

1 SOUTHCENTRAL FEDERAL SUBSISTENCE  
2 REGIONAL ADVISORY COUNCIL MEETING

3  
4 PUBLIC MEETING

5  
6 VOLUME III

7  
8 Anchorage, Alaska  
9 March 15, 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  
26  
27 Regional Council Coordinator, Donald Mike  
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1 P R O C E E D I N G S

2  
3 (Anchorage, Alaska - 3/15/2007)

4  
5 (On record)

6  
7 CHAIRMAN LOHSE: I'd like to call this  
8 spring meeting of the Southcentral Regional Subsistence  
9 Advisory Council back in session, so if everybody can  
10 find a seat, take a seat, and we'll get started.

11  
12 For those of you that possibly haven't  
13 been here yet up to this point in time, I'll give you a  
14 little catch-up as to where we are. We are starting on  
15 the fish proposals for the Kasilof River drainage.  
16 We've had the public testimony on the Kasilof and we  
17 are now going -- and the testimony of the Alaska  
18 Department of Fish and Game and other Federal Staff.  
19 And we're now going into the proposals themselves.

20  
21 At this time, so we can have Regional  
22 Council deliberation, recommendation, or justification,  
23 I'd like to ask one of the Council members, or any  
24 Council member to put a motion on the floor.

25  
26 MR. CARPENTER: How about the summary  
27 of public written?

28  
29 CHAIRMAN LOHSE: Oh, have we had the  
30 summary of public comments yet, Donald?

31  
32 MR. MIKE: Mr. Chair, we did not.

33  
34 CHAIRMAN LOHSE: Okay. Well, that  
35 should come first, but let me finish what I was saying,  
36 and then we'll take the summary of public written  
37 comments.

38  
39 I'd like to remind the Council that we  
40 have the original proposal before us, we have the  
41 proposals as modified by the OSM, we have the proposal  
42 suggested by Ninilchik. Any one or a combination of  
43 the ones would be acceptable. And all proposals that  
44 come up can be voted up, down or modified.

45  
46 So with that we'll hear the rest of our  
47 written comments, a summary of our written comments and  
48 we'll go on to -- you guys think of what kind of motion  
49 you'd like to make, but we need a motion on the table  
50 before we can discuss and deliberate on these

1 proposals.

2

3 Donald.

4

5 MR. MIKE: Than you, Mr. Chair. If I  
6 could start. I provided some additional for the  
7 Council members. The cream colored, that wasn't part  
8 of the package, but I gave a copy to our Council  
9 members, and there's a copy out on the table. And the  
10 Wrangell-St. Elias SRC Commission wrote some public  
11 comments on the wildlife proposals which didn't make  
12 the book, and that was an oversight, so we have a copy  
13 on your table.

14

15 And I've also included for your  
16 reference, for your deliberation, a copy of the State  
17 and Federal fishing regulations for you.

18

19 And one last item, before the council  
20 gets into deliberation, I'm going to request of the  
21 public and the Council members, if you can please turn  
22 your cell phone to silent or to zero. It would create  
23 less distraction during deliberations of the Council,  
24 and I would really appreciate it.

25

26 Thank you, Mr. Chair.

27

28 And the Office of Subsistence  
29 Management received over 27 written public comments,  
30 and some are in length and some are in general, and  
31 there was no general -- the general comments weren't  
32 specific on the comments towards what proposals they  
33 are commenting on. But we received over 27 written  
34 comments for the 2007 Federal fisheries proposals. If  
35 it's okay with the Council, I would like to read one  
36 statement that would cover all the written public  
37 comments in summary form. Otherwise, if we go through  
38 each proposal, it's going to take about 10, 15 minutes  
39 for each proposal. But if that's the wish of the  
40 Council, I would go forward with the summary of  
41 written.

42

43 Mr. Chair.

44

45 CHAIRMAN LOHSE: If that's okay with  
46 the rest of the Council, we can do it that way. He can  
47 give us a summary of all the comments that apply to the  
48 Kasilof River drainage.

49

50 MR. MIKE: And I think it applies to

1 the Kenai, Mr. Chair. I think it applies to the Kenai  
2 also.

3

4 CHAIRMAN LOHSE: You left the Kenai  
5 out?

6

7 MR. MIKE: No, the summary includes the  
8 Kenai and Kasilof.

9

10 CHAIRMAN LOHSE: The summary includes  
11 the Kenai? Okay. Then if you could summarize them  
12 off, that would be good.

13

14 MR. MIKE: Okay. And you have a copy  
15 in your fisheries book, in the blue book, and it starts  
16 on page 138.

17

18 Like I said, we received over 27  
19 written comments. Twenty comments were received from  
20 individuals, four from sport/ commercial fish  
21 organizations, and three from local advisory  
22 committees. And we heard three reports from the local  
23 advisory committee yesterday, Mr. Chair. And the one  
24 local advisory committee unanimously accepted and  
25 adopted as their own the Federal Staff analysis on  
26 Pages 4 through 6 dated February 22, 2007.

27

28 Fifteen of the individuals opposed the  
29 proposals in general. And one individual wrote in  
30 support of subsistence proposals. Four of the 27  
31 comments received stated they support FP07-28. Excuse  
32 me, Mr. Chair. Two of the commenters stated that the  
33 only viable solution for a subsistence fishery would be  
34 through a manned fishwheel. And two commented in  
35 support of subsistence dipnet fishery. One commenter  
36 stated that they would support a jig fishery as long as  
37 the harvest limits are reasonable and within biological  
38 limits. One commented that rod and reel will be  
39 ineffective, and dipnet fisheries will be an impossible  
40 method in clear shallow water.

41

42 The overall theme on the comments  
43 received said they oppose a gillnet fishery on the  
44 Kenai and Kasilof drainages, citing conservation  
45 concerns and economic impact it will have on the  
46 sportfishing industry, and that gillnet fishery is an  
47 discriminate method of harvesting fish other than  
48 target species.

49

50 Thank you, Mr. Chair.

1 CHAIRMAN LOHSE: Thank you, Donald.  
2 Did most of you get everything there? It basically  
3 corresponds to the public testimony that we received.  
4  
5 MR. MIKE: That is correct, Mr. Chair.  
6  
7 CHAIRMAN LOHSE: Thank you, Donald.  
8  
9 At this time a motion is in order to  
10 put something on the table so that we can discuss  
11 something. Do I have a motion.  
12  
13 MR. ENCELEWSKI: Yeah, Mr. Chairman.  
14  
15 CHAIRMAN LOHSE: Greg.  
16  
17 MR. ENCELEWSKI: I'd like to make a  
18 motion to put Ninilchik's modified proposal for the  
19 Kasilof salmon, their modified proposal for the Kasilof  
20 resident species, and the Kasilof River steelhead. I  
21 would like to make a motion to put that on the table  
22 for discussion.  
23  
24 CHAIRMAN LOHSE: If I understand right,  
25 then you're putting a motion on the table to put the  
26 three modified proposals that Kasilof -- that Ninilchik  
27 gave to us on the table as a discussion point?  
28  
29 MR. ENCELEWSKI: That's correct, the  
30 ones they gave us yesterday afternoon.  
31  
32 CHAIRMAN LOHSE: Okay. Do I have a  
33 second.  
34  
35 MS. WAGGONER: Second.  
36  
37 CHAIRMAN LOHSE: It's been seconded by  
38 Tricia. Okay. Moved and seconded to put the Kasilof  
39 proposals on the table as our starting point. So let's  
40 get started then.  
41  
42 Discussion, comments, amendments,  
43 anything on that order. I'm looking for mine. I  
44 didn't have that setting out. Doug.  
45  
46 MR. BLOSSOM: Mr. Chair. I would like  
47 to have the, I guess you'd call it the Peninsula  
48 SportFish Division at the table for a minute.  
49  
50 CHAIRMAN LOHSE: Pete.

1 MR. PROBASCO: Thank you, Mr. Chair. I  
2 appreciate Mr. Greg's modified proposal. Our question  
3 is as Staff, you haven't yet heard on each of the  
4 species stock status, management concerns, et cetera.  
5 So we can go through this, each resident species,  
6 salmon, as the motion's prepared, but I just wanted to  
7 let you know that we still have that part of the  
8 process to include in our deliberations.

9  
10 CHAIRMAN LOHSE: Pete, you're talking  
11 about the on each individual part of that motion, or  
12 are you just talking in general?

13  
14 MR. PROBASCO: Well, with this motion  
15 on the table, it sort of goes out of sequence with the  
16 way the agenda was laid out.

17  
18 CHAIRMAN LOHSE: Yeah.

19  
20 MR. PROBASCO: We were going to go  
21 resident salmon -- this is fine. We still need to take  
22 each one of those sections up and have Staff present to  
23 you the analysis on those specific species.

24  
25 CHAIRMAN LOHSE: Well, that's kind of  
26 the way I looked at it, too. Basically that proposal  
27 basically put all of those three on, but we still have  
28 to handle them section by section.

29  
30 MR. PROBASCO: Correct.

31  
32 CHAIRMAN LOHSE: And we're still going  
33 to have to call the Staff up and Fish and Game up and  
34 the advisory councils up for each one of those  
35 proposals per se. But what we've just done, if we pass  
36 it, which we haven't even voted on it, we just  
37 basically said that's going to be our starting point  
38 for discussion.

39  
40 MR. PROBASCO: And I would recommend,  
41 if I may, Mr. Chair, if you do go with this motion,  
42 then we should probably hear for each species the Staff  
43 presentation first before you bring others up. Mr.  
44 Chair.

45  
46 CHAIRMAN LOHSE: We're going to have  
47 to, because all we really have covered is FP07-27, and  
48 we can go from there. Thank you, Pete.

49  
50 Any other discussion. Doug.

1 MR. BLOSSOM: Yeah, Mr. Chair. I guess  
2 that's why I said we needed the SportFish Division to  
3 sit at the table, or someone to tell us on these  
4 species, because that's the thing I was going to get  
5 at.

6  
7 CHAIRMAN LOHSE: Tom.

8  
9 MR. CARPENTER: Yeah. That was -- you  
10 know, I don't have any problem with Greg's motion. I  
11 just don't know, and we'll see what maybe Greg thinks  
12 about it, since it was his motion, that maybe we should  
13 just see how -- we've had the entire salmon spiel  
14 already, maybe -- I don't know, maybe those three  
15 should just be broke down into individual motions  
16 between salmon and resident species, and we can get the  
17 salmon put out of the way here pretty pick, and get the  
18 Staff analysis and public comments on the resident  
19 species, and we can move on. But, you know, whatever  
20 everybody else thinks, you know.

21  
22 CHAIRMAN LOHSE: Any other comments,  
23 any discussion.

24  
25 (No comments)

26  
27 CHAIRMAN LOHSE: I would think that we  
28 would have to do that, Tom, because so far we've taken  
29 testimony on FP-27. We've taken all of our public  
30 testimony and most of the people that talked on FP-27  
31 didn't keep their remarks to FP-27. They covered  
32 Kasilof in general. They all hit trout, they all hit  
33 everything else, but if there's any additional  
34 information on it, I think we're going to have to take  
35 it as sections anyhow.

36  
37 MR. CARPENTER: Okay. Sounds good.

38  
39 CHAIRMAN LOHSE: So any other  
40 discussion on it.

41  
42 (No comments)

43  
44 CHAIRMAN LOHSE: The motion is on the  
45 table. All in favor signify by saying aye.

46  
47 IN UNISON: Aye.

48  
49 CHAIRMAN LOHSE: All opposed signify by  
50 saying nay.

1 (No opposing votes)  
2  
3 CHAIRMAN LOHSE: Motion carries. And I  
4 can't find my copy. Oh, here we go. Got it.  
5  
6 Okay. So what we've just done is we've  
7 put Ninilchik's modified proposal for salmon, which is  
8 FP-27 if I remember right, FP07-27, their modified  
9 proposal for resident species, and their modified  
10 proposal for steelhead on the table as our starting  
11 point. So we've got that far.  
12  
13 MR. CARPENTER: Also salmon.  
14  
15 CHAIRMAN LOHSE: Yeah. Salmon was  
16 first. So let's go on to the first part of it. That  
17 would be the same as FP07-27. Discussion, comments and  
18 information on it. We've had lots of testimony on it.  
19  
20 Tom.  
21  
22 MR. CARPENTER: Yeah, Mr. Chairman. I  
23 think that Ninilchik's modified proposal for salmon is  
24 pretty much in line with what Staff has recommended,  
25 and I think they've made some concessions from their  
26 original proposal. I don't personally see anything  
27 that's, you know, too far out of line here. It doesn't  
28 look like we have a huge conservation concern in  
29 regards to salmon. You know, there were a couple of  
30 dates that I know Doug had mentioned in there for the  
31 late run for the late run sockeye that he was concerned  
32 about. So, you know, at this time for salmon, I don't  
33 really have a whole lot of heartache about the way this  
34 proposal is written.  
35  
36 CHAIRMAN LOHSE: Doug.  
37  
38 MR. BLOSSOM: Mr. Chair, I still would  
39 like to have the Alaska Department of Fish and Game  
40 SportFish Division at the table for a minute.  
41  
42 CHAIRMAN LOHSE: That's your privilege  
43 to call them up. Is there any representative here?  
44 Doug, have you got a question for them then?  
45  
46 MR. BLOSSOM: Yeah, Mr. Chair. My  
47 question is what is the present king salmon regulation  
48 for sportfish in July for the late run kings that we'll  
49 be talking about in Kasilof River?  
50

1 MR. PAPPAS: Hello. My name is George  
2 Pappas. I'm currently the area management biology for  
3 the North Kenai Peninsula Management area, basically  
4 from Hope to the Kasilof.

5  
6 Regulations for late run sportfish, one  
7 king salmon per day. The fishery takes place below the  
8 Sterling Highway bridge. It goes through the month of  
9 July.

10  
11 MR. BLOSSOM: No taking above, right?

12  
13 MR. PAPPAS: Yes, sir.

14  
15 MR. BLOSSOM: Okay. My second question  
16 is I understand that you guys initiated a study on the  
17 king salmon on the Kasilof. How is that coming, and  
18 what can you tell us so far?

19  
20 MR. PAPPAS: Through the Chair. Mr.  
21 Blossom, yes, the study started -- last year was our  
22 second year of collecting information. The first year  
23 turned into be more of a pilot than an actual very  
24 accurate study. We don't have the information on it,  
25 because no one's studied that particular system for  
26 quite some time to figure out the netting, the tagging,  
27 how to work alongside of the boats, the anglers out  
28 there. So the first year's information, I believe was  
29 inconclusive, but it helped really design and tighten  
30 up the second year.

31  
32 The second year went well. The final  
33 information is not out. I'm assuming it will be out  
34 fairly soon, for -- so we have a snapshot of  
35 population, age and size structure, sex composition of  
36 the run itself. I can't give you a deadline for the  
37 estimate of the number of fish.

38  
39 We will definitely have more  
40 information than we thought -- prior to I believe we  
41 thought the run would be, you know, anywhere from 1,000  
42 fish to 10,000 fish. We don't know what it is right  
43 now, but my assumption is we should have that in very  
44 short order.

45  
46 MR. BLOSSOM: And my next question is,  
47 you've done that much study, I wish we had the answers.  
48 You've no doubt seen the Ninilchik modified proposal on  
49 salmon, and what's your opinion on taking that many  
50 kind salmon.

1 MR. HILSINGER: Mr. Chairman.

2

3 CHAIRMAN LOHSE: John.

4

5 MR. HILSINGER: Mr. Blossom. I think,  
6 you know, our opinion is the same as it was before,  
7 although I think before, you know, there was the  
8 potential of more like 1,000 kings, and it wasn't clear  
9 how that would be split between the two rivers. So  
10 reducing that to 500 is probably an improvement, but we  
11 do still have the same concern about not knowing the  
12 population size, and the harvest on top of the existing  
13 sport harvest and what adjustments we might have to  
14 make in the sportfishery, if any, to accommodate that  
15 harvest.

16

17 Thank you.

18

19 MR. PAPPAS: John, can I ask you a  
20 question? Then has this sport harvest been going on  
21 very long, or is this a fairly new fishery?

22

23 MR. HILSINGER: Our information does  
24 indicate it has been going on for some time.  
25 Participation has -- -- I think it's been fairly  
26 steady. It's not like the early run where the water's  
27 low and slow. During July the water is much higher,  
28 anchoring is almost impossible. Participation is  
29 limited to -- I don't know, sometimes I hear 20, 30  
30 boats can make it out there in comparison to the early  
31 run you might see 100, 150 boats. So there just isn't  
32 -- the river's not the same beast during the late run  
33 as it is during the early run, and it takes a much more  
34 skilled rower to actually target that area.

35

36 It has been going for some time, and  
37 one of the reasons is there are large fish in that run.  
38 I think the largest one we've had in our samples is 82  
39 pounds. So some folks do like to go down there and try  
40 it out. Mr. Chair.

41

42 CHAIRMAN LOHSE: So basically this  
43 fishery has been operated without having any idea of  
44 what the run strength was or what size stock that  
45 you're fishing on, and it's been basically, for lack of  
46 a better way of putting it, it's an unlimited fishery,  
47 there's no limitations on it. You could have 20 boats  
48 or you could have 100 boats. I mean, there's nothing  
49 that limits the amount of people that are fishing on  
50 it.

1                   So the potential -- because we keep  
2 hearing potential take. So the potential is that  
3 everybody that fishes on the Kenai could potentially go  
4 fishing in this fishery. And at one per day, that's  
5 still five per year, right? I mean, because five per  
6 year applies to the Kenai strictly -- I mean,  
7 completely.

8                   So it's kind of interesting though that  
9 we -- to me, it's kind of interesting that as soon as  
10 we start talking subsistence, we talk about not knowing  
11 run strength and run size and everything else, but we  
12 have a potential sportfishery taking place on it that  
13 has unlimited growth potential, and we don't know the  
14 run size and run strength.

15  
16                   John.

17  
18                   MR. HILSINGER: Mr. Chairman. Again  
19 one of the ways that we looked at these proposals was  
20 if someone came to us with a proposal that would do  
21 this, you know, permanently, let's say, would we  
22 support it or oppose it, or how would we look at it.  
23 And so if we had a proposal from the sportfishing  
24 public that would increase the harvest by 50 percent on  
25 an on-going basis, we would have the same approach to  
26 it that we have to these proposals. We would be very  
27 concerned about it. And we recognize that with a  
28 priority then, we may have to make some adjustments in  
29 the recreational fishery, and we wanted to apprise the  
30 Council of that, and, you know, kind of what kinds of  
31 problems we foresee in that, so that if it's necessary,  
32 it won't take anybody by surprise. But I think our  
33 approach to these is similar to the way we would  
34 approach a sportfish proposal for a similar increase in  
35 harvest.

36  
37                   CHAIRMAN LOHSE: Uh-huh. I think what  
38 I was getting at, John, is let's just say that the  
39 Gulkana didn't produce some fish, or some place like  
40 that didn't produce some fish, you have the potential  
41 at this point in time to at any time double the amount  
42 of sportfishermen that are fishing in this late run  
43 fishery. The potential is there. I mean, the  
44 opportunity it there, because there's nothing in place  
45 to prevent that doubling in effort, which would be the  
46 same as doubling the take. And you would then have to  
47 respond in the next cycle or by emergency order, you  
48 know, if you saw something like that happen. And it's  
49 the same thing here.

50

1                   So basically what you're saying is that  
2 there may have to be some adjustments, but one thing  
3 that could happen is you could wait and see, you know,  
4 just the same as if your sportfishery doubled all of a  
5 sudden, you could wait and see if actually it happened  
6 and make the same kind of adjustments. I mean, you  
7 could potentially -- let's say the Klutina failed, the  
8 Gulkana failed, and all of those people decided to go  
9 take the late run on the Kenai. You'd all of a sudden  
10 have double the amount of fishermen that you had  
11 before, and you have nothing in place to stop that from  
12 happening.

13  
14                   So if there's an increase here, if this  
15 increase is -- this is what I think Doug was asking, is  
16 this increase, is the potential of this increase within  
17 reason, knowing that you're already conducting a  
18 fishery on a stock that you don't know much about, with  
19 the potential at any time to increase the take on that  
20 stock. All we have to do is go look up -- and Gloria  
21 can comment on that, too, all we have to do is go look  
22 up in your country and see the great increase we've had  
23 on the king salmon streams, like the Gulkona, like  
24 what's happened to the Klutina in the last 10 years,  
25 you know. I mean, those kind of things can just  
26 happen, just because fish don't show up some place  
27 else. And we have an unlimited, and I -- that's not  
28 true, because we've only got 400,000 people, but we've  
29 got basically a large supply of people that could  
30 double the effort in a real fast hurry. I mean, 20  
31 boats to 40 boats doesn't sound like -- you know  
32 doesn't sound like much to me.

33  
34                   John.

35  
36                   MR. HILSINGER: Mr. Chairman. You're  
37 correct that something like that could happen, and we  
38 would have to react. And there's some things we would  
39 look at in that. One is if we anticipated that it  
40 would be a one year event, and, you know, we would  
41 approach that a lot differently than if we thought that  
42 it was going to be a permanent change in the fishery.  
43 And if we thought it was going to be a permanent change  
44 in the fishery, then we would have to assess, you know,  
45 whether we needed to reduce the bag limit or shorten  
46 the season, or, you know, put on a daily limit like is  
47 on the Kenai where you have to stop fishing or two fish  
48 per year, you know, those kinds of things.

49  
50                   So we would take all that into

1 consideration and try to do the appropriate management  
2 action to protect those stocks.

3

4 CHAIRMAN LOHSE: But you can't take  
5 that action ahead of time on the speculation that it  
6 might happen. And I guess that's what I'm getting at.  
7 We have -- while we have this here, we have no idea  
8 what the actual take would be.

9

10 And I was just wondering, I think there  
11 was a coho fishery up there. Didn't we have an  
12 emergency coho fishery that was -- and I haven't heard  
13 what the take on that coho fishery was, or was there  
14 any take?

15

16 MR. CARPENTER: There was no fishery,  
17 didn't happen.

18

19 CHAIRMAN LOHSE: They didn't have the  
20 fishery?

21

22 UNIDENTIFIED VOICE: (Indiscernible,  
23 away from microphone)

24

25 CHAIRMAN LOHSE: They just didn't have  
26 it.

27

28 MR. BLOSSOM: The Federal people  
29 didn't.

30

31 CHAIRMAN LOHSE: The Federal people  
32 didn't or did?

33

34 MR. BLOSSOM: Didn't.

35

36 CHAIRMAN LOHSE: The Federal people  
37 didn't. Okay. I was just wondering if there had been  
38 any indication of what the take was.

39

40 Go ahead.

41

42 MR. BUKLIS: Mr. Chairman. Larry  
43 Buklis, Office of Subsistence Management. There was a  
44 special action request in the late summer to have a  
45 fall coho fishery on the Kasilof, and that was denied.

46

47 CHAIRMAN LOHSE: That was denied.

48

49 MR. BUKLIS: But then there was a  
50 related request for a winter, under-the-ice fishery in

1 the Kasilof, Tustumena Lake, and that was later in the  
2 fall. That was approved.

3  
4 CHAIRMAN LOHSE: Do we have any idea  
5 what the take on that was?

6  
7 MR. BUKLIS: I would have to check with  
8 the in-season manager and report back.

9  
10 CHAIRMAN LOHSE: Could you do that,  
11 please?

12  
13 MR. BUKLIS: Yes.

14  
15 CHAIRMAN LOHSE: Before we get to that?

16  
17  
18 Tricia.

19  
20 MS. WAGGONER: Within the proposed  
21 regulation there is a 72-hour reporting requirement for  
22 harvest. So if someone goes out and ends up catching  
23 100 kings one day, you're going to know in 72 hours, so  
24 that you can adjust in-season fisheries, which is what  
25 they do on the Yukon River right now. There's a  
26 coordination between and State and Federal biologists  
27 on the Yukon to make in-season adjustments for  
28 commercial and subsistence. So does that alleviate  
29 some of the worry over the potential.

30  
31 MR. HILSINGER: Mr. Chairman. Ms.  
32 Waggoner. Yes, and we supported the reporting  
33 requirement. That was one of those things that the  
34 Federal subsistence Staff added that we supported. I  
35 think you've probably noticed that Fish and Game tends  
36 to be a little more conservative, and in a perfect  
37 world we would probably have a reporting that was a  
38 little shorter than 72 hours, but we really did  
39 appreciate the reporting.

40  
41 And you're right, that -- if that all  
42 worked the way it was supposed to, that would help with  
43 that. And it would give us -- I don't know how it  
44 would work on the Federal side. I think, you know,  
45 you've got the limits, and as long as the fishery is  
46 within those limits, I don't know that they could take  
47 any action in the subsistence fishery, but it would at  
48 least give us a good idea of what is happening in-  
49 season.

50

1 CHAIRMAN LOHSE: Doug.  
2  
3 MR. BLOSSOM: Mr. Chair. I have a  
4 series of questions again, because I didn't get  
5 finished to start with.  
6  
7 You fish seven days a week sportfish on  
8 the Kasilof for the late run kings, right?  
9  
10 MR. PAPPAS: Through the Chair. Mr.  
11 Blossom, yes.  
12  
13 MR. BLOSSOM: And the limit is five per  
14 year on the Kasilof? They can take all five kings in  
15 the Kasilof?  
16  
17 MR. PAPPAS: Yes. The Cook Inlet limit  
18 is five kings, and you could take those five kings from  
19 the Kasilof.  
20  
21 MR. BLOSSOM: Okay. Now, in the Kenai  
22 they can't do that. Why?  
23  
24 MR. PAPPAS: That is correct. Through  
25 the Chair. Mr. Blossom, in the Kenai you're allowed a  
26 total of two king salmon per year.  
27  
28 MR. BLOSSOM: Why is that?  
29  
30 MR. PAPPAS: My understanding is it's  
31 likely to do with the angler effort and the numbers of  
32 folks that do target the Kenai in comparison to the  
33 other systems.  
34  
35 MR. BLOSSOM: So it's conservation?  
36  
37 MR. PAPPAS: Through the Chair. Mr.  
38 Blossom, yes, that is true.  
39  
40 MR. BLOSSOM: And then because you fish  
41 seven days a week and take the total run in the  
42 Kasilof, I can't see a conservation concern there.  
43  
44 MR. HILSINGER: Mr. Chairman, Mr.  
45 Blossom. Again it's going to relate to the numbers and  
46 the size of the run. We know we've got a harvest that  
47 averages about 900 fish on that run. Until we find out  
48 from the mark/recapture study that Mr. Pappas  
49 described, we're not going to know how comfortable we  
50 feel about an increase in harvest. I mean, it may turn

1 out that it's not a problem, depending on the results  
2 of that, or it may turn out that it's not something we  
3 want to do, and we just want to apprise the Council of  
4 that. We're not -- and, of course, we have a  
5 definition of a conservation return which is  
6 approximately equal to an endangered species listing  
7 under the sustainable fisheries policy. And so we  
8 certainly don't have a conservation concern in  
9 regulatory terms, and we may not have one depending on  
10 what we find out about the size of that stock. But we  
11 still just have a general concern, because we don't  
12 know, and, you know, we think that that's important for  
13 people to realize in the formulation of these  
14 fisheries.

15  
16 MR. BLOSSOM: Mr. Chair. So on the  
17 days that the Kenai is closed, where do those fishermen  
18 go?

19  
20 MR. HILSINGER: Mr. Chairman, Mr.  
21 Blossom. A lot of them do go to the Kasilof.

22  
23 MR. BLOSSOM: Yeah. Thank you. That's  
24 -- my point is, just so you understand, is that for a  
25 long time when they closed the Kenai, they go to the  
26 Kasilof and we have had no restriction on the Kasilof,  
27 so I don't find a conservation concern with kings  
28 there.

29  
30 CHAIRMAN LOHSE: Tricia.

31  
32 MS. WAGGONER: You keep referring to an  
33 increase in harvest. If we provide a subsistence  
34 priority in the upper river, Fish and Game could  
35 reallocate harvest by doing what they do on the Kenai,  
36 limiting it to two kings per year. It's not -- this  
37 proposal isn't saying to increase the harvest by 500.  
38 It's saying basically allocate that 500 to subsistence.  
39 And so then again there's not a conservation concern  
40 there, because that's what you're doing already is  
41 providing that X-amount of fish to the sportfishery.

42  
43 MR. HILSINGER: Mr. Chairman, Ms.  
44 Waggoner. You're right, that we might have to do that,  
45 and we recognize that, and hopefully that's come  
46 through in our comments. And the only problem with  
47 that is that -- would be knowing, you know, to that --  
48 how fast and to what extent we have to do something.  
49 But we certainly understand that that's how the law  
50 works. And if you allocate 500 fish to the Federal

1 subsistence fishery, we may have to take actions in the  
2 recreational fishery to make up for that. We  
3 understand that, and it's clearly how the law works and  
4 was intended to work.

5

6 CHAIRMAN LOHSE: Tom.

7

8 MR. CARPENTER: Yeah, I just have a  
9 question. Maybe a comment. I think we've heard in  
10 testimony -- I think the biggest thing we have is we  
11 have the reporting requirement that does have the  
12 Federal and State managers understand what type of  
13 harvest is going on.

14

15 I think the second thing that we have  
16 is that we're talking about late run Chinook, and we've  
17 heard comments that the harvest potential on those is  
18 not going to be necessarily as high as it would be,  
19 say, in the spring. So I think the potential of  
20 reaching that 500 level is not necessarily there. I  
21 just don't think that the target is going to be those  
22 Chinook. I think there are other things that are going  
23 to be targeted, and so I'm not necessarily sure that we  
24 have a real reason to worry about this at this time,  
25 but that's just my own feeling.

26

27 CHAIRMAN LOHSE: John, could I ask you  
28 a question? how many State subsistence and personal  
29 use fisheries have a 72-hour reporting period? Or do  
30 any of them?

31

32 MR. HILSINGER: I'm not aware of any  
33 that do.

34

35 CHAIRMAN LOHSE: Yeah, that's kind of  
36 my -- you know, I don't have much experience except on  
37 the Copper River, but I know the reporting period on  
38 the Copper River doesn't take place until long after  
39 the fishing period's over, and from what I've seen when  
40 I've gone down and visit there and see what's going on,  
41 I see that, you know, they're supposed to be marking  
42 their fish on their tag when they catch them, but I've  
43 never talked to anybody or seen anybody that did that.  
44 And that's a lack of enforcement. And I know an awful  
45 lot of people whose idea of reporting is at the end of  
46 the year looking up and saying, well, now how many fish  
47 did I catch? And the's the kind of reporting that we  
48 get there.

49

50 And here these people are volunteering

1 to say, in 72 hours we'll tell you what we caught so  
2 that you can, if there is a problem, make an  
3 adjustment. To me that's a pretty good faith move,  
4 especially if it's enforced and if it actually takes  
5 place. And you would be able to -- if all of a sudden  
6 you started seeing them taking 500 fish, you may have  
7 to react, you know, the same way as other times things  
8 happen, react -- the same way as what would happen if  
9 all the other king fisheries closed down and you all of  
10 a sudden had 100 boats on the Kasilof, you'd have to  
11 react.

12

13                   But here you have a 72-hour reporting  
14 period, and I think there might be some 72-hour  
15 reporting periods on the Yukon. but that's because  
16 they're trying to work together on it. But I don't  
17 think most of your personal use fisheries and  
18 subsistence fisheries, at least the ones that take  
19 place in Southcentral, have any kind of reporting  
20 period of that short duration.

21

22                   MR. HILSINGER: Mr. Chairman. And I  
23 think you're correct in that, and I agree that the  
24 reporting requirement does give us, as I said, some  
25 comfort and it is an excellent tool to try to use in  
26 order to make sure that this fisheries are sustainable.

27

28                   But I just would point out that the  
29 management of those other fisheries is somewhat  
30 different than it would be in this fishery, because we  
31 have the sonar counters, we have escapement goals, we  
32 have management plans with trigger points, closed  
33 personal use fisheries occur ahead of the escapement  
34 counting, and so we have, you know, virtually almost  
35 hour by hour, if we need it, accounting of the  
36 escapement, and we can adjust those fisheries on a lot  
37 less than even a 24-hour basis potentially if we need  
38 to for conservation. So it's just a different style of  
39 management.

40

41                   Thank you.

42

43                   CHAIRMAN LOHSE: Thank you, John. I  
44 realize that part, too.

45

46                   Doug.

47

48                   MR. BLOSSOM: Yeah. Mr. Chair. Either  
49 one of you I guess for this one.

50

1                   You folks are in charge of managing all  
2 three of the salmon species named here, right? Or I  
3 guess there's four.

4  
5                   MR. PAPPAS: Through the Chair. Mr.  
6 Blossom, yes, the salmon species in river, in the  
7 Kasilof you're talking about?

8  
9                   MR. BLOSSOM: Yes.

10  
11                  MR. PAPPAS: In the fresh water. Yes,  
12 we are in charge of managing those fish with set --  
13 daily bag limits, restrictive gear, et cetera.

14  
15                  MR. BLOSSOM: So I guess it's fair to  
16 ask, is there a conservation concern on any of the  
17 other three that we haven't talked about right now? I  
18 know we did talk about coho quite a bit already, but  
19 how about pinks, for instance.

20  
21                  MR. HILSINGER: Mr. Chairman. Mr.  
22 Blossom. None of these species have any designated --  
23 are designated as stocks of concern at any of the yield  
24 management or conservation levels. And there's  
25 actually a fairly limited harvest on pink salmon, so  
26 it's doubtful that there would be much of a concern on  
27 pink salmon. I guess the only one that would really be  
28 -- and we know what the sockeye escapement is, so we've  
29 got a good handle on that. The only one that would be  
30 an issue again is the coho, because we don't have much  
31 information, and we've had to be more restrictive in  
32 this recreational fishery. So that would be the only  
33 one I think that would be -- besides Chinook that would  
34 present kind of an on-going concern.

35  
36                  CHAIRMAN LOHSE: Doug? No?

37  
38                  MR. BLOSSOM: No, that's it.

39  
40                  CHAIRMAN LOHSE: James.

41  
42                  MR. SHOWALTER: Yes. You said you  
43 don't have much, or any, on the coho in the Kasilof to  
44 Tustumena Lake. And yet we've had a report, I don't  
45 know if it was official, I believe it was unofficial,  
46 about the great volume of silvers in the Tustumena  
47 Lake, in the tributaries. But there never has been a  
48 true count. So for what I have heard on reports,  
49 myself, I would say there shouldn't be any problems  
50 with these numbers and with the silvers.

1                   CHAIRMAN LOHSE: One thing on this  
2 proposal that nobody's brought up yet that we've heard  
3 a lot of testimony on is the part on the incidental  
4 species caught at the same time as you have a dipnet  
5 fishery for salmon. Does anybody wish to promote any  
6 discussion on that, or is everybody comfortable with  
7 the amount that's put in this proposal?

8  
9                   MR. CARPENTER: Well, MR. Chairman,  
10 I'll make a couple comments about that. I think  
11 depending on where people are fishing is depending on  
12 the amount of incidental catch that you're going to  
13 have. I suppose farther down towards the mouth of the  
14 river, you know, you're going to possibly see fewer of  
15 these other fish.

16  
17                   You know, we've heard testimony all day  
18 yesterday from people that were concerned about the  
19 rainbow trout stocks and the steelhead stocks in the  
20 Kasilof. It didn't sound to me like there was very  
21 much concern with the Dolly Varden stocks. You know,  
22 personally I -- you know, a couple of rainbow trout  
23 here and there is one thing. I mean, I think there's  
24 already -- there's already an ice fishery that's been  
25 established on Tustumena Lake that allows for I think  
26 -- I believe it's up to 200 under the ice.

27  
28                   The way read this proposal is that this  
29 will allow for an incidental catch of up to another  
30 200. So that would basically be doubling the total  
31 take possible for the Kasilof River drainage to 400.  
32 And I guess I'd just be interested to hear from -- and  
33 maybe we're going to when we talk about the resident  
34 species, the Staff analysis, and maybe the Department  
35 can make some comments on if they think that the  
36 rainbow trout populations are sustainable enough to  
37 handle taking 400 out of that system. And if they are,  
38 maybe a size restriction in regards to, you know, if  
39 they take 400 fish under 16 inches, that's one thing,  
40 but maybe it couldn't sustain taking that many big  
41 fish.

42  
43                   So that's just my comment for now.

44  
45                   CHAIRMAN LOHSE: Thank you, Tom.

46  
47                   Anybody else have any comments on this  
48 part of the proposal. Doug.

49  
50                   MR. BLOSSOM: Mr. Chairman, does the

1 Department have a comment on that.

2

3 MR. HILSINGER: Mr. Chairman. Mr.  
4 Blossom. I guess this proposal has some trade-offs in  
5 it as I understand compared to the Staff proposal. The  
6 rod and reel part of it appears to go back to the  
7 standard sportfishing regulations which one would think  
8 potentially reduce the harvest of resident species.  
9 But then it does allow these 200 -- would allow up to  
10 200 rainbows with the August 15th closure date.

11

12 And I think that August 15th date is  
13 important, because it reduces the probability of  
14 catching adult steelhead. And so the fish that likely  
15 would be harvested in the dipnet fishery would likely  
16 be small fish. I don't know if we have much  
17 information on exactly -- you know, if they would be  
18 typically less than 16 inches. You know, I'm not sure  
19 we know that.

20

21 The reported rainbow trout harvest is  
22 on the order of a couple hundred fish I think per year  
23 between Tustumena Lake and the Kasilof River, so this  
24 is a harvest that's sort of comparable to what takes  
25 place now, and so I think, you know, we would have the  
26 same question, not knowing the size of the population  
27 or anything else, you know, could you potentially  
28 double the harvest, and would that be sustainable. And  
29 we just don't know the answer to that.

30

31 I guess I tend to agree with some of  
32 the discussion yesterday, that if these are the small  
33 fish, that catching them in a dipnet is probably a lot  
34 less likely than catching them with a rod and reel.  
35 And so I think, you know, the reduction of the rod and  
36 reel limit is important.

37

38 I guess, you know, from our  
39 perspective, it would maybe be nice if the Tustumena --  
40 the 200 for Tustumena were combined with these 200 and  
41 if there's no fish caught in this fishery, then there  
42 would be no effect on the Tustumena fishery. But if  
43 this fishery did end up taking a lot of fish, then we  
44 could maybe adjust the numbers in the Tustumena  
45 fishery. That's just an idea that I had this morning.

46

47

48 And, you know, I'm like everybody else.  
49 I don't have a good feel for how many of these fish you  
50 might catch in a dipnet. That's going to depend a

1 little bit on the type of dipnet that people use. If  
2 people use the maximum mesh size, the four and  
3 something, eighth inches, I don't think they'll catch  
4 many of these small fish.

5

6                   So I guess that's our comment.

7

8                   CHAIRMAN LOHSE: Thank you, John. That  
9 was one of the questions I was going to ask you, is  
10 whether you would feel that this 200 steelhead and  
11 rainbow, if that was an aggregate limit, you know, for  
12 all of the fisheries, if that would make that part of  
13 it more comfortable, and you could still have your  
14 Dolly limit and your lake trout limit, but the rainbow  
15 seems to be the one that everybody's the most concerned  
16 about, and if that was an aggregate limit, then you  
17 knew that between all of those propagated fisheries you  
18 wouldn't exceed that amount.

19

20                   The one thing that we have here though  
21 is since the rod and reel fishery will have the same  
22 bag limits and everything -- under this proposal would  
23 have the same bag limits and everything as the  
24 sportfishery, what would prevent somebody from after  
25 they have caught their subsistence limit not on the  
26 same day, that they would still have the right to come  
27 back and fish for the same amount of fish with the same  
28 equipment under the sportfishing license, wouldn't  
29 they?

30

31                   MR. HILSINGER: Mr. Chairman. In those  
32 fisheries that don't have a seasonal limit, that have  
33 only a daily limit, then on a different day you could  
34 come back and fish under the sportfish regs.

35

36                   Now, if there's a seasonal limit, once  
37 that seasonal limit's taken, and if it exceeds the  
38 State's limit, then you couldn't go back and fish.

39

40                   CHAIRMAN LOHSE: If that -- okay. But  
41 now correct me if I'm wrong, and this is what I'm  
42 trying to figure out, if there's a seasonal limit for a  
43 Federal permit, but the daily bag limit is still the  
44 same as the sportfishing limit, once you've caught your  
45 seasonal limit -- once the seasonal limit under the  
46 Federal permit has been caught, since you're using the  
47 same gear, you're using the same bag limit, you could  
48 continue to fish, because there is no seasonal limit on  
49 the sportfishing. You could continue to fish under the  
50 sportfishing regulation. And that's where when I look

1 at that part, it's hard for me to see a meaningful  
2 priority, because you could fish either way and it  
3 really wouldn't make any difference, you know. You're  
4 fishing the same equipment with the same bag limit.  
5 There really is no priority on it. You just have to  
6 choose which license you're fishing under, because you  
7 don't gain anything under either one of them.

8

9 John.

10

11 MR. HILSINGER: Mr. Chairman. There  
12 are some -- would be some advantages even with the same  
13 daily bag and possession limit, there would be  
14 advantages for people to fish under the Federal  
15 regulations. And one advantage would be you wouldn't  
16 have to pay for a State sportfishing license, which I  
17 think they just raised the fee. And so for a family,  
18 you know, that could be a fair amount of money.

19

20 The other advantage is that the fishery  
21 wouldn't necessarily close when -- if the State took a  
22 closure action for conservation, then the Federal  
23 fishery wouldn't necessarily close, and so that would  
24 provide some aspect of a preference.

25

26 CHAIRMAN LOHSE: Would it be necessary  
27 for them to have a king salmon tag?

28

29 MR. HILSINGER: Mr. Chairman. If they  
30 were fishing under the Federal regulations, under a  
31 federal permit, I don't believe they would have a king  
32 salmon tag. If on another day they wanted to go fish  
33 under the State sportfish regulations, they've have to  
34 have a license and a tag and all of that.

35

36 CHAIRMAN LOHSE: Doug.

37

38 MR. BLOSSOM: Mr. Chair. John, I'm  
39 confused now. I don't see any other place in this  
40 modified proposal where they ask for any steelhead  
41 except rod and reel. So I think this is the only place  
42 where they had a 200 fish thing. Otherwise it looks to  
43 me like it's all just rod and reel.

44

45 CHAIRMAN LOHSE: Right -- no, right in  
46 the first paragraph, Doug. Right up here where you've  
47 got the italicized words.

48

49 MR. BLOSSOM: There's this spot, yeah.  
50 But that's the only place.

1                           CHAIRMAN LOHSE: Well, that and  
2 then.....  
3  
4                           MR. BLOSSOM: There's nothing in the  
5 winter fishery that I see.  
6  
7                           CHAIRMAN LOHSE: Yeah, look in the --  
8 on Page -- third page, total annual harvest quota for  
9 this fishery, Kasilof resident species. 200 lake  
10 trout, 200 rainbow and 500 Dolly.  
11  
12                          MR. BLOSSOM: But no steelhead.  
13  
14                          CHAIRMAN LOHSE: Oh, I see what you --  
15 yeah, well, this is rainbow steelhead. Okay. I see  
16 what you -- and they're trying to prevent catching  
17 steelhead.  
18  
19                          MR. BLOSSOM: Okay. Mr. Chair, that --  
20 I understood that winter fishery to be strictly  
21 rainbow, lake trout and Dollies. And I -- so tell me  
22 if I'm wrong.  
23  
24                          CHAIRMAN LOHSE: You're right.  
25  
26                          John.  
27  
28                          MR. HILSINGER: Mr. Chairman. I think  
29 the problem is that -- is in distinguishing rainbow  
30 trout from steelhead, and so even though it may say  
31 rainbow trout, really in reality that is rainbow trout  
32 and steelhead, because particularly in the smaller  
33 sizes, you can't distinguish them. So a person in the  
34 -- you know, if they caught something this long, they  
35 -- you wouldn't know whether that was a small steelhead  
36 or a rainbow trout. So we kind of look at them as the  
37 same thing.  
38  
39                          And, in fact, I found out there  
40 apparently is some debate whether there are even both.  
41 Some people think there's only steelhead in the Kasilof  
42 River, and there are not rainbow trout. So there's --  
43 and I don't know if we really know the answer to that  
44 or not. But I think, you know, we have to kind of look  
45 at them as the same thing.  
46  
47                          CHAIRMAN LOHSE: Tricia.  
48  
49                          MS. WAGGONER: Yeah. Just a comment  
50 and maybe some clarification from somebody else on the

1 Council. If I'm reading this right, no  
2 steelhead/rainbow trout would actually be kept from  
3 August 16th until there was actually ice on Tustumena  
4 Lake.

5

6 CHAIRMAN LOHSE: Right.

7

8 MS. WAGGONER: So that would give a  
9 period of time that they wouldn't be a targeted fish.  
10 They would not be an incidental fish. And isn't that  
11 the main time that steelhead are returning?

12

13 MR. HILSINGER: Mr. Chairman. Ms.  
14 Waggoner. I'm sorry, I didn't hear all that question,  
15 but I think it related to that August 15th closure, and  
16 would that help protect steelhead, and the answer is  
17 yes.

18 And we do -- Mr. Pappas and I have just  
19 been discussing the lake trout issue, and the potential  
20 for lake trout harvest under this proposal, and maybe  
21 Mr. Pappas could address that just so you have it on  
22 the record.

23

24 MR. PAPPAS: Mr. Chair. During the  
25 spring when the ice is out in the slack water areas,  
26 which is basically the waters above the boat ramp that  
27 goes up to the outlet of Tustumena Lake, has been a  
28 developing -- well, it's been a long-term I guess lake  
29 trout sportfishery. There's not a whole lot of  
30 participation, but folks do go up there and do catch  
31 lake trout. And if it's a late spring like we had last  
32 year, it was a very late spring, and the ice is still  
33 on the lake through -- I don't know, was it the first  
34 week of June? There is a possibility with the dipnet  
35 fishery, if you're power dipping or power trolling as  
36 was called yesterday, you know, around the outlet of  
37 the lake down to the boat docks, there's definitely a  
38 possibility of harvesting lake trout, or at least  
39 having lake trout enter your net.

40

41 CHAIRMAN LOHSE: Mr. Pappas, do the  
42 lake trout come into that area to spawn in spring?  
43 Lake trout are fall spawners, right? they just come --  
44 it's just like in most place where there's lake trout,  
45 when the ice is going out, they come into shallow water  
46 to feed, or like down at Tazlina or some place, they  
47 feet in the mouth of the river. They're feeding on  
48 salmon smolt is what they are doing.

49

50 MR. PAPPAS: Mr. Chairman, that is

1 correct.

2

3 CHAIRMAN LOHSE: Tricia.

4

5 MS. WAGGONER: Are they there after

6 June 16th?

7

8 MR. PAPPAS: Mr. Chairman. Ms.

9 Waggoner. I couldn't say off the top of my head if

10 there's any densities there after that time. If they

11 do have a late spring, there's a probability that there

12 will still be a few around, but I couldn't say after

13 the mid summer months there.

14

15 CHAIRMAN LOHSE: Again we'd have a

16 pretty fast handle on it if there was 72-hour

17 reporting.

18

19 Pete.

20

21 MR. PROBASCO: Mr. Chairman. My

22 earlier comments was sort of trying to avoid what we're

23 doing now Staff have yet to make their presentation on

24 resident species, and so a lot of the questions you're

25 asking may have been answered with that presentation.

26 The issue on the table the way I understand it right

27 now is Kasilof salmon. So maybe it would be good to

28 bring in the other presentations so we have the whole

29 picture and then take it from there.

30

31 CHAIRMAN LOHSE: Thank you, Pete, and

32 that's the point that I was bringing up here. We're

33 discussing Kasilof salmon, but in this Kasilof salmon

34 thing, we have a trout issue. And so we can't really

35 separate these proposals, you know, because the 200

36 trout that are in this proposal are more of a sticking

37 point than the salmon are. So I think you're right.

38 So how would you suggest doing that, Pete?

39

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

41 Talking with Staff, probably what the best thing to do

42 is have our presentations on all the species right up

43 front, right now with Kasilof and then when we get back

44 to Kenai, we'll do the same thing, so everything's

45 right up front. And we'll take it from there.

46

47 CHAIRMAN LOHSE: Okay. Let's take a

48 break then, and we'll have the Staff presentation on

49 all the species on the thing.

50

1 (Off record)

2

3 (On record)

4

5 CHAIRMAN LOHSE: We'll call this  
6 meeting back into session. We have the OSM Staff right  
7 there. Doug and.....

8

9 MR. CANNON: Mr. Chairman. My name is  
10 Richard Cannon and I work with Doug for the OSM  
11 program. And I've been working in the resident species  
12 part of the analysis. I'll be giving you short  
13 overview of that part of the analysis for the resident  
14 species proposals and then take some questions and then  
15 we'll go on, and if it's the pleasure of the Council,  
16 then I'll talk about steelhead just to sort of catch  
17 everybody back up to where you are in your  
18 deliberations.

19

20 CHAIRMAN LOHSE: Thank you muchly,  
21 because that's, as we found out, that that's part of  
22 every one of the proposals, so if you could catch us up  
23 on that, we'd sure appreciate it.

24

25 MR. CANNON: Okay. I will present the  
26 draft analysis for Proposals 27D, Proposal 30, 11, 12,  
27 and 13, dealing with resident species in the Kasilof  
28 River. The analysis can be found on Pages 27 through  
29 38 of your Council books.

30

31 Three proposals request annual limits  
32 of 50 fish each for rainbow trout with dipnet or  
33 gillnet, that's Proposal 11. Lake trout with gillnet,  
34 which is Proposal 12. Dolly Varden with gillnet, which  
35 is Proposal 13. These proposals address other public  
36 waters in Cook Inlet, but as I think you're all aware,  
37 our analysis is focusing in only on the Kasilof  
38 drainage.

39

40 And you've got maps in your Council  
41 book. It's on Page 28 for this part of the Staff  
42 analysis, as well as maps on the wall so you can see  
43 where the Federal public waters are.

44

45 Proposal 27D submitted the Ninilchik  
46 Tribal Council requests that residents of Ninilchik be  
47 allowed to harvest lake trout, rainbow trout, and Dolly  
48 Varden through the ice with jigging gear in the Kasilof  
49 drainage, and the establishment of annual household  
50 limits for these species. The Council also proposed a

1 through-the-ice gillnet fishery for lake trout, rainbow  
2 trout, and Dolly Varden in Proposal 30. This proposal  
3 was specific to Tustumena Lake and provided for a  
4 permit, protection for stream outlets, in-stream  
5 reporting system, marking of gear and an annual harvest  
6 quota for targeted species.

7  
8 For issues addressed in the overview of  
9 these proposals, our Federal Staff have also addressed  
10 the existing rod and reel subsistence fishery for these  
11 species.

12  
13 The Council should be aware that a  
14 request for special action submitted by the Council,  
15 the Ninilchik Traditional Council, established a  
16 temporary winter gillnet fishery and jig fisheries  
17 during the 2006 and 2007 season. And this was approved  
18 and the fishery is in place at this time. Provisions  
19 for this temporary fishery were similar to the  
20 proposals being considered by you today.

21  
22 So far for this winter fishery, there  
23 have been five permits issued and about 28 to 30 fish  
24 harvested, and our in-season manager can come up and  
25 give you more details if you'd like about what's  
26 happened with that fishery this season. But that's in  
27 general what's occurred so far.

28  
29 There's limited information about  
30 resident species fish abundance or distribution in the  
31 Kasilof River drainage. That's been very clear from  
32 your public testimony and others who have testified  
33 before you. However, there is a substantial history of  
34 sportfishing catch and harvest for these species in  
35 Tustumena Lake. Table 1 on Page 34 provides this  
36 information during recent and recent 10-year average.

37  
38 These sportfisheries appear to be  
39 sustainable for each of these species. Sport harvest  
40 and catch has varied considerably over time with no  
41 obvious pattern over a 15 to 20-year period of time.

42  
43 In the absence of abundance estimates,  
44 the annual sport harvest can serve as a rough  
45 approximation of the magnitude of harvest that can be  
46 sustained until more information is available.

47  
48 Sport harvest and total catches in the  
49 Tustumena Lake drainage for each species are in the  
50 hundreds of fish with harvest and catches of Dolly

1 Varden being substantially greater than for lake trout  
2 and rainbow trout.

3  
4                   Distribution of these species within  
5 the lake, however, is not known.

6  
7                   Spawning for lake trout and Dolly  
8 Varden occurs in the fall, and for rainbow trout in the  
9 spring. We know that.

10  
11                   Some or all of these species may  
12 concentrate near the lake outlet or tributary mouths to  
13 feed, especially in winter months when food is likely  
14 to be scarcer.

15  
16                   There is a radio telemetry study being  
17 planned for some species, and I'll talk about that more  
18 when I talk about the steelhead. So more information  
19 is being collected, but it takes time and money to do  
20 these sorts of studies.

21  
22                   It is recommended that harvest levels  
23 in the ranges of hundreds of fish be used by Federal  
24 fisheries managers as a guide for subsistence  
25 fisheries. If combined subsistence and sport harvest  
26 stay within the limits of hundreds of fish, then these  
27 fisheries should be sustainable and could operate  
28 without restrictions until more information is  
29 available.

30  
31                   The Staff recommendation, found on Page  
32 35, are to support Proposals 27D and 30 with  
33 modification. Establish a winter, through-the-ice jig  
34 and gillnet fishery in Tustumena Lake. This action  
35 would permanently establish the fishery created by the  
36 Federal Subsistence Board via special action during  
37 2006 and 2007 fishing season, and would allow for rod  
38 and reel subsistence fishing under more liberal daily  
39 harvest and possession limits.

40  
41                   Subsistence fisheries addressing  
42 opportunities for individual fishermen, households and  
43 a community fishery would be established. The proposed  
44 regulatory language for these fisheries begins on Page  
45 36 of your Council book.

46  
47                   The winter gillnet and jig fishery  
48 would be limited to Tustumena Lake and safeguards put  
49 in place to address conservation issues for any of the  
50 targeted species. A gillnet no longer than 10 fathoms

1 could be fished under the provisions of a Federal  
2 subsistence permit.

3

4                   The proposed total annual harvest  
5 quotas for this fishery are 200 lake trout, 200 rainbow  
6 trout and 500 Dolly Varden. Use of a gillnet would be  
7 prohibited by special action after the harvest quota of  
8 any of these species had been met.

9

10                   Gillnets must be checked at least once  
11 in ever 48 hours and for unattended gear, the owner of  
12 the net must be clearly marked at one end of the net.  
13 Gillnets in the lake are not allowed to be set within  
14 one-quarter mile of the radius of any tributary or  
15 outlet of the lake.

16

17                   For the jig fishery, annual harvest  
18 limits would be 30 fish in any combination of lake  
19 trout, rainbow trout or Dolly Varden or char.

20

21                   The reporting requirements of 72 hours  
22 upon leaving the fishing area will allow the in-season  
23 manager the ability to make adjustments to the fishery  
24 as appropriate. Also requiring that incidentally-  
25 caught fish be reported will provide feedback to the  
26 in-season manager about other potential conservation  
27 concerns for species before large-scale problems could  
28 occur.

29

30                   Information from harvest records would  
31 provide the manager with timely harvest numbers.

32

33                   In addition, for the subsistence rod  
34 and reel fishery, the existing State sportfishery  
35 regulations would apply, except that daily harvest and  
36 possession limits for lake trout, Dolly Varden and  
37 rainbow trout would be double. There's one exception,  
38 the limit for lake trout would be -- less than 20  
39 inches would be increased from 10 to 15. And that's  
40 not a doubling.

41

42                   Staff could have added a provision  
43 under subsection (c) for marking by removal of the  
44 lobes of the caudal fin at the time of landing to  
45 clearly identify the subsistence caught fish.

46

47                   The Staff has concluded that the  
48 addition of widespread open-water gillnet fishing would  
49 be inconsistent with the existing goals for sustained  
50 yield. Of particular concern is the potential by-catch

1 of stocks or species that are spawning, less abundant  
2 and prone to over-harvest, or that are of a critical  
3 size.

4

5                   Given these actions, the Staff  
6 recommends taking no action on Proposals 11, 12 and 13.  
7 Adopting the requested regulations duplicates the  
8 creation of a subsistence fishery for rainbow trout,  
9 lake trout and Dolly Varden in the Kasilof River  
10 drainage without conservation measures and monitoring  
11 provided by the proposed modification of 27D and 30.

12

13 In keeping with the strategy of addressing individual  
14 harvests first and then addressing household and  
15 community harvest, the Council might want to take up  
16 Section B on Page 37 first, which would address rod and  
17 reel limits and then take up Section A on Page 36  
18 dealing with a household jig fishery and a community  
19 through-the-ice gillnet fishery.

20

21                   That ends my comments, and I'll take  
22 any questions.

23

24                   CHAIRMAN LOHSE: Tom.

25

26                   MR. CARPENTER: Yeah. Just a couple  
27 of questions if you're the one to -- you or Doug could  
28 answer it.

29

30                   When we set up the ice fishery this  
31 last -- this temporary ice fishery that we have now  
32 under the ice, the Staff came up with a harvest level  
33 of 200 fish under the ice. And I assume that you got  
34 that harvest level from looking at past harvest  
35 records, that was around 180 some fish, and you used  
36 200 as kind of a guideline.

37

38                   I would assume that the way this  
39 proposal is written, that with that being in place  
40 right now, you couldn't have 200 fish as a winter  
41 harvest level, and 200 additional fish as an in-river  
42 harvest level. You would basically be doubling the  
43 historical harvest levels for the Kasilof drainage. Am  
44 I correct?

45

46                   MR. MCBRIDE: Mr. Chairman. Mr.  
47 Carpenter. Technically you are correct. What we know  
48 about what is likely sustainable for rainbow trout is  
49 quite simply put on Table 1 on Page 34. that's the  
50 history of sportfishing. You can see harvest that

1 bounced around between zero and up to 548 in 2003, and  
2 then catches, which includes both harvest and the  
3 release component, that's a little bit higher than  
4 that, not a lot, but, you know, there is some release  
5 component. It's not huge. It's nothing like what we  
6 talked about -- or what was discussed yesterday on the  
7 Kenai.

8  
9                   The only other thing that we know is  
10 Fish and Wildlife Service in the past has done some  
11 studies looking at relative abundance of these species,  
12 and basically what they found matches the harvest  
13 history here. Dolly Varden are likely most abundant,  
14 followed by lake trout, followed by rainbow trout, and  
15 then if you want to include steelhead, they'd be a very  
16 distant fourth.

17  
18                   Mr. Carpenter, you are correct. We've  
19 looked at these data. That's where those total harvest  
20 quotas came from was looking at this, and  
21 mathematically it would get Staff fairly tense if all  
22 of a sudden -- if suddenly we had 200 incidental  
23 harvest in the salmon fishery, and 200 in the winter  
24 fishery. In fact, that's exactly why in the  
25 modifications that we originally gave you we kept these  
26 completely separate. We kept the efficient gear for  
27 salmon separate from the least abundant resident  
28 species and steelhead. That's exactly why we did that.

29  
30                   With that said, we also tried to look  
31 at this, you know, not do the Chicken Little the sky is  
32 falling approach that's been talked about. Looking at  
33 this modification that's on the table right now, the  
34 August 15th date is very effective for protecting  
35 steelhead. We would agree with that. Prior to August  
36 15th, there should be little or not adult steelhead  
37 present in these waters, and that would be very  
38 effective.

39  
40                   I think the way we would look at this  
41 is if we suddenly got close to 200 fish in this  
42 fishery, it would cause Staff to then look at the  
43 winter fishery, and we'd have to make a decision, did  
44 we really think we can take more fish in the winter  
45 fishery, or are we going to have to initiate a study to  
46 get more data. So it kind of becomes a question of how  
47 effective this really becomes.

48  
49                   MR. CARPENTER: And I realize that,  
50 you know, we haven't had this ice fishery -- this is

1 the first year we've had it, and I understand that  
2 there hasn't been much harvest so far. So, I mean, I'm  
3 not necessarily worried, you know, about -- I think  
4 there's ways to control this. You know, I think  
5 something that Mr. Lohse said, a least for the interim  
6 while -- when we start this hole thing, is maybe an  
7 aggregate quota of 200 fish for both the under-the-ice  
8 fishery and the in-river dipnet and rod and reel  
9 fishery is appropriate at the beginning of this whole  
10 process. And, you know, changes can be made in the  
11 future, you know, if harvest levels could be increased,  
12 then we have the ability to do that.

13

14 The other question I had was in regards  
15 to the August 15th date. I know that the State -- I  
16 had checked, the State regulation for fishing in  
17 Tustumena Lake is -- their date is September 15th, not  
18 August 15th. And the question I had was that if we did  
19 have these two levels of harvest for rainbow, steelhead  
20 of 200 both in the winter fishery and the summer, if  
21 you somehow reach the 200 level in the summer before --  
22 you know, say you did it early, but you still have the  
23 ability with the rod and reel fishery to go into  
24 Tustumena Lake and fish with baited hooks, would you  
25 not then have a really large probability of catching a  
26 lot of these rainbow, native species on rod and reel  
27 with bait? And you wouldn't be allowed to keep them,  
28 because the harvest guidelines would have been met, and  
29 the mortality rate with baited, non-artificial, treble  
30 hooks is extremely high on native species. An I  
31 correct?

32

33 MR. MCBRIDE: Mr. Chairman. Mr.  
34 Carpenter. Yes, you are quite correct. And again  
35 that's why in the proposed recommendations, when it  
36 came to the rod and reel fishery, the way we approached  
37 that was we thought that there was room to adjust  
38 limits, so, you know, we made recommendations on daily  
39 limits, bag limits, in the few cases where there's  
40 annual limits, but we left all the rest of the methods  
41 and means as they are in the sportfishing regulations.  
42 That would be season dates, terminal tackle, use or  
43 non-use of bait, because we just don't have a program  
44 in place to go back and refigure all this out, and  
45 you're -- I mean, we looked at the same thing. We  
46 looked at the sportfishing regs. You are exactly  
47 correct. And I would agree with your assessment of  
48 that situation.

49

50 MR. CARPENTER: All right. Thanks.

1 CHAIRMAN LOHSE: Doug.

2

3 MR. MCBRIDE: Mr. Chairman. Just one  
4 other thing, just before Staff goes away here, or  
5 before we move on to steelhead, since the Council has  
6 all of the Kasilof proposals on the table, looking  
7 ahead to the Kasilof resident species proposal, we  
8 would just note one change. It doesn't change the  
9 intent of it at all, but if you read the justification,  
10 which is basically the intent of the modification, it  
11 says, under NTC's revised proposal, the rod and reel  
12 daily bag limit and possession limits for rainbow trout  
13 in any flowing waters of the Kasilof would remain the  
14 same as under current sportfishing regulations. Their  
15 modification does not do that, so just so the Council  
16 is aware, if you look on that page and you look at sort  
17 of in that regulatory language, 1, and then subpart  
18 (3), and what they did was they struck out in flowing  
19 waters, four fish per day may be harvested with four in  
20 possession.

21

22 If the intent, if the Council's intent  
23 was to leave the rod and reel fishery the same as  
24 sportfishing regulations, the way 3 should read is, the  
25 first sentence doesn't change, so rainbow, steelhead  
26 may be harvested during the entire year for fish less  
27 than 20 inches in length, that would stay the same.  
28 But then the next sentence would stay in place, but it  
29 should read, in flowing waters, two fish per day may be  
30 harvested with two in possession. So instead of -- you  
31 wouldn't cross that sentence out. You would say it  
32 would be two a day and two in possession. And then the  
33 final sentence about lakes and ponds should say, in  
34 lakes and ponds five fish may be harvested with five in  
35 possession. That would match existing State  
36 sportfishing regulations.

37

38 MR. CARPENTER: Mr. Chairman.

39

40 CHAIRMAN LOHSE: Thank you, Doug. Tom.

41

42 MR. CARPENTER: Which is what OSM  
43 recommended in its original justification, am I  
44 correct?

45

46 MR. MCBRIDE: Mr. Chairman. Mr.  
47 Carpenter. No. As we originally proposed it, there  
48 would be no incidental harvest of rainbow trout in the  
49 dipnet fishery, and we doubled the bag limit. I mean,  
50 that's what the original regulatory language would be.

1 So as proposed here, which, you know -- what they're  
2 saying is, okay, instead of having the double bag  
3 limit, that they'd prefer to have some incidental  
4 harvest in the salmon fishery. Okay. So to leave it  
5 the way it is, then the language I just gave you, two a  
6 day and in possession for flowing waters, five a day in  
7 possession for lakes and ponds, that would leave it the  
8 way it is in Tustumena.

9

10 Now, that still does not address  
11 steelhead. We're going to give you that presentation  
12 when we're done here, and then another change that  
13 needs to be made to the steelhead regulation, and we'll  
14 get to that in a minute.

15

16 CHAIRMAN LOHSE: A question, Doug.  
17 Under the proposal that we have in front of us, which  
18 is to accept Ninilchik, basically they have struck the  
19 whole thing about keeping any steelhead under rod and  
20 reel, except to abide by sportfishing regulations. It  
21 says, you may only take salmon, Dolly Varden, trout and  
22 char under authority of a Federal subsistence permit,  
23 seasons, harvest possession limits, methods, and means  
24 for take are the same as for taking those species under  
25 Alaska sportfishing regulations. And the whole part  
26 about additionally for the Kasilof River drainage you  
27 may harvest steelhead is crossed out.

28

29 So am I missing something? Because I  
30 was under the impression that under Ninilchik's  
31 proposal, there is no Federal subsistence stipulation  
32 for taking steelhead with rod and reel other than the  
33 Alaska sportfishing regulations. And maybe I'm missing  
34 something here, Doug, so maybe you can correct me.

35

36 MR. MCBRIDE: Mr. Chairman, I'll do my  
37 best. The Staff recommendation for steelhead, and  
38 again I'm saying steelhead, but what that really means  
39 is rainbow-slash-steelhead greater than 20 inches.

40

41 CHAIRMAN LOHSE: Right.

42

43 MR. MCBRIDE: Okay. So I'm going to  
44 use steelhead as just shorthand for rainbow/steelhead  
45 greater than 20 inches.

46

47 The proposed modification was to leave  
48 it the same as current sportfishing regulations. Now,  
49 the way the regs are stated right now is exactly what  
50 is at the top -- what you just read. All it says is

1 the taking for these species is the same as under  
2 Alaska sportfishing regulations.

3  
4 The problem with that for a subsistence  
5 fishery, as sportfishing regulations change, so do the  
6 subsistence regulations. Under current regulations,  
7 State sportfishing regulations, you can harvest  
8 annually two rainbow/steelhead greater than 20 inches  
9 in the Federal waters of the Kasilof. That is as it is  
10 currently under State sportfishing regulations.

11  
12 What we were recommending is to,  
13 instead of just referencing that limit under State  
14 sportfishing regulations, to make it explicit in the  
15 subsistence regulations that you can take two  
16 rainbow/steelhead greater than 20 inches. The reason  
17 that we did that is we're anticipating a year from now  
18 through the State Board of Fisheries process, it is the  
19 intent of Federal Staff to submit a proposal to the  
20 State Board of Fisheries to change the sportfishery to  
21 catch and release only. If we did that without doing  
22 this, then the subsistence fishery would go away, the  
23 harvest would go away with it. Okay. Our intent was  
24 to capture the existing harvest regulations under State  
25 sportfishing that had been in place for a long time as  
26 subsistence regulations with the anticipation that the  
27 harvest potential in the sportfishery may go away a  
28 year from now.

29  
30 So to meet the intent of what Ninilchik  
31 says, when you read their justification, what they say  
32 is they want to keep it the same as current  
33 sportfishing regulations. All the language that they  
34 struck out should, in fact, stay in place. That would  
35 keep it the same. We never recommended doubling the  
36 limit on rainbow/steelhead greater than 20 inches.

37  
38 Mr. Chairman.

39  
40 CHAIRMAN LOHSE: So basically what  
41 you're saying, Doug, is under the current strike-out  
42 that Ninilchik submitted to us, if sportfishing went to  
43 catch and release, there would be no steelhead fishery  
44 for subsistence?

45  
46 MR. MCBRIDE: Right. Mr. Chairman,  
47 that is correct.

48  
49 CHAIRMAN LOHSE: It's possible that's  
50 what their intention was, but I don't know. Okay.

1 MR. CARPENTER: Makes that easier.  
2  
3 CHAIRMAN LOHSE: Any questions for  
4 Doug.  
5  
6 (No comments)  
7  
8 CHAIRMAN LOHSE: Okay. Thank you.  
9 Stick around. We'll have questions to ask. I just had  
10 a couple questions, because it surprised me. Are the  
11 current State bag limits for lake trout 10, because you  
12 said you increased the bag limits from 10 to 15.  
13  
14 MR. CANNON: Mr. Chairman. Yes, they  
15 are. That would have made them 20, so we made them 15.  
16  
17 CHAIRMAN LOHSE: So currently the State  
18 has a bag limit of 10 for lake trout and 5 for Dollies  
19 on Tustumena? Because you doubled the Dollies from --  
20 you said you doubled the Dollies and now the bag limit  
21 is 10. You said in lakes and ponds 10 per day, 10 in  
22 possession, and that was supposed to be doubled over  
23 the State.  
24  
25 MR. CANNON: That's for lake trout,  
26 yes.  
27  
28 CHAIRMAN LOHSE: No, that's for Dolly  
29 Varden.  
30  
31 MR. CANNON: The current one is two per  
32 day, two in possession, flowing waters, and lakes and  
33 ponds, five per day, five in possession.  
34  
35 CHAIRMAN LOHSE: So currently the  
36 State's bag limit for lake trout is double their bag  
37 limit for Dollies?  
38  
39 MR. CANNON: That's true. The intent  
40 for.....  
41  
42 CHAIRMAN LOHSE: I mean, it's kind of  
43 interesting to me, because we've heard how much concern  
44 there is for lake trout, and yet lake trout has the  
45 biggest bag limit.  
46  
47 MR. CANNON: That's for fish less than  
48 20 inches.  
49  
50 CHAIRMAN LOHSE: That's for fish less

1 than 20 inches, right. Yeah. But, I mean, that was  
2 just kind of interesting to me that they would have  
3 that big of a bag limit on lake trout when we've talked  
4 about how slow growth and everything they are.

5  
6 But anyhow, the next question I was  
7 going to ask is, the current jig fishery that's being  
8 conducted, that we said if you had 20 to 30 fish  
9 caught, and I would imagine they were -- has anybody  
10 put a -- does anybody know if anybody put a net in yet?

11  
12 MR. BLOSSOM: Yes, they did.

13  
14 CHAIRMAN LOHSE: They did. So that 28  
15 or 30 fish came out of a net?

16  
17 MR. BLOSSOM: I believe so.

18  
19 CHAIRMAN LOHSE: Came out of a net.  
20 Okay. Is there a State ice fishery on Tustumena Lake?

21  
22 MR. CANNON: I believe people can jig  
23 for fish at Tustumena Lake. They can go ice fishing.

24  
25 CHAIRMAN LOHSE: And they would be  
26 under these limits that we're looking at right here?

27  
28 MR. CANNON: Under the sportfishery  
29 regulations, yes.

30  
31 CHAIRMAN LOHSE: Okay.

32  
33 MR. MCBRIDE: Mr. Chair. In answer to  
34 your question, yes, a gillnet has been fished in  
35 Tustumena Lake through the ice just this past week. So  
36 we've issued five permits. Of those five, four  
37 individuals have participated in the fishery, one has  
38 yet to. He's thinking of doing it this coming weekend.  
39 26 fish have been harvested. Twenty of them were lake  
40 trout, and six were Dolly Varden. And that's as of  
41 Monday afternoon.

42  
43 CHAIRMAN LOHSE: Okay. That was the  
44 next question I was going to ask. Okay. Twenty lake  
45 trout, six Dollies.

46  
47 MR. MCBRIDE: Correct.

48  
49 CHAIRMAN LOHSE: No rainbows.

50

1 MR. MCBRIDE: Not as of yet.  
2  
3 CHAIRMAN LOHSE: Okay. Any other  
4 question.  
5  
6 (No comments)  
7  
8 CHAIRMAN LOHSE: Okay. Now we can go  
9 back to our discussion. Doug.  
10  
11 MR. BLOSSOM: Yeah, Mr. Chair, I'd like  
12 the refuge manager, when they're done, to come up.  
13 Yeah. Okay. Let's finish here then. I didn't  
14 realize.....  
15  
16 CHAIRMAN LOHSE: Okay. Doug.  
17  
18 MR. BLOSSOM: Yeah. Mr. Chair, I'd  
19 like the refuge manager to come up.  
20  
21 MR. SONNEVIL: Mr. Chair. Mr. Blossom.  
22 My name is Gary Sonnevil. I'm not the refuge manager,  
23 I'm the in-season Federal subsistence fishery manager,  
24 and I supervise the Kenai Fish and Wildlife Field  
25 Office.  
26 Robin West is the manager. He's unable  
27 to make it this morning due to some other meeting  
28 commitments, but I'd be happy to try to answer any  
29 questions.  
30  
31 MR. BLOSSOM: Yeah. Mr. Chair. My  
32 question to you is, I made sure that you had a copy of  
33 this Ninilchik modified proposal, and because you're  
34 the person that's going to manage this thing, it's all  
35 on your property, do you have additional comments to  
36 make?  
37  
38 MR. SONNEVIL: A concern of the refuge  
39 manager is the fact that we have a very small  
40 population of steelhead. He's quite concerned about  
41 how much of a fishery we initiate on it. For example,  
42 this past season -- the past two years we've run a  
43 video weir on Nikolai Creek.  
44  
45 The first year, 2005, we were not able  
46 to get in there until ice out. We counted about 80  
47 steelhead through the weir, but we know we missed the  
48 peak of the run.  
49  
50 This past year in 2006 we helicoptered

1 a crew in, installed the weir in mid April, and we  
2 counted 373 steelhead in 2006. And it's likely we may  
3 have missed a few during a high water event.

4  
5 But it's a population of maybe 400  
6 fish. We would expect that population to vary somewhat  
7 from year to year, too, just depending upon the  
8 spawners that are returning.

9  
10 CHAIRMAN LOHSE: Doug.

11  
12 MR. BLOSSOM: Yeah, Mr. Chair. That  
13 was just one creek though, right?

14  
15 MR. SONNEVIL: Yes.

16  
17 MR. BLOSSOM: Do you have steelhead in  
18 other creeks in Tustumena?

19  
20 MR. SONNEVIL: At this point we don't  
21 have that documented. But what we are going to be  
22 doing starting this fall, we just learned that our  
23 proposals have been accepted, those out-of-cycle  
24 proposals through the FIS program in OSM, we will be  
25 initiated a study on steelhead using radio telemetry,  
26 implanting up to 100 radio tags on steelhead this  
27 coming fall in the Kasilof, and then we'll be  
28 monitoring their movements as to where they go, whether  
29 we have any main stem spawning, whether we have -- we  
30 know we have them going back to Nikolai Creek. We're  
31 not sure about the other tributaries, but we'll be  
32 watching for them there. And then we'll also see if  
33 any of these fish, and we do intend to catch these fish  
34 if at all possible in Federal waters, if we have any  
35 drop back into Crooked Creek.

36  
37 We know very little about these  
38 steelhead. We've only been counting them in Crooked  
39 Creek for approximately three years in conjunction with  
40 ADF&G, and just two years in Nikolai Creek. But  
41 Nikolai Creek we feel is probably the largest spawning  
42 population of steelhead in the system, other than  
43 Crooked Creek.

44  
45 CHAIRMAN LOHSE: When you look at the  
46 proposals that are in front of you from Ninilchik,  
47 would, I'll use the word, some of the worry be taken  
48 out of them if all rainbows over 20 inches, just like  
49 in the rest of Kasilof would have to be released, and  
50 that would be one way of protecting our spawning

1 steelhead?

2

3 MR. SONNEVIL: Yes, that's true.

4

5 CHAIRMAN LOHSE: Because currently, if  
6 I look at it right, there is -- and it's not that  
7 they're taken, but there's an unlimited potential to  
8 take rainbows in the Kasilof/Tustumena drainage under  
9 20 inches under State regulations, but over 20 inches  
10 they're protected. And the angst seems to be over the  
11 possibility of a small steelhead run. If we ended up  
12 and it seems like that would -- from talking to people,  
13 it sounds like that would be almost acceptable, if we  
14 would end up protecting the fish over 20 inches like  
15 the State is doing, that would take some of the worry  
16 out of the dipnet proposal, and the under-the-ice  
17 proposal. And you feel the same way on that?

18

19 MR. SONNEVIL: Personally I do, Mr.

20 Chair.

21

22 CHAIRMAN LOHSE: Thank you. Any other  
23 questions.

24

25 (No comments)

26

27 CHAIRMAN LOHSE: Okay. If we're going  
28 to move forward, and we look at this proposal here, we  
29 have proposal on the table. We can have discussion, we  
30 can have motions to amend, we can have modifications  
31 proposed. Having heard everything, and we're looking  
32 at the first part right now on salmon, does any of the  
33 Council see any motions that they would like to make so  
34 we can move forward, or shall we just vote on it the  
35 way it is. Tricia.

36

37 MS. WAGGONER: Yes. I'd like to make a  
38 motion to amend section (A) to read instead of marked  
39 by removing the upper and lower lobes of the caudal  
40 (tail) fins to removing of the dorsal fin. As the  
41 tribal members spoke, removing the lobes of the tail  
42 fin isn't culturally acceptable. I know from personal  
43 experience it does make a difference in hanging your  
44 fish to dry. So in discussion with them, the dorsal  
45 fin was culturally acceptable.

46

47 MR. CARPENTER: Second.

48

49 CHAIRMAN LOHSE: It's been moved and  
50 seconded to amend this proposal that's in front of us

1 on the Kasilof, the first section on Kasilof salmon by  
2 changing the upper and lower lobes of the caudal (tail)  
3 fin to the dorsal fin.

4  
5 Any discussion.

6  
7 (No comments)

8  
9 CHAIRMAN LOHSE: If there's no  
10 discussion, question is in order.

11  
12 MR. CARPENTER: I just have one  
13 question. I just wanted to ask the Federal Staff or  
14 the in-season manager, there's obviously no problem  
15 with this, because this is just one way of marking  
16 subsistence fish, correct?

17  
18 MR. SONNEVIL: Mr. Chair. Mr.  
19 Carpenter. That's correct. I don't see where that  
20 would be causing any problem if we mark -- remove the  
21 dorsal fin as opposed to clipping the caudal fins.

22  
23 MR. CARPENTER: Okay. I'll call the  
24 question.

25  
26 CHAIRMAN LOHSE: The question's been  
27 called. All in favor signify by saying aye.

28  
29 IN UNISON: Aye.

30  
31 CHAIRMAN LOHSE: All opposed signify by  
32 saying nay.

33  
34 (No opposing votes)

35  
36 CHAIRMAN LOHSE: Motion carries  
37 unanimously.

38  
39 MR. CARPENTER: Mr. Chairman. I move  
40 to amend Section (A) where it talks about 200  
41 rainbows/steelhead in the dipnet fishery. I'm not sure  
42 how this should be read, but my intent with this  
43 amendment is that the 200 fish limit for  
44 steelhead/rainbow be -- that that number be an  
45 aggregate number for the entire year, for both the  
46 winter fishery and the summer fishery, and that no fish  
47 over 20 inches may be retained in the dipnet fishery.

48  
49 CHAIRMAN LOHSE: Do I hear a second for  
50 that?

1 MR. LAMB: Second.  
2  
3 CHAIRMAN LOHSE: John. It's been moved and  
4 seconded that we take these 200 fish and we make them  
5 an aggregate with the ice fishing, winter jig fishing  
6 and net fishing one, and that no fish over 20 inches --  
7 no rainbow over 20 inches can be kept in the dipnet  
8 fishery.  
9  
10 Doug.  
11  
12 MR. BLOSSOM: Mr. Chair. I would speak  
13 in opposition to that. I think that will probably not  
14 allow their winter net fishery, or there's a big chance  
15 that it will. I would rather see us leave the limits  
16 like they are except drop it down to 20 inches, and  
17 that apparently alleviates a lot of the problem on the  
18 steelhead. So I would rather see that than taking it  
19 this way. And then they're probably not going to get  
20 their net fishery at all if we intend to do it.  
21  
22 CHAIRMAN LOHSE: So you feel that --  
23 Doug, you feel that they probably will take 200 fish in  
24 their dipnet fishery?  
25  
26 MR. BLOSSOM: Well, I don't know but I  
27 think if we had them 20 inches or less and left it like  
28 it was, I think their changes are slim, and then it  
29 allows the net fishery, if we so choose to do that.  
30  
31 CHAIRMAN LOHSE: Thank you.  
32  
33 MR. BLOSSOM: But I think if we do it  
34 this way, then we're -- you know, we made that net  
35 fishery so there was a reasonable chance they could do  
36 it without getting shut down the first day. And it  
37 doesn't sound like they're catching steelhead or  
38 rainbow so far in it, so that's good. And the chance  
39 of jeopardizing that will happen with this.  
40  
41 CHAIRMAN LOHSE: Any other discussion  
42 on it. Tom.  
43  
44 MR. CARPENTER: Go ahead, Fred.  
45  
46 MR. ELVSAAS: Mr. Chairman. You know,  
47 I've been listening to this for a couple days. And  
48 these proposals are for subsistence fishing. And, of  
49 course, we've gone over this, the rules, the regs and  
50 so forth, and we're charged with doing that. But now

1 we're getting down to the different species you may  
2 catch or you may not catch. We've heard testimony that  
3 it's okay for sportfishing, that there might be another  
4 10,000 people catching fish. But we can't allow  
5 subsistence fishing, because we might decimate the  
6 runs. Now we're talking about sizes of fish, different  
7 species of resident fish and so forth.

8

9                   And what these people want is food.  
10 They don't need to bring a damn Philadelphia lawyer  
11 with them to figure out whether they can keep a fish or  
12 not.

13

14                   And I think we should look at the  
15 numbers of fish that's allowable to be taken, and not  
16 get into whether a fish is a steelhead or a trout, and  
17 if it's a certain size, you can take it. When you go  
18 fishing for food, you take the fish you catch and you  
19 eat it.

20

21                   And I've subsistence fished all my  
22 life, and I just don't think I could participate in a  
23 fishery if I was eligible to fish like this where I've  
24 got to take somebody along to tell me whether I can  
25 keep the fish or not keep the fish. And I don't know  
26 the difference between a steelhead and a trout, and I  
27 don't think they really care. When I catch them, I eat  
28 them anyway.

29

30                   But, you know, let's get down to  
31 talking about if we're going to allow the fishery or  
32 not. I see a proposal to take away the customary and  
33 traditional rights of the people even, and I think  
34 those are the things we should be looking at. And let  
35 the people catch fish. If they're allowed 200 fish,  
36 let them catch 200 fish and take the fish home.

37

38                   Otherwise you may wind up with trying  
39 to target some red salmon and catch a bunch of trout.  
40 Well, we're not allowed to take those, so, hell, we'll  
41 throw them overboard. Well, that's a waste of food.

42

43                   And I think we need to look at look at  
44 what is the intent here, and let's not get it all  
45 muddied up, so that we need a bunch of people to come  
46 and tell us if it's a good fish or a bad fish.

47

48                   Thank you.

49

50                   CHAIRMAN LOHSE: So I take it you're

1 against the amendment then. Is that what you.....

2

3 MR. ELVSAAS: What's that?

4

5 CHAIRMAN LOHSE: You were speaking  
6 against the amendment then, right?

7

8 MR. ELVSAAS: Well, I just feel that,  
9 you know, by putting more into the numbers and so  
10 forth, if it's a subsistence fishery for 200 fish or  
11 500 fish, or 1,000 fish, that's what it should be. It  
12 shouldn't be 200 of this kind and 300 of that kind. I  
13 think it should just be a total amount of fish that  
14 should be allowable to be taken.

15

16 You can hear all the scare tactics you  
17 want from people that say if you allow anything to  
18 happen, we're going to wipe out the run. I really  
19 can't believe that. Runs go up and down and there's  
20 good days and bad days.

21

22 But the thing is there's enough fish in  
23 the system, in both of these systems for that matter,  
24 to allow a subsistence fishery, and there is a priority  
25 for it. And I think that should be the target here,  
26 not trying to tell these people what kind of fish they  
27 can eat. I think if they catch a fish, they should be  
28 able to take it home and eat it.

29

30 Thank you.

31

32 CHAIRMAN LOHSE: Thank you. Any other  
33 discussion. Tricia.

34

35 MS. WAGGONER: Yeah. I'm not -- I  
36 agree with Fred in that I think the subsistence  
37 opportunity needs to be there to catch the fish. I  
38 think the proposal put forward by Ninilchik is  
39 reasonable, and they have put good enough constraints  
40 on there to work with in-season management to make  
41 changes. The 72-hour reporting, the limiting of  
42 rainbow/steelhead trout to 200, and not taking them  
43 after August 15th.

44

45 We don't know what's going to happen,  
46 and I don't think we should make decisions based on the  
47 worst-case scenario. You know, let the people fish.  
48 We have the ability in place in the regulations that  
49 are proposed to make in-season changes, to get the  
50 information in a timely manner to make those changes.

1                   So I wouldn't be in favor of the  
2 amendment either.

3  
4                   CHAIRMAN LOHSE: Pete.

5  
6                   MR. KOMPKOFF: Yeah. I'd like to  
7 commend whoever put this proposal together. It was put  
8 together real well I thought, and a lot of thought went  
9 into it. And I agree with Fred and his statement. And  
10 I'm going to vote against the amendment.

11  
12                   CHAIRMAN LOHSE: Greg.

13  
14                   MR. ENCELEWSKI: Yeah. Mr. Chairman.  
15 I'm ready to call the question, but before I do, I'd  
16 like to make one comment.

17  
18                   You know, there's been a lot of  
19 concessions on this proposal. And I'm not even sure if  
20 it's a meaningful preference any more to be honest with  
21 you. You know, I think it's pretty minimal, and I  
22 think there's controls, and I agree with Tricia on it  
23 that I think it can be managed.

24  
25                   And I would like to call for the  
26 question on it.

27  
28                   CHAIRMAN LOHSE: Call the question on  
29 the amendment, right?

30  
31                   MR. ENCELEWSKI: Yes.

32  
33                   CHAIRMAN LOHSE: Okay. The question's  
34 been called. All in favor signify by saying aye.

35  
36                   MR. CARPENTER: Aye.

37  
38                   MS. STICKWAN: Aye. Oh, is that for or  
39 against?

40  
41                   CHAIRMAN LOHSE: Aye is for the  
42 amendment, nay is against.

43  
44                   James, you were going to.....

45  
46                   MR. SHOWALTER: Yes. Can we have the  
47 amended amendment restated?

48  
49                   MR. CARPENTER: Yeah. The amendment  
50 was to have an aggregate bag limit for

1 rainbow/steelhead for the entire year of 200 fish, and  
2 that no fish over 20 inches could be retained in the  
3 dipnet fishery.

4  
5 CHAIRMAN LOHSE: Okay. Now does  
6 everybody understand the amendment? Okay. We'll redo  
7 it, because of a lack of understanding.

8  
9 All in favor of the amendment signify  
10 by saying aye.

11  
12 MR. CARPENTER: Aye.

13  
14 CHAIRMAN LOHSE: All opposed signify by  
15 saying nay.

16  
17 IN UNISON: Nay.

18  
19 CHAIRMAN LOHSE: Motion fails. Okay.

20  
21 Any further discussion on this part of  
22 the proposal that's sitting in front of you on Kasilof  
23 salmon. James.

24  
25 MR. SHOWALTER: Okay. We're going by  
26 the modified proposal of what is written here, is that  
27 correct?

28  
29 CHAIRMAN LOHSE: Of what is written.

30  
31 MR. BLOSSOM: With one amendment.

32  
33 CHAIRMAN LOHSE: With one amendment so  
34 far. We have the amendment to change the caudal fin to  
35 the dorsal fin. And that's the only amendment that's  
36 there.

37  
38 Are there any other further  
39 modifications or amendments to the proposal.

40  
41 MR. CARPENTER: Mr. Chairman. I  
42 understand some of the concerns on my last amendment.  
43 And I think, you know, first and foremost we need to  
44 take into consideration the biology that's included.  
45 The Federal Staff, the refuge manager, the State of  
46 Alaska and every advisory committee came up here and  
47 stated that there was concern over the steelhead. We  
48 have weir data from the refuge manager that the  
49 population is extremely small and vulnerable.

50

1                   Now, it's very true that fish over 18  
2 inches are typically the breeding pairs, so I think  
3 that we do need to have some consideration in regards  
4 to these steelhead, and if the aggregate number of 200  
5 isn't acceptable to the Council, then we might want to  
6 just consider a length issue for the dipnet fishery in  
7 regards to protecting some of these fish moving into  
8 the system, because they are extremely vulnerable.

9  
10                   You know, I'm not trying to step on  
11 Greg or Doug's toes or anybody that lives on the Kenai  
12 Peninsula. But I do think that biology is very  
13 important when we make decisions, and, you know, that's  
14 my opinion.

15  
16                   CHAIRMAN LOHSE: Tricia.

17  
18                   MS. WAGGONER: Yeah, I know we're  
19 talking about the salmon proposal, but if you go to the  
20 resident species proposal, and the reporting within 72  
21 hours, they're looking at reporting the number of each  
22 species caught, the number of each species retained,  
23 the length, the location fished, total hours fished.  
24 Information can be given with these harvest reports  
25 every 72 hours as to if you're catching a lot of over  
26 18-inch fish. If they're not catching over 18-inch  
27 fish, then they will know that in-season and can make  
28 adjustments based on that current information.

29  
30                   And that's all I'm saying is that we  
31 need to look at giving the opportunity. I agree with  
32 Greg. I don't think this is a full meaningful  
33 opportunity, but it's a start. And I think it's being  
34 conservative. And it will be on the subsistence user  
35 to report accurate information, and to work with in-  
36 season managers.

37  
38                   You know, if every fish they catch is  
39 over an 18-inch rainbow trout, then, you know, they can  
40 make decisions in-season to change that to releasing  
41 them all. But until we know what's actually going to  
42 happen, I think it's still fairly conservative.

43  
44                   CHAIRMAN LOHSE: Any other comments.  
45 Discussion. James.

46  
47                   MR. SHOWALTER: Yes. I'd like to have  
48 when we're referring to whichever go to which handout  
49 and which page of it is so, I don't know, maybe I'm a  
50 little bit slow on following, but that's where I am

1 right now.

2

3 CHAIRMAN LOHSE: Have you got the  
4 Ninilchik modified proposal in front of you? So far  
5 we're just on Page 1.

6

7 Doug. Are you ready to move on?

8

9 MR. BLOSSOM: Mr. Chair. I guess just  
10 for Tom's benefit, you know, I look at this table on  
11 Page 34, and look at the rainbow trout thing, and then  
12 what I know of the steelhead in the Kasilof drainage,  
13 and I don't see this as a problem right now, Tom. I  
14 think we can start this way, and I think the managers  
15 will have enough sense to watch it, and if they see  
16 it's terribly different than what we've proposed, I  
17 think they can adjust it.

18

19 CHAIRMAN LOHSE: Any other discussion  
20 on this part. Gloria.

21

22 MS. STICKWAN: I think their proposal  
23 that they wrote was a compromise on their part, and  
24 they tried the very best to work -- to make this  
25 proposal conservative and that's why I voted against  
26 what we just voted on. And I don't want to see any  
27 other changes.

28

29 CHAIRMAN LOHSE: Pete.

30

31 MR. KOMPKOFF: I couldn't hear what she  
32 said.

33

34 CHAIRMAN LOHSE: Gloria, would you  
35 like to repeat what you said a little louder for Pete.

36

37 MS. STICKWAN: I just said that I think  
38 this proposal is written, and they made a lot of  
39 compromises on -- even from the Federal Staff's  
40 proposals, more conservative than the Federal Staff  
41 proposal. And like Tricia said, it's not a meaningful  
42 type proposal, and I don't want us to see us to take  
43 any more away from them than what they've already given  
44 up. I mean, they've compromised. They've tried to  
45 work with -- I think they tried to work with everybody  
46 by trying to make this work. I mean, I don't want to  
47 see us change this proposal and make -- take away what  
48 they have in here already.

49

50 CHAIRMAN LOHSE: Any other discussion.

1 Doug.

2

3 MR. BLOSSOM: One more thing, Mr.  
4 Chairman. Did the Staff have any changing in the  
5 writing on the salmon part of it as far as the hook and  
6 line part? I want to make sure we get that right. You  
7 suggested some changes in the rod and reel part to make  
8 it subsistence rather than sport, and I want to make  
9 sure we get that right in this if there's a place to do  
10 it.

11

12 CHAIRMAN LOHSE: Doug.

13

14 MR. MCBRIDE: Mr. Chairman. Mr.  
15 Blossom. The changes that I spoke to were in the  
16 Kasilof resident species section and in the Kasilof  
17 steelhead, not in the Kasilof salmon.

18

19 CHAIRMAN LOHSE: Right.

20

21 MR. BLOSSOM: Yeah. And I'd appreciate  
22 it if you'd kind of make those so we can see that when  
23 we get to that.

24

25 CHAIRMAN LOHSE: Tricia.

26

27 MS. WAGGONER: Yeah, I have one more  
28 amendment on Section (B) of the Kasilof salmon  
29 proposal, and it again deals with the marking of fish.  
30 I move to change it from removing the lobes of the  
31 caudal fin to the dorsal fin.

32

33 CHAIRMAN LOHSE: On Section (B)?

34

35 MS. WAGGONER: On Section (B), and it's  
36 the fifth line down.

37

38 CHAIRMAN LOHSE: Do I hear a second.

39

40 MR. ENCELEWSKI: Second.

41

42 CHAIRMAN LOHSE: It's been moved and  
43 seconded to remove the caudal fin part and change it to  
44 dorsal fin for the marking of the fish.

45

46 Any discussion.

47

48 (No comments)

49

50 CHAIRMAN LOHSE: I think we've had

1 discussion on this in the past. Question's in order.  
2  
3 MR. CARPENTER: Question.  
4  
5 CHAIRMAN LOHSE: The question's been  
6 called. All in favor signify by saying aye.  
7  
8 IN UNISON: Aye.  
9  
10 CHAIRMAN LOHSE: All opposed by saying  
11 nay.  
12  
13 (No opposing votes)  
14  
15 CHAIRMAN LOHSE: Motion carries. Are  
16 we pretty much done with the first page then?  
17  
18 MR. ELVSAAS: Call for the question.  
19  
20 CHAIRMAN LOHSE: Well, I don't know.  
21 Since we have a motion on the table that includes all  
22 of them, I don't think we can call the question on a  
23 section. We have to go through the whole thing.  
24  
25 MR. ELVSAAS: Okay.  
26  
27 CHAIRMAN LOHSE: So let's go look on  
28 Page 2. If we look on Page 2, Page 2 deals with the  
29 rod and reel fishery for salmon on the Kasilof River.  
30 Doug.  
31  
32 MR. BLOSSOM: Yeah, Mr. Chair, I would  
33 like the Staff to put it in writing the changes they  
34 think should be made on this. and then you go down the  
35 page to, well, let's see, it would be (A)(1) and go  
36 down to (4) and (5). I heard a little bit of problem  
37 there, and I guess I would like to say that I think for  
38 now that they should tend the net while it's being  
39 fished. That way we don't have a chance of having  
40 problems and getting a black eye in the deal.  
41  
42 CHAIRMAN LOHSE: Okay. Doug, could you  
43 hold off on that, you can ask for that for an amendment  
44 when we get on Page 3? And let's go back and look at  
45 Page 2 and see if there's any discussion or amendments  
46 that anybody wants to make on Page 2.  
47  
48 MR. BLOSSOM: Okay.  
49  
50 CHAIRMAN LOHSE: We haven't finished

1 that yet. If there isn't, if we can go on to Page 3.  
2 Tom.

3

4 MR. CARPENTER: Yeah. Just a question  
5 I'd just ask the rest of the Council. Similar  
6 concerns. You know, I don't really have a problem with  
7 the rod and reel fishery or using, you know, two hooks,  
8 but maybe there's no concern from the Council on  
9 biology here, but if you use baited hooks in the lake  
10 when you're trying to protect steelhead, and you're  
11 going to catch a lot of the native species there, and  
12 if the bag limits have been met, there's an extremely  
13 high mortality rate. If that's a concern, then let's  
14 discuss it. If I hear nothing, I'll assume that that's  
15 not an issue.

16

17 CHAIRMAN LOHSE: Is that a concern of  
18 any member of the Council. John.

19

20 MR. LAMB: Yeah. I think if the --  
21 until we really know some numbers, it doesn't sound  
22 like they have a lot of really good data on the  
23 steelhead and stuff. And I think that in there you  
24 should have some kind of protection. And I don't think  
25 that we really have hooks out there.

26

27 CHAIRMAN LOHSE: Okay. If I understand  
28 correct, this rod and reel fishery doesn't end on  
29 August 15th. This rod and reel fishery continues for  
30 the year. Am I correct on that, Tom?

31

32 MR. CARPENTER: The way I understand it  
33 is the rod and reel fishery does not end on August  
34 15th. The State bag limit -- or season is September  
35 15th for Tustumena Lake, and after September 15th,  
36 you're not allowed to use any artificial -- it has to  
37 be artificial bait with a single hook. I believe that  
38 that's correct. So basically what this is allowing,  
39 and maybe there's no concern. I have concern with it.  
40 I had concern with a few things before this, but that's  
41 fine. I'm willing to go with the rest of the Council.  
42 But if you catch -- if you harvest enough of these  
43 fish, and you're in the lake fishing for coho or pink  
44 salmon after the harvest levels have been met for  
45 rainbow trout/steelhead, you are still going to catch  
46 rainbow trout and steelhead in the lake when fishing  
47 for silvers or pinks, and you are going to have a high  
48 mortality rate when releasing those fish. That's all  
49 I'm saying.

50

1 CHAIRMAN LOHSE: John, could I ask you  
2 a question. Is bait currently allowed in the Kasilof  
3 River?

4  
5 MR. HILSINGER: Mr. Chairman. Yes, up  
6 until September 15th, and then after September 15th  
7 through the end of the year it is not allowed. And I'm  
8 speaking specifically to this area that's under  
9 consideration.

10  
11 CHAIRMAN LOHSE: Right. The upper  
12 Kasilof and Tustumena Lake.

13  
14 MR. HILSINGER: Right.

15  
16 CHAIRMAN LOHSE: And that bait  
17 restriction wasn't put in place to protect cohos, it  
18 was put in place to protect steelhead, right?

19  
20 MR. HILSINGER: I assume so, yes. Mr.  
21 Chairman.

22  
23 CHAIRMAN LOHSE: Well, it's up to the  
24 Council. Does anybody have any comments to make on the  
25 bait. Any discussion on it.

26  
27 MR. SHOWALTER: I have a question.

28  
29 CHAIRMAN LOHSE: James.

30  
31 MR. SHOWALTER: Yes. I had -- okay.  
32 We're on that two hook baited, and I think it says in  
33 there, I don't know, I'd have to look, that the methods  
34 and means are the same as the State sportfishing  
35 regulations. Would that cover the bait situation?

36  
37 CHAIRMAN LOHSE: Not the way the  
38 proposal is written, James. The way the proposal is  
39 written, methods and means allow two baited single or  
40 treble hooks, where the State doesn't that if I'm  
41 correct. They allow a single -- do they even allow a  
42 treble hook?

43  
44 MR. PAPPAS: The regulations are only  
45 unbaited or artificial lures are allowed,  
46 (indiscernible, away from microphone) so it looks like  
47 they were allowed after the September 15th -- excuse  
48 me, after September 15th, no bait, and it appears to be  
49 (indiscernible, away from microphone).

50

1 MR. MIKE: Mr. Chairman, can I have him  
2 refer to page number, please, he has the reference on  
3 the table. The State regulations.

4  
5 CHAIRMAN LOHSE: It's nice to hear it  
6 though.

7  
8 MR. PAPPAS: Mr. Chairman. For those  
9 waters from September 16th through December 31st, only  
10 unbaited artificial lures are allowed. An artificial  
11 lure would mean then you could have up to two hooks on  
12 it. It could be a treble hook, it could be a hook with  
13 a single point. The other times of the year, there are  
14 restrictions primarily that deal with below the bridge,  
15 below the Sterling Highway bridge.

16  
17 CHAIRMAN LOHSE: So prior to September  
18 15th you can use single or treble hooks up in the area  
19 that we're talking about, and you can use bate or  
20 artificial lures prior to September 15th. After  
21 September 15th, you can use only artificials and the  
22 artificials can have up to two treble or two single  
23 hooks on them, right?

24  
25 MR. PAPPAS: That is correct. And I  
26 would add, to keep in mind, when you have differing  
27 regulations in the same area with differing gear types,  
28 differing methods such as snagging, non-snagging,  
29 between different users, it becomes very difficult for  
30 enforcement to police that. They then have to check  
31 every single angler there with a differing gear type to  
32 see if there would be a Federally-qualified user, or a  
33 regular user. So you're already increasing the  
34 workload an already overworked, understaffed  
35 enforcement agency. Mr. Chairman.

36  
37 CHAIRMAN LOHSE: To a certain extent I  
38 would agree with you, but to a certain extent I  
39 wouldn't agree with you, because they don't have to  
40 check every angler. When you're checking for people  
41 that have too big of a bag limit, you check somebody  
42 that's got the big bag limit. And if you saw somebody  
43 fishing, you know, it doesn't say snagging here, so  
44 snagging isn't part of this question. So if you saw  
45 somebody fishing two -- you've already got people with  
46 lures with two hooks on it. If you saw somebody  
47 fishing bait with two hooks on it when it's closed,  
48 you'd check that individual. I mean, you don't have to  
49 go down the bank checking everybody. You would only  
50 check somebody that you saw doing that kind of an

1 operation, and he'd better have a subsistence permit.  
2 I recognize also though that it does  
3 cause confusion. But up until September 15th, the only  
4 thing noticeable would be the fact that they could have  
5 two baited hooks.

6  
7 And if I understand correct, and I may  
8 be wrong, like if I use a spin and glow with one of  
9 those -- you know the regular two hook rigs that you  
10 get, is that legal or illegal in the Kasilof? Is that  
11 considered a single hook -- double hook lure.....

12  
13 MR. CARPENTER: Yeah.

14  
15 CHAIRMAN LOHSE: .....or is that  
16 considered two hooks?

17  
18 MR. CARPENTER: Two hooks.

19  
20 MR. PAPPAS: That would be a double  
21 hook lure.

22  
23 CHAIRMAN LOHSE: That's what I thought.

24  
25 MR. PAPPAS: Yeah.

26  
27 CHAIRMAN LOHSE: Okay. Any comments  
28 from anybody on the Council.

29  
30 MR. CARPENTER: Let's move on.

31  
32 CHAIRMAN LOHSE: Doug.

33  
34 MR. BLOSSOM: Yeah, Mr. Chair. After  
35 September 15th, presently how many people would be on  
36 Tustumena Lake fishing in any given day?

37  
38 MR. PAPPAS: Mr. Chairman. Mr.  
39 Blossom. I don't have that information. And we can't  
40 pull that out of our statewide harvest.

41  
42 MR. BLOSSOM: But you've no doubt been  
43 up there and observed, haven't you?

44  
45 MR. PAPPAS: Not in September, no, I  
46 haven't, sir.

47  
48 MR. BLOSSOM: Okay. I guess my  
49 personal observation then is after September 15th there  
50 might be 25 people running around that lake. It's a

1 35-mile long lake. I suppose there's more people at  
2 Nikolai than most places, but they'll be spread out  
3 between half a dozen different stream mouths maybe. So  
4 I guess I don't see it as a big problem right now.

5  
6 MR. CARPENTER: Mr. Chairman, I'd  
7 recommend we move on to resident species.

8  
9 CHAIRMAN LOHSE: Okay. Page 3,  
10 resident species. Doug, at this point in time if you  
11 would like -- if you want to offer an amendment on what  
12 you said, it would be a good idea.

13  
14 MR. BLOSSOM: Yeah. Mr. Chair. If you  
15 go down the page to, let's see, it's (A)(4) and (5), I  
16 would like that to be amended that when the gillnet is  
17 fished, it is occupied by a person being present.

18  
19 CHAIRMAN LOHSE: In other words, you  
20 want attended gillnets.

21  
22 MR. BLOSSOM: Yes.

23  
24 CHAIRMAN LOHSE: And that's a motion?

25  
26 MR. BLOSSOM: Yes, it is.

27  
28 CHAIRMAN LOHSE: Do I hear a second.

29  
30 (No comments)

31  
32 CHAIRMAN LOHSE: Hearing none, the  
33 motion will fail for lack of a second.

34  
35 Any other discussion on the points that  
36 are here. Quotas. What they can do. Where they can  
37 do it. Tricia.

38  
39 MS. WAGGONER: I'm not sure who to ask  
40 this to. I'd like clarification. It says total annual  
41 harvest. Are we going to talk calendar year,  
42 regulatory year, fishing season? I think we need to  
43 kind of define the annual.

44  
45 CHAIRMAN LOHSE: Doug. A good  
46 question.

47  
48 MR. MCBRIDE: Mr. Chairman. Ms.  
49 Waggoner. This total annual harvest quota applies to  
50 the winter fishery, so it would be like the 06/07  
winter fishery, or the 07/08 winter fishery. So it

1 would cross calendar years.

2

3                   The way the fishery works is you have  
4 to get a permit from the in-season manager, and the  
5 fishery isn't opened until there is adequate ice cover,  
6 and it's all through the ice, so it's during the ice-  
7 covered part of the year.

8

9                   CHAIRMAN LOHSE: Doug, can I ask you a  
10 question. Then since we're talking about that for the  
11 rest, should we say that these permits apply from June  
12 16th to June 15th, you know, so that there is -- you  
13 know, because we're talking about annual and we're  
14 talking about regulatory, but I think on fish annual  
15 and regulatory are the same. You have to buy a new  
16 license on January 1st.

17

18                   MR. BLOSSOM: No license for these.

19

20                   CHAIRMAN LOHSE: But there's no license  
21 in this, so for the permit, we should have -- since  
22 this is a subsistence permit, we should have a time  
23 period, otherwise there's going to be some confusion  
24 whether it starts over, like Tricia was saying, does it  
25 start over on January 1st or does it start over the  
26 next year when the ice comes.

27

28                   MR. SONNEVIL: Mr. Chair. The way that  
29 the current ice fishery permit is written, one of the  
30 stipulations is the access to the lake is governed by  
31 the refuge opening the access to snow machines and  
32 aircraft, so enough snow cover, enough ice on the lake.  
33 And I believe it expires on the 30th of April if not  
34 earlier, depending upon weather conditions and snow  
35 conditions.

36

37                   CHAIRMAN LOHSE: Okay. So the permit  
38 is a winter permit, and so each permit would be valid  
39 for -- so when we look at this quota right here, it's  
40 based on the whole winter fishery, even if it crosses  
41 calendar year. As long as that's understood so that  
42 somebody doesn't say that, okay, as of the first of  
43 January -- and that's why I'm wondering if we shouldn't  
44 put that into a motion, that this permit is good for  
45 the winter -- you know, for the length of the permit  
46 rather than for annual or for -- because I can see what  
47 Tricia is talking about, it could cause some confusion.

48

49                   You know, Tricia, a motion to clarify  
50 it would settle things, and we could move forward.

1 MS. WAGGONER: I move that we change  
2 the word annual and have the regulation read the total  
3 harvest limit from January 16th to the following  
4 January -- I'm sorry, June 16th to the following June  
5 15th quota. Somehow do it in June, do it -- you know,  
6 discussion is to June 1. I'm not sure when the ice  
7 goes out on Tustumena Lake.

8  
9 CHAIRMAN LOHSE: So in other words,  
10 make it so it covers two years, but it's the winter  
11 season.

12  
13 MS. WAGGONER: Right.

14  
15 CHAIRMAN LOHSE: I think that could be  
16 written up in a way that would be -- our legal people  
17 could write that up so that the intent is that this  
18 annual limit applies to the winter season.

19  
20 Do I hear a second on that. James.

21  
22 MR. SHOWALTER: I'll second it.

23  
24 CHAIRMAN LOHSE: It's been moved and  
25 seconded that this annual limit applies to a winter  
26 season, not to a calendar year.

27  
28 MR. LAMB: Could I ask for the dates  
29 again? Could you give the dates again?

30  
31 CHAIRMAN LOHSE: She gave some dates of  
32 June 15th to June 16th, just because that covers a  
33 whole year, but the idea.....

34  
35 MR. LAMB: It would be typically the  
36 regulatory year then, or close.

37  
38 CHAIRMAN LOHSE: Yeah, except the  
39 regulatory year I think goes.....

40  
41 MR. LAMB: July to June, right?

42  
43 CHAIRMAN LOHSE: .....January 1st to  
44 December 31st, doesn't it?

45  
46 MR. LAMB: They go July to June, don't  
47 they?

48  
49 CHAIRMAN LOHSE: John, when is the  
50 regulatory year?

1 MR. HILSINGER: That whole regulatory  
2 year I think is April 1, so it would be through March  
3 31st.  
4  
5 CHAIRMAN LOHSE: Yeah, that's too  
6 early. And the State's?  
7  
8 MR. HILSINGER: That's a good question.  
9  
10 CHAIRMAN LOHSE: Yeah. Well, this  
11 makes it very clear. What does it say there.  
12  
13 MS. WAGGONER: The State regulatory  
14 year is April 15th through April 14th, which would not  
15 compensate for the entire season, and the Federal one  
16 is April 1 through March 31.  
17  
18 CHAIRMAN LOHSE: Which doesn't.  
19  
20 MS. WAGGONER: Yeah. With the intent  
21 being that the permit would cover ice-up to ice-out is  
22 the intent. Picking June is just to make sure.  
23  
24 CHAIRMAN LOHSE: Doug.  
25  
26 MR. BLOSSOM: Mr. Chair. Mr. Sonnevil.  
27 You have regulations on when a person can be on the  
28 lake and off the lake, and that's probably more  
29 important than all this other. When is that?  
30  
31 MR. SONNEVIL: Mr. Chair. Mr. Blossom.  
32 As I understand it, the way this permit that we issued  
33 for this year, the 2006/2007 winter ice fishery in  
34 Tustumena, was initiated when the refuge opened that  
35 section of the refuge to snow machine access and also  
36 aircraft access. And, of course, that's all based on  
37 when we get snow fall, and ice conditions on the lake.  
38 Ice conditions weren't satisfactory in December or  
39 January to even get on the lake is my understanding.  
40  
41 And it's also my understanding, because  
42 this particular permit was issued under a special  
43 action request by the Board, that it is only good  
44 through the end of the regulatory year, which is March  
45 31st, in a couple weeks coming up, for the permit that  
46 we presently have now. And so that is the a regulatory  
47 year that the Federal subsistence program runs on,  
48 April 1 through March 31. I don't know what sort of  
49 difficulties might occur by extending this permit  
50 another month or.....

1                   CHAIRMAN LOHSE: That was my question  
2 to you. What are the odds that there will still be  
3 good ice after March 31st.

4  
5                   MR. SONNEVIL: Mr. Chair. I would  
6 suspect that there probably -- in a typical year, there  
7 would be decent ice into early April. And then it  
8 comes down to when there's a lack of snow cover, when  
9 the refuge closes it to snow machine access or aircraft  
10 access.

11  
12                   CHAIRMAN LOHSE: Doug.

13  
14                   MR. BLOSSOM: Mr. Chair. So as I  
15 understand it, you can use an airplane on the lake  
16 until the ice is unsafe, or do you just close it down  
17 on a certain day, too.

18  
19                   MR. SONNEVIL: Mr. Chair. Mr. Blossom.  
20 That I couldn't tell you exactly, because that's a  
21 refuge regulation, and unfortunately we don't have  
22 Robin West here this morning. He will be here this  
23 afternoon I understand.

24  
25                   CHAIRMAN LOHSE: Doug.

26  
27                   MR. BLOSSOM: Yeah. Mr. Chair.  
28 Anyway, my point is, is that we can set dates, but  
29 there's a time when you can go to Tustumena, and a time  
30 when you can't, so that's what we're going to have to  
31 abide by.

32  
33                   CHAIRMAN LOHSE: Tricia, you're the  
34 maker of the motion. Do you want amend it slightly,  
35 or.....

36  
37                   MS. WAGGONER: Not really, because my  
38 intent was to ensure that we have covering the entire  
39 winter season. When they open it, when they close  
40 it.....

41  
42                   CHAIRMAN LOHSE: Doesn't make a  
43 difference.

44  
45                   MS. WAGGONER: .....doesn't make any  
46 difference. Now, I don't want to see January, okay, we  
47 catch all of our fish, you know, we happen to have a  
48 good year, we catch everything in December, and then  
49 people thinking that January 1 or April 1 they get a  
50 new quota. I want to make sure that the quota is

1 contained to a single winter season.

2

3 CHAIRMAN LOHSE: Doug.

4

5 MR. MCBRIDE: Mr. Chairman. We  
6 understand the Council's intent. It's the same intent  
7 that we have. And if you look at (A)(1) subparagraph  
8 (2), it says, permits will be issued by the Federal  
9 fisheries manager or designated representative, and  
10 will be valid for the winter season, unless the season  
11 is closed by special action.

12

13 Mr. Chairman. We understand your  
14 intent. It's identical to our intent. I'm fairly sure  
15 it's identical to NTC's intent. We can check this with  
16 our regulatory specialist and make sure that this  
17 language says that, you know, later, so there won't be  
18 any confusion.

19

20 CHAIRMAN LOHSE: So there's a  
21 possibility we don't need a date on it is what you're  
22 saying?

23

24 MR. MCBRIDE: Correct.

25

26 CHAIRMAN LOHSE: Okay. James.

27

28 MR. SHOWALTER: Yes. Along with that  
29 number (2), I'm going to (A), it indicates, under the  
30 ice. So that should pretty well clarify it right  
31 there.

32

33 CHAIRMAN LOHSE: Right. Well, in that  
34 case, we can either vote on the motion or we can  
35 withdraw the motion to amend. And if you withdraw it,  
36 you have to have the consent of your second.

37

38 MS. WAGGONER: I withdraw my motion.

39

40 CHAIRMAN LOHSE: And the second  
41 consents?

42

43 MR. SHOWALTER: Yes.

44

45 CHAIRMAN LOHSE: Okay. Okay. Any  
46 other discussion on Page 3. Let's go on to Page 4.

47

48 As we look at it, we can.....

49

50 MR. KOMPKOFF: Mr. Chairman.

1 CHAIRMAN LOHSE: Yes, Pete.

2

3 MR. KOMPKOFF: On this page, was there  
4 some changes made by number 3, the steelhead may be  
5 harvested during the entire year, less than 20 inches?  
6 Was there a limit there earlier during discussion?

7

8 CHAIRMAN LOHSE: Actually I think that  
9 that is less than what the OSM suggested on number 3,  
10 but I'd have to take a look at that. Rainbow/steelhead  
11 may be harvested during the entire year for fish less  
12 than 20 inches in length. In lakes and ponds, 10 fish  
13 may be harvested with 10 in possession. And what they  
14 did is they struck the flowing waters, four fish per  
15 day may be harvested, with four in possession. And I  
16 think that's because that's going to be covered in the  
17 steelhead sections. So they've put rainbow trout less  
18 than 20 inches.

19

20 Discussion. Comments. Motions on it.  
21 Tom.

22

23 MR. CARPENTER: Doug, didn't you make  
24 some comments on number 3 under resident species? I  
25 wrote down here that you suggested that the possession  
26 should -- or the harvest should be two and two in  
27 possession and five in lakes and ponds with five in  
28 possession. Am I correct?

29

30 MR. MCBRIDE: Mr. Chairman. Mr.  
31 Carpenter. Yes, you are correct. If the intent, and  
32 clearly the intent of the motion made by NTC is to keep  
33 rainbow trout rod and reel limits the same as currently  
34 in State sportfishing, then on this Page (1), so  
35 paragraph 3, that second sentence should be left there,  
36 it should not be struck, but it should read in flowing  
37 waters two fish per day may be harvested, with two in  
38 possession. And then the final sentence should read in  
39 lakes and ponds, five fish may be harvested with 10 in  
40 -- or, excuse me, with five in possession. So both  
41 sentences remain and the flowing waters is two a day,  
42 two in possession, lakes and ponds if five a day, five  
43 in possession for rainbow trout less than 20 inches,  
44 that would be consistent with current sportfishing  
45 regulations.

46

47 CHAIRMAN LOHSE: Current sportfish  
48 regulations.

49

50 MR. MCBRIDE: Correct. Which is the

1 intent as laid out in the justification.

2

3 MR. CARPENTER: Well, the reason I  
4 bring that up is it does say down here in their  
5 justification that NTC has proposed up to two -- let's  
6 see. The rod and reel daily bag limit, possession  
7 limits for rainbow trout in flowing waters in the  
8 Kasilof would remain the same as current sportfish bag  
9 limits. So I believe that adding this sentence back in  
10 and changing the quotas from 4 to 2 and from 10 to 5 is  
11 consistent with what NTC has suggested in their  
12 justification, and I would make that amendment.

13

14 CHAIRMAN LOHSE: Do I hear a second?

15

16 MR. BLOSSOM: I'll second it.

17

18 CHAIRMAN LOHSE: It's been moved and  
19 seconded to change sentence 3 back to the current State  
20 sportfish regulations, which will cut down the limit in  
21 lakes and ponds, but increase the limit in flowing  
22 water.

23

24 MR. CARPENTER: No, it would go from 4  
25 to 2 and from 10 to 5.

26

27 CHAIRMAN LOHSE: There is none in this  
28 one here.

29

30 MR. CARPENTER: This sentence would be  
31 put back in, four fish.....

32

33 CHAIRMAN LOHSE: Would be two fish.

34

35 MR. CARPENTER: Would be two, and then  
36 5 would be 10.

37

38 CHAIRMAN LOHSE: But under the current  
39 proposal, there is nothing for flowing water.

40

41 MR. CARPENTER: Right. Right. Yeah.

42

43 CHAIRMAN LOHSE: So it would increase  
44 the take in flowing water and cut the take in lakes and  
45 ponds. The opportunity in flowing water.

46

47 MR. CARPENTER: Right. By amending  
48 this proposal, we'll be amending it back to current  
49 State regulation. Yes, that's correct.

50

1 CHAIRMAN LOHSE: Okay.  
2  
3 MR. CARPENTER: If there's no further  
4 discussion, I all the question.  
5  
6 CHAIRMAN LOHSE: The question's been  
7 called. All in favor signify by saying aye.  
8  
9 IN UNISON: Aye.  
10  
11 CHAIRMAN LOHSE: All opposed signify by  
12 saying nay.  
13  
14 (No opposing votes)  
15  
16 MR. SHOWALTER: Yeah, I had a question  
17 prior to.....  
18  
19 CHAIRMAN LOHSE: James, sorry, I didn't  
20 catch you, but you can.....  
21  
22 MR. SHOWALTER: Okay. Yeah. In this  
23 which is crossed out, on those four and four in  
24 possession, that is changed to which?  
25  
26 CHAIRMAN LOHSE: That would be putting  
27 it back in like the State and say we'll put it back in  
28 instead of crossing it out, and we'll say two and two.  
29  
30 MR. SHOWALTER: Oh, instead of four and  
31 four?  
32  
33 CHAIRMAN LOHSE: Well, instead of  
34 nothing. Right now there's nothing, because it's  
35 crossed out.  
36  
37 MR. SHOWALTER: Am I on the wrong page  
38 again?  
39  
40 CHAIRMAN LOHSE: Oh, no, no. You've  
41 got this one right here, do you have a cross out  
42 through yours?  
43  
44 MR. SHOWALTER: Yes.  
45  
46 CHAIRMAN LOHSE: Okay. So, see, right  
47 now basically it's reading nothing, because it's  
48 crossed out.  
49  
50 MR. SHOWALTER: Right.

1                   CHAIRMAN LOHSE: So we're going to put  
2 it back in, and make it two and two.  
3  
4                   MR. SHOWALTER: Okay. That's what I  
5 was asking, because the crossed out section had four  
6 and four.  
7  
8                   CHAIRMAN LOHSE: Right. Right.  
9  
10                  MR. SHOWALTER: Okay. Thank you.  
11  
12                  CHAIRMAN LOHSE: Okay. So do you feel  
13 that it's necessary to recall the motion on that, or  
14 was that.....  
15  
16                  MR. SHOWALTER: No, I don't think so.  
17  
18                  CHAIRMAN LOHSE: Okay. So the motion  
19 carries.  
20  
21                  Let's go on to the next page then,  
22 unless there's further -- Tricia. Oh, the caudal tail  
23 fin one.  
24  
25                  MS. WAGGONER: I move that we change  
26 Section (C) from both lobes of the caudal fin to the  
27 dorsal fin.  
28  
29                  MR. CARPENTER: Second.  
30  
31                  CHAIRMAN LOHSE: It's been moved and  
32 seconded to change both lobes of the caudal fin to  
33 dorsal fin.  
34  
35                  Any discussion.  
36  
37                  (No comments)  
38  
39                  MR. CARPENTER: Question.  
40  
41                  CHAIRMAN LOHSE: The question's been  
42 called. All in favor signify by saying aye.  
43  
44                  IN UNISON: Aye.  
45  
46                  CHAIRMAN LOHSE: All opposed signify by  
47 saying nay.  
48  
49                  (No opposing votes)  
50

1 CHAIRMAN LOHSE: Motion carries.  
2  
3 Doug.  
4  
5 MR. MCBRIDE: Mr. Chairman. Just so  
6 Staff certainly understand that the marking -- your  
7 recommendation for marking is to change caudal to  
8 dorsal. I mean, that at this point would be an  
9 administrative matter for us. We would simply catch  
10 that everywhere else this occurs.  
11  
12 CHAIRMAN LOHSE: We don't need to add  
13 that to every section?  
14  
15 MR. MCBRIDE: No.  
16  
17 CHAIRMAN LOHSE: Okay. Thank you.  
18  
19 Okay. Last page, Kasilof River  
20 steelhead. If we take a look at Ninilchik's proposal,  
21 they've basically crossed out any steelhead taking.  
22 Right there. It just says you only take salmon, Dolly  
23 Varden, trout, and char under authority of a Federal  
24 subsistence fishing permit. Seasons, harvest and  
25 possession limits, and methods and means for take are  
26 the same as for the taking of those species under  
27 Alaska sportfishing regulations. And they crossed out,  
28 additionally for the Kasilof River drainages, you may  
29 harvest two rainbow/steelhead greater than 20 inches in  
30 length per household with rod and reel annually. They  
31 crossed out rainbow/steelhead greater than 20 inches in  
32 length harvested in the Kasilof River drainage under  
33 the conditions of a Federal subsistence permit must be  
34 marked. And they crossed off before leaving the  
35 fishing site, all retained fish must be recorded on a  
36 permit.  
37  
38 So basically what the Ninilchik  
39 proposal does is takes steelhead out of the rod and  
40 reel subsistence fishery.  
41  
42 Does anybody see a need to change that  
43 or should we leave that as it is. Do we need to amend  
44 that. Tricia.  
45  
46 MS. WAGGONER: I move that we amend it  
47 by unstriking it out as suggested by OSM staff. It  
48 seems the intent was to make sure that steelhead were  
49 incidental, but they can still fish it under sportfish  
50 regulations, but might as well just leave the

1 opportunity in there, you know, to the under  
2 subsistence permit.

3

4 MR. CARPENTER: And then what you would  
5 like to do is you would like to change that to species  
6 under current Alaska sportfishing regulations, and  
7 leave it under subsistence?

8

9 MS. WAGGONER: Correct.

10

11 MR. CARPENTER: Mr. Chairman.

12

13 CHAIRMAN LOHSE: Tom.

14

15 MR. CARPENTER: Before I second the  
16 motion, I believe that the reason that OSM suggested  
17 that language is that they plan to go to the Board of  
18 Fisheries in the future and request that the State  
19 regulations be changed to catch and release only. So  
20 if we make this regulation the way you made your  
21 motion, that it be the same as current State  
22 regulations, when and if the Board of Fisheries were to  
23 change the regulation to catch and release only, the  
24 Federal government would then also change it to be the  
25 same as State regulation. So I think what we want to  
26 do here is we want this to just be a permanent  
27 regulation under subsistence law, that it does not  
28 change coincide with State regulation. Do you see what  
29 I'm saying?

30

31 MS. WAGGONER: Yeah, I agree. Thanks  
32 for the clarification.

33

34 MR. CARPENTER: I'll second the motion.

35

36 CHAIRMAN LOHSE: Any discussion. Tom,  
37 if you think that that intent comes through by just  
38 adding this back in, we can do that. But the problem  
39 is we have a sentence up here that says are the same as  
40 the taking -- for the taking of those species under  
41 Alaska sportfishing regulations. If you wanted to do  
42 what you're talking about doing, you would have to add  
43 something as written, you know, in this year or  
44 something like that, or as under current, meaning  
45 today, because otherwise what happens is it says that  
46 they're going to be the same as the taking of these  
47 species under Alaska sportfishing regulations.

48

49 Doug.

50

1 MR. MCBRIDE: Mr. Chairman.  
2  
3 MR. BLOSSOM: Excuse me. Doug, could  
4 you pull that -- I can't hear you very well.  
5  
6 MR. MCBRIDE: Mr. Chairman. If the  
7 intent of the Council is to meet the intent of NTC,  
8 leave it the way it was proposed by Staff. That will  
9 do it. What that will do is it breaks the connection  
10 to the State sportfishing regulations. It keeps the  
11 regulations identical, but it makes it explicit in the  
12 subsistence reg book as laid out in Paragraph (A).  
13 Paragraph would stay, and where it says additionally  
14 for Kasilof River drainage, it would be exactly as  
15 recommended in your original book, so none of these  
16 changes would be made. That would meet the intent of  
17 what NTC has laid out here, to keep that harvest  
18 potential, but to make it explicit under subsistence  
19 regulations.  
20  
21 MR. CARPENTER: Mr. Chairman. I  
22 believe that was the second's intent. I don't know  
23 about the proposer.  
24  
25 CHAIRMAN LOHSE: Tricia.  
26  
27 MS. WAGGONER: Yeah, that's my intent,  
28 and, Doug, that language is on Page 45, am I correct?  
29  
30 MR. MCBRIDE: Yes.  
31  
32 MS. WAGGONER: Thank you.  
33  
34 MR. MCBRIDE: Yes, you're correct.  
35  
36 CHAIRMAN LOHSE: Okay. So would you  
37 just -- your intent is to substitute the language on  
38 Page 45 for the last page of the Ninilchik. That's  
39 your intent?  
40  
41 MS. WAGGONER: Correct. My intent is  
42 to substitute the OSM's proposed language on Page 45.  
43  
44 CHAIRMAN LOHSE: Which is basically to  
45 unstrike everything that's here.  
46  
47 MS. WAGGONER: Correct. And to  
48 maintain the opportunity to catch steelhead in the  
49 event that sportfishing becomes catch and release only.  
50

1 CHAIRMAN LOHSE: And that's your  
2 intent, Tom?  
3  
4 MR. CARPENTER: It is.  
5  
6 CHAIRMAN LOHSE: Okay. Is that  
7 understood by everybody? Any discussion.  
8  
9 (No comments)  
10  
11 MR. SHOWALTER: Question.  
12  
13 CHAIRMAN LOHSE: The question's been  
14 called. All in favor signify by saying aye.  
15  
16 IN UNISON: Aye.  
17  
18 CHAIRMAN LOHSE: All opposed signify by  
19 saying nay.  
20  
21 (No opposing votes)  
22  
23 CHAIRMAN LOHSE: Motion carries. So  
24 that amendment is in there. So now we have before us  
25 an amended Ninilchik's modified proposal. And if there  
26 are no further amendments, discussion on the modified  
27 amended proposal is in order or the question is in  
28 order.  
29  
30 MR. CARPENTER: Mr. Chairman. I'd just  
31 make a comment for the record that I feel that this  
32 proposal as a whole is fairly reasonable.  
33  
34 I would like to state for the record  
35 that I don't think that this Council takes biology into  
36 consideration near enough. I think we had three  
37 different people from Federal Staff, we've had  
38 Department of Fish and Game officials come up here and  
39 state that steelhead primarily are of significant  
40 concern in this drainage. And I don't necessarily know  
41 that we've listened to them very well. We've also had  
42 about every person that could possibly testify come up  
43 here and say the same thing.  
44  
45 And I just want it stated for the  
46 record that I'm going to vote in favor of this motion,  
47 because I think there's been sacrifice made on all  
48 sides. But I hope that when the Federal Board  
49 considers this proposal that they take the  
50 consideration of biology into account.

1 MR. KOMPKOFF: Mr. Chairman.

2

3 CHAIRMAN LOHSE: Pete.

4

5 MR. KOMPKOFF: I would second that  
6 motion. And I'd like to speak on behalf of the  
7 proposal.

8

9 I like the way it was prepared, and I  
10 have no objections to it. I'm going to speak in favor  
11 of the motion.

12

13 CHAIRMAN LOHSE: Tricia.

14

15 MS. WAGGONER: Yes. I'd like to speak  
16 in favor of the motion. I think the impetus in the  
17 future if it goes through is going to be again on those  
18 subsistence to protect their resource for in the future  
19 which is to their benefit also. And I think it's going  
20 to be up to the users and the State and OSM to make  
21 sure that in-season management decisions were made in a  
22 timely manner. But I think if we pass it and it goes  
23 through, and everybody works together, then we can  
24 protect the resource and look at biology and make sure  
25 that it's conserved.

26

27 CHAIRMAN LOHSE: Doug.

28

29 MR. BLOSSOM: Yeah, Mr. Chair. I'm  
30 going to speak in favor of this motion.

31

32 I disagree with Mr. Carpenter. I think  
33 we look at biology. I know we have problems because we  
34 don't have biology on part of this fishery, but I think  
35 they are making an honest effort with these studies  
36 they're initiating to find the answers. So I think we  
37 can start here, and we can no doubt modify if we find  
38 the answers aren't what we thought they were.

39

40 CHAIRMAN LOHSE: Any other comments.

41 Greg.

42

43 MR. ENCELEWSKI: Yeah. I'd just like  
44 to make a comment. I'm going to be in favor of the  
45 motion also, and I also feel like Doug. I mean, I feel  
46 we're making the best effort with the information we  
47 have on biology. I think we went way above and beyond  
48 trying to understand all the biology and understand  
49 what's going on. And I think it will be managed in-  
50 season and by the users themselves.

1 Thank you.

2

3 MR. CARPENTER: Question's been called  
4 -- I think we have somebody else who wants to comment.

5

6 MR. ELVSAAS: Yeah. I'd like to make a  
7 comment before we vote.

8

9 I'm going to vote for this, but I feel  
10 the other direction than Tom, in that I think the whole  
11 thing is too restrictive for a true subsistence  
12 fishery. But, you know, when you look at the idea of  
13 getting food on the table, and, you know, maintaining  
14 and keeping up the culture of the people of the rural  
15 areas, and the lifestyles that people want to fish,  
16 again, I think it's just too restrictive. But I think  
17 that as time goes by and the fishery develops better,  
18 we'll see adjustments to it and modifications. And if  
19 some of the runs are in danger, it will just have to be  
20 shut down. But I favor the motion to get this thing  
21 going.

22

23 Thank you.

24

25 CHAIRMAN LOHSE: Donald.

26

27 MR. MIKE: Thank you, Mr. Chair. I  
28 just wanted clarification. I don't think we had a  
29 motion to accept the main motion as amendment. I'm  
30 just trying to follow the process here. Mr. Chair.  
31 Thank you.

32

33 CHAIRMAN LOHSE: We had a motion to  
34 accept what?

35

36 MR. MIKE: The main motion as amended.

37

38 CHAIRMAN LOHSE: The main motion as  
39 amended, right.

40

41 MR. MIKE: And who made that motion.

42

43 CHAIRMAN LOHSE: Oh, did -- maybe we  
44 didn't have a motion to accept the motion as amended,  
45 did we?

46

47 MR. BLOSSOM: That's what this motion  
48 -- that's what my question was.

49

50 CHAIRMAN LOHSE: That's what this

1 motion is right now is whether to accept this main  
2 motion as amended, Donald. That's what we're  
3 discussing.

4

5 MR. MIKE: Thank you, Mr. Chair.

6

7 CHAIRMAN LOHSE: Okay. Sorry. Anybody  
8 else wish to speak before the question's been called.  
9 James.

10

11 MR. SHOWALTER: This, of course, is  
12 back on the Kasilof steelhead, is that correct?

13

14 CHAIRMAN LOHSE: This is on the whole  
15 motion. We're on the whole amended package that we  
16 have in front of us right now.

17

18 MR. SHOWALTER: On the Kasilof.

19

20 CHAIRMAN LOHSE: On the Kasilof.

21

22 MS. STICKWAN: My comment is the same  
23 as earlier, that I think they made a good effort to  
24 work with Federal, and they were conservative even more  
25 than the Federal, so I'm going to vote for this.

26

27 CHAIRMAN LOHSE: I guess that as Chair  
28 it probably behooves me to make a comment, too. I  
29 don't think this is a perfect proposal. I think it's a  
30 good step, and I'm going to have to have a lot of  
31 confidence in the fact that, you know, we have limits  
32 in here that are small enough that they're not going to  
33 cause any permanent damage, but I would expect them to  
34 be watched very closely. And I recognize like Fred  
35 said that nothing we do is cast in stone, and if there  
36 is a problem, we will address it in the future.

37

38 With that the question has been called.  
39 Is there anyone else that wishes to comment.

40

41 (No comments)

42

43 CHAIRMAN LOHSE: The question is  
44 called. All in favor of the main motion as amended  
45 signify by saying aye.

46

47 IN UNISON: Aye.

48

49 CHAIRMAN LOHSE: All opposed signify by  
50 saying nay.

1 (No opposing votes)  
2  
3 CHAIRMAN LOHSE: Motion carries.  
4  
5 And I think we deserve a break for a  
6 minute or two before we go on to the Kenai. What time  
7 is it?  
8  
9 SEVERAL: 11.  
10  
11 CHAIRMAN LOHSE: 11. We may be able to  
12 get through the introduction part on the Kenai prior to  
13 lunch.  
14  
15 (Off record)  
16  
17 (On record)  
18  
19 CHAIRMAN LOHSE: I'd like to call this  
20 meeting back into session. If everybody can take the  
21 seats.  
22  
23 (Pause)  
24  
25 CHAIRMAN LOHSE: Okay. With this we'll  
26 go on to our presentation procedures for proposals.  
27 The introduction to the proposals and the analysis, and  
28 what we'd like you to do, and I guess we'd like you to  
29 do it for all of the Kenai as a block. Doug.  
30  
31 MR. MCBRIDE: Mr. Chairman. Thank you.  
32 That is exactly our intent. What we will do is we'll  
33 have -- there will be two presentations and we'll stop  
34 in between for questions and discussions. The first  
35 will be on Kenai salmon, the second will be on Kenai  
36 resident species. There is no steelhead issue here  
37 really in the Kenai, so there's no analysis to present  
38 there.  
39  
40 Mr. Chairman. The other comment that I  
41 would make is we're on the fly here, looking ahead to  
42 the NTC modifications and trying to figure some of this  
43 out and what Staff comments might be on the  
44 modifications. So I would ask the indulgence of the  
45 Chair, that later this afternoon when you actually get  
46 into deliberations, if we could have the opportunity to  
47 make some additional comments of these modifications.  
48 We're speaking with the NTC folks, but we're not  
49 prepared during this presentation to say change this,  
50 you know, if you want to do this, change that, like we

1 did on the last one.

2

3 Mr. Chairman.

4

5 CHAIRMAN LOHSE: Okay. Thank you.

6

7 MR. FRIED: Good morning. My name is  
8 Steve Fried. I work with Office of Subsistence  
9 Management. I'm a fisheries biologist, and I'll try to  
10 more or less briefly go over the Staff analysis, draft  
11 Staff analysis for FP07-27B and C and 29, as they  
12 pertain to Kenai River salmon.

13

14 In the blue books you have, the  
15 analysis and comments are on Pages 47 to 76.

16

17 Originally FP07-27, the proponent  
18 requested establishment of community set gillnet  
19 fishery for salmon, increased daily bag limits for coho  
20 salmon taken by rod and reel. There's now, as you  
21 know, a modified proposal in front of you in which  
22 there is now a request for a dipnet fishery and a  
23 modified rod and reel fishery.

24

25 FP07-29, the proponent is requesting  
26 establishment of household set gillnet salmon fisheries  
27 in Kenai River drainage lakes.

28

29 And for both of these you might refer  
30 to Map 1 on Page 48 to get an idea of Federal waters.  
31 There's also maps on the side walls.

32

33 Staff recommendation is to -- was to  
34 support the original FP07-27B and C with modification,  
35 and to take no action on FP07-29.

36

37 As far as the modification that  
38 Ninilchik Traditional Council proposal has submitted,  
39 it is much closer to what we recommended originally, so  
40 there would be much fewer Staff comments and  
41 modifications on that probably. As Doug said, we're  
42 still talking about some of this.

43

44 Keep in mind that the original Federal  
45 subsistence fishery mirrors State rod and reel fishery  
46 regulations in all aspects, except a Federal permit is  
47 required, State fishing license is not required. We  
48 allow proxy fishing, and the Federally fishery is a  
49 higher priority than the other existing fisheries, so  
50 it's not necessarily subject to restrictions or

1 closures when the other fisheries are.

2

3                   Our recommendation to the original  
4 FP07-27 would be to double the bag and possession  
5 limits for the existing rod and reel fishery for  
6 Chinook salmon with existing size restrictions, and all  
7 other salmon 16 inches and longer.

8

9                   And essentially what we were suggesting  
10 was for Chinook salmon for the early run the  
11 bag/possession limit would be two per day, two in  
12 possession and for the late run two per day, two in  
13 possession, and also keeping within the existing size  
14 restrictions. And for the other salmon, 16 inches and  
15 longer, what this would mean would be six per day, six  
16 in possession, of which no more than four per day, four  
17 in possession could be coho.

18

19                   And it also provided for an increased  
20 annual limit for any combination of early and late run  
21 Chinook salmon, double what it was in the existing  
22 regulation.

23

24                   For households, we recommended the  
25 household base dipnet, rod and reel fishery similar to  
26 what we've talked about for Kasilof River with some  
27 different seasonal limits. For sockeye it was a 4,000  
28 seasonal limit, household would be 25 for the head and  
29 5 for each additional member. For the late run Chinook  
30 it would be 1,000 total season, 10 for the head of  
31 household, and 2 for each member. Coho, 3,000, it would  
32 be 20 for the head and 5 for each member. And pink,  
33 2,000, 15 for the head of household, 5 for each  
34 additional.

35

36                   For this salmon fishery we suggested  
37 two location. One of them would be an area of about .3  
38 miles of the Russian River, which would be below  
39 Russian River Falls, and extend, it should be on the  
40 map, right to where the sportfishery ends basically.  
41 And it would be a dipnet, rod and reel fishery only for  
42 sockeye salmon.

43

44                   And for the Kenai River, what we had  
45 suggested was about two and a half miles of the Kenai  
46 River below Skilak Lake. It would include all salmon  
47 species, and would be approximately between river miles  
48 45.5 and river mile 48. And, you know, once these are  
49 established, there would be signs so people would know,  
50 you know, where they could do this and would they

1 couldn't.

2

3                   And as was for -- we recommended for  
4 Kasilof, we didn't recommend any community fisheries at  
5 this point in time.

6

7                   Similarly, as per existing regulations,  
8 people need to remember that Federal subsistence  
9 harvest limits and State harvest limits for the same  
10 species and season aren't cumulative. So you can't go  
11 and take your limit, you know, under one season  
12 fishery, and then just double up or whatever under  
13 another fishery.

14

15                   And as we recommended for Kasilof  
16 though, for the rod and reel fishery, not for the  
17 dipnet, rod and reel fishery, but for just the rod and  
18 reel fishery, this would only affect Chinook salmon  
19 annual limits where you couldn't accumulate the bag/  
20 possession limits, but you could, you know, participate  
21 in the Federal rod and reel fishery one day and the  
22 next day if you wanted to move down in the river and do  
23 the State rod and reel fishery, you could do that,  
24 because there aren't any other annual limits on the  
25 other species.

26

27                   And as I mentioned before, we  
28 recommended that there's no action that would be needed  
29 on FP07-29 since we felt that the recommended  
30 modifications to 27 would provide increased subsistence  
31 salmon harvest opportunities for the rural residents in  
32 this area, and that is what appeared to be the intent  
33 of that proposal in 29. So we're hoping that our  
34 modification of 27 would fulfill that for the  
35 communities and the residents involved.

36

37                   As far as justification goes, we felt  
38 that that provided a meaningful preference and harvest  
39 opportunities for Federally-qualified subsistence  
40 users. The recommended annual and household harvest  
41 limits were consistent with those in original Proposal  
42 27 for all the salmon species, and these were based on  
43 harvest taken from both the Kasilof and the Kenai  
44 Rivers.

45

46                   We tried to select these harvest  
47 limits, and we felt they would fit within the  
48 sustainable harvest levels for all salmon species,  
49 ensure conservation of healthy fish populations. But I  
50 would bring your attention that of all the salmon

1 species here, subsistence harvest of coho and Chinook  
2 probably have the greatest potential for affecting  
3 existing fisheries. But at existing harvest levels and  
4 run levels, implementing the subsistence fisheries  
5 should be achievable with probably little effect on the  
6 other ones hopefully, depending on how it's done.

7  
8                   Sockeye salmon, the status and the  
9 fisheries described in the report on Pages 59 through  
10 62, and on Tables 1 and 2 on Pages 59 and 61. There  
11 are early and late run sockeye salmon, and these runs  
12 are run separately by the State. There are assessment  
13 programs in place for both runs. They're very good.  
14 There are escapement goals in place.

15  
16                   For the early run, sustainable harvest  
17 levels are probably in the tens of thousands, and for  
18 the late run it's usually over two million. It can  
19 range from less than a million to over five million.  
20 So the late run is much bigger.

21  
22                   The dip net, rod and reel fishery at  
23 one location on the Kenai and a Russian River location  
24 would have, as I mentioned before, a season total  
25 limit, household limits. We didn't make any  
26 distinction between early and late runs. We did have,  
27 you know, start and stop times for the season. The rod  
28 and reel fishery for sockeye, we doubled the bag and  
29 possession limits for the State rod and reel fishery.

30  
31                   I guess keep in mind that the early run  
32 has been managed primarily for sportfish use, and  
33 there's usually little harvest by the commercial  
34 fishery or the personal use fishery. These fisheries,  
35 and the sportfishery usually doesn't harvest the entire  
36 surplus, and you can see that by looking at the  
37 escapement goal and what the escapement actually was.  
38 So there's definitely some room there for additional  
39 harvest.

40  
41                   The late run is much more intensively  
42 managed for multiple uses, and about 75 percent of the  
43 total late run is actually harvested most years, but  
44 again if you look at those tables, there's still, you  
45 know, often a surplus in relation to the escapement  
46 goal, so there's probably some room there.

47  
48                   Early run Chinook, you can refer to  
49 Pages 62, 63, Table 3, which is on Page 63. Unlike the  
50 Kasilof, the assessment program for early run Chinook

1 is very good, and there's an escapement goal in place.  
2 Sustainable harvest levels seems to be around 8,000  
3 level or so. We recommend a Federal subsistence  
4 opportunity by a rod and reel fishery with a bag and  
5 possession limits double that for State rod and reel.  
6 We're not recommending a harvest in the dipnet and rod  
7 and reel fishery. The sportfishery is the primary  
8 existing use.

9  
10 And early run Chinook, the main thing  
11 is there's not very many early run available in Federal  
12 waters, once you get above the Moose Meadow area.  
13 These early run Chinook are mostly tributary spawners,  
14 and so once you get above Moose Meadows and the Killey  
15 River, there's not many. You're looking at probably,  
16 you know, a guess, hundreds of fish at that point when  
17 you get above there.

18  
19 Late run Chinook Pages 64 to 67, Table  
20 5 on 65. Again the assessment program is very good.  
21 There's an escapement goal in place. And this is a  
22 larger run. Sustainable harvest levels probably 20 to  
23 30,000. And there's more of these fish that are  
24 available in Federal waters. I think our figure's  
25 about -- that we've obtained is about 8.6 percent of  
26 the run spawns within or above Skilak, which means  
27 there's probably thousands of late run Chinook as  
28 opposed to hundreds of early run Chinook.

29  
30 Recommended subsistence opportunity  
31 provided by a dipnet/rod and reel fishery at the Kenai  
32 River location that we suggested, an annual total limit  
33 of 1,000, 10 and 2 household limits. And then for a  
34 regular rod and reel fishery, bag/possession limits  
35 double that, you know, of the existing fishery.

36  
37 In this case, for late run, the  
38 existing fisheries usually harvest most of the  
39 available surplus each year, and so probably of all of  
40 these, this Federal subsistence fishery is the one most  
41 likely to affect the other existing fisheries.

42  
43 Coho salmon, you can refer to Pages 67,  
44 68, and Table 7 on Page 68. The assessment program for  
45 coho is actually good, but the data time series isn't  
46 very long. So the State does have something in place  
47 right now, but it's a fairly new program, and there's  
48 no spawning goal in place because of that without a  
49 time series. Sustainable harvest level is likely in  
50 the tens of thousands.

1                   Our recommended subsistence opportunity  
2 will be provided a dipnet/rod and reel fishery at the  
3 Kenai River location. As I mentioned before, 30,000  
4 annual total limit, 10, 2 household limit. And also a  
5 rod and reel fishery that would have double limits of  
6 the State rod and reel fishery.

7  
8                   Now, the State has imposed harvest  
9 restrictions on commercial, sport, personal use  
10 fisheries, and they did this beginning in 1997 due to  
11 run status concerns. And it appears these actions have  
12 been successful, and the trend harvest appears  
13 sustainable for total runs of at least 130,000 coho.

14  
15                   The existing fisheries take about 40  
16 percent of the total run on average, and the addition  
17 of this Federal subsistence harvest shouldn't require  
18 restrictions on the fisheries as long as the run stays  
19 at this level and doesn't drop much below 130,000, and  
20 that's when you start getting into some -- probably  
21 some effects.

22  
23                   Pink salmon, the text and the Table 8  
24 are both on 69. You know, as for Kasilof, there's no  
25 assessment program, no escapement goal. It's really  
26 not targeted by existing fisheries. Sustainable  
27 harvest level is likely in the thousands during odd  
28 years and the tens of thousands during even years.

29  
30                   Recommended subsistence opportunity  
31 would be provided by the dipnet/rod and reel fishery at  
32 the Kenai River site. Total annual limit again of  
33 2,000 with a 10, 2 household limit. And also by  
34 doubling the existing rod and reel fishery.

35  
36                   We also have a chum salmon run in the  
37 Kenai. There's text and data on Table 9, Page 70.  
38 Again, no assessment program, no escapement goal,  
39 really no fisheries that target this. Even unlike pink  
40 salmon, the sustainable harvest level really isn't  
41 known. The run's probably small, probably in the  
42 thousands of chums.

43  
44                   Recommended subsistence opportunity  
45 would be provided by an allowed incidental take in the  
46 dipnet/rod and reel fishery, and by doubling the  
47 existing rod and reel fishery bag/possession limits.

48  
49                   As far as other species go, in our  
50 draft we recommended that other species could be

1 retained except at the Kenai River site, early run  
2 Chinook salmon, rainbow/steelhead trout and Dolly  
3 Varden would have to be released, and at the Russian  
4 site basically it would only be for sockeye salmon, and  
5 early/late Chinook, coho, rainbow/steelhead trout, and  
6 Dolly Varden would have to be released.

7  
8 Recommended gear types were among those  
9 suggested for potential Federal subsistence fisheries  
10 by the contracted study. That was done for Cook Inlet  
11 communities by Jim Fall, et al.

12  
13 We felt our recommendations would  
14 conserve healthy fish populations. We've also already  
15 discussed, you know, the use of dipnet, rod and reel  
16 gear, how that would provide better control of annual  
17 harvest, allow for species, stock and size selective  
18 management, and allow release of incidently caught  
19 species. And this is actually of much greater concern  
20 for the Kenai River than it was for Kasilof, because  
21 Kenai River management is a lot more complex, and that  
22 includes both for salmon, especially for the Chinook,  
23 and for the resident species.

24  
25 And again we would require in-season  
26 reporting to allow ore accurate control of harvest, and  
27 also mandatory marking of subsistence-caught fish to  
28 aid in enforcement.

29  
30 That's basically my summary. I don't  
31 know what we wanted to say about the modified proposal,  
32 but I guess I could end right here.

33  
34 CHAIRMAN LOHSE: Doug.

35  
36 MR. MCBRIDE: Mr. Chairman, members of  
37 the Council. Again, on the modified proposal, we're  
38 still in the process of working on that so let's say if  
39 there can be a Staff comment period on that, if your  
40 intent is to, you know, bring that to the table. We'd  
41 be prepared to do that after lunch.

42  
43 Just -- but a couple comments that I'm  
44 sure will apply to the modified proposal. I'd direct  
45 your attention to the map on Page 48. And the reason  
46 for that is there's some really really important  
47 considerations just of geography of the drainage and  
48 where the Federal waters lie and where the boundaries  
49 are. The darkened area is the -- are the federal  
50 waters, and it's obviously a huge part of the drainage.

1 In fact it's most of the drainage.

2

3 But the key point is if you look at  
4 where what I call the contiguous Federal waters are, or  
5 where the Kenai, the main stem of the Kenai River first  
6 exits the refuge, it's just a little bit below Skilak  
7 Lake, it's about four and a half miles below Skilak  
8 Lake, and it is just above the upper mouth of the  
9 Killey River. And this would be the same, or very  
10 analogous location to what we just talked about on the  
11 Kasilof where the -- in that case where Kasilof River  
12 first exited the Refuge, which was roughly at Silver  
13 Salmon Rapids, and we said we would mark it.

14

15 The reason why I'm calling your  
16 attention to that point is it really relates to several  
17 of the species and several of the stocks of the species  
18 in question, but the big one is early run king salmon.  
19 As Steve said, early run king salmon are primarily  
20 tributary spawners. that's where they're going to  
21 spawn. The late run kings primarily spawn in the main  
22 stem of the Kenai River. The tributaries that early  
23 run king salmon primarily spawn in are the Funny and  
24 Killey Rivers. Okay. So if you look at that map, the  
25 Funny River is a little ways below Sterling there, if  
26 you can see that, and then the Killey River is just  
27 below that boundary that I talked about.

28

29 I can't remember what page it's on but  
30 one of the tables that Steve referred you to was some  
31 radio tagging data for early run king salmon. There  
32 have been multiple -- yeah, it's on Page 64. There  
33 have been several, I think three different radio  
34 tagging studies over actually a fair number of years, I  
35 mean, over about a 10-year, I don't know -- well, a  
36 long time frame, that have looked at the distribution  
37 of early run king salmon. In general, about 80 percent  
38 of the early run kings go to spawn in either the Funny  
39 or the Killey Rivers. About 80 percent.

40

41 The significance of that is if we're  
42 talking about main stem fisheries, subsistence  
43 fisheries, most of the early run kinds never get to  
44 that point I referred you to, just where the contiguous  
45 Federal waters begin. Okay. Most of them don't.  
46 That's why we didn't recommend, and also I don't see it  
47 in the NTC modified proposal either, no one is  
48 recommending like a dipnet fishery for early run kind  
49 salmon. Most of them are simply not available, and  
50 that's just a fact of biology and geography.

1                   In addition to that, those early run  
2 kings, again you've got to go back to the State  
3 management plans, there's an early run king salmon  
4 management plan, and the conservation aspects of that,  
5 and this has nothing to do with allocation, the  
6 conservation aspects of that are two-fold. First of  
7 all, there's a sonar escapement goal, and those fish  
8 are basically estimated well below Federal waters, down  
9 just above the Warnage (ph) Bridge, so about mile 7.  
10

11                   But in addition to that, there is --  
12 that management plan calls for maintaining the size  
13 composition of that run, and the reason is these are  
14 very uniquely sized fish, and that's a big deal in  
15 terms of conservation. So the other part of the  
16 management of the sportfishery, which is the primary  
17 harvester of those fish, is they have slot limits, and  
18 we've maintained that in the subsistence regulations,  
19 and we would very strongly recommend that those be  
20 maintained because now we're operating, you know, on a  
21 small fraction of these fish, and trying to implement  
22 some different harvest strategy on a small fraction of  
23 those fish could very quickly get us into some  
24 conservation issues. So like I say, that's something  
25 really I think to pay attention to.  
26

27                   I think the other comment I would make,  
28 and all of these comments are strictly about salmon. I  
29 would strongly recommend we defer anything with  
30 resident species until you've heard the resident  
31 species discussion.  
32

33                   The other salmon species to pay  
34 attention to I think are coho salmon. now, we've made  
35 recommendations on coho salmon and that's fine, but  
36 coho salmon abundance can fluctuate dramatically, and  
37 Steve pointed out that there were some major downturns  
38 in coho abundance, very unexpected downturns in coho  
39 abundance in the late 90s. And that can happen again.  
40 So coho salmon just in general is something to pay  
41 attention to. There is assessment on that species, but  
42 they can fluctuate dramatically as I think any of the  
43 Cook Inlet fisheries around this table would I think  
44 agree with.  
45

46                   The only other thing I would point out,  
47 going back to the geography, there is a tiny section,  
48 if you look at that map where the Kenai River exits the  
49 Federal waters, where we talked about above the Killey,  
50 it goes down, it goes through Sterling. That's all

1 outside of the refuge. It goes down, it goes down, and  
2 then it bumps, there's just a little curve in the  
3 river, it goes back into Federal waters. That is the  
4 area known as Moose Range Meadows. It's about a four-  
5 mile stretch of river, and that is part of the  
6 Ninilchik modification. And after lunch we'll have  
7 Staff available here, I believe Robin West, the refuge  
8 manager is coming back, and he'll be prepared to give  
9 you the details of that area. It's different.

10

11                   There's a lot of private land there.  
12 Some of the public testimony that you heard yesterday  
13 and the day before spoke to that area, that there's a  
14 lot of private land there. There's just some refuge  
15 land there. There's a lot of concern with bank habitat  
16 in that area, and again that goes back to another State  
17 management plan that talks about the riparian habitat.  
18 That area is incredibly vulnerable to bank trampling,  
19 and there's a lot of closures there. And that's  
20 another are that we, Staff, would certainly recommend  
21 to pay a lot of attention to, because you can get into  
22 a lot of issues very quickly.

23

24                   But there is one small stretch, and  
25 it's a very -- like I say, it's about a four-mile  
26 stretch, that's the area known as Moose Range Meadows,  
27 and Staff will be prepared to have additional comments  
28 on that area after lunch.

29

30                   Mr. Chairman.

31

32                   CHAIRMAN LOHSE: Thank you, Doug.

33

34                   Any questions for them. We'll be  
35 getting additional -- you're ready to go on now to  
36 resident species then?

37

38                   (Pause)

39

40                   MR. MCBRIDE: Mr. Chairman.....

41

42                   MS. WAGGONER: I'm just kind of  
43 confused on something here. There's an annual limit of  
44 two king salmon and I don't understand, does this  
45 address that issue if we keep the sport, the daily  
46 bag/possession limit, are people still going to be  
47 limited to two salmon a year, or is that going to be  
48 taken care of.

49

50                   MR. MCBRIDE: Mr. Chairman. As

1 proposed, that -- under State sportfishing regulations,  
2 you're allowed two king salmon annually from the Kenai  
3 River. The way it actually reads is for Cook Inlet,  
4 it's a total of five, of which no more than two can be  
5 from the Kenai River. Now, you can take two in the  
6 early run, or two in the late run or one from each.  
7 Okay. That's how it works.

8  
9                   What we've recommended is for the rod  
10 and reel fishery, to double that, so you would be  
11 allowed -- oh, I'm sorry, under sportfishing  
12 regulations it's one a day and in possession. So one a  
13 day and in possession, up to two annually. What we've  
14 recommended is two a day and in possession, and up to  
15 four annually. And it would slide across both runs as  
16 it is in the sportfishery, so you could take all four  
17 in the early run, or all four in the late, or any  
18 combination of, you know, one and three, three and one,  
19 two and two across the runs annually in the rod and  
20 reel fishery.

21  
22                   Then in addition there is a season for  
23 the dipnet fishery in that area below Skilak Lake for  
24 late run kings. Late run kings are primarily tributary  
25 spawners. Certainly some of the tributary spawning  
26 happens below Federal waters, but, I mean, it's not  
27 nearly the extent of the peeling off of the early run,  
28 so there are late run kings that get up into that part  
29 of the drainage in meaningful numbers. It's not the  
30 whole run, but it's, I don't know, on the order of half  
31 to 60 percent. Something like that. 70 percent. And  
32 so there's also provision for a dipnet fishery for late  
33 run kings.

34  
35                   MR. CANNON: Mr. Chairman, my name is  
36 Richard Cannon for the record, and I'll be going over  
37 the resident species for the Kenai.

38  
39                   The draft staff analysis for Fisheries  
40 Proposals 11, 12, 13, 27D and 29 concerning Kenai River  
41 resident species are presented on Pages 77 and 103 of  
42 your Council books.

43  
44                   You've heard about the proposals 11,  
45 12, and 13 when we talked about the Kasilof. They also  
46 dealt with the Kenai. They are asking for a harvest of  
47 50 rainbow, 50 lake trout and 50 Dolly Varden using  
48 gillnet. The rainbow would use dipnet and gillnet.

49  
50                   Proposal 27D requests the harvest of

1 lake trout, rainbow trout and Dolly Varden through the  
2 ice with jigging gear in the Kenai River drainage, and  
3 the establishment of an annual household limit for  
4 these species.

5  
6 Proposal 29 asks that gillnets be  
7 allowed to harvest whitefish, Dolly Varden, rainbow  
8 trout, lake trout, sockeye salmon, coho salmon in  
9 several lakes in the Kenai River drainage, including  
10 Kenai, Skilak, Hidden and Cooper Lakes. And you heard  
11 from Mr. Gibson. He provided testimony to you on this  
12 proposal.

13  
14 Existing sportfishing regulations  
15 germane to Federal public waters differentiate between  
16 the upper and middle river stocks for Dolly Varden and  
17 Arctic char, rainbow trout and to some degree lake  
18 trout. Existing sportfisheries are growing, and are  
19 some of the largest in the State, supporting tens of  
20 thousands angler days. While catches are in multiple  
21 thousands of fish annually, harvest rates are in  
22 hundreds of fish.

23  
24 Catch and harvest data for the  
25 sportfisheries are provided for Dolly Varden, Arctic  
26 char in Tables 1 and 2 on Pages 87 and 88 of your  
27 workbook. For rainbow trout, catch and harvest tables  
28 are provided on Pages 90 and 91. And for lake trout,  
29 Figure 3 on Page 3 provides angler days and harvest of  
30 trout for Hidden Lake, which is the primary fishery for  
31 this species. And additional harvest data for lake  
32 trout in provided in Table 5 on Page 94.

33  
34 Current management of these fisheries  
35 is very complex and has been modified numerous times  
36 over the last two decades. Underpinning current  
37 management is the strategy of shifting harvest to  
38 smaller, younger fish while retaining the larger brood  
39 stocks that carry more eggs via size limits that  
40 require catch and release of larger fish.

41  
42 Data on abundance and distribution of  
43 species and stocks is incomplete, but more is known  
44 about relative abundance and distribution and stock  
45 structure for the Kenai than for most other systems in  
46 Cook Inlet.

47  
48 There is convincing evidence,  
49 especially for rainbow trout and lake trout, that past  
50 management practices that allowed harvest of larger

1 brook stock negatively affected the productivity and  
2 therefore the sustainability of these rapidly expanding  
3 fisheries.

4

5                   Adopting the requested regulations  
6 would provide for winter subsistence fisheries with  
7 gillnets and jigging gear in lakes under Federal  
8 jurisdiction, as well as allowing gillnets for resident  
9 species in all Federal public waters during the open  
10 water season. While jigging gears allows for  
11 continuation of species stock and size selective  
12 management, the gillnets do not, and you've heard  
13 testimony to that effect.

14

15                   Attempting to create species specific  
16 fisheries with mesh restrictions as proposed in  
17 Proposal 29 we believe is unworkable as species and  
18 spawners of critical size are often commingled in this  
19 fishery. Extremely liberal limits that ignore size  
20 restrictions would have deleterious effect on the  
21 current stock status.

22

23                   Abundance and composition of lake  
24 trout, Dolly Varden and rainbow trout have all been  
25 shown to be sensitive to excessive harvest. Kenai  
26 River Dolly Varden are comprised of small discreet  
27 spawning populations that exhibit complex migration  
28 patterns. Kenai River rainbow trout are of exceptional  
29 size and their abundance and composition shown to be  
30 extremely sensitive to fishing mortality of the larger  
31 spawners.

32

33                   Age and size structure observed in the  
34 lake trout exhibit trends seen in other stocks in  
35 Alaska that have been over-exploited. The proposed  
36 fishery is aligned with on-going existing fisheries,  
37 would not sustain existing populations.

38

39                   The history of the rainbow trout  
40 fishery in the Kenai River is helpful in focusing on  
41 the importance of fine scale management of species,  
42 stocks and size classes that form the core or the basis  
43 of conservation plans for Kenai resident species.

44

45                   Within Federal public waters there are  
46 two genetically distinct stocks of rainbow trout that  
47 have been identified with genetic studies. Both the  
48 upper stock group that inhabits primarily Kenai Lake  
49 downstream to the inlet of Skilak Lake, including major  
50 tributaries, such as the Russian, and then the middle

1 river stock group found from Soldotna Bridge to Skilak  
2 Lake are both found to overwinter in Skilak Lake.  
3 Tagging studies have shown that the early December --  
4 that by early December most tagged rainbows have taken  
5 up winter residence in the lake.

6  
7                   Rainbows move out of the lakes in the  
8 spring to seek spawning sites in the main stem or  
9 tributary streams. State regulations close the rainbow  
10 fishery in May through June 10th to protect spawning  
11 fish. Summer and fall distribution of stocks is  
12 closing related to the timing and location of spawning  
13 salmon, which provide a major food source for the  
14 rearing rainbows.

15  
16                   Rainbows become reproductively active  
17 as they reach a length of about 14 inches and at an age  
18 of about three to five years.

19  
20                   For many years management focused on  
21 harvest opportunity of larger fish. From '84 through  
22 '85 anglers could harvest three fish greater than 20  
23 inches. Harvest was reduced to two fish greater than  
24 20 inches shortly after that in '86 through '88. As  
25 the fishery grew, bag limits were reduced to one fish  
26 larger than 20 inches by 1990. Annual harvest during  
27 this time frame ranged from about 250 to 1100 fish from  
28 the upper river, and averaged about 670 fish.

29  
30                   A tagging abundance estimate for the  
31 upper river was done in 1986 and '87. The '87 estimate  
32 of abundance from the Russian River confluence to Jim's  
33 Landing as an index area was 3500 fish greater than 12  
34 inches. Approximately one-half, or 1800, were greater  
35 than 16 inches. The researchers believed that this  
36 estimate represented from about one-third to one-half  
37 of the rainbows in the upper river. These numbers  
38 strongly suggested that a significant removal of the  
39 spawning population was occurring, and recommendations  
40 were made to restrict the harvest of rainbows. From  
41 '89 through '96 harvest regulations became increasingly  
42 restrictive. By '92 only one fish greater than 24  
43 inches could be retained. From '93 through '96 only  
44 one fish greater than 30 inches was allowed. By '97  
45 the fishery was restricted to catch and release only.  
46 Harvest during this period averaged about 350 fish  
47 annually. That provided a 50 percent reduction in  
48 harvest over the time period.

49  
50                   In 2001 a second abundance estimate was

1 made for the study area, for this index area.  
2 Abundance of trout greater than 12 inches increased to  
3 nearly 7,000 fish, or about double that observed in  
4 '87. Biologist believe that a major factor explaining  
5 this increased abundance were the size restrictions and  
6 reduced harvest of spawning fish.

7  
8 Management plans currently allow for a  
9 limited harvest of one fish less than 16 inches in the  
10 upper river fishery, and one less than 18 inches in the  
11 middle river.

12  
13 The Staff recommendation for the  
14 gillnet fisheries, which are found in 11, 12, 13, and  
15 29, is to oppose these proposals. The importance of a  
16 high level of selectivity for size and species is  
17 essential to manage and conserve these stocks. The  
18 Staff does not support the use of gillnets in the Kenai  
19 River fisheries given their highly nonselective and  
20 high harvest potential characteristics. For this  
21 reason the Staff opposes the establishment of  
22 subsistence fisheries with gillnets in the Kenai River  
23 drainage for resident species including rainbow, lake  
24 trout and Dolly Varden.

25  
26 The Staff analysis does support  
27 Proposal 27D with modification to establish winter  
28 through-the-ice jig fisheries for rainbow trout, Dolly  
29 Varden and lake trout. In addition, this proposal  
30 would be modified by adding liberalized limits to open  
31 water rod and reel fisheries for these species. These  
32 changes would address the needs for individual  
33 subsistence fishermen for additional harvest of  
34 resident species and we believe would be a significant  
35 opportunity for subsistence.

36  
37 The proposed regulatory language is  
38 found on Pages 101 and 102 of your Council books. And  
39 this is what has been modified with the Ninilchik  
40 Tribal Council proposal that you've been working with.

41  
42 A permit would be required to  
43 participate in these fisheries. Existing State  
44 sportfishing regulations for seasons, waters and  
45 methods and means would still apply. Subsistence-  
46 caught fish would need to be marked under the Staff  
47 proposal. Subsistence daily harvest and possession  
48 limits for lake trout, Dolly Varden and lake trout  
49 would essentially be double that of the existing  
50 sportfishing bag and possession limits. The one

1 exception would be for lake trout less than 20 inches  
2 where the limit would be increased from 10 to 15. The  
3 proposed limits are presented in Table 8 on Page 100.

4

5 That basically ends my brief overview  
6 of the resident species analysis in your Council books,  
7 and I'd be happy to answer any questions.

8

9 Thank you.

10

11 CHAIRMAN LOHSE: Doug.

12

13 MR. MCBRIDE: Mr. Chairman, members of  
14 the Council. If I could just take a couple more  
15 minutes on this.

16

17 The resident species, particularly the  
18 rainbow trout and Dolly Varden in this drainage is  
19 incredibly complex, and we know way more about those  
20 two species here than what we just spent our time on in  
21 the Kasilof. In the Kasilof, all we had was some  
22 history of a very small sportfishery, and that was our  
23 best idea of what was sustainable. This is exactly the  
24 opposite. We have a lot of information and a huge  
25 fishery. Huge.

26

27 Just a couple things that I think would  
28 help clarify this point. If you look at the tables on  
29 Pages 90 and 91, the first thing that I -- and those  
30 tables look virtually identical. The columns and  
31 everything are identical, but the first table, Table 3,  
32 is the harvest history and Table 4 then is the catch  
33 history which is harvest plus release.

34

35 The first thing I would just urge the  
36 Council to do is maybe take a pencil or a pen and  
37 between -- the first column is year, the second column  
38 is Cook Inlet to Soldotna Bridge. The second column is  
39 Soldotna Bridge to Moose River. Take a pencil and just  
40 draw a line right down after that column, between the  
41 Soldotna Bridge to Moose River and Moose River to  
42 Skilak Lake. And the reason I'm urging you to do that  
43 is those first two columns are outside of Federal  
44 waters. They are not in Federal waters. Okay. So  
45 what that leaves you with then is now we're looking at  
46 that third column of data that says Moose River to  
47 Skilak outlet. Now, all of that is not Federal waters  
48 either. If you remember what we were talking about on  
49 the map, where the Federal waters are, part of that is  
50 in Federal waters, but not nearly all of it.

1                   So in the main stem fishery, when you  
2 look at those data, all of the Skilak inlet to Kenai  
3 Lake, that's all Federal waters, and some portion, but  
4 I couldn't tell you how much, it's just some portion of  
5 the Moose River to Skilak outlet is in Federal waters.

6  
7                   And then moving across the table, all  
8 of the tributary and lake data is Federal Waters.  
9 Okay. So actually I'll hold this up. That first  
10 column is not Federal waters. The second column is not  
11 Federal waters. Some portion of the third column is  
12 Federal waters. All of the fourth column is Federal  
13 waters. The fifth column, it just says Kenai region  
14 not specified. Who knows, but it's insignificant. It  
15 doesn't matter. And then all of this is Federal water,  
16 all the tributaries is Federal water.

17  
18                   But when you look at the harvest and  
19 the catch history where the fishery is concentrated is  
20 the main stem. The tributaries, yes, there is some  
21 harvest, there is some catch, but the fishery is  
22 concentrated in the main stem. So that's the area when  
23 you look at the catch and harvest history to pay  
24 attention to.

25  
26                   Now, one of the points that Rich made  
27 on rainbow trout is when you look at that harvest and  
28 catch history, the way we're looking at it, and the way  
29 all the biologists have looked at this, both on the  
30 State and the Federal side, is we're looking at that  
31 history, but we're also looking at the regulatory  
32 history, because the regulations were changing  
33 virtually every other year throughout this 20-year  
34 history. Okay.

35  
36                   So if you look at Table 3 on Page 90,  
37 what was going on back in the mid 80s when this history  
38 starts is the management philosophy was -- it was a  
39 catch and release fishery except for the large fish.  
40 The harvest was entirely focused on fish over 20  
41 inches. In fact, in '84 and '85 the regulation was  
42 three rainbows over 20. You could harvest up to three  
43 rainbows over 20 inches. So all that harvest was large  
44 fish. Okay.

45  
46                   And then as you go through time, like  
47 then in '86 to '88, then it dropped to two fish over  
48 20, and then '88/'89, it was one fish over 20. And  
49 every Board meeting it got ratcheted down. And then  
50 once they got the one over 20, then what they started

1 doing was upping the limit. So then in '91 and '92 it  
2 went to one over 24, and they kept it at one, but that  
3 limit kept going up like that. So every two to three  
4 years it got more restrictive on the large fish until  
5 finally in '97 it went to catch and release. And you  
6 can see in the upper river all those little blanks,  
7 there's nothing there. That's because it went to catch  
8 and release in that part of the river.

9  
10 Now, what makes that significant is if  
11 you then look at the table on Page 96. What that table  
12 is are the abundance estimates in a couple of index  
13 areas. Okay. So they're not the whole drainage, but  
14 there were two of them. One was in the middle river  
15 from Bing's Landing to Skilak Lake, so that's kind of  
16 roughly the Federal waters. Not completely, but  
17 roughly the Federal waters in that contiguous part. It  
18 includes some waters outside of the refuge. And then  
19 the other area in the upper river was from the Russian  
20 River down to Jim's Landing, and that would be all  
21 Federal waters.

22  
23 And what happened in both parts of  
24 those drainages was identical. In the mid to late 80s  
25 when those programs started, and you can see the  
26 estimates, it was about 17 or 1800 trout in that middle  
27 river section, and then it was two to three or 4,000  
28 depending upon what you use as a length cut-off in that  
29 Jim's Landing area. But then when they went back in  
30 the mid 90s, in that upper river, it jumped up to 5600,  
31 and then when they went back again, it jumped up to  
32 7,000.

33  
34 Okay. Every biologist that has dealt  
35 with this thinks that there is a huge connection  
36 between what was going on in regulation and what is  
37 going on in the abundance of these fish. Those two  
38 events are related. As the harvest was restricted on  
39 the large spawning fish, the total abundance went up.  
40 There is little question that those two events are  
41 related.

42  
43 And so when you look at the management  
44 of what's going on right now, you see a lot of -- it's  
45 complex, and there's these length limits. And those  
46 are very important. The key to managing these  
47 resources is to keep the harvest of the large spawning  
48 fish very conservative. There is an abundance of  
49 smaller fish, and so the regulations -- the recommended  
50 modifications here keep the subsistence harvest focused

1 on the smaller fish.

2 Now, there is some harvest on the  
3 larger fish. There is in the sportfishery, it's very  
4 limited. We've recommended doubling that, but it's  
5 limited, and it's intended to be limited.

6  
7 The biology of these fish very much  
8 supports that those events, the harvest history and the  
9 regulatory history were related. In any salmonid like  
10 this, the larger females, they're more fecund, which  
11 means they have more eggs, and the eggs are larger than  
12 they are in the smaller fish. And there have been  
13 studies that show that larger eggs have a higher  
14 survivability. So in any of these salmonid  
15 populations, those larger, fecund females represent a  
16 greater proportion of the egg deposition, you know, the  
17 potential for the population, than just their numbers  
18 alone would have you believe. And that's true for  
19 steelhead, it's true for salmon, and it is true for  
20 rainbow trout and Dolly Varden.

21  
22 So, Mr, Chairman, I'll end my comments  
23 there, but we can't make a big enough emphasis on that  
24 point.

25  
26 Mr. Chairman.

27  
28 CHAIRMAN LOHSE: Tom.

29  
30 MR. CARPENTER: Yeah. Doug, why do you  
31 differentiate between the upper and lower river in  
32 regards to 16 and 18 inches?

33  
34 MR. MCBRIDE: Mr. Chairman. Mr.  
35 Carpenter. That is reflective of State regulation.  
36 And there's a couple things. For rainbow trout, the  
37 rainbows above Skilak are clearly a different stock  
38 from the rainbows below Skilak. Now, they commingle in  
39 the winter in those lakes. I mean, in general the  
40 migratory patterns are in the winter all these fish  
41 congregate in the lakes. And then they move out into  
42 the main stem and places both to spawn. The rainbows  
43 are spring spawning fish. And then they follow salmon  
44 around, you know, to feed then later. But they move  
45 out into the main stem. But the fish above -- the  
46 rainbows above and below Skilak Lake have been shown to  
47 be genetically distinct. They're two different stocks.  
48 And so I think those length limits reflect the  
49 differences in those stocks or subpopulations. So  
50 before Skilak for both rainbows and Dolly Varden, the

1 -- what's been designated a large spawning fish is 18  
2 inches and above it's 16 inches. And so I think it  
3 reflects differences in those stocks, and it's slightly  
4 more -- well, it's more conservative above Skilak Lake,  
5 but it's just reflective of what's going on in the  
6 sportfishery.

7

8 (Off record)

9

10 (On record)

11

12 CHAIRMAN LOHSE: I'd like to call this  
13 spring meeting of the Southcentral Regional Advisory  
14 Council back into session.

15

16 And we were just to the point where we  
17 were ready to hear from the Alaska Department of Fish  
18 and Game on the Kenai River proposals.

19

20 MR. HILSINGER: Thank you, Mr.  
21 Chairman. Gain for the record my name is John  
22 Hilsinger. And I have with me Mr. Tom Vania. And I  
23 will present the State's comments for the Kenai River  
24 salmon and do you want then to move right into the  
25 resident species?

26

27 CHAIRMAN LOHSE: Yes.

28

29 MR. HILSINGER: Okay. That's what  
30 we'll do.

31

32 One thing that occurred to me was that  
33 there might be a little confusion over the State's  
34 comments, and so I wanted to let you know how that  
35 process works. We write our comments based on the  
36 earlier draft analysis, and then we meet with the  
37 Federal Staff and discuss the analyses and our  
38 comments, and then we both go off and they revise the  
39 analyses and we revise our comments. And we don't see  
40 the final analysis before the deadline to submit our  
41 comments. So when you see our comments, they often  
42 refer to things that were in the draft analysis, but  
43 may have been changed in the analysis that you're  
44 actually looking at. So if you found anything and  
45 said, where did they get that, that's the source of  
46 that.

47

48 Again as with the Kasilof River, the  
49 State does provide a broad array of fisheries from the  
50 personal use fisheries, there are also educational

1 permits, as well as the broad array of recreational  
2 fisheries.

3

4                   And it occurred to me that it might be  
5 worth -- we've talked a lot about the personal use  
6 fisheries, but we haven't really talked too much about  
7 the educational permits. And so I'd just like to kind  
8 of explain how that process works.

9

10                   We get applications from groups to have  
11 an educational fishery. And the reasons that the State  
12 created these educational fisheries is because they  
13 recognize the fact that because in the State system the  
14 Kenai Peninsula was a non-subsistence area, that it did  
15 preclude a lot of the opportunities for educational and  
16 cultural harvest of fish. So they created these  
17 fisheries. And we get applications annually from  
18 various groups, and then, of course, we evaluate and  
19 respond to those applications. And they're judged on  
20 -- we look at not only the educational plan, but also  
21 the conservation allocation aspects of it, and then  
22 negotiate what the final permit will look at. And so  
23 those are not really tied to the subsistence fisheries  
24 in any way. And I just wanted to make sure people  
25 understood how we did those.

26

27                   On the Kenai there is the Kenaitze  
28 Tribal Association does have an educational permit.

29

30                   And similar again to the Kasilof, a lot  
31 of these fisheries target red salmon, because they're  
32 the most abundant. Fisheries for Chinook, coho, and  
33 the resident species are managed very conservatively.  
34 None of these stocks, none of the salmon stocks have  
35 been identified as stocks of concern by the Board of  
36 Fisheries.

37

38                   And again we support a lot of the  
39 Federal Staff recommendation. We appreciate their  
40 recommendation to exclude the use of gillnets, and we  
41 support the recommendations for marking and reporting  
42 and no accumulation of limits.

43

44                   One of the things that we're concerned  
45 with on the salmon proposals is that the recommended  
46 harvest levels are not commensurate with the  
47 availability of fish and their ability to withstand  
48 harvest. In particular the harvest level for late run  
49 Kenai Chinook salmon and for coho are quite high  
50 compared to their relative abundance.

1                   For example, there was a recommendation  
2 for 1,000 Chinook and 3,000 coho, and these are two of  
3 the less abundant species, whereas for sockeye, which  
4 is one of the more abundant species, the limit was only  
5 4,000.

6  
7                   Effects on individual stocks will be  
8 somewhat difficult to predict. A lot of these runs,  
9 the available information is representative of the  
10 entire drainage. When you look at the escapement  
11 numbers for Chinook salmon and sockeye salmon, a lot of  
12 those are established down low in the river, and so  
13 they represent all the stocks in the river, and not  
14 necessarily the portions of the stocks that might be  
15 targeted in any fisheries up in the area where the  
16 Federal program claims jurisdiction.

17  
18                   Early run Kenai River Chinook salmon  
19 are managed very conservatively. The commercial  
20 fishery is managed basically to avoid harvest of those  
21 stocks. And the recreational fishery as you heard has  
22 a slot limit and very conservative bag limits and  
23 methods and means. Single hook, artificial lure  
24 without bait, and a two-fish limit for the Kenai.

25  
26                   And because of these restrictive  
27 regulations and the small size of that stock, we  
28 appreciate the fact that the Federal Staff is  
29 recommending a fairly limited fishery on that. We  
30 think that the two -- doubling the State bag limit, you  
31 know, we do have concerns about that in the sense that  
32 depending on the size of the run, it's possible in some  
33 years that we will have restrict other fisheries.

34  
35                   Late run Chinook salmon are also  
36 managed very conservatively. There's a very detailed  
37 management plan, and as you heard in the Federal Staff  
38 report, this is potentially the run where there might  
39 be the most management implications from the proposed  
40 Federal subsistence fishery. And if that was  
41 necessary, ultimately the Board of Fisheries would have  
42 to look at those management plans and make some  
43 decisions about how they would share the burden of that  
44 conservation, and that could occur both in the  
45 sportfishery downriver or in the commercial fishery.

46  
47                   One of the main issues with these  
48 fisheries is the concentration of effort at the outlet  
49 of Skilak Lake. And that's a known and very large  
50 spawning area for all species of salmon, and it also

1 attracts a lot of rainbow trout and Dolly Varden and so  
2 we are concerned about the fishery in that area, and  
3 that was one reason why we were particularly opposed to  
4 the use of gillnets in the Kenai River, because that  
5 would be -- that's an area where huge concentrations of  
6 fish overlap with the areas that the Federal government  
7 claims jurisdiction. And I think everyone -- all the  
8 biologists believe that having a fishery of that type  
9 there would be extremely bad.

10

11 Coho salmon have not been designated as  
12 a stock of concern, but they are fully utilized, and  
13 again the harvest bag and possession limits have been  
14 reduced, and so we are concerned again about doubling  
15 the bag and possession limits for coho. We've had  
16 numerous proposals over the years to liberalize that  
17 fishery, and while there has been some liberalization,  
18 it's been somewhat minor. And the State has  
19 steadfastly rejected proposals to go even to a three  
20 fish back limit.

21

22 Excuse me. There are some jurisdiction  
23 issues in this area. And while a lot of it is clearly  
24 Federal land on both sides of the river, there are  
25 significant areas in the upper Kenai where it's not  
26 Federal land adjacent to the river. And the issue of  
27 the Federal reserve water rights is raised as well.

28

29 So I guess to summarize, we support the  
30 recommendations of the Federal Staff not to use  
31 gillnets, to require the marking and the reporting.

32

33 We do have an issue with what will be I  
34 think more the potential social problems with a double  
35 bag limit. This is an area, as you well know, that's  
36 utilized by an awful lot of people, and people are  
37 going to be intermixed. And when people are using  
38 different gear types and different bag and possession  
39 limits, I think there will be some social issues. And  
40 that will create also some enforcement issues, because  
41 people will see the fellow next to them harvesting  
42 twice as many fish, and they may decide, oh, they must  
43 have raised the bag limit or, you know, that's the kind  
44 of thing that happens. And so I think it's going to be  
45 really extremely important for the public to understand  
46 what's going on with these fisheries. I think there's  
47 going to be a big public information need that is going  
48 to be required by these Federal fisheries.

49

50 And I guess the final comment I would

1 make is that while similar to what we said in the  
2 Kenai, you know, we know a lot about sockeye salmon in  
3 this area. We know a little bit about rainbow trout.  
4 And a lot of the other species we really don't know  
5 much about. We don't have good population estimates,  
6 and so we are in a sense again looking at these  
7 fisheries, and a lot of times we judge their  
8 sustainability by what happens in the fishery. And to  
9 some extent, as you've heard for rainbow trout,  
10 management has been sort of a trial and error approach,  
11 and it's become more and more conservative over time.  
12 And so I think, you know, we've arrived at fisheries  
13 that we think are sustainable. And so as you go  
14 through your proposals, keep in mind the fact that many  
15 of these may require adjustments to other uses.

16  
17 Thank you. I would try to take any  
18 questions on that if there are any.

19  
20 CHAIRMAN LOHSE: Any other questions,  
21 comments.

22  
23 (No comments)

24  
25 MR. HILSINGER: Okay. On the resident  
26 species, again we find that effects on the individual  
27 stocks will vary, but we do not find a solid rationale  
28 for assuming that doubling the State bag limits will  
29 provide for a sustainable fishery.

30  
31 And part of the reason for that on the  
32 resident species is that these fisheries are not  
33 harvest-oriented fisheries, and so the harvest -- when  
34 you look at the ratio of the fish captured to the fish  
35 actually harvested, it's often one or two percent of  
36 the captured fish are actually harvested. And so our  
37 bag and possession limits are actually far more liberal  
38 than they should be, or than they would be if this was  
39 a more harvest-oriented fishery. We would not be  
40 allowing one fish under 16 inches or one fish under 18  
41 inches per day on some of these resident species if  
42 people were harvesting a larger proportion of what they  
43 catch. And so when you take that harvest limit of the  
44 State's side that's already fairly liberal, and double  
45 it and apply it to a fishery where people will harvest  
46 the fish, that gives us cause for concern.

47  
48 It's likely that in at least some of  
49 these cases, the portion of the stock that would be  
50 targeted may not sustain the level of harvest that's

1 applied to it. We know, and it was reported in the  
2 Federal Staff analysis, that some of these species do  
3 have multiple stocks even within the upper Kenai River.  
4 There's at least two different stocks of rainbow trout.  
5 There's identified I think it was four different  
6 spawning aggregations of Dolly Varden. And so I think  
7 that's another thing that we need to be cognizant of.

8  
9 And again little is know about the size  
10 of many of these stocks or their ability to withstand  
11 harvest, and we are concerned about the potential  
12 harvest from multiple fisheries.

13  
14 The rainbow trout population is a  
15 population of about 25,000 fish, and we've already  
16 looked at what the catch and harvest numbers are. And  
17 this a stock I think that's highly likely that the  
18 State would want to take, or at least consider taking  
19 management action on to adjust for any subsistence  
20 fishery that's created on it.

21  
22 And I think the one thing that's really  
23 important there is to, as Mr. McBride said, whatever  
24 harvest is allowed, it should be focused on the smaller  
25 fish, less than 16 or less than 18 inches.

26  
27 Lake trout. Again we've heard already  
28 about lake trout biology and the fact that they're  
29 extremely long-lived, slow growing. They can be as old  
30 as 50 years.

31  
32 The interesting thing about lake trout  
33 is that the size of the fish is not necessarily related  
34 to the age. Lake trout in many areas, some of them  
35 switch to eating other fish, and some remain eating  
36 insects. And the ones that remain on the insect diet  
37 may be significantly smaller than the same aged fish  
38 that switches over and begins eating fish. So you  
39 can't look at the size of them and necessarily say this  
40 is a younger fish, this is an older fish. Once they  
41 are up above about 20 inches, in a wide variety of  
42 sizes they can be old fish. And so they're a species  
43 that I think we do need to be careful about.

44  
45 The question came up earlier about some  
46 of the State bag limits on lake trout seem to be quite  
47 high. And again I think that's because so many people  
48 do not harvest them. And so it allows higher bag  
49 limits for those people who do wish to harvest a few  
50 fish. And again if that was a harvest-oriented

1 fishery, then I'm certain those bag limits would be  
2 substantially lower than they are. And so again when  
3 you take that bag limit and increase it by 50 percent,  
4 and then actually harvest those fish, that gives us  
5 some concern.

6  
7 Arctic char and Dolly Varden, again  
8 many of the same issues as we saw in the Kasilof. We  
9 do know that there are actually Arctic char as a  
10 separate species from Dolly Varden in the Kenai  
11 drainage. And they've been identified in some of the  
12 lakes and appear to be more of a late spawning  
13 population compared to the Dollies that appear to be  
14 more of a river spawning population. And so I think we  
15 need to be a little bit cognizant of that and the  
16 potential of impacting one species or the other.

17  
18 So while the Federal Staff proposals  
19 are an improvement over the original proposals, a  
20 significant improvement I think in terms of their  
21 conservation aspects of them, we do still have those  
22 same concerns.

23  
24 Thank you, Mr. Chairman.

25  
26 CHAIRMAN LOHSE: Tom.

27  
28 MR. CARPENTER: Yeah. John, I've got  
29 one question. Obviously we know a lot more about the  
30 rainbow trout population in the Kenai than we did the  
31 Kasilof. I thought one thing that was interesting was  
32 you said the State was concerned about the idea of  
33 doubling the bag limits. But if you look at what the  
34 total catch in, and you figure in the mortality rate on  
35 released, the total harvest guideline for rainbow trout  
36 is significantly less than even the mortality rate  
37 would be on a catch and release fishery. Am I correct?

38  
39 MR. HILSINGER: Mr. Chairman. Mr.  
40 Carpenter. I guess if I understand your question  
41 correctly, it depends on how many people harvest. When  
42 you have -- I mean, at least I had the impression  
43 yesterday that, you know, we were assuming that the  
44 harvest wouldn't be very great, and I'm not sure we  
45 know that, given the number of people who might  
46 qualify. I mean, I think that remains to be seen, and  
47 that's one of our concerns, that -- as to actually how  
48 popular would these fisheries be, and how many fish  
49 would people harvest.

50

1                   MR. CARPENTER: And I guess the second  
2 part of my question is that, you know, it's  
3 interesting, and I talked to Doug about -- Doug stated  
4 something about this earlier, about the difference  
5 between the 16-inch limit and the 18-inch limit, and I  
6 understand talking with a few other people that that  
7 was a Board of Fisheries decision, it wasn't  
8 necessarily what the Department recommended at past  
9 Board cycles. Which is fine. But it also seems  
10 apparent that as long as you kept the harvest to the  
11 insignificant population, which are small fish, that it  
12 is going to have little impact on the spawning  
13 population as a whole, correct?

14  
15                   MR. HILSINGER: I think again depending  
16 on what the harvest turns out to be, and if the harvest  
17 is fairly low, then I think you're correct. The  
18 primary impact of the fishery may be simply on the  
19 other uses and the need. We feel that the current  
20 harvest and catch and release mortality combined is  
21 about as much as that population can withstand. And so  
22 if there was any significant harvest in the Federal  
23 fishery, we would seriously consider the need to either  
24 go to a completely catch and release fishery or make  
25 some other management action to reduce the harvest on  
26 that stock.

27  
28                   MR. CARPENTER: Okay. Thanks.

29  
30                   CHAIRMAN LOHSE: Any questions. Doug.

31  
32                   MR. BLOSSOM: Yeah, Mr. Chairman.  
33 John, did I hear you right? You said the total  
34 population in the Kenai River was how much?

35  
36                   MR. HILSINGER: Mr. Chairman. In the  
37 area that's been studied in the upper Kenai, we  
38 estimate that it's about 25,000 fish. Now, that's not  
39 the entire Kenai River, so I probably misspoke a little  
40 bit. That's the upper Kenai River. You'll remember,  
41 Mr. McBride showed those estimates that have been made  
42 where there was, you know, seven or 8,000 fish in the  
43 study area, and that's estimated to be a third of the  
44 size of that population.

45  
46                   MR. BLOSSOM: So there are more than  
47 25,000 rainbow in the Kenai River?

48  
49                   MR. HILSINGER: In the entire Kenai  
50 River, yeah, I would assume, because they to all the

1 way down, you know, to Soldotna or below.

2

3 MR. BLOSSOM: What would you say the  
4 top number is?

5

6 MR. HILSINGER: Yeah, we don't have any  
7 idea.

8

9 MR. BLOSSOM: I was just -- the reason  
10 I asked is because if you -- when you said there was  
11 25,000 rainbow, and that you caught 144,000, well, you  
12 caught every one of them five or six times then.  
13 That's what I was curious on.

14

15 CHAIRMAN LOHSE: That's interesting,  
16 Doug, because I had the same question written down  
17 here, and I was thinking that that 25,000 applied to  
18 the whole river. And that 144,000 is back in 1993.  
19 And so I was thinking that they probably are catching  
20 over 200,000 today if they've got 380,000 man days on  
21 the river. So every fish is being caught eight or nine  
22 times. So that's pretty valuable fish if you can catch  
23 it and release it that often. Or a pretty hardy fish.  
24 But when we were reading the mortality, we read that at  
25 9.7 times caught the mortality goes up drastically. So  
26 the more man days that you get on the river and the  
27 more often these fish are caught, the higher your hook  
28 and release mortality goes up. So that's kind of  
29 interesting, because that's a lot of fish.

30

31 John.

32

33 MR. HILSINGER: I just would note, Mr.  
34 Chairman that while there certainly is hook and release  
35 mortality, there are many, many instances of fisheries  
36 that have been rebuilt by use of hook and release  
37 regulations. And so it has turned out to be probably  
38 one of the single best strategies for rebuilding  
39 stocks. And I think it's clearly worked in the Kenai  
40 on rainbows and, you know, there's many other examples  
41 of that. So while there is some mortality, I think  
42 it's well under what the stock can withstand and  
43 prosper under.

44

45 CHAIRMAN LOHSE: Is the entire upper  
46 Kenai flies only?

47

48 MR. HILSINGER: No, Mr. Chairman, it's  
49 not. There's a fly fishing only area which is right  
50 around the Russian River, but a lot of the rest of the

1 upper river, you can use lures, or you can use flies  
2 that don't necessarily conform to the requirements of  
3 the fly fishing only area. So they could be weighted  
4 or they could have a little bigger hook size of  
5 something like that.

6  
7 CHAIRMAN LOHSE: And that would apply  
8 to Skilak Lake, too, then?

9  
10 MR. HILSINGER: Yes, Mr. Chairman.

11  
12 CHAIRMAN LOHSE: I was just wondering  
13 if that's why the low catch of lake trout, because if  
14 you were limited to flies only, the catch of lake trout  
15 would be pretty low.

16  
17 MR. HILSINGER: Mr. Chairman, another  
18 -- I guess that raises an issue, talking about Skilak  
19 Lake, and it hasn't really come up, and I'm not sure  
20 how it applies exactly, but there are some nonmotorized  
21 areas in the upper Kenai that could have some effect on  
22 people's ability to fish. And, you know, that was one  
23 of the issues we raised with regard to the potential of  
24 gillnet fisheries is that that area below Skilak Lake  
25 is non-motorized for a good portion of the summer, and  
26 then the area from Kenai Lake down to Skilak Lake is  
27 also nonmotorized, and so people should just be aware  
28 of that.

29  
30 MR. LAMB: Could I ask.....

31  
32 CHAIRMAN LOHSE: John, and that isn't  
33 just -- that is a land use decision, not a Fish and  
34 Game -- I mean, it's not just nonmotorized for  
35 sportfishing. It's nonmotorized period, right?

36  
37 MR. HILSINGER: That's correct, Mr.  
38 Chairman. The area below Skilak I think is for swan  
39 protection. And then the area above -- between Kenai  
40 and Skilak is non -- the rafters can't use motors.  
41 Nobody can.

42  
43 CHAIRMAN LOHSE: Yeah. Thank you.  
44 Tom.

45  
46 MR. CARPENTER: Yeah. I was just going  
47 to ask, is that a refuge regulation? Is that a refuge  
48 regulation, or is that something that the Board of  
49 Fisheries did, or who did that?

50

1 MR. HILSINGER: It I believe was  
2 adopted by the Park -- through the Park regulations.  
3 The Kenai River is.....

4  
5 MR. CARPENTER: Wild and scenic?  
6

7 MR. HILSINGER: .....it's a State park  
8 and there's an advisory board and they adopted  
9 regulations and so I think that's where they came from.  
10 Now some of those may be also in Federal regulations,  
11 but those are State regulations for sure.

12  
13 MR. CARPENTER: Yeah. Okay. I just  
14 was curious if it was a Federal regulation, then I  
15 would assume that Federal users under Federal permits  
16 would have to follow those guidelines. Yeah, I'm not  
17 sure if it's a State regulation how that would work.  
18 Thanks.

19  
20 CHAIRMAN LOHSE: James.

21  
22 MR. SHOWALTER: Yes. You indicated a  
23 no motor area. What about in ANILCA where it states  
24 that you have reasonable access.

25  
26 MR. HILSINGER: Mr. Chairman, Mr.  
27 Showalter. I'm sorry, I don't know the answer to that.  
28 I know that those areas have been closed by the State  
29 to the use of motors, and it applies to all people, and  
30 whether you're fishing or picnicking or whatever you're  
31 doing. And you certainly have access. You know,  
32 literally thousands upon thousands of people raft and  
33 drift boat on that river, and so there's no lack of  
34 access. You just have to put in one place and take out  
35 in another, and use your oars.

36  
37 CHAIRMAN LOHSE: Tricia.

38  
39 MS. WAGGONER: Okay. Just to get this  
40 straight, I'm looking at the map here, and it says no  
41 motor use March 15th to June 14th. And the area being  
42 designated for the dipnet fishery is at the lower end  
43 of that no motorized use. So from June 15th through  
44 March the following year, someone could actually put in  
45 a boat at Skilak Lake and motor down to the dipnet  
46 area.

47  
48 CHAIRMAN LOHSE: John.

49  
50 MR. HILSINGER: Mr. Chairman. Yeah, I

1 believe that's the swan closure area, and so the timing  
2 is specific to that, and so when it's not closed, you  
3 could use a motor, and when it is closed, you couldn't.

4

5 CHAIRMAN LOHSE: Thanks. Any other  
6 questions. John.

7

8 MR. LAMB: Yeah. There's a lot of  
9 discussion on rainbows and steelheads, but do you have  
10 numbers on some of the other resident fish like lake  
11 trout, char, Dollies? Are they a viable source?

12

13 MR. HILSINGER: Mr. Chairman. Mr.  
14 Lamb. We don't have any population estimates for those  
15 other resident species.

16

17 CHAIRMAN LOHSE: Any other questions  
18 for Fish and Game.

19

20 (No comments)

21

22 CHAIRMAN LOHSE: Thank you.

23

24 MR. VANIA: Mr. Chairman. Tom Vania  
25 with Division of SportFish.

26

27 I wanted just to clarify. You had  
28 asked about gear restrictions for the upper river above  
29 Skilak. Year round only one unbaited, single hook,  
30 artificial lure is allowed year round. And there is a  
31 gap restriction as well, where the gap can't be more  
32 than three-eighths of an inch. So it is fairly  
33 restricted for all the fisheries. But like John had  
34 talked about, there are even some special areas which  
35 are fly fishing only water areas, which have even more  
36 restrictions to them, but pretty much from Skilak Lake  
37 to Kenai Lake, it is that one unbaited, single hook,  
38 artificial lure year round.

39

40 CHAIRMAN LOHSE: But now like for lake  
41 trout we would be talking about Skilak Lake more than  
42 any place, wouldn't we? Or would we be talking about  
43 Kenai Lake?

44

45 MR. VANIA: For Skilak Lake  
46 specifically we would be looking at in flowing waters,  
47 which would just be from the outlet, there's a  
48 restriction to that. I know in the Kenai Lake  
49 tributaries it's also one unbaited, single hook,  
50 artificial lure year round.

1                   When you get into Skilak Lake, they  
2 kind of look at it where you have the Kenai River, up  
3 to and including Skilak Lake, you come into a lot of  
4 different time periods, depending on the species that  
5 are there. So from January 1 to July 14th, different  
6 gear types. And there's quite a few there.

7  
8                   But if you look at the regulation book  
9 later, it's on Page 29 would deal with those waters, so  
10 there are a number of different.....

11  
12                   CHAIRMAN LOHSE: But Skilak Lake is  
13 included just as if it was part of the upper Kenai  
14 River. It's not treated as a separate lake. It's the  
15 upper river including Skilak Lake?

16  
17                   MR. VANIA: No, with our gear  
18 restrictions and seasons and stuff, it is the lower  
19 Kenai River main stem and Skilak Lake. When you get  
20 above Skilak Lake, then it becomes one unbaited, single  
21 hook, artificial lure. You're right.

22  
23                   CHAIRMAN LOHSE: Any other questions.

24  
25                   (No comments)

26  
27                   CHAIRMAN LOHSE: Thank you. Tom. I  
28 mean Don.

29  
30                   MR. MIKE: Mr. Chair. Before we get  
31 started with the other agency reports. I had trouble  
32 trying to connect with teleconference, so it you'll  
33 give me another minute, I'll try again. Thank you, Mr.  
34 Chair.

35  
36                   CHAIRMAN LOHSE: You're going to try to  
37 get them on radio conference?

38  
39                   (Pause)

40  
41                   CHAIRMAN LOHSE: While we're waiting  
42 for this, do we have any other Federal agency that's  
43 going to talk to this, the refuse manager or anything?

44  
45  
46                   MR. ZEMKE: Steve Zemke, Chugach  
47 National Forest. Actually I would just like to discuss  
48 a little bit about the Russian River Falls site. If  
49 you looked in your big book on Page 75, there's a  
50 description about the access to the falls site would be

1 by foot or nonmotorized transportation. And then also  
2 that there would possibly be permit stipulation  
3 requirements, primarily due to bear management issues.  
4 So I guess I would like to give you a little  
5 information on kind of some the rationale behind those  
6 two statements.

7  
8 Certainly the Russian River Falls is a  
9 good site for sockeye fishing. I think everybody  
10 recognizes that there's a lot of advantages there for  
11 fisheries management purposes, because of the weir is  
12 just upstream and being able to count in those areas,  
13 so it has rally a lot of positives that way. But as  
14 far as the.....

15  
16 CHAIRMAN LOHSE: Donald, when you're  
17 ready, we'll just stop this. You're ready right now?  
18 Okay. And you don't mind?

19  
20 MR. ZEMKE: No.

21  
22 CHAIRMAN LOHSE: You're here. So are  
23 we waiting for them to say something?

24  
25 MR. MIKE: No, we're done.

26  
27 CHAIRMAN LOHSE: They're done?

28  
29 MR. MIKE: We're done.

30  
31 CHAIRMAN LOHSE: Okay. Sorry. I  
32 thought you had somebody coming on line.

33  
34 MR. ZEMKE: Okay. As far as the  
35 transportation afoot, basically the Russian River  
36 trail, and the area's been closed to nonmotorized  
37 summer transportation since the early 70s. It's been  
38 in our regulation through forest order closure for that  
39 purpose since that time. And then also in our 2002  
40 Forest Management Plan, environmental statement, and  
41 then our record of decision, we continued that closure  
42 in that area. And so that's kind of the rationale why  
43 there isn't other than foot transportation up to the  
44 site. Other kind of nonmotorized mechanical means such  
45 as a bicycle or carts and that are certainly acceptable  
46 in that area.

47  
48 CHAIRMAN LOHSE: So it's not closed to  
49 nonmotorized transportation, it's closed to motorized  
50 transportation?

1 MR. ZEMKE: Yes, just motorized  
2 transportation. And then.....  
3  
4 CHAIRMAN LOHSE: Okay. Does that trail  
5 get much use?  
6  
7 MR. ZEMKE: It gets -- there's the  
8 Russian River campground there that sees -- you know,  
9 it's maxed out from probably early June through -- at  
10 least through July, and then into August quite often.  
11 There's the Russian River trailhead right there, and so  
12 there's usually a line waiting for people to get up  
13 onto the trail, and it's receiving much more bicycle  
14 use now than it has in the past, but, you know, there's  
15 probably several hundred people on the trail every day.  
16 So it receives extensive use.  
17  
18 CHAIRMAN LOHSE: And this is the trail  
19 that would go up to the falls?  
20  
21 MR. ZEMKE: Yes.  
22  
23 CHAIRMAN LOHSE: So they wouldn't be  
24 the only people traveling it, so they wouldn't be the  
25 only people dealing with bears or anything like that?  
26  
27 MR. ZEMKE: Yeah, that's true. And the  
28 next one is the bear issue. And, you know,  
29 traditionally there's been no fishery in that area.  
30 There's actually a viewing platform for looking at the  
31 falls, but it wasn't designed to view bears fishing at  
32 the falls. It was designed for people to watch sockeye  
33 move over and jump over the falls and move upstream.  
34  
35 One of the things that appears to be  
36 happening in the at least recent past is that more  
37 bears are moving into the area and it appears that it's  
38 mostly boars and sows without cubs are fishing in that  
39 area below the falls down through kind of maybe to  
40 about the closure area. And those are the dominant  
41 bears, and sows with cubs and that apparently aren't  
42 fishing much in that area, maybe being pushed  
43 downstream into the Russian River area where the sport  
44 anglers are fishing.  
45  
46 So there probably would be a  
47 displacement concern where if we're putting in a new  
48 series of people into the creek right where the brown  
49 bears particularly are going to be fishing, that either  
50 -- you know, one thing, either there's adverse

1 bear/people interaction or if the bears are displaced,  
2 they're going to be displaced other places, and one of  
3 those would be downstream into areas. And then there's  
4 also -- well, they may be able to coexist down there,  
5 but then you also have the sows with cubs and maybe  
6 yearling or bears that are kind of just starting to  
7 learn how to deal with people, they're going to be  
8 pushed into even more unfavorable areas.

9  
10 So there is actually a task group  
11 working on trying to figure out how to get people to  
12 live with bears and bears to live with people. And  
13 some of the permit stipulations that we talk about in  
14 here may be carried over into -- from that task group  
15 would be carried over into permit stipulations. In the  
16 past, this last year, they looked at nighttime  
17 closures, and also about chopping fish, to be able to  
18 reduce the number of carcasses in the water. Some of  
19 that appears to be not -- either not working that well,  
20 or non-effectual, and so they may be looking at  
21 different methods possibly. Again, closures, but more  
22 consistent closures. Possibly grinding carcasses to  
23 prevent carcasses from floating down stream, and being  
24 concentrated in certain areas where bears would want to  
25 go down and fish. So those would probably be some of  
26 the things that would probably be in permit  
27 stipulations.

28  
29 And what that means is that, you know,  
30 this probably is again an area that, you know, you're  
31 going to have to -- the subsistence user is going to  
32 have to read a lot of material to be able to understand  
33 what is happening, and then also, since it's two and a  
34 quarter miles upstream from the trailhead and it's  
35 nonmotorized, then if they did get a lot of fish, 25 or  
36 more, that may be quite a bit of work to be able to get  
37 downstream. So, you know, certainly it's a good site,  
38 but it may not be kind of the silver bullet that people  
39 will be looking for to be able to provide that  
40 priority.

41  
42 CHAIRMAN LOHSE: How big a trail is it?

43  
44 MR. ZEMKE: It's a good trail. It's  
45 actually designed for disabled access, and so it's been  
46 graveled, and so it's a good trail for travel. It's  
47 probably -- a reasonable person could walk it in an  
48 hour or so.

49  
50 CHAIRMAN LOHSE: Four-foot wide?

1 MR. ZEMKE: It's at least that, yeah.  
2  
3 CHAIRMAN LOHSE: At least that. Okay.  
4  
5  
6 Any other questions. Tom.  
7  
8 MR. CARPENTER: Yes. Does the Forest  
9 Management Plan for the Chugach regard that place in  
10 its plan as a non-fishing area?  
11  
12 MR. ZEMKE: In the forest plan we  
13 didn't address that specific about whether it was a  
14 fishing of non-fishing area. The forest plan is the  
15 land management plan. It doesn't deal with regulations  
16 as far as where you can harvest. But it does realize  
17 that if the Subsistence Board defines that as an area  
18 of fishing, then it would be allowed under forest  
19 management plan.  
20  
21 CHAIRMAN LOHSE: Any other questions.  
22  
23 (No comments)  
24  
25 CHAIRMAN LOHSE: Thank you. Robin.  
26  
27 MR. WEST: Yes, Mr. Chair. Robin West,  
28 Kenai National Wildlife Refuge. And I understand that  
29 you would like some information on Moose Range Meadows,  
30 is that correct?  
31  
32 I'll give you a brief background, and  
33 if you look on the maps on the wall here. This map  
34 here, I'll kind of point things out. But Moose Range  
35 Meadows Subdivision basically is an area that was in  
36 the old Kenai National Moose Range that was set aside  
37 in 1941, before there was a road on the Peninsula or  
38 anything. And a lot of adjustments and boundaries and  
39 so forth since then.  
40  
41 With the Native Claims Settlement Act,  
42 there were some major conveyances to native interests,  
43 and this is one of those. So while it remained within  
44 the boundaries of the old moose range, most of this  
45 property was conveyed to Salamatof Native Corporation  
46 in the 80s. And as you know, ANCSA was passed in the  
47 70s. It was conveyed to Salamatof after some  
48 negotiated settlement agreements with the Secretary of  
49 Interior that took some time. And basically what  
50 Salamatof negotiated for was to take a lesser amount of

1 fee title acreage, but in exchange for that, they had  
2 some of the covenants removed from it, which allowed  
3 them to subdivide and develop. Not all native  
4 interests were able to do that. They were subject to  
5 what we call 22(g) which basically meant that those  
6 lands needed to be kept somewhat preserved.

7  
8 So Salamatof received these lands  
9 within the old refuge boundary, but as part of that  
10 agreement, that we retained ownership to the bed of the  
11 river, the islands and a public access easement. And  
12 for people who have lived in the area for some time and  
13 seen a change, if you had been there 25 years ago and  
14 gone down into there, there really wasn't anything.  
15 Now there are hundreds of very expensive homes and  
16 bread and breakfasts and guide businesses and so forth.  
17 This area's been subdivided and developed.

18  
19 So when you look at the brown area on  
20 the map, in here, and basically we're talking about  
21 river mile I believe, what is that, 25 to 30?

22  
23 UNIDENTIFIED VOICE: 29.

24  
25 MR. WEST: 29 here. This is a  
26 powerline crossing for those folks who are actually on  
27 the river fairly often, that way you will kind of know  
28 where you're at. You're floating under a major  
29 powerline with big orange balls so airplanes don't fly  
30 into it, so you can kind of see that.

31  
32 But right here is where the easements  
33 start. And so on both sides of the river here and up  
34 here on the brown, that's private land in which we own  
35 easements. We are talking about literally people's  
36 lawns in which we have a public access easement on.

37  
38 Starting in the 80s when the late  
39 sockeye fishery really started getting discovered in  
40 places other than the Russian River by a bunch of  
41 fishermen, locals and non-locals alike, people were  
42 looking for places to fish. And there was a lot of  
43 concern over bank habitat degradation and so forth in  
44 this area, this easement that was discovered. And it  
45 became a significant social conflict in that there were  
46 literally tens of thousands of people double parking  
47 along the access roads, walking across people's lawns,  
48 and it was light 24 hours a day when the fishery was  
49 occurring, and people fishing down there. And really  
50 there wasn't much anybody could do about socially.

1                   But as the awareness became increased  
2 over the habitat degradation, then the '95 flood is  
3 when things changed. And basically we had a very wet  
4 year, and the water came up and the banks were already  
5 trampled by thousands of fishermen, and we started  
6 losing river bank with the flood, and we did emergency  
7 closures. That's about the same time that the Board of  
8 Fish authorized the Department of Fish and Game to do  
9 emergency closures on banks to protect habitat on  
10 public lands, and these easements were declared to be  
11 public lands.

12  
13                   And so we kind of -- we did an  
14 environmental assessment, and we did a seasonal closure  
15 on the public access easements that basically closed it  
16 to public access for six weeks in the year to coincide  
17 with the second sockeye run, so it's July 1 to August  
18 15th that the public can't be on those easements.  
19 Which means during coho seasons and other times you  
20 can. But for the most part people don't utilize them  
21 much, except during that sockeye season.

22  
23                   As part of our environmental  
24 assessment, we also spoke to -- since we were closing  
25 all this public access to sportfishing, we would try  
26 and acquire a couple of parcels back from Salamatof and  
27 development specifically for sportfishing. And if you  
28 look at the map here, you can see these sites here.  
29 They're parking lots and fish walks. And those worked  
30 very well until this last year and the ice came up and  
31 took them all out. So we're not alone in that regard.  
32 It will probably be June or July before we can even  
33 assess the damage, because we have 15 feet or so of  
34 block ice laying on top of these things this year.

35  
36                   It's kind of a good news/bad news  
37 thing, and I won't get into all the details on where  
38 we're at compared to others, but needless to say no one  
39 may be fishing off of them this year.

40  
41                   Then if you move out to the end of the  
42 road here, and for those folks who haven't been out  
43 here, if you pulled in at Fred Meyer's and came down  
44 Redoubt, it turns into Keystone Drive and dead ends  
45 right out here. That's what will get you to this area.  
46 There is a gravel parking lot and a boat launch and a  
47 restroom facility right there. This property here and  
48 on the other side was reacquired by the refuge from  
49 Salamatof using Exxon Valdez oil spill dollars, and  
50 they have conservation easements on them. They can't

1 be developed in any fashion, and they are high priority  
2 king salmon habitat.

3  
4 So I guess as the proposals were being  
5 developed for salmon, they were looking to locate  
6 fisheries. This one is a real logical fishery location  
7 in some regards, because it has all species there and  
8 it also is low enough in the river system that you  
9 don't have a lot of fish peeling off, so you don't have  
10 concern about targeting, you know, limited stocks or  
11 weak stocks. For example, the Chinook primarily that  
12 may be moving early up into the Funny and Killey River,  
13 you're below that area. So if you're targeting those  
14 species, it's more desirable.

15  
16 But compound that, or confound that  
17 with the public access and social issues and so forth,  
18 and then also the actual river conditions there, it's  
19 basically class 2 water, very rocky, fairly rapid,  
20 dangerous conditions to work in. You know, there was  
21 reluctance I think in trying to locate a fishery there.

22  
23  
24 That said, seeing Ninilchik's modified  
25 proposal, you know, from my standpoint as a manager, if  
26 a fishery's going to occur, I don't have any problem  
27 with those waters being used. It's just that I could  
28 never suggest that we co-locate, you know, a dipnet  
29 fishery or anything on the constructed fish walks. The  
30 estimate last year is we had 30,000 people using those,  
31 and it's a zoo as it is. And so there's several miles  
32 of river and potentially other access, but some  
33 difficulties in terms of habitat protection in locating  
34 a fishery, a shore-based fishery. Certainly there  
35 could be boat-based fisheries there. But, you know, I  
36 have no problem with moving forward, looking at that  
37 area just with the understanding that we wouldn't want  
38 to co-locate the fisheries in our management zones.

39  
40 Thank you.

41  
42 CHAIRMAN LOHSE: Any questions for  
43 Robin. Doug.

44  
45 MR. BLOSSOM: Yeah, Mr. Chair. Robin,  
46 they rod and reel fish from these boardwalks, right?  
47 So if that was allowed in that area, it would just be  
48 just some more of the same.

49  
50 MR. WEST: Yeah, I have no problem

1 using the same gear types with different rules. That's  
2 fine. It's just the way people fish there, it's  
3 flailing. And I mean it's -- we put life jackets there  
4 for the kids and stuff, because if you go in, you're  
5 immediately over your head. You know, if everyone's  
6 fishing the same way, then I think it would blend okay.  
7 But, you know, if there's any confusion about -- you  
8 might not even get a parking spot. You could go there  
9 on a Saturday morning at 5:00 a.m. and not be able to  
10 park all day. So it's a problem area. But if people  
11 are using the same gear types and want to wait in line,  
12 okay.

13

14 MR. BLOSSOM: Can this area be utilized  
15 with a boat and a dipnet?

16

17 MR. WEST: I think it could be, and  
18 maybe fairly effectively. But I would say that it's  
19 one of the more challenging places on the river to  
20 utilize a boat. And if there's still some river guides  
21 in the room that have experience there, I mean,  
22 historically folks mostly used it for drift fishing  
23 through there, and a few smaller jet engines kind of  
24 working the edges. To work a prop boat in there with  
25 the current, and the rocks and so forth is a bit of a  
26 challenge, but certainly it is doable, it's just not  
27 for a novice.

28

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

31

32 MR. SHOWALTER: Yes. How much area is  
33 fishable, or how much area is encompassed there with  
34 the boardwalk, and what is the remaining river front  
35 there?

36

37 MR. WEST: The actual boardwalk area is  
38 very, very small compared to what the whole area is.  
39 These are just a couple of acres, and we're talking  
40 about, you know, four or five miles down through here  
41 entirely. So it's a small portion of the area there is  
42 boardwalk.

43

44 CHAIRMAN LOHSE: Is the other portion,  
45 Robin, available for people to walk on and fish? Or do  
46 you have to stay on the boardwalk?

47

48 MR. WEST: Well, again, Mr. Chair, the  
49 brown sections are all private property. They're  
50 difficult to get to unless you're trespassing across

1 private property. And then when you get to the green  
2 portions, there isn't any road access. So the only  
3 exception to that would be to come all the way to the  
4 end here, and there isn't any trail or anything to that  
5 point int time, and if that was -- if we were trying to  
6 develop a site for a shore-based fishery, we'd be kind  
7 of in the same boat we are in some other things. It  
8 would be doable, but, you know, we would need to build  
9 elevated walkways and stuff to protect the habitat  
10 there in order to accommodate that.

11  
12 The only other thing, and it's a little  
13 bit farfetched, is, you know, with adequate funding  
14 additional site could be developed just as we did for  
15 the -- under the sportfishing settlement agreement. We  
16 could develop a site potentially to, you know, in the  
17 future, but certainly there aren't resources available  
18 for that at this time.

19  
20 CHAIRMAN LOHSE: But, Robin, from what  
21 I've heard from people in their testimony, we're  
22 talking about -- you were talking about 30,000 people  
23 being there on a weekend, and we're talking about 1200  
24 people having the potential to be there from the whole  
25 Kenai, and that would amount to, let's just say, 400  
26 families or 300 families. And on any given -- you  
27 know, I can see where you need a boardwalk if you're  
28 going to have 30,000 people. But if you're going to  
29 have one or two families walk across in the course of  
30 the weekend, you might not need the same kind of  
31 facilities that you need if you're aiming at that same  
32 other kind of population.

33  
34 MR. WEST: Well, it's true that where  
35 the 30,000 folks are directed is all boardwalked, and  
36 that they're fishing either at the boardwalks, or  
37 occasionally they can get into the river at one of the  
38 sites if it's not too high. But actually it takes  
39 very, very few folks to damage the bank. And all those  
40 private homes along there, most of them have permits  
41 also just for their personal use, and they have their  
42 own walkways and they're only two or three or four  
43 people. It takes very little -- it's very wet habitat,  
44 and it takes very little bit of walking up and down  
45 there to flatten the vegetation and then when the water  
46 comes up, you know, it erodes out, so it doesn't take  
47 very many at all.

48  
49 CHAIRMAN LOHSE: Okay. Any other  
50 questions for Robin.

1 (No comments)

2

3 CHAIRMAN LOHSE: Thank you, Robin.

4

5 Are there any other Federal agencies  
6 that wish to speak to this.

7

8 (No comments)

9

10 CHAIRMAN LOHSE: Any other State  
11 agencies that wish to speak to this.

12

13 (No comments)

14

15 CHAIRMAN LOHSE: Hearing none, any  
16 tribal agencies that wish to speak to this. To the  
17 Kenai.

18

19 MR. I. ENCELEWSKI: Thank you, Mr.  
20 Chairman. Members of the Council. My name is Ivan  
21 Encelewski. I am the executive director of the  
22 Ninilchik Traditional Council. And I'll go ahead and  
23 introduce Sky Starky, legal council for Ninilchik  
24 Traditional Council.

25 And we have a handout here of the  
26 modified proposal that you guys have before you with  
27 one minor change that we'll talk about here in a  
28 moment. So if we could distribute that out.

29

30 CHAIRMAN LOHSE: Ivan, this is a  
31 modified modified proposal?

32

33 MR. I. ENCELEWSKI: Yep. Well, just to  
34 clarify, you know, the proposal, and there's some  
35 discussion and maybe some clarification from some of  
36 the Council members. Our original proposal obviously  
37 was gillnets. That was completely changed in the Staff  
38 analysis. The Staff analysis proposal was not  
39 necessarily what we were requesting at all, and then we  
40 made some modifications to that. So we're talking  
41 about a series of multiple modifications.

42

43 MR. STARKY: Thank you, Mr. Chairman.

44

45 The reason why we modified this is, you  
46 know, we're trying to listen to what people are saying  
47 and trying to pay attention to concerns while also  
48 trying to make sure that there's some opportunity for  
49 subsistence.

50

1                   So what you have is a modified proposal  
2 for the Kenai River salmon. All that's different about  
3 it from what you saw before is on the second page.  
4 It's the bold letter. Again, this is -- everything  
5 that is not changed is directly from the Federal  
6 proposal.

7  
8                   So before we had asked to keep rainbow  
9 trout and Dolly Varden incidentally taken in the dipnet  
10 fisheries in the Moose Meadows and below Skilak Lake  
11 area up to a quota of 200 rainbow and 400 Dolly Varden.  
12 In talking to the Federal Staff and some of the people  
13 that are knowledgeable about their rainbow fisheries  
14 here and Dolly Varden fisheries, they suggested that it  
15 would be -- it may be better for this year to limit the  
16 take to only Dolly Varden and rainbow trout that are 18  
17 inches and under, and that at that point there would  
18 need to be no quota on the number that you could keep  
19 in the dipnet fishery. So that is the change from the  
20 other modified proposed.

21  
22                   The other modifications to the salmon  
23 fishery remain the same. Ninilchik has asked for the  
24 fishery to be expanded to the Moose Range Meadows area,  
25 and to be able to use rod and reel with two baited  
26 single and treble hooks throughout the Kenai River  
27 fishery for salmon.

28  
29                   And the resident fishery proposal,  
30 modified proposal that we put in earlier remains the  
31 same.

32  
33                   CHAIRMAN LOHSE: Okay. Any questions  
34 for Ninilchik. Doug.

35  
36                   MR. BLOSSOM: Really not a question to  
37 Ninilchik, Mr. Chair. Is there anyone here from Cooper  
38 Landing or Hope that wants to see a copy of this so  
39 they can be studying it also, because it involves all  
40 three communities.

41  
42                   UNIDENTIFIED VOICE: I would love to  
43 see one.

44  
45                   CHAIRMAN LOHSE: Okay. Any other.

46  
47                   (No comments)

48  
49                   CHAIRMAN LOHSE: Thank you, guys, for  
50 working together and trying to come up with something

1 that can meet some of the fears and concerns of other  
2 people. I don't see anybody on the Council here having  
3 any questions for you.

4  
5 You would like to make a comment, Greg.

6  
7 MR. ENCELEWSKI: Well, I just think  
8 that that's some real good thing. Thanks.

9  
10 CHAIRMAN LOHSE: Ivan.

11  
12 MR. I. ENCELEWSKI: Yeah. Thank you,  
13 Mr. Chairman.

14  
15 Just for clarification. I know I  
16 testified yesterday of this kind of widespread what if  
17 pandemonium, and I want to correct myself on the moose  
18 hunt. Instead of six, there was two. So I tripled the  
19 amount.

20  
21 CHAIRMAN LOHSE: Thank you, Ivan.  
22 Okay. Thank you, guys.

23  
24 With that, I think we need to have a  
25 10-minute break or 6-minute break, and then we'll have  
26 InterAgency Staff Committee comments and fish and game  
27 advisory committee comments.

28  
29 (Off record)

30  
31 (On record)

32  
33 CHAIRMAN LOHSE: Okay We are on  
34 InterAgency Staff Committee comments.

35  
36 And before we do that, I'd like to make  
37 an announcement. We will not recess this meeting  
38 tonight until we get to our first wildlife proposal.  
39 And if we're still here at suppertime, I'm going to ask  
40 anybody that wants to to kick in and we're going to  
41 order pizza in, and we'll just stay right through and  
42 keep right on working. But our aim is to get through  
43 all of these to the first wildlife proposal yet today.

44  
45 Donald.

46  
47 MR. MIKE: Thank you, Mr. Chair. If  
48 we're going to stay until supper and we're going to  
49 have pizza, I'll just need to designate someone to make  
50 the pizza order.

1 Thank you, Mr. Chair.

2

3 CHAIRMAN LOHSE: Well, let's wait and  
4 see, Donald. Maybe we'll be done with everything by  
5 suppertime.

6

7 Okay. With that, we're on InterAgency  
8 Staff Committee comments. Jerry.

9

10 MR. BERG: Thank you, Mr. Chair. Well,  
11 I'll do my part to get us there a little bit quicker.  
12 I don't have anything more to add than what I told you  
13 yesterday, that we thought that the Staff's  
14 recommendation was a good first approach to help us get  
15 there.

16

17 CHAIRMAN LOHSE: You've looked at the  
18 modified Ninilchik proposal along with your Staff. Do  
19 you see any major differences in there other than  
20 positive differences?

21

22 MR. BERG: I think it's a reasonable  
23 first approach. There might have to still be some  
24 details worked out such as in the Moose Range Meadows  
25 as to where that might actually occur, but it seems  
26 like a reasonable first approach, compromise at this  
27 point to me. I can't speak on behalf of all of the  
28 Staff Committee members, because we haven't actually  
29 met obviously. But I think it's very positive that  
30 Ninilchik's willing to work with us and try to get to a  
31 point where we can all agree to something today. It  
32 seems like we're working in that direction. It's a  
33 positive step.

34

35 CHAIRMAN LOHSE: Thank you. Fish and  
36 game advisory committee comments. I think we have two  
37 or three fish and game advisory committees here, don't  
38 we? Andy, do you want to be first?

39

40 MR. SEZNICK: Yeah.

41

42 CHAIRMAN LOHSE: And notice I didn't  
43 even try to pronounce your name the way it's spelled.

44

45 MR. SEZNICK: No guts. Thank you, Mr.  
46 Chairman. My name is Andy Seznick. I'm going to be  
47 real brief.

48

49 CHAIRMAN LOHSE: Mic.

50

1 MR. SEZNICK: I'm going to be real  
2 brief. I just have a couple things on Ninilchik's  
3 modified regulations.

4  
5 The only concern that I have on them is  
6 the treble hooks in the upper Kenai River. And since  
7 that is a no bait and single hook area, I would like to  
8 see that modified.

9  
10 A couple of other things that I'd like  
11 to speak real quick about is that on the upper Kenai  
12 River and that first run of sockeye, it's a timing  
13 thing. And you folks that are commercial fishermen  
14 know exactly what I'm talking about. And I think that  
15 it's going to take a little bit of while before people  
16 that are going to utilize that system and utilize the  
17 way they're going to fish up there to figure out when  
18 to be there.

19  
20 The first run of sockeye will literally  
21 hang out at the mouth of Skilak Lake for sometimes up  
22 to two weeks, and when they move, as you know how fish  
23 move sometimes, and it's a fairly small and discrete  
24 run and they can move very quick. Now, I've seen the  
25 run actually move through the system within a matter of  
26 six days, and I've seen it take as much as three weeks.  
27 So I just want you all to be aware of that, so if we  
28 come back here, and someone goes up there and tries to  
29 do it and there's no fish, well, there's nobody  
30 catching any fish in the system.

31  
32 Another thing is the late run sockeye  
33 salmon. When they enter the upper Kenai, they do the  
34 same thing. And for some reason in the last 15 years  
35 they've been hanging out at the mouth of that lake  
36 later and later. And by the time they even enter the  
37 upper river, they're already in their spawning colors.  
38 The only people that like those are the tourists that  
39 think because they're called red salmon that they're  
40 good.

41  
42 Another thing is the coho. The coho in  
43 the upper Kenai reach that system right around  
44 September 1st. And a portion of them go up the  
45 Russian, and the other portion just kind of filter out  
46 in the main stem and go all the way up to Quartz Creek.

47  
48  
49 It's a very small stock that goes in  
50 the Russian. I'm kind of concerned with the bag limits

1 on that, because I don't know if we have any stock  
2 assessment on that Russian River coho.

3  
4 With that, that's it.

5  
6 CHAIRMAN LOHSE: Thank you, Andy.

7  
8 Any questions for Andy?

9  
10 (No comments)

11  
12 CHAIRMAN LOHSE: Mostly on the treble  
13 hook it's because it just -- with other people fishing  
14 single hooks?

15  
16 MR. SEZNICK: Yeah. Well, plus they  
17 wanted to adhere to the State bag limits and stuff.  
18 It's hard to release a trout when it's got a treble  
19 hook down its throat. And with bait. Yeah, it would  
20 take a lot of education to get people just to cut hooks  
21 off.

22  
23 CHAIRMAN LOHSE: Yes, it would.

24  
25 MR. SEZNICK: And one other point, as  
26 someone mentioned, that, you know, the numbers of trout  
27 in the system, and the trout are no different than the  
28 salmon. Most of them live in Skilak Lake, and the they  
29 filter through the system. And what they're doing is  
30 following the salmon. So when I hear people say that  
31 they saw four fishermen catch 70 trout, I want to know  
32 who those guys are, because I do it every day. And I'm  
33 telling you, in between those salmon runs up there, if  
34 I get 12 fish between Dollies or rainbows with four  
35 paying clients, I've had a very good day. So I don't  
36 base my trip on how many fish I catch. I'm going to  
37 take them fishing whether they catch it or not, thank  
38 God.

39  
40 But, you know, a lot of those fish, I  
41 have them named. I mean, through the years this fish  
42 lives there. I can catch that guy 10 or 12 times  
43 through the season, and I'm using a single hook with a  
44 barbless fly. You know, maybe I'm playing with them  
45 according to some subsistence users, but when I let him  
46 go, he lives.

47  
48 And when we did our Dolly Varden and  
49 trout study up there, we actually put radio  
50 transmitters in these fish. Now, this is the epitome

1 of catch and release. We would catch them with a rod  
2 and reel, put them in a tub, knock them out, slit their  
3 bellies open, put the radio transmitter inside their  
4 stomachs, seal them back up with super glue and let  
5 them go. Okay. Now, that's catch and release. Now,  
6 if you want to look at what the mortality was of those  
7 fish compared to what I'm doing, it's a real  
8 difference. I think we lost maybe 10 percent of those  
9 fish. So when people say it's 10 or 12 percent, I  
10 don't agree with it, because I saw it in that study. I  
11 mean, I'm not splitting them open and knocking them  
12 out.

13

14 So that's all I have to say. Thank  
15 you.

16

17 CHAIRMAN LOHSE: Out of curiosity,  
18 Andy, were you knocking them out with a hit, or were  
19 you knocking them out with chemical?

20

21 MR. SEZNICK: Chemical.

22

23 CHAIRMAN LOHSE: That's what I thought.  
24 Yeah. There is a difference. And I don't know, maybe  
25 a slit stomach and super glue is better than being  
26 kicked down the bank.

27

28 MR. SEZNICK: Probably. We handled  
29 those fish very good.

30

31 CHAIRMAN LOHSE: And I recognize that,  
32 and I think everybody here recognizes that especially  
33 you people who make your living catching fish on the  
34 river have every incentive in the world to take care of  
35 your fish the best way you can. You have also every  
36 incentive in the world to have your clients to take  
37 care of the fish the best way they can. They go home  
38 with a good experience. But the problem is that out of  
39 the 380,000 man days of fishing, a lot of those are  
40 people who don't have that same ethic.

41

42 MR. SEZNICK: I agree with you. And in  
43 the past I'd say 10 years there's been a big awareness  
44 to that, and it's always been a problem. It's an  
45 education thing for everybody.

46

47 CHAIRMAN LOHSE: Yeah. Well, I can  
48 remember when I was chartering that if I had somebody  
49 from down in the Lower 48, and that we caught a  
50 halibut, they were all excited. They didn't care how

1 big it was. And if it was a big one, their question  
2 was, what do you do to take it home. And if you got  
3 somebody from, and I won't name the city up in the  
4 Interior that's a big city, at the end of the charter  
5 they would add up how many pounds are in their coolers  
6 and they'd divide that into the dollars that they paid  
7 for the charter and then decide whether they had a good  
8 trip or a bad trip.

9

10 MR. SEZNICK: Yes. Well, it's gotten  
11 to the point now where I don't even let my clients  
12 touch them. And people look at me like, you mean  
13 people are paying you to go catch a fish, let it go,  
14 and you won't let them touch them. So be it.

15

16 MR. CARPENTER: Good for you.

17

18 CHAIRMAN LOHSE: Thank you, Andy.

19

20 Tom, did you have something?

21

22 MR. CARPENTER: No.

23

24 CHAIRMAN LOHSE: Okay. Thank you,

25 Andy.

26

27 MR. SEZNICK: Thank you.

28

29 CHAIRMAN LOHSE: Thanks for the

30 testimony.

31

32 Do you want to come next?

33

34 MR. STUBBS: Yeah. Well, good  
35 afternoon. I'm Jim Stubbs with the Anchorage AC, and  
36 thank you for this opportunity again to testify on this  
37 and let you know what the people of Anchorage and our  
38 AC thought about some of these proposals and summer  
39 ideas.

40

41 I do have in front of me the Ninilchik  
42 modified proposal. We'll start with the salmon and  
43 then go into resident, and I also have the modified  
44 modified. So I thought maybe the best way, we've heard  
45 a lot of information already, and so I thought maybe I  
46 could propose some amendments possibly to the  
47 proposals that you might consider.

48

49 I'm on Page 1 of the salmon plan. And

50 it looks like on that one I really didn't have

1 anything.

2

3                   Let's go to Page 2. I'll apologize for  
4 that. Page 2. I'm under Item (3) and then Subsection  
5 (ii), and it's talking about late run Chinook salmon.  
6 And right now and currently they're asking 1,000 fish  
7 in that one. We felt that was a little bit high. We  
8 thought 500 was better, like Kasilof, take 500 from  
9 each, because one of the reasons was again we were  
10 looking at harvesting the species of most abundance.  
11 And that second run, you'll see, and it varies from 15  
12 to 40,000 on a return. If we're 1,000 of them without  
13 knowing what the return is, that's fairly high when  
14 you're only taking 4,000 sockeye on a return that could  
15 be a million. So our question was why weren't we  
16 concentrating on the species of most abundance. So  
17 that's why I would amend that.

18

19                   The coho salmon, we know that that run  
20 is an iffy run, too. Some years it's fine, some years  
21 it isn't. So rather than 3,000, we thought 1,000 was  
22 better there. So that would be under Subsection (3)  
23 there where it said coho salmon, that would be a limit  
24 of 1,000 fish. Again, harvest a species of most  
25 abundance.

26

27                   Right below that in Section (4), that's  
28 the modified modified that just came out, and I was  
29 really happy. I think they -- I want to commend the  
30 people over in Ninilchik for stepping forward on that  
31 one with 18 inches, because we had talked before about  
32 spawning size fish. The 18 inches was put in there for  
33 a reason, and I think that that was a real step forward  
34 on the conservation numbers.

35

36                   The question to consider on that one  
37 is, when they came back with 18 inches, there was no  
38 cap put on that one. I don't know if it was an  
39 oversight or a reason. I've heard some people say,  
40 well, we're not going to catch very many of them, so it  
41 really won't make any difference. Well, I guess if  
42 that's a philosophy, you could put a cap on there of,  
43 say, 200 and if you're not going to get there, it's not  
44 going to hurt anything, but at least the managers would  
45 have something to work with. If we leave it open-  
46 ended, then you kind of start toying with the concept  
47 of conservation and principles of management. If you  
48 don't have a target on what you're going for, how do  
49 you know where you're ever going to stop. So I would  
50 -- hopefully you guys will look at that one and

1 consider that one.

2

3 As we proceed on down the page, Section  
4 (B), Item Number (1), it had to do with the early run  
5 of Chinook salmon, the late run and then a combination  
6 of the bag limits. And we felt that you should follow  
7 the State regulations there. Right now they've doubled  
8 that. We heard the Alaska Department of Fish and Game  
9 said they were concerned with doubling some of these  
10 limits. They felt it would be better to follow State  
11 regulations, and we were under the same feeling.

12

13 As we turn to Page 3, at the very top,  
14 Section (4), the same thing, we wanted to follow the  
15 State regulations. We felt the coho limit should be  
16 two and not four, and that especially on the Sanctuary  
17 and Russian river areas where we have a concern where  
18 those cohos seem to hold before they move up the  
19 Russian in limited numbers, that that should also be  
20 one per day and one in possession.

21

22 The next item that I could see for  
23 amending is right below that Item (2) where it said  
24 method and means for rod and reel. Like Andy said, we  
25 were concerned about using multiple hooks or treble  
26 hooks, because currently when you look at the State  
27 regulations, if we followed them on Page 29, the July 1  
28 to July 31st, it says only single hook lure is allowed,  
29 and you can have bait, but after that date, when you  
30 get into August, there's no bait allowed and it's  
31 single hook. So we felt again State regulations should  
32 be followed.

33

34 And that's my conclusion for the salmon  
35 portion. Are there any questions.

36

37 CHAIRMAN LOHSE: Tom.

38

39 MR. CARPENTER: Yeah, I've got a  
40 question. If you read in the justification that  
41 Ninilchik has in the second modified proposal, I do  
42 comment them also for putting a length limit in there,  
43 because I think that's going to go a long way in  
44 regards to conservation.

45

46 But they also have under justification,  
47 it says that they propose a harvest quota of 200  
48 rainbow and 400 Dolly Varden, that would be of  
49 incidental catch in the dipnet fishery. So I do think  
50 they do have a harvest maximum that they have put in

1 there.

2

3 MR. STUBBS: Okay. I see that know,  
4 too. I'd overlooked that. But typically when  
5 regulation goes in, it doesn't have a justification  
6 clause with it. So if that is the intent, I would  
7 think it should go into regulation. I'm not a lawyer,  
8 but I know usually when we're out there fishing, we're  
9 going to have the regulations, we aren't going to have  
10 any justification that follows along to tell us.

11

12 MR. CARPENTER: Yeah. Okay. I mean,  
13 I'm just reading the justification here. Maybe we'll  
14 get Sky up here in a minute. Anyway, thanks.

15

16 CHAIRMAN LOHSE: Can I ask you a  
17 question?

18

19 MR. STUBBS: You bet, Ralph.

20

21 CHAIRMAN LOHSE: Now, I just have a  
22 question on the -- I can see the reason behind it, but  
23 your wanting to following State regulations exactly on  
24 hook and on bag limit. I'm just wondering where -- if  
25 we followed State regulations exactly on all of these  
26 things, where is there a priority? Is the priority in  
27 the fact that they're getting to fish when somebody  
28 else doesn't get to fish? Is the priority in the fact  
29 that they're having an easier time getting the fish?  
30 And I think that that's one of the reasons that -- like  
31 the two-hook thing and the double limit was put in was  
32 basically to show that there was a difference between  
33 subsistence and sportfishing. But I was just wondering  
34 what your thoughts on that -- how would you show a  
35 subsistence priority if you gave the same seasons and  
36 bag limits and methods and means that you do for  
37 sportfishing.

38

39 MR. STUBBS: Mr. Chair. I think  
40 they're getting a priority to harvest a species of most  
41 abundance in the red salmon. They're getting to take  
42 an additional 500 kings that I wouldn't be able to  
43 take. They're getting to take an additional 1,000  
44 coho. I think once we get into the species of less  
45 abundance or the ones that can be impacted the most,  
46 the rainbows and stuff, that when I read -- when I  
47 heard -- when we sat down at the very beginning and  
48 they started in and they talked about ANILCA and what  
49 its charge was. Its charge was said conservation of  
50 resource first. I think in this case that's where it

1 would apply.

2

3 CHAIRMAN LOHSE: Thank you. Okay.

4 Would you like to go on with the Kenai resident  
5 species?

6

7 MR. STUBBS: I certainly would. Thank  
8 you, Mr. Chairman.

9

10 The resident species, if we start on  
11 Page 1 of the modified Ninilchik proposal for resident  
12 species, we go (A) (2), which has been lined out. I  
13 think that needs to still be in there under State  
14 regulations. I think you should say that should still  
15 be in there for Dollies and rainbows on how many you  
16 could take. It just shouldn't be deleted out.

17

18 As we go down into Section (B), we have  
19 the same thing again on (2) and (3). They deleted  
20 those out. And my comment is the next to the last  
21 sentence at the bottom of the page, it talks about  
22 lakes and ponds I don't really know of any ponds up  
23 here that have fish in them. I know we've got a lot of  
24 lakes, but I've never heard anybody call them ponds. I  
25 don't know if that would make any difference later on,  
26 but I know there are a lot of lakes in Alaska, but not  
27 too many ponds with fish.

28

29 On the second page, the very top of it,  
30 it says fish 20 inches or larger, which we know now  
31 would be 18 inches, because State regulations -- I  
32 mean, because of what was proposed, and that would  
33 match State regulations, but it says, annually four  
34 rainbow trout 20 inches or longer can be harvested.  
35 Well, hopefully that would go back to the bag limit of  
36 two at 18 inches. I mean, you can only have two over  
37 that 18 inches in there.

38 So I'm trying to make it again more  
39 consistent with the State regulations.

40

41 You know, one of the concerns I have  
42 had is I like Andy are one the persons that went  
43 through the 80s when we saw the resource of the  
44 rainbows and Dollies really come crashing down. We  
45 worked hard, we got proposals in, we got more  
46 restrictive, more restrictive, and then it started to  
47 come back up. We had the Russian River in the 60s and  
48 70s take a big dive and take a long time to come back  
49 up. And what I'd like to say is when Doug McBride was  
50 up here, the OSM, I think he called it out really well

1 on how easily these -- the resident fish can be put on  
2 the wrong side of the curve we want to be on, and they  
3 can come down in a hurry. And I will guarantee you,  
4 I've been through it, it takes a long time for them to  
5 come back up.

6  
7 So I think we need to start fairly  
8 conservative. I think the 18-inch or less limit is a  
9 good way to go. I think the State regulation is a good  
10 way to go. If we find out in years to come that there  
11 is more opportunity, that will be for you guys to  
12 address, but right now let's please start on the side  
13 of being conservative, take small steps, and then if  
14 there is opportunity to open it up, and you guys feel  
15 it's sufficient, then that will be your prerogative to  
16 look at. But let's take care of the resource first,  
17 then if there's a resource there, we can allocate it.

18  
19 Thank you very much.

20  
21 CHAIRMAN LOHSE: Thank you. Any  
22 questions. Tricia.

23  
24 MS. WAGGONER: Okay. You just  
25 indicated that if there's a resource there, then we  
26 call allocate it. So obviously as a sportfisherman who  
27 sportfishes on the Kenai, there is an available harvest  
28 for sportfishing of resident species.

29  
30 MR. STUBBS: There is right now,  
31 because the majority is catch and release, probably up  
32 -- I think he said 98, 99 percent are catch and  
33 release, so there's just a very small harvest. But if  
34 we move this harvest forward, we're on such thin ice  
35 right now that it will go to where we will be  
36 allocating stocks. And if that's what the Department  
37 has to do, they'll probably do it. It will put us back  
38 to catch and release. That's what a thin line we're  
39 walking on right now. And as you realize, when there  
40 are 380,000 man days spent on a river, there's a lot of  
41 people on that. And we also know that the spawning  
42 sized fish, the research they did, 41 percent of those  
43 die each year. So there's a big turn over and it  
44 doesn't take much to put it on the other side.

45  
46 CHAIRMAN LOHSE: Tricia, more?

47  
48 MS. WAGGONER: Unh-unh.

49  
50 CHAIRMAN LOHSE: Anybody else have any

1 questions for him?

2

3 MR. LAMB: Yeah. Can I just ask him  
4 one? Did you say it was 41 percent of.....

5

6 MR. STUBBS: Yes.

7

8 MR. LAMB: .....the breeding stock?

9

10 MR. STUBBS: Of the spawning sized  
11 fish, when they did the research that's what the  
12 mortality rate is on what was published by the Fish and  
13 Game.

14

15 MR. LAMB: Boy, that's a lot.

16

17 CHAIRMAN LOHSE: Do you have any idea  
18 -- do they have any idea what the cause of that  
19 mortality is, or is that just the.....

20

21 MR STUBBS: Spawning.

22

23 CHAIRMAN LOHSE: .....turnover from  
24 everything, from the spawning rigors to the catch and  
25 release to everything else? I mean, basically what  
26 you're saying is 41 percent of the fish over 16 inches  
27 die every year.

28

29 MR. STUBBS: There was a publication  
30 that's put out, I don't know if they had that for you.  
31 And when you guys are making decisions on this,  
32 remember we had the wild trout policy and plan. It  
33 talks about if you're going to change harvest methods,  
34 or if you're going to have a new fishery on the ways --  
35 it could maybe help you on some of this, if you need  
36 help.

37

38 MR. ELVSAAS: Mr. Chairman.

39

40 CHAIRMAN LOHSE: John. Fred.

41

42 MR. ELVSAAS: I was just wondering, Mr.  
43 Chairman, about how old are these fish that are dying,  
44 16 inches?

45

46 MR. STUBBS: Through the Chairman to  
47 Fred. You know, I really couldn't tell you. I don't  
48 have that information there, and I wasn't privy to do  
49 the research. So I would assume that these fish are  
50 anywhere 5 to 10 years old. I really don't know how

1 long it takes to grow a rainbow to that size.

2

3 MR. ELVSAAS: Well, then what is the  
4 extreme lifetime of these? What's the known oldest  
5 fish say?

6

7 MR. STUBBS: Through the Chairman to  
8 Fred. Maybe somebody from the Department that's an  
9 expert can answer Fred's question. I usually try to  
10 not answer questions if I don't know the information.

11

12 MR. ELVSAAS: That's good.

13

14 CHAIRMAN LOHSE: There's somebody there  
15 that might give us an.....

16

17 MR. STUBBS: I don't have a very good  
18 poker face.

19

20 MR. CANNON: Mr. Chairman. The  
21 reference I'd cite is Jim Marlowe's Taxonomy of Alaska  
22 Fisheries, and in there it's seven to -- it's about 9  
23 to 10 years would be an old rainbow trout.

24

25 CHAIRMAN LOHSE: At what age do they  
26 reach spawning age? I mean, let's say, not spawning  
27 age, because they spawn when they're below 16 inches,  
28 but they just don't produce much, but let's say what  
29 would a.....

30

31 MR. CANNON: About three to five years.

32

33 CHAIRMAN LOHSE: Five years?

34

35 MR. CANNON: Three to five.

36

37 CHAIRMAN LOHSE: So basically if you've  
38 got four years of fish that we call of spawning age, we  
39 lose 40 percent out of that four years worth of fish  
40 every year?

41

42 MR. CANNON: Because of just the stress  
43 of spawning.

44

45 CHAIRMAN LOHSE: Oh, this is just the  
46 stress of spawning. This doesn't include bear  
47 predation or predators or catch and release or anything  
48 else, this is just from the spawning rigors?

49

50 MR. CANNON: I remember reading the

1 same reference that he's mentioned, and I don't know if  
2 they had a way of teasing out those specifics or not.  
3 But of tagged fish that were being monitored, about 40  
4 percent of them basically didn't survive the spawning  
5 process.

6  
7 CHAIRMAN LOHSE: The recruitment must  
8 be tremendous.

9  
10 John? Okay. Any other questions.

11  
12 (No comments)

13  
14 CHAIRMAN LOHSE: Out of curiosity, I  
15 just had one question on that. Was that on just -- was  
16 that on steelhead by any chance? That wasn't  
17 steelhead?

18  
19 MR. STUBBS: No. Sadly there hasn't  
20 been hardly any research on steelhead.

21  
22 MR. CANNON: I believe that was in the  
23 Russian River.

24  
25 CHAIRMAN LOHSE: That was in the  
26 Russian River.

27  
28 MR. STUBBS: The Kenai.

29  
30 MR. CANNON: In the Kenai.

31  
32 CHAIRMAN LOHSE: Okay. Any other  
33 questions.

34  
35 (No comments)

36  
37 CHAIRMAN LOHSE: Thank you.

38  
39 MR. STUBBS: Thank you very much.

40  
41 CHAIRMAN LOHSE: Okay. With that,  
42 summary of written public comments?

43  
44 MR. BLOSSOM: I think we have.....

45  
46 CHAIRMAN LOHSE: Nope, we have one more  
47 fish and game guy. My fault. Sorry.

48  
49 MR. MOEGLEIN: My name is Ed Moeglein.  
50 I'm the subsistence representative for the Kenai-

1 Soldotna Fish and Game Management Advisory Group.

2

3                   The comments of our group that we  
4 summarized together, and I believe you folks got a copy  
5 of it, and I'd like to go -- just read through it.

6

7                   The Kenai area Fish and Game Advisory  
8 Committee is a diverse group of volunteers. We  
9 represent residents of the Kenai-Soldotna area. We are  
10 by far the most diverse AC in the State of Alaska. the  
11 AC is composed of members representing subsistence,  
12 personal use, sportfishing, guided sportfishing,  
13 commercial fishing, hunting, and trapping. We work  
14 closely with management of our natural resources, as we  
15 are all stakeholders of the natural resources on the  
16 Kenai Peninsula.

17

18                   We draw our conclusions from scientific  
19 information that is available from government agencies,  
20 private consultants of studies performed, and users  
21 with experience and information dating as far back as  
22 1960 to the present.

23

24                   We question the need for these  
25 subsistence proposals. Currently, State regulations  
26 are managed for a very liberal personal use season.  
27 Ninilchik residents take only a small fraction of the  
28 fish allowed them by current State regulations. Based  
29 on the census and permit data from 2000 and 2005, only  
30 25 percent of the residents of Ninilchik obtain  
31 personal use permits. Of these permits, only 33  
32 percent of the allowed catch was harvested. With the  
33 current State proxy system, there is no reason that all  
34 interested parties could have obtained permits. Also  
35 of interest is that State educational fishery permits  
36 are not being fully utilized. The latest State figures  
37 that recent harvest have averaged only 42 percent of  
38 the total allowable harvest.

39

40                   We unanimously accept and adopt as our  
41 own the Federal Staff analysis dated February 22nd,  
42 2007 for Analysis of Proposals on Pages 4, 5, and 6 for  
43 strategy, regarding analysis or proposals, regarding  
44 gear types for subsistence fisheries, and accounting  
45 for subsistence harvests.

46

47                   We would like to express our concern on  
48 the subsistence proposals for the Kenai Peninsula. We  
49 feel that conservation of both targeted and non-  
50 targeted species have not been fully addressed.

1 Maintaining a meaningful subsistence harvest this year  
2 and in the future while keeping sustaining yield goals  
3 would provide -- would prove difficult.

4  
5 First on our minds is the conservation  
6 of the resource. We feel that current proposals do not  
7 reflect ongoing conservation efforts on the Kenai  
8 Peninsula. We feel that both targeted and non-targeted  
9 species are to be adversely affected.

10  
11 Now, mind you, I wrote this prior to  
12 all this discussion, and things have changed.

13  
14 Some of the early late run kings --  
15 some of the early arriving late run king salmon and  
16 early run king salmon arriving before July 1st are  
17 genetically unique in that these fishes are five to  
18 seven-year-old fish. This strain is unique as they  
19 grow to sizes greater than 60 pounds, the numbers  
20 averaged over a 10-year period was in low hundreds and  
21 sometimes numbered less than 100 fish some years. A  
22 State regulation for early run king salmon, those fish  
23 arriving before July 1st was implemented in the river  
24 for a slot limit that kings between 44 and 55 are  
25 protected and cannot be retained. This is to protect  
26 the smaller numbers of the genetically larger fish in  
27 this early run of this unique species. Also in place  
28 are single hook and no bait regulations to reduce catch  
29 on this delicate early run of king salmon.

30  
31 Early run king salmon are primarily a  
32 tributary spawning fish and genetically unique in  
33 smaller runs above Skilak Lake in the Russian River,  
34 Snow River, Quartz Creek, Crescent Creek, Juneau Creek,  
35 Grant Creek, Falls Creek, Ptarmigan Creek, and Tern  
36 Lake. The largest of these runs with data studied was  
37 the Russian River weir.

38  
39 In 1960 through 2006 weir counts  
40 averaged 135 early run kings, and 2 years there were  
41 was less than 50 fish counted. 1986 to 2005 early run  
42 king numbers averaged 10,000 fish, 17,000 fish being  
43 the highest numbers with the majority spawning in the  
44 Killey River, Funny River, and Slikok Creek. In 2002,  
45 the numbers fell below 5300 fish or the minimum number  
46 of fish for a sustainable yield. Sportfishing was  
47 closed to fishing for them. Restrictive regulations  
48 were put into effect to help this run recover.  
49 Subsistence fishing of early run kinds should be held  
50 (sic) immediately below Skilak Lake or above Skilak

1 Lake for conservation measures, not to eliminate small  
2 unique runs in these tributaries further up the Kenai  
3 River in the Kenai River Drainage. Basically saying  
4 harvest them below Skilak Lake. Doing it anywhere up  
5 above, you could easily eliminate these small unique  
6 runs.

7  
8 We feel that depending on what gear  
9 type used, the 1,000 king allocation could be harvested  
10 in a short period of time. The 72-hour reporting  
11 period proposed now will allow the over-harvest of the  
12 resource. We suggest daily reporting and close  
13 management of the proposed fishery. Over-harvest will  
14 be detrimental to maintaining a sustainable yield.

15  
16 Using a cell phone or to stop by the  
17 Kenai National Wildlife Refuge to report harvests as  
18 fish are harvested is not unreasonable we think in  
19 considering the average total number of fish and the  
20 number of fish to sustain a minimum yield is not that  
21 big of a spread. We also would ask your consideration  
22 as to the total number of these fish to be considered  
23 for dividing among the three local communities for  
24 community, household, and individual limits of the  
25 participants in this harvest, the number of fish and  
26 the gear type used to obtain them, also that harvest is  
27 equally distributed among all users of this subsistence  
28 fishery.

29  
30 The late run of Kenai River kings are  
31 mainstream spawners. The State sportfishery for late  
32 run king salmon closes July 31st. We ask that you  
33 would consider closing the Federal subsistence fishery  
34 also at this time. The fish are at a dramatically  
35 reduced quality after July. The current proposal with  
36 community and household limits could push the harvest  
37 towards 7,000 king salmon. This number could adversely  
38 affect the fishery and could take decades to repair.  
39 Hundreds of thousands of hours have been spent  
40 developing the management of fish stocks in these  
41 waters. This large number of fish could make it  
42 difficult in maintaining escapement goals.

43  
44 Sockeye and pink salmon numbers  
45 requested by proposals are reasonable; however, method  
46 and means are critical below Skilak Lake for the two  
47 and a half miles below Skilak Lake. The  
48 rainbow/steelhead and Dolly Varden/Arctic char come up  
49 with the sockeye, pink, and coho salmon during these  
50 times. This stretch of river is the primary spawning

1 grounds of these resident species. These are the  
2 primary breeders for the species and sportfishing  
3 limits are restricted to catch these resident species  
4 to only one over 18 inches in length below Skilak Lake  
5 and 16 inches above Skilak Lake by State regulations to  
6 preserve the breeder fish for a sustainable yield.  
7 Resident species of fish retained for subsistence  
8 harvest should be held to the same size requirements as  
9 State regulations to preserve the breeding age of fish,  
10 and fish over 16 to 18 inches are poorer quality eating  
11 fish. It is better to fish the sockeye, pink salmon  
12 from below the area of primary spawning grounds and not  
13 disturb mid river king salmon spawners in the two and a  
14 half mile stretch below Skilak Lake.

15  
16 Coho numbers harvested in the Kenai  
17 River 1977 through 2005 by sports fishermen averaged  
18 43,000, of which the average number above Skilak Lake  
19 was 6,400. In 1997 only 8,000 spawners were recorded  
20 and daily sportfishing bag limits were lowered to 2  
21 fish a day. Estimated spawning numbers now are  
22 estimated between 10,000 to 160,000 fish and no  
23 scientific data was accumulated to accurately estimate  
24 their numbers. Currently there are no escapement goals  
25 and studies have not been completed or published.  
26 3,000 fish requested for a meaningful subsistence  
27 harvest, as to how it would impact the run is unknown,  
28 but sport limits reduced to two fish a day has helped  
29 in the recovery of the run. Limits for a subsistence  
30 fishery per individual per day, we hope you can somehow  
31 regulate to equally distribute fairly among the three  
32 user communities. Household and individual limits  
33 should not be fished by methods as to break the 3,000  
34 fish quota for the harvest of coho salmon. We would  
35 request a reporting time more frequently than 72 hours,  
36 making the reporting station available on weekends, in  
37 trying to limit the harvest as closely as possible to  
38 the 3,000 coho salmon allocation proposed to maintain a  
39 sustainable yield of this non-studied species.

40  
41 I'll go on and come back and address  
42 this.

43  
44 Lake trout in both the Kenai and  
45 Kasilof River drainages are unique in that they grow so  
46 slowly that a 20-inch fish can range from 10 to 50  
47 years of age, and little is known of the quantities  
48 that are present in Kenai, Hidden, Cooper, and  
49 Tustumena Lakes. But what is known to the number of  
50 lake trout, that it is not in the tens of thousands of

1 numbers. Also known is that the proposed limits will  
2 create an unsustainable management situation.  
3 Excessive harvest of this and other resident species  
4 might not be detected in time to prevent stocks from  
5 being depleted.

6  
7 Current sportfishing limits are -- and  
8 again this has changed, but 2 fish in possession over  
9 20 inches for a maximum of 12 fish in possession with  
10 only 2 being over 20 inches, and that's been corrected.  
11 With the many years of catches checked and information  
12 on how many lake trout are caught in one day, few have  
13 caught more than two fish in one day per person.

14  
15 History of commercial harvests of lake  
16 trout in Lake Superior near Minnesota-Wisconsin-  
17 Michigan, and Great Bear and Great Slave Lakes in the  
18 Northwest Territory of Canada, the stocks were  
19 decimated and never returned to a commercial harvest  
20 again, and only until recent decades returned to  
21 quantities meaningful to a subsistence harvest.

22  
23 Tustumena Lake was once commercially fished out already  
24 in earlier years, in the 1950s, when they salted them  
25 and packed them down the mountain. We recommend that  
26 the individual sportfishing limits be applied to  
27 individuals in the subsistence harvest limits for  
28 consumption and be denied use as dog food as one of the  
29 proposals.

30  
31 In the Kasilof drainage from Hong Kong  
32 Bend up to the sanctuary of Tustumena Lake, and the  
33 winter Tustumena Lake gillnet and jig fishery, we have  
34 concerns for the rainbow/steelhead, Dolly Varden/Arctic  
35 char fishery and by-catch. The average sport catch in  
36 the last 10 years has been 46 rainbow/steelhead.

37  
38 CHAIRMAN LOHSE: We've already taken  
39 care of that one, remember, and you're on the Kasilof  
40 now.

41  
42 MR. MOEGLEIN: Yeah.

43  
44 CHAIRMAN LOHSE: So can you confine  
45 your remarks to the Kenai if possible.

46  
47 MR MOEGLEIN: Okay. Basically I've  
48 covered everything, and you have a copy of the letter.

49  
50

1                   The only thing, one of our concerns  
2 wasn't addressed, and was the gear type for fishing  
3 under the ice, that we have concern of the net if it's  
4 not recovered, that it's not a ghost net and continues  
5 to fish, and that if it drops to the bottom, you know,  
6 it isn't floating and gear fishing, that it rolls along  
7 the bottom with the current, collecting garbage,  
8 carcasses, whatever, and then rolls downriver through  
9 the spawning beds and disturbing where the eggs were  
10 spawned.

11  
12                   CHAIRMAN LOHSE: That's a good comment  
13 right there.

14  
15                   Any questions. Tricia.

16  
17                   MS. WAGGONER: Okay. On Page 3 of your  
18 testimony you discuss methods and means below Skilak  
19 Lake, and you talk about for two and a half river miles  
20 below Skilak Lake. And the proposed dipnet area starts  
21 at two and a half miles below Skilak Lake. Does that  
22 satisfy your concern with that area?

23  
24                   MR. MOEGLEIN: Yes, it did.

25  
26                   MS. WAGGONER: Okay. Thank you.

27  
28                   CHAIRMAN LOHSE: Any other questions.

29  
30                   (No comments)

31  
32                   CHAIRMAN LOHSE: I have one, because  
33 this is one that's come up a number of times, and there  
34 seems to be heartburn with the 72-hour reporting, and  
35 you were talking about daily reporting needed to be  
36 taking care of it, and that with cell phones and  
37 everything, that would be pretty easy. And I'm just  
38 wondering why if we're concerned about the subsistence  
39 fishermen reporting daily, why don't we have a  
40 requirement that all fishermen on the Kenai report  
41 daily so that they can keep track of what's going on in  
42 the run?

43  
44                   Most of the sportfish -- I don't know  
45 what happens on the Kenai, so I can't speak for it, but  
46 most of the sportfishing statistics I've seen from  
47 other places in the state have been done with an end-  
48 of-the season creel survey by mail. And in a couple  
49 cases we personally knew a different amount of fish  
50 than were reported on what was in the creel survey.

1 Because a creel survey takes an average.

2

3                   And if it's so critical to keep track  
4 of these fish, which when we look at it, are actually  
5 the smallest percentage of the take, then it should be  
6 just as critical to keep track of the larger percentage  
7 of the take, and it should be then -- you know, if we  
8 want daily reporting on the subsistence fish, which end  
9 up having a possibility of taking one-seventh let's  
10 say, or something like that, then why don't we ask for  
11 daily reporting on all of the sportfishing? Why do we  
12 trust creel surveys that are done at the end of the  
13 season after people have gone home and tried to sit  
14 back and remember what they did? And we look at those  
15 creel surveys as if they're gospel truth, but we think  
16 that the subsistence fisherman needs to make sure and  
17 check things off, which I agree with. Don't get me  
18 wrong. I am for reporting. I would like to see strict  
19 accounting on all fish. But we have a problem with the  
20 subsistence fisherman having 72 hour reporting and  
21 making sure they check things off and mark the tail  
22 fins and everything else, but the sportfisherman can  
23 fill out a creel survey in December and try to remember  
24 what they did.

25

26                   MR. MOEGLEIN: Mr. Chairman. In  
27 qualifying what we wrote in the letter here was  
28 depending on gear type. Now if you -- at that time  
29 gillnets wasn't off the table. I hope -- fishwheels  
30 are still not off the table, but in a short period of  
31 time, if a fishwheel is used, when a slug of fish comes  
32 in, there can be an enormous amount in a very, very  
33 short period of time. And with the limited numbers of  
34 some species, that is the reason why of our concern  
35 that there would be -- knowing that it's addressed,  
36 that it can be reported quicker if that type of gear  
37 type is used. That's the reason why I qualify in  
38 saying that by gear type. It can be done that way.

39

40                   CHAIRMAN LOHSE: So you weren't  
41 thinking that this needed to apply if they were out  
42 there with dip nets or fishing poles?

43

44                   MR. MOEGLEIN: No.

45

46                   CHAIRMAN LOHSE: Okay.

47

48                   MR. MOEGLEIN: That's the reason why it  
49 would be a rapid thing. A net, you know, I know Mr.  
50 Losspen (ph). I've -- both have experienced it.

1 Sometimes you're out personally use fishing, and you  
2 can fish for days, and you're trying to catch say 45  
3 fish and it is days. But then there's other times the  
4 tide turns and in two hours your net sinks. So that's  
5 the reason why we addressed it that way.

6

7 CHAIRMAN LOHSE: Thank you. That's a  
8 good explanation right there, and that makes a lot of  
9 difference.

10

11 MR. MOEGLEIN: Thank you, sir. Any  
12 other questions.

13

14 CHAIRMAN LOHSE: Any other questions.

15

16 (No comments)

17

18 CHAIRMAN LOHSE: Thank you. Okay.  
19 Written public comments.

20

21 MR. MIKE: Mr. Chair, this morning I  
22 summarized the written public comments starting on Page  
23 138 in your blue book, and Council agreed that I read  
24 one statement that would cover the Kasilof and Kenai  
25 written public comments. I summarized through my  
26 presentation this morning. But, Mr. Chair, I can  
27 reread it for the record if you wish.

28

29 CHAIRMAN LOHSE: Does anybody feel like  
30 they need it reviewed for the record.

31

32 (No comments)

33

34 CHAIRMAN LOHSE: If I remember right,  
35 you had 27 written public comments.

36

37 MR. MIKE: That's correct, Mr. Chair.  
38 And, Mr. Chair, of the 27 written public comments, the  
39 majority of the commenters were in opposition of the  
40 proposal, with the exception of Proposal 28, four of  
41 the commenters were in favor, and one commented in  
42 favor of all the subsistence proposals.

43

44 Mr. Chair.

45

46 CHAIRMAN LOHSE: Thank you, Donald.  
47 Okay.

48

49 I'll give this Council the same charge.  
50 Put the original proposal on the table. Put the

1 proposal as modified on the table by OSM. Put the  
2 proposal as modified or remodified on the table by  
3 Ninilchik. Or put an alternative on the table. We  
4 need a proposal on the table so we can go into  
5 discussion. And we can modify it, we can change it, we  
6 can amend it. We can vote it up, or we can vote it  
7 down.

8

9 Gloria.

10

11 MS. STICKWAN: I'll move.

12

13 CHAIRMAN LOHSE: Which one are you  
14 moving, the Ninilchik one, or the OSM one or the  
15 original one.

16

17 MS. STICKWAN: Ninilchik.

18

19 CHAIRMAN LOHSE: The Ninilchik one.

20

21 MR. CARPENTER: Second.

22

23 CHAIRMAN LOHSE: It's been moved and  
24 seconded that we put the modified modified Ninilchik  
25 proposal on the table.

26

27 MR. BLOSSOM: For salmon, and then the  
28 original modified.....

29

30 CHAIRMAN LOHSE: Yeah, and the original  
31 modified one for resident fish. And it's been seconded  
32 by Tom.

33

34 Discussion. Tricia.

35

36 MS. WAGGONER: Just one point I wanted  
37 to make in thinking about this. Getting two fish and  
38 having to drive back home and throw those in your  
39 smokehouse isn't really feasible.

40

41 CHAIRMAN LOHSE: We'll get to that on  
42 discussion.

43

44 MS. WAGGONER: Yeah. Sorry.

45

46 CHAIRMAN LOHSE: Right now we just need  
47 to have a motion on the table before we can discuss.

48

49 (No comments)

50

1 CHAIRMAN LOHSE: No discussion,  
2 question's called if somebody will call it. I can't  
3 call it.

4  
5 MS. WAGGONER: Question.

6  
7 CHAIRMAN LOHSE: The question's been  
8 called. All in favor of the motion on the table, which  
9 is to address Ninilchik's modified modified proposal on  
10 salmon and their original modified proposal on resident  
11 fish as the basis for our discussion signify by saying  
12 aye.

13  
14 IN UNISON: Aye.

15  
16 CHAIRMAN LOHSE: Opposed signify by  
17 saying nay.

18  
19 (No opposing votes)

20  
21 CHAIRMAN LOHSE: Motion carries. Okay.  
22 We now have a motion on the table. So now we an go  
23 into discussion. And when we get to that point,  
24 because we'll go through it page by page, when we get  
25 to that point, that would be a good time to bring that  
26 up. And if as a Council we have any questions that we  
27 need to ask some of the experts that are out in our  
28 audience, we can call them up at any time. Or any  
29 other individual that we wish to ask a question.

30  
31 Okay. So we have before us, which we  
32 had before us, if I've got it, Ninilchik's modified  
33 proposal for Kenai River salmon. And we'll just go  
34 through this page-by-page and see where we want to make  
35 some amendments or changes or if we want to make  
36 amendments or changes, or if we want to accept it the  
37 way it is.

38  
39 Let's take a look at that first page.  
40 Comments, motions or discussion from the rest of the  
41 Council.

42  
43 (Pause)

44  
45 CHAIRMAN LOHSE: Well, shall we take it  
46 section by section? Anybody see anything in the first  
47 two paragraphs that they think needs addressed.

48  
49 (No comments)

50

1 CHAIRMAN LOHSE: We can go on to  
2 Paragraph (A) if nobody has any objections to what's in  
3 the first two paragraphs.

4  
5 I wonder. Donald, do I need to read  
6 this into the record, or since we have it on paper and  
7 everybody has it on paper, it can be entered into the  
8 record that way, can't it?

9  
10 MR. MIKE: Yes, Mr. Chair. I think we  
11 can do that, but if you wish, I can read it into the  
12 record also.

13  
14 CHAIRMAN LOHSE: Doug, have you got a  
15 comment.

16  
17 MR. MCBRIDE: Mr. Chairman. I have a  
18 comment when you get down to the first modification,  
19 Paragraph (iii), the area above Soldotna known as Moose  
20 Range Meadows. Do you want me to wait until you get to  
21 there?

22  
23 CHAIRMAN LOHSE: Is everybody down to  
24 number (1), the location. Tricia.

25  
26 MS. WAGGONER: Doug, I just want to  
27 make sure that as you said earlier today, that we'll  
28 make sure that that caudal fin language is taken out  
29 and moved to dorsal fin.

30  
31 MR. MCBRIDE: Absolutely. Yes.

32  
33 MS. WAGGONER: Thank you.

34  
35 CHAIRMAN LOHSE: Okay. Doug, would you  
36 like to comment on (3) or (iii) I guess.

37  
38 MR. MCBRIDE: Mr. Chairman. Yes, thank  
39 you. We have -- Staff have several comments on that,  
40 some of which are housekeeping, some of which are not.

41  
42 The first is, and we use Moose Range  
43 Meadows as shorthand for an area of the river. We  
44 would after define this by river mile. It would be  
45 river miles 25 to 29, and we can take care of that  
46 later, but Moose Range Meadows like I say is shorthand  
47 for that section of river, and so we can fix that.

48  
49 The second comment is in this  
50 modification they did not address seasons for this

1 dipnet fishery, and so what we would recommend, and I  
2 did speak with the attorney for NTC about this, we  
3 would use the same season that is in just below that,  
4 (2)(i) and it would apply to both -- well, (i) and (ii)  
5 under (2). So those seasons as defined there, it would  
6 be for sockeye salmon, and it would read in both the  
7 Kenai -- well, in the Kenai, Russian and Moose Range  
8 Meadows fisheries, fishing would be allowed from 15  
9 June to 15 August, and for late run chinook, pink or  
10 coho salmon in the Kenai and Moose Range Meadows  
11 fisheries, fishing will be allowed from 16 July to 30  
12 September. So both of those series of dates would  
13 apply to the Moose Range Meadows area.

14  
15 CHAIRMAN LOHSE: That would just be to  
16 clarify an understanding, because Moose Range Meadows  
17 is on the Kenai River, isn't it?

18  
19 MR. MCBRIDE: Mr. Chairman. That's  
20 correct, but as this was originally drafted, the Kenai  
21 River fishery was just that area up above the upper  
22 mouth of the Killey, so we need to identify it as a  
23 separate area and include that in both of those areas.

24  
25 And then the final comment is not  
26 housekeeping. As Robin West, the refuge manager, told  
27 you, there are a lot of bank habitat concerns with this  
28 area. They are severe. In fact, when you look at the  
29 bank closures in that area during -- when the sockeyes  
30 are there, which would be the primary time you would --  
31 the primary dipnetting season, not all, but most of the  
32 banks of that area are closed. Virtually the entire  
33 south bank is closed. And when I say closed, that  
34 means you cannot fish from the bank, nor can you fish  
35 from within 10 feet of the bank. And there are also  
36 significant areas on the north shore that are closed.  
37 And these are all the areas that are readily  
38 accessible, and they include both the private land that  
39 has the easement over the top of it, and actual refuge  
40 land. Those closures are on both of those areas.

41  
42 So Staff recommendation on this would  
43 be to make this dipnetting from boats only. That would  
44 keep this fishery out of all the habitat problems with  
45 being on the banks.

46  
47 Mr. Chairman.

48  
49 CHAIRMAN LOHSE: Thank you, Doug. I  
50 was going to ask a silly question, but I probably

1 shouldn't. But I was wondering, 10 feet from which  
2 direction on the bank, in or out.  
3  
4 MR. MCBRIDE: Mr. Chairman. Out into  
5 the river.  
6  
7 CHAIRMAN LOHSE: So you can't fish  
8 within 10 feet out in the river?  
9  
10 MR. MCBRIDE: Correct.  
11  
12 CHAIRMAN LOHSE: I guess it wasn't a  
13 silly question.  
14  
15 MR. MCBRIDE: When they have a bank  
16 closure, it's from the bank and 10 feet into the water.  
17 That is the way it works.  
18  
19 CHAIRMAN LOHSE: So they can't take the  
20 boat within that distance then?  
21  
22 MR. MCBRIDE: Correct.  
23  
24 MR. CARPENTER: I have a question. So,  
25 Doug, if that's closed already, why do we need to make  
26 it boat fishing anyway? I mean, basically that's the  
27 only way you could do it, the way the regulation's  
28 written now, right?  
29  
30 MR. MCBRIDE: Mr. Chairman. Mr.  
31 Carpenter, no, you would fish from a boat. I think --  
32 I remember somebody yesterday was -- I think it was the  
33 gentleman from the Kenai-Soldotna AC, I mean, you fish  
34 from a boat, you basically are trolling your dipnet.  
35 You would be coming down the current with your dipnet,  
36 but you could not fish within 10 feet of the bank in  
37 those areas. There are areas where you can fish within  
38 10 feet of the bank, but they're largely inaccessible  
39 from standing on the shore, but you could fish from a  
40 boat in those areas. So you could fish out in the rest  
41 of the river, which is where, I mean, the kings are  
42 going to be, and to some extent the cohos, and in the  
43 places where there are not bank closures, you could  
44 fish within 10 feet of the bank. But realistically  
45 you're going to be fishing from a boat anyway.  
46  
47 CHAIRMAN LOHSE: If you didn't put that  
48 in writing though, somebody could go, and we heard that  
49 they were probably taken out and everything, but  
50 otherwise somebody could go and try to dipnet off the

1 boardwalks, wouldn't they?

2

3 MR. MCBRIDE: I'm sorry?

4

5 CHAIRMAN LOHSE: If you didn't limit it  
6 to boats only -- now, we've heard that the boardwalks  
7 were probably wiped out by the ice, but they'll be  
8 replaced. If it didn't say boats only, technically  
9 speaking, if you wanted to rub shoulders with a lot of  
10 people real close, you could take your dipnet and  
11 dipnet off the boardwalk, couldn't you?

12

13 MR. MCBRIDE: Mr. Chairman, that is  
14 correct. I probably need Robin up here, but that would  
15 probably be handled as a permit condition.

16

17 CHAIRMAN LOHSE: Uh-huh. So that would  
18 be one reason to make it boats only.

19

20 Anybody else see anything. And I don't  
21 know how you would add -- I guess you could just add  
22 that in there on the -- you would have to add that in  
23 on (iii). But wouldn't that pretty much be taken care  
24 of by refuge manager regulations? I mean, would that  
25 have to be in our regulations?

26

27 MR. MCBRIDE: Mr. Chairman. Our  
28 recommendation to start this fishery would be to just  
29 do it from boats only, to make it very clear.

30

31 CHAIRMAN LOHSE: Okay. Tom.

32

33 MR. CARPENTER: Yeah. I just -- Greg,  
34 what do you think about the suggestions that Doug has  
35 made, those two, you know, in regards to this area?

36

37 MR. ENCELEWSKI: Well, my personal  
38 thoughts are we need to find a meaningful preference  
39 for a fishery, and I think I heard earlier Robin say  
40 that boat fishing there wasn't very good. It was jet  
41 and rocky and something else.

42

43 CHAIRMAN LOHSE: So, Robin?

44

45 MR. CARPENTER: Well, I guess before  
46 Robin comes up, I guess just the comment I made, I  
47 mean, I was talking with Robin a little bit during the  
48 break, and I'm just trying to figure out that area.  
49 I'm understanding that there's a Federal easement  
50 there, and then I guess on the south side where there's

1 Federal land, that the bank is actually closed on both  
2 sides of the river during this section of area that's  
3 Federal waters. So nobody could basically dipnet there  
4 anyway, because of the closure that's in effect right  
5 now. Am I correct in saying that?  
6

7 MR. WEST: It's complicated. Mr.  
8 Chair. I guess basically the simplest way to talk  
9 about the restrictions are where the private land  
10 exists and the easements are in place, the Federal  
11 closure applies to all public use. It's closed. You  
12 can't play volleyball, can't walk your dog, can't fish.  
13 When you get to the pure refuge lands that aren't  
14 private property, then we have the State-imposed  
15 closures, and that's closed to fishing within 10 feet  
16 of the shore. But the bottom line is for habitat  
17 reasons, all of that section of river, private or  
18 public, easement or not, is restricted to any bank  
19 access and use except on hardened surfaces. And again  
20 that's why when we were looking for areas to establish  
21 some new fisheries, you know, that was why this was put  
22 off limits, because of habitat concerns and all kinds  
23 of management concerns, because of the interest in the  
24 area.  
25

26 Looking at this proposal as it came  
27 forward yesterday by Ninilchik, I think, you know,  
28 we're comfortable in authorizing boat access in there,  
29 and I did agree, you know, that it's challenging. It's  
30 a challenging portion of the river, but if folks want  
31 to undertake that, I don't see any reason they  
32 shouldn't be given that opportunity.  
33

34 CHAIRMAN LOHSE: Is there a boat  
35 landing or a boat launch right there?  
36

37 MR. WEST: There are two public boat  
38 launches on the immediate area, and one on the other  
39 side of the river, and then also just downstream  
40 there's a city fee boat launch at Swiftwater.  
41

42 CHAIRMAN LOHSE: Doug, did you have  
43 something you were going to say?  
44

45 MR. BLOSSOM: Unh-unh.  
46

47 CHAIRMAN LOHSE: Okay. Other than  
48 those two issues that have been brought up, has anybody  
49 seen any other issues that they'd like to address on  
50 this.

1                   The first one I don't think is anything  
2 but a housekeeping issue, and that would be to put the  
3 season in for the three of them instead of just the two  
4 of them. Doug.

5  
6                   MR. BLOSSOM: Yeah, Mr. Chair. I  
7 caught heck for the last one, but I'm going to ask it  
8 anyway. You have numbers of fish here to be caught.  
9 Do you have conservation concerns with any of them?

10  
11                   CHAIRMAN LOHSE: Doug.

12  
13                   MR. MCBRIDE: I'm sorry.

14  
15                   CHAIRMAN LOHSE: Okay. Let's look at  
16 (3)(i), the numbers right there. Do you have any major  
17 conservation concerns with any of those numbers?

18  
19                   MR. MCBRIDE: No, Mr. Chairman. These  
20 are exactly per the proposed modifications.

21  
22                   CHAIRMAN LOHSE: And then (4) is taking  
23 out rainbows and Dollies over 18 inches in length.

24  
25                   Go ahead, Tom.

26  
27                   MR. CARPENTER: Yeah. You know, I  
28 appreciate the fact that Ninilchik put this 18-inch  
29 restriction in there. I think that goes a lot for  
30 conservation. I think everybody would agree to that.  
31 In doing that, do you not see there would be a need as  
32 a management tool to put a cap like they did on the  
33 Kasilof? I think it ended up being 400 fish. Is that  
34 not necessary, because there's enough small fish in the  
35 system that harvest is okay as long as they're under  
36 this size?

37  
38                   MR. MCBRIDE: Mr. Chairman. Mr.  
39 Carpenter. The answer to your question is yes. Yes,  
40 we don't think we need a harvest quota here. We agree  
41 and appreciate this modification. We think it  
42 definitely does what needs to be done here, keep the  
43 harvest on fish below 18 inches, and given that,  
44 there's no need for a harvest quota.

45  
46                   The only other comment that Staff would  
47 have is this incidental harvest of rainbow trout and  
48 Dolly Varden would only apply to the Moose Range  
49 Meadows and the Kenai River dipnet fisheries. So those  
50 are the two locations down below Skilak Lake. It would

1 not apply to the Russian River Falls dipnet fishery.  
2  
3 CHAIRMAN LOHSE: Because they totally  
4 outlaw -- they basically say taking no trout there. In  
5 the Russian.  
6  
7 MR. MCBRIDE: In that fishery, there  
8 would be no incidental harvest of these species.  
9  
10 CHAIRMAN LOHSE: Right.  
11  
12 MR. CARPENTER: Okay. Thank you, Doug.  
13  
14 CHAIRMAN LOHSE: To the rest of the  
15 Council, do you have any amendments. John.  
16  
17 MR. LAMB: I'd like to offer one  
18 amendment. Given the fact of the short life span of  
19 the breeding stock of rainbows and the fact that they  
20 have a pretty high mortality rate, I'd like to see  
21 those numbers at 200 and the 400 for Dollies and 200  
22 for rainbows entered as part of the regulation.  
23  
24 CHAIRMAN LOHSE: A motion is in order.  
25  
26 MR. CARPENTER: I'll second the motion  
27 for discussion.  
28  
29 CHAIRMAN LOHSE: That's under number 4  
30 on number 3, right?  
31  
32 MR. LAMB: Yeah.  
33  
34 CHAIRMAN LOHSE: So you would say, may  
35 not be retained -- with a maximum of 2 -- let's see,  
36 how would you put that?  
37  
38 MR. LAMB: It would be a maximum of 200  
39 rainbows and 400 Dollies. It's down there in the  
40 bottom in the justification.  
41  
42 CHAIRMAN LOHSE: This is the ones that  
43 they put in their justification.  
44  
45 MR. LAMB: Yeah.  
46  
47 CHAIRMAN LOHSE: Okay. So you'd say up  
48 to 200 rainbow trout and 400 Dollies incidentally taken  
49 in the dipnet fisheries described in Sections (1) and  
50 (3) above, Moose Range Meadows and below Skilak Lake,

1 may be retained, provided that all rainbow and Dolly  
2 Varden over 18 inches in length not be retained.

3

4 MR. LAMB: That's it.

5

6 CHAIRMAN LOHSE: Since they put that in  
7 their justification, I think that's reasonable I think.

8

9

10 We have a first and a second. Any  
11 discussion.

12

13 (No comments)

14

15 CHAIRMAN LOHSE: No discussion.

16 Question is in order.

17

18 MR. CARPENTER: Mr. Chairman, just  
19 before, you know, somebody calls the question, not that  
20 I think that quotas are bad, but I will try and stick  
21 to what I think are the facts. I thought there should  
22 have been quotas in the Kasilof, because we know very  
23 little about them, but we know a lot more about the  
24 populations in this system, and we actually have  
25 biologists sitting here saying as long as we keep the  
26 harvest under 18 inches, that it's not necessary to  
27 have any harvest limits. I know that Ninilchik has  
28 made some considerable sacrifices, I guess could be the  
29 word, in regards to putting that 18 inches in there.  
30 So not that I think it's a horrible tool, you know,  
31 they actually had it in their justification to begin  
32 with, but that was before they put the 18-inch in  
33 there, so, you know, that's just kind of my opinion. I  
34 don't necessarily know that we have to do that right  
35 now.

36

37 CHAIRMAN LOHSE: Has anybody called the  
38 question.

39

40 MR. CARPENTER: No.

41

42 MR. LAMB: Question.

43

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

46

47 IN UNISON: Aye.

48

49 CHAIRMAN LOHSE: All opposed signify by  
50 saying nay.

1                               IN UNISON:  Nay.  
2  
3                               CHAIRMAN LOHSE:  Okay.  WE're going to  
4 have to have a show of hands.  And what we're voting on  
5 is whether or not there should be a quota of 200  
6 rainbow and 400 Dolly Varden connected with the 18  
7 inches.  We'll use a show of hands.  
8  
9                               All in favor signify by saying aye.  
10  
11                              (Four Council members raised their  
12 hands)  
13  
14                              CHAIRMAN LOHSE:  Two, three, four.  All  
15 opposed by saying nay.  
16  
17                              (Five Council members raised their  
18 hands)  
19  
20                              CHAIRMAN LOHSE:  Five.  Motion fails  
21 five to four.  
22  
23                              Okay.  With that, does anybody think we  
24 even need a motion to apply the season to all three of  
25 them.  To me it was understandable, because if it says  
26 Kenai and Russian River fisheries, that would mean it  
27 would apply to all Kenai River fisheries.  But if you  
28 want to put Moose Meadow -- if you think we should as a  
29 housekeeping make it -- it's understood as a Council  
30 that Kenai River means Moose Meadows also.  So I don't  
31 know if we need a motion to that effect.  
32  
33                              MR. MCBRIDE:  Mr. Chairman.  I don't  
34 think you need a motion.  As I say, what we will do  
35 after the fact is clean this up, and like I say, we'll  
36 define it by river mile, call it Moose Range Meadows,  
37 and then add it in.  I think the reason it's important  
38 is it makes it clear there are three discreet  
39 dipnetting sites:  Russian River Falls, what we call  
40 the Kenai River, maybe we'll have to come up with a  
41 different name since the Moose Range Meadows is the  
42 Kenai River as well, but then Moose Range Meadows.  It  
43 makes it clearer that there are three dipnetting sites.  
44  
45                              CHAIRMAN LOHSE:  Okay.  We've gotten  
46 through (4).  We're on (B) -- Tom.  
47  
48                              MR. CARPENTER:  But you do need us to  
49 make an amendment to include that that area would be  
50 dipnetting only from a boat, or is that something

1 that's something that you can do like the dates?

2

3 MR. MCBRIDE: Like I say, that is not a  
4 housekeeping measure in our view, but that would be our  
5 strong recommendation, to make this from boats only.  
6 So if the Council just wants to concur with that or  
7 take a vote would be your choice.

8

9 MR. CARPENTER: Mr. Chairman. I would  
10 offer an amendment to that section in regards to the  
11 Moose Range Meadows section of the river that the  
12 dipnet fishery in that section of the river be  
13 conducted from a boat only.

14

15 CHAIRMAN LOHSE: Can I have a second.

16

17 MS. WAGGONER: Second.

18

19 CHAIRMAN LOHSE: It's been moved and  
20 seconded that in line with the suggestion, and the fact  
21 that the banks are closed, that the fishery in the  
22 Moose Range Meadows be conducted from a boat only.

23

24 Discussion.

25

26 MR. CARPENTER: Yeah. I'd speak to  
27 that. I think that we've heard from the refuge manager  
28 and OSM Staff. I mean, it's quite obvious that there's  
29 -- I mean, the land is closed right now to fishing  
30 within, you know, out into actually 10 feet into the  
31 river. I just think that this proposal would still  
32 allow subsistence to be conducted in that section of  
33 the river, but you're going to have less public  
34 scrutiny, less public controversy, and you're also  
35 going to -- it's just going to be a simpler way of  
36 regulating it there.

37

38 CHAIRMAN LOHSE: James.

39

40 MR. SHOWALTER: Yeah. With that  
41 motion, I'll have to vote against it, because I'm  
42 thinking reasonable access, and I'm sure everybody in  
43 Ninilchik, let's say don't have a boat that they could  
44 take up there and participate in the fishery. So  
45 whereas, you know, they use a dipnet from the beach.  
46 So I'll have to go against it.

47

48 CHAIRMAN LOHSE: Tricia.

49

50 MS. WAGGONER: Yeah. I would be voting

1 in favor of the amendment just because it comes back to  
2 conservation. If it's a productive area, if it's a  
3 rearing area for juveniles, habitat is the utmost  
4 concern to protect the resource. And I know that  
5 access would be an issue, but I don't think dipnetting  
6 off a platform in amongst how many thousands of people  
7 would be very meaningful. And at least by allowing it  
8 off of a boat we're going to give some semblance of an  
9 opportunity while still protecting the resource with  
10 the habitat.

11  
12 CHAIRMAN LOHSE: Greg, you guys know  
13 more about area than we do, so why don't you lead the  
14 discussion.

15  
16 MR. ENCELEWSKI: Well, I was just going  
17 to make a comment. Yeah. I mean, the comment, I have  
18 to agree with James there. I mean, it's just -- I  
19 think we still need to figure a way for, you know, a  
20 meaningful fishery, and I'm not so sure that it's --  
21 you know, I mean, that's my point. I mean, if that  
22 area is only good for the boat, then that would be fine  
23 for that area, but we still need to look at either a  
24 fishwheel -- we need to look at some way to get a  
25 meaningful preference to get some fish.

26  
27 Thank you.

28  
29 CHAIRMAN LOHSE: Doug.

30  
31 MR. BLOSSOM: Yeah. I don't know, Mr.  
32 Chair. Look at it either way. If you use a boat, I  
33 can't imagine someone trying to go down through there  
34 with a dipnet and there's several thousand hooks being  
35 slung at you, Tim. I don't know the answer to that  
36 one. I guess I would go along with it, but I think I  
37 agree with Greg, we need to find some place where they  
38 can do it.

39  
40 CHAIRMAN LOHSE: Any other discussion.

41  
42 (No comments)

43  
44 CHAIRMAN LOHSE: We have a motion on  
45 the table, it's been seconded.

46  
47 MR. CARPENTER: Question.

48  
49 CHAIRMAN LOHSE: The question's been  
50 called. The area above Soldotna known as Moose Range

1 Meadows will basically be a boat fishery only. Did I  
2 summarize it pretty closely?

3

4 MR. MCBRIDE: Yes, Mr. Chairman.  
5 That's right, the Moose Range Meadows fisheries would  
6 be.....

7

8 CHAIRMAN LOHSE: Conducted from a boat  
9 only.

10

11 MR. MCBRIDE: From a boat only.  
12 Correct.

13

14 CHAIRMAN LOHSE: Okay. Okay. All in  
15 favor signify by saying aye.

16

17 IN UNISON: Aye.

18

19 CHAIRMAN LOHSE: Opposed signify by  
20 saying nay.

21

22 IN UNISON: Nay.

23

24 CHAIRMAN LOHSE: My ears aren't good  
25 enough to tell the difference between that. Okay.  
26 Let's do it by show of hands. All those in favor  
27 signify by saying aye. I mean, by holding up your  
28 hand.

29

30 (Five Council members raise their  
31 hands)

32

33 CHAIRMAN LOHSE: All opposed, hold up  
34 your hand. Nay.

35

36 (Four Council members raise their  
37 hands)

38

39 CHAIRMAN LOHSE: Okay. This time it  
40 passed five/four. Last time it failed five/four. So  
41 that shows that that's a controversial issue with this  
42 Council.

43

44 Okay. We went on to (B). Anybody came  
45 up with anything in (B) they would like to make a  
46 motion on, change, do anything with.

47

48 How about (B)(2). It's up to the  
49 Council.

50

1 MR. LAMB: I have a question here.  
2  
3 CHAIRMAN LOHSE: Yes, John.  
4  
5 MR. LAMB: You know, on the Kasilof one  
6 you changed the way they marked them. Was somebody --  
7 do you want to do that with this one, too?  
8  
9 MS. WAGGONER: I think they said that  
10 they would take care of that throughout all of the  
11 proposals.  
12  
13 MR. LAMB: It goes all the way through  
14 everything.  
15  
16 CHAIRMAN LOHSE: Yes, the intention of  
17 the Council is pretty obvious on that one there. We're  
18 expecting them to change all marking to dorsal fin.  
19 And I just put that out so that's stated very clearly  
20 now.  
21  
22 Okay. If there's no further discussion  
23 on this. Doug.  
24  
25 MR. MCBRIDE: Mr. Chairman. We have  
26 comments on (B)(2) on (A). As modified here, this  
27 would provide for bait throughout the rod and reel  
28 fishery in all Federal waters. That becomes very  
29 problematic when you get into the issue of the large  
30 resident species.  
31  
32 First of all, in the existing rod and  
33 reel fishery, there is no bait at any time of the year  
34 above Skilak Lake. And Staff would strongly recommend  
35 that that remain in place for the subsistence rod and  
36 reel fishery. The primary species up there of interest  
37 are sockeye, and nobody fishes for sockeye with bait.  
38 So there would be no reason really to have bait up  
39 there, and you would very much exacerbate all the  
40 issues that you've heard about with resident species.  
41  
42 Now, below Skilak Lake bait is  
43 currently allowed during July and August, and that is  
44 aimed right at late run kings and coho salmon. And  
45 that's clearly fine.  
46  
47 Now, the rest of the year, it's kind of  
48 divided into two sections. No bait is allowed from  
49 January 1 to June 30th. What that's all about are  
50 early run king salmon. At least from Staff

1 perspective, allowing bait during that time frame for  
2 early run kings would be okay from our perspective.

3  
4 The second part of the year, the latter  
5 part of the year, starting September 1 when the bait  
6 closure goes back into effect, again that is aimed  
7 right at resident species again. And we would strongly  
8 recommend that that closure or that restriction -- it's  
9 not closure, that restriction to bait be maintained.

10  
11 So in essence, the way at least by  
12 Staff -- Staff recommends that this be modified that  
13 bait, that the two baited single and treble hooks be  
14 allowed January 1 through August 30th. And what that  
15 really does is it adds the January 1 to June 30th and  
16 allows bait during early run king salmon, which is -- I  
17 mean, bait was taking out of that fishery for a reason,  
18 because it's effective.

19  
20 CHAIRMAN LOHSE: Increases the  
21 effectiveness.

22  
23 MR. MCBRIDE: Absolutely.

24  
25 CHAIRMAN LOHSE: Tom.

26  
27 MR. CARPENTER: Doug, is the easiest  
28 way to do that is just under Section (B) where it says  
29 seasons, areas, harvest, possession is the same as the  
30 State fishing regulations except for methods and means,  
31 we could just cross that line out. Basically what you  
32 just said is the closures for bait are currently in  
33 State regulation. And wouldn't you just assume that  
34 they would be the same under Federal regulation, so we  
35 would just have to strike that line, methods and means.  
36 Where it says, except the following methods and means.

37  
38 MR. MCBRIDE: Mr. Chairman. Mr.  
39 Carpenter. That would go back to the original Staff  
40 proposal. The original Staff -- or the original  
41 recommendation offered by Staff was to make all the  
42 methods and means identical to what the State has. But  
43 what we're saying is, if you're going to add bait in  
44 addition to what the State does, do it on the front end  
45 of the season, on that January 1 to June 30th, because,  
46 because what that bait restriction is about is early  
47 run king salmon.

48  
49 MR. CARPENTER: Okay.

50

1 MR. MCBRIDE: The bait restriction in  
2 the latter part of the season, the September 1 to  
3 December 31, what that is about are resident species.  
4 And this is all below Skilak Lake. So like I said,  
5 there's two parts to our concern. The way to fix this,  
6 if you were going to go with our recommendation, would  
7 be to probably leave that methods and means the way  
8 that is in there, and then when you actually gets to  
9 (2) say that methods and means for the rod and reel  
10 fisheries described in Sections (A) and (B) above  
11 include the use of up to two baited single or treble  
12 hooks January 1 through August 30.

13

14 MR. CARPENTER: Through what?

15

16 MR. MCBRIDE: Through August 30.  
17 August 31, I'm sorry. Through August 31.

18

19 CHAIRMAN LOHSE: I thought the State  
20 season went into September, doesn't it?

21

22 MR. MCBRIDE: Below Skilak Lake, bait  
23 is allowed July 1 to July 31. And then the restriction  
24 on bait -- the restriction on bait is from the outlet  
25 of -- or from the upper Killey upstream to the outlet  
26 of Skilak Lake. That is consistent with the Federal  
27 waters in question. And that starts September 1. So  
28 it's September 1 to December 31. So if you modify this  
29 to say bait was allowed January 1 through August 31,  
30 what that would do is that would put bait in the  
31 fishery when most of the salmon are present. That  
32 would be early run kings, late run kings, and most of  
33 the cohos. But the reason that September 1 date was  
34 decided on, that becomes the trade-off between --  
35 there's still some coho left to come, but the peak of  
36 the coho run is typically past by September, and you're  
37 now into all the resident species, because they're in  
38 these waters. I mean, this is the primary spawning  
39 habitat for salmon, so they're in there feeding on  
40 salmon flesh and salmon eggs and all that kind of  
41 stuff. So having bait in that time frame -- that's why  
42 there's no bait during that time frame in these waters.

43

44 MR. CARPENTER: So by putting January 1  
45 to August 31st, you would be giving the subsistence  
46 user more opportunity when salmon are around, but you  
47 would also be protecting the resident species to a  
48 certain degree?

49

50 MR. MCBRIDE: That is correct.

1 MR. CARPENTER: Mr. Chairman. I would  
2 move that amendment in Section (2) to include the dates  
3 January 1 to August 31st.

4  
5 CHAIRMAN LOHSE: Tricia, you had --  
6 you're not seconding, you had another comment? Is  
7 there a second at this point in time.

8  
9 MR. BLOSSOM: I've got a question.  
10 Where would you insert this bait and date?

11  
12 MR. CARPENTER: Right on the.....

13  
14 MS. WAGGONER: I'll second it for the  
15 purpose of discussion.

16  
17 CHAIRMAN LOHSE: Okay. It's been moved  
18 and seconded. Now comment.

19  
20 MS. WAGGONER: Okay. Doug, you  
21 commented that above Skilak Lake is no bait. And  
22 should that -- should we amend the amendment to include  
23 that, because I think there's protection of rainbow  
24 stock, rainbow trout above Skilak Lake, so it should --  
25 the amendment should include no bait above Skilak Lake,  
26 or it should include being inclusive of downstream of  
27 Skilak Lake or something.

28  
29 MR. MCBRIDE: Mr. Chairman. Yes, that  
30 is exactly correct. Above Skilak Lake there's no bait  
31 allowed year around, and that is because of the  
32 resident species, primarily rainbow trout and Dolly  
33 Varden, and the primary salmon species available are  
34 sockeye. There's no reason to have bait to fish  
35 sockeye. Nobody uses bait to fish sockeye. So, like I  
36 say, this amendment, and I probably misspoke, should --  
37 I mean, you just tag on to the end of this, below  
38 Skilak Lake from January 1 to August 31st.

39  
40 Mr. Chairman.

41  
42 MR. CARPENTER: Mr. Chairman. I would  
43 recommend that I change my original amendment to  
44 include the language Mr. McBride just said, if the  
45 second will agree.

46  
47 CHAIRMAN LOHSE: Does the second agree.

48  
49 MS. WAGGONER: The second agrees.

50

1                                   CHAIRMAN LOHSE: Okay. Doug.  
2 Discussion.  
3  
4                                   MR. BLOSSOM: Mr. chairman. Doug. You  
5 say that the silver run is over by the 31st of August  
6 primarily.  
7  
8                                   MR. MCBRIDE: Mr. Chairman. No. Mr.  
9 Blossom. No. I did not say that.  
10  
11                                  MR. BLOSSOM: It hasn't even started,  
12 right?  
13  
14                                  MR. MCBRIDE: I didn't mean to say --  
15 no.  
16  
17                                  MR. BLOSSOM: It hasn't even started,  
18 right?  
19  
20                                  MR. MCBRIDE: No, it's very well  
21 started.  
22  
23                                  MR. BLOSSOM: I just find it strange.  
24 We used to fish silvers on the beach, and that's 30  
25 miles from the river in question. And our best fishing  
26 was the month of September. So, you know, those fish  
27 didn't hit the river until later part of September, and  
28 that was the best fishing of the year for silvers. So  
29 when you close it the 31st of August, I can't imagine  
30 that that fall silver run has even gotten close to this  
31 area yet.  
32  
33                                  CHAIRMAN LOHSE: Doug.  
34  
35                                  MR. MCBRIDE: Mr. Chairman. Mr.  
36 Blossom. And the Alaska Department of Fish and Game  
37 Staff may want to -- you may want them to comment on  
38 this as well, but historically, back in the day, the  
39 common thinking was there were two runs of silvers,  
40 early run silvers, late run silvers. Current thinking  
41 is that there is not a distinction between those runs,  
42 like there is for, you know, early run and late run  
43 sockeyes, early run, late run kings in the Kenai.  
44 However, without question, the migratory timing for  
45 silvers into the Kenai is prolonged. Basically the  
46 first silvers enter the river, enter the river in late  
47 July. There's usually a peak in the sportfishery  
48 during mid, third week of August, right in there  
49 somewhere, and then usually around Labor Day it usually  
50 declines. And then there's usually a second peak later

1 on, but almost always a smaller peak. The peak of the  
2 silver run, certainly as I remember it, is during that  
3 August time frame. And that September 1 date I'm sure  
4 was designed as a trade-off between -- as there's still  
5 silvers available, but they are starting to decline in  
6 abundance, versus the trade-off with the resident  
7 species.

8

9 So I'm not saying at all that the  
10 silver run is over. It is not over. Silvers I'm sure  
11 enter the river probably at least until ice up. But I  
12 think that the bulk of the silvers have entered the  
13 river.

14

15 Mr. Chairman.

16

17 CHAIRMAN LOHSE: Okay. We have a  
18 motion in front of us right now. Any more discussion  
19 on it. Doug.

20

21 MR. MCBRIDE: Mr. Chairman, I guess  
22 just one other comment.

23

24 Mr. Blossom. You know, you're looking  
25 at it I think from the perspective of out in the Inlet,  
26 and there are certainly other silver stocks out there  
27 besides the Kenai River out in the ocean waters. But  
28 within the Kenai, I'll stand by what I said.

29

30 MR. CARPENTER: Mr. Chairman, I call  
31 the.....

32

33 MR. BLOSSOM: Mr. Chair. Doug, you're  
34 right, but I was closed to commercial fishing, because  
35 they say I catch all Kenai silvers, so I'm just telling  
36 you when the silvers run. Now, I agree with you that  
37 they're wrong and they should change it, but that's the  
38 Department of Fish and Game. So let's march onward. I  
39 just see there's a lot of silvers there after August,  
40 and it looks like we're closing it awful early.

41

42 MR. CARPENTER: Mr. Chairman. I call  
43 the question on the amendment.

44

45 CHAIRMAN LOHSE: Okay. The amendment  
46 is method and means for rod and reel fisheries  
47 described in Section (A) and (B), include the use of up  
48 to two baited single or treble hooks in the area below  
49 Skilak Lake from January 1st to September 1st, and no  
50 baited hooks above Skilak Lake. Am I correct in what I

1 heard for the amendment?

2

3 MR. ELVSAAS: Mr. Chairman. I'm going  
4 to vote against the amendment. You know, the wording  
5 was it allowed baited hooks. It didn't say they have  
6 to use baited hooks. And we just heard testimony that  
7 nobody -- everybody uses single hooks and everybody  
8 uses unbaited hooks. Well, that's because that's the  
9 current regulation. But this doesn't mean they have to  
10 use baited hooks. they could use baited hooks. So  
11 with that I will vote against the motion.

12

13 Thank you.

14

15 CHAIRMAN LOHSE: Okay. The question's  
16 been called. All in favor of the amendment signify by  
17 saying aye.

18

19 IN UNISON: Aye.

20

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

23

24 MR. ELVSAAS: Nay.

25

26 CHAIRMAN LOHSE: I think that time I'd  
27 still better do show of hands. My ears aren't that  
28 good, but I think there was a nay that time. All in  
29 favor of the amendment raise your hand.

30

31 (Nine Council members raise their  
32 hands)

33

34 CHAIRMAN LOHSE: One, two, three, four,  
35 five, six, seven. All opposed signify by raising your  
36 hand.

37

38 (Mr. Elvsaas raises his hand)

39

40 CHAIRMAN LOHSE: Okay. Shall we move  
41 on. Okay. Let's go on to where we were. We have now  
42 gone through this first section. Does anybody see  
43 anything else they wish to make a motion on on this  
44 first section. Any amendments, modifications.

45

46 (No comments)

47

48 CHAIRMAN LOHSE: If not, we're moving  
49 on to Ninilchik's modified proposal, Kenai River  
50 resident species.

1                   Okay. First page.

2

3                   MR. CARPENTER: Mr. Chairman. Maybe to  
4 make this simpler and quicker, maybe we could just get  
5 Doug to give us all of the Staff's concerns in regards  
6 to this modification, and then we can go back through  
7 it and see if we would like to make any amendments in  
8 regard to his concerns.

9

10                  CHAIRMAN LOHSE: Doug.

11

12                  MR. MCBRIDE: Mr. Chairman. Actually  
13 Staff don't have concerns here. As per the  
14 justification, the intent of the modified motion by  
15 NTC, what they've said is they're going to harvest  
16 rainbow and Dolly Varden primarily incidentally in the  
17 salmon dipnet fishery, which we just finished, and  
18 their intent is to put the rod and reel regulations  
19 back to identical to State sportfishing regulations.

20

21                  And so our recommendation would be to  
22 make it explicit in subsistence regulations, like we  
23 did for the Kasilof, don't say -- you know, don't  
24 reference the State sportfishing regulations for the  
25 limits, so that way, if they change, these would  
26 change. They would be explicit. So if you took the  
27 language as we originally proposed it, which is  
28 basically what you have in front of you, it would  
29 include all the strikeouts, and it would take all the  
30 numbers and cut them in half. So if you basically look  
31 at Page 101 and over to the very top of Page 102 in the  
32 original analysis, effectively what that does from what  
33 was submitted to you in modification is it puts all the  
34 strike-outs back in. And for instance -- well, it  
35 takes every number that's in there and it cuts them in  
36 half, because what we had originally proposed was a  
37 doubling of the bag limits. Their intent is to put it  
38 back to the same limits as sportfishing.

39

40                  So if you take what's on Pages 101 to  
41 102, with one housekeeping modification. Under (B)(2)  
42 where it says in flowing waters two Dolly Varden/Arctic  
43 char with two in possession less than -- it says less  
44 than 18 inches. That should read less than 16 inches,  
45 because that is referring above Skilak Lake. That's  
46 just a typo on our part.

47

48                  But if you take that language with that  
49 housekeeping measure, that would meet the intent of  
50 what Ninilchik has proposed here.

1 Mr. Chairman.  
2  
3 MR. CARPENTER: Mr. Chairman.  
4  
5 CHAIRMAN LOHSE: Yes, Tom.  
6  
7 MR. CARPENTER: I think that's pretty  
8 -- that's a perfect way to clarify this whole resident  
9 species situation. Obviously there's been something  
10 worked out with NTC. It seems reasonable.  
11  
12 I would move the language on Page 101  
13 and 102 of the Kenai Peninsula Fisheries Proposal Book  
14 with the housekeeping that in Section (B), Number (2)  
15 that the Arctic char, two in possession less than 18 be  
16 corrected to say 16. I would move that as amended  
17 language for the resident species for the Kenai.  
18  
19 CHAIRMAN LOHSE: And you feel that that  
20 meets what Ninilchik was asking for basically, which  
21 was to have the current sportfishing bag limits, right?  
22  
23 MR. CARPENTER: That's what I'm  
24 hearing. And I guess I'll hear otherwise after there's  
25 a second, if there is a second.  
26  
27 CHAIRMAN LOHSE: Do I hear a second on  
28 this.  
29  
30 MS. WAGGONER: Second.  
31  
32 CHAIRMAN LOHSE: It's been moved and  
33 seconded to accept the language on Page 101 -- 10 --  
34 Doug.  
35  
36 MR. MCBRIDE: I'm sorry, a mistake on  
37 my part. Their intent was to do it for Dolly Varden  
38 and rainbow trout, not for lake trout. So, I'm sorry.  
39 That was a brain something on my part. This is going  
40 to get complicated then.  
41  
42 On the modification.....  
43  
44 CHAIRMAN LOHSE: Well, theirs reads the  
45 same as yours.  
46  
47 MR. MCBRIDE: Well, M.r Chairman, what  
48 their intent is, it solely relates to Dolly Varden and  
49 rainbow trout. The incidental harvest in the dipnet  
50 fishery that was modified earlier is all about Dolly

1 Varden and rainbow trout less than 18 inches. Their  
2 intent is to maintain the double bag limit for lake  
3 trout. So in their modification, (A)(1) would stay the  
4 same, the four lake trout with four in possession, 20  
5 inches or longer, may be harvested daily. For fish  
6 less than 20 inches, 15 per day may be harvested, with  
7 15 in possession. That would stay the same.

8

9 Then if you look at the language on  
10 Page 101, starting with (A)(2), that addresses Dolly  
11 Varden and Arctic char. (A)(3) addresses rainbow  
12 trout. Then you go to (B) which is above Skilak Lake.  
13 And so (1) -- Mr. Chairman, can we take a time out?

14

15 CHAIRMAN LOHSE: Yeah. Because I read  
16 them exactly the same.

17

18 MR. MCBRIDE: Can we take about five  
19 minutes?

20

21 CHAIRMAN LOHSE: Yeah, let's take a  
22 five-minute break.

23

24 (Off record)

25

26 (On record)

27

28 CHAIRMAN LOHSE: I'd like to call this  
29 meeting back in session.

30

31 For those of you who are out in the  
32 audience, the intention of this Council is to go  
33 through the fisheries proposals before we quit tonight.  
34 We do not intend to go on into any game proposals. If  
35 you don't wish to stick around, and you're involved  
36 with game or some reports, we won't feel bad if you  
37 walk out at 5:00 o'clock.

38

39 And for those of you that are here,  
40 we'll see what happens at 5:00 o'clock, but if it looks  
41 like we've still got a long time period ahead of us,  
42 I'm going to suggest that we order some pizzas in and  
43 just keep working right through. So we'll give this to  
44 five and see where we are, and go from there.

45

46 But if you want to excuse yourself if  
47 you've got to do with game, you're more than welcome  
48 to.

49

50 MS. STICKWAN: What time do we start?

1 CHAIRMAN LOHSE: Oh, and we're going to  
2 start at 8:00 o'clock tomorrow morning again. One of  
3 my neighbors suggested 6:30, but I thought we might  
4 have a rebellion, so we stuck with 8:00 o'clock.

5  
6 Okay. With that, Doug, I know that you  
7 talked to Ninilchik Traditional Council, and you talked  
8 to me. Did you get straight what you were trying to  
9 say?

10  
11 MR. MCBRIDE: Mr. Chairman. Yes, I  
12 think so, and I apologize for that mistake.

13  
14 The intent here. The intent is clearly  
15 to maintain the double bag limit for lake trout in the  
16 rod and reel fishery, and to move the rod and reel  
17 fishery for Dolly Varden and for rainbow trout back  
18 consistent with State sportfishing regulations.

19  
20 Mr. Chairman. We know how to do that,  
21 and my suggestion would be to simply vote on that  
22 intent and we can take care of that.

23  
24 CHAIRMAN LOHSE: Well, that is the  
25 intent that's stated right here, so a motion in that  
26 order would save us a lot of discussion.

27  
28 MR. CARPENTER: Mr. Chairman. I  
29 believe we have an amendment on the floor that we're --  
30 I would withdraw my amendment if the second concurs.

31  
32 CHAIRMAN LOHSE: Who was the second,  
33 does anybody.....

34  
35 MR. CARPENTER: I think somebody down  
36 there. I can't remember who it was.

37  
38 MR. BLOSSOM: I guess I did. I'll  
39 withdrew.

40  
41 MR. CARPENTER: Doug withdrew.

42  
43 CHAIRMAN LOHSE: Okay. So now we've  
44 withdrawn the amendment that was on the floor. We've  
45 got room for an additional amendment if we wish to do  
46 it that way, to accept the intent as it's stated by the  
47 Ninilchik Traditional Council right here, double the  
48 bag limit on lake trout, current State bag limit on  
49 rainbows and Dollies, and to maintain that no matter  
50 what the Board of Fish does with their bag limits.

1 MR. CARPENTER: I move that language.  
2  
3 CHAIRMAN LOHSE: Were you going to say  
4 something, Greg?  
5  
6 MR. ENCELEWSKI: Just move to do that.  
7  
8 CHAIRMAN LOHSE: You just moved to.....  
9  
10 MR. CARPENTER: Second.  
11  
12 CHAIRMAN LOHSE: So one of you is the  
13 second. Okay. Tom's the second then. It's just been  
14 moved and seconded.  
15  
16 Discussion.  
17  
18 (No comments)  
19  
20 MR. CARPENTER: Question  
21  
22 CHAIRMAN LOHSE: Hearing none, the  
23 question's in order. The question's been called. You  
24 can't call question, you seconded.  
25  
26 MS. STICKWAN: Question.  
27  
28 CHAIRMAN LOHSE: The question's been  
29 called. All in favor signify by saying aye.  
30  
31 IN UNISON: Aye.  
32  
33 CHAIRMAN LOHSE: All opposed signify by  
34 saying nay.  
35  
36 (No opposing votes)  
37  
38 CHAIRMAN LOHSE: Motion carries  
39 unanimously.  
40  
41 That takes us through this whole  
42 proposal as it's been presented to us by Ninilchik. So  
43 we have in front of us an amended modified proposal  
44 from Ninilchik.  
45  
46 Is there any further discussion.  
47 James.  
48  
49 MR. SHOWALTER: Yes. Can we hear that  
50 modified amendment.

1                   CHAIRMAN LOHSE: Can we hear the  
2 modified amendment. The modified amendment that we  
3 just passed you mean?  
4  
5                   MR. SHOWALTER: I thought you said you  
6 had a modified amendment.  
7  
8                   CHAIRMAN LOHSE: Well, the modified  
9 amendment is Ninilchik's modified proposal that we've  
10 amended. So.....  
11  
12                  MS. WAGGONER: Call the question.  
13  
14                  CHAIRMAN LOHSE: Do I need to read it,  
15 or is it in the record good enough that we can get by  
16 without reading it?  
17  
18                  MR. CARPENTER: Mr. Chairman. I think  
19 there's been clear intent by the Council as to how we  
20 recommend these new subsistence regulations to the  
21 Federal Board, and I think the record will show the  
22 clear direction that we have intended for this to go.  
23 So I'll call the question on the amended motion.  
24  
25                  CHAIRMAN LOHSE: Okay. We have the  
26 question called on the Ninilchik modified proposal as  
27 amended. All in favor signify by saying aye.  
28  
29                  IN UNISON: Aye.  
30  
31                  CHAIRMAN LOHSE: All opposed signify by  
32 saying nay.  
33  
34                  (No opposing votes)  
35  
36                  CHAIRMAN LOHSE: Motion carries  
37 unanimously. Okay.  
38  
39                  Now let's go back to our agenda.  
40 Proposal 28.  
41  
42                  MR. CARPENTER: We've got to hear all  
43 the public testimony again?  
44  
45                  CHAIRMAN LOHSE: We've already had the  
46 public testimony. We don't have the AC testimony on  
47 it.  
48                  MR. BLOSSOM: What are we going to do  
49 with all these in the middle?  
50

1 CHAIRMAN LOHSE: All of these in the  
2 middle are covered by the action that we took.  
3  
4 MR. BLOSSOM: That's what I just wanted  
5 to know.  
6  
7 CHAIRMAN LOHSE: You just needed  
8 that.....  
9  
10 MR. BLOSSOM: So no action.  
11  
12 CHAIRMAN LOHSE: No action on 11, 12,  
13 13. We consider all of these proposals covered by the  
14 action we took on the Kasilof and Kenai River.  
15  
16 MR. BLOSSOM: I agree. I just wanted  
17 to make sure.  
18  
19 CHAIRMAN LOHSE: Okay. We needed to  
20 put that in, you're right. Okay.  
21  
22 With that we go on to line (E) on our  
23 agenda, which is Proposal FP07-28. And we'll go  
24 through our standard presentation procedures for the  
25 proposal. We've already had our public testimony on  
26 it, but we will be taking AC testimony on it, and the  
27 other regular testimony. So with that, the  
28 introduction to the proposal and the analysis on  
29 Proposal FP07-28.  
30  
31 (Pause)  
32  
33 MS. ARMSTRONG: Thank you, Mr.  
34 Chairman. My name is Helen Armstrong. I'm with the  
35 Office of Subsistence Management. And I'm presenting  
36 Proposal FP07-28, and it's found on Page 107 of the  
37 blue, the fish analysis book.  
38  
39 This proposal was submitted by the  
40 Kenai River Sportfishing Association, and it requests  
41 that the positive customary and traditional use  
42 determinations for taking fish by Hope, Cooper Landing  
43 and Ninilchik residents be rescinded in the Kenai  
44 Peninsula District and that there be no Federal  
45 subsistence priority for all fish.  
46  
47 The proponent of Proposal FP07-28 has  
48 extensive concerns about the implementation of the C&T  
49 determinations made by the Board in January 2006 and  
50 November 17th, 2006. The proponent's concerns are

1 focused primarily on legal considerations of the  
2 implementation of ANILCA and Federal subsistence  
3 management regulations, as well as conservation  
4 concerns.

5  
6 As I think you all know by now,  
7 conservation concerns are not a part of customary and  
8 traditional use determinations, that these are dealt  
9 with when you are doing exactly what you have been  
10 doing all week, which is dealing with seasons,  
11 harvests, methods and means.

12  
13 There was no new information provided  
14 by the proponent, and since this was so recently dealt  
15 with by the Board, just last November, we have  
16 absolutely no new information.

17  
18 What you will find in the analysis is a  
19 -- I put together the information that went before the  
20 Board in November on Hope, Cooper Landing and  
21 Ninilchik's uses. I don't think that I need to go  
22 through all of that again. You've heard it quite a few  
23 times before. If you would like me to, I will.

24  
25 The preliminary Staff conclusion is to  
26 oppose the proposal, because we have no new  
27 information. There is nothing new for the Board to  
28 actually change their decision regarding, and since the  
29 information from the proponent was all about  
30 differences of opinion on legal considerations and the  
31 implementation of ANILCA and Federal regulations, we  
32 couldn't see any reason to change the C&T  
33 determinations.

34  
35 Would you like a more thorough analysis  
36 of -- I mean, I can provide more on the C&T of the  
37 uses.

38  
39 CHAIRMAN LOHSE: Basically what you're  
40 saying is that there was no more new information on use  
41 or lack of use of the resource.....

42  
43 MS. ARMSTRONG: That's right.

44  
45 CHAIRMAN LOHSE: .....thus the  
46 information was basically on concerns on  
47 implementation. In other words, how are you going to  
48 do this, which doesn't have anything to do with.....

49  
50 MS. ARMSTRONG: Right. And

1 interpretations of ANILCA.

2

3 CHAIRMAN LOHSE: It doesn't have  
4 anything to do with C&T. And then like we discussed  
5 with one of the people yesterday, how we interpret what  
6 the law reads as opposed to what's been handed down by  
7 the courts.

8

9 MS. ARMSTRONG: That's correct, Mr.  
10 Chair.

11

12 CHAIRMAN LOHSE: But there was no new  
13 information on use or lack of use of the residents of  
14 the Kenai Peninsula of the resources in the areas in  
15 which we're concerned.

16

17 MS. ARMSTRONG: No, there wasn't.

18

19 CHAIRMAN LOHSE: Any questions for her.

20

21 (No comments)

22

23 CHAIRMAN LOHSE: The stuff that's --  
24 from what I saw when I read this, the stuff that's  
25 contained in here is basically the same stuff that we  
26 read when we made the C&T, basically the same stuff  
27 that was read before the Board when the Board made its  
28 decision on C&T.

29

30 MS. ARMSTRONG: That's correct. The  
31 only part that was new, but not new to the Board this  
32 time around but that you didn't hear in January when we  
33 first did it last year -- it wasn't the first time  
34 you've heard about C&T, but the first time this  
35 particular proposal was taken up, was all the  
36 information on Page 118 in Table 1. And that's not new  
37 to the Board, but it was new -- it was brought out when  
38 the State and Ninilchik had their RFR on this. The  
39 State produced some new information on lifetime use,  
40 and that's all in Table 1. But it wasn't new to the  
41 Board. I mean, this time it's not new to the Board.

42

43 And what that was was that the study  
44 that had been done by Jim Fall and his Staff, they had  
45 collected data on lifetime use of the area, but they  
46 hadn't put it in their report that had come out, so  
47 they provided that to us before the November meeting  
48 last fall, and so there was additional information to  
49 show that in the lifetime of people in Ninilchik where  
50 they had gone in the Kenai river area. Unfortunately

1 we don't have that information for Hope and Cooper  
2 Landing.

3  
4 CHAIRMAN LOHSE: If I remember right,  
5 this was the study that was called into question by  
6 both the NTC and members of the Ninilchik community as  
7 far as who was interviewed and how random the sampling  
8 was?

9  
10 MS. ARMSTRONG: That's correct.

11  
12 CHAIRMAN LOHSE: Especially by long-  
13 term residents. And I think we had the information,  
14 just not in -- because we discussed this study, but we  
15 didn't have the information printed out in a nice table  
16 like this.

17  
18 MS. ARMSTRONG: We had it last fall,  
19 but we didn't have it in the previous January, yeah.

20  
21 CHAIRMAN LOHSE: Yeah. Okay. We had  
22 it last fall.

23  
24 MS. ARMSTRONG: I think that's correct.

25  
26 CHAIRMAN LOHSE: The wish of the  
27 Council. Doug.

28  
29 MR. BLOSSOM: Well, Mr. Chair, I had  
30 Donald send me the minutes where we did C&T, and I've  
31 looked through them, and I think we did it properly, so  
32 in my view we did what we were supposed to do in  
33 showing there's C&T. Now, that's just my view of the  
34 thing.

35  
36 CHAIRMAN LOHSE: Well, we can have a  
37 motion -- well, we've got the rest of the people to  
38 listen to. So we can excuse her then.

39  
40 MS. ARMSTRONG: Thank you, Mr. Chair.

41  
42 CHAIRMAN LOHSE: Okay. Alaska  
43 Department of Fish and Game comments.

44  
45 MR. HILSINGER: Thank you, Mr.  
46 Chairman. Again for the record my name is John  
47 Hilsinger. I'm with the Alaska Department of Fish and  
48 Game.

49  
50 The State of Alaska through the Alaska

1 Department of Fish and Game opposed the previous C&T  
2 determinations for Hope, Cooper Landing and Ninilchik  
3 on the Kenai Peninsula. It also filed requests for  
4 reconsideration on the Board's C&T determinations for  
5 Hope and Cooper Landing in the upper Kenai and other  
6 waters, and for Ninilchik in the upper Kasilof. That  
7 was in May of 2006, and recently in January of 2007 for  
8 Ninilchik in the upper Kenai.

9  
10 The array of proposals under  
11 consideration at this meeting demonstrates the  
12 conservation issues raised as a result of the Federal  
13 C&T determination for both the Kenai and Kasilof areas.  
14 Fish stocks in the upper Cook Inlet are some of the  
15 most intensively managed in the State, and in order to  
16 conserve stocks and preserve viable fisheries, salmon  
17 are managed conservatively under a vast array of  
18 detailed management plans. Fisheries for resident  
19 species are also managed conservatively.

20  
21 Proposals under consideration by the  
22 Federal Subsistence Board suggest harvests of thousands  
23 of salmon and unknown numbers of resident species in  
24 areas for which there is often little or no information  
25 on stock size or sustainable harvest levels. Given the  
26 complexity of these fisheries and the lack of precise  
27 information on stocks, the potential for creating  
28 conservation problems is greater than it is in other  
29 fisheries.

30  
31 ADF&G requests detailed maps showing  
32 the boundaries within which Federal regulations would  
33 apply and the justification for claiming those  
34 boundaries. Significant portions of the upper Kenai  
35 are bordered by State or private lands, and the State  
36 questions Federal claims of jurisdiction in those  
37 areas.

38  
39 Furthermore, ADF&G argues that the  
40 Board lacked the necessary jurisdiction to make C&T  
41 determination because the Federal government has not  
42 legally or properly established Federal reserved water  
43 rights in the waters covered by its determination as  
44 required by law.

45  
46 C&T determinations should be supported  
47 by substantial evidence that the communities under  
48 consideration meet the eight criteria with the Federal  
49 regulatory definition of customary and traditional use  
50 requires. And that definition is a long-established,

1 consistent pattern of use incorporating beliefs and  
2 customs which have been transmitted from generation to  
3 generation. This use plays an important role in the  
4 economy of the community.

5  
6                   There should also be substantial  
7 evidence showing that the use occurred within the  
8 Federal public lands in question and that the specific  
9 stocks of fish under consideration for subsistence  
10 harvest occur within those same Federal public lands.

11  
12                   That much is clear from the applicable  
13 Federal statues and regulations and also from the  
14 Federal Subsistence Management Program's Technical  
15 Writing Guide for 2005, which provides on page 21,  
16 under frequently asked questions, is it appropriate to  
17 recommend approval of a C&T if the use is not on  
18 Federal public lands or waters. And it answers, no,  
19 the C&T analysis would not recommend a positive  
20 determination if the C&T analysis determines that the  
21 use is not on Federal public lands or waters.

22  
23                   When the Federal customary and  
24 traditional use determination is made, other Federally-  
25 qualified rural residents may no longer harvest under  
26 Federal regulations, but must harvest under State  
27 regulations along with non-rural residents. Because  
28 this effectively represents a restriction on the  
29 Federally-qualified rural residents, as well as non-  
30 rural residents, it's important that substantial  
31 evidence support the action.

32  
33                   In the determinations for Hope, Cooper  
34 Landing and Ninilchik in the Department's RFRs and also  
35 dated May 5th and January 16th, and also in comments  
36 that we provided, those C&T determinations were made in  
37 the absence of written policies and procedures and  
38 criteria that the Federal Subsistence Board was  
39 directed to prepare by the Secretary of Interior, and  
40 those determinations were not sufficiently supported.  
41 Those determinations did not satisfy the Board's  
42 regulatory factors for making a positive customary and  
43 traditional use determination, and there wasn't  
44 substantial information to support those, and that  
45 information wasn't clearly articulated on the record.

46  
47                   Given the potential for harm to stocks  
48 and unnecessary disruption of other users in violation  
49 of Section 815 of ANILCA, the Federal Subsistence Board  
50 should rescind those determinations until they can be

1 reconsidered under the appropriate policies and  
2 criteria, and new positive determinations should not be  
3 made in the absence of substantial supporting evidence.

4

5           ADF&G requests that the Regional  
6 Council and the Federal Subsistence Board take up  
7 consideration of this proposal and review the above-  
8 referenced material in order to correct what we see as  
9 flaws in the record that was created by the Federal  
10 Subsistence Board in January.

11

12           The Federal Staff analysis provides  
13 little information on customary and traditional uses  
14 prior to the 1952 closure, and little information on  
15 subsistence uses of Federal public lands of the Kenai  
16 National Wildlife Refuge and Chugach National Forest  
17 that were included in the C&T determination. The  
18 information that is provided is not linked to the  
19 residents of Hope, Cooper Landing or Ninilchik, but is  
20 for uses by the Dena'ina Athabascans. Uses of the  
21 Dena'ina are not shown to be consistent with and linked  
22 to the usages by the current communities.

23

24           What is shown in the Federal draft  
25 analysis is that at most a few people, trappers for  
26 example, may have participated in freshwater fisheries,  
27 but the pattern of use of the communities was to rely  
28 on the abundant fishery resources close to home.  
29 Therefore, they did not demonstrate a pattern of use by  
30 those communities specific to the fish stocks and  
31 species that occur on the refuge or the forest.

32

33           And since there were no roads in the  
34 area, it is doubtful that there was much freshwater  
35 subsistence harvest on Federal public lands. Indeed,  
36 the Board's deliberation as well as the current Staff  
37 analysis does not provide evidence that a pattern of  
38 customary and traditional use of Federal public lands  
39 or stocks founds on those lands occurred prior to the  
40 closure. Therefore, there is no evidence that the  
41 closure interrupted an existing pattern of use. Most  
42 harvest occurred on different stocks in marine waters  
43 or rivers much closer to the communities.

44

45           The regulatory requirement for the  
46 customary and traditional use determination is to  
47 identify the specific community's or area's use of  
48 specific fish stocks and wildlife populations. Thus,  
49 wherever the regulations require a pattern of use, they  
50 are referencing a pattern of use specific to a specific

1 area or a specific stock or population by a specific  
2 community. Six of the eight factors refer to this  
3 pattern of use. And the draft analysis does not  
4 demonstrate use that supports the previous C&T  
5 determinations for these communities for all species  
6 and stocks of fish.

7

8                   Must of the Federal Staff analysis and  
9 conclusion regarding this proposal rests on the idea  
10 that here are no unimportant subsistence uses. While  
11 that may be true, only customary and traditional  
12 subsistence uses are afforded a priority under the law.  
13 And as I said, in order to be considered customary and  
14 traditional under Federal regulations, they must  
15 represent a long-established pattern of use,  
16 incorporating beliefs and customs which have been  
17 transmitted from generation to generation, and which  
18 are an important role in the economy of the community.

19

20                   Numbers for non-salmon use are very low  
21 for all three communities. For example, the per capita  
22 consumption of lake trout, Dolly Varden and rainbow  
23 trout in Ninilchik in 2002 was .3 pounds, .6 pounds,  
24 and .6 pounds respectively, which, if you look at the  
25 lake trout example, translates into about one 15-inch  
26 lake trout per family of four per year. Similarly, the  
27 consumption of salmon is low, too, for a community that  
28 is on the coast and has access to those resources.

29

30                   The Federal Subsistence Board  
31 established subsistence fisheries that mirror State  
32 fisheries on the Kenai and Kasilof River in 2002, and  
33 the harvest and effort for those fisheries has been  
34 included in the Federal Staff analysis for these  
35 proposals, and the usage was quite low under whose  
36 fisheries.

37

38                   So in conclusion, Mr. Chairman, ADF&G  
39 objected to the C&T determinations when they were  
40 adopted and has filed requests for reconsideration  
41 these three determinations, and believes that the  
42 Federal Subsistence Board has not addressed the  
43 shortcomings in its original decisions. Also, the  
44 absence of written policies and procedures that the  
45 Federal Subsistence Board was required to develop  
46 should be addressed and the determinations should be  
47 supported by substantial evidence. And the eight  
48 criteria should be addressed and applied clearly on the  
49 record.

50

1                   Finally, in the Board's C&T  
2 determination for Ninilchik in the upper Kenai River  
3 and other waters, they did use a novel and  
4 unsupportable definition of the term stock. Now, this  
5 Regional Advisory Council may not have done that when  
6 they considered these proposals, but at the Federal  
7 Subsistence Board meeting, it's clear from the  
8 transcripts that that was a large part of the decision  
9 by the Federal Subsistence Board that the idea that the  
10 stocks that would be harvested in the upper Kenai and  
11 upper Kasilof were the same stocks of fish that were  
12 harvested in the waters near Ninilchik.

13  
14                   And part of the Department's last  
15 request for reconsideration was some supplemental  
16 material that should also be reviewed on definitions of  
17 stocks, and particularly with regard to resident  
18 species. And as we heard today, there's two separate  
19 stocks of rainbows in the upper Kenai River alone, and  
20 four different spawning aggregations of Dolly Varden,  
21 so that it's unlikely that the same stocks of rainbow  
22 trout, for instance, occur in the Ninilchik River that  
23 occur in the upper Kenai if there are multiple stocks  
24 even within the upper Kenai alone.

25  
26                   So ADF&G requests that you support this  
27 proposal, and so that the Federal Subsistence Board  
28 will take it up as a means to revisit and reassess  
29 their prior C&T determinations. Given the Potential  
30 for harm to stocks and unnecessary disruption of other  
31 users in violation of Section 815, it would be  
32 appropriate for the Federal Subsistence Board to review  
33 these determinations.

34  
35                   Thank you.

36  
37                   CHAIRMAN LOHSE: Thank you, John. Any  
38 questions for John.

39  
40                   (No comments)

41  
42                   CHAIRMAN LOHSE: John, has the Board  
43 responded to your request for reconsideration?

44  
45                   MR. HILSINGER: The Board has not  
46 responded to the latest request for reconsideration,  
47 which was the one from January for Ninilchik in the  
48 upper Kenai.

49  
50                   The ones from May on Ninilchik for the

1 Kasilof and Hope and Cooper Landing for the upper  
2 Kenai, frankly we can't tell if they responded or not.  
3 They seem to accept the information contained in our  
4 RFR as new information, but they never actually  
5 appeared to have acted on the RFRs. They took the  
6 information that we presented as part of the RFR and  
7 used it as part of the basis for granting the  
8 determination for Ninilchik, but they never really  
9 acted on our RFR. So we're, I guess, a little bit  
10 confused about the status of those requests.

11  
12 CHAIRMAN LOHSE: Unless they considered  
13 the new information as being positive for C&T and not  
14 for something that you'd reconsider something that you  
15 did. I mean, it's possible that the new information  
16 actually supported their decision in their viewpoint,  
17 even if it didn't in your viewpoint. And if they  
18 didn't consider it new information that would affect  
19 the decision, then they wouldn't have to make a RFR  
20 would they?

21  
22 MR. HILSINGER: That may be, Mr.  
23 Chairman, but I guess we would have hoped that there  
24 would have been a clear articulation of that point back  
25 to us.

26  
27 CHAIRMAN LOHSE: Yeah. In other words,  
28 what you're saying is they took the information, but  
29 didn't respond.

30  
31 MR. HILSINGER: Yeah. That's my  
32 understanding.

33  
34 CHAIRMAN LOHSE: Well, I was glad that  
35 you got onto the fact that, you know, while it had to  
36 be long-established, it could be interrupted by either  
37 regulations of State or Federal government that  
38 prevented it from happening. And a couple of the other  
39 things that we went through.

40  
41 And I know for a fact that the idea  
42 that the stock -- the one that you brought up with the  
43 stock, that that was not our Council's -- our Council  
44 didn't base any of our decision on that. It's possible  
45 that the Board did, but our Council basically based  
46 their decision on what we got as testimony from people  
47 who were involved with it.

48  
49 And again I know that currently today  
50 we have a tendency to divide stocks up, and in the

1 interest of genetic diversity, we're in the era just  
2 like they were once time where you made multiple  
3 species of the same thing, and then we went through an  
4 era where science clumped the species, and now we're  
5 going back into an era where we're using genetics to  
6 make slightly different stocks of things like that.  
7 And I know that there's even discussion in the  
8 scientific world as to whether these are separate  
9 stocks or whether you can have in the same stock have  
10 slight genetic, you know, variations.

11  
12                   So it would be pretty hard I think for  
13 the -- I think it would be pretty hard for a layman  
14 subsistence user/fisherman that is -- I think if you  
15 took your average from Anchorage and you asked them if  
16 they went to the Kenai, and they went up above Skilak  
17 Lake, and they caught a rainbow, that they caught a  
18 rainbow, was that rainbow than the rainbow below Skilak  
19 Lake, I doubt if you'd get a positive answer from them.  
20 In fact, my problem is I've seen people catch  
21 cutthroats or Dollies and think they had rainbows.

22  
23                   So again it may be that we haven't  
24 recognized the hairsplitting genetic diversity in  
25 recognizing stock, but I think that, you know, as  
26 common ordinary users, if there was rainbows in a river  
27 system, we would consider it rainbows in a river  
28 system. Especially when all those rainbows wintered in  
29 the same place, even if you could scientifically find  
30 slight genetic, you know, differences in them.

31  
32                   And so if that's the case, I would find  
33 it hard to fault laymen from making the decision that a  
34 rainbow's a rainbow, and a rainbow in the Kenai River  
35 is a rainbow in the Kenai river, you know. To expect  
36 them to diversify it by stocks or even by creeks, I  
37 think it would be hard to do.

38  
39                   But, John, I really do appreciate the  
40 things that you said, and I can understand where you're  
41 coming from, but again I know this Council has been  
42 instructed time after time, and we've made decisions to  
43 grant C&T that members of this Council didn't want to  
44 grant, because they actually affected adversely. But  
45 the reason for not granting them was because this might  
46 have potential harm to your current harvest. But  
47 you've ended up granting them anyhow, because the other  
48 person demonstrated that they had used them, and you'd  
49 rather not have granted them, because they were going  
50 to be competing with you. So, you know, just like the

1 person mentions here, you know, the concern for  
2 implementation and the potential for harm  
3 conservationally and everything by doing C&T, it's been  
4 a hard decision sometimes for us to base it on the fact  
5 that somebody else has used this resource, maybe not as  
6 much as we have, maybe not as much as we would have  
7 liked to have seen them use it, or anything else, and  
8 they're now going to be competitors, or they have  
9 potential harm to our resource, but we had to grant --  
10 from what we understand C&T to be, we had to grant it  
11 anyway.

12

13 John.

14

15 MR. HILSINGER: Thank you, Mr.  
16 Chairman. I appreciate those comments. But I think  
17 even most lay people in Alaska understand the  
18 difference in stocks, for instance, between early and  
19 late run Kenai kings, and early and late run sockeye,  
20 and they might see that a rainbow trout in the Kenai  
21 River is a different stock than a rainbow trout in the  
22 Ninilchik River. And that was my point, was that  
23 that's the kind of assumption that the Federal  
24 Subsistence Board made when they voted for this, that  
25 all of those fish were all one stock.

26

27 And so what we would really like is for  
28 the Federal Subsistence Board to go back and revisit  
29 that, and provide a substantial discussion of the  
30 evidence and demonstrate that it's consistent with the  
31 definitions in ANILCA. And if it is, then they could  
32 grant that C&T. But there needs to be standards and  
33 criteria, and a clear process that when you come out  
34 the other end, you see that, yeah, there was adequate  
35 evidence to support that. And then when you go in and  
36 make adjustments in these fisheries and provide that  
37 preference, people realize that that preference is  
38 backed up by substantial information. So that's the  
39 State's view of it.

40

41 Thank you.

42

43 CHAIRMAN LOHSE: Thank you, John.

44

45 Doug.

46

47 MR. BLOSSOM: Yeah, Mr. Chair.

48

49 John, in looking through all of our  
50 minutes, and the best I can tell, we never made the

1 assumption that because fish ran by Ninilchik, for  
2 instance, just because they were destined to Federal  
3 waters, that was the case. No, we went the other way  
4 around.

5  
6 And as far as I can tell when looking  
7 at everything, we carefully spent lots of time and  
8 determined that they did indeed use the resource in the  
9 area in question, and because we determined that, I  
10 don't know where the Federal Board had to even worry  
11 about so much proving it. We did the proving, they  
12 just had to agree with us or not. But we did not the  
13 argument that's been used so many times lately in  
14 Juneau. And maybe they did, we -- as far as I'm  
15 concerned, we're the ones that determined that they had  
16 a C&T, and we passed that on to the Federal Board.

17  
18 MR. HILSINGER: Mr. Chairman. Mr.  
19 Blossom. They did use that, and I guess to the extent  
20 that the Council has the time and energy to wade  
21 through legalese, I could recommend that you look at  
22 the State's RFR and the supplemental information, and  
23 judge the arguments on their merit in your own mind.

24  
25 CHAIRMAN LOHSE: I think what Doug was  
26 saying, John, was that we're not saying that they  
27 didn't use it, but in our minds, we know what we based  
28 our decision on, and whether they felt like they had to  
29 justify something that we had decided on by adding  
30 something to it or even using information that you  
31 don't agree with, that doesn't necessarily mean that  
32 that changes what we based our decision on.

33  
34 And I'm totally in agreement with you  
35 requesting them to change their RFR -- I mean, to do an  
36 RFR and change their decision. But at this time I'm  
37 going to have to see whether this Council feels like  
38 they need to change the decision they made based on the  
39 information they had. And so far nothing has been  
40 presented that has affected the decision that we made.

41  
42 Now, whether or not that meets the need  
43 that the Board felt, the decision that we made was  
44 based on what we considered adequate information. And  
45 I think that's what we're going to -- what we'd like to  
46 hear is does somebody have something to change our  
47 mind. And so far the things that have been sent  
48 forward to change our mind are things that don't apply  
49 to the decision that we made. Yours might, except that  
50 we didn't use those.

1 MR. HILSINGER: Mr. Chairman. I guess  
2 from the State's perspective, and obviously this  
3 Council made a different decision, but the information  
4 that you had on usages was I assume the same  
5 information, that was the same Staff analysis that was  
6 provided to the Federal Subsistence Board. You had the  
7 same report from Dr. Fall and the same Staff analysis.  
8 And, of course, reasonable people can disagree, but in  
9 our mind there was not substantial information in those  
10 reports consistent with the definition of what  
11 constitutes customary and traditional as defined in  
12 ANILCA. And so that's the basis of our request.

13  
14 CHAIRMAN LOHSE: John, I guess I would  
15 have to answer from the standpoint that again while we  
16 -- the reason a Council like this was formed, and it  
17 was formed by people supposedly with local knowledge of  
18 the resource and local knowledge of the activities, was  
19 the fact that we recognize that what we get in reports  
20 may not have all of the information. It doesn't have  
21 the ability to call on the memories and the backgrounds  
22 and the stories and everything else from the people who  
23 live in the community.

24  
25 I hate to compare it to newspaper  
26 writing, but a lot of times those of us that have been  
27 involved in something can't hardly recognize what we  
28 were involved with when we read it in writing. Things  
29 have a tendency to get changed.

30  
31 And so while the reports are helpful  
32 and everything else, I think that you'll find that this  
33 Council uses them as part of the decision-making, but  
34 very seldom do we make our decision based on what's in  
35 the written -- you know, based exclusively on what's in  
36 the written reports. And I think that that's where we  
37 -- that's why we feel like we had additional  
38 information from -- greater than what the reports were  
39 to base our decision on. And so, you know, but that's  
40 all that I can give you, John.

41  
42 And with that, does anybody else have  
43 any questions for John, and I'll shut my mouth. Or  
44 comments they'll like to make to him.

45  
46 (No comments)

47  
48 CHAIRMAN LOHSE: Thank you, John.

49  
50 MR. HILSINGER: Thank you.

1 CHAIRMAN LOHSE: Okay. Other Federal,  
2 State and tribal agency comments. Larry.

3  
4 MR. BUKLIS: Thank you, Mr. Chairman.  
5 Larry Buklis with the Office of Subsistence Management.

6  
7  
8 Typically we aren't one of the other  
9 Federal agencies to comment, but I thought it would be  
10 timely to come right back up. Although Helen did give  
11 the analysis presentation for OSM, I wanted to clarify  
12 some of the details on the RFR issue that were raised  
13 by the State.

14  
15 First of all, I think it's important to  
16 keep in mind that you are dealing with a proposal, and  
17 not to get the RFR process which is on its own track  
18 confounded with the proposal deliberation that you are  
19 working. The State has raised some questions about the  
20 RFRs though, so I should probably try to clear the air  
21 a little bit.

22  
23 Some time ago there was a proposal to  
24 address C&T on the Kenai Peninsula, and you dealt with  
25 that I believe in the fall of 2005. And then that  
26 process culminated with the Federal Subsistence Board  
27 meeting in January of 2006 at which they made C&T  
28 determinations. And I think, Mr. Chairman, you'll  
29 remember that process. And they made a finding for  
30 Hope and Cooper Landing in the Kenai River and north,  
31 and they made a finding for Ninilchik in the Kasilof  
32 drainage.

33  
34 And then there was a series of RFRs on  
35 that set of decisions. The State filed an RFR asking  
36 to revisit the finding of Hope and Cooper Landing in  
37 Kenai and north, and the State filed an RFR asking to  
38 revisit the finding for Ninilchik in the Kasilof.  
39 Ninilchik Traditional Council filed an RFR not to  
40 revisit the finding for Ninilchik in the Kasilof, but  
41 on the contrary to look further, and they questioned  
42 not having found C&T in the Kenai and north.

43  
44 The Federal program took that whole  
45 suite of RFRs, the three of them, and found sufficient  
46 merit on some of the claims raised to advance them to a  
47 full analysis. So we determined that they met the  
48 threshold in certain features and those were advanced  
49 for full analysis. And that process culminated in  
50 November of 2006, and I think Vice Chair Mr. Carpenter

1 represented you at that meeting in November of 2006,  
2 and the State's two RFRs and Ninilchik's one RFR were  
3 addressed. The claims that were advanced were  
4 addressed.

5  
6 And what the Board found in that  
7 process was not merit to change what they had found  
8 before for Hope and Cooper Landing, and not merit to  
9 change what they had found for Ninilchik in the  
10 Kasilof, but rather to expand what they had found for  
11 Ninilchik to include the Kenai and north on Federal  
12 lands.

13  
14 And that decision, in the course of  
15 that decision, I won't get into the RFR process that  
16 has been filed now, but questions have been raised. An  
17 RFR was filed by the State more recently, in January of  
18 2007, challenging how the RFRs were handled in November  
19 of 2006.

20  
21 And some of the issues raised are in  
22 how the Board in November of 2006 addressed the RFRs  
23 and some of the issues the State just raised about  
24 movement of stocks was a feature of the Board's  
25 deliberations. And the State is challenging that  
26 aspect of the deliberations and some other aspects.

27  
28 And so we, the program, are in the  
29 process of evaluating and analyzing those sets of  
30 claims in a threshold analysis. And if the Board finds  
31 that they meet the criteria to be addressed, then a  
32 full analysis would proceed. If the Board finds that  
33 those claims which have been filed don't meet the  
34 minimum threshold for consideration, it will go no  
35 further. So it's at the analysis stage to make an  
36 assessment of these claims that are now being brought  
37 to the table in front of you. But the right place for  
38 those claims is to the Board and a threshold  
39 assessment.

40  
41 So that's where we're at in that  
42 process.

43  
44 The State got a letter of assessment  
45 and result from their earlier RFRs and they were  
46 notified of the status of the current RFR being  
47 assigned for analysis. So there shouldn't be any  
48 confusion about these points.

49  
50 And what we're about now is Proposal

1 No. 28.

2

3 CHAIRMAN LOHSE: Which isn't part of  
4 the RFR process.

5

6 MR. BUKLIS: It's not an RFR process.  
7 It's a proposal. It may look -- it asks for the  
8 program to rescind the C&Ts, so that it may look -- it  
9 may feel like an RFR, but it's being brought to this  
10 table as a proposal.

11

12 CHAIRMAN LOHSE: And it's a proposal to  
13 rescind, to not refer.

14

15 MR. BUKLIS: It's a proposal to rescind  
16 the C&Ts which had been made. It's not an RFR process  
17 with a threshold analysis.

18

19 CHAIRMAN LOHSE: Okay. Thank you,  
20 Larry.

21 Any other Federal, State or tribal  
22 agency comments.

23

24 MR. WILLIAMS: Mr. Chairman. Members  
25 of the Board. Excuse me. My name is Darrel Williams.  
26 I am the resource manager for the Ninilchik Traditional  
27 Council, and I am an environmental scientist. I do  
28 have background, and I believe it was myself that  
29 brought all this information to you on the C&T stuff  
30 with an associate of mine.

31

32 And this is Sky Starky, our legal  
33 counsel.

34

35 When we did the C&T, we brought a lot  
36 of information to you guys, and really the sad part of  
37 it was, and I'm going to be succinct, so I'm not going  
38 to share the code stuff, we had to go through  
39 methodology that the Alaska Department of Fish and Game  
40 used in the Fall survey. The Fall survey did not stand  
41 up to peer review with Dr. Wolfe, the person who  
42 designed the surveys for the Department of Fish and  
43 Game.

44

45 And what he did, he stratified his  
46 samples between different communities to be able to  
47 manipulate data, to show good, bad, right, wrong, or  
48 indifferent. And an example was with Nikolai, the Old  
49 Believers and New Believers. Which I believe there's  
50 some Russian villages coming up on the agenda for this

1 RAC coming up here right now, those very same people.

2

3                   Ninilchik was not stratified. However,  
4 we had our own surveys that we had done from 1994 and  
5 again in 1999, and these are actually detailed very  
6 clearly in the proposals coming up later on, so I'll  
7 try to save some time.

8

9                   What I do have, and at the pleasure of  
10 the Board, if they would like to see the presentation  
11 that we delivered with the evidence -- well, the  
12 evidence with the maps and the information from the  
13 survey to give an idea of what was presented, because  
14 we have some new folks here on the RAC and not  
15 everybody knows about it. I'm pretty sure the  
16 information was clear. We defended our methodology,  
17 and it was a key survey. We had more important parts.

18

19                   Other things that came up in the Fall  
20 survey was nobody had lived there for more than 10  
21 years, the head of household. Obviously since the  
22 history of Ninilchik goes back -- is documented back to  
23 the 1840s, I think we can show that some people have  
24 lived there more than 10 years realistically.

25

26                   We covered the eight factors  
27 thoroughly. We brought people and provided testimony  
28 to the Board. And I'm a little surprised, listening to  
29 the proposal, one of the examples -- there's just some  
30 misinformation. One of the examples is the majority of  
31 the folks down in Ninilchik, they're not Dena'ina,  
32 they're Alutiiq. There's relations with Dena'ina.  
33 It's just -- it's very confusing, and I wish they'd put  
34 a little more into looking at it before they come --  
35 are going to come out with accusations.

36

37                   And I'd be more than happy to show you  
38 guys some examples of the C&T information again if  
39 you're interested. I'm not sure -- if you guys would  
40 give me some feedback on it, that would really help me.

41

42                   CHAIRMAN LOHSE: It's up to the  
43 Council. Greg.

44

45                   MR. ENCELEWSKI: You don't need to give  
46 me any feedback. I'm very clear on it.

47

48                   MR. WILLIAMS: Mr. Chairman. Mr.  
49 Encelewski, thank you.

50

1 CHAIRMAN LOHSE: This is pretty much  
2 the same stuff that we saw in the other one, isn't it,  
3 Darrel, or is this new?

4  
5 MR. WILLIAMS: It pretty much is the  
6 same stuff. I was just trying to, in case anybody  
7 needed a refresher, I thought I'd offer.

8  
9 That's really all I have to say to  
10 address that. I was a little surprised.

11  
12 Does anybody have any questions for me.

13  
14 CHAIRMAN LOHSE: Darrel, I'll ask you a  
15 question. Do you feel like the testimony of the  
16 majority of the people that came and testified at that  
17 time supported the Council's decision?

18  
19 MR. WILLIAMS: Could you say that  
20 again, Mr. Chair? I'm sorry, I didn't hear all of it.

21  
22 CHAIRMAN LOHSE: I said, do you  
23 personally feel like the testimony of most of the  
24 people that came and testified at those meetings  
25 supported the Council's position on C&T?

26  
27 MR. WILLIAMS: Yes, I do.

28  
29 CHAIRMAN LOHSE: And that their  
30 information did?

31  
32 MR. WILLIAMS: And their information  
33 supported the C&T findings, too, yes.

34  
35 CHAIRMAN LOHSE: Any other questions  
36 for Darrel.

37  
38 (No comments)

39  
40 MR. WILLIAMS: Thank you, Mr. Chair.

41  
42 CHAIRMAN LOHSE: Thank you.  
43 InterAgency Staff Committee comments.

44  
45 MR. BERG: Mr. Chair, we had no  
46 additional comments.

47  
48 CHAIRMAN LOHSE: Thank you.

49  
50 MR. CARPENTER: That Jerry is fast,

1 isn't he.

2

3 CHAIRMAN LOHSE: He doesn't want to  
4 have to eat pizza.

5

6 (Laughter)

7

8 CHAIRMAN LOHSE: Fish and game advisory  
9 committee comments. Andy, first?

10

11 MR. SEZNICK: No, we don't have any.

12

13 CHAIRMAN LOHSE: None from Andy.

14

15 MR. MOEGLEIN: We don't have any.

16

17 CHAIRMAN LOHSE: You don't have any.

18

19 MR. STUBBS: My only comment is we  
20 support this being rescinded.

21

22 CHAIRMAN LOHSE: On the basis of  
23 evidence, or just you'd like to have it rescinded?

24

25 MR. STUBBS: I think it's as clear as  
26 mud.

27

28 CHAIRMAN LOHSE: Come up here and say  
29 it.

30

31 MR. STUBBS: Jim Stubbs, Anchorage AC.

32

33 REPORTER: Turn on the microphone.

34

35 MR. STUBBS: I'll try it again. Jim  
36 Stubbs, Anchorage AC.

37

38 The information we've reviewed, the  
39 information I've heard, I think this thing's as clear  
40 as mud. That's why it needs to be clarified, brought  
41 to a finality so we know what ruling we're going to  
42 roll with. So we support rescinding this.

43

44 CHAIRMAN LOHSE: Thank you, Jim. Doug.

45

46 MR. BLOSSOM: Mr. Chair. Jim, what  
47 have you heard?

48

49 MR. STUBBS: Well, I had read the  
50 different materials that were sent out by both the

1 Department and by OSM. I had talked to some people at  
2 OSM, and then after hearing it today, I don't think  
3 we're there yet on what is law and what's clear. And  
4 if -- I think it's probably going to take a court  
5 ruling or at least take the State Board to decide on  
6 this. And if that's the way they rule, that's what we  
7 roll with.

8

9 CHAIRMAN LOHSE: Doug.

10

11 MR. BLOSSOM: Yeah, Mr. Chair. You  
12 didn't hear the history then that we had before us.

13

14 MR. STUBBS: No, I wasn't privy to  
15 that.

16

17 MR. BLOSSOM: But like Joe Cooper that  
18 Cooper Landing is named after is the Joe Cooper from  
19 Ninilchik, and we had people testify they went up the  
20 Kenai River and spent six weeks up there hunting and  
21 fishing, and we had people testify that they trapped  
22 all the way from here to the mountains, and they ran  
23 dog teams from Ninilchik to Seward. I mean, you didn't  
24 year all that information?

25

26 MR. STUBBS: Not through you, but I  
27 heard it through other sources, correct. Mr. Chair  
28 through to Doug.

29

30 Speaking of the Coopers, my brother-in-  
31 law is from the Cooper family originally. His mother  
32 was a Cooper.

33

34 CHAIRMAN LOHSE: Any other questions  
35 for Jim.

36

37 (No comments)

38

39 MR. STUBBS: Thank you.

40

41 CHAIRMAN LOHSE: Jim, I'm glad you came  
42 up and stated your opinion.

43

44 Any other -- let's see, we have no  
45 other fish and game.

46

47 Summary of written public comments.  
48 Donald, for this one here, is there any?

49

50 MR. MIKE: No, it's the earlier

1 statements I made today applies to this Proposal 28,  
2 Mr. Chair. Thank you.

3  
4 CHAIRMAN LOHSE: Okay. A motion to put  
5 this on the table is in order.

6  
7 MR. CARPENTER: Mr. Chairman, I move  
8 Proposal FP07-28.

9  
10 MR. BLOSSOM: Second.

11  
12 CHAIRMAN LOHSE: It's been moved and  
13 seconded to put Proposal FP07-28, customary and  
14 traditional use determinations, various species,  
15 rescind the customary and traditional use determination  
16 for the Kenai Peninsula.

17  
18 Okay. Discussion.

19  
20 MR. CARPENTER: Mr. Chairman. From my  
21 perspective, there's been no new evidence presented by  
22 the State. I think that there was -- you know, if  
23 there's a difference of opinion between what the  
24 Federal Board stated and what we stated, you know, I  
25 guess that can be debated. But I think the evidence  
26 presented to the RAC in Kenai when we made this  
27 decision was quite clear and quite adequate to have  
28 this determination made, and I don't see any reason for  
29 passing this proposal at this time.

30  
31 CHAIRMAN LOHSE: Any other discussion.  
32 Doug.

33  
34 MR. BLOSSOM: Yeah, Mr. Chair, I will  
35 be voting against this. I think we spent quite a bit  
36 of time and listened to a lot of testimony and I think  
37 in our minds we decided that they deserved C&T, and so  
38 I will not be supporting this.

39  
40 CHAIRMAN LOHSE: Any other discussion  
41 or comments. Greg.

42  
43 MR. ENCELEWSKI: Yeah, I'll also be  
44 voting against it. The only comment I have is that,  
45 you know, for the time I've been here, in several  
46 terms, and C&T for Ninilchik was probably the most  
47 thorough by far, the most testimony of any in  
48 supporting their C&T, and I think the record shows  
49 that.

50

1 MR. CARPENTER: Question.  
2  
3 MS. STICKWAN: Can I say something?  
4  
5 CHAIRMAN LOHSE: Gloria's got a  
6 comment.  
7  
8 MS. STICKWAN: I'm going to vote  
9 against this, too, because I thought we had enough  
10 information. And I though Copper River brought a lot  
11 more information, but.....  
12  
13 CHAIRMAN LOHSE: Thank you, Gloria. I  
14 thought Cordova brought a lot more information, but  
15 that's okay. No, but I, too, feel like it was one of  
16 the best turned out and best personal testimony  
17 decisions we had to make.  
18  
19 So with that, if there is no further  
20 discussion, the question's been called. All in favor  
21 of this proposal signify by saying aye.  
22  
23 (No aye votes)  
24  
25 CHAIRMAN LOHSE: All opposed signify by  
26 saying nay.  
27  
28 IN UNISON: Nay.  
29  
30 CHAIRMAN LOHSE: Motion fails  
31 unanimously.  
32  
33 With that, we are not going to order  
34 pizza tonight. Oh, if you want to bring it up, go  
35 ahead. Have you got any -- we will be here until  
36 tomorrow. We better order some pizza.  
37  
38 (Conversation away from microphones)  
39  
40 CHAIRMAN LOHSE: Bring it up now.  
41  
42 MR. ENCELEWSKI: Yeah. Mr. Chair. If  
43 I may entertain that we have a fishwheel subsistence  
44 gear type Federal waters on the Kenai. Introduction of  
45 proposal for consideration. I'd like us to discuss  
46 that now if we could.  
47  
48 CHAIRMAN LOHSE: Pete.  
49  
50 MR. PROBASCO: Yes, Mr. Chair. Just to

1 keep it so we're doing proper protocol. The proper way  
2 would be to reconsider either Kenai or Kasilof or both  
3 for the discussion of a different methods and means  
4 dealing with fishwheels. So you'd be doing a  
5 reconsideration of the -- you could bring just one  
6 river up, or you can bring them both up at the same  
7 time.

8

9 CHAIRMAN LOHSE: Or we could also bring  
10 it up or we can have it come in as an actual proposal  
11 for another meeting, couldn't we? I mean, it could be  
12 a proposal, because it also deals with community and  
13 how to handle a community fishwheel which we haven't  
14 dealt with at all so far on this session.

15

16 Doug. Pete, go ahead.

17

18 MR. PROBASCO: Yes, Mr. Chair, your  
19 options, they're your options how you want to deal with  
20 this issue. You can elect not to take it up. You can  
21 do it like Greg's speaking of, maybe bring it up for  
22 consideration, or you can actually adopt a proposal to  
23 be submitted for the next cycle.

24

25 CHAIRMAN LOHSE: So we could adopt this  
26 as a proposal to put in on the next session?

27

28 MR. PROBASCO: If you wanted to, that's  
29 correct.

30

31 CHAIRMAN LOHSE: Doug.

32

33 MR. BLOSSOM: Mr. Chair, I think what  
34 Greg is wanting to happen is that the Federal, you  
35 folks on the Federal Board figure out how to fund a  
36 fishwheel, how to man a fishwheel, so that rural users  
37 could use it. Okay? I think because that's.....

38

39 MR. ENCELEWSKI: There's a little more  
40 to it than that. I actually wanted to bring it up  
41 under reconsideration as a methods and means. Since  
42 we've identified in a work group, we've talked about  
43 it, and we've submitted this paper, and I wanted to  
44 start getting moving on some action for you guys to  
45 bring it up in a proposal so I don't miss the next  
46 cycle.

47

48 CHAIRMAN LOHSE: If we don't want to  
49 miss the next cycle, could we put this forward as a  
50 motion, and then it has to be a proposal to be brought

1 up at the next cycle, and then OSM has to do the  
2 research on it, and everything else so that it would  
3 all be ready for the next cycle.

4  
5 MR. CARPENTER: Yeah, because in  
6 September it's fisheries proposals again.

7  
8 MR. PROBASCO: Mr. Chair, you can elect  
9 to do it right now or you can wait until you do your  
10 call for proposals, which is at the end of your agenda.  
11 If your intent is to discuss the concept of fishwheels  
12 in the community concept or in a general concept, you  
13 can forward that as the intent, and then it -- based on  
14 this handout, and then OSM would be responsible for  
15 developing a Staff analysis, working with the refuge,  
16 working with the Forest Service to flesh out these  
17 concerns further.

18  
19 I do need to comment on Doug's comment  
20 though as far as funding a fishwheel and providing  
21 that, that is a red herring for the liabilities  
22 associated with the Federal government taking that on,  
23 so it's wishful thinking, Mr. Blossom, but it's a very  
24 difficult hurdle for the Federal program to go down.

25  
26 CHAIRMAN LOHSE: Greg, do you want to  
27 make a motion to put this on as a proposal for next  
28 session.

29  
30 MR. ENCELEWSKI: Sure, I'll make that  
31 motion.

32  
33 CHAIRMAN LOHSE: Do I hear a second.

34  
35 MR. BLOSSOM: Second.

36  
37 MS. STICKWAN: For the next cycle,  
38 fisheries?

39  
40 CHAIRMAN LOHSE: Would it be finished  
41 by this fall's cycle? Fisheries comes up this fall.

42  
43 MR. PROBASCO: That's correct. We  
44 would be addressing it at your next meeting.

45  
46 CHAIRMAN LOHSE: We would be addressing  
47 it this fall.

48  
49 Any discussion from other members of  
50 the Board.

1 MR. CARPENTER: Well, I think, Mr.  
2 Chairman, it's a good idea. I also think it will allow  
3 the general public and the advisory committees and  
4 everybody else to comment on it at the next Board  
5 bicycle, so I think it will allow for full  
6 participation.

7  
8 CHAIRMAN LOHSE: Any other comments.

9  
10 (No comments)

11  
12 CHAIRMAN LOHSE: Okay. Question's in  
13 order.

14  
15 MR. CARPENTER: Question.

16  
17 CHAIRMAN LOHSE: The question's been  
18 called. All in favor signify by saying aye.

19  
20 IN UNISON: Aye.

21  
22 CHAIRMAN LOHSE: Opposed signify by  
23 saying nay.

24  
25 (No opposing votes)

26  
27 CHAIRMAN LOHSE: Motion carries. So  
28 we're asking that this be put on as a proposal for the  
29 next session.

30  
31 MR. ENCELEWSKI: Yeah.

32  
33 MR. CARPENTER: Right on to game now.

34  
35 CHAIRMAN LOHSE: Nope, we are not going  
36 on to game tonight. I already excused all of those  
37 that were here for game. We don't have to order pizza.

38  
39 MR. CARPENTER: Fred wants to stay.

40  
41 CHAIRMAN LOHSE: Fred wants to stay?  
42 With this, we will recess until 8:00 o'clock tomorrow  
43 morning. Donald? Oh, Greg.

44  
45 MR. ENCELEWSKI: Yeah, Mr. Chairman. I  
46 just wanted to make a comment. I guess we're going to  
47 get onto game, and I'm going to have to be gone  
48 tomorrow. I can try to be here for an hour or so.

49  
50 CHAIRMAN LOHSE: Is there any

1 particular game proposal you would like us to speak to  
2 first?

3

4 MR. ENCELEWSKI: Yeah, the bear  
5 proposals, of course.

6

7 CHAIRMAN LOHSE: The bear proposals.

8

9 Okay.

10

11 You make that request in the morning  
12 since you have leave, and we'll do that.

13

14 (Off record)

15

16 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

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STATE OF ALASKA )

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