

1 SOUTHCENTRAL FEDERAL SUBSISTENCE  
2 REGIONAL ADVISORY COUNCIL MEETING

3  
4 PUBLIC MEETING

5  
6 VOLUME II

7  
8 Anchorage, Alaska  
9 March 14, 2007  
10 9:00 o'clock a.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  
25  
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27 Regional Council Coordinator, Donald Mike

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44 Recorded and transcribed by:

45  
46 Computer Matrix Court Reporters, LLC  
47 700 W. Second Avenue  
48 Anchorage, AK 99501  
49 907-243-0668  
50 jpk@gci.net/sahile@gci.net

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P R O C E E D I N G S

(Anchorage, Alaska - 3/14/2007)

(On record)

CHAIRMAN LOHSE: I'd like to call the spring meeting of the Southcentral Alaska Subsistence Regional Advisory Council back into session.

Donald, do you have something for us.

MR. MIKE: Yes, Mr. Chair. I handed out this morning a few documents. A letter from George Heim. He submitted his public testimony in written form to me on e-mail. At the end of public testimony I could summarize his testimony. There's no one here available to summarize his testimony for him. The second document I handed out this morning, yesterday during our review of the agenda we left out Wildlife Proposal 07-59 and I have a copy for everyone and we have some copies out on the front table.

Thank you, Mr. Chair.

CHAIRMAN LOHSE: Thank you. Okay. With that, we will continue where we stopped. What we were doing at the time is we were taking public testimony. We still have a stack of public testimony to go through. I would appreciate it if you would -- we're going through the individual public testimony at this point in time. I would appreciate it if you would keep your comments to less than four minutes so we can continue on. With that, the first person I have on my list here is Tom Lessard. Is Tom here?

UNIDENTIFIED VOICE: I think he's on his way.

CHAIRMAN LOHSE: What I'm going to do is I'm going to go through the list and if the person is not here, I'm going to stick them on the bottom of the list and we'll go through it twice. That way it will give everybody an opportunity to get here. Edward Hoppas.

(No response)

CHAIRMAN LOHSE: Is Edward here?

1 (No response)

2

3 CHAIRMAN LOHSE: Darrel Williams.

4

5 MR. WILLIAMS: Good morning, Mr.  
6 Chairman, Members of the Board. My name is Darrel  
7 Williams. I'm from Ninilchik. I'd like to provide a  
8 little bit of insight, a little testimony here this  
9 morning, starting with the subcommittee. I was really  
10 surprised when I went to the subcommittee meeting.  
11 Honestly, I didn't go to the first one. I went to the  
12 second one. I was a little surprised by what I heard.

13

14 One of the things that came up I found  
15 really interesting was there was no public testimony.  
16 The users weren't able to give input and that kind of  
17 stalled the process. It ended up being, from what I  
18 could observe sitting there and not being able to  
19 participate, it was a 20-question inquiry. I will say  
20 this, the two subsistence folks who were there, gosh,  
21 they ought to be valedictorians for defending their  
22 position. It was very rough.

23

24 It was one of the things that I'd  
25 addressed to this board before about the fears with the  
26 PR and the things going on in the paper and the radio.  
27 A lot of the subsistence users are having to come up  
28 against some pretty hard opposition. We've been doing  
29 this for years and years and years and they've never  
30 been there. It's probably good that we actually  
31 assigned opposition to this topic because the same  
32 thing, we've been here, we've discussed this for years  
33 and years and finally here they are. It's good.

34

35 Yesterday there was some discussion  
36 about trying to reach resolutions on these topics,  
37 trying to find solutions. One of the things that --  
38 the same thing as an observer here and my opinion on  
39 this, I sit back and I watch and there are topics that  
40 people don't want to talk about. They don't want to  
41 touch them. So I think I might take this opportunity to  
42 go ahead and address some of this stuff. I really  
43 believe that in order to get a resolution to any of  
44 these kind of topics we need to start asking the right  
45 questions.

46

47 An example of the right question would  
48 be what fishery is going to be reduced or eliminated in  
49 order to meet the needs of subsistence users and  
50 satisfy the requirements of ANILCA, deliver a

1 meaningful priority and maintain healthy fish  
2 populations. The way this is being treated is that  
3 subsistence users have to find a place to fit in with  
4 everybody else. That is not the priority. In order to  
5 satisfy that question, we have to remember that the  
6 stocks have to be protected. Priority uses take place  
7 on public lands to define the area and the stocks we're  
8 looking about.

9  
10                   There's been a lot of discussion about  
11 nets also that has come up. After listening to a lot  
12 of things yesterday, I think a good way to ask the  
13 right question again is hook and line really a  
14 selective technique of taking fish. When you evaluate  
15 the mortality rates of hook and line fishing, I believe  
16 yesterday they were talking about 12 percent. I think  
17 it's probably about 10, but let's just say it's 1  
18 percent to make it easy. If you look on -- oh, gosh, I  
19 think it's like Page 91 of the fisheries proposal, it  
20 has the mainstream Kenai River rainbow trout catch for  
21 the Kenai River. At the bottom they have an average  
22 estimated catch of 144,736 fish. If there's a 1  
23 percent mortality rate, that's more fish than the  
24 subsistence community is even asking for at 1 percent.  
25 Beings that it's an estimated average, the mortality  
26 rate is probably much higher. If you go with the 10 or  
27 12 percent average, it is much higher.

28  
29                   To be able to allow the catch and  
30 release and say that that is not detrimental to fish  
31 stocks, whether resident or transient species, it's an  
32 angle, guys. Who's to say that a resident fish will  
33 not be hooked by a hook opposed to a transient fish.  
34 There's selective lures and techniques in trying to  
35 catch the right fish, but fish get snagged, they get  
36 hooked. Fishing is fishing.

37  
38                   With that in mind, we have to remember  
39 that the fishery is a conglomeration of a lot of  
40 people. However, the priority that we have here is for  
41 the subsistence users. What I'd like to see is to try  
42 to find some resolutions and stuff, maybe we should  
43 start asking the tougher questions.

44  
45                   Thank you, Mr. Chairman.

46  
47                   CHAIRMAN LOHSE: Thank you, Darrel.  
48 Any questions for Darrel. Tom.

49  
50                   MR. CARPENTER: Yeah, Darrel, good to

1 see you again. One thing we talked about yesterday a  
2 lot and I didn't hear you mention it in your testimony  
3 was the idea -- do you think the people of Ninilchik  
4 would -- how would they feel about having the Hidden  
5 Lake fishery a potential resource that the subsistence  
6 folks could use in the future? Would that be something  
7 they'd be interested in?  
8

9 MR. WILLIAMS: Mr. Chairman, Mr.  
10 Carpenter. I think it is something that they'd be  
11 interested in. There are some problems that are going  
12 to come along with that. As we all know up there at  
13 Hidden Lake there is a large bear population. You  
14 know, it's a whole bunch of problems that's going to  
15 come with that. I'm pretty sure myself, personally,  
16 and like through my employer we adopted the same  
17 policies that the refuge uses. We don't go in the  
18 field with nothing smaller than a .30 caliber weapon to  
19 be able to address bear problems, aggressive bears.  
20 I'm pretty sure with the dynamics of the group that we  
21 have there, these people have lived around bears and  
22 they don't play with bears. I foresee some extreme  
23 problems with that.  
24

25 Now, if it were to come up that we're  
26 going to open this area up for subsistence use for  
27 fishing and subsistence use for hunting, I imagine  
28 people would be much more receptive to that. I don't  
29 think the refuge would probably be very receptive of  
30 it, but it's one of the things that we need to talk  
31 about. Personally, I don't like the idea of having to  
32 get into a fence to catch a couple of fish and go home.  
33 That's not my idea -- it's a little scary actually. It  
34 could be a resource to be used, but I don't think it's  
35 probably the means to satisfy the subsistence issue.  
36

37 MR. CARPENTER: Okay, thanks.

38  
39 CHAIRMAN LOHSE: Any other questions  
40 for Darrel.

41  
42 (No comments)

43  
44 MR. WILLIAMS: Mr. Chairman, thank you  
45 very much.

46  
47 CHAIRMAN LOHSE: Darrel, thank you  
48 muchly. Okay. Les Palmer.

49  
50 MR. PALMER: Good morning, Council

1 Members. Thank you for the opportunity to speak here  
2 this morning. I live in Sterling, which everybody  
3 knows is a non-rural area. I've lived there for almost  
4 40 years now. My customary fishing area is Morgan's  
5 Landing, not three miles downstream from where I live  
6 and it runs up to Skilak Lake, that general area, and I  
7 fish for reds and silvers and kings primarily, although  
8 I usually fish for kings in saltwater. About once a  
9 year I'll brave the lower Kenai and catch a king.

10  
11 Over the years I've lived in Sterling  
12 since -- well, I had a cabin there in the early '70s.  
13 Fished the Kenai for more than 40 years. I've seen a  
14 lot of changes and I'm sure most of you if you read the  
15 newspaper or watch TV have heard about them or  
16 experienced them firsthand. The biggest noticeable  
17 change is the number of people we have to contend with  
18 on the river. It's harder and harder to catch fish on  
19 the river because of the crowding. A lot of that is in  
20 our minds. The fish are still there. You can still  
21 catch fish. You have to contend with other people, so  
22 there's social problems.

23  
24 Last year I found myself in an elbow  
25 fight with a woman while I was fishing for reds and I  
26 couldn't believe that. She was a big woman and she was  
27 tough and I didn't want to fight with her, so I gave  
28 her my spot. I must be getting old. I wouldn't have  
29 done that a few years ago. But, anyway, it's come to  
30 this. And we were on a part of the river -- well, it's  
31 a part that's on the map up here as being -- I'm not  
32 going to point at it because it's a so called secret  
33 spot. There's only about 50 people that use it.  
34 Anyway, it's a part of the river that you can fish with  
35 hook and line for reds and do pretty well. That's one  
36 of the places that's going to be opened for dipnetting  
37 according to one of the scenarios in here.

38  
39 To be specific about your proposals,  
40 I'm against all proposals that would give subsistence  
41 or put subsistence on the Kenai River at all, period.  
42 I object to the existing law which gives a priority to  
43 subsistence rod and reel fishermen. I don't think  
44 people on the Kenai Peninsula qualify as being rural.  
45 I don't think they should be given privileges. I think  
46 it spurs up too much discontent. All you have to do is  
47 look at the discontent of proxy fishing in our area,  
48 like on the Anchor River, Deep Creek.

49  
50 If you've seen a couple of those

1 things, you realize what subsistence fishing would do.  
2 Proxy fishing you can take like one more king salmon  
3 before you have to stop fishing, which is disturbing to  
4 people who catch one and have to stop. I can catch two  
5 silvers on the Kenai River now. It used to be three.  
6 There are times in the area proposed for fishing for  
7 subsistence on the Kenai that you can't use bait. You  
8 can't use a triple hook. I mean the regulations are so  
9 tight now, it's not as much fun as it used to be.

10

11 Now they're telling me that a group who  
12 has to drive for an hour might be able to come and  
13 catch a lot of silvers while I have to sit on my hands.  
14 It's not fair. It's a fairness issue and I haven't  
15 heard that word used yet. I like to see fairness in  
16 things and I think most people do and that's why you're  
17 going to get a lot of objections to subsistence fishing  
18 on the Kenai.

19

20 So, I guess to sum up my attitude  
21 toward the whole thing, I'm against subsistence fishing  
22 on the road connected part of the Kenai Peninsula,  
23 which includes all of the proposals, including Robert  
24 Gibson's proposal.

25

26 CHAIRMAN LOHSE: Thank you, Les. Doug.

27

28 MR. BLOSSOM: Mr. Chairman, Mr. Palmer.  
29 I got you where I want you. You buy your ink by the  
30 barrel and that makes you a person that can do lots of  
31 writing and you're writing on subsistence. Tell me, do  
32 we obey the law and do what we're supposed to do or do  
33 we listen to your newspaper and you say it's unfair?  
34 How do we solve this? You tell me how we solve this  
35 because you do all the writing in the paper.

36

37 MR. PALMER: I wouldn't be in your  
38 position. I wouldn't be in your seat.

39

40 MR. BLOSSOM: Someone has to.

41

42 MR. PALMER: Well, I disagree. I  
43 disagree with Judge Sedwick, that decision. I think  
44 the elimination or the fact that subsistence was left  
45 off the purposes of the Kenai National Wildlife Refuge  
46 I think that was intentional on the part of Congress  
47 and I think that's where the action has to be.

48

49 MR. BLOSSOM: Mr. Chairman, Mr. Palmer.  
50 But do you understand that we have a law that we have

1 to abide by? Until that law is different, we have to  
2 do it. In your paper, you had quite a few articles  
3 about subsistence fishing and they all hid your slant  
4 on it that it's not fair. Well, whether it's fair or  
5 not, until there's a different law, that's what we have  
6 to go by.

7  
8 That's why I would hope that in the  
9 paper -- we had a work session yesterday morning here  
10 explaining it very clearly to us and the people that  
11 sat in here it opened their eyes. I guess I would hope  
12 that you would take that same course we did yesterday  
13 and hear what the Federal people say the law is and  
14 then tell us how we abide by it differently than what  
15 we're doing.

16  
17 MR. PALMER: Well, I've heard that law  
18 and I've read that law over and over and over and I've  
19 seen the policies change, I've seen them delayed, I've  
20 seen everything you have. I've seen it go by and I  
21 keep telling myself this too shall pass and I hope it  
22 does.

23  
24 Don't get me wrong. I think  
25 subsistence belongs. I think it belongs in Cordova. I  
26 think it might belong in Sitka. You're going to  
27 agonize over that one or somebody is. The Board will.  
28 Kodiak. There are places in this state subsistence  
29 definitely belongs. Chenega, Tatitlek, all of the Bush  
30 villages, I'm all for it. When ANILCA first was  
31 written, I've been up here since '64, so long before  
32 the Native Land Claims and all of that, but when it was  
33 first written I was against all of it but slowly I came  
34 around. I've been in a lot of villages, I've traveled  
35 around the state, so I'm a believer. I fully expect  
36 ANILCA not to be done away with or anything. I think  
37 it's a fine idea and it needs to be done.

38  
39 On the Kenai Peninsula it's not going  
40 to work. It's a social experiment that's doomed for  
41 disaster. It's caused a lot of hate and discontent and  
42 it will continue to as long as it goes on. You just  
43 can't do what you guys are trying to do. It's  
44 impossible. And I won't tell you what I think is the  
45 best way to do it, like a lot of people have come up  
46 here and you've asked them. It doesn't belong.

47  
48 CHAIRMAN LOHSE: Any other questions  
49 for Les. James.  
50

1 MR. SHOWALTER: Yes, good morning. As  
2 you indicate, you fish the Kenai River quite a lot and  
3 for quite some time and you've been crowded out of your  
4 secret spots. That tells me there's more and more non-  
5 subsistence use coming in, taking your spot. The Kenai  
6 River is a sports retreat for Anchorage and other areas  
7 within reach. The way I see it, the sports fishermen  
8 are saying that's their fish. All I could say is who  
9 was down on the Kenai Peninsula first using those  
10 resources and got crowded out. Now you're complaining  
11 about getting crowded out.

12  
13 Thank you.

14  
15 MR. PALMER: Was that a question?

16  
17 CHAIRMAN LOHSE: No, Les, I think that  
18 was a statement.

19  
20 MR. PALMER: A statement. I don't  
21 think anybody will argue that the Kenai is crowded and  
22 becoming more crowded all the time. It's the biggest  
23 problem that DNR has to contend with. They've done  
24 surveys on crowding. Crowding even surpasses guides on  
25 the hate scale. Guides, nobody likes guides. I am not  
26 a guide. I have never been a guide. I once had a  
27 friend who was a guide. I still have a couple who will  
28 speak to me occasionally.

29  
30 CHAIRMAN LOHSE: Thank you, Les. I  
31 think what James was trying to say is, you know, this  
32 has been going on though since the start of the Kenai  
33 and that is the fact that as -- and I'll use the word  
34 newcomers -- as newcomers come in, just like it's done  
35 down through history, people who have been there before  
36 get pushed into either a different lifestyle or get  
37 pushed out. Where you see somebody coming in and  
38 crowding in on your fishing hole, some of the  
39 subsistence users see -- and I'll use the word you --  
40 crowding in on where they used to fish and it's part of  
41 what we live with and how do we come up with a way that  
42 we can fairly, and I like to use the word fair because  
43 fair doesn't necessarily -- you know, they talk about  
44 over in Iraq if they want justice or fairness. What  
45 they really mean is they want to get even. But fairly  
46 doesn't mean getting even and it doesn't mean getting  
47 your way.

48  
49 I sat on the Allocation Committee one  
50 time and made the statement that if anybody goes away

1 from this happy we didn't do our job because then we  
2 weren't fair. Fairness means that you look at the  
3 situation from all angles and you put yourself in the  
4 other person's shoes and you say how can I do the best  
5 for him and still maintain something for myself.  
6 That's what we're trying to deal with here. We're  
7 trying to deal with the fact that you see yourself  
8 being pushed out by the lady that comes and pushes you  
9 off your fish hole, but they see themselves being  
10 pushed out from time past.

11  
12 Now, as things change, you're right,  
13 it's possible that 10 years from now Ninilchik won't be  
14 a rural community anymore, but under current Federal  
15 law Ninilchik qualifies as a rural community underneath  
16 the Act that is sitting in front of us, just like  
17 Cordova, just like Chitina, just like Kodiak. So  
18 fairness says how do you accommodate that without doing  
19 the most damage to somebody else, but you still have to  
20 accommodate it, just like how did you share the fishing  
21 hole with the lady. Sometimes it means that you have  
22 to move over and let them get the first cast.

23  
24 Thank you, Les.

25  
26 Doug.

27  
28 MR. BLOSSOM: Mr. Chair, Mr. Palmer.  
29 You have a lot of constituents and this is a good  
30 question for you. Because of the crowding issue, are  
31 you in favor of letting the subsistence people take  
32 their bag limit no matter where they catch the fish, in  
33 the body or the tail, get their fish and go home or do  
34 you want them to hook and release until they catch them  
35 in the mouth?

36  
37 MR. PALMER: No. No, I'm not in favor  
38 of that. The Board of Fish by now should have  
39 addressed that issue and I think they'll agree with the  
40 State Staff recommendations on that. If you're going  
41 to have snagging in a sport fishery, you've got a  
42 problem. It's a conflict. If you allow snagging or  
43 anything like that, you better separate that. It  
44 should be somewhere where nobody can see it. It's not  
45 part of sport fishing. You can snag in the saltwater.  
46 You've got the whole ocean to snag in. That's another  
47 whole story. Don't get me started.

48  
49 CHAIRMAN LOHSE: Thank you, Les. Andy.  
50 This is the one I had problems pronouncing yesterday.

1 MR. SZCZESNY: Szczesny. Just like  
2 it's spelled.

3  
4 CHAIRMAN LOHSE: Yeah, just like it  
5 says. That's what I was going to say, Andy just like  
6 it's spelled, but I didn't think I should do that.

7  
8 MR. SZCZESNY: Well, I was going to sit  
9 there until you tried it at least. Thank you, Chairman  
10 and Board Members. My name is Andy Szczesny. I've run  
11 a fly fishing business for 22 years in the upper Kenai  
12 River and Cooper Landing. I was a resident there for  
13 10 years. I've done a short term on the Board of  
14 Fisheries, Alaska Board of Fisheries. For the last  
15 four years I've been on the Cooper Landing Fish and  
16 Game Advisory Committee and I was on the subcommittee  
17 for the Southcentral RAC for methods and means.

18  
19 I have this whole thing written out  
20 here and everybody says the same thing. I'm kind of  
21 torn on this thing and maybe some of you are on how  
22 you're going to set this fishery up. I guess you  
23 really have to understand this is a brand new fishery.  
24 If you are going to set this thing up, proceed slowly.  
25 If you don't do that, if you haven't seen the conflict  
26 of other users, you're going to have a problem.

27  
28 I really hate to admit it, but the OSM  
29 has done an incredible job with the report. Do I agree  
30 with everything they've said in that? No, but there's  
31 certain aspects that they've done in that report that  
32 -- you know, they've proceeded with caution in certain  
33 areas and they've been liberal in others. The one thing  
34 I can say is they've mirrored a lot of State  
35 regulations to help you guys come up with a solution on  
36 a lot of things.

37  
38 It took years for ADF&G to get a handle  
39 on the rainbow trout and Dolly Varden populations. I  
40 spent three years doing studies with them on size  
41 composition and population estimates. I guess the  
42 sport fishery for resident species isn't -- you know,  
43 I'm up here doing this thing and I'm trying not to say  
44 how many fish you should take. You know that I mean?  
45 I'm trying not to do that because it's not a harvest-  
46 oriented fishery, number one. I hear all these  
47 comments from people what the mortality is. Well,  
48 there's mortality in everything in fisheries;  
49 commercial fisheries, all of it, sport fisheries, PU  
50 fisheries.

1                   But if this is instituted -- I mean  
2 there's a balance that Fish and Game has done with  
3 resident species. If this is enacted, it could put the  
4 thing out of balance and it's hard for me to say that  
5 it will because we're talking about the sky falling and  
6 that's what we're talking about with everybody coming  
7 in here. It's hard for me to quantify what the fishery  
8 is going to be in the future and I'm sure you guys are  
9 in the same boat.

10  
11                   I know that I'm here to talk about  
12 methods and means for this fishery and it's very hard  
13 for me to do that. But I would hope that you would  
14 mirror -- when you set this fishery up, do it with the  
15 State bag limits in mind. How you do that with a rod  
16 and reel, you could double the bag limits. To me,  
17 that's a meaningful priority.

18  
19                   There's one thing that I did get out of  
20 the subcommittee process. Meaningful priority to  
21 Cooper Landing, it's a sportfish community, so  
22 meaningful priority to a majority of the people in  
23 Cooper Landing that rely on their livelihood for that,  
24 tourism and sport fishery, is rod and reel. Meaningful  
25 priority to the people of Ninilchik is nets. Saying  
26 that, there's probably a very good reason why C&T  
27 should have been looked at differently on the Kenai  
28 River in my opinion, but I'm not here to talk about C&T  
29 because it's already there.

30  
31                   I am in favor of Proposal FP07-28.  
32 Hopefully you guys will look at that. And my hat goes  
33 off to you guys to sit here and try to do this. This  
34 is a brand new fishery and I hope that you start from  
35 the bottom up when you do it.

36  
37                   Thank you very much.

38  
39                   CHAIRMAN LOHSE: Thank you, Andy. Any  
40 questions for Andy. Tom.

41  
42                   MR. CARPENTER: Andy, thanks a lot. I  
43 have a couple questions for you. One, it sounds like  
44 you've been a guide for a while or affiliated. What do  
45 you think the biggest reason was for the State getting  
46 control of the rainbow/Dolly situation that you talked  
47 about over the last 20 years? Do you think the bag  
48 limits were too high or do you think it was the catch  
49 and release mortality that was an issue or do you think  
50 that it was the size, they were allowing too many big

1 fish to be taken out of the population?

2

3 MR. SZCZESNY: All of the above. The  
4 bag limits used to be very liberal when it first  
5 started. You have to realize that in 22 years and 30  
6 years that I've been fishing up there I've seen a  
7 drastic change. When I first started, there was nobody  
8 there. I had the river to myself. By August 15th  
9 there was nobody there fishing. Now it goes all the  
10 way till the end of October. There is not a parking  
11 spot in any of the areas that you're going to go to up  
12 there. That's the change. It's went up 1,000 percent  
13 in the last 20 years.

14

15 Years ago I used to see boats float  
16 down there and have stringers full of rainbows and  
17 Dollies that it took three guys to lift when they got  
18 to the boat launch. I mean it was unbelievable. So  
19 the State started shortening the bag limits, being very  
20 conservative with them. Then they started doing that  
21 you could take a fish over 30 inches. Then you could  
22 take a fish 28 inches because they found that they were  
23 killing all the brood stock. It took a number of years  
24 to figure out that through that period of time we saw a  
25 big change in the stock composition of the fish by  
26 taking the larger fish. They're the ones that make it  
27 happen. Right now the bag limits are one rainbow trout  
28 or Dolly Varden under 16 inches in Cooper Landing and  
29 18 inches below Skilak Lake. Those are two distinct  
30 stocks, trout and Dollies. The Dollies will mix, but  
31 the rainbows will not.

32

33 So it's taken years for them. So, yes,  
34 it's all of the above.

35

36 MR. CARPENTER: The other question I  
37 have is that, you know, when you talked about you  
38 didn't want to really say what you think a bag limit  
39 should be necessarily for subsistence but to proceed  
40 cautiously. I mean that's fairly reasonable advice, I  
41 would say. There are other places in the state that  
42 this Council has taken action with regards to  
43 subsistence and one of the things that was done was  
44 that -- now, I'm not so sure what type of State  
45 subsistence activities are available, I haven't studied  
46 that situation, but would you be in favor that if  
47 somebody wanted to participate in a Federal subsistence  
48 program that if they achieved their bag limit that they  
49 would not be able to participate then in a State  
50 subsistence fishery.

1 MR. SZCZESNY: I don't really  
2 understand the question.

3  
4 MR. CARPENTER: Let's just say that you  
5 have -- that there's a subsistence fishery set up and  
6 we make the bag limit similar to what the State's is.  
7 Like in Cordova, for example, if you participate in the  
8 Federal subsistence fishery and you achieve your bag  
9 limit, under that fishery you are not allowed then to  
10 go out and subsistence fish under State regulations.

11  
12 MR. SZCZESNY: Correct. Yes, I do  
13 agree with that.

14  
15 MR. CARPENTER: So you would agree to  
16 something similar to that.

17  
18 MR. SZCZESNY: Yes, I do.

19  
20 MR. CARPENTER: You would then agree  
21 somewhat that the bag limits should be similar at the  
22 beginning of this program to what the State has in a  
23 similar fishery.

24  
25 MR. SZCZESNY: I just think you're  
26 setting up a fishery that's brand new and you don't  
27 know the consequences of what's going to happen and I  
28 know that you are Federally mandated to do this, but  
29 you're Federally mandated to proceed with caution and  
30 with fish conservation and habitat, all of it above,  
31 regardless of who's fishing the river.

32  
33 I heard one gentleman say that you're  
34 not asking the right question. You need to ask who is  
35 going to be displaced with this fishery. Well, he's  
36 correct. You're going to displace other fishermen with  
37 this fishery. This is a very contentious issue and  
38 it's going to get more and you guys are under the  
39 microscope now with the State and with the population  
40 of Anchorage, which holds most of the population in the  
41 state. You should proceed very slowly. I mean the  
42 office of OSM has done an incredible job of designating  
43 on the upper Russian River by the falls to do a dipnet  
44 fishery. That, in itself, I'm not sure I agree with,  
45 but I do agree with them putting them out of an area  
46 that's not going to be dealing with other fishermen.

47  
48 I'm the one that put the Hidden Lake  
49 thing up at the subcommittee. That was my thing. I'm  
50 not sure if the people from Ninilchik would like it or

1 not, but it was an area that would not be in conflict  
2 with any other user, just them, and it would be their  
3 fishery. I don't know why they would have any  
4 opposition to that. It would be theirs. Nobody else  
5 could fish it. That's a priority in my opinion and  
6 nobody else would do it.

7

8 I am in favor of the way OSM has set  
9 this thing up. I'm not in favor of some of the bag  
10 limits, the way they've done things. In general, I'd  
11 have to say if I had to set up a subsistence fishery, I  
12 would do it the way they did and I hate to say that.

13

14 MR. CARPENTER: I appreciate your  
15 testimony and I think just a comment to follow up is  
16 that, you know, when this whole process started back in  
17 the '90s, I think the Federal government, when they  
18 came in, they assumed that this process wasn't going to  
19 be around very long and what they did was they  
20 basically mirrored State regulation and they have  
21 changed over time with people addressing the Councils  
22 and then going to the Board for additional changes if  
23 they felt that their needs weren't being met and I  
24 think that that's something that this Council is going  
25 to have to look at very closely. You are dealing with  
26 one of the most widely used areas in the state and you  
27 have the ability to affect a lot of people, so I think  
28 caution when starting something is prudent and then  
29 changes from there if they're warranted. That's one  
30 thing. Thanks for your testimony.

31

32 CHAIRMAN LOHSE: Doug.

33

34 MR. BLOSSOM: Yeah, Mr. Chairman.  
35 Andy, just one comment. If you like the Hidden Creek  
36 idea and you think it's a good idea, you need to work  
37 with your bunch of people to help promote it because I  
38 think the State, for one, needs to be convinced that  
39 it's a good idea.

40

41 MR. SZCZESNY: Thank you.

42

43 CHAIRMAN LOHSE: Thank you, Doug.

44 James.

45

46 MR. SHOWALTER: Yes. This is a  
47 comment. You indicated this would be a new fishery.  
48 I'm going to have to disagree with you. The Kenai  
49 River has been used for fishing for years. They've  
50 used nets in it and other means until the local people

1 of the whole area were regulated out of it by the State  
2 and the Feds. Now they're trying to come back and  
3 reclaim their prior use.

4

5 Thank you.

6

7 MR. SZCZESNY: Can I make one more  
8 comment?

9

10 CHAIRMAN LOHSE: Yeah, Andy.

11

12 MR. SZCZESNY: And I agree with him. I  
13 can't disagree with him. But, at the same time, it  
14 hasn't happened in 50 years and I want you all to  
15 realize if you were in your area doing your fishery  
16 right now and 1,200 people came up and said, hey,  
17 Federal law says that we are going to come up and you  
18 guys are second, we're first, and we're going to  
19 displace you, I want you to understand that's what  
20 everybody else is looking at and you have to be mindful  
21 of that.

22

23 CHAIRMAN LOHSE: Thank you, Andy. I  
24 want to make a comment. I really appreciate what you  
25 said because you said two things in there that really  
26 point out what the problem is and that's the Chicken  
27 Little sky is falling idea. That's the panic that we  
28 have. We see some change is going to take place and  
29 we've dealt with this time and time again on this  
30 Council. I'll give you a real prime example, the  
31 subsistence moose hunt on the Kenai River. If you were  
32 around on the Kenai Peninsula when that happened, you  
33 remember the angst and anxiety and how this was going  
34 to wreck moose hunting on the Kenai and all the rest of  
35 the potential take there was and now I think it's 10  
36 years probably, maybe even longer than that, and we  
37 look back at it and we see how many moose were taken,  
38 we see what kind of impact it's had on the Kenai and we  
39 say, huh, why were we all so panicky.

40

41 The same thing here. We look at it, we  
42 see a change and we all fear change, but we don't know  
43 what that change is going to be, so we grab the worst  
44 case scenario. I hate to say it. It sells good papers  
45 and it makes good things in Anchorage and it gets  
46 people to come and testify. Because if we look at --  
47 every organization always has to look at the worst  
48 thing that can happen so that they can either raise  
49 money, get people to join and things like this.

50

1                   But the one thing we have to remember  
2 when we make regulations like this and put things in  
3 place is they're not cast in stone. If we give a limit  
4 and it turns out that that limit is too big and I  
5 really don't think that what's going to happen is all  
6 of a sudden you're going to -- when you go back and you  
7 look at the history on the Kenai and the damage that  
8 was done in the past as things grew and the mistakes  
9 that we made, if we make a slight mistake in giving too  
10 big of a limit at one time, what can we do under the  
11 mandate that says conservation comes first. We come  
12 back and we change the limit. We change the  
13 regulations. Fish and game regulations are changing  
14 all of the time. Our regulations are capable of being  
15 changed, too.

16  
17                   Remember, this group doesn't make  
18 regulations. This group just makes recommendations on  
19 regulations. So this still has to go through another  
20 process with other people. But all of those things are  
21 not cast in stone. All of those things can be changed.  
22 Most of the time the fears that we have are a lot  
23 greater than the actual impacts. So a lot of times  
24 what we've said is let's try something and if there's a  
25 problem, we have emergency authority just like the Fish  
26 and Game to close something down. We like to put  
27 record keeping and we like to put reporting in our  
28 programs. This Council has been very strong on that  
29 because we want to keep track of what's going on and if  
30 there's a problem, we want to be able to stop it.

31  
32                   I've also said let's not take the  
33 potential worst case scenario and concentrate on that.  
34 Let's do what you said. Let's look at the fact that we  
35 need to do something and how do we do it with the least  
36 impact and the least potential damage. Go slowly. But  
37 we can't do that if everybody on the other side is  
38 panicking and saying this is the end of it for us.

39  
40                   MR. SZCZESNY: I agree with you. Until  
41 this thing is enacted, until this fishery is -- you  
42 know, when the gavel goes down and this is what it is.  
43 I can't tell what the potential risks and everything  
44 are going to be and I'm not going to be here to tell  
45 you that the sky is falling. I do know that it  
46 concerns me as a resident of the state of Alaska, just  
47 like it does 200 and some other thousand people that  
48 are looking at what you're doing. So the best advice I  
49 can give you is proceed slowly and with caution.  
50

1 CHAIRMAN LOHSE: Any other questions  
2 for Andy.  
3  
4 MR. SZCZESNY: Oh, one other thing.  
5 Excuse me. I forgot. Nobody spoke about the Kasilof,  
6 right? I want you to know and Mr. Blossom, in the  
7 subcommittee, raised some really good points. That  
8 fishery has never been done up there in a long time and  
9 it's a very big spawning area. I'm very concerned  
10 about those kings on that section of the river.  
11  
12 CHAIRMAN LOHSE: Thank you, Andy.  
13 Greg.  
14  
15 MR. ENCELEWSKI: Yeah, Andy, I just  
16 wanted to make a comment. Thank you for your  
17 testimony. I worked with you in the work group and I  
18 think you're very reasonable, I mean your testimony  
19 here, so I appreciate it.  
20  
21 CHAIRMAN LOHSE: Ed Moeglein.  
22  
23 MR. MOEGLEIN: Is this for AC  
24 committee?  
25  
26 CHAIRMAN LOHSE: Okay, this is an AC  
27 committee one. I'll put it off to the side. You spoke  
28 yesterday as personal. Ivan Encelewski.  
29  
30 MR. I. ENCELEWSKI: (Away from  
31 microphone)  
32  
33 CHAIRMAN LOHSE: Okay. George Heim.  
34  
35 (No response)  
36  
37 MR. GEASE: My name is Ricky Gease.  
38 I'm the executive director of Kenai River Sportfishing.  
39 George Heim has caught the flu, so he's unable to be  
40 here, but he asked me if I could read his comments into  
41 the report. Is that possible?  
42  
43 CHAIRMAN LOHSE: And you're reading  
44 George Heim's comments.  
45  
46 MR. GEASE: Right. He says I apologize  
47 for not attending the meeting today and testifying in  
48 person. Unfortunately I have the flu and I'm laying  
49 low. Proposal FP07-27, the main point I wish to make  
50 is that the RAC needs to realize that Cooper Landing is

1 a rural community with subsistence rights in the  
2 Federal waters of the Kenai River. Its C&T  
3 determination preceded that of Ninilchik.

4  
5 Cooper Landing residents are entirely  
6 dependant on the Kenai River for their livelihood. We  
7 harvest fish from the river to feed ourselves and our  
8 families and we harvest cash from the visitors to our  
9 area who come through the river to fish either for  
10 sport or to fill their freezers. Anything that  
11 threatens the health of the river's fisheries is a  
12 direct harm to the residents of Cooper Landing.

13  
14 For that reason we are adamantly  
15 opposed to having a gillnet authorized as an approved  
16 means for prosecuting the subsistence fishery. Rod and  
17 reel is the best way to fish this part of the river and  
18 increasing the bag limit provides a meaningful  
19 subsistence priority. When the people of Ninilchik  
20 make the drive of 100 miles to fish in our back yard,  
21 they should respect the wishes of their hosts.

22  
23 If the issue is fish, it is easy to  
24 find ways for them to efficiently harvest fish to have  
25 it be a family community event and for it to fulfill  
26 the intent of the subsistence priority. For example, a  
27 dipnet fishery on Hidden Creek for red salmon could  
28 easily provide all the fish they want in a very easily  
29 accessed location in rapid order and with no harm to  
30 the river or the fishery. Kings and silvers could be  
31 caught in sufficient numbers using bait and with  
32 enhanced bag limits and fine skill management of the  
33 fishery is thereby maintained.

34  
35 But I fear that the intent is to  
36 acquire the right to put gillnets in the river and that  
37 the fish are secondary. It was evidenced at the  
38 subcommittee meetings when the representative for the  
39 Ninilchik Traditional Council vetoed any proposal that  
40 did not include the use of a gillnet, even methods and  
41 means that would have provided excellent opportunity to  
42 harvest the fish they are requesting. We were told  
43 that they would not support any method of gathering  
44 fish if that method might be the only method that we  
45 could agree on.

46  
47 Further, we heard that representatives  
48 of the Ninilchik Traditional Council say that they  
49 would not have submitted these proposals if they were  
50 not allowed to capture more fish in a local fishery,

1 the educational fishery near the ocean off Ninilchik  
2 and that if the State were to increase their limits in  
3 that fishery, these proposals could go away.

4  
5 For them to propose these obviously  
6 destructive methods in order to force the State to  
7 capitulate is heinous. For the RAC to approve these  
8 proposals is to cause great harm to the fisheries and  
9 would be unconscionable.

10  
11 Given the biological testimony provided  
12 by the Office of Subsistence Management about the use  
13 of in-river gillnets, it would seem that the Board  
14 would need to ignore not only my testimony but that of  
15 some of the best and most respected fisheries managers  
16 in Alaska if not the world. To approve this proposal  
17 is contrary to all the evidence provided and has the  
18 potential for great harm to the community of Cooper  
19 Landing.

20  
21 FP07-28. We are in support of this  
22 proposal. There was ample testimony early in the C&T  
23 process that the residents of Cooper Landing were  
24 mostly opposed to a finding for Cooper Landing. Most  
25 of the community does not feel that towns on the roads  
26 and within an hour's drive of major shopping centers  
27 were the communities intended to have subsistence  
28 rights.

29  
30 FP07-29. We are opposed to this  
31 proposal for all the same reasons we are opposed to 27.  
32 In fact, it adds to our concerns that approval of other  
33 gillnet proposals will result in numerous nets, not a  
34 single community net.

35  
36 FP07-30. We are opposed to the gillnet  
37 aspect of this proposal.

38  
39 FP07-10, 11, 12 and 13. We are opposed  
40 to these proposals for all the same reasons we are  
41 opposed to 27.

42  
43 If there are any questions or if you'd  
44 like to speak with me for any reason, I can be reached  
45 at the following number and he leaves a telephone  
46 number. I believe Donald Mike has provided you with  
47 his testimony.

48  
49 CHAIRMAN LOHSE: Thank you, Ricky.  
50 Guess whose name is next on the list, Ricky Gease. So

1 if you want to testify for yourself at this point in  
2 time.

3

4 MR. GEASE: Yes, I do.

5

6 CHAIRMAN LOHSE: Oh, that's right. I  
7 didn't know if we could ask questions on a letter, but  
8 go ahead, Greg.

9

10 MR. ENCELEWSKI: I know you can't  
11 answer these questions of the letter, but you were at  
12 the same subcommittee workshop I was, Ricky, and  
13 there's some untruths in this letter and I'm sure you  
14 see them. One, it says the Council voted any proposal  
15 that did not include the use of gillnets that we were  
16 opposed -- the Tribal Council was opposed and that was  
17 not the case at all.

18

19 CHAIRMAN LOHSE: James.

20

21 MR. SHOWALTER: Yes. I have a comment  
22 to that letter. He was complaining about the host of  
23 the area and not asking. Well, it should be turned  
24 around the other way. He should ask the host of the  
25 Kenai Peninsula area to be in that area because they  
26 are the host. I'm referring to Ninilchik, Kenaitze and  
27 the tribes of that area are the host of that area, not  
28 Cooper Landing.

29

30 MR. GEASE: If I may respond to that  
31 one point. I believe ANILCA is for rural residents and  
32 all rural residents have equal standing and it is not  
33 based upon Alaska Native preference. I believe  
34 yesterday when you went through your training you would  
35 have received that instruction.

36

37 CHAIRMAN LOHSE: Thank you, Ricky. I  
38 think what James was talking about there was in the  
39 long term.

40

41 Do you have more to say, James.

42

43 MR. SHOWALTER: Yes. And also he's  
44 complaining about subsistence in the area. The way I  
45 understand that letter is -- he is a commercial guide  
46 on the Kenai River, a sports guide, and he doesn't want  
47 subsistence users there and that is a subsistence use  
48 area.

49

50 Thank you.

1                   CHAIRMAN LOHSE: Thank you, Ricky. And  
2 you're correct as far as ANILCA is concerned, but I  
3 think what he was talking about there was in the long  
4 term.

5  
6                   MR. GEASE: I'm very familiar with the  
7 Cooper Landing area and the Kenaitze Indian Tribe's  
8 efforts to do that. I met my wife there. She was an  
9 interpreter at the original footprint site, has been a  
10 long supporter of Quebec. I have trained interpreters  
11 of cultural interpretation for subsistence in the  
12 Cooper Landing area and I'm very aware of the long-term  
13 history of the region and I respect that and I support  
14 it.

15  
16                   CHAIRMAN LOHSE: Thank you. I figured  
17 you were. Okay, Ricky, for yourself.

18  
19                   MR. GEASE: Yes. Chris has  
20 participated a couple different areas in here. The  
21 comments are on Page 141 and 144 in the comment book.  
22 We have also submitted Proposal FP07-28. Our comments  
23 for FP07-28. This proposal requests that the C&T  
24 findings for communities within the Kenai Peninsula be  
25 rescinded.

26 If passed the communities of Hope, Cooper Landing and  
27 Ninilchik would no longer have customary and  
28 traditional use fishing for fisheries on the Kenai  
29 Peninsula. Harvest needs would be satisfied through  
30 state managed sport, personal use, educational and  
31 subsistence fisheries.

32  
33                   Position. After review of the legal  
34 requirements for the establishment of C&T and a  
35 detailed review of the existing record, we are  
36 compelled to recommend that C&T determinations for  
37 these communities be repealed due primarily to weak  
38 technical information and the lack of meeting the legal  
39 standards established in existing law. The  
40 justification for this action is detailed in the  
41 proposal itself. And with the comments Ron Rainey  
42 provided yesterday, I think we can agree to disagree  
43 and go on from here.

44  
45                   Our comments are also on 141 through  
46 147. We submitted those in January before the Federal  
47 Staff analysis. They are proposal by proposal  
48 comments. Basically we posed the use of gillnets as a  
49 methods and means. We do not support the widespread  
50 use of gillnets. We requested an analysis for

1 fishwheels and many of the questions that's in the  
2 paper for fishwheels there. We also opposed the  
3 widespread use of fishwheels. Basically, if you allow  
4 one, you allow many. On that basis we would oppose  
5 fishwheels.

6  
7 We support the Federal Staff analysis  
8 and recommendations in the approach to the fisheries on  
9 a drainage and a species basis. I think when we were  
10 trying to provide our comments on this we were as  
11 perplexed as what Doug McBride was describing on how  
12 the Federal Staff approached this and I think how they  
13 did approach the analysis was commendable. They put a  
14 lot of effort into this. We support the approach that  
15 they have outlined on Pages 4, 5 and 6.

16  
17 We also support the paper that recently  
18 came out that instead of looking at the roof first in  
19 terms of community limits and community methods and  
20 means that you start at the foundation with what  
21 methods and means you provide the individual. We would  
22 support rod and reel as that method and I think  
23 doubling the bag limit on species provides meaningful  
24 priority and preference for people. I think that the  
25 household limits that you start to look at could be  
26 completed through dipnets with a focus on salmon.

27  
28 I'll make recommendations a little bit  
29 later in my comments, but I would suggest that on your  
30 household limits you look for 25 and 10 to mirror the  
31 regulations for sockeye salmon and pink salmon. And  
32 that you be consistent with 10 coho and two per  
33 household member. For king salmon, that you stick with  
34 -- because there is an annual limit on king salmon,  
35 regardless if you take them with rod and reel or with  
36 dipnet, you stick with the Kenai Peninsula annual limit  
37 of five king salmon.

38  
39 And then if you get to the community  
40 portion of it, it seems on the community methods and  
41 means, the ones that were proposed were gillnets and/or  
42 fishwheels and we do not support those. I think that  
43 you can provide -- I'll go through it a little bit  
44 later -- plenty of meaningful opportunity with rod and  
45 reel and with dipnets for all the species that were  
46 requested.

47  
48 I do think that Cooper Landing, Hope  
49 and Ninilchik as rural designations, each one is  
50 distinct and each one should be treated equally in

1 consideration with the areas of where they're fishing.  
2 On the subcommittees, it's interesting hearing some of  
3 the comments. I think some members didn't want to get  
4 into details. Some members did want to get into  
5 details. It was a big task trying to go through the  
6 Federal Staff analysis there with our subcommittee.  
7

8 I do support the approach of  
9 continuation of the subcommittee process as you go  
10 forward with potentially instituting these fisheries  
11 and then continuing monitoring and review and  
12 evaluation of the fisheries. I do think it's important  
13 to continue to have a voice for the Peninsula residents  
14 and stakeholders in that process.  
15

16 So, in terms of rod and reel and dipnet  
17 fisheries, in terms of what could be meaningful, if we  
18 take a hypothetical month, if you doubled the bag  
19 limits on rod and reel -- and basically one of the  
20 things in the rod and reel for sockeye, it starts off  
21 with three, but typically by EO authority by the State,  
22 unless there's a conservation concern on the Kenai  
23 River if the run return is going to be under two  
24 million, the beginning of the season that will be  
25 bumped up to six. So if you kind of make that note  
26 that we're talking about doubling most likely a bag  
27 limit of six, which would be bumped up to 12 on nine  
28 out of 10 years, is what you should be thinking about  
29 in that. So if you take those 12 reds over the course  
30 of 30 days or so, you're looking anywhere between  
31 around 350 reds and pinks each that you could harvest.  
32

33 Coho, we went to a bag limit of two.  
34 We had some fishery conservation concerns on coho. So  
35 the bag limit of two, if you double that to four,  
36 you're looking at potentially 120 coho. Again, I would  
37 say that four kings, you respect the annual bag limit  
38 of five on the Kenai Peninsula. So you're looking, you  
39 know, one person, if they spent a month out there or a  
40 family, group of people, on an individual level you're  
41 well over 700 fish. I don't know anybody who needs --  
42 has put up 700 fish. So that is a big opportunity  
43 there.  
44

45 If you go through the dipnet limits, if  
46 you had a two family household, you could get 35 reds,  
47 35 pinks, you could get 12 cohos and, again, up to five  
48 kings. That's about 70 fish, 80 fish. That's a lot of  
49 fish for people to put up. So I think between those  
50 two opportunities for methods and means you'll provide

1 people with a meaningful priority for fisheries on the  
2 Kenai Peninsula.

3  
4                   Again, I think there's some major  
5 problems with gillnets and fishwheels and I think if  
6 you remove those from the methods and means discussion,  
7 you simplify the conversation because then we don't  
8 have to get in the conversation of what are the  
9 community limits and is the 4,000 reds good for  
10 Ninilchik, is that for Ninilchik and Cooper Landing and  
11 Hope, do each community need that. I think if you  
12 treat all residents of those communities equal on an  
13 individual basis with household limits and rod and reel  
14 limits being consistent, I think you remove that  
15 conversation on community limits.

16  
17                   And also for community investments, for  
18 example like a fishwheel, who is going to pay for the  
19 construction, the maintenance, repairs, anything like  
20 that. And the same thing with community methods. I  
21 know in the educational fisheries on those type of  
22 things, those are major concerns that we don't want to  
23 get bogged down or go into the ditch on.

24  
25                   In terms of fishery conservation.....

26  
27                   CHAIRMAN LOHSE: Ricky.

28  
29                   MR. GEASE: .....you know, I think  
30 these drainages support hundreds of thousands of reds  
31 and pinks and if you go into limits that we talked  
32 about, you can look at those. Those are respectable  
33 with the household limits and that's why the State does  
34 it.

35  
36                   I will give you two points that I would  
37 ask you for. Enforcement. The issue came up for  
38 enforcement yesterday and you asked a question about  
39 enforcement. What we did on the Kenai River with State  
40 Parks is to double the overtime or use overtime within  
41 the Federal system. It's the cheapest way to go get  
42 more enforcement out on the river.

43  
44                   I'll make one last comment. As these  
45 are new fisheries and the State budgets are getting  
46 crunched, especially in ADF&G, I would ask that this  
47 Southcentral RAC request a letter of support to our  
48 Federal delegation that we increase the funding for  
49 research for fishery conservation research on the Kenai  
50 that would either help cost share for monitoring of the

1 salmon species on the Kenai River and the resident  
2 species or to fully cover those research costs where we  
3 do lack information on specifically the resident  
4 species.

5  
6 Thank you.

7  
8 CHAIRMAN LOHSE: Doug.

9  
10 MR. BLOSSOM: Mr. Chairman. Good day,  
11 Ricky. I've got several questions. I want to start  
12 back two meetings ago, I think it was two meetings ago,  
13 and we had an emergency regulation that we enacted to  
14 allow dipnetting in the Kasilof for coho. I think the  
15 limit was 500 and you were the last person to testify  
16 that day and you testified for it. Later we got a  
17 letter saying you were against it. Are you for it or  
18 against it now?

19  
20 MR. GEASE: I think for those areas I  
21 think we were against it -- I think we were against it  
22 on a process, that that proposal should be considered  
23 now through your regular fishery process. But in a  
24 general concept, when you're configuring dipnet  
25 fisheries, I think that rod and reel and the dipnet  
26 fisheries will provide a meaningful priority as the  
27 methods and means.

28  
29 MR. BLOSSOM: But you now are -- you  
30 say if we continue it now, you're for it now then.

31  
32 MR. GEASE: No, I'm saying this is the  
33 venue to determine your methods and means.

34  
35 MR. BLOSSOM: And you spoke at that  
36 meeting that you were for that amount of fish. So are  
37 you still for it?

38  
39 MR. GEASE: No, what I'm saying is that  
40 one of the problems with that proposal is that I think  
41 you should start with individual limits with rod and  
42 reel, you move on to household and stick with household  
43 limits.

44  
45 MR. BLOSSOM: Mr. Chair, Ricky. You're  
46 going around the bush. You told us at that meeting  
47 that you were in favor of 500 coho with a dipnet. Are  
48 you for that now or against it?

49  
50 MR. GEASE: If it's a community basis

1 on that, that's something you need to discuss, but I  
2 would suggest that it's a better way to go about it if  
3 you stick with household limits instead of community  
4 limits. You can do the math on that yourself. You'll  
5 provide more opportunity if you stick with household  
6 limits.

7

8 MR. BLOSSOM: Mr. Chair. My second  
9 question is if we up the bag limit say to 12 reds a day  
10 and the subsistence goes down there and tries to hook  
11 them all in the mouth, we're going to take up a lot of  
12 area and a lot of time. Wouldn't it be smarter to let  
13 them catch their 12 reds and go home and make more room  
14 for other people because of the crowding?

15

16 MR. GEASE: That's your decision.

17

18 MR. BLOSSOM: How do you feel?

19

20 MR. GEASE: I think there's a knack for  
21 learning how to catch reds in or near the mouth.

22

23 MR. BLOSSOM: So you're going to teach  
24 everyone this?

25

26 MR. GEASE: It's the Russian River  
27 twitch, so you've got to be very -- you know.

28

29 MR. BLOSSOM: Mr. Chairman. My third  
30 question is you were here yesterday and you heard the  
31 individual talk about his Proposal 29 to fish with nets  
32 and he specifically said in the lake. As we questioned  
33 him, we also finally got the understanding it was under  
34 the ice, so then it would be the same kind of proposal  
35 we okayed in Tustumena. So if we go to that same type  
36 of scenario where they fish for trout under the ice in  
37 the lake or with a jig, is that going to be okay?

38

39 MR. GEASE: I think the history -- one  
40 of the reasons why I would suggest you confine dipnet  
41 use to salmon is that, again, I echo Andy's comments,  
42 the State has taken a long time to craft some sort of  
43 sustainable fisheries on resident species and because  
44 there's strong concern of overfishing these stocks,  
45 specifically the breeding population, if you do put in  
46 winter fisheries, I would have them closely monitored  
47 and tracked in terms of size, catch and other things so  
48 that you have a continual database that you're building  
49 up.

50

1 MR. BLOSSOM: You said dipnets. You  
2 meant gillnets.

3  
4 MR. GEASE: Yes -- no. I mean with a  
5 dipnet, if you look on the Federal analysis on 106 and  
6 105, you'll see that -- let's say for example on 106,  
7 they don't provide kind of household limits on those  
8 resident species. I think with dipnets and household  
9 limits you should focus on salmon species. I do think  
10 there's some fishery conservation concerns that are  
11 real and that have been reflected elsewhere in the  
12 state and the country on overharvest of trout and it  
13 takes a long time. For example, on Tustumena, we did  
14 have commercial fisheries on lake trout and those  
15 populations haven't recovered.

16  
17 And I'd have problems with Mr. Gibson's  
18 -- it would be a similar style fishery on lake trout.  
19 They're slow growing and I think we would have some  
20 concerns. Nobody monitors and we don't know, you know,  
21 annual populations, what's the necessary amounts for  
22 breeding. I mean there needs to be a lot more research  
23 to try and figure out what are sustainable limits. So  
24 as you're first getting into it, I would focus on the  
25 salmon species.

26  
27 MR. BLOSSOM: I keep hearing you saying  
28 dipnets, but his proposal is gillnets.

29  
30 MR. GEASE: Right. I do not  
31 support.....

32  
33 MR. BLOSSOM: So as we got to the end  
34 of the discussion, we all understood that it was  
35 fishing with a gillnet under the ice the same as the  
36 Tustumena thing.

37  
38 MR. GEASE: It was both. He wanted  
39 year-round use, under the ice and during the summertime  
40 on the lakes using gillnets in deep water basically,  
41 and I think we don't have the data to necessarily say  
42 that that would not do harm with widespread use of that  
43 fishery.

44  
45 CHAIRMAN LOHSE: Thank you, Doug. Tom.

46  
47 MR. CARPENTER: Yeah, Ricky. I'm going  
48 to ask you the same question that I asked Andy. Do you  
49 feel that the reason that the State took so long to get  
50 control over the resident species, in specific rainbows

1 and Dolly Varden on the Kenai, was the couple of things  
2 that I mentioned, the bag limits were too high and they  
3 were taking too many big fish out of the population?  
4 Would that be the way you would characterize it?

5  
6 MR. GEASE: Yes, I would, and I think  
7 that's one of the reasons why there was a push to get a  
8 wild trout policy in regulation for the State to kind  
9 of bring consistent all the trout regulations.

10  
11 MR. CARPENTER: One more question. I  
12 would assume that the bag limits you talked about, the  
13 household limits in regard to salmon, are those  
14 specifically directed at the Kenai?

15  
16 MR. GEASE: No, I would -- for  
17 consistency sake, I think you'd have fewer users on the  
18 Kasilof and I think you'd mirror the regulations and  
19 say that that's your bag limit. For residents of  
20 Ninilchik you can fish either river system, but that's  
21 your bag limit and make those consistent.

22  
23 MR. CARPENTER: And the five kings per  
24 year, that's five kings per person, but there is no  
25 household limit or is it five kings per household?

26  
27 MR. GEASE: No, it would be five kings  
28 per person. That's the regulation on the peninsula  
29 currently right now and I would not put a household  
30 limit on it. I would just say that's an annual limit  
31 and you just respect that.

32  
33 MR. CARPENTER: The last question is,  
34 we've heard some testimony about the Kasilof in regards  
35 to some of the spawning habitat for chinook. Do you  
36 think that a dipnet fishery -- where would you say a  
37 dipnet fishery could be established in the Kasilof  
38 River that would not -- you know.

39  
40 MR. GEASE: I would say that a dipnet  
41 fishery, if you go below where you put in at the lake  
42 there, I would say turn right and do the fishery  
43 between that put in and the lake itself. You'd have a  
44 better dipnet fishery. I think it would be difficult  
45 to -- there's two reasons why I would do that. I don't  
46 think you want to do the dipnet all the way down to  
47 Hong Kong Bend. One is because I think you're getting  
48 into a safety problem. Sometimes that river goes real  
49 fast. I think it's going to be difficult to execute a  
50 dipnet fishery. And I also think some of the studies

1 or the spawning area for the main stem chinook in July  
2 and August is right in that area. Once you turn left  
3 and go down, you're right into the spawning area of the  
4 chinook.

5

6 MR. CARPENTER: Thank you.

7

8 CHAIRMAN LOHSE: Thank you, Ricky.

9

10 MS. WAGGONER: I have one.

11

12 CHAIRMAN LOHSE: You have one? Tricia.

13

14 MS. WAGGONER: In regards to Proposal  
15 28, you made a comment regarding rural  
16 determination.....

17

18 MR. GEASE: I said C&T determination.

19

20 MS. WAGGONER: .....and the proposal is  
21 C&T determination.

22

23 MR. GEASE: I'm sorry if I misspoke.  
24 It's for C&T determination.

25

26 MS. WAGGONER: Could you provide  
27 comment on C&T versus rural? I mean your comments were  
28 addressing rural. Do you have any comments regarding  
29 the actual customary and traditional use determination?

30

31 MR. GEASE: Yes. We provided a letter  
32 yesterday through Mr. Rainey and our comments on the  
33 C&T determinations are in that letter and I believe you  
34 all have copies of that.

35

36 CHAIRMAN LOHSE: Thank you. I've got  
37 one question. Since you brought it up, I'm going to  
38 ask you. As a river user, and these are worst case  
39 scenarios, if the choice came to having fishwheels on  
40 the river that sit there as you bring your customers  
41 and everybody by them or a gillnet that was put in and  
42 taken out, which would you -- you don't prefer either  
43 one, but which one would cause more angst in your  
44 customers?

45

46 MR. GEASE: One, I'm not a guide.  
47 Kenai River Sportfishing Association is not a guide  
48 association. I think both those methods have serious  
49 structural problems with them.

50

1                           CHAIRMAN LOHSE: But I was talking  
2 about aesthetic problems.  
3  
4                           MR. GEASE: I'll leave that to your  
5 wisdom.  
6  
7                           MR. CARPENTER: I have one more  
8 question.  
9  
10                          CHAIRMAN LOHSE: Tom.  
11  
12                          MR. CARPENTER: Does your association  
13 or would your association support the Ninilchik idea  
14 that the State give them more fish for their  
15 educational permits?  
16  
17                          MR. GEASE: That's not my  
18 responsibility. I think they are talking with the  
19 State about their limits on that. I know they've  
20 fluctuated from one educational permit to two, to  
21 three, and I think for next year they're back down to  
22 two. I don't know if they've ever come up to the  
23 harvest limit that they've set so far.  
24  
25                          MR. CARPENTER: I was just curious if  
26 in the past at the Board of Fisheries meetings if your  
27 association has either supported or not supported the  
28 idea of that permit?  
29  
30                          MR. GEASE: I think those permit levels  
31 are actually established by ADF&G, so that's a comment  
32 with the commissioner in ADF&G.  
33  
34                          MR. CARPENTER: Thank you.  
35  
36                          CHAIRMAN LOHSE: Thank you, Ricky.  
37 Break time? I was going to go another person, but we  
38 can take a break now. We're going to take a break  
39 until 10:30.  
40  
41                          (Off record)  
42  
43                          (On record)  
44  
45                          CHAIRMAN LOHSE: For those of you who  
46 are wondering what my intentions are, I'm hoping that  
47 we can finish the individual testimony this morning and  
48 we'll start in on deliberation on fisheries proposals  
49 after lunch. So, if we have to go a little while into  
50 lunch time to finish the testimony, we will, and then

1 we'll take a lunch break and then we'll start on the  
2 proposals themself after lunch today. So, with that in  
3 mind, Jim Stubbs.

4

5 MR. STUBBS: On the AC.

6

7 CHAIRMAN LOHSE: Okay, good. That took  
8 care of one right there. Is 12046 Regency Drive, Eagle  
9 River here?

10

11 (No response)

12

13 CHAIRMAN LOHSE: I think the first name  
14 starts with an A and the last name starts with a G.  
15 Okay. J.R. Mush.

16

17 UNKNOWN SPEAKER: Mesh, like the net.

18

19 CHAIRMAN LOHSE: Okay. J.R. Mesh. Not  
20 here?

21

22 UNKNOWN SPEAKER: He's not here.

23

24 CHAIRMAN LOHSE: Jim Ward.

25

26 (No response)

27

28 UNKNOWN SPEAKER: He's not here.

29

30 CHAIRMAN LOHSE: Not here.

31

32 MR. CARPENTER: Going right through  
33 this.

34

35 CHAIRMAN LOHSE: Tom Lessard.

36

37 MR. LESSARD: I'm here.

38

39 CHAIRMAN LOHSE: Oops, Gloria is not  
40 here yet. I'm sorry I didn't notice that. I think we  
41 can start anyhow, Tom.

42

43 MR. LESSARD: Thank you, Mr. Chair.  
44 I've sat in front of microphones like this before with  
45 the State and I always get kind of nervous, so if I  
46 start to stutter, that's why. I live in Chugiak five  
47 to seven months of the year. I live in Cooper Landing  
48 five to seven months of the year. I'm an upper river  
49 guide. I've got permits from the Forest Service and  
50 I've got a Refuge permit, one of 20 guide permits that

1 the Refuge issues for guiding on the upper river from  
2 Russian River down to Skilak Lake.

3

4 I guess, like most people, the notion  
5 of change makes me uncomfortable just because there's  
6 the factor of the unknown. My biggest concern with  
7 these subsistence changes would be for my guide  
8 business since that's how I make most of my money.

9

10 Cooper Landing, the town kind of has  
11 evolved now as a sport fishery, so these subsistence  
12 changes are kind of like trying to put a square peg in  
13 a round hole. Of course, you guys have the opportunity  
14 here to try to whittle that square peg down and make it  
15 a better fit. I think you're trying to do that by the  
16 nature of your questions it sounds like, trying to  
17 provide the subsistence preference with the least  
18 disruption, at least initially here.

19

20 I think there's plenty of sockeye in  
21 that river for everybody, so I would ask that you focus  
22 your subsistence rules here on sockeye fishery. I  
23 think it's important to try to separate the subsistence  
24 users from the sport users as much as possible to avoid  
25 confusion because on that upper river we get a lot of  
26 Germans there and people from all over and a lot of  
27 people from even Alaska don't really read regulations  
28 much. If they see somebody dipnetting, for instance,  
29 or snagging, they're going to say, hey, all right, grab  
30 the net, go for it. So I'd like to see any kind of  
31 rules be separated, you know, by time or space.

32

33 I'm opposed to gillnets flat out. The  
34 reason why is because I think they'll take too many  
35 rainbows. I'm not intimately familiar with the Federal  
36 process here. I've dealt mainly with the State process  
37 in the past. My understanding of the C&T finding to  
38 allow this fishery on the upper was that the Ninilchik  
39 people had traditionally accessed this dock in the  
40 inlet, so it was based on the exploitation of the  
41 salmon runs, whereas the trout are just resident  
42 species. So I'm not sure how that overlaps. There's  
43 probably some way to do it, but I'm just fuzzy on that.  
44 I don't know.

45

46 For the same reason then, I'm opposed  
47 to the Dolly Varden and lake trout fisheries, too. If  
48 they were to happen, maybe put them up in Grant Lake,  
49 you can take a four-wheeler up there, or maybe Trail  
50 Lake, which is all part of the Kenai system. I'm

1 opposed to any of that resident species subsistence  
2 fishery in the Kenai River or Skilak or Kenai Lake  
3 because of the size of those rainbows.

4

5 In '95 we had a flood on the upper  
6 river and prior to that -- I started guiding there in  
7 '91. There used to be a lot of big rainbows, up to 30  
8 inches plus or minus. After that '95 flood a lot of  
9 them disappeared. Now, at that time you could keep up  
10 to 30-inch rainbows. So whether it was coincidental or  
11 whether that flood knocked them out or whatever or the  
12 people were killing them, I don't know where they went,  
13 but they disappeared. The point of that story is that  
14 it's taken -- just in the last couple years we're  
15 starting to see those big rainbows again, 28, even  
16 30-inch plus. A few 30-inchers. But it's taken 10-  
17 plus years to get those big ones back.

18

19 I don't know a lot about the first run  
20 kings, but it seems like it's a sketchy run. I don't  
21 know how you could catch those things without a gillnet  
22 or a fish trap or something. I'm afraid that any  
23 gillnet that would catch a king would catch king-size  
24 rainbows. I think that fishery would have to be  
25 prosecuted downstream at Skilak Lake and that's where  
26 the really huge rainbows are, up to 20-pounders right  
27 now. I think that would be a bad, bad deal.

28

29 I guess that pretty much covers it.  
30 Have I still got more time, Mr. Chair.

31

32 CHAIRMAN LOHSE: Not really.

33

34 MR. LESSARD: Oh, okay. Four minutes  
35 flies up here.

36

37 CHAIRMAN LOHSE: Four minutes flies up  
38 here, but I'm sure that we have some people here that  
39 would like to ask you some questions. I see two  
40 already and I had a question to ask you, so you'll be  
41 there for a little while. Tricia.

42

43 MS. WAGGONER: Yeah, thank you for your  
44 comments. You made one comment that subsistence and  
45 sport should be separated. Based on this, would you,  
46 as a guide, be willing to give up portions of the upper  
47 Kenai River to allow subsistence fishing only in those  
48 areas to separate them?

49

50 MR. LESSARD: I think at this point I

1 wouldn't have to. I'm thinking specifically of June  
2 when the sport season opens, that section above the  
3 Russian River ferry cable is called the sanctuary up to  
4 the mouth of the Russian and nobody can fish under  
5 sport rules. If there were a subsistence fishery in  
6 June, maybe they could do it up in there. There's a  
7 clear line easily understood by everybody.

8

9 CHAIRMAN LOHSE: Tom.

10

11 MR. CARPENTER: Thank you, Tom. Would  
12 you be opposed in the wintertime to a jig fishery for  
13 subsistence on some of those lakes?

14

15 MR. LESSARD: Yeah, I'm not sure what  
16 that jig fishery consists of. I saw that in some of  
17 the literature and I don't know what it is.

18

19 MR. CARPENTER: It would basically just  
20 be ice fishing, but there would be an established  
21 season for subsistence and some kind of a bag limit.

22

23 MR. LESSARD: It's just ice fishing  
24 with a single jig on a line? It's not like there's 20  
25 hooks or something?

26

27 MR. CARPENTER: Well, that hasn't been  
28 determined yet, but there would obviously be some sort  
29 of bag limit, maybe size restriction, but you wouldn't  
30 be necessarily opposed to that.

31

32 MR. LESSARD: I don't have a problem  
33 with that, no.

34

35 CHAIRMAN LOHSE: Doug.

36

37 MR. BLOSSOM: Mr. Chairman, Tom. You  
38 brought up one point there for a second that I want to  
39 put on record. In Juneau, they were trying to say we  
40 said this and we didn't. When we did C&T for Ninilchik  
41 or Cooper Landing or Hope, we didn't take fish caught  
42 in the inlet and say because they were going to a  
43 Federal area that made C&T. We did not do that and in  
44 Juneau they tried to say we did. What we said is that  
45 these fish are in these Federal areas and these people  
46 went to that Federal area to fish them, so that's how  
47 we determined C&T for them. A lot of talk has been in  
48 Juneau about how we said because they went by this spot  
49 going to a Federal area they were part of it and we did  
50 not do C&T on that.

1 MR. LESSARD: Can I respond to that for  
2 a second?

3  
4 CHAIRMAN LOHSE: Tom.

5  
6 MR. LESSARD: Thank you for that  
7 clarification. I got my information from the Anchorage  
8 Daily News.

9  
10 CHAIRMAN LOHSE: Thank you Tom for that  
11 statement because if Doug wouldn't have said it, I was  
12 going to say it. We had direct testimony from  
13 individuals who either themselves or their parents in  
14 the past in running trap lines and things like that out  
15 of that area, camped up there, fished up there and that  
16 was the basis, not the basis that these were fish that  
17 were taken some place else and couldn't be taken there  
18 anymore, so we needed to take them over here. It was  
19 because there was direct testimony that those fish had  
20 been taken in those areas by people -- like was pointed  
21 out, Cooper Landing, for example, some of the families  
22 that were in Cooper Landing are families that are in  
23 Ninilchik today. So we felt we had enough direct  
24 evidence of real people that really used those  
25 resources in that area either during hunting trips or  
26 on trips up there trapping or on fishing trips but had  
27 actually used the resource in the area that we gave  
28 them C&T.

29  
30 MR. LESSARD: Thanks for clarifying  
31 that. I hope I didn't sound accusatory. I wasn't  
32 sure. I didn't know.

33  
34 CHAIRMAN LOHSE: Tom, I'm glad you  
35 brought that up and I'm glad you brought up where you  
36 got the information. I appreciate the opportunity you  
37 gave us to clarify that because I was wondering where  
38 those comments were coming from in that we didn't use  
39 proper methods to give them C&T. But we sat and  
40 listened to people talk about prior use there.

41  
42 Thank you.

43  
44 James.

45  
46 MR. SHOWALTER: Yes, I just have a  
47 comment. You made a comment and I think that was the  
48 first time I heard it. You admitted to be a sports  
49 commercial guide on the river where the rest of the  
50 individuals you had to dig it out of them and ask them

1 directly are you a paid guide and you came out and said  
2 you are.

3

4 Thank you.

5

6 MR. LESSARD: Can I respond to that,  
7 Mr. Chair?

8

9 CHAIRMAN LOHSE: Yes, Tom.

10

11 MR. LESSARD: I think some of those  
12 guys this is the first time they've been in a board  
13 process and I think they didn't really think about it.  
14 I don't know if it was a deliberate deception. I  
15 wouldn't say that. I don't know, but that's.....

16

17 CHAIRMAN LOHSE: Thank you, Tom. I  
18 think I agree with you on that because we didn't  
19 request anybody to tell how they used the resource. We  
20 have asked people. Like he said, I appreciated you  
21 saying so we understood where you're coming from.

22

23 MR. LESSARD: I've got one more  
24 comment. I guess if a gillnet ever did land in that  
25 river, it would take the bullseye off the guide boats.  
26 There would be somebody else that would be probably  
27 more despised than a guide at that point. I don't want  
28 to see it.

29

30 CHAIRMAN LOHSE: Thank you, Tom. Any  
31 other questions or comments for Tom. Donald.

32

33 MR. MIKE: Thank you, Mr. Chair. Tom,  
34 can you state your full name for the record.

35

36 MR. LESSARD: Sure. It's Tom Lessard.

37

38 CHAIRMAN LOHSE: Thank you. Edward  
39 Hoppas.

40

41 (No response)

42

43 CHAIRMAN LOHSE: Not here. Rod Arno.

44

45 MR. ARNO: Council Members, thank you  
46 for the opportunity to testify. My name is Rod Arno.  
47 I live in Palmer, Alaska and I'm the executive director  
48 of the Alaska Outdoor Council. The Alaska Outdoor  
49 Council first started in 1955 and has participated not  
50 only in developing the state constitution but also on

1 regulating fish and game through the Board's process  
2 since Statehood.

3

4                   The Outdoor Council supports rescinding  
5 the customary and traditional use determination for the  
6 central Kenai. Under State Law 5 AAC 99.015, the Joint  
7 Board's non-subsistence areas A3, which is Anchorage,  
8 Mat-Su, Kenai, the area on the Kenai then of State land  
9 is a non-subsistence area. Contrary to that, under  
10 Federal law, under Section 308 of ANILCA, under the  
11 creation of the Kenai National Wildlife Refuge, in the  
12 mandate for that refuge, unlike any other refuge in the  
13 state of Alaska that was created by ANILCA, that the  
14 Kenai -- there is no provision in there for continued  
15 subsistence use. Instead, specifically, it says to  
16 provide the opportunity for fish and wildlife  
17 orientated recreation. Also, unlike any other National  
18 Park created by ANILCA, the Kenai Fjords National Park  
19 does not have a subsistence priority.

20

21                   In the mid '70s, myself and some other  
22 people in this room attended public hearings, Senator  
23 Udall and other members of Congress here in Anchorage  
24 and quite a bit of testimony then was given at that  
25 time on the use of the Kenai Peninsula as a place where  
26 residents of Southcentral Alaska went to obtain their  
27 fish and game.

28

29                   Right now in Southcentral Alaska  
30 there's about 470,000 Alaskans, maybe a little over  
31 200,000 of them come down to the Kenai to go sports  
32 fishing. Currently, there's a possibility because of  
33 the C&T determination that 1,200 Alaskans would qualify  
34 then for a C&T priority to fish on the Kenai River.  
35 Unfortunately, that's causing the divisiveness that we  
36 see and have now. The Outdoor Council feels that under  
37 State regulations there's adequate opportunity for all  
38 Alaskans to obtain fish on the Kenai.

39

40                   So there's a couple things that could  
41 be done. One, a review of the rural determination.  
42 That was just completed this year. The Federal  
43 Subsistence Board then wrote to all of the Council  
44 Members seeking Council recommendations. It's  
45 interesting. Of the areas that came up for review this  
46 last time around, no changes in subsistence  
47 determinations, not rural, non-rural were made for  
48 communities in Bristol Bay, Yukon/Kuskokwim Delta,  
49 Western Interior Alaska, Seward Peninsula, Northwest  
50 Arctic or Eastern Interior Alaska regions. The reason

1 for that is, is that there isn't this conflict of so  
2 many users. Those areas of subsistence on both the  
3 State as well as the Federal level, you know, works  
4 without a controversy.

5  
6 Most of the controversy we see is on  
7 the Kenai as well as in the Susitna Basin and the  
8 Nelchina Basin and areas in Southeast. So this Council  
9 had an opportunity just this last year to recommend  
10 then a review of the rural determination of the Kenai  
11 to mirror what the State's was. So, rescinding the C&T  
12 in the central Kenai Peninsula seemed to the Outdoor  
13 Council would have been the best move.

14  
15 It's important, as all of you are  
16 residents of Alaska, that in Alaska's constitution,  
17 Article 1, Section 1, inherent rights, it says the  
18 constitution is dedicated to the principal that all  
19 persons have a natural right to life, liberty, the  
20 pursuit of happiness, the enjoyment of the rewards of  
21 their own industry and that all persons are equal and  
22 entitled to equal rights, opportunity and protection  
23 under the law. Article 1, Section 1 goes on to say  
24 then that all persons have corresponding obligations to  
25 the people and to the state to protect those rights.

26  
27 I hope that this Council does, as  
28 Alaskan residents, consider the rights of all Alaskans  
29 and that you're not here just for the rights of the  
30 1,200.

31  
32 Thank you.

33  
34 CHAIRMAN LOHSE: Thank you, Rod. Doug.

35  
36 MR. BLOSSOM: Yeah, Mr. Chairman. Good  
37 day, Rod. I guess you've been around long enough and  
38 you know better than what you said. Anyway, you read  
39 it in the record. We have a Federal law to abide by  
40 and our Federal attorney has told us time after time  
41 that the Refuge is just as wide open to subsistence as  
42 any other place. It does not get special preference  
43 like you're saying. So who do we listen to. We had  
44 them sit there and tell us that, so I don't know what  
45 else to do but abide by his decision.

46  
47 MR. ARNO: Through the Chair, Member  
48 Blossom. You had the Feds sitting here telling you  
49 what their lawyers have interpreted the law to be, but  
50 in the reading of ANILCA, there's nothing in ANILCA

1 that says about C&T determinations. It's only used in  
2 the definition. But there is nothing in the law, and  
3 that's been brought out and hopefully some of the  
4 people that were presenting to you also gave you a copy  
5 of what the Federal lawyers have said in the  
6 Chistochina suit that's currently going on. In that  
7 suit it says that, contrary to what the State thinks,  
8 that the Feds do not have to consider the C&T criteria.  
9 That's something just made up by the State.

10

11 The other thing that's not in ANILCA is  
12 the definition of rural and non-rural and this Council,  
13 all the Councils, and the Federal Subsistence Board has  
14 not only the authority but the obligation every 10  
15 years to review those areas.

16

17 CHAIRMAN LOHSE: Doug.

18

19 MR. BLOSSOM: Mr. Chairman. They did  
20 and I am very surprised that the State of Alaska did  
21 not ask for Ninilchik to be deemed different, but they  
22 didn't, so Ninilchik is still rural. It wasn't even  
23 put up for debate. The State didn't even bother to  
24 debate it. I'm amazed that they didn't do that. So,  
25 as far as I can see, under the rules, Ninilchik is free  
26 for the next 15 years. Ten years and then five years  
27 grace period. I think the State and if you folks were  
28 so against it, you fell down on the job. That was your  
29 job to contest that and you didn't.

30

31 MR. ARNO: Through the Chair, Member  
32 Blossom. I didn't bring my testimony, but I do have it  
33 for the Outdoor Council that we did ask of the Federal  
34 Subsistence Board to rescind the rural determination  
35 for the Kenai Peninsula and to make it consistent with  
36 the State's non-rural determination.

37

38 CHAIRMAN LOHSE: Any other questions  
39 for Rod. Gloria.

40

41 MS. STICKWAN: Yesterday we were told  
42 that all Federal lands and waters are to be given  
43 priority on Federal lands and waters and the Refuge may  
44 say that in the Act, but ANILCA overrides the Refuge,  
45 so even though it says hunting and fishing is in the  
46 Refuge, ANILCA overrides the language in the Refuge and  
47 it takes precedence. We are to provide priority in the  
48 Refuge and that's written in ANILCA. I can't site  
49 right where it is, but I have read it. If you look at  
50 ANILCA, you'll see it.

1 MR. ARNO: Through the Chair, Member  
2 Stickwan. The intent of ANILCA can easily go back to  
3 the recorded record when the Congress was looking at it  
4 and clearly -- I mean you consider all of the goings  
5 over of ANILCA that they specifically left out  
6 subsistence uses for the Kenai, that that was the  
7 intent at that time, the fact that they specifically  
8 left one National Park out as having no subsistence  
9 priority. By reviewing that record, it's on there  
10 clearly that the intent for the Kenai Peninsula was not  
11 for the subsistence priority. Just because a Federal  
12 judge goes, well, no, that's his interpretation of it,  
13 that's not what's written in ANILCA nor was it the  
14 intent of those people that were at those meetings.

15  
16 CHAIRMAN LOHSE: Tom.

17  
18 MR. CARPENTER: Let's clarify something  
19 here, Rod. So what you're saying, and I don't know  
20 this for a fact, but do all the National Parks in the  
21 state of Alaska allow for subsistence within the hard  
22 park?

23  
24 MR. ARNO: Through the Chair, Member  
25 Carpenter. No. The National Parks that were created  
26 prior to ANILCA remained off limits for subsistence  
27 use.

28  
29 MR. CARPENTER: So basically what  
30 you're saying is this Federal interpretation that if  
31 ANILCA applies as a broad covering to all Federal  
32 lands, that is not necessarily true on National Parks.

33  
34 MR. ARNO: That's correct.

35  
36 MR. CARPENTER: That's very  
37 interesting. Thank you.

38  
39 CHAIRMAN LOHSE: Tricia.

40  
41 MS. WAGGONER: Through the Chair.  
42 Again, the arguments are about ANILCA and about rural  
43 determination. The proposal is to rescind customary  
44 and traditional use determination. Can you address  
45 specifics to the designation of customary and  
46 traditional use by Ninilchik, Cooper Landing and Hope  
47 that they haven't used this area traditionally or  
48 customarily used the resource rather than looking at  
49 rural determinations or Refuge specific language?

50

1 MR. ARNO: Through the Chair, Member  
2 Waggoner. No.

3  
4 CHAIRMAN LOHSE: Rod, I think what she  
5 was saying and the same comment that I was going to  
6 make, we, as individuals, can sit down here and we can  
7 give our opinions as to what the intent of Congress is  
8 and we can read it and figure out how it fits what our  
9 individual bent is, but at this current stage we are a  
10 nation -- I think the song says we have freedom under  
11 law, which means we are free men, but in order for us  
12 to act as a society, we try to obey the law and the way  
13 we've set up our things is the laws are interpreted by  
14 the courts and we have the opportunity to either change  
15 the law or to contest the decisions of the courts and  
16 have the courts make a different decision. But as long  
17 as the decision is there, that's the law of the law.  
18 Currently, I agree with you, we have a judge who said  
19 that the intent of ANILCA is on this even if it's not  
20 written in there.

21  
22 Now, the opportunity is either to take  
23 it to court and have a judge or higher judge change his  
24 opinion or to go to our legislature and have them  
25 clarify their opinion or change the law. That's the  
26 way we operate in this country. But, currently, this  
27 is the law as it's interpreted by the government coming  
28 down this far. You may think different. I may think  
29 different. We may have 10 different opinions up here  
30 as to what the intent of Congress was and I'm sure that  
31 Gloria sees the intent of Congress and ANILCA a little  
32 different than I see it because we're coming from  
33 different backgrounds.

34  
35 Currently it's interpreted by judges  
36 and becomes the law of the land. So that gives us the  
37 opportunity to change the law or contest the decision  
38 of the judges. But, in the meantime, we have to live  
39 as free people, living in a society working together,  
40 we have to live under the law. The interpretation of  
41 the law that the judge has given us that we have to  
42 operate under is that, you know, the Refuge lands on  
43 the Kenai Peninsula are no different than any other  
44 ANILCA Federal lands that are open for subsistence. Do  
45 you disagree with that?

46  
47 MR. ARNO: Mr. Chairman. I agree that  
48 you've chosen which law you're going to follow and  
49 that's Federal law. If you follow the State law, it  
50 says it's a non-subsistence area and you don't apply

1 the C&T criteria.

2

3 CHAIRMAN LOHSE: In the state of  
4 Alaska, have we decided that we're independent from the  
5 Federal government?

6

7 MR. ARNO: Chairman, that's not the  
8 case, but the Alaska supreme court has, in the Totemoff  
9 case, said that it doesn't have to listen to any other  
10 court other than the United States supreme court in the  
11 implementation of ANILCA, so State has the opportunity  
12 to take that.

13

14 CHAIRMAN LOHSE: Thank you, Rod.  
15 Gloria, did you have a question for Rod?

16

17 MS. STICKWAN: No. I just had a  
18 question.

19

20 CHAIRMAN LOHSE: You can ask that if  
21 you'd like, yes. Gloria would like our legal counsel  
22 to come up for just a second so she could ask him a  
23 question. Oh, he's not here right now. We'll have to  
24 do that later.

25

26 I'm going to go through these. These  
27 are people that weren't here when I've called their  
28 names. Some of them I've called their name twice. I'm  
29 going to call them one more time and then we're going  
30 to set these aside and that will end our individual  
31 testimony. We're a little bit after 11:00. I'd like  
32 to break for lunch a little early and then come back  
33 and start in on the proposals after lunch if that's  
34 agreeable to the rest of the Counsel.

35

36 Edward Hoppas, is he here?

37

38 (No response)

39

40 CHAIRMAN LOHSE: Jim Ward.

41

42 (No response)

43

44 CHAIRMAN LOHSE: J.R. Mesh.

45

46 (No response)

47

48 CHAIRMAN LOHSE: I'm going to say it's  
49 Orlando Gonzales, 12046 Regency Drive, Eagle River.

50

1 (No response)

2

3 CHAIRMAN LOHSE: With that it's about  
4 11:15. Let's give ourselves 12:30, quarter to 1:00.  
5 Let's be back so we can really start this meeting and  
6 be operating by 1:00 o'clock. So we will recess for  
7 lunch at this time. We will start in on Proposal FP07-  
8 27B and C.

9

10 (Off record)

11

12 (On record)

13

14 CHAIRMAN LOHSE: I'd like to call this  
15 spring meeting of the Southcentral Alaska Subsistence  
16 Regional Advisory Council back into session. At the  
17 request of one of the Council Members we have a guest  
18 in the audience that could speak to the Hidden Lake  
19 thing and we'd like to give him the opportunity to do  
20 that, if that's okay with the rest of the Council.  
21 Doug has asked that, so I'm totally willing to give him  
22 the time right now. Doug, would you invite him up  
23 here.

24

25 MR. BLOSSOM: Mr. Chairman. Gary  
26 Fandrei, do you want to come up. He's executive  
27 director of Cook Inlet Aquaculture.

28

29 MR. FANDREI: Thank you. I appreciate  
30 the opportunity to be here and thank you for the  
31 introduction, Doug. As Doug indicated, my name is Gary  
32 Fandrei. I'm the executive director of the Cook Inlet  
33 Aquaculture Association. It's my understanding there  
34 is some consideration being given to increasing an  
35 enhancement program that we are operating on Hidden  
36 Creek to make an opportunity or provide an opportunity  
37 for some additional harvest of those fish. I would  
38 just like to give you a real brief summary of what that  
39 project is and then I'll be available for answering any  
40 questions that you may have and I'll do my best to let  
41 you know what we're trying to do there.

42

43 The Hidden Lake project was begun by  
44 the Department of Fish and Game in the mid 1970s.  
45 There was some research work done on that lake system  
46 where sockeye were rearing. It was determined that  
47 Hidden Lake is spawning limited, which means that fish  
48 that return to Hidden Lake don't have a good area to  
49 spawn in. There was also what we call limnology  
50 studies that were done. Those studies indicated that

1 there was actually a very good, strong food source  
2 within the lake, so it had a lot of rearing potential  
3 but very few fish were able to spawn and reproduce in  
4 the lake because there just wasn't the correct habitat  
5 for that rearing to go on.

6  
7 As a result, there was a program that  
8 was initiated to collect eggs from the Hidden Lake  
9 stock and take them to a hatchery. Initially I think  
10 they went to Crooked Creek Hatchery. As Trail Lakes  
11 Hatchery was built, that's where the eggs ended up and  
12 that's where they've been ever since. The eggs are  
13 incubated at Trail Lakes Hatchery. They are then  
14 returned to the lake where they rear and migrate from  
15 the lake along with the wild stocks of fish that are in  
16 the Hidden Lake system.

17  
18 A couple points I'll make on the Hidden  
19 Lake project. It is kind of a unique project for us in  
20 terms of fisheries or sockeye salmon enhancement  
21 activities because in the Hidden Lake project those  
22 fish typically spawn in mid to late September. So when  
23 we collect those eggs and bring them into the Trail  
24 Lakes Hatchery, the eggs will hatch out and then the  
25 fish will swim down into artificial substrata at the  
26 hatchery where they then live off of their yolk sac for  
27 a period of time. At that point, they swim up and  
28 start feeding. Because those fish spawn so late at  
29 Hidden Lake, when those fish swim up and are ready to  
30 start feeding, that is the same time as we would  
31 normally stock fish into Hidden Lake, so those fish are  
32 taken directly from an incubator and placed into Hidden  
33 Lake. We actually do not do any rearing of those fish  
34 at Trail Lakes Hatchery.

35  
36 So in terms of doing an additional  
37 increment of fish for additional harvest, that would be  
38 a relatively simple thing for us to do. We would  
39 simply have to collect some additional eggs and run  
40 another incubator at the hatchery.

41  
42 Now, when we run these types of  
43 programs, we're running them in an incubator and an  
44 incubator would hold about 250,000 eggs. That would  
45 produce somewhere around an additional 10,000 fish  
46 returned to that lake system up there. Those are very  
47 rough numbers, but that's generally what we're looking  
48 at.

49  
50 So if you're looking at doing a program

1 over there, you'd probably want to be looking at it in  
2 terms of an incubator and an incubator's capacity,  
3 which is about 250,000 eggs. You can put less eggs in  
4 an incubator. Sometimes it problematic in terms of the  
5 way the water flows through the incubator and so forth,  
6 but our recommendation would be to look at it in those  
7 kind of an increment.

8

9  
10 That project is currently set up to  
11 produce a return to Hidden Lake of approximately 30,000  
12 fish a year. We generally have been doing that in the  
13 last couple of years. I will also caution you on the  
14 Hidden Lake project that that number can fluctuate  
15 dramatically. There are years when the number of fish  
16 returning is less than we project and there are, of  
17 course, years when the number of fish returning are  
18 more than we project. So that 30,000 that we're  
19 dealing with is an average number and you have to  
20 understand that that has some bounds around it where it  
21 goes up and down.

21

22  
23 It's a project we've been running for  
24 -- the Aquaculture Association has been involved in it  
25 since the late 1980s. We are very familiar with it.  
26 We have a field camp out there. That field camp is  
27 used to collect the information to help us understand  
28 what is going on. There is, as I indicated earlier,  
29 plenty of food in the lake. You could take the  
30 stocking level that we're dealing with now, which is  
31 somewhere between 600,000 and a million fry, and double  
32 that without any significant impact to the rearing  
33 environment in the lake.

33

34  
35 So that's where we're at and I guess  
36 I'll just end at this point and be happy to entertain  
37 any questions you may have.

37

38 Thank you.

39

40 CHAIRMAN LOHSE: Tom.

41

42  
43 MR. CARPENTER: Yeah, thanks, Gary.  
44 Does the permit you have at the Aquaculture to do this  
45 remote release come from the State or the Refuge?

45

46  
47 MR. FANDREI: I would like to be able  
48 to answer that and say there is one permit that we have  
49 to deal with, but there isn't. Whenever we're doing a  
50 project, there are multiple permits that we have to  
work through. We have to be cognizant of the habitat

1 that's out there, so we have a permit for habitat  
2 activities. We also have what's called a P&P permit  
3 which allows us to produce the fish to begin with. We  
4 have to have what's called an FTP, fish transport  
5 permit, which allows us to move the fish. And we have  
6 to have the permit to allow us to work on the Refuge  
7 itself. So there are a number of permits that we get.  
8 They're from both the Federal, the Refuge and from the  
9 State.

10

11 MR. CARPENTER: The permit that you  
12 currently have, do you have leftover capacity that you  
13 could increase the amount of brood that you take and  
14 then the amount of fry that you put into the lake?  
15 Does the permit you have right now currently allow you  
16 to, say, take an additional brood stock take like  
17 you're talking about?

18

19 MR. FANDREI: To take an additional  
20 increment of eggs to run through the hatchery, the FTP  
21 that we currently have I believe allows us to take up  
22 to a maximum of 2.2 million eggs. We are currently  
23 taking somewhere between 800,000 and one million. So,  
24 yes, there is an increment available on that particular  
25 permit. That is not the only permit we have to deal  
26 with. But in terms of the capacity of the FTP, we  
27 would have that capacity, yes.

28

29 MR. CARPENTER: Then I guess my last  
30 question is, do you anticipate any major problems with  
31 the State of Alaska in regards to doubling the amount  
32 of fish that you're going to have be reared in this  
33 lake in regards to food sources and possible doubling  
34 the amount of returning adults?

35

36 MR. FANDREI: I don't believe the  
37 Hidden Lake system has been studied extensively for a  
38 number of years. I don't believe we will have much of  
39 a problem with providing the food source we need to  
40 rear those fish in the lake. The amount of  
41 zooplankton, the thing that young fish feed on, is  
42 abundant in that lake. In fact, it's one of the  
43 highest levels of zooplankton I have ever seen in that  
44 lake. We have stocked up to, I believe, 1.8 million  
45 fish in that lake in the past and we have not seen an  
46 impact in terms of the food source within the lake.

47

48 What is controlling the project right  
49 now is the number of fish that come back to the lake.  
50 The number of fish that return is set at 30,000 because

1 it is believed 30,000 will not change the water  
2 chemistry in the lake by bringing in additional  
3 nutrients into the lake system. That estimate is made  
4 by looking at a number of different models and those  
5 models indicate that you won't see a change until  
6 you're looking at somewhere between 60 and 100,000 fish  
7 coming back to the lake on a long-term basis. It varies  
8 depending on which model you look at, but that's the  
9 range of fish return that we would be concerned about  
10 in terms of changing the water chemistry.

11  
12 MR. CARPENTER: So if you took an  
13 additional 250,000, which would give you 8-10,000 fish  
14 returning adults, that amount of returning adults in  
15 addition to the 30,000 would be far below the level of  
16 concern for returning adults to that lake.

17  
18 MR. FANDREI: That is true. What it  
19 would do is make less of a buffer between where we're  
20 at now and a level of concern.

21  
22 MR. CARPENTER: Thanks a lot.

23  
24 CHAIRMAN LOHSE: Doug.

25  
26 MR. BLOSSOM: Yeah, Mr. Chair, Gary.  
27 Isn't it also true though that fish returning to the  
28 lake you can utilize the fish at the culvert and stop  
29 them from going to the lake, so you just need more  
30 harvesters to harvest. I mean you can regulate how  
31 many fish go back in the lake.

32  
33 MR. FANDREI: Yes, Doug, that is  
34 absolutely right. There is a weir that we operate on  
35 that creek every year and those fish are basically  
36 directed through that weir. If there was a need to  
37 remove fish, we could remove them at the weir and limit  
38 the amount of fish that get into the lake. I think  
39 Doug has also indicated that there is an opportunity  
40 for a harvest there and any additional fish could be  
41 harvested in that mechanism as well.

42  
43 In the early 1990s, before we took the  
44 project over, the amount of fish that were stocked in  
45 the lake, and I don't remember the number exactly, but  
46 it was on the order of five to seven million. That  
47 resulted in a very large return back to the lake and  
48 there was, for one year only, a personal dipnet fishery  
49 that was allowed to occur on Hidden Lake. I believe  
50 they removed somewhere between 70 and 75,000 fish in

1 that personal use dipnet fishery. As I indicated, the  
2 Hidden Lake project is a project that's very easy to  
3 control.

4  
5 CHAIRMAN LOHSE: Thank you. I've got a  
6 couple questions then. You say you're taking eggs to  
7 the Trail Lake Hatchery?

8  
9 MR. FANDREI: That is correct, yes.

10  
11 CHAIRMAN LOHSE: Now, do you have an  
12 isolated facility in the Trail Lakes Hatchery that  
13 handles nothing but Hidden Lake fish so there's no  
14 crossover from IHN in either direction?

15  
16 MR. FANDREI: That is correct. The  
17 Trail Lakes Hatchery was  
18 designed to handle multiple stocks of disease sensitive  
19 fish with stock IR. The Hidden Lake fish are all put  
20 into a separate module, which is basically a hatchery  
21 within a hatchery, and there is no cross contamination  
22 between those modulars and any other parts of the  
23 hatchery. Staff have to go through a foot bath and  
24 that sort of stuff to prevent any transfer of disease  
25 amongst stocks within the hatchery.

26  
27 CHAIRMAN LOHSE: Now, in that portion  
28 of the hatchery you've got sufficient space to add more  
29 modules or more incubators?

30  
31 MR. FANDREI: Yes, we could add  
32 incubators into that module, yes.

33  
34 CHAIRMAN LOHSE: Now, one of the things  
35 that was brought up was cohos. Is there any  
36 possibility to use the same idea, the same facility,  
37 the same area to have a coho take?

38  
39 MR. FANDREI: There is return of cohos  
40 to Hidden Lake and I'm not sure of the number of that  
41 return. We operate a weir on Hidden Creek. Those  
42 cohos come up through Hidden Creek. They come up later  
43 than the sockeye. About the time we are done with the  
44 sockeye is when the coho show up. We only get a chance  
45 to look at the very first part of the run of cohos in  
46 there, so I don't have a very good handle on how many  
47 coho are going into the lake. I do know that we pick  
48 up coho in the lake when we're doing our egg take and  
49 they are mature, ripe fish that we could take eggs  
50 from. I just don't know what the number of fish that

1 are in there that we could secure eggs from. We do  
2 have some capacity at Trail Lakes Hatchery to increase  
3 coho production. Coho are a little bit easier to  
4 culture in the hatchery than sockeye because of the  
5 disease requirements.

6

7 CHAIRMAN LOHSE: But currently you  
8 don't have any hatchery production of cohos in Hidden  
9 Lake then.

10

11 MR. FANDREI: We do not have Hidden  
12 Lake stock cohos within Trail Lakes Hatchery.

13

14 CHAIRMAN LOHSE: How easy would it be  
15 other than just lack of funding to continue the  
16 operation of that weir for the coho season for a number  
17 of years to get an idea of how many coho -- I mean that  
18 weir would make a perfect place to count cohos into  
19 Hidden Lake to see what the current run of cohos is  
20 into Hidden Lake. It basically sounds to me like you  
21 do the same thing we do at Long Lake, you pull the weir  
22 just about the time the cohos are getting there, so  
23 nobody has operated the weir into the fall when the  
24 cohos come. Are there any conditions or anything that  
25 would make it hard to continue to operate that weir for  
26 research purposes to find out what the run of cohos  
27 into the lake is?

28

29 MR. FANDREI: No, it would be very  
30 simple for us to keep that weir there for an additional  
31 month or whatever it takes to monitor the cohos in  
32 there. Once it's in place, you know, it's just a  
33 matter of having a staff and a crew there to monitor on  
34 a daily basis.

35

36 CHAIRMAN LOHSE: There are no personnel  
37 stationed there or anything like that, so it would be a  
38 matter of getting personnel to run the thing.

39

40 MR. FANDREI: We do have a staff that  
41 is out there during the sockeye return that mans that  
42 weir on a seven day a week, 24-hour basis. They are on  
43 site. They're maybe not at the weir, but they're  
44 nearby so that if anything needs to be done they're  
45 right on hand. In this particular case, because it's  
46 on the road system, we do have a trailer that we pull  
47 out there and the crew does stay in that and they are  
48 serviced by port-o-potties and that sort of stuff, so  
49 it would be quite easy for us just to extend that for  
50 another month.

1                   CHAIRMAN LOHSE:  So there's no crew  
2 there at that time.  It would just be a matter of  
3 funding additional crew that would stay there long  
4 enough to see what the coho run was.

5  
6                   MR. FANDREI:  That is correct, yes.

7  
8                   CHAIRMAN LOHSE:  Because that's one of  
9 the things that's come up a number of times and there  
10 seems to be some controversy as to how many cohos go  
11 into Hidden Lake.  I know just listening to people talk  
12 about this being a small run, other people talk about  
13 it as being a much larger run.  It seems to me like it  
14 would be one place where research would be pretty easy  
15 to be done to find out what it was.  But you would have  
16 the potential to enhance that stock by Aquaculture and  
17 use that same stock that was there if that was decided  
18 to be done.

19  
20                   MR. FANDREI:  Yes.  I think you've  
21 correctly identified it and one of the key factors that  
22 we would have to have is the size of the return that is  
23 going back to Hidden Lake right now.

24  
25                   CHAIRMAN LOHSE:  Tricia.

26  
27                   MS. WAGGONER:  Through the Chair.  
28 Being spawning habitat limited, what is the spawning  
29 population in Hidden Lake?

30  
31                   MR. FANDREI:  From the work that was  
32 done in the '70s and from other stuff I've picked up  
33 on, I believe that if we were not doing any enhancement  
34 work at Hidden Lake, you would probably see a return of  
35 somewhere around six or seven thousand fish.

36  
37                   MS. WAGGONER:  Okay.  The second  
38 question is, does the hatchery do any kind of marking  
39 to mark the hatchery fish versus the naturally spawning  
40 fish?

41  
42                   MR. FANDREI:  At Trail Lakes Hatchery  
43 100 percent of the fish that we produce out of that  
44 facility are marked with an otolith mark and that's a  
45 thermal band on a small bone in their inner ear.  There  
46 is no external mark where you can identify the fish  
47 externally as being a fish from the hatchery.

48  
49                   MS. WAGGONER:  Then do you check --  
50 when you take brood stock, do you look at the otolith

1 marks to see percentage that you're taking for your  
2 brood stock that are the natural spawning stock versus  
3 the stock that was incubated in the hatchery?

4

5 MR. FANDREI: Indirectly. I say that  
6 because what we do is we check the smolt that are  
7 migrating out of the lake and extract an otolith from  
8 those smolt and identify what proportion of the fish  
9 are from the hatchery. We also have done in the past  
10 several years collected adults at the weir and get the  
11 proportion of returning adults that are incubated in  
12 the hatchery. We do not take an otolith sample at the  
13 time of the egg take and check it for the fish we are  
14 actually stripping roe and gametes from.

15

16 MS. WAGGONER: And any idea of what  
17 kind of percentages between the two different stocks  
18 you're getting?

19

20 MR. FANDREI: It ranges from 50 to 70  
21 percent of the fish are from the hatchery.

22

23 MS. WAGGONER: Okay. Thank you.

24

25 CHAIRMAN LOHSE: Doug.

26

27 MR. BLOSSOM: Mr. Chair, Gary. I heard  
28 you say one thing, it's spawning limited, not habitat  
29 limited.

30

31 MR. FANDREI: Yes, it's the spawning  
32 habitat that's limited.

33

34 CHAIRMAN LOHSE: Are these fish in  
35 Hidden Lake mostly spawning in just spring areas on the  
36 edge of the lake on gravel where it springs up well  
37 through the gravel or are they spawning in small feeder  
38 creeks or what?

39

40 MR. FANDREI: They are primarily  
41 shoreline spawners. I have gone around the lake on  
42 numerous occasions trying to identify where the major  
43 spawning areas occur and there are only about three or  
44 four spots where they actually do some significant  
45 spawning. Most of them are in what I guess I would  
46 refer to as the upper end of the lake, the part you  
47 can't see from the campground.

48

49 CHAIRMAN LOHSE: Tricia.

50

1 MS. WAGGONER: Through the Chair. Are  
2 the smolts going out zero check smolts, one year, two  
3 year smolts, do you know?

4  
5 MR. FANDREI: Because the lake is so  
6 productive, almost all the fish that go out of there  
7 are one check smolts. We don't really see any zero  
8 check smolts being produced out of there. We see a  
9 few, like one or two percent two check smolts and on  
10 very rare occasions you'll see a three check smolt  
11 coming out of there, but by far 95 percent of them are  
12 going to be one check smolts.

13  
14 The other thing that's unique about the  
15 Hidden Lake stock is because the lake is so productive  
16 these fish are some of the largest smolt that you'll  
17 see coming out of any system. They tend to be -- one  
18 check smolt tends to be approximately six inches long.

19  
20 CHAIRMAN LOHSE: When they return, are  
21 they large fish?

22  
23 MR. FANDREI: The fish that return are  
24 predominantly what would be considered a one check  
25 fresh water, two check saltwater. The average weight is  
26 about 4.7, 4.8 pounds and that's the size of the fish  
27 that return to that area. About 85 percent are going  
28 to be what we call a one/two.

29  
30 CHAIRMAN LOHSE: Any other questions  
31 for Gary.

32  
33 (No comments)

34  
35 CHAIRMAN LOHSE: Thank you, Gary. I  
36 think you've helped. I don't know if it helps making  
37 any decision here, but it does show that we're not  
38 boxed in and we do have options. It's just a matter of  
39 whether we make use of those options or not and whether  
40 we can make use of those here is questionable, but it  
41 shows there are options out there the users can use if  
42 they want to go after them.

43  
44 I would hope that somebody would put a  
45 proposal in in one of our next cycles that some group  
46 would see this as an opportunity and put a proposal in  
47 to do the coho study so that when it comes time for  
48 funding these fisheries resource management programs  
49 that we could actually try to work to get some funding  
50 down on the Kenai for something like that that looks to

1 me like it would be very practical. Also, just like  
2 the Long Lake weir, an extremely cheap way to get  
3 information.

4

5 MR. FANDREI: I just want to make one  
6 comment before I end here, but I wanted to say that the  
7 Aquaculture Association is a group that does produce  
8 fish for all the user groups and we would be happy to  
9 work with the subsistence groups or any of the other  
10 groups out there in terms of providing a resource.

11

12 CHAIRMAN LOHSE: Thank you, Gary.  
13 Okay. With that we are ready to go on to where we said  
14 we would go on at the start of the day, to FP07-27B and  
15 C. We'll go through our usual presentation procedure.  
16 We don't have it posted up here like we usually do, so  
17 I'll go through it one more time so everybody has an  
18 idea. We're going to get an introduction to the  
19 proposal, an analysis from OSM, the Alaska Department  
20 of Fish and Game will make their comments and after  
21 that will come Federal, State and Tribal Agency  
22 comments, then InterAgency Staff Committee comments,  
23 then Fish and Game Advisory Committee comments, and  
24 then Donald will summarize our written public comments  
25 and then we're going to go on to the Regional Council  
26 deliberations, recommendations and justification  
27 because we've taken our public testimony already at  
28 this point in time on all of these proposals that we're  
29 dealing with right here.

30

31 So, with that, we'll go on to the  
32 introduction of the proposal and an analysis by the  
33 Staff.

34

35 MR. FRIED: Thank you, Mr. Chairman.  
36 My name is Steve Fried. I work with the Office of  
37 Subsistence Management. I'm a fishery biologist and at  
38 this point I'll try to hit the high points of our draft  
39 Staff analysis for FP07-27B and C.

40

41 The full text and the supporting  
42 information is in this blue book. It's on Page 8 to  
43 38. I'd certainly be happy to answer any questions or  
44 clarify any points concerning the proposals either  
45 during my presentation or after, whatever is best for  
46 you.

47

48 Essentially the proposal -- and,  
49 remember, we're going to take this proposal just for  
50 Kasilof River salmon, so what the proponent is

1 requesting here is establishment of a community set  
2 gillnet salmon fishery, establishment of a dipnet  
3 fishery just for coho salmon and also increased daily  
4 bag limits for coho salmon taken by rod and reel. You  
5 can look at Map 1 on Page 9 to get an idea where  
6 Federal waters are. There's also some maps on the left  
7 side of the room.

8

9 Our Staff recommendation for this  
10 proposal is to support with modification. I'll go  
11 through this the way that was suggested. First I'm  
12 going to go through individual users and then the  
13 households and community. Essentially, for individual  
14 users, what we have existing right now is a Federal  
15 subsistence fishery that mirrors the State rod and reel  
16 fishery regulations in all aspects except for the fact  
17 that a Federal permit is required. I don't believe a  
18 State fishing license is required. Proxy fishing is  
19 allowed. Since the Federal fishery is a higher  
20 priority than the other existing fisheries, it would  
21 not necessarily be restricted or closed if other  
22 similar actions were taken on the other fisheries.

23

24 Our recommended modification to this  
25 existing fishery would be to provide for increased --  
26 in other words, the increase would be doubling the bag  
27 and possession limits but only in the existing  
28 Tustumena Lake rod and reel fishery for coho salmon and  
29 for pink salmon 16 inches or longer. So we would be  
30 suggesting to have a bag and possession limit of four  
31 in the bag, four possession for coho and then six pink  
32 salmon, six possession. That would double what the  
33 existing ones would be.

34

35 For households, there is no existing  
36 Federal subsistence fishery at this time for  
37 households. What we would recommend would be a  
38 modification that would provide for a household-based  
39 dipnet/rod and reel fishery. It would be for sockeye,  
40 for late run chinook, for coho and for pink salmon. It  
41 would occur in the upper Kasilof River, somewhere  
42 between Silver Salmon Rapids to the Tustumena Lake  
43 outlet. For sockeye, there would be a total season  
44 limit of 4,000. Household limits would be 25 for head  
45 of household, five additional for each other household  
46 member. For late run chinook, 500 would be the season  
47 total limit. The individual household would be 10 for  
48 the head of household and two additional for each  
49 household member. Coho would be similar to the  
50 chinook, 500, 10 and two. Pink would also be similar,

1 500, 10 and two.

2

3 For community, again, no existing  
4 Federal subsistence fishery for communities in Kasilof.  
5 Our recommendation would actually exclude provision for  
6 a community-based set gillnet salmon fishery and we're  
7 not really recommending at this point another type of  
8 community fishery.

9

10 Just to remind people, as per existing  
11 regulations, Federal subsistence harvest limits and  
12 State harvest limits for the same species and season  
13 are not cumulative. So if you take the harvest limit  
14 for a species under a subsistence season on a fishery,  
15 you cannot take additional fish of that species under  
16 any other harvest limits specified for a State season.

17

18 For the recommended rod and reel  
19 fishery, just the rod and reel fishery in Tustumena  
20 Lake, this would only affect the chinook salmon annual  
21 limits. You could accumulate the bag possession limits  
22 as long as this didn't occur on the same day, so you  
23 can't say, okay, I took my Federal subsistence limit  
24 and now I'm going to go take a rod and reel State  
25 limit. You can't stack them up on the same day.

26

27 By doing this, we're trying to avoid  
28 the need to close the subsistence rod and reel fishery  
29 if the dipnet fishery is closed but the State fishery  
30 is still open, so maybe the season total limit for  
31 sockeye at 4,000 -- well, sockeye is a bad one. Say  
32 for coho the dipnet fishery gets their 500 fish and  
33 it's closed. This wouldn't preclude someone from going  
34 into Tustumena Lake and rod and reel fishing under a  
35 Federal subsistence permit. That's the way we had set  
36 it up.

37

38 Justification. We felt that the  
39 recommendation provided a meaningful preference and  
40 harvest opportunities for Federally-qualified  
41 subsistence users. The recommended dipnet/rod and reel  
42 fishery limits were consistent with those in the  
43 original proposal for sockeye salmon. They were less  
44 than those that were requested for chinook, for coho  
45 and for pink salmon, but keep in mind that the original  
46 proposal is based on harvest taken from both the  
47 Kasilof and Kenai Rivers. Our recommendation is just  
48 dealing with the Kasilof River salmon fishery.

49

50 The recommended harvest limits we felt

1 should fit within sustainable harvest levels for all  
2 salmon species and conserve healthy fish populations.  
3 If you take a look at the biological information we've  
4 had for sockeye, it's on Page 18. There's a Table 2 on  
5 Page 19. Just in general, there's a good assessment  
6 program in place for sockeye. There's an escapement  
7 goal in place. Sustainable harvest levels are probably  
8 in the hundreds of thousands for sockeye. The  
9 recommended subsistence opportunity would be provided  
10 through an upper Kasilof River dipnet/rod and reel  
11 fishery, as I mentioned.

12  
13                   At least since the year 2000 the  
14 existing fisheries have not taken the entire  
15 harvestable surplus. Another thing to keep in mind  
16 about sockeye is the run has been enhanced by stocking  
17 fry into Tustumena Lake. The last smolt from these  
18 stocking efforts migrated to sea in 2006. The last  
19 adults from these efforts will return probably through  
20 2008 or 2009. So after this the runs might decrease  
21 somewhat.

22  
23                   As far as chinook salmon goes, you can  
24 take a look at the text on Pages 18 to 20 and Table 3,  
25 I think, is on 20. Unlike sockeye, there isn't really  
26 an assessment program or an escapement goal for  
27 chinook. The largest component of the run, which was  
28 an early run chinook run, spawns in Crooked Creek and  
29 these fish are really unavailable for harvest in  
30 Federal waters because the only part of Crooked Creek  
31 in Federal waters are really just the very headwaters  
32 of Crooked Creek.

33  
34                   So what we're looking at here in  
35 Federal waters is the late run and they spawn in the  
36 upper Kasilof River and Tustumena Lake outlet. The  
37 sustainable harvest level is likely around 1,000. Most  
38 sport fishing effort has been focused on the early run  
39 in Crooked Creek since it's a much larger component.  
40 The recommended Federal subsistence opportunity would  
41 be provided through the dipnet/rod and reel fishery.  
42 As I mentioned before, it would be a season limit of  
43 500 and a 10/2 household limit. You can't rod and reel  
44 fish for chinook in Tustumena Lake and we don't  
45 recommend allowing that either.

46  
47                   Coho salmon would be on Pages 20 to 21,  
48 Table 4 I think is on Page 22. Again, on assessment  
49 program for coho salmon, no escapement goal. As for  
50 chinook, the largest component of the run spawns in

1 Crooked Creek, so it would be unavailable for harvest  
2 in the Federal waters. The Tustumena Lake spawning  
3 component that was available to Federal subsistence  
4 users but it's a small run and probably sustainable  
5 harvest level is likely somewhere in the hundreds of  
6 fish. Most sport fishing efforts focused on a larger  
7 Crooked Creek component. The recommended Federal  
8 subsistence opportunity be provided through the Kasilof  
9 River dipnet/rod and reel fishery and also the  
10 increased bag and possession limits in Tustumena Lake  
11 for rod and reel.

12  
13 For pink salmon, information is in the  
14 report on Pages 21 and 23 and Table 5, which I believe  
15 is on Page 22. Again, no assessment program, no  
16 escapement goal, but it's also not targeted by existing  
17 fisheries. It is caught in existing fisheries, but  
18 it's not a target species. Sustainable harvest level  
19 is likely in the hundreds during odd years, in the  
20 thousands during even years. Most spawning may occur  
21 in the river rather than the lake tributaries, but  
22 there is some spawning in the lake tributaries.

23  
24 Our recommended Federal subsistence  
25 harvest opportunity will be provided through the upper  
26 Kasilof River dipnet/rod and reel fishery and also with  
27 increased bag and possession limits on Tustumena Lake  
28 for just rod and reel.

29  
30 As far as other species go, other  
31 species caught in a dipnet/rod and reel fishery could  
32 be retained except for rainbow/steelhead trout. We  
33 recommend that those be released. Then we will deal  
34 with steelhead in a later proposal, but it's a very  
35 small population.

36  
37 The gear types we're recommending, you  
38 know, dipnets and rod and reel are among those that  
39 were suggested for potential Federal subsistence  
40 fisheries by a contracted study that examined  
41 past/present potential, non-commercial fish harvest and  
42 uses in Cook Inlet communities and it was done by James  
43 Ball and some other people.

44  
45 As far as the recommendations, we had  
46 mentioned that they would conserve healthy fish  
47 populations and our recommendation is using dipnet and  
48 rod and reel gear rather than gillnets would provide  
49 better control of annual harvest. It would allow for  
50 species, stock and size selective management and would

1 also allow release of incidently-caught species.

2

3                   Additionally, we are recommending in-  
4 season reporting to allow accurate control of annual  
5 harvest limits and also mandatory marking of all  
6 Federal subsistence caught fish to aid in enforcement.

7

8                   That kind of concludes the summary and  
9 I'd be happy to take questions or clarify things.

10

11                   MR. McBRIDE: Mr. Chairman. Doug  
12 McBride with OSM. A couple of additional comments. If  
13 the Council remembers when we did the coho special  
14 action back in September, one way to really think about  
15 the level of knowledge for these salmon species in the  
16 Kasilof. There's what we know about sockeye salmon and  
17 then there's all the other salmon species. The reason  
18 I make that statement is that sockeye salmon -- there's  
19 a sonar counter. If you look at the map on Page 9, the  
20 Alaska Department of Fish and Game runs a sonar counter  
21 right above the Sterling Highway bridge. They are  
22 counting sockeye salmon into the system. For all  
23 intents and purposes, these sockeyes are heading for  
24 Federal waters, virtually all of them. So we have  
25 very, very good estimates of the abundance and the  
26 timing of sockeyes coming to this area. All the other  
27 species, there basically are no abundance estimates.  
28 So what we know about what might be sustainable or what  
29 sustainable harvest limits look like is strictly based  
30 on the history of sport fishing performance.

31

32                   If you remember back to the discussion  
33 we had about the special action request for coho, that  
34 500 number is just strictly looking at the history of  
35 sport fishing and just looking at those data. That's  
36 why Steve made the comment that the sustainable harvest  
37 level for coho is likely in the low hundreds of fish or  
38 hundreds of fish. It comes from that. That's  
39 obviously a much grosser cut than trying to figure out  
40 a conservation limit for coho salmon.

41

42                   Chinook salmon, again, there's no  
43 assessment program. We have no estimate of abundance.  
44 All we know is the sport fishing performance.  
45 Actually, the sport fishing performance isn't even in  
46 the Federal waters. It's down below, but there are  
47 estimates of late run chinook harvest. Again, that's  
48 admittedly a gross cut at what we know about chinook  
49 salmon abundance.

50

1                   The final comment, in addition to the  
2 recommended modifications, which are written in  
3 regulatory language on Pages 20 and 25. On Page 105 is  
4 that summary table and the top part of that summary  
5 table for the Kasilof is for the salmon species. With  
6 that, Mr. Chairman, I'll conclude my comments.

7  
8                   Oh, actually, I won't. Steve brought  
9 up a good point. Just yesterday OSM approved an out-  
10 of-cycle funding request from the Fish and Wildlife  
11 Service to initiate a coho salmon study for the Kasilof  
12 River. So this coming summer there's going to be two  
13 weirs put in place for two of the tributaries to  
14 Tustumena Lake and they're going to start pilot work on  
15 a radio tagging study. The whole idea of that project  
16 is to be able to estimate -- look at the distribution  
17 of coho into the upper seven miles in Tustumena Lake  
18 and the tributaries and then actually get weir counts  
19 on two of the tributaries.

20  
21                   CHAIRMAN LOHSE: Thank you, Doug. That  
22 sounds like a step in the right direction. I have a  
23 question. If there's a sonar counter there, would the  
24 sonar counter work for kings and cohos or is it just  
25 that there's not enough incentive to use it to operate  
26 it late into the season to count kings and cohos. It  
27 almost sounds like what we have is we have the  
28 equipment in place like we have at Hidden Lake, that  
29 what it takes is some incentive and funding to carry it  
30 on later into the season to look at some of these other  
31 fish that we keep coming up saying that we don't know  
32 anything about, yet they're a big part of both the  
33 sport fishery and the subsistence fishery.

34  
35                   It sounds to me like there's -- unless  
36 I'm wrong, and that's what I'd like to find out. I  
37 mean is there some heartaches in using the sonar for  
38 king salmon and cohos that you don't have in sockeyes?

39  
40                   MR. FRIED: That's always a problem.  
41 If you recall, Kenai River has actually two different  
42 sonar programs. One is much lower down the river for  
43 chinook and the other one is a little further up the  
44 river for sockeye. Some migrate close to the bank. A  
45 lot of them are in the middle of the river. There's  
46 some problems doing it that way.

47  
48                   Fish and Game has done a multi-year  
49 mark-recapture project for late run chinook in Kasilof,  
50 but the results aren't available yet, but there will be

1 some estimates coming here pretty quick, so I think  
2 later this year they told us.

3

4 CHAIRMAN LOHSE: Tom.

5

6 MR. CARPENTER: Yeah, thanks. I've got  
7 a couple questions. You know, obviously it looks like  
8 the limits that you have recommended for sockeye are --  
9 I don't know. I mean some could think they're  
10 conservative, I guess, because sockeye are the most  
11 abundant species that are migrating. We've heard  
12 comments from some people that have come up here.  
13 You've suggested that we don't really know a whole lot  
14 about the abundance levels of any of the other species.  
15 Do you think that 10 chinook and two for every  
16 additional person in the household is an unusually  
17 large level to start out when we don't really know any  
18 abundance levels.

19

20 MR. FRIED: That's one of the reasons  
21 we put a season cap on it, too. You're either going to  
22 hit the season cap -- it's not like every family is  
23 going to go out there and get those. That was our  
24 idea. There's certainly other ways to structure the  
25 fishery.

26

27 MR. CARPENTER: That's good. And you  
28 said that you recommended rainbow/steelhead there be a  
29 release in the dipnet fishery. What about Dolly  
30 Vardens? I didn't hear you say anything about Dolly  
31 Varden.

32

33 MR. FRIED: If people wanted to retain  
34 those, we would allow them to retain them the way this  
35 is written right now.

36

37 MR. CARPENTER: What would be the bag  
38 limit for Dolly Varden?

39

40 MR. FRIED: For the dipnet fishery we  
41 didn't set any. We thought it would just be an  
42 incidental catch, that people weren't really looking  
43 for Dollies. They might keep them, they might release  
44 them.

45

46 MR. CARPENTER: And the last question  
47 is, was the in-season reporting to be for all species  
48 or just for salmon?

49

50 MR. FRIED: This analysis right here

1 just deals with salmon. Any fish you caught in a  
2 dipnet fishery has to be reported, has to be marked.  
3 So, yeah, all these other species that were kept would  
4 be reported during the season along with the salmon  
5 catches.

6  
7 MR. McBRIDE: I guess just a couple  
8 other comments about that. Steve is exactly right.  
9 This was our shot at trying to deal with that, but what  
10 you're talking about is incidental take of other  
11 species. Another way to approach that would be -- and  
12 we'll get into this when we get into the Kasilof  
13 resident species, but for the Kasilof resident species,  
14 which are largely Dolly Varden, lake trout and rainbow  
15 trout, the proposal requested total harvest quotas,  
16 which are the ones that came through on the analysis on  
17 the other special action request for the temporary  
18 winter fishery that's in place right now.

19  
20 So another way to approach the  
21 incidental harvest of resident species would be to  
22 allow it in the dipnet fishery but they would count  
23 towards the total harvest quota that right now is just  
24 recommended for the winter fishery. So if those total  
25 harvest quotas, for instance, were attained in the  
26 dipnet fishery, then there would not be any additional  
27 harvest in that fishery. That would be another way to  
28 handle it.

29  
30 MR. CARPENTER: So you would take that  
31 off the total harvest before the winter fishery  
32 actually started.

33  
34 MR. McBRIDE: That is correct. That's  
35 the way it would work. The other comment I think you  
36 asked about, steelhead. There are a very finite number  
37 of steelhead. There's another analysis that we'll go  
38 through for steelhead. They're largely not available  
39 in the early part of the season, probably prior to  
40 August 15th or somewhere in there. After that date, I  
41 think as Steve said, retaining them here would probably  
42 be problematic in terms of any directed harvest of  
43 steelhead. Basically requiring the release of any  
44 rainbow/steelhead greater than 20 inches would easily  
45 solve that problem.

46  
47 MR. CARPENTER: Okay. Thanks.

48  
49 CHAIRMAN LOHSE: Any other questions  
50 for Staff. Doug.

1 MR. BLOSSOM: Yeah, Mr. Chair. Say the  
2 rainbow thing again. You have length limits in the  
3 Kasilof on rainbow also?

4  
5 MR. McBRIDE: Mr. Chairman. No, not  
6 like in the Kenai. The most definitive way to tell a  
7 steelhead for most people is just basically the size of  
8 the fish. So the way the State regulations are  
9 structured is any rainbow/steelhead greater than 20  
10 inches is presumed to be a steelhead in this drainage.

11  
12 CHAIRMAN LOHSE: Any other questions.

13  
14 (No comments)

15  
16 CHAIRMAN LOHSE: Thank you, guys, for  
17 your introduction. With that we'll go to the Alaska  
18 Department of Fish and Game.

19  
20 MR. HILSINGER: Thank you, Mr.  
21 Chairman. For the record, my name is John Hilsinger.  
22 I'm now the director of the Commercial Fisheries  
23 Division. I got into this when I was the comm.  
24 fish/sport fish representative on the subsistence  
25 liaison team, so I'm carrying over a little bit here.

26  
27 The State's comments begin on Page 155  
28 of your book. They're fairly extensive, so what I  
29 hoped to do was to make some general comments first so  
30 that I wouldn't have to repeat everything for each  
31 proposal if that's okay.

32  
33 CHAIRMAN LOHSE: That's fine. That's  
34 real good, John.

35  
36 MR. HILSINGER: Thank you. First I  
37 wanted to explain that the State in general doesn't  
38 take a position on these proposals until after the  
39 Regional Council meeting. There are a few exceptions  
40 to that, but in general that's our strategy. That's in  
41 order that we can hear all the discussion at the  
42 Regional Council meeting before we actually take a  
43 position, so that's why you don't see support, opposed  
44 or whatever.

45  
46 The other comment, we certainly  
47 appreciate the work that the Federal Staff did. When  
48 we saw the original proposals that were submitted by  
49 the public, we were extremely concerned about  
50 conservation aspects of those proposals and we

1 appreciate the work that the Federal Staff did to try  
2 to overcome some of those conservation issues. In  
3 general, we agree with the Federal Staff that there  
4 should be no gillnets, that the fish should be marked  
5 and that a good reporting system is important.

6  
7 We also agree with the concept of not  
8 accumulating limits between State and Federal  
9 fisheries. In fact, from the State perspective, people  
10 would not be allowed to do that anyway. Once a person  
11 exceeded the State limit even in a Federal fishery,  
12 under the State's view of things, they would not be  
13 allowed then to come into the State fishery and harvest  
14 that limit as well.

15  
16 Even though we certainly recognize and  
17 appreciate the work the Federal Staff did reduce the  
18 conservation issues associated with these proposals,  
19 the State still has conservation concerns about them  
20 and I'll talk about those as I go through.

21  
22 We also appreciate that the maps that  
23 are included in the Federal Staff analyses are much  
24 better and that is something we had requested and we  
25 really appreciate the fact that they did a good job, it  
26 appears, of providing better maps.

27  
28 The State still has concerns over  
29 jurisdiction issues, in particular, knowing exactly  
30 where these regulations would apply and where they  
31 wouldn't apply, so that the one thing we don't want to  
32 see happen is to have the public get caught in a  
33 problem with enforcement because they're not clear  
34 where the regs apply and where they don't apply. These  
35 regs would be substantially different from the State  
36 regs and if a person wandered into the wrong part of  
37 the river, we don't want them to have a problem. So we  
38 would like to know exactly where they apply and then  
39 recommend always that locations on the river be marked  
40 so that it's clear for the public.

41  
42 Finally, I do want to address in  
43 general the customary and traditional use  
44 determinations. I think most of you know that the  
45 State has filed requests for reconsideration on all of  
46 the C&T determinations and most recently the C&T  
47 determination for Ninilchik in the upper Kenai and  
48 we've also filed supplemental information to that. The  
49 reason we did that is because we think the process in  
50 the Federal Subsistence Board when they made those

1 determinations was flawed. We don't think the  
2 information in the record that they built supports the  
3 determination, so we have asked them to reconsider  
4 those determinations. I'll talk about that a little  
5 more when we get to Proposal 28.

6  
7 For that reason, you'll see that we did  
8 specify a position on Proposal 28 in support and that's  
9 the reason, is that is consistent with our request for  
10 reconsideration and we believe it would be a good  
11 mechanism by which the Federal Subsistence Board could  
12 revisit that decision.

13  
14 I'd be happy to take any questions on  
15 those or, if you want, I can go right into the Kasilof  
16 salmon proposals.

17  
18 CHAIRMAN LOHSE: Does anybody have any  
19 questions. Doug.

20  
21 MR. BLOSSOM: Mr. Chair, John. That  
22 map on Page 9, is that border of the Refuge accurate?

23  
24 MR. HILSINGER: Mr. Chairman, Mr.  
25 Blossom. Personally, I can't vouch for the accuracy of  
26 any of these maps. We're assuming that the Federal  
27 Staff put in the correct map, but I can't tell you  
28 whether it is or not. It's part of the State's ongoing  
29 concern about the public being able to tell exactly  
30 where the boundaries are so that they know where they  
31 can fish and where they can't.

32  
33 MR. BLOSSOM: Mr. Chair. Well, looking  
34 at this map, I guess I was just wondering if the State  
35 owned the Kasilof River or the Feds in that section.  
36 Isn't there a problem with whether the State or Feds  
37 own the river or what's the deal with that?

38  
39 MR. HILSINGER: Mr. Chairman, Mr.  
40 Blossom. Yes, there is a question at issue there on  
41 the ownership. Currently there's litigation over that  
42 and the particular subject of the Federal Reserve Water  
43 Rights. If you remember in the Katie John decision the  
44 court ruled that waters in which the Federal government  
45 could claim a Federal Reserve Water Right were  
46 considered to be Federal public lands and the State  
47 contests the process by which the Federal program made  
48 the determination of which waters were considered  
49 Federal public lands. We won't know what the outcome  
50 of that will be until the court rules.

1 MR. BLOSSOM: Mr. Chair. So we assume  
2 for now that this is Federal water?

3

4 MR. HILSINGER: Mr. Chairman, Mr.  
5 Blossom. I assume that your lawyers will tell you to  
6 make that assumption, but as a member of the State, I  
7 don't make that assumption.

8

9 CHAIRMAN LOHSE: Any other questions on  
10 this introduction.

11

12 (No comments)

13

14 CHAIRMAN LOHSE: Okay, we'll go on then  
15 on the proposal in front of us.

16

17 MR. HILSINGER: Thank you, Mr.  
18 Chairman. On the proposal for 27B and C, Kasilof River  
19 salmon, the State does provide a broad array of  
20 personal use and recreational fisheries throughout the  
21 Kenai Peninsula as well as educational fisheries that  
22 allow people to meet not only their personal and family  
23 needs but also cultural and educational needs.

24

25 We see that in many of those fisheries  
26 the available harvest more than meets the actual  
27 harvest, so there does appear to be substantial and  
28 adequate opportunity from the State perspective. Of  
29 course, red salmon are targeted in these fisheries  
30 because they're the most abundant species. Fisheries  
31 for the other species, chinook, coho, rainbow trout and  
32 steelhead and the other resident species are managed  
33 very conservatively because the fish are far lower in  
34 number and have a far greater vulnerability to  
35 overharvest.

36

37 We do, however, under State regulations  
38 allow the amount of harvest that we think is consistent  
39 with sound management and sustained yield and we  
40 believe that that's the level of harvest that is  
41 available. If we thought there was additional harvest  
42 that could be taken in these fisheries, we would have  
43 responded favorably with the many proposals that we  
44 receive every year to increase the harvest. So we  
45 believe in general that we're looking at a current  
46 harvest that represents what is sustainable in these  
47 fisheries.

48

49 None of these salmon stocks are  
50 currently identified as stocks of concern by the Board

1 of Fisheries and they are considered to be healthy;  
2 however, there's very little stock assessment  
3 information on any of them except for Kasilof River  
4 sockeye as the Federal Staff noted.

5  
6           One of the issues in terms of  
7 conservation is that we think the proposed Federal  
8 limits are not based on sustainability of the stock.  
9 The rod and reel limits appear to be at least an  
10 arbitrary doubling of the State limits and we don't see  
11 the rationale for assuming that's sustainable. For  
12 example, with chinook salmon, we see that the average  
13 harvest there, the late run chinook, has been about 900  
14 fish and there's a conclusion that 1,000 fish harvest  
15 from the late run on top of that 900 fish is  
16 sustainable and we don't really know that.

17  
18           We do have some stock assessment work  
19 that's going on, mark-recapture studies, and once that  
20 information is available we'll know what the size of  
21 that population is and then we can make an assessment  
22 of how much harvest it can withstand. It might be more  
23 than the State allows now, in which case we would be  
24 amenable to increasing our harvest limits. But we  
25 would recommend waiting for that information.

26  
27           Coho stocks in the Kasilof River are  
28 also currently fully utilized. The State has a fairly  
29 conservative management strategy for cohos on the road  
30 system. With a two-fish bag limit, we've had many  
31 proposals by people to raise the bag limit to three,  
32 which we've consistently opposed. So I think it's  
33 important for you to realize that when the State  
34 reviewed these analyses, we reviewed them from the  
35 standpoint of if a proposal came to us to do this,  
36 would we support it or would we oppose it. The concerns  
37 are then based on that. Even though we haven't taken a  
38 position yet, obviously we have some serious concerns.

39  
40           On coho, for example, there's an  
41 average harvest in the recreational fishery in that  
42 area that's about 163 fish per year on average and we  
43 feel that that level of harvest is sustainable. If you  
44 were to implement a subsistence fishery with a 500 coho  
45 limit in addition to that, we're not sure that then the  
46 almost 700 fish a year would be sustainable. We don't  
47 have any data and we haven't seen any data that  
48 supports the idea that the stock could sustain four  
49 times the average harvest.

50

1                   Even though we see variations in the  
2 recreational catch on some of these species, we often  
3 see that after a very high catch sometimes the  
4 subsequent years' catches are not so high, so we do  
5 want to be very careful about the harvest levels and  
6 what's sustainable because with no stock assessment  
7 information on these species it would be very difficult  
8 to tell when a conservation problem developed. Arctic  
9 char and Dolly Varden that could be harvested  
10 incidentally. As I've mentioned, we have virtually no  
11 stock assessment information.

12  
13                   One particular issue I think with this  
14 aspect of the fishery is the Federal definition of a  
15 dipnet. When you look at the Federal definition of a  
16 dipnet, it would not preclude someone from targeting  
17 Dolly Varden and lake trout. It has only a maximum  
18 mesh size. So if you were to support the idea of a  
19 dipnet fishery, we would recommend really looking  
20 closely at the definition so that a person couldn't  
21 build a dipnet that would target those smaller trout  
22 species.

23  
24                   We support the idea of requiring the  
25 release of rainbow trout and steelhead in this fishery.  
26 Again, there's very little information. We know that  
27 steelhead stocks are extremely limited. One of the  
28 things that we're particularly concerned about with  
29 some of these resident species is the potential for the  
30 accumulative harvest of multiple fisheries if they're  
31 harvested in the dipnet fishery and they're harvested  
32 in a rod and reel fishery incidentally and then if  
33 they're targeted in a rod and reel resident species  
34 fishery. It's not clear what the total cumulative  
35 harvest would be and whether that's sustainable or not.

36  
37                   Some of these fish species, like  
38 rainbow trout, obviously have an extremely low harvest  
39 at the current time, so we think it's a good idea to  
40 require the release of those fish in these fisheries.

41  
42                   I guess another issue to cover here is  
43 the inter-mixing of gear types and people fishing with  
44 the same gear type with different bag limits.  
45 Typically in the State fisheries we try to separate  
46 people that are fishing with different gear types and  
47 we do see this as a potential problem. If you've got  
48 Federally-qualified subsistence users inter-mixed in  
49 the same area with recreational users and one has maybe  
50 a four fish limit, the other person has a two fish

1 limit, there is that real potential for people to say,  
2 gee, he's got four fish, I guess they must have raised  
3 the limit. So I think that's something we need to be  
4 cognizant of.

5  
6 It may require some education of both  
7 user groups because I think the thing that we don't  
8 want to have happen is we don't want to have social  
9 conflicts on the river, we don't want to have people  
10 get into legal problems because they follow what they  
11 see someone else doing when they're not qualified to do  
12 that and I think this is a very real potential problem.

13  
14 Even though the Staff did recommend not  
15 allowing the use of community gillnets, that still is  
16 the original proposal, so I think it's important to  
17 address that issue and I think you've heard a lot about  
18 the conservation issues associated with gillnets, but  
19 there's also the practical aspects of trying to  
20 administer a community gillnet and identify who's  
21 responsible for it.

22  
23 It's our assessment in general that you  
24 would have to allow a gillnet for every person who  
25 wanted to use one. We didn't see any way that you  
26 could distinguish. In some cases, I think it would be  
27 difficult to tell who the community is. For instance,  
28 in Ninilchik, there's no municipal government, so we  
29 saw some significant issues with that part of it as  
30 well as with who would operate it and how would you  
31 deal with limits and coordinate between people to come  
32 and get the fish if different people were fishing it.  
33 You know, if I was fishing it for you, could I drop you  
34 fish off. If I had your fish in my truck, then I may  
35 have exceeded my limit. There's just a whole host of  
36 things that I think would make that extremely difficult  
37 to try to implement over the entire community.

38  
39 We do it in our educational fisheries,  
40 but that's with an identified group and we have lists  
41 of names of the leaders of the group and the permit  
42 holders, but it's hard to see how that would work in a  
43 general fishery that was available to everyone.

44  
45 So, I guess in conclusion we think that  
46 the Staff proposal is a large improvement over the  
47 original appending proposals. We do have concerns  
48 about incidental harvests of resident species in these  
49 fisheries and we also continue to have significant  
50 issues with the conservation, enforceability and

1 potential for social conflict.

2

3 Thank you, Mr. Chairman.

4

5 CHAIRMAN LOHSE: Okay. Questions on  
6 this part. Tricia.

7

8 MS. WAGGONER: You stated that you're  
9 not sure if 700 coho were sustainable and that you had  
10 no data to support that, but also on the other hand you  
11 have no data that really supports that the coho  
12 population is currently being fully utilized. There's  
13 no data that says there isn't additional capacity?

14

15 MR. HILSINGER: Mr. Chairman. The  
16 Board of Fisheries reviewed this in pretty good detail.  
17 I think starting in about 1999 there were some severe  
18 concerns about coho numbers and reports of declining  
19 numbers in the fisheries. It's based on fishery  
20 performance data that indicated that coho numbers were  
21 lower and that needed to be restricted down to two  
22 fish. So there's not population estimates that support  
23 that, but there is fishery performance data that  
24 indicates that that's a reasonable limit in view of  
25 conservation of that species.

26

27 MS. WAGGONER: Does the State have a  
28 current sustained yield number for coho on the Kasilof  
29 or for chinook?

30

31 MR. HILSINGER: No, we don't have a  
32 harvest number that we've identified as the sustained  
33 yield level based on research. We have, as I said, the  
34 fishery performance data and the information from  
35 fishermen to indicate that the current level is  
36 sustainable and not a level that we want to increase  
37 beyond. On chinook, as soon as we get the mark-  
38 recapture estimates from that study, then we will have  
39 that and we may be able to make some changes.

40

41 CHAIRMAN LOHSE: Doug.

42

43 MR. BLOSSOM: Mr. Chair, John. So you  
44 don't have any study going on on coho now, just  
45 chinook.

46

47 MR. HILSINGER: That's correct.

48

49 MR. BLOSSOM: When do you think you  
50 might know the answer on the chinook?

1 MR. HILSINGER: Well, I think it's  
2 fairly soon, within a year, from what I've been told.  
3 It's an ongoing study, so as soon as the data is  
4 published we'll know that.  
5  
6 MR. BLOSSOM: So Mr. Marsh and Mr.  
7 Pappas didn't do anything on coho as far as estimating  
8 run strength and the like of that.  
9  
10 MR. HILSINGER: That's correct.  
11  
12 MR. BLOSSOM: So you don't know  
13 anything more than I do about it.  
14  
15 MR. HILSINGER: That's right.  
16  
17 CHAIRMAN LOHSE: John, how long has  
18 that chinook study been going on?  
19  
20 MR. HILSINGER: Mr. Chairman, you're  
21 reaching the limit of my knowledge of it. It's my  
22 understanding it's a two or three-year study. Tom  
23 Vania is in the audience and he may know more about  
24 that than I do, but my understanding is we're in the  
25 third year or so.  
26  
27 CHAIRMAN LOHSE: So it's a fairly  
28 short-lived study and the information from it covers a  
29 fairly short time. It doesn't even cover a full life  
30 cycle of the chinook then.  
31  
32 MR. HILSINGER: That's correct, Mr.  
33 Chairman.  
34  
35 CHAIRMAN LOHSE: So the data from it  
36 and any inferences from it would be pretty shaky.  
37  
38 MR. HILSINGER: I think I'd  
39 characterize it as a snapshot.  
40  
41 CHAIRMAN LOHSE: A very short snapshot.  
42 Tom, you had a question.  
43  
44 MR. CARPENTER: Thanks, John. Does the  
45 State have a personal use fishery on the Kasilof?  
46  
47 MR. HILSINGER: Mr. Chairman, Mr.  
48 Carpenter. Yes, we actually have two personal use  
49 fisheries on the Kasilof. There's the personal use  
50 dipnet fishery and there's a personal use gillnet

1 fishery at the mouth of the Kasilof.

2

3 MR. CARPENTER: On the Kasilof for  
4 sockeye and chinook and coho, what's the bag limit or  
5 what's the harvest guidelines for the State personal  
6 use fishery?

7

8 MR. HILSINGER: The sockeye you're  
9 limited to, per household, 25 for head of household and  
10 10 for each additional household member. The chinook  
11 salmon are not allowed to be retained in the dipnet  
12 personal use fishery and the timing of the fishery is  
13 set to basically avoid the harvest of coho. So that  
14 fishery is targeted at sockeye salmon, as I mentioned,  
15 because they're the most abundant.

16

17 MR. CARPENTER: So basically the  
18 recommended limits that the Federal Staff has offered  
19 up to the Council for consideration are actually less  
20 than what the State personal use fisheries are for  
21 sockeye.

22

23 MR. HILSINGER: If they're less than  
24 the 25 and 10. I should also note that in the gillnet  
25 fishery you're allowed to keep a king salmon if you  
26 catch it.

27

28 MR. CARPENTER: One per person.

29

30 MR. HILSINGER: I think it's however  
31 many you catch because once they're taken in a gillnet,  
32 it's unlikely they could be released alive.

33

34 MR. CARPENTER: The second question I  
35 had was in regards to -- I guess I'm going to have to  
36 look up what the definition of Federal dipnet is, but  
37 in the personal use fishery that the State has, is  
38 there a mesh restriction, is there a type of  
39 restriction that the mesh has to be made out of? Can  
40 you actually use gillnet web? Give me a little bit  
41 about that.

42

43 MR. HILSINGER: Mr. Chairman, Mr.  
44 Carpenter. I know in the State regulations there are  
45 regulations that govern the size and the shape of the  
46 bag. I'm not sure about the webbing. I guess the big  
47 question is whether or not you can use gillnet web.  
48 One of the other Staff would have to answer that for  
49 you.

50

1 I do have the Federal dipnet definition  
2 if you're interested in that. It says dipnet means a  
3 bag-shaped net supported on all sides by a rigid frame.  
4 The maximum straight line distance between any two  
5 points of the net frame is measured through the net  
6 opening may not exceed five feet. The depth of the bag  
7 must be at least one half the greatest straight line  
8 distances measured through the net opening. No portion  
9 of the bag may be constructed of webbing that exceeds a  
10 stretched measure of 4.5 inches. The frame must be  
11 attached to a single rigid handle and be operated by  
12 hand.

13

14 So that part about the webbing can't  
15 exceed 4.5 inches doesn't say that the webbing can't be  
16 less than 4.5 inches and that was the source of our  
17 concern about configuring one that might catch the  
18 smaller fish.

19

20 MR. CARPENTER: I guess the reason I  
21 asked that question is I'm curious if the State is  
22 concerned about conservation for some of the resident  
23 species, personally like I am. Does the State restrict  
24 the mesh size for its personal use fishery for the same  
25 reasons?

26

27 MR. HILSINGER: Mr. Chairman, Mr.  
28 Carpenter. The State's personal use fisheries occur  
29 down at the mouth of the river and so harvest of  
30 resident species is not.....

31

32 MR. CARPENTER: Very small.

33

34 MR. HILSINGER: Yeah, it's not an  
35 issue. Since they're targeted at sockeye, which are  
36 mostly what's going through there, the harvest of  
37 resident species is not an issue.

38

39 MR. CARPENTER: Okay. Thanks.

40

41 MR. HILSINGER: And if I could. I  
42 think the other part of your question earlier was about  
43 the relative harvest and the point I would make, I  
44 guess, is that when you're down there near the mouth of  
45 the river, you're fishing on multiple stocks, so there  
46 is an issue of the amount of harvest allowed relative  
47 to the size of the stock. As you move upriver, you  
48 would tend to be focusing more on individual stocks,  
49 whereas those people down at the mouth may be catching  
50 sockeye that swing into the mouth of the Kasilof on

1 their way to the Kenai, so they have a much larger  
2 number of fish to harvest from. So if there's a  
3 concern about the level of harvest relative to the size  
4 of the stock, that's why there could be a larger  
5 harvest down in that area, because there's more fish  
6 and more stocks available.

7

8 MR. CARPENTER: Just one final comment.  
9 I can understand what you're saying there completely.  
10 The best handle we have on any one species in that  
11 river system is sockeye and it's quite obvious that on  
12 a year-to-year basis sockeye, if there was one species  
13 that could handle a little more harvest than others, it  
14 is sockeye. So I was just curious as to why -- I'm  
15 just trying to figure out why the State has a certain  
16 bag limit and why we were recommended by the Federal  
17 Staff another bag limit. I think I've got it. Thanks.

18

19 CHAIRMAN LOHSE: Greg.

20

21 MR. ENCELEWSKI: Through the Chair.  
22 John, I've got a couple questions for you. Maybe you  
23 could clear something up for me. I notice you stated  
24 that 163 fish average coho. Was that a daily average?

25

26 MR. HILSINGER: No. Mr. Chairman, Mr.  
27 Encelewski. That's the annual harvest in that upper  
28 area.

29

30 MR. ENCELEWSKI: That's what I thought  
31 you were referring to, but I'm questioning it. The  
32 other thing, too, I would like to know how many silvers  
33 or chinook are being taken by the commercial. I do  
34 know that the terminal fishery went very late into the  
35 season this year and basically they're catching a lot  
36 of fish heading up that way. So 500 seems incidental  
37 to me.

38

39 MR. HILSINGER: Mr. Chairman. I'm sure  
40 if the commercial fishery was in there late, they are  
41 harvesting some coho. Yes, I think you'd be correct in  
42 that. A lot of those coho spawn in Crooked Creek.  
43 They're not necessarily the same stock of fish that  
44 goes up to Tustumena Lake, so there is that difference.

45

46 MR. ENCELEWSKI: Thank you.

47

48 CHAIRMAN LOHSE: Gloria.

49

50 MS. STICKWAN: I was wondering why are

1 you waiting for this meeting before you have a position  
2 on the proposals?

3

4 MR. HILSINGER: Mr. Chairman, Ms.  
5 Stickwan. That's a really good question and we still  
6 debate that ourselves within the Staff. Basically  
7 we've decided, at least for now, that we want to hear  
8 all the discussion at the Regional Council meeting, the  
9 public testimony, the questions and discussion from the  
10 Council Members before we take a firm position. I  
11 think clearly when you read our comments you'll see  
12 that we have leanings toward a certain position, but we  
13 want to hear all the information up through the Council  
14 meeting before we make that a firm, written position.

15

16 CHAIRMAN LOHSE: Another question,  
17 Gloria.

18

19 MS. STICKWAN: Are you going to  
20 continue to do that? Is this just for this first  
21 meeting that you're doing this?

22

23 MR. HILSINGER: Mr. Chairman, Ms.  
24 Stickwan. We will have a written position, support,  
25 oppose, neutral, by the time we go to the InterAgency  
26 Staff Committee meeting, which is -- I forget if it's  
27 later this month or early next month. As soon as this  
28 Regional Council meeting is over and we've heard all of  
29 that input, then we will develop those positions. So  
30 there will be a written State position at the  
31 InterAgency Staff Committee meeting and there will be a  
32 written State position at the Federal Subsistence Board  
33 meeting.

34

35 CHAIRMAN LOHSE: Tricia.

36

37 MS. WAGGONER: I think getting back to  
38 Gloria's question, is this a policy change? It used to  
39 be when we got to the Regional Council meetings we had  
40 a position to review from the State and we had an  
41 oppose or a modification or an approved to look at and  
42 help weigh in on our decisions.

43

44 MR. HILSINGER: I've been doing this  
45 now for two years and we've done it the same way those  
46 two years on the fisheries proposals. Prior to that  
47 time I'm not sure exactly what happened. I think we're  
48 probably open to input from people on how they would  
49 like to see that. That was just our take on it, that  
50 we didn't want to appear to have our mind made up, cast

1 in stone, slammed shut before we had a chance to talk  
2 to the Council. To me, that still seems like a  
3 reasonable position, but we certainly would take some  
4 input.

5  
6 CHAIRMAN LOHSE: I think, John, what  
7 you were saying before though, but by reading your  
8 comments and the report that you get here, it's pretty  
9 obvious to us to see what your current position is  
10 prior to what you hear at this meeting. Your comments  
11 are pretty self-explanatory when it comes to what your  
12 position currently is, but you haven't taken an  
13 official position.

14  
15 MR. HILSINGER: That's correct. Like I  
16 say, if people think we should, I mean I would be happy  
17 to take that back to the liaison team and discuss it.  
18 As I've said, we have discussed it internally.  
19 Frankly, there's some people that think we should come  
20 to the Council meeting with a written position and  
21 there's some people who think we shouldn't. So I'd be  
22 happy to talk about that.

23  
24 CHAIRMAN LOHSE: I would thank you for  
25 this because basically what you're saying here is this  
26 is what we see right now, but we're still willing to  
27 sit here with an open mind until we've heard all of the  
28 different groups we can hear to make a position and I  
29 appreciate that myself. Doug.

30  
31 MR. BLOSSOM: Mr. Chair, John. I don't  
32 know if you're the one to answer this or Mr. Pappas.  
33 On Page 20, the Kasilof River system chinook salmon  
34 chart, are we three years behind or better with data on  
35 sport harvest of late run kings or you just caught so  
36 many that one year you were scared to do it again?

37  
38 MR. HILSINGER: Mr. Pappas may be the  
39 one to answer that question. I think in the sport  
40 harvest of late run versus the total harvest, it seems  
41 to me like there's a calculation that occurs in that.  
42 If a person catches a fish at the mouth of the river,  
43 we don't know was that a late run fish or was it a --  
44 it depends on the timing. Somehow they have to do a  
45 calculation to separate out that. So that may be why.  
46 Maybe I should let Mr. Pappas or Mr. Vania try to  
47 answer that for you. They'd probably have the right  
48 answer.

49  
50 MR. VANIA: Mr. Chairman. Tom Vania

1 with Division of Sport Fish. Our statewide harvest  
2 survey we do ask the question within that harvest  
3 survey, is your harvest of chinook before July or after  
4 July. That is in detailed data that we have. We don't  
5 publish it that way. I think this is the information  
6 the Federal OSM Staff was using, was the published  
7 data, which basically combines all the harvest of  
8 chinook. It doesn't break it out. But we could get  
9 that number and we could bring that to the Council, but  
10 we'd have to go into that detailed data to find that.

11  
12 MR. BLOSSOM: Mr. Chair. The reason I  
13 ask, this late run king in the Kasilof is where we are  
14 talking about giving subsistence some kings, so I have  
15 to look at this chart and try to figure out what we've  
16 got and I've got three years here of nothing, so I'm  
17 kind of in a blind spot. Before that you show that the  
18 late run king sport harvest was 1,144 kings and the  
19 personal use was 457. As you go down through here,  
20 your personal use is right up until last year. You had  
21 data for that, but not on the sport harvest. If we're  
22 going to try to give them a chance to catch some kings,  
23 I'd like to know a little bit about the background.

24  
25 CHAIRMAN LOHSE: Any comment on that?  
26 Is it just a matter that nobody has called for it, so  
27 somebody hasn't pulled that data out yet or is that  
28 data that complicated to get that it's always like  
29 three years behind?

30  
31 MR. VANIA: Mr. Chairman, Mr. Blossom.  
32 I'm not sure what the Federal Staff was -- data they  
33 were obtaining to put in their report. What I did say  
34 is if you would like us to look into that information,  
35 I could probably go back and look into the detailed  
36 information and try to pull out the late run harvest,  
37 which would just be harvest in July.

38  
39 MR. BLOSSOM: This is a chart put out  
40 by Pappas and Marsh by the State.

41  
42 MR. VANIA: Mr. Chairman, Mr. Blossom.  
43 That information they were using was from a Board of  
44 Fish report that was published several years ago.

45  
46 CHAIRMAN LOHSE: I see what you're  
47 saying. Pappas and Marsh's report ends in 2004 and  
48 then it's Shields' report for 2006-2007.

49  
50 MR. VANIA: Correct. The years of data

1 after that are currently in draft form. They're  
2 working to finish up the next three years of data in  
3 their report prior to this next statewide Board of Fish  
4 -- well, the Cook Inlet Board of Fish meeting, which  
5 should be coming up in '08. They do the reports in  
6 three-year increments. Again, the statewide harvest  
7 survey information is published on an annual basis, but  
8 when they publish that information it just combines all  
9 the chinook harvest for the entire year in the  
10 published data. We can dig into the detailed data  
11 which talks about guided, unguided, bank versus boat  
12 fishermen. There's quite a few categories there that  
13 are asked.

14

15 CHAIRMAN LOHSE: How big of a job would  
16 it be to go into that data and just ask for the late  
17 run catch for the years that you have information? Is  
18 it computer available and you can just plug it in?

19

20 MR. VANIA: We could probably have it  
21 for you tomorrow.

22

23 CHAIRMAN LOHSE: That would be  
24 excellent if you could. We would appreciate that.

25

26 MR. VANIA: I'll look into that.

27

28 CHAIRMAN LOHSE: Thank you on that one.  
29 Gloria.

30

31 MS. STICKWAN: I'm not sure how to ask  
32 this question. I guess for Federal management, too, I  
33 guess. Are they allowed to apply for FIS funds to do  
34 research studies?

35

36 CHAIRMAN LOHSE: Yes, they are.

37

38 MS. STICKWAN: So are you willing to  
39 work with the Federal management in doing research  
40 studies to get more data?

41

42 MR. HILSINGER: Mr. Chairman, Ms.  
43 Stickwan. We do that quite often. We have projects  
44 together or the State or the Fish and Wildlife Service  
45 applies to FIS for money to do various research  
46 projects.

47

48 MS. STICKWAN: Well, it just seems  
49 weird that you don't have this information here. You  
50 could have worked with the Federal management to

1 provide this information to us before this -- I mean if  
2 you would have worked together, this information could  
3 have been in this book.

4

5 CHAIRMAN LOHSE: John, I've got a  
6 couple questions for you. Yesterday we heard from some  
7 of the people that live on the Kenai that if there was  
8 gillnets, they'd like to see gillnets with those soft  
9 rubber mesh or larger mesh so it -- not gillnets, my  
10 fault, dipnets, with a soft rubber mesh or the larger  
11 mesh that wouldn't gill fish. Basically what you're  
12 looking at is smaller mesh that would catch small fish  
13 but wouldn't injure them as opposed to -- I would  
14 imagine that the Federal gillnet thing is pretty well  
15 mirroring the State when it says that the largest mesh  
16 can be 4.5 inches. You can get into where you can put  
17 gillnet mesh into your dipnet and actually gill the  
18 fish and I can see where a person might want to prevent  
19 that, but in some ways smaller mesh would do less  
20 damage because smaller and courser mesh doesn't gill  
21 the fish and you're much more capable of releasing  
22 them. Like I said, somebody even suggested the rubber  
23 mesh.

24

25 So what you're talking about when you  
26 say you wouldn't want smaller mesh is you wouldn't want  
27 smaller gillnet type mesh in a dipnet that would  
28 actually gillnet rainbows and things like that so that  
29 you couldn't release them. Am I correct on that?

30

31 MR. HILSINGER: Mr. Chairman. Yes,  
32 that's correct. We talked about the kind of webbing  
33 that's more common in landing nets as maybe a potential  
34 improvement and I heard the rubberized net idea and I  
35 have no idea what form that material is available in,  
36 but I think something that wouldn't gill the fish and  
37 particularly the smaller fish is what we had in mind.

38

39 CHAIRMAN LOHSE: That's kind of what I  
40 thought and that's why I didn't think you really meant  
41 that you didn't want small mesh in your dipnet, you  
42 meant you didn't want small gillnet type mesh in your  
43 dipnet.

44

45 So I have a couple other questions.  
46 That gillnet fishery at the mouth of the Kasilof, what  
47 is the participation in that? How much participation  
48 and how many fish are taken in that gillnet fishery at  
49 the mouth of the Kasilof?

50

1 MR. HILSINGER: Mr. Chairman. There's  
2 substantial participation. As I understand it, and I  
3 haven't been down to see it for a few years, but it  
4 occurs within the area at the mouth of the river kind  
5 of within the commercial markers. People can set their  
6 nets 100 feet apart. My understanding is they've got  
7 that entire area pretty well filled with nets and they  
8 catch quite a few fish. Out of that total Kasilof  
9 personal use dipnet harvest or personal use harvest, I  
10 don't know how it breaks out between the dipnet and the  
11 gillnet, but it's a very active fishery and they  
12 harvest quite a few fish.

13

14 CHAIRMAN LOHSE: Is anybody qualified  
15 to do that? Is that an open personal use fishery?

16

17 MR. HILSINGER: Yes, it's an open  
18 personal use fishery. You would have to have a  
19 resident sport fishing license in order to participate.

20

21 CHAIRMAN LOHSE: And the combined total  
22 from the gillnet and the dipnet fishery is what we see  
23 when we see what the personal use fishery was on the  
24 Kasilof then.

25

26 MR. HILSINGER: I believe that's  
27 correct, yes.

28

29 CHAIRMAN LOHSE: Now, do they keep a  
30 record of the amount of kings that they catch in that  
31 fishery, is that all recorded?

32

33 MR. HILSINGER: Yes. That was in that  
34 table.

35

36 CHAIRMAN LOHSE: That was the next  
37 question I was going to ask you, is that where --  
38 because the dipnet fishery you said they had to release  
39 the kings. So the kings that are on Page 20 came out  
40 of the gillnet fishery then.

41

42 MR. HILSINGER: Yes.

43

44 CHAIRMAN LOHSE: And I had one other  
45 comment on that fishery there. It's kind of  
46 interesting to me that in this case the Fish and Game  
47 looks like you have more leeway when you fish down near  
48 the mouth of the river than you do when you get up  
49 farther where you have discreet stocks, where at the  
50 same time the policy is to cut down on intercept

1 fisheries and mixed stock fisheries and go to single  
2 stock fisheries because you can better manage them. So  
3 the fact that other fish swing in there and the fact  
4 that you have mixed fisheries down there actually  
5 should complicate the operating of that fishery because  
6 you don't know -- you may be taking all of the stock  
7 that's going to one place that you don't even know  
8 about, you know.

9

10 MR. HILSINGER: Mr. Chairman. The  
11 Staff, of course, has had this discussion many times  
12 and what constitutes a mixed stock fishery or a  
13 terminal fishery and I think most people sort of in the  
14 lexicon of fisheries management would consider the  
15 fishery at the mouth of the Kasilof River to be a  
16 terminal fishery, but obviously depending on how finely  
17 you want to look at stocks. You could make the  
18 argument that it wasn't. I think, as you're well  
19 aware, having all single stock fisheries is completely  
20 and totally impractical in Alaska because everyone  
21 would have to fish on the spawning grounds and that's  
22 really not the desired result either.

23

24 CHAIRMAN LOHSE: But, technically  
25 speaking, if you knew that they were targeting coho at  
26 the top of the river and you actually had information  
27 gathering procedures in place, it would be fairly easy  
28 to operate a fishery like that because you would be  
29 able to see the results of the fishery fairly rapidly  
30 because of the fact that you'd be using a smaller  
31 stock. But we currently don't have that ability is  
32 where we're at right now. We don't even have the  
33 ability to know what the total stock is, let alone what  
34 the stock is that you're accessing right there.

35

36 Which brings me to the question, you  
37 used the word fully utilized and if it would be the  
38 Fish and Game's assumption that the fisheries on the  
39 Kasilof River fully utilize all of the currently  
40 available escapement, and this is a hypothetical case,  
41 if a subsistence fishery was put in the bag, would the  
42 Board of Fish go back and look at their other fisheries  
43 and say, okay, we've said this is a fully utilized  
44 fishery. Now we have a group that's going to take --  
45 and we'll just take that 500 cohos. We're taking that  
46 500 cohos out of a fully utilized fishery that  
47 currently takes 700 cohos, and I don't know if the  
48 number is right, would the Board of Fish say we need to  
49 take emergency action in this case to limit other users  
50 so that they don't take the 500 fish that are being

1 taken out of this fully utilized fishery? Do you think  
2 that would happen or would they probably say let's wait  
3 and see what happens or would they say there is extra  
4 and we'll wait down the line before we do anything?

5  
6 MR. HILSINGER: Mr. Chairman. Good  
7 question. We've discussed that as well and basically  
8 in the context of do you say this fishery now occurs  
9 and it's expected to take so many fish, do we take up  
10 front action in the other fisheries or do we wait and  
11 see what the actual harvest is. I think, depending on  
12 the species, we might approach it either way. I think  
13 on some of these we would wait and see what the actual  
14 harvest was and whether or not it was enough that we  
15 thought we needed to do something. In the short term  
16 we could do that by emergency order. In the long term,  
17 it may have to go to the Board of Fisheries because, as  
18 you all know, in the upper Cook Inlet everything is  
19 tied together in management plans. On some of the  
20 other stocks, like rainbow trout in the Kenai River  
21 where the harvest is already at a bare minimum and then  
22 if there was a fishery created in addition to the  
23 current fishery, in a case like that we might say,  
24 yeah, we just have to go do something. So it could go  
25 either way depending on the stock and the situation.

26  
27 CHAIRMAN LOHSE: Thank you, John.  
28 That's all the questions I had. Doug.

29  
30 MR. BLOSSOM: Mr. Chair, John. I heard  
31 you say that by tomorrow you can get the rest of the  
32 chinook thing. How about getting the commercial catch  
33 too for the late run kings? You've got an N/A there  
34 and if we could get that filled in tomorrow, too, it  
35 would be good. On Page 20.

36  
37 CHAIRMAN LOHSE: He says can't do it.

38  
39 MR. VANIA: No, they'll apportion the  
40 commercial catch out by size.

41  
42 MR. BLOSSOM: No, there's no  
43 apportioning out. That terminal fishery only happened  
44 in July in the late run, so there's nothing to worry  
45 about. Every fish that was caught was late run king,  
46 so I'd just like to know the number.

47  
48 MR. VANIA: Do you want the number of  
49 just the terminal harvest then?

50

1 MR. BLOSSOM: Yes, please.  
2  
3 MR. HILSINGER: Yeah, we'll get that.  
4  
5 CHAIRMAN LOHSE: Any other questions  
6 for John. Greg, you look like you need a break.  
7  
8 MR. ENCELEWSKI: I do need a break.  
9  
10 CHAIRMAN LOHSE: Okay. With that we're  
11 going to go on to other Federal, State, Tribal Agency  
12 comments after a 10-minute break.  
13  
14 (Off record)  
15  
16 (On record)  
17  
18 CHAIRMAN LOHSE: Okay. I'd like to  
19 call this meeting back into session. We are on  
20 Proposal 27, the salmon part, Kasilof River, FP07-27B  
21 and C. We just finished the Alaska Department of Fish  
22 and Game comments and now we have other Federal, State  
23 and Tribal Agency comments. First of all, do we have  
24 any other Federal Agency that wishes to make a comment.  
25 Refuge manager.  
26  
27 MR. WEST: Yes, Mr. Chairman, thank  
28 you. Robin West, Kenai National Wildlife Refuge. I'll  
29 keep my comments brief. First of all, I want to say  
30 how much I appreciate the work that OSM and Staff  
31 biologists have done putting these proposals together.  
32 I've never seen anything like this in nearly 30 years  
33 working on fish and game management issues to where we  
34 have such a broad base of proposals, controversy and  
35 issues that have been funneled into something that's  
36 understandable and useful. It's daunting and, frankly,  
37 I'm pretty pleased with what I see as a manager.  
38  
39 A couple of issues. I guess it's  
40 already for the record on pretty much concern for  
41 gillnets and I shared those as a manager as we look at  
42 proposals coming forward. Not only for the  
43 non-selectivity that occurs for catching fish, but also  
44 entanglement of wildlife. One thing that hasn't been  
45 mentioned too is just for boating safety and so forth,  
46 entangling props and gillnets in certain sections of  
47 the river could cause some concerns. We see proposals  
48 that are generated now without looking at gillnets and  
49 I think that's going to be a desirable thing from a  
50 management standpoint.

1                   On administrative matters, there's just  
2 one issue on the proposal in front of you that I wanted  
3 to point out and that's the boundary for the fishery on  
4 the Kasilof River. It talks to basically going from  
5 the lake downstream to Silver Salmon Rapids and there's  
6 a discrepancy between the map on the wall and the map  
7 in your book and talking to various individuals. It's  
8 like anything, I guess. Where is Salmon Rapids,  
9 where's Bob's Hole, where's Hole Number One, where does  
10 it start, where does it end.

11  
12                   The intent that's in your book is  
13 basically what I just wanted to share. The fishery, as  
14 I understand it, being proposed would be from the lake  
15 down to where the Kasilof first exits the Federal land,  
16 which is what it shows as Silver Salmon Rapids there,  
17 on the map it shows where you go in and out, in and  
18 out, and then out again. So the intent was not to be  
19 confusing. If you look at the wall maps here, is  
20 basically the long stretch of Federal waters would be  
21 where the fishery would be executed and not little  
22 blips of where there might be some disputed land  
23 status.

24  
25                   Regardless of how this is decided, OSM,  
26 whether they put a regulation forward to the Federal  
27 Subsistence Board, that was the intent in naming that.

28  
29                   CHAIRMAN LOHSE: The first place that  
30 the river leaves Federal land.

31  
32                   MR. WEST: Correct. I guess the last  
33 thing that I would leave you with and it's already been  
34 said for the record, the Kasilof River, as productive  
35 as it may be, we have probably more biological concerns  
36 on the stocks of fish there than we have in portions of  
37 the Kenai and we also know far less about them and  
38 those have all been made a matter of record. The  
39 steelhead, the late run kings, coho. When I say coho,  
40 what we don't know is what systems they're going into.  
41 In total, we have an obligation and a legal mandate to  
42 manage for stock, integrity and genetic diversity and  
43 we just really don't know a lot about some of these  
44 stocks.

45  
46                   That said, the proposal in front of you  
47 has a fairly minimalist techniques, if you will. It  
48 would be very difficult to take a whole bunch of any  
49 given stock in a given day with a number of users that  
50 would likely participate in the gear types that are

1 proposed.

2

3

Thank you.

4

5

CHAIRMAN LOHSE: Thank you. Doug.

6

7

MR. BLOSSOM: Mr. Chairman, Robin. I guess the one issue though, king salmon, that's not open to any kind of fishing at the present time, so how do you recommend we do this up there to minimize in the spawning area yet get some king salmon taken.

12

13

MR. WEST: Well, I think I share a concern with others about the number of late run kings and the uncertainty there. Again, given the gear type that we're looking at, I think it would be very difficult to -- if the numbers aren't there to reach the quotas that are proposed, you're not going to reach the quotas that are proposed or the gear types. If they're abundant, you're going to take a good percentage of fish, but I think as a starting point this is probably a reasonable proposal.

22

23

MR. BLOSSOM: Mr. Chair. So you're saying with a rod and reel and a dipnet or just a rod and reel or how do you propose to take the kings there?

26

27

MR. WEST: You know, I'm not proposing anything different than OSM's proposal here that would look at dipnet and rod and reel.

29

30

31

32

33

34

CHAIRMAN LOHSE: Robin, is that area wadeable?

MR. WEST: In general, no. There certainly are gravel bars and shallow spots and that, but you couldn't get off at the boat launch, for example, and wade across the river at that point. So there are places you can get in river and work, but there are deep channels as well.

39

40

41

CHAIRMAN LOHSE: Can I follow that up, Doug. Is the area then where the king salmon spawn there, would that only be accessible by dipnetting from a boat or would there be places to dipnet on bars or banks as fish enter that area?

46

47

48

49

50

1 CHAIRMAN LOHSE: What would be the  
2 depth in the area that they spawn approximately?  
3  
4 MR. WEST: I'm just going to take a  
5 stab at it of somewhere around four to six feet, but  
6 there are folks here in the audience that probably know  
7 those areas much better than I do.  
8  
9 CHAIRMAN LOHSE: Doug, did you have  
10 more to ask.  
11  
12 MR. BLOSSOM: Yeah, Mr. Chair, Robin.  
13 My second question, I need to get it stated on record  
14 again, when does that late run of sockeye start  
15 appearing in spawning in that area of the river?  
16  
17 MR. WEST: You know, Mr. Blossom, I  
18 believe we're talking September, but, again, there are  
19 people here that are better versed in that than I am.  
20  
21 MR. BLOSSOM: So if we had a sockeye  
22 fishery until the first of August, that wouldn't  
23 interfere with those late run sockeye then.  
24  
25 MR. WEST: That's my understanding,  
26 yes.  
27  
28 CHAIRMAN LOHSE: Doug, did you mean  
29 with the late run kings or with the late run sockeyes?  
30  
31 MR. BLOSSOM: Mr. Chair, late run  
32 sockeye. (Cell phone ringing)  
33  
34 CHAIRMAN LOHSE: Tom.  
35  
36 MR. CARPENTER: Yeah, Robin, I've got a  
37 question. Taking into consideration where the mainstem  
38 of those fish are spawning, I understand that that area  
39 mainly is below the boat launch. If you open the  
40 dipnet fishery and the rod and reel fishery from the  
41 boat launch to the mouth of the lake, would that be  
42 enough area that both dipnetting from a bank and also  
43 dipnetting from a boat or rod and reel would provide  
44 enough area that subsistence would be at least a  
45 reasonable opportunity?  
46  
47 MR. WEST: Certainly there's plenty of  
48 water there. The river is wide and we're talking  
49 several miles basically of river, so is there adequate  
50 opportunity to fish in there, perhaps. I would, I

1 guess, agree if your motive was to try and reduce  
2 harassment of the late running spawning chinook, the  
3 closer to the lake you got, the more that you're going  
4 to achieve that goal. The only thing that I guess may  
5 be a little more likely, you're going to interfere with  
6 other users. A lot of people put in at the launch and  
7 are motoring back and forth to the lake regularly where  
8 very few people actually put in at the launch and go  
9 downstream. So it's just a thought as far as  
10 segregating users. If somebody really didn't want to  
11 get into conflict with other folks, you might head  
12 downstream rather than head up to the lake.

13

14 MR. CARPENTER: I guess my biggest  
15 concern when starting I guess we could say a new  
16 fishery or a new type of harvesting in that area, my  
17 biggest concern is the biology. Not to put the onus on  
18 you, but your concern is the public perception and  
19 dealing with problems on the refuge. I mean obviously  
20 we don't want to put direct conflict out there. I look  
21 at biology first. Not being extremely familiar with  
22 this, but the area -- I just want to put it on the  
23 record a few times, the area below the boat launch is  
24 where the main spawning area is for the late run  
25 chinooks. I think avoiding those fish may be a  
26 reasonable idea. Thanks.

27

28 CHAIRMAN LOHSE: Doug.

29

30 MR. BLOSSOM: Mr. Chair. I'm sorry for  
31 that phone call. First, to answer your question, I was  
32 talking about sockeye. There is a late run sockeye  
33 that spawn in the slack water area of the Kasilof River  
34 and they're late. The second thing was, so you can put  
35 in your books, is that was Soldotna Fish and Game and  
36 about 3,300 kings were taken in the commercial fishery,  
37 the terminal fishery last year, and he says about 1,000  
38 kings in the sport fishery late run kings. So that's  
39 as close as we can get probably for now.

40

41 CHAIRMAN LOHSE: Any other questions  
42 for Robin.

43

44 (No comments)

45

46 CHAIRMAN LOHSE: Thank you, Robin. Any  
47 other Federal agencies.

48

49 (No comments)

50

1 CHAIRMAN LOHSE: Any other State  
2 agencies.  
3  
4 (No comments)  
5  
6 CHAIRMAN LOHSE: Any Tribal agency  
7 comments.  
8  
9 MR. I. ENCELEWSKI: Thank you, Mr.  
10 Chairman. For the record, my name is Ivan Encelewski  
11 and I'm the executive director of the Ninilchik  
12 Traditional Council.  
13  
14 MR. STARKY: Sky Starky, legal counsel,  
15 Ninilchik Tribal Council. Thank you, Mr. Chairman and  
16 RAC Members. I guess I'm going to start out. Earlier  
17 today we passed around, and I hope you have a copy,  
18 modified proposals. The first one is called Ninilchik  
19 modified proposal Kasilof salmon. My understanding is  
20 right now this part of the forum is just for the  
21 Kasilof salmon, Kasilof resident species, correct?  
22  
23 CHAIRMAN LOHSE: Right.  
24  
25 MR. STARKY: And Kasilof steelhead?  
26  
27 CHAIRMAN LOHSE: At this point in time  
28 we're strictly on Kasilof salmon.  
29  
30 MR. STARKY: Just the salmon.  
31  
32 CHAIRMAN LOHSE: We'll be on resident  
33 species on our next round and you'll have an  
34 opportunity to speak at that time. But if you have any  
35 general things that you'd like to speak to, speak to  
36 them at this time and be more specific next time.  
37 Okay.  
38  
39 MR. STARKY: Okay. We looked at more  
40 or less the Kasilof River as a system and we looked at  
41 the fisheries as one impacting the other, so what I'm  
42 going to do is go through all three modified proposals  
43 at this point in time and then you'll see why we did  
44 what we did, I think.  
45  
46 Basically, as an introduction into this  
47 presentation, I guess, you know, I've heard, for  
48 example, the Refuge manager, Robin West, was just here  
49 commending Staff for the job that they did in putting  
50 together what's in front of you guys. Well, of course,

1 the Staff was tasked with a very difficult job in that  
2 there hadn't been a subsistence fishery here before for  
3 50 years, so they had to try to formulate something.

4

5           Let's take a step back from that.  
6 Ninilchik had to make a proposal before anybody did  
7 anything. Before we even knew what our customary and  
8 traditional uses were going to be, we had to make a  
9 proposal for subsistence fishery. There has been a  
10 mighty, mighty outpour of condemnation because  
11 Ninilchik asked for, at minimal, two community net  
12 sites, gillnet sites. We thought that was a pretty  
13 reasonable proposal.

14

15           Subsistence fishermen throughout the  
16 state use gillnets to -- I mean not on the Copper River  
17 maybe, that's a fishwheel spot, but pretty broadly  
18 across the state of Alaska gillnets are used for  
19 subsistence and that's because they're an effective and  
20 efficient means of harvesting fish. It wasn't some  
21 kind of a far-fetched, greedy, manipulative, nasty,  
22 fight-picking and everything else that we've been  
23 called for trying to put in a modest proposal. So  
24 that's what we were faced with, was making a proposal.

25

26           So we made a proposal. Well, I mean  
27 anybody who's paid any attention to the newspapers, at  
28 least on the Kenai Peninsula, has known the price that  
29 the people from Ninilchik have paid dearly for trying  
30 to assert their rights to a minimal proposal, which  
31 they thought was very modest.

32

33           The next thing that Ninilchik knew  
34 without any consultation at all was that Staff had  
35 taken Ninilchik's proposals for a community net and had  
36 turned them into what you now have in front of you,  
37 which is a number of different proposals, none of which  
38 have community net, but which use bits and pieces of  
39 Ninilchik's original proposal to put together something  
40 that doesn't look at all like what we proposed now.  
41 That may be a very good faith effort on Staff's part to  
42 try to deal with the situation that they were in, so  
43 that's where we are and we have to deal with that  
44 situation.

45

46           So, what you see in front of you  
47 basically accepts the situation that we're in, which is  
48 Staff has taken the initiative here to design a  
49 fishery. Now, we could try to go 180 degrees different  
50 from where Staff has gone and we could sit here for a

1 long time, but it seems most reasonable, given the  
2 position we're in, to try to work with these proposals  
3 for the benefit of the RAC, for the Board and primarily  
4 because this is the first year. None of us know how  
5 any of these fisheries are going to work. There's a lot  
6 of speculation here and we need to start somewhere.  
7 It's going to be an evolving process, so we decided,  
8 okay, we'll accept the situation we're in and we'll  
9 look at these proposals and try to work with them.

10

11                   So what you'll see in these proposals  
12 is that they largely track the Federal proposals that  
13 you've seen analyzed and that you have before you in  
14 the book. The only places where they're different is  
15 the capital text that's in parentheses. So the first  
16 change for Kasilof salmon, Staff had suggested that all  
17 fish incidentally taken in the dipnet fishery except  
18 for steelhead and rainbow trout would be allowed to be  
19 kept, but the steelhead and rainbow trout must be  
20 released in that dipnet fishery.

21

22                   Now we had understood that the reason  
23 for that was primarily because of a concern for  
24 steelhead. But if you look at Staff's analysis, you  
25 will see that steelhead are not in any kind of  
26 significant numbers in that water until the fall. They  
27 leave the lake in the spring, they go down to Crooked  
28 Creek and out and they don't return back to the lake  
29 until fall. So we said August 15th. You can keep the  
30 rainbows incidentally taken in your dipnet until August  
31 15th and then at that point you have to release them.  
32 Also, set a 200 fish limit, so that once you keep 200  
33 fish, steelhead or rainbow, we think they'll be rainbow  
34 because there's not steelhead in the water then, then  
35 you have to release all fish.

36

37                   Now why that? First of all, if there  
38 are any fish that you catch that are damaged, you don't  
39 want to throw them back. You want to be able to keep a  
40 fish that is damaged. Secondly, you know, it will  
41 allow some harvest opportunity that's reasonable for  
42 those species and a very minimal one and one that  
43 doesn't have any conservation impacts. That's the  
44 first change for salmon.

45

46                   The second change we suggest for salmon  
47 is that for the rod and reel fishery in order to make  
48 it an effective fishery you be allowed to fish with  
49 baited single, up to two hooks, they can either be  
50 single hooks or treble hooks and that they're baited

1 for the rod and reel fishery for salmon, for the salmon  
2 rod and reel fishery. That's the only modifications we  
3 proposed for Staff's salmon proposals for the Kasilof.

4  
5 In order to take into consideration the  
6 conservation concerns Staff has for steelhead and  
7 rainbow, what we suggested for resident species is that  
8 rather than doubling the sport fish bag limit for  
9 rainbow trout as Staff had suggested, that the sport  
10 fish bag limit stay the same, that it not be doubled.  
11 Those savings that you'll save in the rod and reel  
12 fishery you would take in the incidental keep for the  
13 dipnet fishery. The sport fish bag limit would say the  
14 same for rainbow trout. That's the only modification  
15 we proposed for the resident species proposal. So the  
16 Staff proposal stays the same except it's more  
17 conservative. You don't get double the bag limit for  
18 rainbow trout.

19  
20 For Kasilof River steelhead, we propose  
21 something that's more conservative than OSM and that is  
22 that the steelhead bag limits are not doubled, they  
23 stay the same as the sport fishing bag limit. Again,  
24 the savings off the rod and reel fishery would take in  
25 the incidental take that you would be able to keep in  
26 the dipnet fisheries.

27  
28 They're all there in front of you.  
29 They're minimal changes and that's how we suggest  
30 creating a fishery for the Kasilof except that  
31 Ninilchik is in favor of allowing the fishwheel  
32 proposal that was drafted by Staff. I think you've  
33 seen it. Staff, on fishwheels, has drafted a proposal  
34 which would allow one fishwheel in the Kasilof River.

35  
36 Now, it's hard to know whether  
37 Ninilchik would be able to take advantage of that this  
38 year. But if it's in the regulation, there's a  
39 possibility. If we can't take advantage of it this  
40 year, then maybe next year. After all, we're not going  
41 to know what the fishery is until May. That's when the  
42 Federal Board will let us know what our fishery will be  
43 like.

44  
45 Thank you, Mr. Chairman.

46  
47 CHAIRMAN LOHSE: Thank you. Tom.

48  
49 MR. CARPENTER: Yes, Sky, I've got a  
50 couple questions. Personally, I appreciate the fact

1 that Ninilchik is willing to work with moving some  
2 things around from their original proposal. Obviously,  
3 most of the talk as you've heard have not been  
4 necessarily about salmon. They've been about the  
5 resident species and rainbow and steelhead trout, for  
6 example. Would Ninilchik be opposed to putting a  
7 maximum mesh size on the web that was used in a dipnet?  
8 If you kept the frame size and the general  
9 characteristics as recognized in Federal regulation the  
10 same but you restricted the mesh size to say no greater  
11 than two inches, if you were in a position to have to  
12 release a fish, by maximizing the mesh size you would  
13 have no potential really for any catch and release  
14 mortality in that fishery and that would alleviate some  
15 of the pain that a lot of people have talked about, but  
16 it would not necessarily take away from the person's  
17 ability to harvest the target species.

18  
19 MR. STARKY: Well, I guess we're  
20 willing to have a conversation about it and get back to  
21 you, but I think there are some immediate concerns that  
22 people would need to think about on that. For example,  
23 where are you going to buy dipnet gear that's not the  
24 standard gear? I mean the State allows the same gear,  
25 so that's the gear that people sell. Secondly, how  
26 does the mesh size affect how efficient the gear is. I  
27 mean it's probably that gear for some reason.

28  
29 I guess the third thing is, it seems a  
30 little -- I understand the need for conservation and  
31 Ninilchik does, but it seems unusual that people would  
32 think about restricting subsistence users to a smaller  
33 dipnet mesh size than are allowed in all the other  
34 fisheries.

35  
36 The last thing, what we've tried to do  
37 is take conservation into mind very severely and  
38 propose a 200 limit on the take of rainbow trout and  
39 not upping the sport fishing bag limit. So that quota  
40 in there seems to be a very sort of bright line  
41 conservation issue.

42  
43 I guess the other thing, Tom, to think  
44 about it, the way we understand it in talking to  
45 people, dipnets work best when you can't see them very  
46 well, so they work well down at the mouths of the river  
47 where it's cloudy. But if you've got them up higher  
48 where the water is clear and you have more mesh, how  
49 effective is the gear going to be.

50

1 MR. CARPENTER: That's a valid point.  
2 I will agree that there is a lot of truth to that.  
3 Effectiveness is definitely less in clear water. The  
4 only reason I asked about that was, one of my concerns  
5 is not necessarily the fact that somebody or you would  
6 harvest some rainbow trout. I don't think that's  
7 significant. But what I do think is significant and  
8 there's been testimony about it the last day is that  
9 one of the problems the State got into and it took them  
10 a long time to figure out why was that they allowed too  
11 many large brood size trout to be taken out of the  
12 population and it took a while to get recovered.

13  
14 So I'm not so concerned with taking  
15 non-breeding sized fish as a non-target species, but I  
16 do think that there needs to be some sort of size limit  
17 in regards to the amount of fish being taken. You hear  
18 the size 16 and 18 inch, so I was just curious if you  
19 had a comment on that, if that was something that was  
20 reasonable.

21  
22 MR. STARKY: I guess I'm not sure. The  
23 reason I'm not sure is it seems like a lot of the  
24 rainbow trout discussion has focused in on the larger  
25 rainbow and its importance as a breeding stock for the  
26 Kenai. But I haven't understood or heard that same  
27 argument made, at least not with the same force, for  
28 the Kasilof. I don't know. I suppose one problem with  
29 a strict size limit would only be that if you catch a  
30 bigger fish and that fish is not in a good condition to  
31 release and you make people release it, it seems  
32 wasteful and that's something that subsistence users  
33 really don't like to do, would be to return a fish back  
34 that is going to die anyway.

35  
36 MR. CARPENTER: Yeah. I mean that's  
37 definitely a concern. I think any type of catch and  
38 release, no matter if it's with a rod and reel or  
39 dipnet, there's mortality with all sorts of methods  
40 like that. I just was curious if you had maybe -- you  
41 know, if you were willing to think about if we got some  
42 testimony from a biologist in regards to the Kasilof  
43 that it was similar to the Kenai in regards to the  
44 bigger fish, and I'm confident that that's what they  
45 would say, that the bigger fish tend to be more in the  
46 breeding pairs, if that was something that Ninilchik  
47 was willing to live with in regards to some sort of a  
48 rainbow but non-target species harvest level.

49  
50 MR. ENCELEWSKI: I guess that's

1 something to look into. I don't know that we'd commit  
2 one way or the other. As Sky pointed out, I think the  
3 Kenai versus Kasilof issues and we're talking about the  
4 Kasilof in regards to some of the larger fish. So, at  
5 this point, like you say, there may be some biological  
6 information on that, but I don't know whether we could  
7 definitely answer that without some of that  
8 information.

9

10 MR. CARPENTER: Okay. Thanks.

11

12 CHAIRMAN LOHSE: Thank you. Can I ask  
13 you a question to see if I've got my understanding  
14 correct on this. Basically what you're saying is it  
15 doesn't make any difference whether you use dipnets or  
16 rod and reel, these bag limits apply for salmon and  
17 that the resident species, it doesn't make any  
18 difference whether you use dipnet or rod and reel,  
19 current State bag limits apply to them. I was  
20 wondering if current State bag limits on the Kasilof  
21 had a size -- the current State's bag limits have a  
22 size limitation on rainbows on the Kasilof. So if  
23 you'd be willing to accept current State bag limits  
24 which already has a size limit on it, then basically  
25 what you're saying is the only difference would be that  
26 you would be allowed to use either a dipnet or a rod  
27 and reel to take them.

28

29 My personal opinion is that while you  
30 might find yourself fairly successful taking salmon  
31 with a dipnet, I think you're going to find taking  
32 trout with a dipnet is going to be a lot harder to do.  
33 But you'd be under current State bag limits which  
34 includes a size limit. Am I correct on that?

35

36 MR. STARKY: The dipnet fishery would  
37 be -- the only limit on the dipnet fishery would be  
38 that you'd reached your family's quota. There would  
39 not be a State bag limit on salmon in the dipnet  
40 fishery.

41

42 CHAIRMAN LOHSE: Right.

43

44 MR. STARKY: For freshwater fish, the  
45 only incidental catch limit in the OSM proposal is on  
46 rainbow trout/steelhead, although their own data shows  
47 that steelhead are probably not in the water then by  
48 August 15th. Okay. For rainbow trout, it would be an  
49 annual quota. It wouldn't be an individual daily  
50 quota. Once the annual quota of 200 steelhead or

1 rainbow trout were taken in the dipnet fishery, then no  
2 more incidental take of rainbow or steelhead would be  
3 allowed in that fishery. It's a total cap. Or after  
4 August 15th no incidental take of rainbow trout would  
5 be allowed in that fishery.

6

7 For the rod and reel fishery though, it  
8 would not change from the current State methods, means  
9 or bag limits. They would remain the same for rainbow  
10 trout or steelhead. Whereas the Staff had proposed  
11 doubling both of those.

12

13 CHAIRMAN LOHSE: Okay. So the 200  
14 rainbow trout or steelhead, technically speaking, could  
15 be taken in one day or could be taken over the course  
16 of the season. It could be taken by one individual or  
17 could be spread out over the individuals. So they  
18 don't have to take no more than the bag limit every  
19 day. It's just that there's a 200 fish cap.

20

21 MR. STARKY: That's correct, Mr.  
22 Chairman. And it's assumed that most people will not  
23 want to take a lot of rainbow trout so that if they  
24 catch them, they will be releasing them, but they might  
25 want to keep a couple to eat that day, they're going to  
26 be out fishing anyway, or some may be injured they want  
27 to keep those. So it's not by any means thought of as  
28 a targeted rainbow trout fishery. It just will allow  
29 you to take some incidental take.

30

31 But you're right, Mr. Chairman, it's  
32 feasible that that cap would be reached early in the  
33 fishery and it would mean all the rest would need to be  
34 released. Again, none of us really know very much  
35 about how this fishery is going to turn out until we  
36 try it.

37

38 CHAIRMAN LOHSE: Does anybody that you  
39 know have any indications from the other dipnet  
40 fisheries that have been run by the State how many  
41 incidental caught fish did they catch in a dipnet  
42 fishery? Does the State have any idea of that? Have  
43 you heard any idea? Does anybody even know if it's  
44 feasible to take rainbow trout with a dipnet?

45

46 MR. STARKY: I do not have any. It  
47 seems as though at one of these many meetings that  
48 we've been to in the last few months there were a few.

49

50 CHAIRMAN LOHSE: John, do you have any

1 information for us on that? Have we had much problem  
2 with incidental take in our other dipnet fisheries?

3

4 MR. HILSINGER: Mr. Chairman. I've  
5 never heard -- those dipnet fisheries all occur at the  
6 mouths of the rivers. They're not generally up in the  
7 upper parts of the rivers where you have more of the  
8 resident species. I don't know that it's possible.

9

10 CHAIRMAN LOHSE: Okay. I had one other  
11 question. One question I have never heard brought up  
12 in here -- and Ninilchik did put the original proposal  
13 in for gillnets, but the one thing I have never heard  
14 in all of this discussion was how long of a gillnet  
15 were they talking about. I've heard everything from 10  
16 feet to a regular size gillnet. Was that ever brought  
17 up in discussion how long of a gillnet they were asking  
18 for?

19

20 MR. STARKY: Mr. Chairman. When  
21 Ninilchik created the proposal, those details were  
22 intentionally left vague with the thought that because  
23 it was a new venture there would actually be a  
24 collaboration and a working relationship between  
25 Ninilchik and OSM and the State to try to figure out  
26 how this would work and that never happened, so it was  
27 intentionally left vague.

28

29 CHAIRMAN LOHSE: Doug.

30

31 MR. BLOSSOM: Yeah, Mr. Chair. My  
32 first question is then in addition you want a 200 fish  
33 limit on the winter fishery in addition to this, right,  
34 or is that the total for the year?

35

36 MR. STARKY: Our position would be that  
37 this proposal would not affect what would be taken in  
38 the winter fishery. It would be in addition to the  
39 winter fishery.

40

41 MR. BLOSSOM: Okay. My other problem  
42 is we've got this sockeye spawning area taking off I  
43 think Robin said the first part of September, so when I  
44 read through here and you've got a coho and pink salmon  
45 allowed from June 16th through October 31, could we put  
46 in there then that any fish caught after August 15th  
47 will be released to try to protect that spawning area?  
48 Do you see what I'm saying there?

49

50 MR. STARKY: Mr. Blossom, through the

1 Chair, are you talking about any sockeye or king salmon  
2 caught in a dipnet after August 15th would be released?  
3 You're not talking about coho, are you?

4  
5 MR. BLOSSOM: No, I'm talking right now  
6 just about sockeye. There's a late run of sockeye that  
7 spawn in the slack water part of the Kasilof River and  
8 according to Mr. West it starts their spawning in there  
9 around the first of September, so if we stop by the  
10 15th of August and release any sockeye after that date,  
11 we'd protect those spawning fish.

12  
13 MR. I. ENCELEWSKI: Mr. Chair, Mr.  
14 Blossom. Basically the way it's reading here is that  
15 the sockeye and chinook salmon will be allowed from  
16 June 16th through August 15th and then the coho from  
17 the 16th of June through October 31st. I think that  
18 would imply that sockeye would not be retained after  
19 the August 15th date.

20  
21 MR. BLOSSOM: And then my second thing,  
22 of course, is the king salmon. You know, earlier we  
23 had talked about having that closed by like the 15th of  
24 July to let those kings spawn in that slack water area.  
25 Do you suppose we should shorten that king salmon thing  
26 some just for a starter or what do you think?

27  
28 MR. I. ENCELEWSKI: I don't know that  
29 there would be a huge issue with that. Obviously we're  
30 not, as subsistence individuals, interested in spawned-  
31 out fish, king fish, so I think there could be some  
32 discussion on that.

33  
34 CHAIRMAN LOHSE: Doug, any more.

35  
36 MR. BLOSSOM: I guess if we go on then,  
37 are we going to do the winter fishery now, too?

38  
39 CHAIRMAN LOHSE: No, no. We're  
40 strictly on FP07-27, but they wanted to present a broad  
41 overview of everything so they wouldn't have to go  
42 through it all every time. Gloria.

43  
44 MS. STICKWAN: You said the reason you  
45 changed this is because of the uproar or the  
46 discussions about gillnet and possibly getting resident  
47 species, et cetera. That was the reason you changed  
48 this and Ninilchik is restricting themselves in their  
49 subsistence even more than the Federal management is  
50 allowing them to catch. I guess that's a compromise on

1 your part. But I'm wondering, is this just because  
2 this is the beginning of Federal fisheries in this area  
3 and is Ninilchik going to keep this as a fisheries bag  
4 limit for these fisheries or are you going to change it  
5 later on or what are your thoughts about that?

6

7 MR. I. ENCELEWSKI: To answer your  
8 question, Mr. Chair, Ms. Stickwan, we look at this as a  
9 starting point. We realize this is a new fishery, this  
10 is controversial and whatnot. So the proposal we put  
11 in, like Sky had mentioned, was for a community net on  
12 each river. Personally, we feel that that's more  
13 efficient and economical, but there's a lot of  
14 opposition to that. Personally, I would think that  
15 somebody would want one controlled net site versus  
16 people with hook and line and dipnets up and down the  
17 river. That just didn't make sense to me.

18

19 To further go along, I participated as  
20 a representative of the subcommittee. I know there was  
21 some opposition to that at the RAC and I think to  
22 eloquently quote Mr. Elvsaas, you know, it didn't have  
23 a chance in hell of working, and it didn't. But, with  
24 that being said, that was one of the things that was  
25 very contentious. Obviously you've heard from the  
26 Federal Staff that believe that it's not feasible to  
27 have one community net, to have one organization or  
28 government. I think there's still some disagreement on  
29 our part in that respect, but we look at this as a  
30 starting point.

31

32 I'll go ahead and let Sky follow up on  
33 that.

34

35 MR. STARKY: Thank you for asking that  
36 question because it does give us an opportunity to talk  
37 a little bit about the position we found ourselves in.  
38 It would have been a more level playing field if we  
39 would have been able to actually have gotten our  
40 gillnet proposals analyzed by Staff. They could have,  
41 for example, looked at what one net in, for example,  
42 Skilak Lake would look like. There are many places  
43 where those kind of things could have been analyzed.

44

45 We never got there. Without that kind  
46 of groundwork and analysis it would be quite difficult  
47 for us to pursue that at this point, so we are at a  
48 beginning point and sometimes you have to accept where  
49 you are and move forward and we trust that this Counsel  
50 understands that it's a beginning point and that we're

1 all going to learn from these fisheries and we're all  
2 going to move forward.

3  
4                   What we would appreciate from the  
5 Council is some support and in asking Federal Staff to  
6 do a thorough review, to look at other fishing  
7 opportunities, including gillnets, in certain locations  
8 and to give a more thorough look at some of these  
9 proposals. But given where we are and given that we  
10 are all going to learn through this year and the next  
11 few years, this is the position we find best advocated  
12 at this point in time.

13  
14                   CHAIRMAN LOHSE: James.

15  
16                   MR. SHOWALTER: Yes. Is this proposal  
17 known as a set or a drift type of a gillnet? Can it be  
18 set in one location?

19  
20                   MR. STARKY: Mr. Chairman, Mr.  
21 Showalter. The original proposal that we put in was  
22 for a community net site for a setnet.

23  
24                   MR. SHOWALTER: Okay. Then along with  
25 that I've got a couple comments. You indicated a new  
26 type of fishery. In the Kenai and Kasilof, no, that's  
27 not a new type of fishery. I have seen that done in  
28 the past where they have used nets before they were  
29 regulated out. As far as steelhead, but I'm not sure  
30 about the rainbow trout, they are a skittish fish.  
31 They're hard to catch even with a net. So let's say  
32 you have a 10 fathom net staked out. I don't think  
33 you'd catch very few steelhead because, like I  
34 indicated, they're a skittish fish. They're hard to  
35 catch even with a net. Whereas with a rod and reel, if  
36 you catch one, I would say if you catch one, you keep  
37 it.

38  
39                   Thank you.

40  
41                   CHAIRMAN LOHSE: Greg.

42  
43                   MR. ENCELEWSKI: Through the Chair.  
44 Sky, I've just got a couple comments I wanted to make.  
45 In looking at this proposal, we went from a net to  
46 basically a rod and reel. I've never heard of a  
47 subsistence user with a rod and reel. My question is  
48 do you feel this is a meaningful preference and do you  
49 feel this would satisfy a starting point?

50

1 MR. STARKY: Well, let me put it this  
2 way. If it's a meaningful preference, it's just about  
3 at the very bottom of that barrel, I guess. The thing  
4 that none of us know is if any of this is going to  
5 work. Nobody really knows how effective a dipnet is  
6 going to be there. Nobody knows how effective a rod  
7 and reel is going to be.

8  
9 One of the things I took note of  
10 earlier -- there's a couple ways to answer this  
11 question, but someone got up here earlier and was  
12 talking about the number of fish that a subsistence  
13 user could use, I think it was the State bag limits and  
14 lower bag limits. The inference was that if you fished  
15 -- and I may have gotten this wrong, but here's how I  
16 understood it. The inference was that if you fished  
17 with a rod and reel and a dipnet every day for a month,  
18 you'd catch so many fish and you'd be able to meet your  
19 limit, but that really isn't what subsistence users do.  
20 They don't have generally the time to go out and fish  
21 for a few fish every day and then accumulate a bag  
22 limit that way. That's also not a good way to fill  
23 your smokehouse. You try to get your fish effectively  
24 and efficiently and you try to get your work done and  
25 get your fish up because you've got other things going  
26 on in your life. So it really misrepresents what  
27 subsistence is about.

28  
29 I think the other thing you need to  
30 look at when you look at whether something is a  
31 meaningful priority is how ANILCA defines subsistence.  
32 It's not a meat fishery. When you open Title VIII up  
33 and the very first paragraph tells you what Congress's  
34 findings were, what they wanted to accomplish, and the  
35 first sentence says that Congress wanted to provide an  
36 opportunity for subsistence uses because Congress found  
37 that it was essential. Not important, but essential  
38 for Alaska Natives culture, tradition, nutrition and  
39 economic uses. That's not just me.

40  
41 In the Quinhagak case that went to the  
42 9th circuit, they affirmed that subsistence is about  
43 protecting a way of life. It's not about providing  
44 people with a certain amount of meat. If that's all it  
45 was about, then I suppose you could hire some  
46 commercial fisherman to go out and catch some reds and  
47 deliver them to the village. I know that's a long way  
48 to answer your question and the answer is we'll see.  
49 Probably not.

50

1 MR. ENCELEWSKI: Thank you.

2

3 MR. I. ENCELEWSKI: Mr. Chair, Mr.  
4 Encelewski. To follow up on that, I think Sky pretty  
5 much hit the nail on the head. If it's a meaningful  
6 preference, it's pretty minute. A sports fishery is  
7 not a subsistence fishery and I think that's even in  
8 case law. We're talking about a meaningful preference  
9 and we've talked to you previously about this being a  
10 starting point.

11

12 I think as the gentleman testified  
13 yesterday about is it meaningful for us to go down  
14 there with a hook and line and arm to arm with somebody  
15 that's a professional sports fisherman. No, that's not  
16 a meaningful preference. We've previously gone to the  
17 9th circuit on moose hunting. Three days was not a  
18 meaningful preference and it was rejected. The Federal  
19 Board had to go back and create a meaningful  
20 preference.

21

22 So I think that summarizes my feelings  
23 about that. This kind of comes down to the three days.  
24 Honestly, if it was looked at from a judicial aspect, I  
25 don't think they would really consider this real  
26 meaningful preference, but it's a start. We realized  
27 we had an uphill battle. Those of us that attended the  
28 workgroup committee, I was going to go off on that for  
29 a while, but I'll let that rest.

30

31 The intense opposition and the turning  
32 around of our original proposal for one community net  
33 and this pandemonium that seems always to occur, doom  
34 and gloom, doom and gloom, what if. What if a  
35 meteorite falls out of the sky. You look at our moose  
36 hunting proposal and everybody said for our late hunt,  
37 oh, there's going to be so many moose taken. Well,  
38 what was it, six moose. We're going down the same  
39 path. We're talking about all this doom and gloom  
40 potential issues that I don't see coming to fruition.

41

42 CHAIRMAN LOHSE: Tricia.

43 MS. WAGGONER: Through the chair.  
44 Getting back to the gillnet proposal, you guys  
45 originally asked for two sites, is that correct?

46

47 MR. STARKY: That's correct.

48

49 MS. WAGGONER: If you had a preference  
50 on location of those sites, where would they be

1 specifically?

2

3 MR. STARKY: For both rivers?

4

5 MS. WAGGONER: I guess I'm asking both  
6 in general. I know we're addressing the Kasilof right  
7 now, but I'm trying to look at -- I hadn't thought  
8 about the lake versus the river in a gillnet and I  
9 think that would make a big difference, so I was  
10 wondering what your thinking was for a specific  
11 location.

12

13 MR. STARKY: One place we heard may be  
14 a potential site for the Kenai would be right below the  
15 boat launch on Skilak Lake, that same shore between  
16 there and the mouth may be a good place to test a  
17 gillnet fishery and see what it would work like. For  
18 the Kasilof, I think close to the lake as well. Is  
19 that right, Ivan?

20

21 MR. I. ENCELEWSKI: With the Kasilof,  
22 you're obviously talking about a fairly limited area  
23 from the lake down to Silver Salmon Rapids or whatever  
24 it is. I know there's some interweaving down in there.

25

26 MR. STARKY: And in terms of how to  
27 limit nets, one of the notions that was discussed would  
28 be to allow only a short area where nets would be  
29 allowed. For example on Skilak Lake 1,000 feet or  
30 something and spacing nets 200 feet apart, so really  
31 you'd only have three nets allowed in there and that  
32 way it's not, quote, widespread use of gillnets.

33

34 CHAIRMAN LOHSE: Any other questions.  
35 Doug.

36

37 MR. BLOSSOM: Yeah, Mr. Chair. I'm  
38 going to direct this at you folks through to the Alaska  
39 Department of Fish and Game. They took in that  
40 terminal fishery three times the kings they normally  
41 take in that river, so I would caution them to be  
42 careful. In other words, subsistence has priority and  
43 if you folks take these 500 kings and there's a  
44 shortage, then they best -- I'm just looking at all of  
45 a sudden the commercial catch is increased by 3,300  
46 kings in the Kasilof River and that, to me, is not  
47 acceptable.

48

49 MR. I. ENCELEWSKI: Mr. Chair, Mr.  
50 Blossom. I think that hits on one of the points.

1 We've been here for years through this process. One of  
2 the things that concerns me is that in participating  
3 with the subcommittee and even some of the testimony  
4 and things I hear today, I really get the feeling that  
5 it seems like the attitude of many is how can we  
6 somehow fit these guys in. What extra fish is there  
7 somewhere that we're going to be able to give to these  
8 guys. The hard questions that need to be asked  
9 potentially is, you know, what little amount are the  
10 sport fishermen or commercial fishermen potentially  
11 going to have to give up in order to get a meaningful  
12 preference and some fish for us. It always seems like  
13 the argument and the issue comes down to how can we  
14 find a little surplus of something somewhere to give  
15 these guys because the allocation is already allocated.

16  
17 We heard from the State that the  
18 allocation of the coho in the Kasilof is already at max  
19 with commercial and sport catch. Well, ANILCA says,  
20 you know, that subsistence priority is a preference and  
21 we're to get some fish. So it's not a matter of where  
22 can we harvest, produce, whatever, some extra fish to  
23 throw at these guys and kind of throw us a bone. I  
24 think that discussion needs to be turned around. How  
25 are we going to get some fish for subsistence. If it  
26 has a minor impact on some of the other fisheries,  
27 that's a tough question. It's a tough road to go down.  
28 We're not interested in trying to ruin any sport or  
29 commercial fishery. Conservation is our concern and we  
30 expressed that at the subcommittee meetings.

31  
32 CHAIRMAN LOHSE: Anybody else.

33  
34 (No comments)

35  
36 CHAIRMAN LOHSE: Thank you, guys. Are  
37 there any other Tribal agencies that wish to speak at  
38 this point in time.

39  
40 MR. WILLIAMS: Mr. Chairman, Members of  
41 the Board. My name is Darrel Williams. I'm from  
42 Ninilchik. To make a little mop up on what was just  
43 said, I was very happy when Sky and Ivan were able to  
44 sit down and go through some of these proposals and  
45 they were a little more open-minded than I am.

46  
47 This point has come up a couple  
48 different times and I brought it up this morning, ask  
49 the questions that need to be asked. Personally, I  
50 like to play devil's advocate and I think, hmm, if I

1 was a commercial fisherman and they said you're allowed  
2 to fish one day a month, would I like that. As a  
3 subsistence user, I'd be tickled. As a commercial  
4 fisherman, I don't think I'd be happy. If I was a  
5 sportsman and I was told you're going to have to go to  
6 the refuge, be escorted down to a cage where you can  
7 catch your fish surrounded by bears, would I like that.  
8 As a subsistence user, I think that's great, but as a  
9 sportsman I probably wouldn't like it. Those are the  
10 hard questions that need to be asked.

11  
12                   There are other issues that come along  
13 with that. The example of the Hidden Creek and the  
14 enhanced fishery. I do have some concerns on that  
15 because biology as a discipline of science leads to  
16 other things. I believe when Hidden Lake was enhanced  
17 in the past, the bear population escalated. When that  
18 enhancement stopped, it declined. Now we're also  
19 talking about trying to have a fishery down there and  
20 we're going to also be feeding some bears. The other  
21 part that really concerns me about enhancing a stream  
22 to satisfy subsistence needs is that the customary and  
23 traditional use that the C&T is founded on, it's  
24 getting disregarded.

25  
26                   One of the things I look at is marking  
27 the fish. It's kind of funny to watch the Styke boys  
28 fight over fish tails in the smokehouse. It's a  
29 traditional food. They skin the tail. I don't know  
30 the Native name, but it's a very important thing. These  
31 guys are grown men and they get into fist fights over  
32 it. It's a big deal. When you have to cut out the  
33 tails, it takes away from it. It's the tradition, it's  
34 the culture, it's the richness of what rural residents  
35 have. When we have to start  
36 taking care of that because the implication that the  
37 Fish and Game officers or the Federal enforcement staff  
38 can't figure it out, I've told you this before,  
39 enforcement does not get a pass. If we put the money  
40 into enforcement that we've spent on this issue right  
41 here, we'd have so much enforcement in the Kenai River  
42 and on the Kasilof River it wouldn't be funny. We all  
43 know that.

44  
45                   But the traditional, going out, handing  
46 down skills, teaching your children how to catch fish,  
47 those are things that are not being addressed here. I  
48 hear the sportsmen come here and say they're going to  
49 sport fish and these trout are being caught three or  
50 four different times. I haven't heard anything about

1 barbless hooks. I brought up mortality rate. I still  
2 don't hear nothing about barbless hooks. I don't hear  
3 about these humane means and methods of catching these  
4 fish. Personally, maybe because I'm a hillbilly,  
5 quote/unquote, but I've never seen a rubberized net.  
6 Maybe they have those at Safeway or Fred Meyer. We  
7 don't have one of those in Ninilchik either. But I'll  
8 look when the snow melts. Maybe we'll find one. It's  
9 the difference between a rural and an urban economy.

10

11 Another one of the eight factors that  
12 comes up when we're deciding these things that's not  
13 being regarded. No one said that the fish stocks can't  
14 handle this. Everybody is saying we don't want those  
15 subsistence users here. That's really interesting to  
16 me and it makes me think that when we sit and we say we  
17 don't have information about this fish stock and that  
18 fish stock and resident species and transient species,  
19 you know, they're sport fishing and that's a proven,  
20 sustainable harvest and it goes back to the hard  
21 question. If the harvest is sustainable and it's  
22 proven to be sustainable for years and years of  
23 harvest, why can't we use that to model some of these  
24 things for this fishery.

25

26 The eight factors that came along with  
27 the C&T that we spent a long time going over, I don't  
28 think we need to go over them again. If we need to,  
29 let me know. I'd be more than happy to. But those are  
30 real cultural things. That's what Sky was saying about  
31 the intent of Congress. When Mr. Showalter brought up  
32 the Alaska Native and tribe thing, it states Alaska  
33 Natives. It's not a bias thing. As well as rural  
34 residents. Sometimes people tend to go to their own  
35 interests and there are rural residents and Alaska  
36 Natives who are both.

37

38 Through the regulation and closures,  
39 people are starting to really notice that there's this  
40 loss of culture. When we did the ANILCA survey and the  
41 presentations, you could see the numbers where they had  
42 changed from the 1994 survey to the 1999 survey. Part  
43 of that is because there has been restrictions put in  
44 place and some of these older folks have died. They  
45 weren't able to pass on their skills. They weren't  
46 able to engage in this cultural richness that the rural  
47 community enjoys and people are feeling that threat. I  
48 think that's one of the things that's also fueled this  
49 whole issue.

50

1                   That was really what I wanted to  
2 reiterate. Are there any questions.

3  
4                   CHAIRMAN LOHSE: Any questions for  
5 Darrel.

6  
7                   (No comments)

8  
9                   CHAIRMAN LOHSE: Thank you. Tom.

10  
11                  MR. CARPENTER: Mr. Chairman. Just a point of  
12 order. In lieu of time, I think that we need to  
13 restrict each agency or tribal agency or advisory  
14 committee to one person or one group to comment at a  
15 time because -- I mean nothing against Darrel. If we  
16 let every single person come up here and represent a  
17 tribal agency or a department or something, we're going  
18 to be here until next Thursday talking about this  
19 topic.

20  
21                  CHAIRMAN LOHSE: I'll take your point,  
22 Tom.

23  
24                  MS. STICKWAN: We let all of the other  
25 people get up here and speak. Now we're saying the  
26 tribes can't get up here and speak. I disagree with  
27 that.

28  
29                  MR. CARPENTER: No, I'm not saying I  
30 don't want the tribes to speak at all, Gloria. I'm  
31 just saying that if we're going to follow the agenda,  
32 it says Federal, State and Tribal agency comments, I  
33 would just as soon that Tribal agency comments, State  
34 comments and other Federal comments be consolidated  
35 into one comment. If people want to testify  
36 individually besides that, that's fine, but I don't  
37 know that we can have four or five people come up and  
38 different times from the same agency and give different  
39 comments.

40  
41                  MR. ENCELEWSKI: Mr. Chairman, if I may  
42 make a comment on Tom's point of order. I have to  
43 agree with Gloria. We didn't restrict anyone else from  
44 speaking and I believe that three distinct branches  
45 were speaking to issues. Resource manager, Darrel  
46 Williams, executive director, and the attorney that  
47 formed the proposals.

48  
49                  CHAIRMAN LOHSE: Tricia.  
50

1 MS. WAGGONER: Yeah, I think the tribe  
2 was no different than having subsistence management and  
3 the refuge staff both speak.

4  
5 CHAIRMAN LOHSE: Basically what you  
6 were saying in this case is we had two different  
7 agencies of the tribe speak. We'll take that into  
8 consideration in the future. Okay. InterAgency Staff  
9 Committee comments.

10  
11 MR. BERG: Thank you, Mr. Chair. For  
12 the record, Jerry Berg. I represent Fish and Wildlife  
13 Service on the InterAgency Staff Committee. We  
14 basically also felt that the Staff did a very good job  
15 as a first step in the analysis with such difficult set  
16 of regulations. We thought it was important to build  
17 trust with the public and that this was a reasonable  
18 first step. That's all I really have to add. We don't  
19 really have a position on it yet. We'll be meeting in  
20 a few weeks after we hear what the Council's actions  
21 are going to be.

22  
23 Thank you.

24  
25 CHAIRMAN LOHSE: Thank you. Any  
26 questions for Jerry. Gloria.

27  
28 MS. STICKWAN: I just want to know what  
29 your thoughts are about the Fish and Game not having a  
30 position. We're sitting here and we don't know what  
31 their position is. How is it going to affect us? I  
32 mean we can't make a decision. We don't know what  
33 their final position is. We don't know. They could  
34 change whatever they have in this book. I want to know  
35 what you guys think about that.

36  
37 MR. BERG: When we reviewed the  
38 analysis and the proposals, we felt that what the Staff  
39 had come up with was a reasonable first step given the  
40 complexity and there hasn't been a subsistence fishery  
41 on those rivers for 50 years.

42  
43 MS. STICKWAN: I wasn't referring to  
44 you. I was talking about Fish and Game. They don't  
45 have a position. They could change their position. To  
46 me, they should have had a position here so we could  
47 look at it and take into consideration what their  
48 position is. They could change their mind. We don't  
49 know what they're going to. That's not good, sound  
50 management to me. In the past we've always had a

1 position from Fish and Game and now all of a sudden  
2 they don't have a position. I think they should have a  
3 position. I guess you can't tell them what to do, but  
4 they should have a position. If they're so concerned  
5 about these fisheries and they want to do sound  
6 management, how can we make a decision here if we don't  
7 have information from them.

8

9 MR. BUKLIS: Thank you, Mr. Chairman.  
10 Larry Buklis, Office of Subsistence Management and  
11 acting chair of the InterAgency Staff Committee. Just  
12 to clarify for the record, the Federal InterAgency  
13 Staff Committee is made up of the five Federal agencies  
14 that sit at the Board and a Native liaison on behalf of  
15 the Board chairman. That committee works with the  
16 Department of Fish and Game, but the Department of Fish  
17 and Game position and Staff work is cooperative with  
18 the InterAgency Staff Committee but not a part of it.  
19 So when Jerry came forward to comment on the first  
20 reviews by the Staff Committee prior to this meeting,  
21 it does not include the Fish and Game perspective.  
22 They have their own Staff development.

23

24 It has always been our protocol that we  
25 come to the Staff Committee without a position as an  
26 InterAgency Staff Committee and then after the Council  
27 meeting the Staff Committee reviews the Staff work and  
28 the Council recommendation in forming their comments or  
29 evaluation. So that is not a change.

30

31 CHAIRMAN LOHSE: No, I think Gloria was  
32 just wondering if there was any way to have the Fish  
33 and Game take a position so we'd know where the Fish  
34 and Game was, but I think that's at their discretion.

35

36 MR. BUKLIS: Correct. That's separate  
37 from the InterAgency Staff Committee.

38

39 CHAIRMAN LOHSE: Any questions for  
40 Jerry before he takes off.

41

42 (No comments)

43

44 CHAIRMAN LOHSE: Fish and Game Advisory  
45 Committee comments. How many do we have here? One,  
46 two, three. Okay. Whichever one wants to be first.

47

48 MR. STOCKWELL: Mr. Chairman and  
49 Members of the Council. Bill Stockwell. I'm the  
50 chairman of the Cooper Landing Fish and Game Advisory

1 Committee. A couple things. I was not at the  
2 subcommittee meetings on this. George Heim was and he  
3 was going to do the presentation here and he's got the  
4 flu, so you're now getting the substitute. Another  
5 thing, if it seems I'm a little twitchy here, I fell  
6 and busted my you-know-what, so I'm having a little  
7 trouble sitting.

8

9 I talked to you, Mr. Chairman, and  
10 because I can't be here tomorrow, I'd like to give my  
11 full testimony at this time if it's okay.

12

13 I'd make just a couple general  
14 comments. Our committee does not support putting  
15 gillnets in any place in fresh water. I think you've  
16 heard enough from everybody, so I'm not going to beat  
17 that horse to death. With the present information we  
18 have, we can't support gillnets.

19

20 We don't really support increasing bag  
21 limits on resident species. This is for conservation  
22 issues. We have conservation issues for rainbows,  
23 Dolly Varden and lake trout. They are a long-lived  
24 creature. I know they have been commercially fished.  
25 They've been commercially fished both in Kenai Lake and  
26 I think in other lakes in the Kenai. This is back in  
27 the '60s. In Kenai Lake they've never recovered to any  
28 great size. Most of our fish are small.

29

30 Community limits, we have a problem  
31 with that in that we don't have a way to enforce. This  
32 is one of the problems with gillnets, too. How do you  
33 tell everybody in the community that they have to be  
34 part of this limit when each person in the community  
35 has a preference for subsistence. That's something you  
36 need to hash out.

37

38 There's been some questions brought up  
39 about using bait. We're not against using bait. One  
40 of the problems would be using bait in areas that is  
41 closed to bait fishing. Most of the regions that bait  
42 has been closed to is to conserve some species in that  
43 area that's susceptible to the bait. So, once again,  
44 that would be for conservation issue, the same as not  
45 increasing resident species issues.

46

47 I'd like to move on actually to the  
48 Kenai River issues. We don't really have great  
49 comments on the Kasilof. That's not our area, but we  
50 do have strong feelings about the upper Kenai River.

1 That is our area. That's where we live. Cooper  
2 Landing is the only rural community in the Kenai River  
3 watershed and we have over the years put in great time  
4 and effort to ensure that the upper Kenai River stays  
5 as it is, that we have good habitat, quality fishing  
6 and hunting.

7  
8 Not only have we participated in Board  
9 actions, both the State level and the Federal level,  
10 but we spent a great deal of community time developing  
11 a land use plan for Borough lands within the community.  
12 One of the major issues in our Borough land plan is the  
13 protection of fish and wildlife habitat. We've spent  
14 countless hours working with the Forest Service and  
15 with the refuge on issues that protect the habitat and  
16 the environment in our area. Worked on the Russian  
17 River habitat trails to protect the area where so many  
18 people are fishing all the time.

19  
20 Every fishing regulation that's in  
21 effect now, especially resident species in the upper  
22 Kenai River, we've had a strong say before the Board  
23 process in those and we've also had a strong voice in  
24 requesting conservation and studies that would back up  
25 what's needed in the area. So it's not that the people  
26 in Cooper Landing are opposed to any of this process,  
27 but I just want you to realize that we take the issues  
28 for Cooper Landing very strong and we ask you to do the  
29 same.

30  
31 As I said we're the only rural  
32 designated area. The way ANILCA is set up, subsistence  
33 is done by community in areas and we feel that the  
34 people in Cooper Landing as a community should have a  
35 say in how the subsistence fisheries in our area will  
36 be conducted.

37  
38 Cooper Landing is, as you may know,  
39 basically a non-Native community, about 95 percent.  
40 However, we are a rural community. In ANILCA, it's  
41 specified for non-Natives subsistence will be for their  
42 physical, economic, traditional and social existence.  
43 The Kenai River is kind of the life blood of our  
44 community. Not only do we harvest our fish and  
45 resources for people's use, but we also for our economy  
46 harvest the dollars out of the tourists that come there  
47 to recreate in our area. So, both socially and  
48 economically it's a very important part of our  
49 existence. Traditionally, we have used it in a very  
50 conservative manner and we wish to continue that.

1                   You may have questions on what the  
2 people in Cooper Landing really want out of  
3 subsistence. Unlike what you heard from other people,  
4 everybody in Cooper Landing was polled when the State  
5 did the study for the Federal Subsistence Board. I've  
6 been to the various organizations in Cooper Landing, to  
7 our community organization and to our seniors who, like  
8 most villages, run what goes on in the communities and  
9 they support what came out in the findings. 73.9  
10 percent agreed that Federal subsistence fishing  
11 regulations should match State sport fishing  
12 regulations. That was 73.9 percent of the people in  
13 Cooper Landing. As I said, it's a community thing. 67  
14 percent did not provide any kind of Federal fishery  
15 scenarios. Those two together can tell you what the  
16 people want. They want to have the fisheries much the  
17 same as it is today.

18  
19                   CHAIRMAN LOHSE: So that's basically  
20 Cooper Landing's position then on these proposals.

21  
22                   MR. STOCKWELL: That's what I'm giving  
23 you. You have a document that says they went knocking  
24 on everybody's door, Mr. Chairman.

25  
26                   CHAIRMAN LOHSE: We recognize Cooper  
27 Landing as being interested in all that, but in  
28 speaking to the proposals in front of us.

29  
30                   MR. STOCKWELL: I am going to speak to  
31 the proposals right now. Various different things have  
32 come up and I've kind of gotten them out of sequence  
33 because I've been writing notes as I heard people  
34 testify. So on the proposals themselves. We've heard  
35 from dipnets. One of the issues on dipnets is they  
36 need to be in an area where you don't have conflictive  
37 user types. Another issue is with dipnets you need  
38 some way to control bycatch. I've heard people talk  
39 about nets that wouldn't damage the fish that are going  
40 to be released. If you're only going to target the  
41 species, which you should, then you need to use dipnets  
42 that are not going to damage those that aren't going to  
43 be caught.

44  
45                   In our area, basically any time you  
46 have salmon in the area you have trout and Dolly Varden  
47 with them. If you're going to be targeting salmon,  
48 then you're going to have a bycatch problem.

49  
50                   I heard somebody talking about the

1 Russian River sanctuary as a possible place to open up  
2 to have a subsistence fishery. The State has some 40  
3 years of data and the reason that sanctuary is there is  
4 for conservation issue. So you'd want to look at that  
5 very carefully and get a lot of data on whether that  
6 area could stand the number of people that could  
7 possibly use it. There's some 1,400 people right now  
8 that would have a C&T for that and I think it would  
9 become very popular very fast. We've never discussed  
10 this at the committee, but it would be hard for us to  
11 support that.

12

13 CHAIRMAN LOHSE: Bill, are these your  
14 advisory council?

15

16 MR. STOCKWELL: These are just things  
17 that are all part of the proposals.

18

19 CHAIRMAN LOHSE: But I mean are these  
20 your advisory council positions that we're hearing?

21

22 MR. STOCKWELL: I'm saying it would be  
23 hard for us to support that. These are new things that  
24 have come up. I'm just trying to answer some questions  
25 that are probably going to come up. There were issues  
26 on resident species. We spent lots and lots of time on  
27 the resident species issue. Fish over 16 inches  
28 represented about 70 percent of the spawning population  
29 for rainbows and Dollies in the upper Kenai River, so  
30 any kind of catch of those large fish is going to  
31 impact upon the spawning.

32

33 We don't support using resident species  
34 fish for subsistence. There's an ample number of  
35 salmon in the river. Of course, king salmon have been  
36 closed for many years in the upper Kenai River. Any  
37 subsistence fishery in the upper Kenai River, both  
38 Skilak Lake and our area, we don't support kings for  
39 subsistence. There is ample sockeye. There is  
40 conservation issues for cohos. We do get pinks in our  
41 area and there wouldn't be any problem with those, I  
42 don't think.

43

44 I've heard people bring up the question  
45 of snagging. Actually, snagging is a social issue.  
46 The people in Cooper Landing years ago were some of the  
47 ones that wanted to see snagging eliminated in fresh  
48 water and one of the reasons is that there was the  
49 social issue on the Russian River of people snagging up  
50 there. Biologically, obviously, it makes little

1 difference how you catch the fish. But snagging and  
2 mixing that in with other people who are not allowed to  
3 snag would cause a total enforcement nightmare. I  
4 don't know how you'd be able to do it. I don't think  
5 we'd be supporting that.

6  
7 The Hidden Lake thing is all new to  
8 everybody. Of course, a lot of the people in Cooper  
9 Landing participated in it when it was open back in the  
10 early '90s. There was a total goat rope. There was  
11 cars lined up from Hidden Creek clear out to the main  
12 highway. It would be something that would be very  
13 popular very fast. I would ask you before you go any  
14 further on that that you put it back out to the public,  
15 what they would be interested in in that Hidden Lake  
16 fishery. We've listened to both the Refuge and the  
17 Cook Inlet Aquaculture to make it appear possible, but  
18 whether people would want it or not and how it could be  
19 conducted, I think that's something that needs to be  
20 discussed and shouldn't be decided now.

21  
22 One more issue is that we would support  
23 the proposal to rescind at this time the customary and  
24 traditional use determinations for the Kenai Peninsula.  
25 We not opposed to people have C&T use. That's not the  
26 issue. The issue is that we agree with the State that  
27 some of the process was flawed and should be looked at  
28 again. So we support Proposal -- I can't remember the  
29 number, but we support the proposal to look at the  
30 customary and traditional use determinations.

31  
32 CHAIRMAN LOHSE: So basically, in  
33 summarizing, you support 28.

34  
35 MR. STOCKWELL: We support 28 and  
36 oppose the rest of them. I have our votes here. On  
37 Proposal 27 we opposed that 0 to 10. The nets for ice  
38 fishing we would support the jigging portion of it. We  
39 have people in Cooper Landing who have enjoyed the ice  
40 fishery. Folks who drive through there in the  
41 wintertime see the buildings out on the ice. It's a  
42 traditional thing in Cooper Landing that's been going  
43 on for years. The bag limits we have today are  
44 satisfactory to the local people. We don't request  
45 anything else on that. 29 and 30 we oppose. Of  
46 course, the old ones we opposed to you before, 10  
47 through 13.

48  
49 CHAIRMAN LOHSE: Thank you very much.  
50 Any questions for Bill. Greg.

1 MR. ENCELEWSKI: Bill, I've just got  
2 one question. I want to make sure I understand you  
3 right. You basically oppose everything. The only  
4 thing you support is rescinding the C&T.

5  
6 MR. STOCKWELL: We support  
7 reconsidering the C&T. We support the proposal to  
8 rescind them because we think they were flawed to begin  
9 with and they should be reconsidered.

10  
11 MR. ENCELEWSKI: Do you have any  
12 suggestion on how you might come up with something  
13 meaningful that they might be able to use?

14  
15 MR. STOCKWELL: I really don't. The  
16 people in Cooper Landing, I'm here representing my  
17 community, and they're pretty loud and clear when they  
18 were surveyed that they wanted what they already had  
19 and they didn't want something else. The majority of  
20 them did not give any suggestions on what else they  
21 wanted. 67 percent didn't provide a scenario and 73  
22 percent wanted exactly what they already have.

23  
24 CHAIRMAN LOHSE: Doug.

25  
26 MR. BLOSSOM: Mr. Chair, Bill.  
27 Proposal 29 was by a person in your community. You're  
28 opposed to that, huh?

29  
30 MR. STOCKWELL: Not only is he in our  
31 community, he's also on our advisory committee. His  
32 proposal came up and he was at our advisory committee  
33 and we voted against his proposal at our advisory  
34 committee.

35  
36 CHAIRMAN LOHSE: Any other questions  
37 for Bill. Tom.

38  
39 MR. CARPENTER: I just have one  
40 comment, Bill. Thanks, I appreciate it that you're  
41 here almost all the time at all these meetings. I  
42 think it's very interesting what you say. You're  
43 representing the Cooper Landing community. It's funny  
44 to me that the Cooper Landing has a C&T for the Kenai  
45 Peninsula but the community doesn't want it. I think  
46 when the proposal comes up in the meeting tomorrow or  
47 the next day that this Council needs to consider that  
48 fact. This Council is the one that gave Cooper Landing  
49 the C&T with Hope when Ninilchik was actually the only  
50 community that was requesting it and I think we need to

1 be careful in the future who we give something to that  
2 doesn't ask for it. So I appreciate your comments in  
3 regards to that.

4

5 MR. STOCKWELL: Mr. Chairman, Mr.  
6 Carpenter. I'd like to make a qualification on that.  
7 The people in Cooper Landing requested that the fishery  
8 be conducted to match the Federal subsistence. If we  
9 didn't have a C&T, we'd still have what we already got.  
10 I want to ensure you that we don't want to give up our  
11 right to have subsistence in Cooper Landing area and  
12 then to have somebody else come in and be given -- it  
13 is our area and we want to conduct it in the manner  
14 that the people in Cooper Landing want the area in  
15 Cooper Landing conducted.

16

17 MR. CARPENTER: To state my case a  
18 little stronger, I would assume that you would agree  
19 that communities that want a C&T for a specific area  
20 should be responsible to come to this Council and ask  
21 for them.

22

23 MR. STOCKWELL: Mr. Chairman, Mr.  
24 Carpenter. Right. That's correct. I also think that  
25 if you have a specific fishery in an area, such as  
26 Cooper Landing, which we consider the upper Kenai River  
27 to be our home, that we get the say on how the  
28 fisheries are conducted within our area.

29

30 CHAIRMAN LOHSE: Doug.

31

32 MR. BLOSSOM: Yeah, Mr. Chair, Bill.  
33 Then you should be here when we go with C&T because you  
34 need to be here and show us that you want C&T and give  
35 us the reasons why you think you should get it. We  
36 fought for you to get C&T and if you don't want it,  
37 don't be here and we'll have no reason to give it back  
38 to you.

39

40 MR. STOCKWELL: Mr. Chairman, Mr.  
41 Blossom. I don't think we're going to give up our seat  
42 at the table.

43

44 CHAIRMAN LOHSE: One question, Bill.  
45 You did support that we would take Proposal 28 and re-  
46 look at C&T on the Kenai Peninsula. Now that could end  
47 up resulting in some communities keeping C&T and some  
48 communities losing C&T, depending on what kind of  
49 information we find that we maybe didn't look at  
50 carefully enough. I think what Tom was pointing out,

1 we had a lot of -- Ninilchik brought forth a lot of  
2 information to us. Cooper Landing didn't and neither  
3 did Hope, but we felt that they still met the criteria  
4 because of the general things that we used. If we  
5 reconsider Proposal 28 and we don't have anybody to  
6 bring forth information as to why we should keep Cooper  
7 Landing or Hope in there, it's possible, I'm not saying  
8 it's probable, that we could end up recommending that  
9 C&T be retained for part of the Kenai and not for the  
10 other part of the Kenai. So it's always a two-edged  
11 sword when you bring something like that up.

12

13 MR. STOCKWELL: Mr. Chairman, the  
14 proposal is on the table whether we support it or don't  
15 support it. It doesn't make too much difference. But  
16 what I'm trying to bring out to you is the people in  
17 Cooper Landing have been polled and they're telling you  
18 through this document here what they want. You can  
19 either accept what they said or not. On the hunting  
20 back in '95, if you'll remember, we decided we didn't  
21 want the moose hunt that was offered to us. Since then  
22 we haven't ever had a big community turnout on a  
23 specific issue like that. I think at meetings and so  
24 on that people have kind of expressed the feeling that  
25 they wanted to be left alone. I don't know how to say  
26 it.

27

28 CHAIRMAN LOHSE: That's a pretty good  
29 way to say it, Bill.

30

31 MR. STOCKWELL: I think you kind of  
32 understand where we're coming from. We have a long  
33 record of this issue. We've been here for a long time.

34

35 CHAIRMAN LOHSE: Thank you muchly,  
36 Bill. I have a question to ask the rest of the  
37 Council. I'm thinking of having an evening session  
38 tonight. I was thinking from 7:00 to 9:00. What is  
39 the feeling of the rest of the Council on that one.

40

41 Do I hear any objections to it.

42

43 MR. CARPENTER: If we don't, we're  
44 never going to get finished.

45

46 MS. WAGGONER: In all honesty, I'm  
47 probably the most affected by this because I have an  
48 hour drive home after it, so I don't mind. I would  
49 just really ask that we make it super productive.

50

1 CHAIRMAN LOHSE: We should be done with  
2 all of our testimony by that time. We should have this  
3 proposal on the table and be able to, as a Council,  
4 deliberate on this proposal.

5  
6 MR. ELVSAAS: You say to 9:00? I can  
7 stay till 6:00, but I can't stay till 9:00.

8  
9 CHAIRMAN LOHSE: It's quarter to 5:00  
10 right now. We could do that, just stay in session  
11 until 6:00 or 7:00. Would that be better for you,  
12 Tricia?

13  
14 MS. WAGGONER: That would be much  
15 better for me.

16  
17 MS. STICKWAN: Could we take a 10-  
18 minute break.

19  
20 CHAIRMAN LOHSE: We're going to have to  
21 take a break. Pete.

22  
23 MR. KOMPKOFF: Mr. Chairman, I'd like  
24 to state something for the record that my absence was  
25 due to a special council meeting that was called by the  
26 chairman of our council. It has to do with some of our  
27 immediate projects that I needed to attend to, so I  
28 apologize for being gone.

29  
30 CHAIRMAN LOHSE: Well, Donald.

31  
32 MR. MIKE: Mr. Chair. The hotel staff  
33 needs to know how late the Council is going to be  
34 meeting. They won't have staff available after 5:00,  
35 so that's all they need to know. The hotel staff that  
36 brings water and coffee to this room.

37  
38 CHAIRMAN LOHSE: We could probably  
39 manage to get along with water and coffee for an hour  
40 or two.

41  
42 MS. ARMSTRONG: When I went and asked  
43 her, she's going to check to see if they can get the  
44 guy to stay. They have to have somebody on staff. So  
45 maybe they'll be able to, but they wanted to know how  
46 late, then we'll see whether they can.

47  
48 CHAIRMAN LOHSE: Let's go to 6:00  
49 tonight and start an hour earlier tomorrow morning.  
50 Does that sound good to everybody? Okay. I hope some

1 of you guys can stay. We're starting at 8:00 tomorrow  
2 morning. With that, we still have two AC's to talk to  
3 us. So I'm going to give the floor to the next AC that  
4 wants to come up here. Oh, we need a short break. Ten  
5 minutes.

6

7 (Off record)

8

9 (On record)

10

11 CHAIRMAN LOHSE: I'd like to call this  
12 meeting back in session after our break. I think we  
13 have two more AC's to speak and then it's up to the  
14 Council what they want to put on the table.

15

16 MR. STUBBS: Mr. Chairman and Members  
17 of the Council. My name is Jim Stubbs. I'm the  
18 spokesperson for the Anchorage Fish and Game Advisory  
19 Committee. I want to thank you for the opportunity  
20 today. I've been here the last few days and sitting in  
21 that chair I was anxious to get up here. I'm ready to  
22 go.

23

24 Quite a few things have come up. First  
25 of all, I'd like to talk a little about our advisory  
26 committee. We represent nearly half the population of  
27 the state of Alaska. Our constituents utilize the  
28 resource heavily on the Kenai and the Kasilof Rivers  
29 and we would indeed be the ones that probably would  
30 have the most impact on our user group if some of these  
31 proposals go through.

32

33 The health, the sustainability and the  
34 wise management of these fisheries are paramount to us.  
35 That's our biggest concern. The management practices  
36 need to be based on sound biological data with  
37 conservation of the resource as the top priority. No  
38 harvest should be allowed unless there's ample  
39 scientific information to back up the directive.  
40 Several of the proposals that we will be going over  
41 really have no biological information or history of the  
42 run strength to consider any proposal for harvest.

43

44 Our greatest concern are the resident  
45 species fish of the Anchor and Kasilof River. As we  
46 review these individual proposals, please remember to  
47 keep as priority number one the health of the resource.  
48 I'm not here to argue about whether C&T is right or  
49 wrong or who has the right to this. I'm here because  
50 we're concerned about the resource first. We all know

1 if we have a healthy resource, we could all come to  
2 these meetings and decide how to split it up. But if  
3 we let the resource disappear, your children, their  
4 children, are not going to have the privileges we've  
5 had now.

6  
7                   One of the reasons I got involved in  
8 these committees is I want to make sure when I'm no  
9 longer around that the people that come after us have  
10 the same opportunities or a better chance at the  
11 resource than we've had. We're just like renters going  
12 through here. We don't have exclusive use to destroy  
13 this. We're here to protect this resource and that's  
14 really of the utmost importance to us. So please let's  
15 remember as we move forward the resource comes first  
16 and then, whenever possible, we'll do the allocation.

17  
18                   Now on to Kasilof River salmon. This  
19 would be 27B and C. The first thing our advisory  
20 committee voted on and decided was absolutely no  
21 gillnets. The reason we've heard so many of those but  
22 we thought, number one, this is a mixed stock fishery  
23 that we're talking about. When you put in a gillnet,  
24 there's no way to control what fish is harvested.  
25 There's no way to control how the weaker stocks are not  
26 impacted severely.

27  
28                   One thing we were also talking about  
29 was if we're going to have a harvest, we should harvest  
30 the fish of most abundance. Let's not get on the fish  
31 that they're just 100 or 200 on. As we've heard, that  
32 would be the sockeye salmon, the red salmon. Let's  
33 stay away from the resident fish if we're going to have  
34 a season on these.

35  
36                   Another stock of concern for us was the  
37 late run Kasilof kings. This fish has been very  
38 problematic over the years. I became involved in these  
39 issues in 1983. Somebody asked earlier why you hadn't  
40 heard much about the Kasilof. The Kasilof has always  
41 been treated as a step-child of the Kenai. Any time we  
42 tried to get money to come forward, the biggest user  
43 group was on the Kenai, so the money went there. I  
44 understand that. But we were very frustrated because  
45 there was never a salmon management plan for years on  
46 the Kasilof. There was nobody determining are the  
47 setnetters or the drift fleet having a severe impact  
48 when they fish day after day after day on the beach to  
49 the late run on the Kasilof. Nobody ever came up with  
50 numbers. Now they've started a study and our concern

1 is when they come up with a number, are we talking  
2 about only 10 percent of the stock that was left, that  
3 they're going to say this is the number of fish. It's  
4 really hard to go back over the years and tell what was  
5 there.

6  
7                   When you read through the data that was  
8 put forward by the OSM and the Department, you will  
9 notice it said we have no numbers for this, we have no  
10 stock assessment on this. So please be very cautious  
11 if you decide to have a harvest on this late run of  
12 kings because really there's not much known on those  
13 outside of some harvest data.

14  
15                   The other thing that's happening is the  
16 area they want to open up has been closed historically  
17 from June 30th on because that's where they spawn. Why  
18 would we harvest in an area where they spawn on a  
19 species of unknown numbers. It doesn't make any sense.  
20 We would harvest the species of abundance, which would  
21 be the red salmon.

22  
23                   Another concern is right now they are  
24 proposing that we would harvest, if it happened up  
25 there, 500 king salmon. Right now they say the sports  
26 harvest is about 1,000. So we're going to increase  
27 this by 50 percent on a stock of fish that we don't  
28 know the numbers on and we say that conservation of the  
29 resource comes first. If we're going to use good  
30 principals of management, somebody is going to get  
31 allocated out of this if we're going to keep it at  
32 1,000. Because we don't know the strength of the run,  
33 we can't increase how many fish we're going to take.

34  
35                   So who is going to get the 500 taken  
36 away from them and who has the authority to take these  
37 500 away. Are you going to go to the Board of Fish and  
38 ask that it be reallocated, that these 500 are taken  
39 away? And does the Board of Fish for the State have  
40 the authority to allocate on a Federal subsistence  
41 fishery? That's a question that will need to be asked.

42  
43                   The other thing is, in the past, when  
44 we've always gone to the Board of Fish meetings we've  
45 said we share in the bounty, all users share in the  
46 bounty and share in the burden. It's been a good  
47 philosophy to follow. Now, when we share in the  
48 burden, does that mean both commercial and sports fish  
49 are going to be allocated out of this? Who is going to  
50 divide all this up? It's almost like you have to have

1 the wisdom of Job to do this. It gets more complex as  
2 we go down through here.

3  
4 The size of the net if we had a dipnet  
5 fishery is of great concern to us. We've heard  
6 discussion about releasing the resident species because  
7 we know they're very low number and we know very little  
8 about them outside the fact they're of low number.

9  
10 The question was brought up about  
11 steelhead earlier and would it impact steelhead.  
12 Gentlemen, ladies, I've fished this fishery since about  
13 '88 and I'm fortunate enough -- right now I put myself  
14 in the position of a job where I can fish just about  
15 100 days a year. That's my love. That's why I stay in  
16 Alaska. I am fortunate to get to fish a lot of these  
17 fisheries more than any biologists can get out there  
18 because they don't have the money to be out there. So  
19 when I hear some of these figures moving in and out I  
20 just scratch my head, you know, like where did they get  
21 these figures.

22  
23 Number one, there's a steelhead run  
24 even though it's small that comes in in the spring on  
25 the Kasilof. I've caught them year after year. They  
26 don't really know do they go up Crooked Creek or do  
27 they go on up to Tustumena and then on into Nikolai.  
28 When somebody says they can hold a fishery up there and  
29 it wouldn't be a problem on the type of net they use  
30 during July and August, I'm telling you there's  
31 steelhead up there. The only reason why some of these  
32 people say they aren't is because they haven't fished  
33 it like I have and there's not the knowledge base in  
34 these different informational packets that we've  
35 received. So there is more to it than that.

36  
37 We know the rainbows are up in  
38 Tustumena Lake. Very small number and know little  
39 about them, just some of the harvest data. In a lot of  
40 areas they move out of the lakes, they move into the  
41 rivers, they move back and forth. They move as per  
42 what is there for food. When those kings come up there  
43 to spawn, I guarantee you those fish are going to come  
44 out of the lake, they're going to get behind there and  
45 they're going to fatten up on the eggs. So if you open  
46 up a fishery on those kings, you're going to catch  
47 incidental catch of the resident species. They've got  
48 to be released. They've got to be done with a net that  
49 will not harm them.

50

1                   Somebody said before we'll go to two  
2 hooks and we'll go with eggs. You go to eggs,  
3 mortality rates skyrocket. That's just a known fact.  
4 When you go to two hooks, let's look at enforcement.  
5 Now, is the enforcement guy going to walk up and down  
6 the river and check every fisherman on the river to see  
7 if he's one or two hooks and then check every license  
8 to see is this a Federal subsistence permit holder or  
9 is this just a State of Alaska. You better have a lot  
10 of people available and a lot of money if you're going  
11 to try to prosecute like this. I think if we harvest  
12 the species of most abundance is the way to go.

13  
14                   The concept was just thrown out there a  
15 little bit ago when the new one came up from Ninilchik  
16 modified proposal, they said we want to take 200  
17 steelhead in a dipnet fishery. Again,  
18 rainbow/steelhead is hard to tell apart. They say 20  
19 inches and above it's probably a steelhead. It's very  
20 tough to tell. A better way to do that, if you had to  
21 have harvest on resident species, which we're against,  
22 it's a daily bag limit. We've already got a bag limit  
23 in place that says two fish a day, one over 20, two per  
24 year annual bag limit. That would be a lot better way  
25 than trying to say 200. Again, if it's a very limited  
26 resource, let's fish on the species of most abundance.  
27 Stay off the resident fish.

28  
29                   The question was asked about dipnets at  
30 the mouth or other areas. At the mouth there are very  
31 few resident species. The reason why right now it's  
32 prosecuted with the type of gear it is is because we're  
33 primarily on salmon stocks there. There's very little  
34 resident. Once you go upstream, you get in that upper  
35 section by the lake, there are going to be a lot of  
36 resident fish. So if you have a dipnet fishery, you're  
37 going to have to change the size of mesh, the type of  
38 gear and how that's prosecuted up there.

39  
40                   You can see on Proposal 27B and C our  
41 AC was opposed to this. We're really concerned about  
42 how you would do all this. When I read through the  
43 proposal book from OSM, they did a good job of putting  
44 it together, but in my profession I work with codes  
45 every day. I know it's a beginning place, don't get me  
46 wrong. These people did a lot of work. They worked  
47 hard at it. But there's so many open areas and  
48 loopholes and gray areas that we're going to be in  
49 court for years to come if some of these aren't  
50 tightened down on. Which bag limit do we use, do we

1 use community bag limits, do we use household, how are  
2 they going to be combined, where can you fish them, how  
3 can you tell who is fishing what.

4  
5                   There's a lot of stuff that has to come  
6 to finality here and really be brought in because right  
7 now I don't know how anybody would, number one, enforce  
8 it and, number two, the fishermen are going to be  
9 involved in this and I don't know how they're even  
10 going to know what they're supposed to do or they think  
11 they're doing the right thing and find out it was wrong  
12 all along. So we've got to tighten it up.

13  
14                   Thank you very much, any questions.

15  
16                   CHAIRMAN LOHSE: Thank you. Any  
17 questions. Doug.

18  
19                   MR. BLOSSOM: Mr. Chair. You've got in  
20 your thing here any dipnet fishery should be prosecuted  
21 with nets of small mesh size. What size?

22  
23                   MR. STUBBS: I would hope that --  
24 through the Chair to Mr. Blossom. I would hope that  
25 your wisdom of nets because you've done it a lot more  
26 than me would be able to help that. I know when they  
27 were talking about the nets before, the rubber coated  
28 one, the hole in that thing is probably about an inch  
29 or so. The whole idea behind that was to where we  
30 don't injure the fish. We're worried about two things.  
31 We're worried about gilling them and, number two, on a  
32 resident species you have the protective coating that  
33 is very important. When you get a fish in a net that's  
34 a hard, abrasive net, you see that slime just come off  
35 on them. I've been around fisheries to where I've  
36 re-caught that fish a month later or so and you can see  
37 there's damage. There's algae or bacteria built up on  
38 it. So that's what we were trying to do. If we  
39 release them, let's try to be as healthy as possible.

40  
41                   So the answer to your question, you may  
42 have more knowledge of that than I do being in your  
43 profession.

44  
45                   CHAIRMAN LOHSE: Mr. Stubbs, I have a  
46 few questions if nobody else does right now. Do you  
47 consider that we have a healthy resource on the Kasilof  
48 and Kenai right now?

49  
50                   MR. STUBBS: It depends on which of the

1 species you're talking about. We walk a very fine  
2 line, let's say on very thin ice on some of the species  
3 that we fish and we could break through at any time. I  
4 was one of the individuals that helped put together the  
5 wild trout management policy and plan. I was involved  
6 in the upper Kenai from about '82 on until I finally  
7 got fed up with how many people were there and started  
8 looking for other places to fish because, for me, it  
9 was quality, not quantity. On the rainbow, on the  
10 Kenai River right now, worked for years, we saw it go  
11 where we went to a smaller bag limit, then we went to a  
12 larger size fish that could be retained, went to 24  
13 inches, went to 28, went to 30 and finally one of my  
14 proposals went to catch and release and it moved  
15 forward and that's where we were for a number of years.  
16 Then two years ago it reverted back to one fish under  
17 16 retained and then below Skilak one fish under 18.  
18 And we were talking about trying to keep off the  
19 spawning size fish.

20

21                   So many fish there are released in  
22 catch and release as opposed to kept for harvest that  
23 the Department explained to me the reason why they went  
24 back to a harvestable fishery was they felt most of the  
25 fish are going to be released, we're not going to lose  
26 hardly any fish to people keeping them at the time. I  
27 know further conversations with the Department is  
28 they've said if there was a subsistence fishery put on  
29 the river now that they would probably do away with  
30 that harvest of fish and go back to catch and release  
31 because the number of fish they were talking about  
32 before that they thought would be sustainable would now  
33 be gone because it had gone to the subsistence side, so  
34 that would probably change the dynamics of it.

35

36                   So that's why I say we walk a fine  
37 line. Last year on the Kenai River we had 388,000  
38 angler days. That's why it's so important that gear  
39 types probably be segregated out. If you have 388,000  
40 days and you put somebody on each side of a dipnet with  
41 a rod and reel, boy, it's -- somebody asked why hadn't  
42 more people come and complained about that. Why  
43 haven't we had problems. The people I talked to around  
44 town when I told them I was coming here, I bet 90  
45 percent of them weren't even aware this can affect  
46 them. These are people that use the river. They  
47 didn't have a clue.

48

49                   I'm not saying right or wrong. It's  
50 sad that that's the way it is, but I think you're going

1 to see a lot more public discontent than the moose  
2 hunts you talk about. On the moose hunt you're off the  
3 road more than a quarter mile, you're out of sight. We  
4 all know it's a fact now, whether we like it or not,  
5 there are a lot less hunting licenses sold than sports  
6 fishing licenses.

7

8 When we talk the Kenai River and these  
9 areas, we're close to a road system. I mean you've got  
10 a lot of people. Everybody is out in front of God and  
11 everybody and sees what's going on. When you're in a  
12 moose hunt, you're back in an area away from people. I  
13 think that's one of the reasons why you haven't seen  
14 too much conflict and people saying anything. I think  
15 most of the people don't even know there's a moose hunt  
16 that goes on down there. But you do it on the Kenai or  
17 you do it on the Kasilof, I'll guarantee you people are  
18 going to know.

19

20 CHAIRMAN LOHSE: But in answer to my  
21 question when I asked you do we currently have a  
22 healthy resource on the Kasilof and the Kenai I think  
23 your answer was that we do but some of the species are  
24 very close to being over-exploited currently.

25

26 MR. STUBBS: I think that's a good  
27 analysis of it. We have good numbers on the red  
28 salmon. We've done a lot of research. It's hard to  
29 qualify is it healthy or not when it says we have no  
30 information. When you read through the book, I think  
31 you've probably noticed, almost every one of the other  
32 species outside of reds they say we have no data, we  
33 know very little about them. So how can we say we have  
34 a healthy resource if we don't even know what we have.

35

36 CHAIRMAN LOHSE: Okay. But then I'll  
37 ask my next question then. If we have that kind of  
38 resource, is our current harvest on that resource  
39 within the bounds of good conservation?

40

41 MR. STUBBS: I don't think so.

42

43 CHAIRMAN LOHSE: That's a very honest  
44 answer to me. Basically, if you take a look at the  
45 fact that subsistence has a priority, if the current  
46 harvest is within the bounds of good conservation, then  
47 there is room for subsistence fish out of that current  
48 harvest.

49

50 Now I'll ask you two other questions

1 because they keep coming up and they keep coming up of  
2 the fear of dipnets on resident fish. Just out of  
3 curiosity, have you ever tried to dip a rainbow trout  
4 or a steelhead with a dipnet out of even a small  
5 stream?

6

7 MR. STUBBS: No, I can't say I have.

8

9 CHAIRMAN LOHSE: What would you think  
10 the effectiveness of a dipnet in clear water is going  
11 to be on a trout?

12

13 MR. STUBBS: Well, in clear water. The  
14 Kasilof is a glacial stream and so is the Kenai. You  
15 can't hardly see in those things. I mean you can't  
16 compare the two.

17

18 CHAIRMAN LOHSE: But you must be able  
19 to see good enough that they can take a fly. I mean  
20 you're fly fishing up there, aren't you?

21

22 MR. STUBBS: That's a big difference.  
23 You're putting it right in front of their mouth right  
24 there and if you had a net and it's right there,  
25 they're going to be in it.

26

27 CHAIRMAN LOHSE: You mean to say the  
28 only rainbow trout you catch on that stream and the  
29 only steelhead you catch on that stream is if you put  
30 the fly right dead center in front of their face?

31

32 MR. STUBBS: I'll tell you what, you  
33 have to get it awful close because on the Kenai usually  
34 the food source is really abundant and where you can  
35 look in the water and see them, they won't even move if  
36 that thing doesn't go in front of them.

37

38 CHAIRMAN LOHSE: Right. I've seen  
39 that.

40

41 MR. STUBBS: I've fished a lot on the  
42 Kasilof and I know -- when you can't see in the water,  
43 I guess I can't give you a better answer than that.  
44 You may have some validity to that. I know that the  
45 Kasilof, most of the time I fish it, visibility might  
46 be -- I try to usually get in there and gauge it. In  
47 the spring it's better because it hasn't got the  
48 glacial silt coming in. I can probably see 12 or 18  
49 inches. Then, as the year goes on, you'll get down to  
50 six inches or so. When those fish are migrating up,

1 maybe they would be quicker than I think, but I think  
2 by August they would go right into a net.

3

4 CHAIRMAN LOHSE: But we're not talking  
5 about migrating fish at this point in time. We're  
6 talking about resident fish. Resident fish that are  
7 sitting down there on the bottom waiting to take a food  
8 source that comes to them. Resident fish that not only  
9 see but sense with their lateral line. Resident fish  
10 that can sense the environment around them, sense  
11 disturbances in the environment around them good enough  
12 that they can take a plug that comes past the front of  
13 their face or they can take a fly that drifts by. And  
14 those same resident fish that have that capability, all  
15 I want to know is do you think that a dipnet would be  
16 very effective on -- we're not talking salmon that are  
17 going upstream. We're talking about trout. You know,  
18 I just wondered if you'd ever tried to dipnet a trout  
19 or steelhead. I have for research purposes and stuff  
20 like that. They're a hard fish to catch.

21

22 MR. STUBBS: Mr. Chairman. No, I can't  
23 say that I have. You may have some validity to that  
24 and I understand where you're coming from on that. I  
25 think it would have to do with how fast the water is  
26 moving. If you're in an area where the water is moving  
27 pretty quickly and they happen to be moving through. A  
28 lot of times we see these fish following the kings or  
29 the reds or something moving with them, but I'm not an  
30 expert, so I'm not going to say I am.

31

32 CHAIRMAN LOHSE: What I'm getting at is  
33 until we do that fishery for lack of a better way of  
34 putting it, we don't even know if that fishery can be  
35 successful, whether it's going to have an impact or  
36 not, so what we need to do is if we propagate a fishery  
37 like that, we need to put sideboards on that fishery  
38 big enough to prevent any long-term damage and big  
39 enough -- small enough that if we see a problem, we can  
40 adjust to it in the future, but we can't say we're  
41 going to have a problem until we see that we are.

42

43 We don't even know that anybody is  
44 going to be capable of taking a resident trout with a  
45 dipnet, especially when we start talking dipnets that  
46 have the kind of net in them that don't take off any  
47 scales or don't take off any slime or are small enough  
48 that they don't get gilled. I think you're going to  
49 find that with that kind of net it's going to be  
50 extremely hard to take a resident fish.

1 MR. STUBBS: Can I respond to that,  
2 please?

3  
4 CHAIRMAN LOHSE: Yes.

5  
6 MR. STUBBS: I understand where you're  
7 coming from, but I also know on some of the problems we  
8 went through on the Kenai that if you let this resource  
9 get affected with the amount of pressure that's on it,  
10 I won't see it come back. My children might, but I  
11 probably won't be here to see it come back. It's  
12 quickly lost, hard to bring back, so that's why I err  
13 on the side of conservation.

14  
15 CHAIRMAN LOHSE: So if we take a look  
16 at the proposals that we've had in front of us and  
17 there's a limit of 200 rainbows taken before August  
18 15th, do you think off the top of your head that those  
19 200 rainbows could make that kind of a long-term effect  
20 on the fishery?

21  
22 MR. STUBBS: On the Kasilof it could.

23  
24 CHAIRMAN LOHSE: When you're talking  
25 about 380,000 angler days catching fish on the river  
26 currently.

27  
28 MR. STUBBS: The days I referred to are  
29 a Kenai River. We're talking the Kasilof. I don't  
30 have the days for that. But when we don't even know  
31 how many rainbows there are in there, daily bag limit  
32 would be more prudent than saying 200.

33  
34 CHAIRMAN LOHSE: A good idea. One more  
35 question for you. I was real glad to hear your  
36 personal knowledge from 100 days on the river there  
37 because we didn't know there were steelhead there at  
38 that time. Out of curiosity, on 100 days on the river,  
39 how many rainbow trout do you catch?

40  
41 MR. STUBBS: Let me clarify again. All  
42 of my 100 days aren't just on the Kasilof. I'm on  
43 Kenai, the Kasilof. I follow the runs of fish, so  
44 you're in a different place. I have never caught a  
45 rainbow trout on the Kasilof.

46  
47 CHAIRMAN LOHSE: You've never caught a  
48 rainbow on the Kasilof. Okay. Then how do you know  
49 the steelhead are there in July?

50

1 MR. STUBBS: We catch -- they start  
2 coming in in April and May. That's the spring run I'm  
3 talking about. They're coming into the river at that  
4 time and then they're moving upstream. As I mentioned  
5 before, nobody has been able to determine are they  
6 going to Crooked Creek or are they going on up the  
7 river to the lake or are they holding at the mouth of  
8 the lake. That's what I was trying to say.

9  
10 CHAIRMAN LOHSE: So these aren't the  
11 fish that we were talking about that are in the river  
12 in July and early August.

13  
14 MR. STUBBS: They could easily be  
15 holding in that portion of the river and then either  
16 spawning in that upper section. We don't know where  
17 they're going.

18  
19 CHAIRMAN LOHSE: I would take for  
20 granted that since you like to fish just like I like to  
21 fish you probably take really good care in releasing  
22 your fish and everything.

23  
24 MR. STUBBS: I certainly do.

25  
26 CHAIRMAN LOHSE: Yet you talk about  
27 catching fish that you know you caught before that had  
28 algae or a fungus I would call it growing where you  
29 handled them with a net.

30  
31 MR. STUBBS: I don't use a net. I  
32 could tell they'd been in a net.

33  
34 CHAIRMAN LOHSE: But if that happens to  
35 fish that you take care of, knowing how much you like  
36 fish, how much more do you think that happens -- when  
37 you're talking 380,00 angler days, some of them who  
38 have never taken fish before in their life, some of  
39 them who are there for the weekend, some are there from  
40 other countries and don't have the concern for the  
41 resource that you have, I mean if that happens to fish  
42 that you catch, what's happening when you've got this  
43 mass of people catching fish.

44  
45 MR. STUBBS: Mr. Chairman, yeah, that  
46 is a concern of mine. First of all, let me clarify  
47 something for you. When I was talking about seeing  
48 fish, I could tell what had happened to them. I don't  
49 use a net personally, okay. And somebody mentioned  
50 about barbless. I fish everything barbless and a lot

1 of the people I know do. But what you just stated is  
2 of great concern and we know there is mortality from  
3 that.

4

5 One of the reasons I don't fish Kenai  
6 anymore was I got tired of telling people that's a  
7 rainbow, you can't drag it up on the water. They  
8 didn't know the difference between a rainbow and a red.  
9 I see that with steelhead all the time on the other  
10 streams.

11

12 The minute I see a fish jump and see  
13 it's a rainbow, a lot of times if somebody -- if I know  
14 they've really been screwing up, I'll go over and tell  
15 them right there. I'll say, hey, let me help you here.  
16 This is a rainbow. You can't keep it. Because I've  
17 seen people bop a 30-inch rainbow on the head before  
18 they even knew -- they say, oh, man, look at this, it's  
19 a nice red. I go, man, you better pack it on in today.  
20 The game warden is going to have you for lunch.

21

22 CHAIRMAN LOHSE: That's what I'm  
23 saying. If there is current supply of fish to supply  
24 that kind of fishery, how are we as looking at a  
25 subsistence priority supposed to look at the amount of  
26 fish that are on the river.

27

28 MR. STUBBS: What I mentioned, we're  
29 probably going to see an allocation of the resource if  
30 this is implemented. There's probably going to be  
31 restrictions put on all user groups and that's  
32 something to be considered and then we'll see how the  
33 social issue comes out of that and I don't want to see  
34 that. I want to see all of us as together, as a group,  
35 to see the state of Alaska a better place to live.

36

37 CHAIRMAN LOHSE: Doug.

38

39 MR. BLOSSOM: Yeah, Mr. Chair. Jim, I  
40 heard you say that you were afraid if we gave some  
41 subsistence rainbow on the Kenai to subsistence you  
42 might have to go back to hook and release. Is that  
43 true?

44

45 MR. STUBBS: I really think that's  
46 where we'll end up because it was very contentious  
47 issue.

48

49 MR. BLOSSOM: That book you have there,  
50 go to Page 91. What does it say at the far right on

1 the bottom? Am I reading it wrong? Is that the  
2 rainbow catch on the Kenai River?  
3  
4 MR. STUBBS: That's catch, not harvest.  
5  
6 MR. BLOSSOM: It says harvest.  
7  
8 MR. STUBBS: Where?  
9  
10 MR. BLOSSOM: It says catch.  
11  
12 MR. STUBBS: That's catch and release.  
13 That's my understanding.  
14  
15 MR. BLOSSOM: Is that what it is? I  
16 don't know. I'm asking you.  
17  
18 MR. STUBBS: Through the Chair to Mr.  
19 Blossom. Maybe we should ask the Department. They put  
20 this together. I don't want to say something for them  
21 and be wrong, Doug.  
22  
23 CHAIRMAN LOHSE: Can the Department  
24 answer that question.  
25  
26 MR. VANIA: That is the catch, not the  
27 harvest. That is the catch in the far right column.  
28 Keep in mind that catch doesn't equate to abundance.  
29 Quite often a lot of these fish are caught.....  
30  
31 CHAIRMAN LOHSE: More than once. Let's  
32 put it this way. Does the oftener a fish get caught  
33 the higher the percentage of mortality?  
34  
35 MR. MIKE: Excuse me, Mr. Chair. I'd  
36 appreciate it if Mr. Tom Vania come up to a mike and  
37 state his name so we'll have a clear record of what's  
38 being stated in this meeting.  
39  
40 Thank you, Mr. Chair.  
41  
42 CHAIRMAN LOHSE: Okay.  
43  
44 MR. VANIA: Mr. Chairman. Tom Vania,  
45 Fish and Game. I don't have the catch and release  
46 mortality information in front of me. I know there  
47 hasn't been studies specific to the Kenai River on  
48 catch and release mortality for resident species, but  
49 there have been studies in other places where they  
50 looked at that. The gist of those are certainly more

1 often a fish is caught and released that the higher  
2 percentage of mortality is going to occur. If a fish  
3 is caught nine times, it's more likely to die than if  
4 it's only caught one time.

5

6 CHAIRMAN LOHSE: Doug.

7

8 MR. BLOSSOM: Mr. Chair. Just a follow  
9 up then. How many fish were kept then? What we need  
10 to do is try to figure out if they take a few rainbow  
11 that's going to upset the whole apple cart. I look at  
12 these charts and I need -- surely you have a catch and  
13 keep record, too.

14

15 MR. VANIA: Mr. Chairman, Mr. Blossom.  
16 That's on Table 90. It shows harvest. You also see on  
17 your far right column they have the percent of the  
18 catch which is harvested. So the total percent of that  
19 catch is varies anywhere from 1 percent to 3 percent of  
20 the catch is being harvested, so a very small fraction  
21 of what is being caught is being harvested. The sport  
22 fishery, the way the sport anglers have come with  
23 rainbow trout is, they're in it to catch the fish.  
24 They're not in it to harvest and eat the fish. They're  
25 very much a catch-oriented fishery and not a harvest-  
26 oriented fishery.

27

28 CHAIRMAN LOHSE: Can I ask you a  
29 question. If I'm understanding this right, we can see  
30 if we go back to 1990 the harvest was almost 10  
31 percent. If we go to 1999, they don't have it. The  
32 latest that we have it is 1996 and 1989 to 1996 they  
33 have a 1.5 percent harvest, so we don't have anything  
34 later than that. But if we took that 1.5 percent and  
35 we multiplied that times 144,736, we get something like  
36 2,100 and some rainbows that are kept. Am I correct?

37

38 MR. VANIA: Mr. Chairman. The reason  
39 why you don't see a harvest in a number of years is  
40 because it was a catch and release only fishery and  
41 harvest wasn't allowed.

42

43 CHAIRMAN LOHSE: But since we've gone  
44 back to a harvest, would you think the harvest would be  
45 on the low end, the average, the upper end?

46

47 MR. VANIA: It would be on the low end.  
48 You're talking a fish that's less than 16 inches and  
49 that's only been in place the last couple years.

50

1 CHAIRMAN LOHSE: Yeah, but we don't  
2 have that high a percentage of fish over that. So you  
3 think you're talking like half a percent or one  
4 percent?

5  
6 MR. VANIA: There are a lot of fish  
7 that are over 16 inches in the river.

8  
9 CHAIRMAN LOHSE: But would you think it  
10 would be half a percent that they keep or one percent  
11 or the average 1.5 percent?

12  
13 MR. VANIA: If you want me to ballpark  
14 it, one, two percent.

15  
16 CHAIRMAN LOHSE: One or two percent?

17  
18 MR. VANIA: I'm just guessing.

19  
20 CHAIRMAN LOHSE: I'll even say one  
21 percent. So one percent is 1,447 rainbows, right?

22  
23 MR. VANIA: Yes. And your point? I  
24 kind of lost it.

25  
26 CHAIRMAN LOHSE: My point is that if  
27 we're keeping 1,447 rainbows and we're catching 144,736  
28 and let's give them a one percent mortality, we've  
29 already taken 2,800 rainbows out of there. I don't see  
30 any number comparable to that that's even been bandied  
31 about from a subsistence fishery standpoint. If we  
32 have surplus fish enough to kill 2,800, 3,000, 5,000  
33 rainbows a year out of there, possibly there's  
34 sufficient fish to take 100 rainbows for subsistence  
35 out of there. I mean it would kind of look that way to  
36 me, but maybe I'm wrong.

37  
38 We talk about not having data, but the  
39 data that we have shows that a lot of fish are taken.  
40 Conservatively, if we throw in small numbers, we start  
41 thinking there was 2,000, 3,000 fish killed minimum.  
42 If we have that kind of a surplus, do we have -- I'll  
43 use the word surplus, but it shouldn't be surplus  
44 because it's supposed to be priority. Do we have  
45 sufficient fish that we could take 100 or 50 or 75 or  
46 200 for subsistence? That's the question we're asked  
47 to look at and that's the question that when we look at  
48 the data and we're not looking at the data from the  
49 standpoint of, okay, we're looking at the data, how do  
50 you do the least disruption, but how do you provide a

1 meaningful priority and this is what's already been  
2 taken, is there sufficient room to put a meaningful  
3 priority in there. Not a big one, but a meaningful  
4 one.

5  
6 Do you see what I'm getting at, Jim?  
7 That's why I was asking you, if you fish for 100 days  
8 and if you see fish that have algae and fungus on it  
9 and -- you hit the nail on the head, if it's a healthy  
10 resource and there's room to add the subsistence catch,  
11 that's wonderful. If it's a marginal resource or it's  
12 an over-exploited resource and we want to put a  
13 subsistence priority in there, then somebody, someplace  
14 has to say, like you said, maybe we can't keep a  
15 rainbow anymore because at one percent that's 1,447  
16 rainbows, you know.

17  
18 From your standpoint, you actually  
19 think we shouldn't be keeping one anyhow, so that would  
20 be another 1,400 rainbows in the stream. Anyhow, you  
21 see what I was getting at right there.

22  
23 MR. STUBBS: I understand.

24  
25 CHAIRMAN LOHSE: Tom.

26  
27 MR. CARPENTER: I'd ask a question.  
28 That 1,440 rainbows, that would be the total over like  
29 16 years.

30  
31 CHAIRMAN LOHSE: No. That is the 1999  
32 mean catch. And we've heard since 1999 the fishing  
33 pressure on the river has gone up probably 100,000  
34 angler days.

35  
36 MR. CARPENTER: Okay.

37  
38 CHAIRMAN LOHSE: Tricia.

39  
40 MS. WAGGONER: Through the Chair. You  
41 mentioned that you've moved off of fishing the upper  
42 Kenai because quality of fishing is much more important  
43 than quantity. So, on that same line of thought, is  
44 allowing subsistence fishing off the beaten path, out  
45 of sight, out of mind kind of thing, which was your  
46 analogy to the moose hunt, is that providing quality?

47  
48 MR. STUBBS: To me it is. You know,  
49 it's different for everybody. I can't speak for  
50 everybody else, but for me it is. I seek out places

1 that are more remote now and new adventures and things  
2 like that. I think it's just the way we evolve. When  
3 I started hunting, all I could think about was how many  
4 ducks can I get today. Then it got to be how good a  
5 caller could I be, then how good is my dog when I train  
6 my dog, then it got to be how good a picture can I get  
7 with my camera. We just evolve like that. For me now  
8 it's chasing rainbows and steelhead. That's what it's  
9 all about on my fly rod. I'm not going to condemn  
10 anybody for any other way they want to do it.

11  
12 One of the great things about the  
13 United States and Alaska is we have freedom within  
14 certain restraints. We have laws we all have to  
15 follow, but we can go out there and we can choose how  
16 we want to do it. That's why I think one thing we have  
17 to look at is how are we going to do this without  
18 causing a lot of social conflict. I mean you may be  
19 able to accomplish what you want for this, but if you  
20 create a lot of social strife between the user groups,  
21 I don't think that's healthy either and I don't think  
22 that one group should have that brought upon the other  
23 group. I don't think that's good at all. Last year I  
24 bought a place in Ninilchik and I don't want somebody  
25 down there to think I'm the devil reincarnated, you  
26 know, when I come down there to fish and I'm not going  
27 to think the same thing about them.

28  
29 CHAIRMAN LOHSE: Gloria.

30  
31 MS. STICKWAN: You said you were on  
32 this committee when they did this management plan?

33  
34 MR. STUBBS: On the rainbow trout one  
35 you're talking about?

36  
37 MS. STICKWAN: I don't know what  
38 committee you were on. I wasn't sure about that.

39  
40 MR. STUBBS: No, you know, I tried to  
41 get on this one, I signed up for it last May at the  
42 Anchorage AC, and I asked to be involved on any  
43 subcommittees and we were left out of it. I talked to  
44 the Staff and tried to get on it. I was told that if I  
45 went to Soldotna, I'd be an uninvited guest. So I was  
46 going to have to take time off on my own from work, I  
47 was going to pay my own gas to go down there and a  
48 place to stay and I couldn't afford to do that if I was  
49 told I couldn't even participate. So that's why I  
50 wasn't on the subcommittee if you're talking about the

1 group that met for three days.

2

3 MS. STICKWAN: No, I was talking about  
4 this management plan you were talking about.

5

6 MR. STUBBS: We had one that Governor  
7 Knowles brought about. It was called the Statewide Wild  
8 Trout Management Plan and Policy. I would certainly  
9 hope that when you look at how you're going to  
10 prosecute any of these fisheries that you do look at  
11 that wild trout policy because we set up in there  
12 things like if there's going to be a new fishery what  
13 criteria does it have to make and how would you make it  
14 work. If you're going to have different types of gear,  
15 how would you do it. Those are all in there. They may  
16 be able to help you get through some of these things.  
17 You shouldn't have to reinvent the wheel on this one.  
18 There's some policies out there to help you and to  
19 guide you.

20

21 CHAIRMAN LOHSE: James.

22

23 MR. SHOWALTER: Yes. You commented  
24 also that the rainbow trout is basically depleted,  
25 they're going down to smaller size, you can't retain  
26 them anymore, is that correct?

27

28 MR. STUBBS: If I came off that way,  
29 I'm not sure when I said that. Can I clarify maybe  
30 what I was saying. We had a period of time that they  
31 did drop in numbers on the upper Kenai, then we went to  
32 a catch and release and slowly they started coming back  
33 and they're a lot bigger fish now. One of our concerns  
34 is when you go to this, if you go to a fishery on the  
35 resident species and we look at numbers, it's not  
36 really again so much the numbers of quantity, it's  
37 quality. The fish over 16 inches, the bigger fish are  
38 the spawners. If we use a dipnet fishery and we start  
39 taking some of those, it will have a lot more impact on  
40 the health of the resource than if you take the ones  
41 under 16 inches. So just to say I'm going to take 200  
42 or 500, it's critical if you do this, I think, that you  
43 probably follow the statewide plan of under 16 or under  
44 18.

45

46 MR. SHOWALTER: What I'm getting at is  
47 now there's a restriction on sports fishing on  
48 retaining and catching rainbows. In the past there  
49 hasn't. It's been almost unlimited until they start  
50 getting depleted. What I'm getting now, there's a lot

1 of flack about the subsistence, a small number compared  
2 to here. I could see, now this would be pointing  
3 fingers, the sportsmen caught all the rainbows and now  
4 subsistence wants back some of them and they can't get  
5 them because in the past the sportsmen have depleted  
6 the stock. Thank you.

7

8 MR. STUBBS: Mr. Chair, can I respond  
9 to that, please.

10

11 CHAIRMAN LOHSE: Yes, you may.

12

13 MR. STUBBS: Mr. Showalter, I don't  
14 think you would say that that stock is depleted down  
15 there. We've got so many more fishermen fishing on a  
16 limited amount of fish, it's probably as healthy as  
17 it's ever been down there as far as numbers of fish,  
18 but there's a lot more people on it right now. The  
19 other thing is, if a person wants to harvest fish, a  
20 lot of these lakes are stocked fish and you can go and  
21 harvest 10 fish. I mean there are opportunities in  
22 places with a sports license you can go harvest rainbow  
23 trout or Dollies and retain them in some of these  
24 lakes. But on some of these rivers where they're  
25 fished so heavily, there's so many people there, that  
26 if we are going to keep a healthy stock at all, one  
27 that will keep up with the people that are fishing on  
28 them, we have to have some restrictions.

29

30 CHAIRMAN LOHSE: Any more questions for  
31 Jim.

32

33 (No comments)

34

35 CHAIRMAN LOHSE: Jim, we didn't mean to  
36 rake you over the coals.

37

38 MR. STUBBS: Oh, I don't think you did.  
39 I'm glad you asked the questions. I sat there for two  
40 days ready to -- so many questions you've asked I  
41 thought if I could hold up my hand I was going to say I  
42 know the answer to that one, I can help you out.

43

44 CHAIRMAN LOHSE: Okay. Well, thank you  
45 muchly then. I don't think we have any more questions  
46 for you.

47

48 MR. STUBBS: Again, thank you for your  
49 time and effort here. I know how it is. I've been on  
50 quite a few boards and I appreciate the work you're

1 doing for the resource and the state of Alaska.

2

3 CHAIRMAN LOHSE: And I think you've  
4 made us think on some things. We might not agree with  
5 you all the time, but you've made us think. Okay. We  
6 have one more AC and then we will get on to  
7 deliberations or possible deliberations.

8

9 MR. MOEGLEIN: My name is Ed Moeglein.  
10 I'm with the Kenai/Soldotna Area Advisory Committee. I  
11 am the subsistence member. A lot of our issues have  
12 been hashed over, but I would like to speak to some  
13 items right now for clarification. I was a subsistence  
14 user, now I'm a personal use by definition, although  
15 I'm still subsistence. I fished the set gillnet  
16 fishery near the mouth of the Kasilof River. I also do  
17 dipnetting and I think I can address some ideas on mesh  
18 size and how they're fished as to clarification to the  
19 Board if the Board would request any questions of me  
20 along those items.

21

22 CHAIRMAN LOHSE: You mean the Council  
23 here?

24

25 MR. MOEGLEIN: Yes.

26

27 CHAIRMAN LOHSE: I'll ask you the  
28 question that I asked Jim. How effective do you think  
29 dipnets would be on the resident species up there  
30 toward the head of the river?

31

32 MR. MOEGLEIN: That's kind of the  
33 direction I was going. A gillnet and a dipnet versus a  
34 landing net. A landing net is about a one-inch mesh, a  
35 wider mesh than a fine monofilament as far as padding  
36 and not physically injuring a fish. However, they're  
37 fished differently. Near the mouth of the river, if  
38 you're out there with a dipnet and you've got an  
39 incoming tide, you can stand there and with the murkier  
40 water the bag is held open. That's the big difference  
41 there, the two fish types. One gills it, one bags it.  
42 With the bag being held open on the incoming like that  
43 where the fish are coming in that direction, it's  
44 fairly stealthy. But in an in-river fishery there's no  
45 way that the bag would stay open unless, as they call  
46 it on the beach when the tide is not moving, the conga  
47 line where you have to move by walking to keep the bag  
48 open. If you're doing that from the bank, you're  
49 talking about bank erosion unless you can walk on the  
50 stream bottom.

1                               That's where it kind of brought in you  
2 might say power trolling where you tie a landing net to  
3 the bow of your boat to the yoke of the net so you can  
4 just basically sit there in the boat, push down on the  
5 handle. The force of holding the net in place is to  
6 the bow of the boat, hold it there and it can be very  
7 effective. I've caught 45 reds in less time than it  
8 took me to launch and land my boat back, power trolling  
9 that way from a boat.

10

11                               If you have murkier water or you're  
12 moving quicker, it can be done I would say with the  
13 rainbow trout or a Dolly Varden. I've caught some that  
14 way. But if you've got real clear water and you can't  
15 move as fast to keep the bag open, it is more  
16 difficult.

17

18                               CHAIRMAN LOHSE: That was an eye opener  
19 to me because I have never heard of power trolling with  
20 a net before. I always thought of a dipnet as  
21 something you swung with the current.

22

23                               MR. MOEGLEIN: That's why I say the  
24 difference between gilling and bagging and that's the  
25 difference in the mesh type.

26

27                               CHAIRMAN LOHSE: So you feel if you can  
28 power troll with a net you can probably catch resident  
29 species.

30

31                               MR. MOEGLEIN: Yes.

32

33                               CHAIRMAN LOHSE: Even with a landing  
34 net.

35

36                               MR. MOEGLEIN: Yes.

37

38                               CHAIRMAN LOHSE: But if you were.....

39

40                               MR. MOEGLEIN: If you were on the bank?

41 No.

42

43                               CHAIRMAN LOHSE: If you were on the  
44 bank or you're standing in the water swinging the net,  
45 not much chance.

46

47                               MR. MOEGLEIN: Not much chance as far  
48 as resident species because you're in one area  
49 concentrating your effort, moving back and forth where  
50 you're always having motion, vibration in the water and

1 it's constantly changing where a fish will move away  
2 from that just by natural instinct of a fish.

3

4 As far as the other concerns on the  
5 Kenai River drainage, there has been a large and  
6 growing fishery happening on the Skilak Lake in late  
7 fall, early spring. They've been kept off within a  
8 mile of the inlet and outlet of Skilak Lake. That is  
9 quite productive and people do catch and retain a lot  
10 of rainbow trout during that time in the lake and  
11 that's where I think a lot of these numbers are coming  
12 from.

13

14 CHAIRMAN LOHSE: Is that like a  
15 downrigger fishery?

16

17 MR. MOEGLEIN: Downrigger, trolling. I  
18 mean depending on the depth of water. It's real  
19 susceptible to speed and how you're trolling and  
20 presenting your bait. Clarity of water has a lot to do  
21 with it.

22

23 CHAIRMAN LOHSE: That's all artificial  
24 lures, right?

25

26 MR. MOEGLEIN: Artificial lures, yes.

27

28 CHAIRMAN LOHSE: Tom.

29

30 MR. CARPENTER: Thanks for your  
31 testimony. I think you brought up an interesting point  
32 and I agree with you completely that when you're  
33 fishing like in the upper part of the river there are a  
34 lot of places where you're not going to catch a lot of  
35 those resident species. I would take it that it that  
36 sockeye and chinook are going to be the main target in  
37 the upper river. As other people have found out across  
38 the state and I know they figured this out at Chitina,  
39 if you're going to catch kings, you're not going to do  
40 it from the bank. Eventually, if you want to catch a  
41 king, people are going to get in their boat and they  
42 are going to do the thing like you were talking about  
43 because it's extremely effective and when you are doing  
44 that, you have a much higher chance of catching a non-  
45 target species, so I was glad you brought that up.

46

47 MR. MOEGLEIN: In going a little bit  
48 more with that as far as concerns go, with power  
49 trolling, your sockeye in the stream are more towards  
50 the bank. In the areas that you fish, that would be

1 critical as to how close to the bank you can get with  
2 the boat in power trolling like that. Also, in the  
3 channels, when you're trying to go deeper for chinook  
4 and power trolling like that, some areas are limited to  
5 where people can go up and down, there's just a narrow  
6 channel. As to the number of boats that can be in that  
7 channel and the directions that they're going at each  
8 time present maybe a safety or navigational issue.

9

10 CHAIRMAN LOHSE: Gloria.

11

12 MS. STICKWAN: I don't understand  
13 fishing with boats because I don't fish like that. So  
14 I have a question about power trolling. What kind of  
15 boat would you be talking about?

16

17 MR. MOEGLEIN: Here's what I did. I  
18 had a 16-foot boat, 25 horse outboard motor. I took a  
19 regular hoop landing net like you could have for kings,  
20 it's not the full five-foot size net that you can have  
21 for dipnetting, but it's a good size hoop on it and a  
22 fairly large bag. Where the hoop comes together to the  
23 handle, I tie a rope right at the crux of the two and I  
24 tie it to the bow of my boat so that I can push the  
25 handle of the net straight down to get the desired  
26 depth of where the fish are running, so it's basically  
27 held in place front to back with my motion by the rope  
28 and the distance that I have that rope tied off is to  
29 the depth I want to do, so I'm comfortable. I can hold  
30 that net straight down from here, hold it as deep as I  
31 need to go to fish and when I get a bag of fish, I can  
32 hand over hand bring it up, flop it in the boat, set it  
33 right back down again. The guy sitting behind me can  
34 dispatch the fish or the guy driving the boat can  
35 dispatch the fish with a club while he's driving.

36

37 MS. STICKWAN: So you say you can catch  
38 resident species with that?

39

40 MR. MOEGLEIN: Yes.

41

42 MS. STICKWAN: Do you know how much you  
43 think you can catch? And did you say a 16-foot boat?

44

45 MR. MOEGLEIN: Sixteen.

46

47 MS. STICKWAN: That's not a very big  
48 boat.

49

50 MR. MOEGLEIN: No.

1 MS. STICKWAN: So how many resident  
2 species do you think you can catch with that?

3  
4 MR. MOEGLEIN: Near the mouth it's a  
5 lot less and they've never had a dipnet fishery except  
6 that first one where they tried to harvest a large  
7 amount of fish in the Kenai River because the Glacier  
8 Bay went aground in '88. That was the year they were  
9 looking for the first returns for enhancing the harvest  
10 that was put in for moving the west side setnetters  
11 over to the east side, so there was a large number of  
12 fish. They didn't know how they could distinguish  
13 between oiled fish and catching them, so they had a  
14 large number of fish coming in. They had that area  
15 where you could go further up the river and fish then.  
16 We got Dolly Vardens then.

17  
18 MS. STICKWAN: How many did you get?

19  
20 MR. MOEGLEIN: You know, we didn't  
21 target for them. I would say in a long drift of a  
22 quarter of a mile and running a net on each side of the  
23 boat, and it was more predominantly at the beginning of  
24 the run and the end of the sockeye run that you catch  
25 that, that seems to be when the Dollies are going with  
26 the fish, at those times we'd catch a lot more. We'd  
27 catch maybe two or three in a long pass. Rainbows  
28 weren't very present in the area that we were doing and  
29 the Dollies were coming in with the run is the reason  
30 why I say more Dollies than rainbows.

31  
32 MS. STICKWAN: You said two or three  
33 Dollies?

34  
35 MR. MOEGLEIN: Two or three Dollies in  
36 a quarter mile run.

37  
38 MS. STICKWAN: What about other  
39 resident species?

40  
41 MR. MOEGLEIN: Like I said, to the area  
42 that we were allowed to do that -- I mean it doesn't  
43 really happen in the lower part of the Kenai River or  
44 the Kasilof River except at the beginning and the end  
45 of the run when the Dollies are present with them.  
46 When the salmon are more prevalent, the sockeyes that  
47 we were targeting, you wouldn't hit as many Dollies in  
48 the middle of the run. So, at the beginning of the  
49 run, at the end of the run, we're talking from say the  
50 17th to the 20th of July being the start of the run and

1 the 31st of July, if the run isn't late, we would start  
2 picking them up again. We weren't allowed further  
3 upstream, so we couldn't tell as far as rainbow trout  
4 and near any lakes where we could talk to lake trout.

5

6 CHAIRMAN LOHSE: Doug.

7

8 MR. BLOSSOM: Yeah, Mr. Chair, Ed. Did  
9 you guys talk about Proposal 29 at all in your AC?

10

11 MR. MOEGLEIN: Not directly to that.  
12 Most of our concerns were to conservation. We  
13 recognized there was going to be a subsistence fishery  
14 by law and we just kept our concerns to conservation  
15 issues and the datas and information that we do know.  
16 That's the reason why I say I really don't have much  
17 more to say on the Kasilof because I think a lot of our  
18 concerns have been met and I wanted to speak to  
19 clarification on dipping when using bagging type gear  
20 versus gilling gear.

21

22 CHAIRMAN LOHSE: Any other questions  
23 for him.

24

25 (No comments)

26

27 CHAIRMAN LOHSE: I appreciate the  
28 information that you gave us and clarification.

29

30 MR. MOEGLEIN: Thank you, Mr. Chair.

31

32 CHAIRMAN LOHSE: It's interesting to me  
33 how when there's an opportunity somebody will find a  
34 way to make use of that opportunity even if that's not  
35 what was intended. Those of us that don't have  
36 anything to do with it have no concept that somebody  
37 would make it quite that sophisticated. To my way of  
38 thinking, I think of dipnetting on the Copper River and  
39 there is some boat dipping on the Copper River, but the  
40 majority of the people stand on the bank and they swing  
41 a net. That's the way I was thinking of dipnetting  
42 even on the Kenai.

43

44 So, with that, it's 6:00 o'clock. We  
45 will recess until tomorrow morning. We've heard all of  
46 our testimony. I'd like the Council to do some  
47 thinking tonight as to what kind of motion you'd like  
48 to put on the table tomorrow morning. It's going to be  
49 up to you guys what to put on the table for us to  
50 discuss tomorrow, but the Council is going to go into

1 discussion.

2

3

(Off record)

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(PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

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

I, Joseph P. Kolasinski, Notary Public in and for the state of Alaska and reporter for Computer Matrix Court Reporters, LLC, do hereby certify:

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

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

DATED at Anchorage, Alaska, this 26th day of March 2007.

\_\_\_\_\_  
Joseph P. Kolasinski  
Notary Public in and for Alaska  
My Commission Expires: 03/12/08