument to Judge Sedwick and in about a paragraph he
17 dismissed that argument saying that ANILCA is an
18 overlay statute. It says in the language of ANILCA
19 that it applies to all Federal public lands in Alaska
20 and that's what it meant, including the Kenai National
21 Wildlife Refuge.

22

23 CHAIRMAN LOHSE: Gloria.

24

25 MS. STICKWAN: I heard him say was this
26 a policy. Was this what you decided how you're going
27 to address the Kenai issue, was that a policy, or was
28 it just a decision you made on how you were going to
29 address these proposals? It wasn't a policy, was it?

30

31 MR. MCBRIDE: Mr. Chairman, Gloria.
32 No, I wouldn't call it a policy. Where we started was
33 trying to look at each individual proposal and we kept
34 finding ourselves kind of in this quagmire trying to
35 deal with an individual proposal and not knowing where
36 the next one was going. There were very competing
37 requests, if you will, for the same species, the same
38 stock. What we're going to get to in a minute is the
39 gear types. So there was a lot of unintended
40 consequence with gillnets. For instance, there might
41 be a request for a gillnet fishery say for salmon, like
42 sockeye salmon or chinook salmon, then we were getting
43 into a lot of concern and issues about bycatch of other
44 species, non-targeted species, trying to maintain size
45 compositions of various stocks and species.

46

47 What we came up with is what we called
48 a strategy for trying to deal with this and we had some
49 organizational parts of that strategy and that has to
50 do with limiting it to the Kenai/Kasilof, with treating

1 the Kenai/Kasilof separately and then grouping the
2 salmon and the resident species within those drainages.
3 Then what we'll get to here in a minute is how we dealt
4 with the gear types and the primary concerns there were
5 a request for gillnets and then how we dealt with the
6 requests for the community fisheries because we
7 received several requests for community fisheries.

8

9 CHAIRMAN LOHSE: Any other questions.
10 Tricia.

11

12 MS. WAGGONER: Doug, earlier you said
13 in looking at the management plans you looked at the
14 State's definition of sustained yield as being
15 equivalent to a healthy population?

16

17 MR. MCBRIDE: Correct. I mean we would
18 certainly interpret those terms as being synonymous.

19

20 MS. WAGGONER: But under the State's
21 definition of sustained yield that includes all uses,
22 commercial sport subsistence, correct?

23

24 MR. MCBRIDE: They certainly look at
25 all uses, but the parts of those management plans that
26 we were looking at are the -- I tried to list those
27 out. Things like escapement goals or providing for
28 genetic diversity or maintaining a size composition of
29 a particular stock. One of the things I failed to
30 mention in my comments, which came out in the
31 Chairman's question, is those management plans are also
32 full of allocative instructions. We were not looking
33 at those. We were looking at the conservation parts of
34 those management plans.

35

36 CHAIRMAN LOHSE: Doug, I think that's
37 what the question was from my standpoint, was you were
38 looking at it from the standpoint of what does the
39 State consider healthy stock, recognizing the fact that
40 the allocation parts of it may have to change if
41 there's a subsistence fishery.

42

43 MR. MCBRIDE: Mr. Chairman, that's
44 correct.

45

46 CHAIRMAN LOHSE: Thank you. Tom.

47

48 MR. CARPENTER: Just one more, Doug.
49 Something in regard to the last statement Ralph made.
50 So I take it when you took these proposals, if you

1 first have to consider conservation and biological
2 impacts, if you take like the Kenai River drainage for
3 example, there are multiple species, the transient.
4 Some resident species may not transient the entire
5 river, let's say like sockeye salmon for example. So
6 when you looked at these proposals, you would have had
7 to have looked at the State's information about
8 sustained yield in regard to spawning closure, size
9 composition.

10

11 Mainly what I'm getting at is not
12 salmon, for instance, but when you talk about resident
13 species like rainbow, steelhead, lake trout, the impact
14 on those species would greatly differ from the impact
15 on salmon, for example, especially sockeye salmon. So
16 I would assume that when you did your analysis that
17 taking the vulnerability of some of the resident
18 species into consideration, that when you looked at the
19 methods that you would allow for harvest under
20 subsistence, that played greatly into your analysis
21 because of the conservation concern, am I correct?

22

23 MR. MCBRIDE: Mr. Chairman, Mr.
24 Carpenter. You're entire correct. I couldn't have
25 said it any better.

26

27 CHAIRMAN LOHSE: Should we let Doug go
28 on to the next part. Thank you, Doug.

29

30 MR. MCBRIDE: Mr. Chairman, Members of
31 the Council. The next part of our strategy, and I'm
32 looking right in the middle of Page 5, had to do with
33 gear types for subsistence fisheries. Mr. Carpenter
34 gave a great segue into this. One of the things that
35 we looked at when we looked at these requests and
36 looked at all the conservation definitions that we had
37 to deal with for all the different species and all the
38 different stocks was we found it absolutely mandatory
39 to provide for subsistence gear types that allow for
40 species, stock and size selected management
41 specifically to address conservation.

42

43 The first thing you need to do is look
44 where the Federal waters lie and there's maps all over
45 here within these drainages. In general, it's the upper
46 parts of the drainages. All these species are present
47 at various times and in various places and in various
48 levels of abundance. In these drainages, it is not as
49 simple as even looking at just a species. I mean for
50 instance chinook salmon in either drainage. There are

1 early run chinook and there are late run chinook. The
2 escapement goals are separate for those runs. They're
3 basically treated as two separate species. They spawn
4 in different places, they have different biology, they
5 have different run timing. Within the resident
6 species, we'll get into this I guess tomorrow when we
7 get into Kenai resident species, there are multiple
8 stocks of rainbow trout and they're different.

9
10 So, when we looked at providing for
11 subsistence priority and the requests, trying to
12 overlay a gillnet fishery against that backdrop of
13 interlocking conservation mandates, definitions and
14 concerns, it just became a hopeless quagmire. The
15 problem that we saw is that if you put a gillnet or a
16 lot of gillnets in that part of the drainage, you're
17 going to have a lot of unintended consequences. You
18 might be trying to design a gillnet fishery for late
19 run chinook salmon. You're going to get into a lot of
20 resident species issues. You might be trying to design
21 a gillnet fishery for early run chinook salmon and
22 you're going to run into the mandate to maintain the
23 size composition of that stock that's in the management
24 plan, which is a definition of conservation. Every
25 time we tried to look at that we just ended up in this
26 quagmire.

27
28 Gillnets were not the only gear types
29 requested by a long shot. All the gear types that are
30 in the recommendations were requested and that would
31 include dipnets, rod and reel and jigging gear and
32 winter gillnets. So, when we looked at this, we were
33 very compelled to recommend gear types that allowed for
34 what we called fine scale management. In other words,
35 gear types that will allow you to release a fish of
36 another species or another stock or of a size that we
37 don't want to have kept. So that became a very, very
38 important part of our strategy in how we evaluated
39 these proposals.

40
41 The second issue in terms of gear types
42 was we then in our recommendations need to develop
43 fisheries that provide for a subsistence priority for
44 all eligible rural residents. This speaks directly to
45 the request for a community gillnet fishery. I think a
46 lot of this really did come out in the conversations
47 that we heard and participated in with a stakeholder
48 work group.

49
50 I think, as a general matter, the

1 stakeholders, as I think you heard earlier from Mr.
2 LaFever, agreed that widespread use, lots of gillnets
3 was not a good idea. That speaks to the strategy I
4 just finished talking about. So we had a request for a
5 community gillnet fishery I think specifically to try
6 to make sure there weren't a lot of gillnets, that
7 there was only a finite number of gillnets. The
8 problem with that is when you look at the federal
9 program we provide for community fisheries,
10 particularly in the Copper River. That's the one
11 example in the Federal program. On the wildlife side,
12 we provide for community hunts and they're sprinkled
13 around the state and there's an analysis of that later
14 in all this and we'll get into that in detail again
15 probably tomorrow.

16
17 But in every one of those cases for the
18 community fisheries on the Copper River and all the
19 community hunts, those were always against the backdrop
20 of that same opportunity available for any eligible
21 rural resident. It's not limited just to the
22 community. So, using the strategy of trying to employ
23 a community fishery to limit a gear type of concern,
24 like gillnets, just was not a strategy that worked. So
25 our recommendations are predicated on whatever is
26 provided for ultimately through the Board would be
27 available for all eligible rural residents.

28
29 Mr. Chairman, I'm going to pause here
30 again to see if there's any questions.

31
32 CHAIRMAN LOHSE: Does everyone
33 understand what Doug was saying right there. Gloria.

34
35 MS. STICKWAN: I don't know very much
36 about commercial fisheries. I don't really understand
37 what a gillnet is or what a mesh size is.

38
39 MR. MCBRIDE: Just to make sure I
40 understand the question, describe what is meant by
41 gillnets, the request for gillnets and what that
42 entails?

43
44 MS. STICKWAN: There's different mesh
45 size too?

46
47 MR. MCBRIDE: In general, gillnet gear
48 is webbing that's strung between a float line and a
49 lead line, so it fishes vertically in the water column
50 and it just gills or captures fish that bump into it

1 and they either become gilled or they become tangled in
2 the mesh. You can string gillnet gear with different
3 mesh sizes. I'm looking at a lot of expertise on
4 gillnets right in front of me here and they could
5 probably find a better answer than I. To some extent,
6 you can certainly target your catch based on mesh
7 sizes. In other words, large meshed gear is not going
8 to catch small fish that can swim through the mesh
9 sizes.

10

11 In fact, one of the proposals that we
12 got laid out a request for different mesh sizes for
13 different species. It was actually fairly complicated
14 in terms of the different mesh sizes for all the
15 different species. Those different mesh sizes are not
16 perfect in terms of what remains entangled in the net
17 and what isn't. I don't know what a good analogy is.
18 Like trying to use a sheath knife to do brain surgery
19 kind of thing. It's not real exact.

20

21 The other problem that we saw is that
22 in many cases some of the fish that we would not want
23 to see harvested, like in the Kasilof River drainage
24 there's a small population of steelhead. Steelhead are
25 basically the same size as like coho salmon and sockeye
26 salmon. So if you had a gillnet fishery that was aimed
27 at trying to catch coho salmon and steelhead are
28 commingled, there's not mesh size that would allow you
29 to only capture cohos and not capture steelhead.

30

31 Another problem is when you set a
32 gillnet and then you let it fish for a while, which is
33 the way you fish gillnets, trying to live release fish
34 out of that kind of fishery is incredibly problematic.
35 Most of the fish that become entangled in the mesh are
36 essentially dead.

37

38 MR. KOMPKOFF: Mr. Chairman.

39

40 CHAIRMAN LOHSE: Yes, Pete.

41

42 MR. KOMPKOFF: Yeah, Doug, is there a
43 harvest limit for those communities that use gillnet?

44

45 MR. MCBRIDE: Mr. Chairman, Mr.
46 Kompkoff. Yes. The request for community fisheries
47 were accompanied by total harvest quotas. They
48 requested certain amounts of fish. That was some of
49 that information that was on Pages 2 and 3. I mean,
50 for instance, there was a request for like 1,000

1 chinook and 4,000 sockeye.

2

3 CHAIRMAN LOHSE: Tom.

4

5 MR. CARPENTER: Yeah, Doug, that brings
6 up an interesting question. I mean I understand
7 completely that you cannot -- one of the concerns with
8 gillnets is say, okay, we'll limit gillnet use to a
9 community-based permit, but you can't do that by law
10 because that gear type would have to be offered to all
11 qualified rural residents. So, if that's the case,
12 then how can you set a different bag limit for a
13 community than you would for an individual?

14

15 MR. MCBRIDE: Mr. Chairman, Mr.
16 Carpenter. The short answer is I don't think we would.
17 For instance, the way the community fishery works in
18 the Copper River, that's a fishwheel fishery. There
19 the limits are by family or household. Any household
20 that participates in that community fishery is limited
21 to their household limit. If they participate in the
22 community fishery and take their household limit there,
23 they can't then go take their household limit on their
24 own, if you will. The household limits or individual
25 limits would be identical between the community fishery
26 and an individual or household based fishery.

27

28 MR. CARPENTER: Thanks.

29

30 CHAIRMAN LOHSE: Any other questions.
31 Gloria.

32

33 MS. STICKWAN: What's a jig gear?

34

35 CHAIRMAN LOHSE: Jig gear is fishing
36 through the ice with rod and reel basically. Fred.

37

38 MR. ELVSAAS: Thank you, Mr. Chairman.
39 There seems to be a lot of concern about catching these
40 steelhead. The proposal is for fish, as I understand
41 it. Is it specifically just for sockeye or is it for
42 fish? As I see it in the subsistence fishery and I do
43 this myself, if I catch a steelhead in a gillnet
44 fishery, I use it. As long as you don't waste it, I
45 don't see that as a problem. There seems to be a lot
46 of concern here in some of this stuff I've been reading
47 about the steelhead in the river. The other thing, in
48 talking about gillnets, are you talking about the 60-
49 foot gillnet like in the personal use fisheries at the
50 mouth of the rivers or are you talking about short

1 gillnets? Because I can remember many, many years ago
2 when they used these gillnets like for the eulachon on
3 the Kenai on a stick and they drifted, walking along
4 the beach with the current. Even then you could catch a
5 king salmon in a eulachon net. The one question is, is
6 steelhead and rainbow trout not part of this proposal?
7 The other thing is, what size gillnets are you talking
8 about?

9

10 Thank you.

11

12 MR. MCBRIDE: Mr. Chairman, Mr.
13 Elvsaas. I'll start with the steelhead, rainbow.
14 Steelhead are sea run rainbows. So there's resident
15 rainbow trout and sea run rainbow trout. Steelhead, in
16 any meaningful numbers, are only in the Kasilof River
17 drainage. When I say meaningful, there are still an
18 incredibly finite or limited number of these fish.
19 We'll get into this in the steelhead analysis. But, in
20 general, the steelhead in the Kasilof River within that
21 part of the drainage we're talking about only go to one
22 location. That's Nikolai Creek, which is a tributary
23 of Tustumena Lake. The total population numbers in 100
24 to several hundred fish, so a very limited number of
25 fish.

26

27 The requests were for a whole series of
28 species. There were no requests for just fish in
29 general. If you look at Page 2, which are all the
30 proposals we received that would apply to the Kasilof
31 River drainage, we received various requests for
32 various species of fish and the problem that we saw
33 became -- for instance, let's say you were trying to
34 put in place a fishery to request 3,000 coho salmon and
35 3,000 coho go across both the Kenai and Kasilof, but
36 it's still a fair number of coho salmon. While you're
37 in the process of doing that, say with a gillnet,
38 you're going to have steelhead commingled with those
39 coho. So while you might have some hope of designing a
40 fishery that stayed within the conservation limits for
41 coho, we were fairly certain you'd end up with an
42 overharvest of steelhead fairly quickly just because
43 they're of so much less abundance.

44

45 MR. ELVSAAS: Yeah, when I said
46 steelhead, I was thinking of Dolly Varden and rainbows,
47 you know, other fish other than salmon. They all use
48 the waters and so forth. I was just curious if the
49 proposals meant to only catch salmon. That was what my
50 thoughts were.

1 MR. KOMPKOFF: Mr. Chairman, thank you.
2 Doug, could you clarify something for me about the
3 families that want to participate, will the harvest
4 limit be based on what has been determined for that
5 family?

6
7 MR. MCBRIDE: Mr. Chairman, Mr.
8 Kompkoff. It certainly could be. When you look at the
9 recommended modifications, we think that you might want
10 to look at a combination of individual limits, so a
11 limit for any individual subsistence user with some
12 gear types and then also look at household limit,
13 particular with more efficient gear types, and try to
14 design, if you will, the sweetest subsistence fisheries
15 in that manner.

16
17 Mr. Chairman. The last part of the
18 strategy that we employed in going through all this is
19 at the top of Page 6 and it's really very
20 straightforward. The other thing that was not in the
21 requests that Staff was very compelled to recommend was
22 to provide for accurate and timely reporting of
23 subsistence harvest and identification of subsistence
24 caught fish. So in all the recommended modifications
25 you will see that a permit is required, mandatory
26 reporting. For the more efficient gear types, for
27 instance like dipnets, we also recommended in-season
28 reporting and we did that in the temporary fishery
29 that's in place right now with the winter gillnets. So
30 a provision for subsistence users to report to the
31 Federal manager their harvest within a set time frame
32 so they have timely information about harvest.

33
34 Then the other part of the recommended
35 modifications is some kind of marking for all the fish.
36 We recommended lopping off the caudal tail fins, but it
37 could be anything. Some way to clearly identify
38 subsistence caught fish.

39
40 Mr. Chairman, is there any questions
41 about that point before I move on.

42
43 CHAIRMAN LOHSE: Any questions for Doug
44 on that.

45
46 (Pause)

47
48 CHAIRMAN LOHSE: Doug, I have a
49 question. The State subsistence fishery up on the
50 Copper River requires them to mark their fish and write

1 them on their permit when they take them. In fact,
2 before they remove them from out of site or from
3 wherever. We know it's not very well enforced. If you
4 have a program like that, what would you have for
5 enforcement on something like that? It's not enforced
6 very much in the other subsistence fisheries. How
7 would you enforce it on a subsistence fishery when the
8 State doesn't even enforce it on their fisheries?

9

10 MR. MCBRIDE: Mr. Chairman. There's
11 other staff here that I think can probably speak better
12 to that, but I guess as a general matter there are
13 Federal enforcement officers that I would certainly
14 anticipate, at least to some degree, that would be
15 tasked with enforcing these regulations both on the
16 Kenai National Wildlife Refuge and in the Chugach
17 National Forest.

18

19 Mr. Chairman, in summary, on the
20 overview, when you get to Page 6, you see then the
21 layout or the blueprint for the rest of the analysis.
22 I don't think I need to repeat that. What we'll have
23 then is like a Kasilof salmon analysis and a Kenai
24 salmon analysis. When you get to each one of those
25 sections, myself and either Steve Fried or Richard
26 Cannon will give you a relatively short presentation of
27 the information pertinent to that drainage and that
28 suite of species. So that's how this is laid out.

29

30 The other thing that I think bears
31 mentioning before I move into the supplemental
32 material, at the other end of the 100-plus page
33 analysis is a summary section. One of the things that
34 we found useful and I suspect the Council might as well
35 is when you look at the very end of the analysis, which
36 would be pages 105 and 106, what you'll see there are
37 some summary tables of the recommended modifications
38 that lay out all of the fisheries, if you will, that
39 are contained in these modifications. Dipnet
40 fisheries, rod and reel fisheries, winter gillnet
41 fisheries, jig fisheries for the species, the seasons,
42 the limits and all that stuff and it's all summarized.
43 One table is for the Kenai, one table is for the
44 Kasilof.

45

46 Mr. Chairman, the last thing I wanted
47 to appraise the Council of are these supplemental
48 materials and there are three of them in this salmon
49 colored folder and each one is color coded for those of
50 us who are not color blind. Where these came from were

1 issues that were raised at the stakeholder meeting.
2 Questions specifically put to Staff that we had not
3 addressed or certainly fully addressed in the analysis
4 that I just spoke to and we'll be talking about more
5 during this meeting.

6
7 The first one is this yellow document
8 and these are Staff comments about the potential to
9 develop a subsistence dipnet fishery for sockeye salmon
10 at Hidden Creek. I think Mr. LaFever spoke about that
11 when he summarized the stakeholder work group. We have
12 done some work subsequent to that last stakeholder
13 meeting that lays out a Staff analysis and
14 recommendation for that location as a dipnet fishery.

15
16 The second supplement is this more
17 neutral colored paper and these are Staff comments or
18 analysis and recommendation about the potential for
19 fishwheels as a subsistence gear type. This idea
20 certainly received some discussion during the
21 stakeholder meeting. We received no request for
22 fishwheels. That's why it's not in our analysis. But
23 since that was discussed and specifically requested
24 from the stakeholder work group, we've developed some
25 Staff comments since that last February 24th meeting
26 and that's what's contained here.

27
28 Then the third one is this orange or
29 salmon colored paper and this is entitled
30 considerations for subsistence fishing harvest limits
31 on the Kenai and Kasilof Rivers. Mr. Chairman, where
32 this came from, we received a request right at the end
33 from the stakeholder work group asking why on the
34 dipnet fishery did we only recommend those fisheries to
35 occur in discreet locations. Why didn't we recommend
36 them to occur everywhere.

37
38 Then also at the end of that
39 stakeholder work group there were some comments from
40 one of the stakeholders that that individual felt that
41 the stakeholder work group kind of fell into a trap in
42 that when they discussed the potential for all these
43 different gear types, what they focused on right off
44 the bat was the community gillnet fishery. The more we
45 thought about that, we actually agreed as Staff that
46 that was a pretty telling comment, if you will.

47
48 So what we provided here, we kind of
49 combined those two ideas and we provided here a series
50 of questions that we would recommend to the Council

1 that you look at sequentially when you look at each
2 section. If you start kind of broadly and work your
3 way up, it's certainly our hope that maybe you don't
4 fall into the same trap that the stakeholder work group
5 fell into. What this is really all about, it kind of
6 goes back to that comment I made earlier about the
7 community fisheries where what you provide for the
8 community has to be available to everyone else. If you
9 try to focus on what you're going to provide in a
10 community context but you haven't made a recommendation
11 on what you're providing in total, it was likened to
12 trying to build a house by building the roof first
13 before you do anything underneath it. I think that's a
14 pretty good analogy.

15
16 Our suggestion, and this is really kind
17 of a supplement to the overview, is an organizational
18 matter. You might think about what you're going to
19 provide for individually-qualified rural residents sort
20 of on a very broad basis in all Federal waters. Then
21 as the gear type gets more efficient, that would be a
22 good focus for households in more discreet locations
23 and we have some recommendations on that, but you can
24 certainly look at different locations or whatever.

25
26 Third, and finally, on a community
27 basis, once you've sorted those two things out, what
28 would you look at then or what needs are remaining in a
29 community context.

30
31 Mr. Chairman, that concludes my
32 presentation and I'd be happy to answer any other
33 questions.

34
35 CHAIRMAN LOHSE: Does anybody have any
36 questions for Doug at this time. Tom.

37
38 MR. CARPENTER: Yeah, Doug, I've got a
39 question about this yellow sheet. I don't know if you
40 want me to ask you now or later. It was in regards to
41 the dipnet fishery the State had in Hidden Creek back
42 in about '91. Was the problem with the fishery --
43 obviously it was a productive fishery, but was the
44 Refuge's problem with the fishery in regards to the
45 bank damage and things like that, was it that there was
46 just so many people went there at one time that it had
47 such a negative impact? And would this fishery, if it
48 was put back there in Hidden Creek in a similar
49 location, would there be so many fewer people involved
50 with this fishery that they wouldn't have the concern?

1 Maybe that's something for the Refuge manager to
2 address. I don't know.

3

4 MR. MCBRIDE: The Refuge manager is
5 here and certainly welcome to.....

6

7 MR. CARPENTER: Yeah, I was just
8 curious. I was just reading through this and it seems
9 like an opportunity for people, especially to meet
10 their sockeye needs, especially when there's excess
11 fish that are laying in this area. It talks about how
12 it was cost -- you know, there was going to have to be
13 resources spent in this area in regards to walkways.
14 Is this going to be a huge ordeal to get this fishery
15 going? Are the amount of people that would partake in
16 this fishery in regards to these few communities small
17 enough that you don't have the concerns that you did
18 with the State fishery?

19

20 MR. WEST: Mr. Chair, Mr. Carpenter.
21 Robin West with Kenai National Wildlife Refuge. The
22 situation in '91 was, as you suggested, maybe some
23 folks here participated, a high volume of folks, very
24 satisfying as long as you had patience in terms of
25 quickly getting your fish. It did cost the Refuge a
26 lot in terms of time and money and it was just double
27 parking and those kinds of things just administering it
28 so you didn't have everybody climbing on top of each
29 other at one time. The stream literally is about as
30 wide from you to me and the fish are packed in there.

31

32 So what you're suggesting I think is
33 largely true. There still would be some orderly -- we
34 would need a parking lot so people aren't parking along
35 the road. Even two or three people parking on Skilak
36 Loop Road would be a safety problem. It wouldn't have
37 to be a large parking lot. Additionally, it is fragile
38 bank habitat and we would need to have a platform and
39 that kind of thing where the fishing would take place.
40 It's also probably one of the densest bear
41 concentration areas on the Kenai, both brown and black
42 bear, and I think a reasonable amount of fencing and
43 that kind of thing just to segregate users would be
44 responsible. We're not talking about a huge amount of
45 construction, but it would take some planning and
46 design and resources to make it happen.

47

48 I think there also is suggested in the
49 summary some needs to coordinate with the Department of
50 Fish and Game and Cook Inlet Aquaculture on long-term

1 planning of it. Historically, there have been surplus
2 fish. I guess the only other thing that kind of
3 remains out there other than this is a great idea, is
4 this what folks want, the proponents. I think it would
5 be very popular. It may not solve a lot of the
6 requests that folks have from Ninilchik or other
7 places. I just don't know. Over time I think it would
8 grow.

9
10 If people are looking for kind of a
11 magic bullet or something, this is a great fishery that
12 will solve all the subsistence desires on the Kenai, I
13 think that's probably misleading. On the other hand, I
14 think it is a great opportunity to provide some fish
15 without conflict to other users.

16
17 MR. CARPENTER: I guess one reason at
18 least that this idea is intriguing to me is that, you
19 know, the State, around Prince William Sound and
20 probably in Cook Inlet somewhat too, they have terminal
21 fisheries that they've developed over the last 10 or 15
22 years that has provided substantially higher bag limits
23 in some places over and above the general sport fishing
24 limits, which does alleviate some of the stress for
25 people that don't have the means or methods or time to
26 go out and maybe get their fish under subsistence
27 regulations.

28
29 The other thing that it does is it
30 satisfies a certain percentage of the people, A, that
31 want to harvest fish that way and, B, it also
32 alleviates some of the stress off of the wild fish,
33 which ultimately benefits everybody in the long run.

34
35 So that's why, when we talk about these
36 things in the next couple days, I was just curious from
37 the Refuge's point of view if we did think this was
38 something that potentially could go forward, A, is the
39 Refuge going to be opposed to potentially allowing more
40 brood stock to be taken to increase the returns over
41 the next 10 years to satisfy the demand and, B, is it
42 going to be such a cost-restrictive thing in regards to
43 some of the things you'd have to implement to make this
44 a reasonable fishery that this would have to be
45 something planned out over the next four or five years
46 for the Refuge in regards to dollars.

47
48 MR. WEST: Just as a quick response, I
49 think we helped generate the proposal and we understand
50 some of it's merits and I don't think the concerns are

1 overwhelming and I don't think we'd have to wait years
2 in terms of planning. I think to get something
3 together this year may be premature, but perhaps next
4 year. There are some resource needs just in terms of
5 planning and coordination to accomplish and so forth.

6
7 As far as the Refuge support of it,
8 historically, the Refuge's concerns have been in large
9 numbers of return to the lake, both in terms of
10 reaching some sort of threshold where you have some
11 nutrient problems and also just kind of maintaining
12 some natural diversity. But it's controlled by a weir
13 and in some ways increasing harvest when there's
14 additional fishery turning once enhancement numbers are
15 taken, brood stock, and there's more subsistence
16 interest. In some ways, this could help manage the
17 fishery. Certainly, there are a few things to be
18 ironed out, but the Refuge is not opposed, no.

19
20 CHAIRMAN LOHSE: Thank you, Robin.
21 John.

22
23 MR. LAMB: How large an area are you
24 talking about for this? Is it like Russian River kind
25 of fishing? Do you have a mile of river or half a
26 mile?

27
28 MR. WEST: If I might, I'll just walk
29 to the map here real quick.

30
31 CHAIRMAN LOHSE: Robin, if I understand
32 correct what you're talking about is a fishery small
33 enough that you could fence it off to keep the bears
34 out?

35
36 MR. WEST: Yeah. Exactly. We're
37 talking about an area perhaps the size of this room.
38 It's a very small area that would be established to
39 catch the fish. It would be very easy fishing. The
40 fish come in, they'll be laying down below a weir. A
41 few minutes of dipping and you'll have your fish and
42 150 yards back to your vehicle and you're done.

43
44 CHAIRMAN LOHSE: Tricia, go ahead.

45
46 MS. WAGGONER: Thank you. I was just
47 going to ask is that area currently open to sport
48 fishing.

49
50 MR. WEST: No, it's not.

1 CHAIRMAN LOHSE: Robin, just out of
2 curiosity, have you even bounced this idea off any of
3 the subsistence users to see whether they would
4 consider this as potentially part of an adequate fish
5 supply?
6

7 MR. WEST: No, we haven't. The idea
8 was generated at the stakeholders process at the
9 subcommittee level and we were asked to go back and
10 investigate it and we produced this, but there hasn't
11 been any discussions with the users to my knowledge.
12

13 CHAIRMAN LOHSE: Thank you. It looks
14 to me like it would have potential. Like you said, you
15 could have it by 2008. I would almost think that if
16 there was a funding problem, there would probably be a
17 lot of people that would be willing to help out with
18 the funding in order to protect fisheries in other
19 places. But I think the most important thing would be
20 to find out whether the subsistence users would
21 consider that as an adequate part of a meaningful
22 subsistence priority, so I'm glad you brought that up.
23

24 Any other questions for Robin. Doug.
25

26 MR. BLOSSOM: Mr. Chairman. I've got
27 several. Robin, would you also be in favor of using
28 Engineer Lake and getting some coho and they could get
29 coho at the same place?
30

31 MR. WEST: Just off the fly, I'd say
32 there may be concerns. Engineer Lake historically was
33 stocked years ago and then somehow fish from Engineer
34 Lake were getting into the Kenai River system. It's not
35 landlocked as though it appears, but there is no real
36 stream coming in and out of it as you can fish like
37 Hidden Creek. There's no historical fishery there. It
38 would be creating a new fishery. So there's some
39 practical as well as maybe some biological concerns
40 you'd have to look at.
41

42 I guess I would just reply in general
43 though that there may be other fisheries or potentials
44 for enhanced fisheries that would meet criteria and
45 suitable to the Refuge elsewhere over time that could
46 be looked at. Those would go into those three, five,
47 seven year planning cycles by the time you would create
48 brood stocks and generate a return in order to fish
49 them. But Engineer Lake, off the top of my head, may
50 or may not be suitable for something like that.

1 MR. BLOSSOM: Mr. Chair. The reason I
2 ask is the coho are going up Hidden Creek and going
3 through the weir and going to Engineer Lake and not too
4 many of them go into Hidden Lake. Most of them go into
5 Engineer. What I remember on the dipnet fishery, I
6 think they took like 70,000 fish that one year they did
7 it.

8
9 MR. WEST: Yes, I think it was at least
10 70, perhaps 80,000 in a week, 10 days, something like
11 that, so it was very productive. There are coho that
12 do go up Hidden Creek as well as sockeyes. Coho end up
13 any place it's wet it seems like, you know, the
14 juvenile fish will end up in moving.

15
16 MR. BLOSSOM: Mr. Chair, one more
17 question. It sounds like you're a lot more interested
18 than I thought you would be. Would you be happy if
19 Gary Fandrei showed up here tomorrow morning and
20 testified what aquaculture can do to help that?

21
22 MR. WEST: I have no problem with that.
23 Yeah, I've spoken with Mr. Fandrei in principal on this
24 months past and we have a good working relationship.
25 Sure, I'm a happy guy.

26
27 MR. BLOSSOM: For the Council, Gary
28 Fandrei will show up here tomorrow morning if you like
29 and give you a complete, as he can at this point
30 anyway, with what he could do there.

31
32 CHAIRMAN LOHSE: Doug, could we put him
33 at the end of all these people who've already asked to
34 speak or would he have to be here first thing in the
35 morning?

36
37 MR. BLOSSOM: Mr. Chair, he can be here
38 whatever time of day you want him. I talked to him
39 this morning and he said if you want him, he'll come.

40
41 CHAIRMAN LOHSE: Tell him to come fill
42 out a form and we'll put him on there.

43
44 MR. BLOSSOM: He doesn't want to have
45 to stay here forever. He would like to testify and go
46 back.

47
48 CHAIRMAN LOHSE: Right. Thank you,
49 Robin. Again, like I said before, those are
50 interesting concepts, but it's still going to be left

1 up to the subsistence community whether that's an
2 acceptable form of subsistence. Like we talked about
3 before, subsistence isn't all just a matter of how many
4 fish you get, although in some cases that's a pretty
5 important part of it. Any other questions for Doug.
6 Doug, are you pretty well done?

7

8 MR. MCBRIDE: Yes.

9

10 CHAIRMAN LOHSE: Okay. With that,
11 anybody give me a time check real quick. 3:45. I
12 would like to take a five minute break if that's okay
13 with anybody. I see one person that had to leave and I
14 promised him that I would let him speak so that he
15 could go because his meeting is waiting for him. So if
16 we could take our five minute break and get back and
17 we're going to start in on testimony. We'll deal with
18 these Kasilof and Kenai testimonies at this point in
19 time.

20

21 (Off record)

22

23 (On record)

24

25 CHAIRMAN LOHSE: We don't have all of
26 our Council Members here yet, but I would imagine they
27 would be here shortly. I think what we're going to do
28 is I'll give a little bit of introduction. We're going
29 to start taking public testimony at this time. I've
30 been trying to figure out how to do this fairly. I
31 think what I'm going to try to do is give everybody
32 four minutes. I think the Board of Fish gives
33 everybody three minutes. We'll give you an extra
34 minute. We don't have a little red light and we don't
35 have a green light or a timer. So what I'm going to do
36 is I'm going to turn my mike on when you've got about a
37 minute left to go, if that's fair with everybody.
38 That's the best we can do since we weren't set up to do
39 this.

40

41 We'll get through as many as we can get
42 through this evening and then we'll start on testimony
43 in the morning. Then we're going to go into the
44 proposals and deal with the proposals one by one. At
45 that time we'll still have all the testimony from
46 Advisory Committees, all the testimony from Fish and
47 Game and everything else for each individual proposal.
48 So if you're here as an Advisory Committee member,
49 don't testify during this period of time as an Advisory
50 Committee member. Save that for the individual

1 proposal because you'll have an opportunity to speak to
2 each individual proposal as an Advisory Committee
3 member or as a tribal member. If you're speaking as an
4 individual, speak at this part of the meeting.

5
6 So, with that, I'm going to get
7 started. I already told Paul that he could be first.
8 So we're going to try to do this as good as we can and
9 I'll try to be as fair as I can. I'll get a better
10 watch tomorrow that has a second hand.

11
12 MR. MICHELSON: Mr. Chairman, Members
13 of the Council. I appreciate you giving me the
14 opportunity to speak here today. I have to say this.
15 I wasn't going to, but as I attended the Fish and Game
16 advisory meetings on Friday and Saturday and I attend
17 this one, I don't know if the word is frustrated,
18 confused or just sheer want to know why -- not why I'm
19 here, but what happens here.

20
21 My first comment is I'm dead set
22 against the use of any gillnets at all in any portion
23 of the Kenai or the Kasilof River. I think there's been
24 enough testimony by the Fish and Game biologist that
25 was sitting here before me that it will be just so
26 detrimental to the weaker fish, not the strong run of
27 fish as the sockeyes and the kings. The cohos aren't
28 even that strong. But the weaker fish as the rainbows
29 and the Dolly Varden and the steelhead. I hear members
30 of the committee sit there and say, well, a fish is a
31 fish, let's just take them all.

32
33 Well, you could. You could decimate
34 the entire river if that's your choice. They've done
35 it in the Columbia. They've done it in the Klamath.
36 They've done it in the Snake River. Lord knows how
37 many rivers they've done it on the East Coast. That is
38 the wrong mentality for this Board or the people of
39 Alaska to think.

40
41 These fish are there for every
42 individual in the state of Alaska, all 500-plus.
43 They're not there for any one user group, such as the
44 commercial industry or the subsistence, which I still
45 don't totally understand yet why a group of 1,200
46 individuals from a community where -- I know several
47 residents in the Ninilchik/Happy Valley they make over,
48 excess of \$100,000 a year. They have incomes. They
49 have jobs. If they go out and fish legally through the
50 same methods that I have to do, they can catch over

1 3,100 pounds of fish. That's an awful lot of fish that
2 an individual family of four can acquire. How many
3 pounds do they need? Five thousand pounds for a family
4 of four? Are they feeding half their family in the
5 States? Are they feeding half their family in
6 Anchorage?

7
8 You take Anchorage. Anchorage is the
9 most ethnically diverse city in North America.
10 Eighteen to 22 percent of the people who live in
11 Anchorage live under the poverty level. Why can't they
12 do the same fishing? Why does it go to 1,200 people
13 who make money, who have jobs, who half of them
14 commercial fish, half of them guide? They're school
15 teachers, they're government employees, they're
16 employees of the town. Why do they get a rural
17 classification?

18
19 We have to, in my opinion stop the
20 rural classification. It doesn't make -- the gentleman
21 over here from Sterling, you can't go. You live in a
22 populated area of 300. So it's wrong.

23
24 The other thing, as I said I get
25 frustrated, is the word consensus. I sat on a board
26 Saturday. I sat there for six hours. The word
27 consensus, is that majority or is that just you need
28 100 percent? If you put 10 people in a room and you
29 ask them, you'll never ever get 100 percent agreement
30 or consensus on any issue ever brought to 10 people if
31 they're honest with themselves. So it should be
32 majority, not consensus.

33
34 The only thing I can say as I said
35 before, gillnets in the river are wrong. I can't
36 believe our tax dollars, my tax dollars, your tax
37 dollars, the people behind me tax dollars are going to
38 help build parking lots, ramps, sidewalks, bear cages,
39 so that 1,200 people have the opportunity to fish. I
40 think if they want to fish, go out there and fish with
41 the bears. Maybe next year there will only be 1,000.
42 Maybe the year after there will only be 700. Maybe
43 we'll eliminate the subsistence use by nature.

44
45 That's all I have to say, Mr. Chairman.
46 I'd love to answer questions. I'm sorry I sound
47 aggravated or frustrated, but I am getting frustrated.

48
49 CHAIRMAN LOHSE: Doug.
50

1 MR. BLOSSOM: Mr. Chairman. I'm a
2 commercial fisherman.

3
4 MR. MICHELSON: I sensed that.

5
6 MR. BLOSSOM: What you may be saying
7 you feel in your heart, but we have this Federal law,
8 and I didn't put that Federal law in, Ted Stevens did,
9 and we have to abide by it. We might not like it, but
10 we have to abide by it, just like you do. I've lived
11 in Alaska for 60 years. I've seen it all the way from
12 subsistence days to modern days and in between and I've
13 commercial fished all that time. So I don't consider
14 myself a subsistence user. But you need to listen.
15 You sat here today and should have listened. We have a
16 Federal law that we can't do anything about except
17 abide by it. I hear you talking, but we have this law
18 to go by and please listen to it. That's what we have
19 to live by.

20
21 MR. MICHELSON: Mr. Chair, do I get
22 rebuttal time on that? I will try to keep it brief,
23 Mr. Chair and Mr. Blossom.

24
25 CHAIRMAN LOHSE: Well, the only
26 rebuttal you could say is let's get the law taken out.

27
28 MR. MICHELSON: A, I'd like to do
29 that, but I want to ask one question. Anybody on this
30 Board can answer me. I'll ask you the question. Where
31 does it say, and I used this term the other day, in the
32 Bible, in the Koran, in the Book of Mormon, in the
33 dictionary, in Webster's, where does it say those fish
34 belong to the commercial entity or the subsistence
35 entity? I think it's been 50 years of lies saying
36 they're our fish, they're our fish and they're not.
37 They're the people's fish.

38
39 CHAIRMAN LOHSE: Doug, I'll let you
40 answer that one.

41
42 MR. BLOSSOM: Mr. Chair. I guess my
43 answer to that is the State of Alaska constitution says
44 they belong to everybody, but the Federal one doesn't
45 and the Federal government has more power than the
46 State and that's what we have to live by. What else
47 can I say? We have a Federal law that is above State
48 law. Until that is any different that's what we have
49 to live by. You have to live by it just like I do.
50

1 MR. MICHELSON: Mr. Chairman, let's
2 change the law like you said. I appreciate the time
3 and I appreciate the opportunity to speak to the
4 committee.

5
6 CHAIRMAN LOHSE: Thank you, Paul. And
7 I didn't say to change the law, I said that's what your
8 opportunity as part of this country is to do.

9
10 MR. MICHELSON: Oh, there will be
11 phone calls made.

12
13 CHAIRMAN LOHSE: The next one I have is
14 Dominic Bauer. Don.

15
16 MR. MIKE: Mr. Chairman, thank you. As
17 the Council coordinator and you as Council Members, I
18 am certainly speaking on behalf of the Council. I
19 would certainly appreciate it if we have testimony that
20 would be geared and aimed toward the specific issues
21 we're addressing and I would appreciate it if we do not
22 receive any more offending statements.

23
24 Thank you, Mr. Chair.

25
26 MR. ENCELEWSKI: Mr. Chair. I'd like
27 to second that. I found that very offensive.

28
29 CHAIRMAN LOHSE: Thank you, Greg. In
30 fact, I was going to bring that up. I would like
31 people to limit their testimony to the proposals or to
32 the issue that's in front of us. We've heard the
33 general statement and I think Paul has probably covered
34 it for everybody that's out there that doesn't like the
35 thing. But we have some issues in front of us and I'd
36 like you to maintain your testimony on those issues.

37
38 So, with that, Dominic, would you like
39 to get started.

40
41 MR. BAUER: Thank you. I'm a business
42 owner, homeowner, year round resident of Cooper
43 Landing. I've been fishing the Kenai for almost 15
44 years. I haven't been here very long compared to a lot
45 of you here, but I've noticed some drastic changes in
46 the peninsula and Cooper Landing and the river and the
47 usage, particularly in the last five years, not to
48 mention 15, but it's a very crowded river, a lot of
49 users, a lot of user groups and massive lack of
50 enforcement. You're adding another user group

1 potentially with -- who's going to enforce it. That's
2 a big question I have.

3

4 Gillnets do not discriminate against
5 what we're targeting. Absolutely gillnets should not
6 be permitted to use on the river anywhere in my opinion
7 and several of my colleagues. I just hope you give
8 that some great consideration when you think of method.
9 Rod and reel is what we use in Cooper Landing and I
10 think it should maintain its use throughout whatever;
11 subsistence, personal use, whatever it may be and I
12 hope you consider that. I'm just going to keep it
13 short so we can give everybody a chance to speak.

14

15 Thank you.

16

17 CHAIRMAN LOHSE: Would other forms of
18 fishery that give the fisherman the ability to
19 discriminate between the types of fish that he takes be
20 acceptable to you or would just rod and reels be
21 acceptable to you?

22

23 MR. BAUER: I prefer just rod and reel
24 personally. I understand you're referring to maybe
25 dipnets or fishwheel or whatnot, but I think that rod
26 and reel is probably the best way to do it. It's
27 there, it's in place. I mean you throw the dipnets at
28 the base of Russian Falls or whatever and have totes of
29 fish coming out over a several mile trail where you
30 have people looking at birds and flowers and just
31 hiking. It's a core brown bear habitat and you've got
32 fish slime on the trail. I mean we're talking some
33 major can of worms with all these other alternatives.
34 The rod and reel, the infrastructure is implemented
35 already for it to be there. The costs are going to be
36 a little lower. The impact on the environment and the
37 other fishermen and the other users will be a lot less.

38

39 That's my opinion.

40

41 CHAIRMAN LOHSE: Thank you, Dominic.
42 Question, Doug.

43

44 MR. BLOSSOM: Mr. Chairman. Dominic,
45 because the subsistence fishery is a meat fishery,
46 would you then say with a rod and reel they could keep
47 a sockeye if they hooked him in the tail? They catch
48 their fish and go home?

49

50 MR. BAUER: The whole snagging issue is

1 a tough one. I would -- if you're out there
2 subsistence fishing, if you snag your fish, I would be
3 -- especially if you're going to put that many more
4 users out there. I think the faster you can get them
5 off the water, the more people, the less crowds, but I
6 understand the snagging thing is a double-edged sword
7 as well. I would probably say yes. I'd think about it
8 more before I'd do that. I haven't really thought
9 about it at great length, but I have thought about it
10 and I would say probably.

11
12 CHAIRMAN LOHSE: Any other questions.
13 Tom.

14
15 MR. CARPENTER: Yeah, Dominic.
16 Obviously one of your concerns is, you know, damaging
17 the small stocks of resident species and I think that's
18 a lot of concern by a lot of people that are here
19 today. If you were to allow dipnetting but you were to
20 restrict the type of web that was used, for example you
21 couldn't use gillnet web so that the mesh size was
22 small enough and that resident species that are non-
23 targeted species could be released with some real low
24 mortality rates, would you be in favor of that?

25
26 MR. BAUER: Everything is
27 circumstantial. It depends on the location, the sites
28 and the numbers of fish we're moving, but I could see
29 it could be possibly permitted. I still think the rod
30 and reel is a far better choice. But if it's gillnets
31 or dipnets, obviously I'd say dipnets, but I think rod
32 and reel.

33
34 CHAIRMAN LOHSE: Dominic, I'm going to
35 ask you one question and that's the danger of being one
36 of the first people up here. They get more questions
37 asked to them than people later on. Knowing that
38 subsistence is a priority, if you were a subsistence
39 user and you were given a rod and reel and then told to
40 go out and compete with people who are professional rod
41 and reel fishermen, would you feel like you had a
42 meaningful priority?

43
44 MR. BAUER: I'd definitely want to
45 practice and hone my skills. That's a loaded question
46 too. When I think of subsistence, I think of someone
47 that's living a simpler lifestyle and is living off the
48 fat of the land and is going to have the time to go out
49 and catch their fish. I don't think someone that's
50 living on, say, Kenai Peninsula, that's our population

1 base of the state -- and there is a handful of them out
2 there. I'm not saying there aren't, but most of us are
3 professionals or have jobs or businesses and make
4 money. I have a problem with rural designation in
5 these areas in the Peninsula. Granted, I live in
6 Cooper Landing. I reap the benefits from it. I could.
7 I don't. I don't do that. If you're a subsistence
8 fisherman, I'd think you'd have time to go out there
9 with rod and reel and catch your fish or you'd make the
10 time. Again, that's just a generalization I'm making.
11 Obviously there's some problems with that.

12
13 CHAIRMAN LOHSE: See, Dominic, that's
14 your definition of a subsistence fisherman, not the
15 Federal definition of a subsistence fisherman. My
16 question to you was if you were a Federally-qualified
17 subsistence fisherman and you were limited to rod and
18 reel and you were competing with professional rod and
19 reel fishermen, would you feel like you had a
20 meaningful priority?

21
22 MR. BAUER: Yes.

23
24 CHAIRMAN LOHSE: Okay. Thank you,
25 Dominic.

26
27 MR. BAUER: Thank you.

28
29 CHAIRMAN LOHSE: Erick Fish.

30
31 MR. FISH: I'm a homeowner and resident
32 year round in Cooper Landing and strongly against the
33 gillnets solely for incidental catches of the rainbows
34 and char, which are becoming a huge economic resource
35 for Cooper Landing. I don't have any issues with
36 subsistence fishing in the main stem with dipnets. I'm
37 not real familiar with those techniques. I've never
38 done it, but the impacts of the gillnets, I think,
39 would be substantial and kind of a slap in the face of
40 the people that have put a lot of time into the efforts
41 and the money spent enforcing these issues. And my
42 concerns are mostly as a private citizen.

43
44 CHAIRMAN LOHSE: Any questions for
45 Erick.

46
47 MR. ENCELEWSKI: Erick, I've just got
48 one little question for you here. My question is, have
49 you read the proposals, the number of fish. I mean the
50 number of fish to me, spread out over all the streams

1 and the amount they want is pretty small. It would be
2 a very small impact.

3

4 MR. FISH: Yeah, they would be to the
5 salmon, but I think the incidental impacts on the trout
6 are my major concerns. That's a world class fishery
7 with road access to most of it and I think that would
8 be severely impacted.

9

10 MR. ENCELEWSKI: Okay. Thank you.
11 Very good.

12

13 CHAIRMAN LOHSE: Chuck.

14

15 MR. LAMB: Yeah, how do you feel about
16 other non-lethal selected methods like dipnets?

17

18 MR. FISH: I think those are more
19 practical ways and provide a better opportunity for
20 selective harvest of what you bring out of the river,
21 so I'm not against those in the main stem Kenai River.
22 I don't think the Russian River is a practical place to
23 do that with bear concerns and money involved and
24 protecting people from the bears and transporting those
25 fish out.

26

27 CHAIRMAN LOHSE: Thank you. James.

28

29 MR. SHOWALTER: Yes, another question.
30 I just heard you say you're not too sure about dipnets
31 but you're for rod and reel due to the fact it's a
32 world class fishery. To me, it sounded like even
33 though you live in Cooper Landings you're not for
34 subsistence. It sounded like you're for out of state,
35 worldwide people coming in catching these fish.

36

37 MR. FISH: Yeah, and I think that
38 should be an issue that's addressed with the amount of
39 money that's brought to the Kenai Peninsula for sport
40 fishing alone. I think that's a huge issue. Without
41 that money, the community I live in probably would not
42 thrive, you know, as it does. I know myself wouldn't
43 be there, Dominic would not be there. There's no other
44 source of income than sport fishing.

45

46 CHAIRMAN LOHSE: Erick, then do you
47 consider yourself a commercial fisherman?

48

49 MR. FISH: I'm also a guide. In some
50 ways I do. I still have a lot of salmon in my freezer.

1 If you want to say that by catching my limit every day
2 for the duration of the summer qualifies me as a
3 commercial fisherman, I guess I am.

4

5 CHAIRMAN LOHSE: No, that's not what I
6 was thinking. I was thinking you said that you and
7 Dominic wouldn't be there if it wasn't a world class
8 fishery. Do you make your living guiding people
9 fishing?

10

11 MR. FISH: I do, for a portion of the
12 year, and the rest of the year I'm Outside pounding
13 nails, doing construction. Not in Cooper Landing. I
14 have to travel at least 50 miles.

15

16 CHAIRMAN LOHSE: So for part of the
17 year you're a commercial fisherman and part of the year
18 you're a carpenter.

19

20 MR. FISH: I guess by your terms I am.

21

22 CHAIRMAN LOHSE: A commercial fisherman
23 is not by the fish that you caught, the commercial
24 fisherman is by the fact that you make your living from
25 fishing. That's what I meant. I didn't mean that you
26 were taking too many fish. Don't get me wrong.

27

28 MR. FISH: Okay. I understand.

29

30 CHAIRMAN LOHSE: Thank you, Erick.

31

32 MR. FISH: Thank you.

33

34 CHAIRMAN LOHSE: Any other questions
35 for Erick.

36

37 (No comments)

38

39 CHAIRMAN LOHSE: Kyle Kolodziajski.

40

41 MR. KOLODZIAJSKI: Hello. My name is
42 Kyle Kolodziajski. I'm a resident of Moose Pass and
43 spend a large majority of my time working and
44 recreating in Cooper Landing. My main concern today
45 that I want to bring to the table is -- I'm reading
46 here, it says Congress made it clear that conservation
47 of healthy populations of fish and wildlife must always
48 be the subsistence program's first priority. By the
49 use of gillnets, I don't see you meeting that need. I
50 think use of gillnets is going to be very detrimental

1 to the smaller populations of resident fish, such as
2 rainbow trout, Dolly Varden, whitefish and I highly
3 recommend that you do not pass the usage of gillnets
4 anywhere in the Kenai River watershed.

5
6 My reasons for this are that gillnets
7 don't discriminate against what they're catching,
8 especially if they're left unattended. There's these
9 populations of fish. You know, it's contradictory
10 what's out there by the State, you know, in terms of
11 what you can catch on a rod and reel. You also
12 mentioned to the first two gentlemen that spoke are you
13 in favor of rod and reel. Yes, I am. I do think
14 there's probably some other methods out there that
15 would be suitable for subsistence use other than
16 gillnets. I think you should probably put some more
17 research into those areas that are going to be more
18 selective and be able to select what you're going to
19 catch in those gear restrictions.

20
21 But I also think that, you know, like
22 Dominic mentioned, there's also a problem out there
23 with enforcement and there's a very limited amount of
24 people or enforcement agents out there as it is and if
25 you are going to go through this and whatever method in
26 terms of gear you're going to use, you put into
27 consideration of how you're going to fund additional
28 enforcement on these areas because it's already a
29 problem out there for what we already have, the user
30 groups that are using the river. I think you should
31 put some consideration there to beef up that
32 enforcement out there to make sure that people are
33 doing the right things.

34
35 CHAIRMAN LOHSE: Thank you, Kyle. Any
36 questions for Kyle. Doug.

37
38 MR. BLOSSOM: Yeah, Mr. Chair. Kyle,
39 you said there's other types of gear to use. What
40 other types besides rod and reel?

41
42 MR. KOLODZIAJSKI: Well, the ones that
43 we're putting out there today, you know, there's a lot
44 of talk of dipnets. I'm not opposed to dipnets. If
45 you're going to use them in certain areas of the river,
46 such as Russian River or some of the clear water
47 tributaries, I think there should be some modifications
48 to these dipnets, maybe using some rubberized nets of
49 some sort so you could actually discriminate on what
50 you're going to catch and release out there. Even the

1 dipnets out there today with the hard mesh they're
2 still going to take off the protective slime on a lot
3 of these resident fish and can increase the mortality
4 rate.

5
6 CHAIRMAN LOHSE: Any other questions
7 for Kyle. Tom.

8
9 MR. CARPENTER: Yeah, I assume that you
10 spend a lot of time on the Russian River and some of
11 the clear tributaries and I'm not sure, did you say you
12 were a sport guide?

13
14 MR. KOLODZIAJSKI: Yes, I am a sport
15 fishing guide.

16
17 MR. CARPENTER: Do your clients catch
18 and release fish?

19
20 MR. KOLODZIAJSKI: Both. Catch and
21 release and keep.

22
23 MR. CARPENTER: I would take it from
24 your example with the rubberized nets that that's what
25 you use with your clients when you release fish.

26
27 MR. KOLODZIAJSKI: Whether I release
28 them or if I'm keeping them.

29
30 MR. CARPENTER: Okay. Thanks.

31
32 CHAIRMAN LOHSE: Any other questions
33 for Kyle.

34
35 (No comments)

36
37 CHAIRMAN LOHSE: Kyle, thank you. You
38 brought up an issue that this Council has brought up
39 time and time again because we see it all over the
40 state and that's lack of enforcement. A lot of our
41 problems in all of our fisheries are caused by lack of
42 enforcement. Bag limits and that have no meaning if
43 there's no enforcement out there.

44
45 MR. KOLODZIAJSKI: I completely agree.

46
47 CHAIRMAN LOHSE: So thank you.

48
49 MR. KOLODZIAJSKI: Thank you for your
50 time.

1 CHAIRMAN LOHSE: Ed Moeglein. How bad
2 did I massacre your last name?

3
4 MR. MOEGLEIN: I'm used to it. My name
5 is Ed Moeglein. I've lived in Alaska since 1974. I'd
6 like to speak to the capturing of resident species.
7 There's some very particular things. One, not knowing
8 the numbers as far as a conservation issue, especially
9 for the steelhead that are in the Kasilof, personally
10 catching them on an outgoing tide on the Kasilof
11 gillnet/setnet fishery, also knowing some of the size
12 limits that are placed on the river for obtaining
13 rainbow and Dolly Varden trout.

14
15 And a real particular matter that's
16 dear to me is a 20-inch lake trout can be anywhere from
17 10 to 50 years of age, taking these fish for
18 subsistence use and not knowing the numbers can be
19 very, very detrimental to those. There is a size
20 limit. Eighteen inches maximum for rainbow and Dolly
21 in the lower part of the river below Skilak Lake and
22 above it is 16 inches. I would be adverse to taking
23 anything more for subsistence. One, the larger these
24 fish are, the breed stock that are going to keep these
25 fish going. And when they get into bigger sizes like
26 this, this really isn't a good quality of fish to eat
27 and that's my take on resident species that I'd like to
28 present right now.

29
30 CHAIRMAN LOHSE: Thank you, Ed. Doug.

31
32 MR. BLOSSOM: Mr. Chair, Ed. So, if
33 you kept it to 16 inches, what would you see as a bag
34 limit then per day?

35
36 MR. MOEGLEIN: I see what the sport
37 limit is, I think is fairly reasonable, is 10 fish as
38 far as lake trout is concerned. I've never seen anyone
39 on Kenai, Hidden Lake or Tustumena Lake catch more than
40 two lake trout in one day.

41
42 MR. BLOSSOM: You said 10 fish. Ten
43 Dollies or 10 rainbow or 10 lake? I'm trying to get
44 the difference so we don't overlap them.

45
46 MR. MOEGLEIN: I'd say with rainbows
47 and Dolly Varden, I'd say in the lakes you're allowed
48 10 and I figure that would be a fair amount that you'd
49 be able to retain.

50

1 MR. BLOSSOM: Okay. And less on lake
2 trout. I'm just trying to -- you're the expert, so
3 we're trying to find out.

4
5 MR. MOEGLEIN: Rainbow and Dolly Varden
6 is what I see that at. The smaller ones are better to
7 eat and they don't affect the breeding population.

8
9 CHAIRMAN LOHSE: Any other questions
10 for Ed.

11
12 (No comments)

13
14 CHAIRMAN LOHSE: Thank you, Ed. I
15 think this is Orlando Gonzales. Is there anybody like
16 that out there? Eagle River, Regency Drive. 12046
17 Eagle River, Regency Drive. I don't think he's here.
18 We'll put him off to one side. Jim Stubbs.

19
20 MR. STUBBS: Mr. Chairman. I'll be
21 speaking with the AC's later on.

22
23 CHAIRMAN LOHSE: Okay. So you're an AC
24 and you'll speak to the specific proposal. Dennis
25 Gease. Did I massacre that?

26
27 MR. GEASE: Mr. Chairman, Council. My
28 name is Dennis Gease. I live at 36710 Virginia Drive,
29 Kenai Borough, in the great state of Alaska, adjacent
30 to the subsistence land and the travel corridor of the
31 Kenai River subsistence fishing grounds so mentioned in
32 Proposal FP07-27B, C and 29. I wish to thank you for
33 giving me the opportunity to testify on this complex
34 issue of subsistence and subsistence rights.

35
36 Alaska is still the last frontier in
37 North America. Indeed, there are places throughout
38 Alaska that need subsistence rights and should enjoy
39 the privilege of those rights. However, with that
40 being said, there are parts of Alaska that have moved
41 into the 21st century. Among those areas being the
42 Mat-Su Valley, the Anchorage Bowl and the Kenai
43 Peninsula north of the Kachemak Bay area. From Homer
44 and Seward northbound there are major state
45 highways.....

46
47 CHAIRMAN LOHSE: Dennis.

48
49 MR. GEASE: Yes.

50

1 CHAIRMAN LOHSE: Do you want to keep on
2 the issues of the proposals right here. This part
3 we've heard a lot and this part we all understand, but
4 what I'd like is some testimony on the proposals on the
5 Kasilof and the Kenai and how we should handle them
6 because they're in front of us. Whether this is
7 constitutional, whether this is not constitutional,
8 this is the law that we're operating under. So could
9 you give me some information on how you feel on the
10 Kasilof and Kenai proposals.

11
12 MR. GEASE: I'm trying to get to that,
13 Mr. Chairman. I'm trying to get to the fact.....

14
15 CHAIRMAN LOHSE: Well, you're going to
16 run out of time long before you get through your
17 introduction then.

18
19 MR. GEASE: I said that I have not the
20 time nor the resources to go into the meaning of
21 subsistence and its use and misuse, the State's intent
22 nor the Federal government's intent. I didn't quite
23 get that far, Mr. Chairman, but I was getting there.

24
25 CHAIRMAN LOHSE: Sorry.

26
27 MR. GEASE: I'm sorry if I overstepped
28 my bounds there.

29
30 CHAIRMAN LOHSE: That's fine.

31
32 MR. GEASE: As the first gentleman
33 said, this is sort of an issue. As I'm sure the few
34 members that on the Southcentral RAC that are from the
35 Kenai Peninsula are aware of, this is sort of a heated
36 issue in our area and it's got many complex issues
37 interwoven. Not only the fisheries, the regulatory
38 agents that are trying to take hold of this or do what
39 they can.

40
41 What I would like to see and what I
42 think the majority of my neighbors and the rural
43 adjacent areas of the Ninilchik subsistence area would
44 like to see is the Federal government reclassify the
45 area as non-rural. You said this is the law. Why
46 can't we change the law. It's the State versus the
47 Federal government's laws right here is the issue. Am
48 I still going off board here?

49
50 CHAIRMAN LOHSE: That's the last

1 proposal that's on our book, right on this area, so go
2 ahead.

3

4 MR. GEASE: Okay. And I believe -- and
5 I know you're all state residents. You're working on a
6 Federal board. I know you're all doing it voluntarily.
7 I'm on several boards myself. We all do it volunteer.
8 I commend you for all the time you put into it. I know
9 it's an effort, consuming job. They are. They all
10 are, so you have to have some interest. I thank you
11 for that interest.

12

13 After you've heard all the testimony
14 that's going to be here today and tomorrow and possibly
15 the next day, and after you've read all the e-mails and
16 all the letters and gathered all the information
17 possible on this subject on both sides, all sides, to
18 please make a fair and equitable decision on this very
19 important issue we have in our midst. That's all I'm
20 asking. I thank you. I pray for your guidance in this
21 manner. You're going to need it.

22

23 Any questions.

24

25 CHAIRMAN LOHSE: Pete.

26

27 MR. KOMPKOFF: I don't know if I
28 understood you, Dennis, when you said you want the
29 Federal government to change the law so that it becomes
30 a State law that regulates the area?

31

32 MR. GEASE: That's my belief, yes. I
33 think either the State should change or the Federal
34 should change. I don't think we should have this
35 butting heads with inter-government agencies that we
36 have now.

37

38 MR. KOMPKOFF: I don't know that we
39 could specifically identify one area that isn't
40 monitored by State and Federal law because there are so
41 many that are like that with State and Federal agencies
42 regulating the laws in the area.

43

44 MR. GEASE: That's not my problem.
45 It's where they disagree.

46

47 MR. KOMPKOFF: I know. Thank you.

48

49 CHAIRMAN LOHSE: Any other questions
50 for Dennis.

1 (No comments)

2

3 CHAIRMAN LOHSE: Thank you, Dennis.
4 I'm sorry for interrupting you.

5

6 MR. GEASE: No problem. You have a job
7 to do. I have an opinion to make. I think you did a
8 good job.

9

10 CHAIRMAN LOHSE: I still would have
11 liked you to give us some advice on how to solve the
12 issue.

13

14 MR. GEASE: I'm only 70 years old. I
15 haven't lived that long yet. Thank you.

16

17 CHAIRMAN LOHSE: Bruce Morgan.

18

19 BRUCE MORGAN: Members of the Board.
20 You know, when I started, it was going to be really
21 simple and then we sat here for about three hours of
22 conversation with biologists and everyone else and I'm
23 going, oh, my God, you guys have your hands full and
24 ladies.

25

26 One thing I have to say right out the
27 chute is I found it very interesting the information
28 about fishing Hidden Creek. You're looking for
29 options, how we can make everyone happy. That fishery
30 on the map over there I'm sitting here nodding my head
31 saying that would be an acceptable fishery. Without
32 knowing the statistics, without knowing biologically
33 what would happen there, I don't know if that would
34 satisfy the subsistence users. It would put meat on
35 the table per se. I think that would be an interesting
36 scenario to look into deeply.

37

38 I'm against the gillnet thing. I don't
39 know how anyone could put a gillnet in the river
40 without harming other species of fish. I'm not so
41 against dipnetting, fishwheels, some other means. I'd
42 like to keep them out of the upper Kenai River just
43 because of obviously the concentration of other fish
44 that are up there. I haven't heard anyone talk about
45 down lower in the tidal waters where it's closer than
46 the upper river. There's a good concentration of fresh
47 fish to have. I know that's where I like to get mine.

48

49 I'm just going to read some notes here.
50 Like I said, I just hope you guys look across the board

1 at everything going on there. I'd hate to damage that
2 fishery up high if we didn't have to. That would be
3 the best for everybody.

4
5 CHAIRMAN LOHSE: Thank you, Bruce. Any
6 questions for Bruce. Doug.

7
8 MR. BLOSSOM: Yeah, Mr. Chair. Bruce,
9 where do you live?

10
11 MR. MORGAN: I'm sorry, I should have
12 introduced myself. I'm Bruce Morgan. I'm from
13 Anchorage, Alaska. I'll just make it simple. No
14 commercial interest. I'm a sports fisherman. I have
15 property down in Kenai where my eight-year-old son and
16 I tend fish.

17
18 MR. BLOSSOM: So my question, I guess,
19 is -- you know, we have to do this on Federal land.

20
21 MR. MORGAN: You bet.

22
23 MR. BLOSSOM: So if you go down the
24 river, the lowest spot I guess we have Federal land
25 they call it Moose Meadows. Is that a spot that you're
26 familiar with?

27
28 MR. MORGAN: Yes, it is. I guess if we
29 have to do this on Federal land, I think it's easier to
30 police if we have designated areas. We need to police
31 everybody. So if we're in a concentrated area. The
32 OSM report kind of designated some areas there that I
33 think would be acceptable to me anyway.

34
35 CHAIRMAN LOHSE: Thank you. Gloria.

36
37 MS. STICKWAN: You said you'd agree
38 with fishwheels being used?

39
40 MR. MORGAN: Yes. I think if the
41 fishwheel was in the right place, I think it's a way of
42 allowing people to catch the fish that they're looking
43 for and releasing fish unharmed. I think there could
44 be some tweaking there. I think sometimes fishwheels
45 catch some other species that I'd hate to see targeted.
46 I heard earlier that we eat rainbow trout, too. I'm up
47 with that, you know. I've eaten a trout before in my
48 day, but I don't think we want to damage that species
49 across the board. I think we can concentrate on fish.
50 It is subsistence. Subsistence is fish and we get the

1 fish that we have the most of. So, back to your
2 question, I'm really okay with the fishwheel thing.
3 It's worked in other places.

4
5 Tom, you were going to ask me a
6 question, weren't you?

7
8 CHAIRMAN LOHSE: Tom, did you have a
9 question.

10
11 MR. CARPENTER: Yeah, I was going to
12 ask you. Actually, one of the questions, I was curious
13 where you were from.

14
15 MR. MORGAN: Anchorage.

16
17 MR. CARPENTER: Because I was curious
18 -- you know, one of the questions was if this fishery
19 was developed at Hidden Lake to supply an additional
20 resource to subsistence people, I was curious if you
21 were from a rural community that was to qualify to use
22 that fishery would you be in favor of that being
23 something you'd be interested in, but you're from
24 Anchorage. So I'll ask somebody else.

25
26 MR. MORGAN: Right. I would hope that
27 they would accept that because that would be a -- if
28 it's a viable means. I say fish are fish. If we're
29 trying to catch fish and all live together, that would
30 be a good way of doing it.

31
32 CHAIRMAN LOHSE: Thank you, Bruce. Any
33 other questions for Bruce.

34
35 (No comments)

36
37 CHAIRMAN LOHSE: Thank you. Ron
38 Rainey.

39
40 MR. RAINEY: Thank you, Mr. Chairman,
41 Members of the Board. My name is Ron Rainey and I'm
42 representing Kenai River Sportfishing Association. I
43 live on the Kenai River in the city of Kenai on the
44 Kenai Peninsula. As I indicated to you, Mr. Chairman,
45 I have a letter here in support of our proposal and I'd
46 like to give that to you at this time. I will read in
47 part. Kenai River Sportfishing Association is
48 requesting support from this RAC on our proposal to
49 request Federal Subsistence Board to repeal customary
50 and traditional findings for the Kenai Peninsula. I

1 wish you would consider this. There are some legal
2 briefs in there that I'd appreciate all the Board
3 reading tonight if you would, please.

4
5 I'll change my testimony from prepared
6 to a little bit more spontaneous. Mr. Blossom's
7 comments on we have ANILCA, a Federal law to live by.
8 Well, yes, we do, but how we've used that law and the
9 eight criteria have been abused. They're not being
10 followed and, in my opinion, our opinion, most
11 everybody in this room except possibly those from
12 Ninilchik, see that the Federal Subsistence Board finds
13 a way to approve any subsistence fishery they want to
14 and I can give you some examples of that.

15
16 I think Mr. Showalter said something
17 about do you consider rod and reel subsistence fishery,
18 indicating that he did not. Well, the chairman of the
19 Board of Fish -- I was there today, too. The chairman
20 of the Federal Subsistence Board indicated that he felt
21 and he said so at a Board meeting, that it wasn't the
22 taking of the fish that constituted subsistence but how
23 it was prepared and used. Your governing body said
24 that.

25
26 Number two, Mr. Encelewski said he was
27 disappointed in our subcommittee that made
28 recommendations on this because there weren't enough
29 subsistence people on it. Well, let me remind you, and
30 I'm not trying to get into an argument about this, but
31 230,000 sport fishermen a summer used the upper Kenai.
32 I think sport fishing was under-represented. I think
33 commercial fishing was under-represented. This is not
34 the remote place that only subsistence survives. This
35 is the Kenai Peninsula and the Anchorage Bowl that has
36 the best jobs, the best of everything that Alaska has
37 to offer, plus it has a fishery that we can all enjoy.

38
39
40 If you just fish the State fisheries,
41 dipnet, rod and reel and fish them on a casual basis
42 like I do, I can take three to four hundred pounds of
43 fish a year. My goodness. And I'm an old man. You
44 young bucks could take a lot more than that. For
45 people on the Kenai Peninsula to be in need of fish or
46 in need of fish -- did somebody ring me out? If
47 somebody isn't getting enough fish, come on, I'll take
48 you with me. We'll get plenty of fish. There's plenty
49 of fish. As your chairman of the Board said, it's how
50 we prepare and use the fish is his opinion of what

1 subsistence is about.

2

3 So I rest my case.

4

5 Please take a look at our proposal and
6 I would certainly like for you to consider it.

7

8 CHAIRMAN LOHSE: Thank you, Ron. Doug.

9

10 MR. BLOSSOM: Mr. Chairman, Ron.

11 Because subsistence users are a meat fishery, would you
12 be in favor of them, like when they catch a red salmon
13 in the tail, take them and take the limit and go home
14 rather than have to release them until they catch them
15 in the mouth?

16

17 MR. RAINEY: You know, I'm not, simply
18 because it's bending the State rules. If we can get a
19 fishery that we can enforce without the guy next to me
20 on the river hooking one in the tail and keeping it and
21 I have to hook it in the mouth or release it, I would
22 be in favor of it. But I think they're considering at
23 the Board of Fish this go round snagging policy, so
24 let's let that play out. No, I'm not in favor of it.

25

26 CHAIRMAN LOHSE: Any other questions
27 for Ron. Tom

28

29 MR. CARPENTER: Yeah, Ron, thanks. I
30 was curious. I'm not sure how many members you have in
31 the Kenai Sportfishing Association. I'm sure it's
32 quite a few.

33

34 MR. RAINEY: Yeah, we have over 300.

35

36 MR. CARPENTER: I'm curious, does the
37 Sportfish Association -- I mean if you can take this
38 whole big picture and look at it theoretically, I mean
39 you understand we have a Federal law, you understand we
40 have a judgment from the courts saying we need to look
41 at the subsistence issue on the Kenai Peninsula.
42 Everybody sitting here realizes that's something that's
43 going to happen. At least we have to look at it. Are
44 there any methods in which harvest would take place
45 besides rod and reel that the Kenai Sportfish
46 Association would be comfortable with or is the
47 association as a whole so adamantly opposed to the
48 Federal system that you could not recognize anything?

49

50 MR. RAINEY: Good question. I'm glad

1 you asked me that. We are not adamantly opposed to
2 subsistence at all. We're adamantly opposed to
3 subsistence where it is not needed. On the Kenai
4 Peninsula, the Ninilchik area is by no stretch of the
5 imagination rural. They go to the same jobs, in the
6 same social system, they're the same political system,
7 they go to the same football games with me, they go to
8 the same stores and shop. So, my goodness, why would
9 those people be subsistence users and I'm not.
10 Everybody in this room is a subsistence user. It's
11 just you're trying to equate that to how you take the
12 fish. As your chairman of the Federal Subsistence
13 Board said, it's not how you take the fish, it's how
14 you prepare and use the fish. Sorry for the long
15 answer.

16
17 MR. CARPENTER: No, I appreciate your
18 answer. Sometimes organizations just have a specific
19 viewpoint they're going to represent and they won't
20 deviate from that at all. But it sounds to me like at
21 least the Sportfish Association's point of view is that
22 if there was a community that was what you would
23 consider rural in nature, you would not necessarily be
24 opposed to some sort of subsistence harvest. You are
25 just opposed to the decision that the Federal Board
26 made.

27
28 MR. RAINEY: That is true, sir.

29
30 MR. CARPENTER: Okay. Thank you.

31
32 CHAIRMAN LOHSE: Any other questions
33 for Ron. Ron, could I ask you a question real quick.

34
35 MR. RAINEY: Certainly.

36
37 CHAIRMAN LOHSE: And this is not a
38 trick question or anything else, it's just for my own
39 information. Is the Kenai River Sportfishing
40 Association a guide association or is that just a bunch
41 of sports fishermen?

42
43 MR. RAINEY: Boy, I'm glad you asked me
44 that one. Thank you. We are damn well not a guide
45 organization, okay.

46
47 CHAIRMAN LOHSE: That's what I was
48 wondering.

49
50 MR. RAINEY: We're a sport fishing

1 organization.

2

3 CHAIRMAN LOHSE: I didn't think you
4 were, but I wasn't positive.

5

6 MR. RAINEY: Thank you.

7

8 CHAIRMAN LOHSE: Well, that gave me a
9 good strong answer on that one anyhow. Joe Connors.

10

11 MR. CONNORS: Thank you. Thank you
12 very much. I appreciate this opportunity. I'm Joe
13 Connors. Living in Alaska for 37 years and currently
14 reside in Sterling on the Kenai River. I'd like to
15 take this opportunity to speak with two different hats.
16 Obviously only one at a time.

17

18 The first, I've been authorized to come
19 here as a representative of the Kenai River Special
20 Management Area Advisory Board. We've only got two
21 items to relate to and they're pretty easy to deal
22 with. Then, second, I'd like to talk as myself,
23 personally.

24

25 So, starting off with the Kenai River
26 Special Management Area Advisory Board, that's a board
27 that was legislatively constituted in 1985, amended in
28 1987 and then the most recent legislative action
29 occurred in 2001. We're a 17 member board with 12
30 voting members. Nine of those members are public
31 seats. The remaining three of the voting seats are one
32 representative from the city of Kenai, one
33 representative from the city of Soldotna and one
34 representative from the Kenai Peninsula Borough.

35

36 The Kenai River is actually a State
37 Park. It's 82 miles long, going from Kenai Lake to the
38 Warren Ames Bridge, so it doesn't include the entire
39 watershed. With that in mind, at our meeting on
40 Thursday this past week, we passed two resolutions. The
41 first resolution was a resolution in support of the
42 analysis of proposals, including Page 4, 5 and 6, that
43 is the strategies, and the three bullets regarding
44 organization of proposals and analysis earlier
45 presented to you by Doug McBride. Then the second
46 component was regarding the gear types for subsistence
47 fisheries and there are three bullets there. The one
48 that we focused in on was being opposed to gillnets in
49 the Kenai River.

50

1 The second action that we took at that
2 same meeting, we passed a resolution in support of HJB
3 House Joint Bill No. 4, a proposal by Kurt Olson, and
4 basically it requests the Federal Subsistence Board to
5 reconsider the definition regarding the subsistence
6 findings for the priorities given to Ninilchik, Happy
7 Valley, Hope and Cooper Landing. That's one hat.
8 We've been relatively busy in terms of the last year
9 with all sorts of issues, making recommendations on a
10 wide variety of subjects to a variety of boards. For
11 example, not the Subsistence Board, but the board
12 dealing with hydrocarbons. We've got a bunch of
13 proposals on the table for that. So that's hat number
14 one.

15
16 I'd like to speak personally and my
17 theme is really simple. I'm an ex-commercial fisherman.
18 I fished in Cook Inlet for six years many years ago,
19 across Cook Inlet, and now I live on the river and I
20 utilize the resources there. I'm drastically opposed
21 to any gillnets used in either the Kenai or Kasilof
22 Rivers for a variety of reasons, but they're all
23 conservation issues. I would think -- and you've heard
24 it over and over again, but I want to just say it once
25 more, we would put certain resources at risk.

26
27 For example, and nobody has mentioned
28 this, but for six years now, this will be our sixth
29 year concerning the early run king run on the Kenai
30 River we've enforced a slot limit; that is, the five
31 ocean fish, the fish that we figure might be seven or
32 eight years old, nobody is allowed to take those. They
33 all get put back into the river. Now we don't know if
34 that number is 100 fish or 200 fish. It's not a large
35 number of fish, but we're trying to ensure that that
36 large fish, the breeding stock of what might be world
37 record fish, gets upriver and gets a chance to spawn
38 and promulgate the species. Some of those are small,
39 distinct stocks. We're not even sure exactly where
40 they go and how many there are, but a gillnet could end
41 that pretty quickly if four or five of those fish were
42 swimming together.

43
44 So, having said that, look at the
45 rainbow situation. For 20 years now we've been
46 actively engaged on the Kenai River in a very
47 conservative fishery in terms of rainbows. Two years
48 ago you were actually able to in certain parts kill a
49 large rainbow; let's say a fish that might be 15 or 20
50 pounds. As of last year, most of the river it was 18-

1 inch fish, one a day, rainbow, that you were allowed to
2 keep and then the upper portion it's one fish, 16
3 inches. again, a gillnet is not going to distinguish
4 this, so a gillnet could easily kill a whole bunch of
5 large fish.

6 And then my third and last issue
7 relative to some of my resource concerns is the fact
8 that the early run king fishery, mid May to -- well, it
9 runs all the way to June, but at least from mid May to
10 mid June is a spawning time for rainbows. The river is
11 closed to the keeping of rainbows. They're very
12 lethargic, they're not moving about much. They're in a
13 group at a certain location because that's a good spot
14 to spawn and they're there in numbers. Again, a
15 gillnet coming through there could really wreak havoc.
16 What I'm opposed to is the use of gillnets.

17
18 I like some of the other things I'm
19 hearing you talk about.

20
21 CHAIRMAN LOHSE: Thank you, Joe. Tom.

22
23 MR. CARPENTER: Yeah, Joe, thanks. You
24 said that -- obviously I understand why you don't want
25 gillnets. You said that the regulations for the upper
26 and lower Kenai are split, 18-inch fish in one part of
27 the river and 16-inch in the other. Where is the
28 breakpoint where those regulations change?

29
30 MR. CONNORS: I believe it's Skilak
31 Lake.

32
33 MR. CARPENTER: Do you think that if
34 dipnetting were allowed in specific parts of the upper
35 Kenai drainage, if there were certain things put in
36 place to obviously observe conservation concerns, is
37 there a point that you would not let them go above
38 because you think it might be interrupting spawning
39 habitat, you know, certain stock specific spawn timing?

40
41 MR. CONNORS: Tom, that's a good
42 question. I think in the Kenai River itself, I'm not
43 sure where you could manage the fishery, but if you had
44 a location that the Federal government owns the land
45 and you could actually have the fishery there, that
46 would be good. I'm not in favor of getting up into the
47 Russian River. I'm not an upper river fisherman. I'm
48 a middle river, lower river fisherman. That's more my
49 bailiwick. I like the idea if you do certain things
50 with the dipnet so it's not gilling them because then

1 that defeats the purpose. We end up killing some of
2 the fish that we should be turning back. I think if
3 your retention requirements or legislation was similar
4 to the existing legislation, i.e. rainbows above a
5 certain size you can't keep, i.e. the large, large king
6 salmon in that slot 44 to 55, since everybody else on
7 the river is letting them go, turn that one back. It
8 probably isn't a good eater anyway. I mean the smaller
9 ones are much better.

10

11 MR. CARPENTER: I think you make some
12 reasonable points there. One of the reasons there are
13 size restrictions in place are obviously due to
14 spawning concerns. I appreciate your comments about
15 the division line and possibly the Russian River. I'm
16 going to have to, I guess, for myself study -- I'm not
17 as familiar with the Kenai as I am other parts. I'm
18 going to have to maybe take a real look at the maps and
19 think for myself what's going to be the best for
20 everybody.

21

22 All right. Thanks.

23

24 CHAIRMAN LOHSE: Thank you, Joe. Any
25 other questions for Joe. Doug.

26

27 MR. BLOSSOM: Yeah, Mr. Chairman. Joe,
28 you're the middle river fisherman. So what is this
29 Moose Meadows? Is that a spot that's Federal land,
30 that's the lowest land that we have that's Federal, is
31 that a spot that can be used for some of this fishery?

32

33 MR. CONNORS: Oh, certainly. I like to
34 fish there. I like to come down through there myself
35 and fish. It's an area I fish and it's certainly
36 fishable.

37

38 MR. BLOSSOM: And is it going to be a
39 spot to disrupt you then? I mean I'm trying to find
40 areas to make this work.

41

42 MR. CONNORS: Well, I'm going to get
43 disrupted anyway. I'll have other places to go. I can
44 go to the other side of the river. I don't know where
45 your access is going to be. Right now there's a couple
46 launches, so if you're going to use a boat, I would
47 assume you'll use the launches that I'm aware of unless
48 somebody comes up with a motorboat, but you can
49 actually come out of those launches and come down.
50 That's on Redoubt. It's a road that runs all the way

1 to the end. There's a boat launch there. You know,
2 again, my feeling about that is you're going to have
3 this process. It's pretty darn obvious that there's
4 going to be a subsistence fishery of some sort.
5 Therefore, it's going to have to be somewhere. You put
6 the word out that this is where it is for X period of
7 time and people will do something else.

8

9 CHAIRMAN LOHSE: Thank you, Joe. I
10 have one question. The proposals in front of us under
11 Staff analysis and that, the only gill -- we've heard a
12 lot that everybody is against gillnets in the Kasilof
13 and in the Kenai, but the one gillnet fishery that's
14 still in the proposals is the under-ice fishery and I
15 haven't heard anybody comment on that one. It's not in
16 the river, it's under the ice in the lake, it's for
17 trout and things like that, it's in the wintertime, but
18 nobody has made any comments on that. Have you got any
19 comments on that one?

20

21 MR. CONNORS: Only that I can't even
22 conceive how it works. I've tried to visualize how they
23 get that net under the ice. I'd have a problem with
24 the fish that are very old. If you end up catching
25 fish that are 40 and 50 years old, that's a concern, so
26 you have to keep an eye on what the catch rate is. I'd
27 rather not comment beyond that on this one.

28

29 CHAIRMAN LOHSE: We had the same idea
30 and that's been brought up a lot, that if we did
31 something like that, we'd have to have lots of
32 reporting and record keeping to see what's going on.
33 As far as getting a gillnet under the ice, it's
34 absolutely no problem at all. Ask any Fish and Game
35 guest fisherman or anybody that's -- I can name a few
36 communities that you still can do that in.

37

38 The only other comment I'll make to you
39 is that I will totally disagree with you that smaller
40 king salmon are better eating than big king salmon.

41

42 MR. CONNORS: Oh, that's interesting.
43 If I may ask, what is your concept of a large king?

44

45 CHAIRMAN LOHSE: Thirty pounds plus.

46

47 MR. CONNORS: Yeah, that's -- okay,
48 we're not going to go there.

49

50 CHAIRMAN LOHSE: We're not talking 70.

1 Thank you. Okay. It's 5:00 o'clock. I told one of
2 the Board Members that we'd quit at 5:00 o'clock. Is
3 there anybody out there that's in here to testify that
4 can't be here tomorrow to finish testifying? I see two
5 hands. I've got to compliment you guys. It's been the
6 Council that's been taking the time on this. You guys
7 have done a very good job. I haven't had to even worry
8 about the time. So if the two of you would like to
9 testify, if you're the only two that are left and
10 you're willing to testify fairly fast, I'll be happy to
11 let you. Can you tell me your name so I can pull your
12 card.

13

14 MR. CRAWFORD: Mike Crawford.

15

16 CHAIRMAN LOHSE: Mike Crawford. Got
17 you right here. Mike, you're first. And the next one.

18

19 MR. GIBSON: Robert Gibson.

20

21 CHAIRMAN LOHSE: Robert Gibson. Okay,
22 I'll find yours. I appreciate the fact that the rest
23 of you are willing to come tomorrow and I appreciate
24 the fact that you guys have done a very good job of
25 giving us information. Mike.

26

27 MR. CRAWFORD: I don't envy you guys
28 for the decision you've got to make. I had a whole
29 prepared thing. I practiced it the whole way driving
30 up here from Soldotna this morning and everybody has
31 covered all those bases. The gillnet issues. You're
32 looking at the steelhead, a small number of steelhead
33 that exist, 150 to 300 fish in one drainage.

34

35 The early run king salmon, Joe just
36 touched on some of the conservation efforts that have
37 gone into effect. Between the community gillnet, as
38 the proposal calls it, the community fishery, plus the
39 household fishery, you're looking at maybe a potential
40 harvest of up to 7,000 king salmon where that exceeds
41 the total run, the total escapement of some years of
42 early run king salmon on the Kenai River.

43

44 The late run king salmon, the Kasilof
45 River, little is known about the numbers of these fish.
46 They're going way up into the lake, Tustumena Lake, and
47 into the tributaries. Little is known about the
48 numbers of these fish and which tributaries they're
49 going to and what creeks they're going to.

50

1 The same thing with the coho in both
2 the rivers. Little is known about the actual numbers
3 of fish. Estimates range from 10,000 escaped fish to
4 150,000 fish on the escapement, so unknown issues
5 there.

6
7 Sockeye, usually an abundant species
8 that's available widely across both river basins, last
9 year we had a scare. What's in these proposals, the
10 Fish and Game Department has the ability to do an
11 emergency closure in the event that we have a potential
12 catastrophe like we thought had happened last year on
13 the sockeye fishing. All of a sudden the end of July
14 and they aren't here yet. They ended up showing up in
15 August, which is an amazing thing. But what keeps us
16 from overharvesting when all of a sudden we're way
17 below escapement goals?

18
19 ANILCA addresses that priority number
20 one is conservation. I'm on the Fish and Game Advisory
21 Committee in Kenai and Soldotna. Talking with my
22 friends and neighbors and other people, they're
23 passionate about this, just like I know everyone on
24 this Board is. We're all here. You're volunteering
25 your time because you care about this. The main issues
26 are the conservation. That's what issues about the
27 gillnets are for.

28
29 You asked about the under-ice gillnet.
30 My concern is what happens when a net freezes in and
31 you lose the net. It's going to float around the lake
32 catching fish for maybe years and a waste of a
33 resource. I don't know all the details of a gillnet.
34 I'm trying to figure out how you get the net under the
35 lake, too.

36
37 Current opportunity. I don't have the
38 numbers for Cooper Landing or Hope, but 25 percent of
39 the population of Ninilchik got their permits, personal
40 use permits. Out of that only 32 percent of those fish
41 that were allotted were harvested, 42 percent of the
42 fish that were allotted in the educational gillnet
43 fisheries were harvested. So there's unused
44 opportunity already available under State regulations.

45
46 Enforcement. Some people brought this
47 up already. Who is going to pay for the enforcement of
48 this? Whose jurisdiction is this under? Does the
49 State Park guys enforce this or are we looking at just
50 the Fish and Game guys or are we going to have Federal

1 people enforcing this? And what are the penalties?
2 Are they a slap on the wrist or are they going to be
3 just the same as if I keep too many sockeyes on the
4 river? I've heard stories in the past of community
5 type hunts where they harvest out of their area and the
6 end result is a small fine, if that, and then of course
7 the resource still got consumed. I think the penalty
8 should be similar to a violation of a sport caught
9 penalty so people are self-policing themselves.

10

11 Most of us drove here this morning. We
12 followed the speed limit and the reason why is we
13 didn't want to get a ticket. It's a financial hit and
14 that's why we don't need 500 troopers between here and
15 Soldotna to observe the speed limits. I'm getting off
16 base here.

17

18 Russian River. Right now the Russian
19 River, the confluence there, we've got a huge issue
20 with bear conflicts. Right now you cannot take a
21 cooler there as a sport fisherman without it being
22 within your arm's reach because the bears are coming up
23 and taking the coolers, taking the knapsacks, taking
24 the stringers of fish. You start dipnetting up the
25 Russian River, you've got guys with wheelbarrows.
26 You're not going to drive your truck up there. So
27 there's going to be a bear conflict issue there.

28

29 Keep in mind tourism is sustenance,
30 sport fishing is sustenance, commercial fishing is
31 sustenance. We all live in this community down there
32 and we're all dependant on those, directly or
33 indirectly. I don't think we want to impair other
34 industries that depend on these fisheries. Some of
35 these runs are delicate and we need to be careful what
36 we're doing there.

37

38 On the catch and release, if we do go
39 to like a dipnet or fishwheel or something like that,
40 let's make sure that the people using them are educated
41 and are caring and understand how to release these fish
42 properly so they have a chance of survival.

43

44 Thank you.

45

46 CHAIRMAN LOHSE: Thank you, Mike.

47 Doug.

48

49 MR. BLOSSOM: Yeah, Mr. Chairman, Mike.

50 You heard earlier today the talk about this Hidden

1 Creek dipnet thing. Are you interested in seeing that
2 go forward?

3

4 MR. CRAWFORD: I think that's something
5 to definitely look into. It's going to have the least
6 conflict, I think, with the other users of the river,
7 which is going to be a big issue, I believe, if these
8 proposals go forward. Anything that you could put --
9 this might be the wrong term, but a terminal type
10 fishery like that where you're a limited area, a
11 limited access, I think that's a good idea. A good
12 idea to look into.

13

14 CHAIRMAN LOHSE: Doug.

15

16 MR. BLOSSOM: One more question.
17 Trout. Dolly Varden and rainbow I hear are the most
18 numerous. What kind of a bag limit would you put on
19 those two species?

20

21 MR. CRAWFORD: Well, like you said, a
22 fish is a fish is a fish. Maybe we could concentrate
23 more on the more abundant species, the sockeyes, the
24 pinks, the cohos, the kings, whatever the situation is.
25 The fishery has been ran on such a conservative base
26 and the potential to take away -- I don't want to use
27 this word wrong, but a world-class trout fishery, is
28 huge. I can see it disappearing overnight. So limits
29 should be restrictive. I'm worried about trout being
30 fed to dogs or not eaten because salmon is so much
31 better eating than a trout.

32

33 MR. BLOSSOM: But I'd like to know what
34 you'd think would be a decent bag limit on, say, Dolly
35 Varden and rainbow. I hear lake trout are less
36 abundant, so that should be a lesser amount. Do you
37 have any bag limit that you'd like to see?

38

39 MR. CRAWFORD: I'm not sure of the
40 number that I would recommend, but I think the 50 that
41 I believe are proposed is too high on the rainbow,
42 Dolly Varden fishery. Hidden Lake, they're questioning
43 whether it could stand up to the sport fishing effort
44 that's put on it now for the lake trout, so I think we
45 need to be very conservative. Once we make the mistake
46 and overharvest, it will take years to come back from a
47 depleted status on these fisheries.

48

49 CHAIRMAN LOHSE: Any other questions
50 for Mike.

1 MR. CARPENTER: Yeah, Mike. So I guess
2 what I think I hear you saying is that in the initial
3 stages of this process being set up, you would rather
4 see the salmon bag limits be somewhat higher than the
5 trout, Dolly Varden and lake trout, with maybe quite a
6 bit smaller bag limit just to see if the subsistence
7 needs are being met at those levels and then if changes
8 are needed they could be done in the future. Is that
9 what I hear you saying?

10
11 MR. CRAWFORD: I think conservation is
12 the number one priority here. The resident species,
13 the Dolly Varden, the trout, the lake trout, those
14 species are going to be very sensitive to overharvest
15 in a rapid -- I mean one gillnet can -- I hate to use a
16 gillnet because we've already beaten that to death, but
17 in a very short period of time I think we can impact
18 those fish stocks greatly. The salmon, we've got an
19 idea of what's coming back this year and maybe we can
20 adjust those bag limits pre-season and during the
21 season and pay attention with strict reporting in a
22 timely manner on catches on the salmon and the resident
23 species.

24
25 MR. CARPENTER: Okay. Thanks.

26
27 CHAIRMAN LOHSE: Thank you. Greg.

28
29 MR. ENCELEWSKI: Mike, I just want to
30 make a comment. I thank you for your testimony. I
31 think you're reasonable and made some pretty good
32 suggestions. Also, I wanted to tell you there's a
33 couple bear proposals in there. Maybe we could help
34 you out on that, too.

35
36 MR. CRAWFORD: Well, we've worked on
37 the bear proposals ourselves on the Fish and Game
38 Advisory Committee and we're on a long uphill battle on
39 harvesting any brown bears in that area, I believe.
40 Anybody that goes forward with any of that until we
41 change some numbers is going to spend a lot of money
42 fighting the lawsuits against that one.

43
44 CHAIRMAN LOHSE: Thank you, Mike. I've
45 got a couple questions or comments. You do a lot of
46 fishing down there, don't you?

47
48 MR. CRAWFORD: Yes, sir, I do. I hunt,
49 fish and trap.
50

1 CHAIRMAN LOHSE: Good. Because some of
2 the things you brought up are issues that this Council
3 has brought up time and time again. Some of what I'm
4 going to tell you is just educational because it will
5 come up in other people's testimony. The idea that the
6 Fish and Game can make emergency management decisions,
7 like when you have a short fall, like you did here.
8 The Federal Board usually has an in-season manager that
9 also has that authority and we have used that authority
10 before. So it's not like just because there's a
11 subsistence fishery it gets to run wild whether there's
12 fish or whether there's not fish. The fish will be
13 managed for conservation purposes just like Fish and
14 Game is managing them. Almost all cases they do it in
15 conjunction with Fish and Game. Usually there's a
16 management plan that they worked together on and they
17 have the ability to make in-season adjustments.

18
19 Now the other thing was enforcement.
20 I'm going to just speak from our area up there. We'll
21 take the Nelchina Caribou Herd subsistence hunt. Both
22 the Federal and the State enforcement agencies enforce
23 both the State and the Federal law on that hunt. In
24 other words, a State enforcement agency can write a
25 Federal violation. A Federal enforcement agency can
26 write a State violation. So what you're looking at is
27 you're looking at in some ways putting more enforcement
28 agents on. You've done a lot of hunting and fishing.
29 What do you think your odds of running afoul of an
30 enforcement agent is in your area?

31
32 MR. CRAWFORD: If I was a violator?

33
34 CHAIRMAN LOHSE: If you were a
35 violator.

36
37 MR. CRAWFORD: Slim.

38
39 CHAIRMAN LOHSE: Slim. And the
40 penalty?

41
42 MR. CRAWFORD: Your name gets put in
43 the paper and you get like \$300 a fish, I believe, if
44 you keep too many sockeye or so. There's a substantial
45 penalty. Maybe it's not 300. Maybe it's 100.
46 Whatever it is.

47
48 CHAIRMAN LOHSE: I was going to say
49 it's not a substantial penalty. It's not anything
50 compared to what the resource is.

1 MR. CRAWFORD: Correct.

2

3 CHAIRMAN LOHSE: Even under current.
4 See, that's something we all need to work on. We all
5 need to work on getting more enforcement and penalties
6 that are in line with what the violation is, whether
7 it's sport, whether it's commercial, whether it's
8 subsistence. It's not something that's going to be
9 limited to this -- it's not like all of a sudden we
10 have a subsistence fishery and we have all this
11 potential more violations. The violations are there.
12 You and I know it. We've seen it. The lack of
13 enforcement is there. We've seen it. Now how do we
14 work together to get the enforcement and the penalties
15 that we need in all of these kind of fisheries?

16

17 MR. CRAWFORD: I think we'll always
18 have a certain part of all societies that are going to
19 bend and some are always going to break rules and
20 regulations. Maybe not so much the financial input on
21 a penalty, but what scares me more of a financial input
22 would be losing my fishing or hunting rights. I'm sure
23 the people that would be interested in doing the
24 subsistence fisheries would want to preserve their
25 rights to do that. I think most of the people that
26 would participate in that would follow the rules. As
27 in all groups, there will always be someone that
28 doesn't and it's going to put a bad light in the public
29 for the whole fishery.

30

31 I live in Moose Range Meadows. If you
32 get a bunch of violations there, boy, the neighbors
33 aren't going to be very happy and it's a neighborhood.
34 Moose Range Meadows is not the forest. It sounds nice,
35 but it's a neighborhood with big, expensive houses,
36 people with lots of money and they're not going to like
37 -- you know, it's not a bunch of hillbillies in the
38 woods.

39

40 CHAIRMAN LOHSE: See, what you just
41 said though, yes, it should apply to subsistence. It
42 already does apply to commercial. It's the strongest
43 deterrent in commercial violations there is, the fact
44 that you can lose your license. It should apply in
45 sport fishing, too. And you called for education for
46 the subsistence fishermen for releasing fish and things
47 like that, but from what I've seen -- and I'm not anti-
48 sport -- I've sport, I've chartered, I've done
49 everything. But, from what I've seen, we have the same
50 need in all the other fisheries.

1 MR. CRAWFORD: That's correct.

2

3 CHAIRMAN LOHSE: The Fish and Game
4 estimates that 12 percent of catch and release dies and
5 that's under ideal conditions. You and I have both
6 seen fishermen who have no education and no concern for
7 the fish who released fish by kicking them back into
8 the water.

9

10 MR. CRAWFORD: Absolutely.

11

12 CHAIRMAN LOHSE: And that fish may be
13 the third time it's been caught that day and it's
14 kicked back in the water. So that kind of education is
15 something that -- you know, when we're talking
16 subsistence, it's worthwhile bringing it up, but we
17 need to apply it to everything. We can't just say now
18 we're going to have a problem because these people are
19 going to be here. It's a problem we all share right
20 now.

21

22 MR. CRAWFORD: Proper releasing of a
23 fish back into the river or lake or ocean in a good
24 manner is a common problem across all fisheries, not
25 just a potential subsistence or sport or commercial.
26 It will have to be addressed until the end of time as
27 long as there's a fishery going on and people are
28 letting fish go. The whole point of letting it go is
29 so it lives. It can't survive getting kicked across
30 the dirt and all its slime taken off and a hook ripped
31 out of its gills or whatever the case may be.

32

33 CHAIRMAN LOHSE: Thank you, Mike. See,
34 what I was trying to get across is when we're dealing
35 with these issues right here, those are helpful things
36 to know, but what we really need to know is how do we
37 meet this in a meaningful way and still not impact
38 everybody else but recognize that it's not like we're
39 all of a sudden going to bring a group of people in who
40 have no concern for the fish.

41

42 MR. CRAWFORD: I understand that. I'm
43 sure that, just like a majority of the sports
44 fishermen, commercial fishermen, and I'm sure a
45 majority of the subsistence fishermen are concerned for
46 the resource and it needs to stay that way and we need
47 to preserve this resource. That's my number one
48 concern is that we -- if we go forward with this as
49 written, as the proposals are written, I don't think
50 we're paying attention to the conservation close

1 enough. We need to take care of the ways the fish are
2 going to be harvested and some of the limits on some of
3 the species. Conservation I don't think is being paid
4 attention to.

5

6 CHAIRMAN LOHSE: Thank you, Mike.

7

8 MR. CRAWFORD: Thank you.

9

10 CHAIRMAN LOHSE: And I said we'd give
11 one more person a chance to speak. Robert, would you
12 like to come up and speak. I'm sorry we took so much
13 time with him.

14 MR. GIBSON: Mr. Chairman, Members of
15 the Council. My name is Robert Gibson. Although I am
16 a member of the Cooper Landing Fish and Game Advisory
17 Committee, I'm here to speak for myself. I am
18 responsible for submitting the fishery Proposal No. 29
19 in the fishery proposals book.

20

21 First of all, I wanted to share with
22 you some of the emotions there's set in of this whole
23 issue of subsistence. When the Southcentral RAC
24 decided to form a subcommittee, I volunteered my
25 services to serve on that board. The RAC required that
26 a member for the subcommittee be elected through the
27 process of the local AC. When it was known that I
28 volunteered my services to the subcommittee, I was
29 quickly voted out simply because it became known that I
30 had submitted the Proposal No. 29 which deals with
31 allowance of gillnets. So that's the emotional part.

32

33 We're here to deal with the subsistence
34 issues. On the part of mortality of fish, which is of
35 concern here, we've so far today heard a lot of
36 concerns that there will be an overharvest of fish if
37 gillnets were to be used. Do this math. On a given
38 date down on the river I see it all the time going down
39 the river, let's assume, which is reasonable, there's
40 20 boats on the river plus individual boats, but let's
41 say 20 guide boats. Each guide boat contains four
42 clients. It is not unlikely that each boat hooks up
43 between 60 and 80 fish per day. Doing the math, that's
44 1,600 fish hook-ups, rainbows and Dollies. We just
45 heard that the mortality of catch and release is 12
46 percent, so that's well over 20 fish that goes to
47 waste. Now that's every day. Compare that to the
48 harvest. And I'm proposing a controlled -- the key
49 word would be controlled individual subsistence harvest
50 maybe with the issuance of a subsistence card, an

1 individual subsistence card, that would provide for a
2 frequent reporting to the proper authorities of what
3 that harvest would be. It would limit the time of the
4 harvest, it would stipulate the means of the harvest,
5 the location and I'm thinking of spawning times and so
6 on that was a concern of Mr. Connors and I agree with
7 that.

8

9 The subsistence taking of fish. In a
10 traditional meaning would mean sharing the resources.
11 I think the consensus here is that the concerns which
12 has been represented here mostly of the guiding
13 industry, of which I am one, but I am also proponent
14 for subsistence fishing, is that it is going to be
15 overharvested, but with a control and a frequent
16 reporting of it, I don't think that should be a
17 concern.

18

19 In my proposal I have requested a
20 subsistence fishing permit by the use of gillnet. I
21 have done extensive subsistence fishing on the Yukon
22 River, of which I am a board member of the Yukon River
23 Drainage Fisheries Association. I have done research
24 for the Fish and Game Department with fishwheels on the
25 upper Yukon River. My proposal was geared not towards
26 the main stem of the Kenai River but the lakes, which
27 of course they are a part of the drainage in the Kenai
28 River.

29

30 I read up on Mr. Showalter's writings
31 on traditional and customary uses of the river for
32 fishing, mainly down in the area of what was called
33 Stepanka. My proposal was geared towards fishing in
34 the lakes and I realized that rainbow overwinter in the
35 lake system. However, I also have been cruising up and
36 down and I believe I'm one of a few, if not the only
37 one, that has a usage permit for fishing in the Kenai
38 Lake through the Chugach National Forest. Cruising up
39 and down the lake I studied the fish finder and depth
40 finder and there is lots of fish in the system.

41

42 A few years ago there was a research
43 done by Fish and Game in Skilak Lake. The purpose of
44 which was to find out the existence of mainly lake
45 trout. The research fishing nets were set down to 300
46 feet and the findings were a little bit on the meager
47 side. There was no fish over, I think, nine or 10
48 pounds to be found there, but the numbers were there.

49

50 When it comes to the issue of whether I

1 would be in favor of the so-called snagging, in the
2 first place I don't understand why the regulation is
3 there. When you snag a fish, I consider that fish
4 taken. Whether it's on purpose or unintentionally,
5 it's a taken fish to go towards your bag limit. After
6 all, as a hunter, we don't let a bear go because we
7 didn't shoot him in the heart, maybe limp away. We
8 don't say, oh, we didn't shoot him in the heart and he
9 limps away with a broken leg. That bear is taken and
10 the fish would be taken. What that would do is
11 eliminate the pressure on the river. Bank erosion is a
12 big problem. Logistics with people coming and going
13 out of the river system is huge. Encounters with bears
14 is increasing.

15
16 By allowing -- I don't like to use the
17 word snagging, but wherever that fish is hooked into
18 should go to that person's limit. When they're done,
19 off the river, unless this is a way for the State to
20 make more money by selling more fishing licenses. I'm
21 a vendor of fishing licenses myself and I know how that
22 is done. Obviously, if a person would catch a limit of
23 their fish by hooking into it wherever on the body,
24 then there would be no selling of a fishing license for
25 that person, but that's a totally different issue.

26
27 When it comes to fishing under the ice,
28 I have a lifetime of fishing and hunting. I've run
29 companies in Europe and worked as a fishing guide.
30 There is a very good way, and anybody who is willing to
31 learn about how to fish underneath the ice with a net,
32 I'll be willing to share my experience with that. I
33 guess time will not allow here to tell people how to do
34 that.

35
36 That would basically be my concerns why
37 I'm here and allowed to speak and I appreciate the
38 opportunity.

39
40 CHAIRMAN LOHSE: Tom.

41
42 MR. CARPENTER: Thanks for your
43 testimony, Robert. It sounds like you're pretty
44 familiar with the area. What's the current size
45 restrictions on the Russian River for, let's say,
46 rainbows?

47
48 MR. GIBSON: Sixteen.

49
50 MR. CARPENTER: Can you control that

1 with a gillnet?

2

3 MR. GIBSON: There's been talks about
4 minimizing the size to target a certain size of fish,
5 but it is not a selective system such as, for instance,
6 through a fishwheel where you can collect a fish and
7 examine the fish and this one goes in the basket and
8 this one goes in the river. So, no. But what you can
9 control is the limitation of the harvest permit. You
10 can control that. The way I see it and propose through
11 an individual subsistence card is a limit that is
12 reported. Once that is filled, stop fishing.

13

14 MR. CARPENTER: I understand that. I
15 guess my point I'm trying to make is that -- let's just
16 say for example that you are given a permit to use a
17 gillnet in the Russian River.....

18

19 MR. GIBSON: I wouldn't fish there.

20

21 MR. CARPENTER: Just hear me out. And
22 your bag limit was 25 fish. You obviously must
23 understand that if you were to harvest a large majority
24 of spawning sized fish, that that would be doing great
25 danger to the population versus if you were catching
26 undersized fish. So my concern is, and I'm curious, I
27 don't understand how you could possibly control that
28 potential problem with a gillnet and I just don't think
29 you could do it.

30

31 MR. GIBSON: To a certain degree, yes,
32 but in the first place I would not target a stream like
33 Russian River with a gillnet mainly because of the
34 current. It's not a good way to put a set gillnet
35 where there's current. Bringing up another issue,
36 there's concerns of unattended nets. Why in the world
37 would you not attend your net if the purpose of
38 subsistence fishing is to catch fish. Of course,
39 weather permitting, but that's an act of God of which
40 we have no control.

41

42 CHAIRMAN LOHSE: Doug.

43

44 MR. BLOSSOM: Mr. Chairman, Robert. I
45 want to commend you for testifying on your proposal.
46 So many people put in proposals and don't even bother
47 to come talk about it. But seeing you have done that,
48 how many fish do you think you would catch in the Kenai
49 River if you put a net out even if you attended it?
50 How are you going to regulate that to an amount?

1 MR. GIBSON: If that was to be done,
2 what are you doing commercial fishing of bycatch? What
3 do you do?

4
5 MR. BLOSSOM: We're not talking about
6 bycatch. I don't really catch any bycatch, but if I
7 put a net out, I could catch one red salmon or I could
8 catch 1,000 in that net in just a few minutes. So how
9 do you regulate to get an orderly catch is what I'm
10 after?

11
12 MR. GIBSON: By harvest limit.

13
14 MR. BLOSSOM: But once you put the net
15 out, you have no control over your limit. I mean I
16 watched back when they subsistence fished on the beach
17 with a little piece of gillnet and a person put the net
18 out and before he could get it back he had 200 silvers.
19 So I'm asking you how do you get an orderly amount of
20 fish caught with a gillnet?

21
22 MR. GIBSON: Again, by a harvest limit
23 that is time constrained. Let's say I have a limit of
24 50. So be it if you take 12 one day and two the next
25 day. When you reach the limit, you stop fishing. Of
26 course, you can't select by using a gillnet that
27 particular day how many fish you take.

28
29 MR. BLOSSOM: Mr. Chairman. Don't you
30 agree though, Robert, that if you or I, because we've
31 used gillnets, put a gillnet in the Kenai River, in 10
32 or 15 minutes we could probably catch three or four
33 hundred trout?

34
35 MR. GIBSON: That's why you have to
36 have your time constraint and that's what I said in my
37 proposal, that I would not target the spawning streams
38 and this was to become a late season fishery anyway,
39 not to coincide with other user groups.

40
41 CHAIRMAN LOHSE: Any other questions
42 for Robert. I've got a couple, Robert. A couple
43 things you said struck a bell with me and that was the
44 fact that when you snag the fish, it was taken. When
45 you hooked the fish, it was taken. Like you said, that
46 would be pretty hard to bring that idea across, but
47 that is one way you would end the idea of mortality.

48
49 I liked your idea of the fact that by
50 reporting you could keep track of what fish you took

1 and you could put weight on a rainbow and say if you
2 got a rainbow over 18 inches it was worth 10 or
3 something like that. But I know what Doug is saying
4 right there because once you put the gillnet in the
5 water you may not be able to get it back fast enough to
6 keep from having too many, although I know a number of
7 people that I can see in the room here that could
8 probably do like you and tell people how to put a net
9 under the ice if they really wanted to know how to put
10 a net under the ice. And I think I could talk to most
11 of them and most of them who have put a net under the
12 ice in a lake have never had to worry about catching
13 too many fish in their net at one time.

14

15 MR. GIBSON: May I comment on that?

16

17 CHAIRMAN LOHSE: Yes, Robert.

18

19 MR. GIBSON: When I went through the
20 Kenai River Guide Academy, I was questioned on that and
21 they said what do you intend to do now that you're
22 certified through the Guide Academy and Joe Connors was
23 one of the persons that interviewed me and I said I'm
24 not going to fish the river. I'm going to try to
25 explore the resources in the lakes, which I have done.
26 I have explored that I know there are a lot of fish
27 that could be used for subsistence and sport fishing.
28 I would not dream of going down during spawning time
29 setting a net in the Russian River or even close to it
30 where it would be allowed according to a subsistence
31 permit. To do that is not the proper thing to do.

32

33 So my proposal is to structure this in
34 such a way that it is not free for all or all free
35 unlimited harvesting of subsistence fishing, but it
36 would be under controlled form and on an individual
37 basis, not a blanket form permit for subsistence.

38

39 CHAIRMAN LOHSE: Doug, another
40 question.

41

42 MR. BLOSSOM: Yes, Mr. Chairman,
43 Robert. That's, of course, the other problem. I would
44 imagine between Hope, Cooper Landing and Ninilchik
45 there's probably 1,200 people. Do we issue 1,200 net
46 permits? That's the other problem that we have.

47

48 MR. GIBSON: I see what you're hinting
49 at, but I'm here by myself asking for a proposal. Why
50 wouldn't more people do that if that would be your

1 concern. I can see a concern if 260 other residents in
2 Cooper Landing would have such a proposal as well.
3 Maybe you would look at it a different way and that's
4 why I think that overfishing is not a problem. When I
5 told everybody I was going to explore the fish in the
6 lakes, they said, yeah, good luck, not too much fish.
7 But there is fish.

8

9 MR. BLOSSOM: I guess I'll put it
10 another way. If we were to make it legal to fish like
11 you're saying, how many people do you think would get
12 permits?

13

14 MR. GIBSON: How many would get it or
15 how many would request? Obviously you would have to
16 apply for the permit to do it, so there is some
17 control.

18

19 MR. BLOSSOM: Are we looking at 10,
20 100, 500? How many people would try?

21

22 MR. GIBSON: I couldn't tell you, but I
23 can get down to it and call around and ask and report
24 back to the Council. I know it's been done in the past
25 in Ninilchik, Cooper Landing and there's a report on
26 that. I don't have the immediate information here with
27 me, but it can be referred to that. I don't know how
28 many.

29

30 CHAIRMAN LOHSE: Tom.

31

32 MR. CARPENTER: Just one comment. I
33 guess you realize that if we were to institute a
34 fishery and we did allow gillnets as a way of
35 harvesting fish, that everybody that was a qualified
36 subsistence user would have the ability to go out and
37 use the gillnet. So it's kind of hard to say in five
38 years or in 10 years how many people that might affect.
39 You know, obviously, at one time there was people that
40 started dipnetting on the Copper River and now it's up
41 to 10,000 people. I mean you have to look to the long
42 term.....

43

44 MR. GIBSON: But was that under
45 traditional and customary use?

46

47 MR. CARPENTER: Well, that's changed
48 over time. I think we have to look forward. I just
49 want you to know that you're not going to be the only
50 one doing this. The other question I had is, do you

1 think that you could meet your subsistence needs if
2 your target species is rainbow trout, for example, in
3 these lakes? Could you meet your subsistence needs if
4 you got to use a rod and reel?

5
6 MR. GIBSON: I know it's been said that
7 this is a meat fishery per se, but not only a meat
8 fishery, it's also a way of life that is trying to be
9 preserved and I think ANILCA provides for that. Not
10 just a matter of filling up your freezer, it's a way of
11 life and I like that way of life.

12
13 MR. CARPENTER: So you've gillnetted in
14 these lakes in the past that are currently in your
15 proposal?

16
17 MR. GIBSON: No. No, I have not. On
18 the Yukon River.

19
20 CHAIRMAN LOHSE: So it's been a
21 traditional way for you in the past on the Yukon River
22 but not necessarily on the Kenai Peninsula.

23
24 MR. GIBSON: No, because it hasn't been
25 allowed.

26
27 MR. CARPENTER: So, by disallowing
28 gillnets, we wouldn't necessarily be taking anything
29 away from you that you have done traditionally on the
30 Kenai in the past.

31
32 MR. GIBSON: Well, you would take away
33 the right to do that as provided by Federal law.

34
35 MR. CARPENTER: Federal law suggests
36 that we provide opportunity, but we do have
37 conservation concerns and other measures that we have
38 to look at in regards to how that opportunity is given.
39 Anyway, I appreciate your testimony.

40
41 CHAIRMAN LOHSE: Gloria.

42
43 MS. STICKWAN: Have you used any other
44 customary and traditional use of fisheries on the Yukon
45 besides gillnetting?

46
47 MR. GIBSON: Fishwheel.

48
49 MS. STICKWAN: Fishwheel. Would you
50 consider that instead of gillnetting?

1 MR. GIBSON: Since my concern or my
2 interest lies in the lakes, there's no current. But as
3 a selective system for subsistence fishing, yeah, that
4 would be one means of doing it because you can select
5 the amount and the species that are caught. But I just
6 can't see a fishwheel on the Kenai River.

7
8 CHAIRMAN LOHSE: Tricia.

9
10 MS. WAGGONER: So, getting this
11 straight, your proposal addressing gillnets is to be
12 met strictly for lakes, not for flowing waters,
13 correct?

14
15 MR. GIBSON: For me, yes. Then it's up
16 to the Board to decide whether it's suitable for
17 certain parts of certain streams and waters under the
18 Federal ownership or tributaries. For instance, Cooper
19 Lake, that's a drainage, considered a drainage, but not
20 per se a spawning stream goes up there. There are some
21 efforts through the Porcupine Creek to increase and
22 build a berm to allow the fish to go up there, but
23 traditionally that's a stocked lake. But that was part
24 of my proposal.

25
26 MS. WAGGONER: Would you feel
27 comfortable in meeting your needs by having gillnets
28 limited strictly to lakes?

29
30 MR. GIBSON: Yes. Thank you.

31
32 CHAIRMAN LOHSE: Gloria.

33
34 MS. STICKWAN: Would you consider
35 dipnetting, I mean in the lakes?

36
37 MR. GIBSON: For me, personally, no.

38
39 CHAIRMAN LOHSE: Thank you, Robert.
40 You might want to check with some communities that
41 allow under the ice gillnetting at this point in time.
42 I think you'd find even if it's allowed not very many
43 people take part in it. I'd suggest that you talk to
44 the Chugach National Forest people out of Cordova and
45 they may be able to give you some information as to how
46 many permits are issued in an area that's got 2,500
47 people where gillnetting under the ice is allowed and
48 that would give you an idea how many people would get
49 permits.

50

1 MR. GIBSON: I guess not too many
2 because that's a hard way of fishing, but it's an
3 interesting way of fishing. There was some concerns,
4 as I talked to some people in my community, that by
5 setting gillnets in the Kenai River drainage system
6 that birds would get into the nets. I've done that in
7 the past in Europe. I got seals and mergansers and
8 eiders and all kinds of stuff in the net, so I know the
9 problems with that. But the way this fishing is done,
10 you set the net deep in the lake because that's where
11 the lake trout is during the thermocline of 42 degrees
12 and you don't find that swans and other goldeneyes and
13 other diving ducks wouldn't get into that kind of a
14 system.

15
16 CHAIRMAN LOHSE: If I understood
17 correct, and maybe I'm wrong, but I thought your
18 proposal was for under the ice.

19
20 MR. GIBSON: For both, ice and open
21 water.

22
23 CHAIRMAN LOHSE: For both. Okay. My
24 fault. I thought it was strictly for under the ice.

25
26 MR. GIBSON: No.

27
28 CHAIRMAN LOHSE: There's quite a bit of
29 difference between an under the ice gillnet and an open
30 water gillnet.

31
32 MR. GIBSON: Agreed.

33
34 CHAIRMAN LOHSE: Okay. Any other
35 questions for Robert.

36
37 (No comments)

38
39 CHAIRMAN LOHSE: Thank you for coming
40 and speaking to your proposal. With that we're going
41 to recess until tomorrow morning at 9:00 o'clock and
42 then we will just start right in on the rest of the
43 people who have green cards here.

44
45 (Off record)

46
47 (PROCEEDINGS TO BE CONTINUED)

