

1 SOUTHCENTRAL FEDERAL SUBSISTENCE  
2 REGIONAL ADVISORY COUNCIL MEETING

3  
4 PUBLIC MEETING

5  
6 VOLUME I

7  
8  
9 Homer, Alaska  
10 October 17, 2006  
11 9:00 o'clock a.m.

12  
13  
14 COUNCIL MEMBERS PRESENT:

15  
16 Tom Carpenter, Chairman  
17 Doug Blossom  
18 James Showalter  
19 Gloria Stickwan  
20 Dean Wilson

21  
22  
23  
24 Regional Council Coordinator, Donald Mike

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

2  
3 (Homer, Alaska - October 17, 2006)

4  
5 (On record)

6  
7 CHAIRMAN CARPENTER: Okay. If everybody  
8 would take a seat, we'll call this meeting to order.  
9 Good morning, everyone. Welcome to Homer. My name is  
10 Tom Carpenter. I'll be acting as Chair for this meeting.

11  
12  
13 Ralph Lohse, our Chair, was not able to  
14 attend due to some unfortunate problems that he's had  
15 with the flood up at his house in Long Lake. For all of  
16 you that don't know, his house actually got washed down  
17 the river in a flash flood, and so he's up there trying  
18 to salvage what he can and try and figure out what the  
19 next step to take is. So hopefully everything will work  
20 out, you know, well for him in the long run.

21  
22 There's also been a few other  
23 complications due to the weather. There's a few people  
24 that aren't able to attend the meeting besides Ralph, one  
25 of them being Dean Wilson, Jr. from Kenny Lake. He is  
26 going to be here by 11:30, which is the fifth person we  
27 need to have a quorum.

28  
29 So kind of what we've decided to do is  
30 we'll call this meeting to order and we're going to, if  
31 at all possible, we're going to start the meeting with  
32 agency reports, for those of you that are willing and  
33 able to give them right now. If you're not ready to give  
34 your agency report now, we're just going to go through  
35 the list and whoever's ready to do it now, fine. If not,  
36 just let me know and we'll schedule you after the meeting  
37 like we usually do. That's about the only way we can  
38 kind of make this work this morning. So if anybody has a  
39 problem with that, just let me know and we'll try and  
40 accommodate you the best we can.

41  
42 So I'd like to call this meeting of the  
43 Southcentral Regional Advisory Council to order on  
44 October 17th at 9:10 a.m.

45  
46 I think the next thing we'll do, which is  
47 kind of customary here, is we'll just go around the room  
48 and everybody can introduce themselves so we kind of get  
49 an idea of who's here, and after we do that, we'll get on  
50 with our work. So, Gloria, if you want to start, we'll

1 just go around the room this way.  
2  
3 MS. STICKWAN: Gloria Stickwan from  
4 Tazlina.  
5  
6 MR. BLOSSOM: Doug Blossom from Clam  
7 Gulch.  
8  
9 CHAIRMAN CARPENTER: Tom Carpenter from  
10 Cordova.  
11  
12 MR. SHOWALTER: James Showalter,  
13 Sterling.  
14  
15 MR. MIKE: Don Mike, OSM.  
16  
17 MR. HILE: I'm Nathan, I'm the court  
18 reporter.  
19  
20 MR. CAMPBELL: I'm Rod Campbell with OSM.  
21  
22 MR. ENCELEWSKI: Ivan Encelewski with the  
23 Ninilchik Traditional Council.  
24  
25 MR. REYNOLDS: Danny Reynolds, NTC  
26 resource manager.  
27  
28 MS. GRANT: Anna Grant from NTC.  
29  
30 MS. PETRIVELLI: Pat Petrivelli with the  
31 Bureau of Indian Affairs.  
32  
33 MS. MCCALL-VALENTINE: I'm Erica McCall-  
34 Valentine, and I'm the social scientist under the  
35 Partners in Fishing Monitoring Program.  
36  
37 MS. WILLIAMS: Liz Williams, cultural  
38 anthropologist, Office of Subsistence Management.  
39  
40 MR. BERG: Good morning, everyone. Jerry  
41 Berg with Fish and Wildlife Service, Staff Committee  
42 member for Fish and Wildlife Service for fisheries.  
43  
44 MR. CHEN: Good morning. My name is  
45 Glenn Chen. Welcome to Homer. I work for the Bureau of  
46 Indian Affairs. I also want everybody to know that you  
47 are all invited to my house for a potluck tonight. And  
48 there's flyers at the front table.  
49  
50 Thank you.

1 MS. REBNE: I'm sorry. Brenda Rebne with  
2 AHTNA Corporation.  
3  
4 MS. McCORMICK: My name is Molly  
5 McCormick. I'm with Wrangell-St. Elias National Park.  
6  
7 MS. GILBERTSON: Sarah Gilbertson,  
8 subsistence and Federal issues coordinator for the Alaska  
9 Department of Fish and Game.  
10  
11 MS. SEE: Marianne See with Fish and  
12 Game, Subsistence Division.  
13  
14 MR. STARKEY: Sky Starkey, representing  
15 Ninilchik Tribal Council.  
16  
17 MR. KESSLER: Steve Kessler with the  
18 Forest Service, InterAgency Staff Committee.  
19  
20 MR. JOYCE: Tim Joyce, subsistence  
21 fisheries biologist with the Forest Service in Cordova.  
22  
23 MR. LINGNAU: Tracy Lingnau with Fish and  
24 Game in Anchorage.  
25  
26 MR. McBRIDE: I'm Doug McBride, fishery  
27 biologist with Office of Subsistence Management.  
28  
29 MS. SZARZI: Nicky Szarzi, Fish and Game  
30 here in Homer.  
31  
32 MR. SOMERVILLE: Mark Somerville, Fish  
33 and Game, Sport Fish, Glennallen.  
34  
35 MR. TAUBE: Tom Taube, Fish and Game,  
36 Sport Fish, Fairbanks.  
37  
38 MR. NELSON: Dave Nelson, National Park  
39 Service, Anchorage.  
40  
41 MS. SWANTON: Nancy Swanton, National  
42 Park Service, Anchorage. I'm on the InterAgency Staff  
43 Committee.  
44  
45 MR. CHAN: Mark Chan, Forest Service, Law  
46 Enforcement Investigations, Juneau.  
47  
48 MR. BRYDEN: Jeff Bryden. I'm the lead  
49 law enforcement officer for the U.S. Forest Service out  
50 of Moose Pass.

1 MR. HOWELL: Good morning. I'm David  
2 Howell from the Bureau of Land Management out of  
3 Anchorage.

4  
5 MR. LORD: Good morning. I'm Ken Lord  
6 with the Department of the Interior, Solicitor's Office.

7  
8 MR. PROBASCO: Good morning. I'm Pete  
9 Probasco. I'm the acting assistant regional director for  
10 OSM.

11  
12 CHAIRMAN CARPENTER: Okay. Well, welcome  
13 to everybody. And once again I apologize for the rare  
14 start that we're going to have here this morning. We're  
15 just going to have to try and make do with what we have  
16 until we have a quorum.

17  
18 So I will just say that for public  
19 testimony purposes, we will probably start that probably  
20 sometime this afternoon. There should be some green  
21 cards, Donald. If you want to testify publicly, fill out  
22 a green card and just return it to Donald when you have a  
23 chance to, and we'll make sure you get time to testimony  
24 on any proposal that you want.

25  
26 Is there anybody here that is going to be  
27 giving a Staff report that -- I mean, I'm willing to try  
28 and accommodate as best we can here just to make the  
29 meeting move along here -- that is not able to do theirs  
30 right now, or should I just go through the list, and if  
31 you can do it, fine, if you can't, we'll just reschedule  
32 you for either later today, or, you know, whenever we can  
33 best fit you in.

34  
35 The first agency report that we have on  
36 the list is non-government organizations. Is there  
37 anybody here that.....

38  
39 (No comments)

40  
41 CHAIRMAN CARPENTER: Okay. I don't see  
42 anybody there. Next on the list is Bureau of Land  
43 Management, the Anchorage office. Sir.

44  
45 MR. HOWELL: Do you want me to come up  
46 here?

47  
48 CHAIRMAN CARPENTER: Sure, come on up to  
49 the mic here and state your name.

50

1 MR. HOWELL: Good morning, I'm Dave  
2 Howell with the Bureau of Land Management out of the  
3 Anchorage State office. I am here speaking on behalf of  
4 the Glennallen field office today.

5  
6 And as most of you may have seen on the  
7 table over here as you came in, there is a summary  
8 overview of the Glennallen's land use planning process  
9 and the status of that land use plan, the RMP, resource  
10 management plan.

11  
12 As most of you know, the east Alaska  
13 proposed resource management plan and final environmental  
14 impact statement was released in June of 2006. That  
15 release was followed by a 30-day protest period, and we  
16 received three protests. And those protests and  
17 responses are currently being responded to in  
18 collaboration with our Washington office. The record of  
19 decision for this document is scheduled to be signed  
20 within the next couple of months.

21  
22 Currently we have an ongoing dialogue  
23 with the State of Alaska relative to a consistency review  
24 requirement by the Governor. And a particular issue was  
25 the request by the State to BLM to modify Public Land  
26 Order 5150 which set aside lands for pipeline utility  
27 corridor to allow for conveyance to the State of pipeline  
28 utility lands. The State and the BLM are currently  
29 working through that dialogue on the protest and the  
30 consistency review. I have nothing to report as far as  
31 status on that at this point in time. We did have an  
32 opportunity to meet the State on the 5th of October and  
33 negotiations are still ongoing.

34  
35 And I have no information or feedback  
36 from the Anchorage Field Office, so I can't report on  
37 that.

38  
39 CHAIRMAN CARPENTER: Okay. Thanks a lot.  
40 Any Councilman -- Gloria.

41  
42 MS. STICKWAN: Do you know when they'll  
43 probably get an answer from the Secretary of Interior?

44  
45 MR. HOWELL: I'm sorry, I didn't  
46 understand what you said.

47  
48 MS. STICKWAN: Do you know when you'll  
49 get an answer from the Secretary of Interior on this?  
50

1 MR. HOWELL: We anticipate within the  
2 next two months we'll have a record of decision. And  
3 during that intervening period we should have some  
4 feedback from the Secretary and resolution from the  
5 Governor.

6  
7 CHAIRMAN CARPENTER: Any further  
8 questions.

9  
10 (No comments)

11  
12 CHAIRMAN CARPENTER: Thank you very much.  
13 Okay. Next on the agenda here is Office of Subsistence  
14 Management. And it's an update on the Kenai Peninsula  
15 Subsistence Resource Region. Is there anyone here that  
16 -- Pete.

17  
18 MR. PROBASCO: Good morning, Mr. Chair.  
19 Council members.

20  
21 This briefing was produced as  
22 information. It's on Page 104. And instead of going  
23 through the briefing, since most of you have probably  
24 already read that, I'll just give you some current events  
25 that have changed as far as the schedule.

26  
27 As you know, the Board had received what  
28 they had identified as significant comments, and so that  
29 puts us in a process where we go into public meetings to  
30 hear from the public, addressing the potential for an  
31 11th Council called Kenai Peninsula Council. Those  
32 public meetings are going to take place November 1st and  
33 2nd. On November 1st here in Homer, and then November  
34 2nd in Soldotna. And then comment period closes on  
35 November 9th. And then after November 9th, the Board  
36 will have OSM Staff summarize all comments from the  
37 public meetings, as well as written public comments,  
38 which we have been receiving. And then at some time in  
39 November, they will hold a meeting where they will  
40 discuss and make a decision on the possibility of forming  
41 this 11th Council.

42  
43 All of you have been involved in the  
44 discussions up to this date. I think you're very  
45 knowledgeable on what's taking place, and so I'll just  
46 answer questions if -- related to this. Mr. Chair.

47  
48 CHAIRMAN CARPENTER: Doug.

49  
50 MR. BLOSSOM: Yeah, Mr. Chair. Is it

1 possible to get the Secretary of Interior to come to one  
2 of these meetings?

3

4 MR. PROBASCO: Mr. Chair. Mr. Blossom.  
5 I know for AFN they were able to get Secretary Kempthorne  
6 to do a live feed from Washington. I doubt he would be  
7 able to make it here in person. But I will forward on  
8 that comment through Drue Pearce's office.

9

10 MR. BLOSSOM: Thank you much. I would  
11 really appreciate it if we at least requested that and  
12 see if he is interested enough to show up to just one of  
13 the meetings just to let us all know his feelings on it.

14

15 MR. PROBASCO: You bet. And if Secretary  
16 Kempthorne is unable to attend, we do have Mr. Hans  
17 Neidig, the Special Assistant to the Secretary here in  
18 Anchorage, and I would -- based on this type of request,  
19 he might be able to attend in his stead.

20

21 CHAIRMAN CARPENTER: Any further  
22 questions. Pete, what was the deadline for the comments  
23 on the.....

24

25 MR. PROBASCO: Close of bus -- well,  
26 November 9th.

27

28 CHAIRMAN CARPENTER: November 9th.

29

30 MR. PROBASCO: Uh-huh. And if we get  
31 comments that are postmarked on November 9th, but we  
32 receive them a couple days later, we still accept them.  
33 And then during the Board hearing, the Board will take  
34 comments as well during that meeting.

35

36 CHAIRMAN CARPENTER: Okay. Gloria.

37

38 MS. STICKWAN: You said there will be a  
39 meeting in November. That's a Board meeting you're  
40 talking about? I know about the two public meetings, but  
41 you said there will be another meeting?

42

43 MR. PROBASCO: There will be a specific  
44 public Federal Subsistence Board meeting scheduled in  
45 November. I believe it's the 16th, but I'll get that  
46 confirmation. I'll call back at the office. And that  
47 will be an open public meeting.

48

49 MS. STICKWAN: In Anchorage?

50

1 MR. PROBASCO: In Anchorage.  
2  
3 CHAIRMAN CARPENTER: Anybody else.  
4  
5 (No comments)  
6  
7 CHAIRMAN CARPENTER: Okay. Pete, thanks.  
8 Are you going to give the update on the next one on the  
9 agenda, too, the update on the court case regarding  
10 Council composition?  
11  
12 MR. PROBASCO: I'll give a brief update,  
13 and if we get into real technical questions, we've got  
14 our solicitor in the audience, Ken Lord, that can keep me  
15 out of trouble.  
16  
17 On October 12th Mr. Bill Knauer from OSM  
18 posted a notice soliciting comments or suggestions for  
19 balancing Council memberships. As you know, the judge  
20 ruled on the 70/30 back to the Board, stating to the  
21 Board that we had to expand, if you will, our process,  
22 and particularly the public process, in getting comments  
23 related to Council membership. That's not to say that  
24 the 70/30 may not be the best fit. What we were  
25 instructed to do is to go through a process where we'll  
26 solicit comments and suggestions, review the membership,  
27 how best to balance it.  
28  
29 And that process will end on November  
30 13th, and then the Board will evaluate those comments as  
31 well as whatever the Staff develops, and we'll make  
32 either a ruling on the 70/30, or if there are other ideas  
33 and suggestions, also make a decision on those as well.  
34 So we're going through a -- in a nutshell, we're going  
35 through an expanded public process for comments on this  
36 membership for balancing Council membership.  
37  
38 And as you all know, FACA requires us to  
39 have a balanced Council, and our attempt if you will at  
40 doing that was what we call the 70/30 membership balance  
41 where 70 percent of the Council membership were  
42 subsistence users and 30 percent were commercial and  
43 sport.  
44  
45 And again, that comment period will end  
46 on November 13th. And again sometime in November or  
47 early December the Board would make a ruling on that as  
48 well.  
49  
50 CHAIRMAN CARPENTER: I have one question

1 in regards to that. And we realize that the court said  
2 that they had to stop using the 70/30 split by the end of  
3 2006 I believe it was, did they -- was the 70/30 split  
4 originally, was it a Staff recommendation to the  
5 Secretary that that is how the Councils be set up, or how  
6 did that get initiated in the first place.

7

8 Go ahead, Ken.

9

10 MR. LORD: Well, that was exactly the  
11 question the judge asked us to make a better  
12 administrative record on, and our reasoning for choosing  
13 70/30 as opposed to 80/20 or 60/40 or something like that  
14 is set out in the Federal Register notice that's been  
15 published, and we think that will be enough to give the  
16 judge what he needs to justify the decision.

17

18 Basically our thinking was that if we  
19 made it -- because it is a subsistence program, obviously  
20 we want the majority of the Council members to be  
21 subsistence users. And that only makes sense, and it's  
22 within the purposes of ANILCA. If we made it 60/40 and  
23 one of the subsistence users was absent, as they are  
24 today, then the concern would be that we would lose that  
25 majority. So we didn't want to go that low of a ratio.  
26 If we made it 80/20, then the opposite might be true,  
27 that if one of the sport/commercial users was absent,  
28 then we might not have a fair balance.

29

30 So that's our thinking. And now that  
31 we've published that and made an administrative record to  
32 show what that reasoning is, we think we will be okay.

33

34 CHAIRMAN CARPENTER: I guess one of the  
35 reasons that I, you know, kind of took notice to this was  
36 that, you know, with the whole notion that there could be  
37 another RAC set up on the Kenai Peninsula. Maybe  
38 foreshadowing too much, but I would see with a different  
39 split, maybe a 60/40 split potentially in the future,  
40 that you could have sport/commercial users, depending on  
41 the attendance at a meeting, you would totally use the --  
42 you would totally lose the perception at a meeting that  
43 it was a subsistence meeting. And I think that that's  
44 something that we need to keep an eye on, especially with  
45 the Kenai split. I mean, I can just see already that  
46 there are going to be organizations that are going to try  
47 and manipulate the system, and one of the ways to do it  
48 is to get more of their constituency appointed to these  
49 councils. And I would hope that that wouldn't happen,  
50 you know, but that is something that I see as possible.

1 MR. LORD: Well, I agree, that's a  
2 concern not just for a Kenai RAC, but for any RAC, and  
3 it's something we need to be careful about, do the best  
4 we can with.

5  
6 CHAIRMAN CARPENTER: So the -- go ahead,  
7 Pete.

8  
9 MR. PROBASCO: One clarification, and I'm  
10 looking at Ken's notes here, is that the Board will  
11 address this issue during their three-day meeting in  
12 January when they take up the fishery proposals, So I  
13 was in error there. It's not the end of November/early  
14 December. It's -- we've too many meetings in November  
15 and December, so this will be during the three-day  
16 January meeting.

17  
18 CHAIRMAN CARPENTER: Okay. Thanks.  
19 Anybody have any questions. Gloria.

20  
21 MS. STICKWAN: You said the judge told  
22 you to stop doing this.

23  
24 CHAIRMAN CARPENTER: Gloria, hit the mic.

25  
26 MS. STICKWAN: Did you say the judge  
27 ordered you to stop doing the 70/30?

28  
29 MR. LORD: What -- originally the judge  
30 did issue an order ordering us to no longer use the 70/30  
31 balance. We filed a request for reconsideration, because  
32 we were already in the middle of getting nominations and  
33 putting together our packets to send to the Secretaries.  
34 So the judge changed his order to allow us one more year  
35 of using the 70/30 rule, but said that we had to have the  
36 proper administrative record in place with whatever it is  
37 we're going to move ahead with by the end of that year.  
38 So for this coming nomination cycle, we're still using  
39 the 70/30 rule. After that it will be whatever --  
40 wherever we land after this process is complete.

41  
42 MS. STICKWAN: So this would be our only  
43 opportunity to say anything about it then, because we  
44 won't meet before the.....

45  
46 CHAIRMAN CARPENTER: I believe that's  
47 correct. You know, you correct me if I'm wrong, Pete,  
48 but as a Council, this will be the time that we would  
49 have to comment on it if we so desire to. Personally or  
50 an organization has until I assume the Board meeting in

1 January or possibly at the Board meeting in January to  
2 comment on it.

3

4 MS. STICKWAN: I'd like this to be  
5 included in our letter as part of our discussion to the  
6 Federal Subsistence Board.

7

8 CHAIRMAN CARPENTER: I think -- I will  
9 make a note of that, gloria, and then when Dean shows up  
10 this afternoon and we approve the agenda, we'll go ahead  
11 and include that in the agenda so that we can deal with  
12 that before the meeting's over, to include it in our  
13 letter.

14

15 MS. STICKWAN: Well, I would like to see  
16 it stays the way it is, and not reduce the subsistence  
17 users on the Council. I mean, it just wouldn't work that  
18 way. It wouldn't be a subsistence council any more then  
19 I don't think.

20

21 CHAIRMAN CARPENTER: Right. Okay. Yeah,  
22 we'll make sure -- I'll make a note on that.

23

24 Anything further?

25

26 (No comments)

27

28 CHAIRMAN CARPENTER: Okay. Thanks.

29

30 Next on the agenda is the update on  
31 closure, of subsistence use amounts, and customary and  
32 traditional use policies. Is Tom -- Tom's not here?

33

34 MR. PROBASCO: Mr. Chair, Tom Kron is up  
35 in Delta Junction for the Eastern Interior Council  
36 meeting. Again, this is provided for information. All  
37 10 Councils have reviewed some form of draft dealing with  
38 the closure policy, subsistence use amounts protocol, and  
39 the customary and traditional use policy.

40

41 Where we're at with the draft closure  
42 policy, the Board met in September. We are nearing  
43 completing that process. The Board will meet again to  
44 hopefully finalize. Where they're landing is we are not  
45 going to end up -- let me back up. The Board directed  
46 OSM Staff, working with the Solicitor's Office, to  
47 address the closure policy, to not develop a policy, but  
48 to capture in their meeting guidelines for the Federal  
49 Subsistence Board a section that addresses how the Board  
50 will deal with closures. And then in the writing

1 guidelines that Staff use to develop the proposal  
2 analyses, Staff will go through the factors in developing  
3 that written analyses, and address those factors when  
4 they deal with closures.

5  
6                   So there won't be a closure policy.  
7 They'll actually be in the meeting guidelines and the  
8 technical writing guidelines.

9  
10                   If we were to go down the path, and the  
11 Board still can elect to do that, but at their last  
12 meeting they directed us in that direction, if the board  
13 were to significantly detail if you will, and step away  
14 of how they've dealt with closure policies to date, and  
15 develop closure policies as we've see in the drafts, that  
16 may result in them having to go through the final  
17 rulemaking process. And the Board at their last meeting  
18 elected not to go down that path, and address it in this  
19 matter.

20  
21                   So that's for closures.

22  
23                   On the subsistence use amounts protocol,  
24 all Councils saw this draft last year. It's safe to say  
25 we received some very significant comments that indicated  
26 that the draft that we had before the Councils wasn't  
27 what the Councils wanted to see. They had a lot of  
28 concerns and a lot of problems with that.

29  
30                   Where we're at with that, is the MOA  
31 working group which consists of State Staff and Federal  
32 Staff, we have to go back to the drawing -- back to the  
33 table, look at our comments, and see how best to address  
34 this issue again. And we have yet to meet to do that.  
35 So these subsistence use protocol's on the shelf and  
36 hasn't been pulled off yet.

37  
38                   Customary and traditional use policy, we  
39 hope to have a draft for your review during the  
40 February/March Council meetings. And right now we have  
41 Dr. Polly Wheeler working on the draft. She hopes to  
42 complete that sometime in December. that will be given  
43 to the InterAgency Staff Committee for their review and  
44 comments. And once we finalize a draft, then we will  
45 forward it to all the Councils for their comments. So I  
46 anticipate that in February or March.

47  
48                   CHAIRMAN CARPENTER: Thanks, Pete.

49  
50                   The subsistence use amounts protocol, is

1 that something that's being worked on by an individual,  
2 too, that is going to bring it -- present it to Staff  
3 like the C&T policy?

4

5 MR. PROBASCO: Mr. Chair, that's on the  
6 shelf, and no one currently is working on it since our  
7 last Council meetings where we received the comments.  
8 The workload that we're currently working with, we just  
9 prioritized, and subsistence use amount protocol hasn't  
10 been taken back off the shelf.

11

12 CHAIRMAN CARPENTER: So we'll see that  
13 down the pipeline.....

14

15 MR. PROBASCO: Yes.

16

17 CHAIRMAN CARPENTER: .....next year or  
18 so.

19

20 MR. PROBASCO: Possibly.

21

22 CHAIRMAN CARPENTER: Hopefully.

23

24 MR. PROBASCO: Possibly.

25

26 CHAIRMAN CARPENTER: Okay. Thank you.

27 Gloria.

28

29 MS. STICKWAN: On the closure policy, you  
30 said there was guidelines. Are we going to be able to  
31 see those guidelines?

32

33 MR. PROBASCO: You will be able to see  
34 what we come up with once the Board -- this is a Board's  
35 directive. Whatever they land on, we will definitely  
36 share with the Councils on how they are going to deal  
37 with closure proposals.

38

39 CHAIRMAN CARPENTER: Okay. Pete, thank  
40 you.

41

42 I think the next item under OSM is an  
43 action item. It's a request to review from the Southeast  
44 Alaska RAC. So I think we have to hold off on that until  
45 we have a quorum. So Next on the agenda is U.S. Fish and  
46 Wildlife Service, migratory birds and avian flu update.  
47 Is there anybody here that's -- Donald.

48

49 MR. MIKE: It's just -- the migratory  
50 birds is information only. And in front of you on top of

1 your maps there's a fact sheet on bird flu, so it's just  
2 for your information.

3

4 CHAIRMAN CARPENTER: Okay. So it's in  
5 our packets. There's about a one-page article about  
6 that. Take a look at it.

7

8 Okay. U.S. Forest Service. Wildlife  
9 Resource Monitoring Plan. Steve Kessler.

10

11 MR. KESSLER: Thank you, Mr. Chairman.  
12 Members of the Council.

13

14 Donald is right now handing out the final  
15 report of the wildlife resource monitoring program  
16 strategic plan 2006 through 2010. Also, for the  
17 audience, there's a number of copies of this on the back  
18 table.

19

20 I'm going to be giving you the wildlife  
21 resource monitoring program update for the Forest  
22 Service.

23

24 Since the last update to the Council in  
25 March, we have completed our strategic planning effort,  
26 released the 2006 request for proposals, and completed  
27 preliminary evaluation of 2006 investigation plans.  
28 First, I'll talk about the strategic planning.

29

30 Now, compared to the FIS strategic  
31 planning, this process has been much simpler and not  
32 quite as comprehensive a process. It's also included  
33 both Southeast and Southcentral Alaska regions, and  
34 specifically those areas which are national forest.

35

36 The objective was to develop a  
37 prioritized list of subsistence wildlife issues for  
38 potential funding through the Forest Service wildlife  
39 resource monitoring program. We contracted out  
40 facilitation and report writing to Sheinberg Associates  
41 of Juneau.

42

43 The process involved over 20 people from  
44 Southeast and Southcentral, including representatives  
45 from the Southeast and Southcentral RACs, Southeast and  
46 Southcentral tribes, the Alaska Department of Fish and  
47 Game, and the Forest Service. Pete Kompkoff and Tom  
48 Carpenter represented the Southcentral Regional Advisory  
49 Council while Dolly Garza and Mike Bangs represented the  
50 Southeast Regional Advisory Council.

1                   For this we did sort of a two-phase  
2 process. In phase one, we conducted telephone  
3 interviews with 22 representatives of the groups  
4 previously described. We sent out a letter to all tribal  
5 organizations in Southeast and Southcentral with  
6 interview questions and an invitation to respond. One  
7 response was received from the Organized Village of Kake.

8  
9  
10                   In the second phase of this process, we  
11 convened a subgroup of the interviewees. And that's  
12 where, for instance, Pete and Tom from Southcentral RAC  
13 were involved. This group reviewed all the information  
14 pertaining to and discuss issues identified in the  
15 interviews. Criteria were developed to rank the issues,  
16 and finally the group applied the criteria to develop the  
17 prioritized list of subsistence wildlife issues.

18  
19                   We distributed a preliminary copy of this  
20 list at the March meeting. And if you take a look on  
21 Page -- well, it's actually following appendix 4, or  
22 maybe it's actually part of appendix 4, there's a table  
23 that looks like this that has the listing of these  
24 different priorities.

25  
26                   This final report was finished in April  
27 2006 after review by all the meeting participants to  
28 ensure that it accurately represented what the group did.  
29 And as I said, you've got copies of it, and there are  
30 additional copies at the back table, and others would be  
31 available through contacting Dennis Chester in Juneau,  
32 who was our coordinator for this process.

33  
34                   We released the 2006 request for  
35 proposals, and used this document then to develop the  
36 priority issues. That request for proposals was released  
37 in June, and included four issues: Unit 2, that's Prince  
38 of Wales Island, subsistence uses and needs; Nunatak  
39 Bench, that's at Yakutat, goat populations and uses and  
40 needs; Unit 2 deer population estimation; and then  
41 Western Prince William Sound deer subsistence uses and  
42 needs.

43  
44                   So if you were to look at this table, we  
45 identified the priorities 1, 2, 3, 4 and 6 as the  
46 priorities. And even though, for instance, the western  
47 Prince William Sound item for subsistence uses and need  
48 -- or need for deer in western Prince William Sound was a  
49 slightly lower priority than some of the other items, we  
50 brought that in as an effort to look for projects that

1 would be done within this region also.

2

3                   We received three proposals based on  
4 these priorities, one of which did not address the  
5 priority issues. The three that -- so the two that we  
6 actually received proposals on were from the Craig  
7 Community Association and the Bureau of Indian Affairs on  
8 Unit 2 deer subsistence uses and needs, and from the  
9 Alaska Department of Fish and Game and Traditional  
10 Village of Eyak on Prince William Sound deer subsistence  
11 uses and needs.

12

13                   Subsequently, based on steering committee  
14 input, the -- which asked for additional information to  
15 be developed on subsistence needs, the one for Prince  
16 William Sound deer has been withdrawn.

17

18                   Now, as far as funding for these  
19 projects, \$300,000 was available to fund projects in  
20 fiscal year 2006, but because proposals were returned for  
21 additional development, those funds were not entirely  
22 expended in fiscal year 2006, which just ended on  
23 September 30th. We hope to have these funds back  
24 available for allocation in 2007, and at that point, as  
25 soon as we know what our actual appropriations are from  
26 Congress, we would hope to go forward with projects.

27

28                   At this point, we don't think that we're  
29 going to have a new request for proposals for this fiscal  
30 year because of funding concerns.

31

32                   Now, as a recap for 2005, the Regional  
33 Forester decided to fund two studies from the request for  
34 proposals. One was the Prince William Sound black bear  
35 study. That went to the Alaska Department of Fish and  
36 Game, Subsistence Division with a subcontract to the  
37 Chugach Regional Resource Commission. That study is  
38 currently behind schedule, but is anticipated to still go  
39 forward. And then we had a Prince of Wales deer  
40 population and trends study, which was based on pellet  
41 transects and the new methodologies of working with DNA.  
42 And that is -- it looks like it's going to work well as a  
43 new way to estimate deer. And I'm sure that if that  
44 works out well, eventually that same sort of process  
45 might be able to be used for estimating deer in Prince  
46 William Sound also.

47

48                   So that's what I have for the wildlife  
49 resource monitoring program. If you have any questions,  
50 I'll be happy to answer them.

1 CHAIRMAN CARPENTER: Thank you, Steve.  
2 Anybody have any -- Gloria.

3  
4 MS. STICKWAN: You just looked at  
5 wildlife? Did you look at fisheries, too?

6  
7 MR. KESSLER: The difference here is that  
8 fisheries is part of the statewide process that's run by  
9 Office of Subsistence Management, so that's a whole  
10 different process, and OSM has the -- has a Staff that  
11 does all that, and this wildlife resource monitoring  
12 program we initiated about two years ago based on  
13 increases of funds from Congress to the Forest Service  
14 that allowed us to take a look in a similar way as the  
15 fisheries to wildlife resources, and try to develop a  
16 comprehensive and -- a process that would look both  
17 scientifically and look at traditional ecological  
18 knowledge of the wildlife concerns across the national  
19 forest lands.

20  
21 CHAIRMAN CARPENTER: I just have one  
22 question, Steve. What's the budget typically that the  
23 wildlife monitoring program is compared to the fisheries  
24 budget at OSM? You know, typically what does Congress  
25 appropriate for the wildlife monitoring program? I know  
26 it's only been around for a couple years, but.....

27  
28 MR. KESSLER: Well, I'm going to talk  
29 about the Department of Agriculture, and I'll leave  
30 Department of the Interior separate. So we'll just talk  
31 about what we do for the Forest Service part of it.

32  
33 Over the last number of years we've  
34 funded about -- funded \$2 million a year for the  
35 fisheries program part of FIS. Two years ago we received  
36 a \$500,000 increase from Congress and decided that all of  
37 that \$500,000 should go into the wildlife monitoring  
38 program. That would be the highest priority at that  
39 point. Unfortunately, last fiscal year we received a  
40 \$900,000 decrease from Congress. So we went up 500, went  
41 down 900, and we were sort of in a difficult situation.  
42 We have a commitment to fund as close to \$2 million a  
43 year as we can for the fisheries program, so then the  
44 wildlife program, which we had funded at 500, became  
45 difficult to keep that funding up. Last year we tried to  
46 find that \$300,000. We were not able to -- based on what  
47 has occurred, we did not fully expend that money, and so  
48 we have some that we'll be carrying over to this year.

49  
50 This year it looks like our funds to the

1 Forest Service are going to go up slightly in subsistence  
2 management, although a lot of those funds are going to be  
3 taken with increases and off the top expenditures and  
4 other things, so we won't really see a lot of those  
5 funds. Again, that's still -- we're working on a  
6 continuing resolution right now with Congress, so we  
7 don't really know what our final funds will be.

8  
9 But in any case, no matter how it looks,  
10 there will be significant -- there will be less dollars  
11 that will go to the wildlife monitoring. And I'd say if  
12 you want to sort of put a ballpark estimate into probably  
13 what we spend right now on wildlife, it's probably about  
14 10 percent of what we're spending on fish.

15  
16 CHAIRMAN CARPENTER: Okay. Thanks. I  
17 guess kind of where I was getting at, just depending on  
18 what Congress appropriates, you know, like you're saying  
19 to the Forest Service is depending then on what wildlife  
20 programs are going to get. Is there a mandate by  
21 Congress that the Forest Service spend the \$2 million a  
22 year or as close to it on fisheries projects, or.....

23  
24 MR. KESSLER: No, there's not mandate.  
25 The way it comes from Congress is just as a lump sum for  
26 the Alaska subsistence program for the Forest Service.  
27 They don't break it down in any way. When the program  
28 started, when we sort of had the fisheries authority or  
29 when the fisheries program came to us around 1999/2000,  
30 that's when this budget line item started from Congress  
31 to the Forest Service. And at that point there was a  
32 commitment that a large chunk of this money would go into  
33 the fisheries program.

34  
35 Now, as time moves on, we need to be  
36 looking at what's sort of the most important priorities,  
37 where do we need the most information? Is it fisheries  
38 work, is it the wildlife work. I think that we'll  
39 probably generally see the fisheries is going to have a  
40 larger amount go to it. But as we see that there's some  
41 priorities that need to be taken care of in wildlife, I  
42 think we'll need to start working on balancing between  
43 those two areas. And that's something that the Councils  
44 in Southeast and Southcentral can help us out with a lot.  
45 I mean, if you see that there's some wildlife issues that  
46 in your opinion need addressing as a higher priority than  
47 say some of the fisheries issues, we're certainly  
48 interested in knowing that, and we can, you know, from  
49 year to year do some manipulation of the monies between  
50 the two different programs.

1                   CHAIRMAN CARPENTER: I think that was my  
2 real question is could there ultimately be a situation  
3 that, you know, there be a wildlife concern that is as  
4 great or greater than a fisheries concern, would the  
5 Forest Service move money one way or the other to  
6 accommodate that concern. And I take it from what you  
7 said that to be true, so that's good.

8

9                   Is there anything else anybody has here.

10

11                   (No comments)

12

13                   CHAIRMAN CARPENTER: Thanks, Steve.

14

15                   MR. KESSLER: Thank you, Mr. Chair.

16

17                   CHAIRMAN CARPENTER: Is Steve Zemke here?  
18 Are you dealing with that, Tim?

19

20                   MR. JOYCE: Yeah. Okay. Mr. Chairman  
21 and members of the Council. Mr. Zemke will be here later  
22 this morning. And we kind of had a shared presentation,  
23 and it was a PowerPoint presentation which obviously we  
24 don't have set up. So, I don't know, Don, whether we're  
25 going to do that later or not?

26

27                   MR. MIKE: We can set up the PowerPoint,  
28 it would just take about five minutes. So if you have it  
29 on a floppy or disc drive.

30

31                   MR. JOYCE: Yeah, I've got it on a little  
32 disc here, so -- but it's up to you, Mr. Chairman. I  
33 could wait for Mr. Zemke, we could do it together. I  
34 have my portion which is on the Chugach, which I could  
35 present at any time. I could go through it verbally.  
36 Again, I have it as a PowerPoint, which would be more  
37 meaningful to you if you did it that way.

38

39                   CHAIRMAN CARPENTER: Well, I think that  
40 if you think it's more meaningful, we should probably do  
41 it that way. If you wanted to wait until Steve got here,  
42 that would be fine. We can go on down the list and see  
43 if anybody else a report. And if not, maybe we can take a  
44 break and get stuff set up for when he does get. So,  
45 yeah, that's fine, why don't you hold off.

46

47                   Next on the list is the Alaska Department  
48 of Fish and Game, the field offices. Does anybody have  
49 anything there? Tom. Thanks.

50

1 MR. SOMERVILLE: All right. Mark  
2 Somerville with the Department of Fish and Game.

3  
4 CHAIRMAN CARPENTER: Turn your mic on,  
5 please.

6  
7 MR. SOMERVILLE: Okay. Yeah. Mark  
8 Somerville with the Department of Fish and Game. I'm new  
9 to the position here in Glennallen. So I'll go through  
10 the report here. This is similar to what has been  
11 presented to you in a couple past meetings. The same  
12 format.

13  
14 This year on the Copper River, let's see,  
15 the in-river goal for the Copper River this year was  
16 637,000 fish. That included the spawning escapement of  
17 300,000. Escapement for other salmon was 17,500.  
18 Glennallen Subdistrict harvest was set at between 61,000  
19 and 82,500. Chitina Subdistrict was 100 to 150,000. And  
20 then sport fish harvest was set at 15,000. This year the  
21 hatchery brood stock for Gulkana hatchery was 20,000.  
22 And then the hatchery surplus, supplemental escapement  
23 was at 106,000 this year.

24  
25 Actual passage of salmon in 2006 past the  
26 Miles Lake sonar was 959,731 on July 31st when the sonar  
27 was removed. And this is the second largest passage  
28 recorded at Miles Lake sonar.

29  
30 The Chitina Subdistrict fishing schedule  
31 was pretty much open throughout the whole season this  
32 year, and that was managed through emergency orders.

33  
34 If you flip over to Table 2, 2006, right  
35 now we don't have the numbers for the Copper  
36 River/Chitina Subdistrict fishery. They're still being  
37 processed. Right now 4,883 permits have been entered  
38 into the system, so we expect the number of permits to be  
39 similar to the previous years. Let's see. There was one  
40 supplemental harvest open this year between June 12th and  
41 June 18th for the Chitina Subdistrict.

42  
43 Going over to Table 4 on Page 4, so far  
44 we have 52 percent of the permits for the Glennallen  
45 Subdistrict subsistence fishery processed in the system.  
46 Estimates based on those numbers for reported harvest, on  
47 the last line there, for 2006, 984 permits were issued  
48 this year. Preliminary estimates here based on that 52  
49 percent of the permits in is about 2,615 chinook;  
50 sockeye, 56,981; coho, 243; 15 steelhead; and 123

1 unidentified salmon. Again, this is Table 4, Page 4, the  
2 lower line. For a total harvest right now of roughly  
3 60,000. These numbers will probably go up a little bit  
4 based on -- and be real similar to last years once the  
5 rest of the permits are in and processed.

6  
7                   Going over to Table 5. Gear type  
8 distribution for the Glennallen Subdistrict fishery in  
9 2006, again, 984 permits. And based on what they have  
10 come in, numbers look similar to previous years. 338  
11 permits were issued for dip net permits, 646 for  
12 fishwheels. Approximately 34 percent of the permits were  
13 dipnet and 66 for the fishwheels. And we had 122  
14 fishwheels registered this year.

15  
16                   Table 6 on Page 6. The percent of the  
17 permits issued by community for the Glennallen  
18 Subdistrict in 2006, number are similar to 2005. About  
19 19 percent of the permits issued for the Glennallen  
20 Subdistrict were from residents of the Copper River  
21 Basin, 34 percent from residents of Anchorage are, 15  
22 from Fairbanks, 22 percent from Mat-Su, and 10 percent  
23 from other communities. The average is at the bottom,  
24 based on different periods of time for the fishery over  
25 the years. The change base -- the change from 1991/2001  
26 average of 46 percent for the Copper River, and looking  
27 at the following years, 2002 to 2005, it dropped down t  
28 22 percent. That reflects the opening of Federal permits  
29 in the area, so local residents are getting Federal  
30 permits versus getting State permits.

31  
32                   Table 7, the percentage issued by  
33 community for the Chitina Subdistrict dipnet fishery.  
34 Again, we don't have enough of the data in at this point  
35 for 2006 on those permits to look at the percentages.

36  
37                   And then in Table 8, the same --- at this  
38 point, although we have enough of the numbers in for 2006  
39 on the Glennallen Subdistrict to do some estimated --  
40 total estimated catches, the permits -- there's  
41 insufficient permits right now to break it down between  
42 dip net and fishwheel users for 2006. But in 2005, the  
43 breakdown as about 10 percent of the total harvest was  
44 taken through dipnet fishers in the subsistence fishery,  
45 and 90 percent by fishwheels.

46  
47                   And that concludes the report, Mr.  
48 Chairman. If you have any questions.

49  
50                   CHAIRMAN CARPENTER: Yeah, thank you. I

1 did have one question. On Table 4 it's subsistence  
2 harvest in the Glennallen Subdistrict, you have 984  
3 permits that were issued this year?

4

5 MR. SOMERVILLE: Correct.

6

7 CHAIRMAN CARPENTER: And then on the  
8 sport -- or in the Chitina Subdistrict harvest, you have  
9 4,883 permits that have been returned so far?

10

11 MR. SOMERVILLE: Correct.

12

13 CHAIRMAN CARPENTER: I take it that -- do  
14 you know how many permits the vendors gave out versus --  
15 I mean, obviously about half of them have been turned  
16 it.....

17

18 MR. SOMERVILLE: Uh-huh. (Affirmative)

19

20 CHAIRMAN CARPENTER: But do you know how  
21 many they have given out for the year?

22

23 MR. SOMERVILLE: No, we don't have that,  
24 do we? I'll refer to Tom. He's more familiar.

25

26 MR. TAUBE: Mr. Chair. And for the  
27 record, Tom Taube.

28

29 The way the Chitina permits work is that  
30 the vendors issue the permits. They are required then to  
31 send their copy of the permits to our office Anchorage.  
32 Due to, you know, their responsibilities for the Kenai  
33 dipnet fishery and other responsibilities, those permits  
34 do not get entered until about this time. And so they  
35 have the permits in. They just haven't entered them, and  
36 we could call them, and they was, will, I've got a stack  
37 of about this many. So the permits are probably similar  
38 to what we've been before, but we don't have an exact  
39 number for you. So these are ones that the information  
40 has been entered, and they have to enter those vendor  
41 cards before we can start entering the harvest portion of  
42 those cards.

43

44 CHAIRMAN CARPENTER: Okay. Thanks. One  
45 other question. Do you know how many supplemental  
46 permits you gave out in June, during June 12th to June  
47 18th? Just a relative -- I mean, was it a lot?

48

49 MR. TAUBE: We no longer give out  
50 separate supplemental permits. It's part of the actual

1 Chitina permit, so once someone's reached their limit of  
2 15 or 30, they can take 1 additional sockeye salmon  
3 during that period. So we won't know until we get the  
4 data entered, and then we look at that time, the harvest  
5 above 14 or 30 permits as being the supplemental harvest.  
6 And then we can calculate how many permits actually  
7 participated in that week. We should have all that  
8 information for you at the spring meeting.

9

10 CHAIRMAN CARPENTER: Okay. All right.  
11 Gloria.

12

13 MS. STICKWAN: Do you guys have a policy  
14 or something in regulation that states if you don't turn  
15 in your permit, you'll be penalized for the next on being  
16 to get one?

17

18 MR. TAUBE: Mr. Chairman. Ms. Stickwan.  
19 For the 2006 season they've instituted a \$200 fine if  
20 your permit does not return. And the way the State is  
21 handling that is that the individuals will have one year  
22 grace period, and then the second year, if they fail to  
23 return their permit again, they'll be sent a citation for  
24 the \$200 fine. Within regulation for both the Glennallen  
25 and Chitina Subdistrict, it does state that you could  
26 lose your fishing privileges if you don't turn in your  
27 permit, but we -- in the form of a black list, but we've  
28 never done that with the Chitina Subdistrict. I believe  
29 one year it was done with the Glennallen Subdistrict back  
30 in the 1980s. But currently with the Chitina  
31 Subdistrict, due to the fact that we're issuing permits  
32 from 40 different vendors, it would be pretty difficult  
33 to try to maintain a black list and expect the vendors to  
34 not give someone a permit.

35

36 CHAIRMAN CARPENTER: Maybe just one more  
37 question for Tom. I'd be curious to know how receptive  
38 the Alaska Department of Fish and Game would be in  
39 regards to the Chitina dipnet fishery to a proposal being  
40 put in by someone or a group that would be a monitoring  
41 station like the State used to provide at Chitina to get  
42 an earlier idea of how many fish are actually leaving  
43 that fishery. This would be something that would be like  
44 fisheries monitoring proposal.

45

46 MR. TAUBE: Mr. Chairman. There actually  
47 was a proposal before the Board of Fisheries last  
48 December in Valdez that had asked for like a check  
49 station, and the Board did not adopt that proposal. One  
50 was partly the difficulty in trying to implement a

1 program like that where you'd have to have a mandatory  
2 stop along the road which also has to go into  
3 legislation, not just something the Board of Fisheries an  
4 do.

5  
6 We have also looked at running creel  
7 survey down there, but again the cost to try to do that  
8 was pretty prohibitive, well, just for managing the  
9 fishery.

10  
11 The way the current Chitina Subdistrict  
12 dipnet management plan is set up is that it's based upon  
13 sonar numbers and actually not a harvest. As being the  
14 manager when we had those harvests coming in, there was  
15 some comfort level associated with that, but to manage  
16 the fishery, we really don't need those in-season harvest  
17 numbers.

18  
19 CHAIRMAN CARPENTER: Well, I guess what I  
20 was getting at, I remember that proposal going to the  
21 Board of Fish, and obviously the State's perspective is  
22 that -- I mean, the State's funding for different  
23 projects like that is somewhat limited. that's -- you  
24 know, hopefully it won't be as bad in the future, but I  
25 was more considering the idea that maybe some of this  
26 federal money be spent or a proposal written by the  
27 Department to try and get some of this Federal money like  
28 they have on some of the other projects.

29  
30 And the reason I say that is, is I think  
31 it would be possibly a warranted project, because I do  
32 believe in my own mind that that fishery does interrupt  
33 or inhibit subsistence upriver somewhat. And I think it  
34 would be interesting to know -- at least I would like to  
35 know if I was in your position a little bit -- have a  
36 little bit better idea maybe of what's going on in the  
37 fishery while it's happening, so -- but obviously that's  
38 something that's not on the table, so I was just curious  
39 about your comments there. So, thanks.

40  
41 CHAIRMAN CARPENTER: Gloria.

42  
43 MS. STICKWAN: You guys didn't have any  
44 numbers on Batzulnetas or Slana area?

45  
46 MR. TAUBE: Mr. Chair and Ms. Stickwan.  
47 The State did not issue any Batzulnetas permits this  
48 year. I expect that Molly McCormick with National Park  
49 Service will probably have some information on that,  
50 since the last five years all those permits have been

1 handled by.....  
2  
3 MS. STICKWAN: Slana would be Federal,  
4 too, then?  
5  
6 MR. TAUBE: Well, the area between Indian  
7 River and Slana is covered by Park Service lands on  
8 either so, and so State permit holders cannot fish in  
9 there now, even though that is part of the Glennallen  
10 Subdistrict.  
11  
12 CHAIRMAN CARPENTER: Anything further?  
13  
14 (No comments)  
15  
16 CHAIRMAN CARPENTER: Okay. Tom, thanks.  
17 Thank you very much.  
18  
19 Let's just take about a five-minute break  
20 here, and we'll get back to it.  
21  
22 (Off record)  
23  
24 (On record)  
25  
26 CHAIRMAN CARPENTER: Let's call this  
27 meeting back to order.  
28  
29 Let's see. Next on the agenda is the  
30 National Park Service. Are there representatives from  
31 the Park Service here now? We've got the Wrangell-St.  
32 Elias is first, so maybe we can find Molly and.....  
33  
34 MR. MIKE: Mr. Chair.  
35  
36 CHAIRMAN CARPENTER: Yes.  
37  
38 MR. MIKE: In your packet there's a  
39 salmon-colored sheet with the Park Service letterhead.  
40 That's their summary of what they're going to be  
41 presenting.  
42  
43 MR. PROBASCO: Mr. Chairman.  
44  
45 CHAIRMAN CARPENTER: Yes, Pete.  
46  
47 MR. PROBASCO: Just to clarify, I did  
48 provide the Council some information that wasn't  
49 accurate, and Sky pointed that out to me and it  
50 contradicted what I was told from my Staff yesterday.

1 And it's dealing with the Council composition update as  
2 far as the 70/30 rule. The Board will bring their  
3 decision back to the Council for their review and  
4 comments during their winter cycle and wouldn't make a  
5 final decision until after the winter Council meetings,  
6 probably their May meeting. So what I told you earlier  
7 where I said after the public comment period they'd  
8 probably take it up in their January meeting was  
9 incorrect. It will come back to you in the winter  
10 meetings based on what their recommendation will be for  
11 your comments back to them and then they'd make their  
12 final decision after the winter Council meetings, so  
13 you'll get to see it once more. Okay.

14  
15 CHAIRMAN CARPENTER: Okay. So just to be  
16 clear, we're going to have two more chances -- or at  
17 least one more chance to comment on it after this meeting  
18 before they make their final recommendation.

19  
20 MR. PROBASCO: Yeah, at this meeting --  
21 right.

22  
23 CHAIRMAN CARPENTER: And I think it's  
24 probably still a good idea that the Council comment on  
25 it.....

26  
27 MR. PROBASCO: Yes. Right.

28  
29 CHAIRMAN CARPENTER: .....so that they  
30 can have that on the record at their meeting in January.

31  
32  
33 MR. PROBASCO: That's correct. And  
34 you're accurate, you have this meeting and your next  
35 meeting.

36  
37 CHAIRMAN CARPENTER: Okay. Thanks, Pete.

38  
39 Molly.

40  
41 MS. McCORMICK: Mr. Chairman and members  
42 of the Council. My name is Molly McCormick, and I work  
43 as a fisheries biologist at Wrangell-St. Elias National  
44 Park. And I'd like to talk to you today just a little  
45 bit about what's going on at our park. I believe as of  
46 yet there are no people here to report on either Lake  
47 Clark or on Denali. I don't know if there will be later  
48 on in the day or not.

49  
50 First of all, I'm really pleased to be

1 able to tell you that we have a new superintendent at  
2 Wrangell-St. Elias National Park. Her name is Meg  
3 Jensen, and she has many years worth of experience  
4 working for the Department of -- or the Bureau of Land  
5 Management in Anchorage, Arizona, and Nevada. And she  
6 should be able to start working at the Park sometime in  
7 mid November, and we're just very, very pleased to have  
8 her and excited that we have a new superintendent.

9  
10                   You should have in your packets, I think  
11 it's kind of a salmon-colored sheet which is appropriate,  
12 yep, since I'm doing the fisheries report. Also in there  
13 is a wildlife report that was written by our wildlife  
14 biologist, Mason Reid. I'm not going to go over that,  
15 because wildlife is definitely not my expertise. If you  
16 have questions, I could try to answer them, but I  
17 probably won't have many of the answers.

18  
19                   As far as the fisheries report goes, we  
20 have a couple of weirs that we are operating within  
21 Wrangell-St. Elias National Park. The first is the  
22 Tanada Creek Weir, which is located in the Northern part  
23 of Wrangell-St. Elias. It's just downstream of  
24 Batzulnetas, Katie John's fish camp. This year we  
25 counted 4,513 sockeye through that weir, and 4 chinook.  
26 This is the second lowest number that we have counted  
27 since the weir's been in operation by the National Park  
28 Service.

29  
30                   It was a very cold spring this year and  
31 the fish did not actually show up there until later than  
32 normal. Our first fish was sighted on June 17th. This  
33 is pretty much the latest date that we have counted the  
34 first fish through there. There are a couple of years  
35 that have a later count, but one of them was because the  
36 weir didn't get in until June 28th in 2002, and the other  
37 year was 1998 when there was a severe drought in the area  
38 and the creek was dried up until July.

39  
40                   Our other weir is the Long Lake weir.  
41 This is on Page 2. It is located at Mile 45 of the  
42 McCarthy Road, and it is just about a mile from where  
43 Ralph Lohse's house is, so the last I heard, that weir is  
44 -- was flooded. At least last week it was flooded.

45  
46                   Our count there as of September 25th is  
47 8,676. There should be a few more fish that came in  
48 after that, and we're kind of expecting and hoping that  
49 it will be almost an average year at that weir.

50

1                   Let's see. As Mark told you earlier, the  
2 Miles Lake sonar had counted it's second best year of  
3 fish going through Miles Lake.

4  
5                   In 2006, Wrangell-St. Elias National Park  
6 issued 243 subsistence fishing permits for the Glennallen  
7 Subdistrict, which is down approximately 10 percent from  
8 last year. We also issued 70 subsistence fishing permits  
9 for the Chitina Subdistrict, which is the lowest amount  
10 that we have issued sine they became available in 2001.

11  
12                   No permits were issued for the  
13 subsistence fishery in Batzulnetas this year. Last year  
14 a proposal was adopted by the Board of Fish -- or this  
15 year actually, a proposal was adopted by the Board of  
16 Fish to allow fyke net to be used at Batzulnetas, but no  
17 fyke nets were used this season.

18  
19 As far as the next season goes, we have three proposals  
20 that we submitted to OSM, and we are hoping that they  
21 will be funded for the years 2007 through 2009. And they  
22 are the Tanada and Copper Lake burbot abundance estimate,  
23 the abundance and run timing of adult salmon in Tanada  
24 Creek, which is a continuation of the Tanada Creek Weir,  
25 and the abundance and run timing of adult salmon in Long  
26 Lake Creek, which is the continuation of the Long Lake  
27 weir. And we will know in January of this year whether  
28 or not those projects will be funded.

29  
30                   And I think that's all I've got. Mr.  
31 Chairman, if there are any questions.

32  
33                   CHAIRMAN CARPENTER: Any questions by  
34 anyone. Doug.

35  
36                   MR. BLOSSOM: Yeah, Mr. Chair. I guess  
37 I'm a little curious. I wonder why -- it looks like you  
38 had a big sockeye run, and you had less people apply for  
39 permits. Weren't people interested, or what do you think  
40 happened?

41  
42                   MS. McCORMICK: That was kind of a  
43 puzzlement. It was a very late season this year. It was  
44 quite cold in our part of the State as it probably was in  
45 other parts. And the fishery didn't open up -- we were  
46 actually about two weeks -- we delayed the opening of the  
47 subsistence fishery by about two weeks, and possibly  
48 there was just that window in there when more people  
49 would have come in and gotten permits and didn't. It  
50 doesn't sound like there were any more State permits

1 issues. So I don't really know. Because the folks in  
2 our area can either get a State or a Federal permit.  
3  
4 CHAIRMAN CARPENTER: Gloria.  
5  
6 MS. STICKWAN: So nobody from Slana  
7 applied either?  
8  
9 MS. McCORMICK: Pardon me?  
10  
11 MS. STICKWAN: Nobody from Slana applied  
12 for.....  
13  
14 MS. McCORMICK: For the Batzulnetas? No,  
15 we had no permits issued for the Batzulnetas fishery.  
16  
17 MS. STICKWAN: But the Slana area, did  
18 those people apply? Do they have fishwheels?  
19  
20 MS. McCORMICK: There are many people who  
21 fish right up at Slana, right kind of -- right near where  
22 the ranger station is there, but that's actually still  
23 part of the Glennallen Subdistrict. It's not the  
24 Batzulnetas fishery. But there were many people who  
25 fished right up there.  
26  
27 MS. STICKWAN: You don't have numbers for  
28 their fishery?  
29  
30 MS. McCORMICK: No, I don't, no. Yeah, I  
31 have no data yet at all on our returns for the number of  
32 fish harvested.  
33  
34 MS. STICKWAN: Fish and Game didn't have  
35 numbers either?  
36  
37 MS. McCORMICK: Yeah. Actually the  
38 permits aren't even due back in yet until the end of  
39 October, so we won't be having any data from that  
40 probably until the next meeting.  
41  
42 CHAIRMAN CARPENTER: I had a question.  
43 You said that there was couple -- the fishery was a  
44 couple weeks late? That's.....  
45  
46 MS. McCORMICK: Yes. Usually we open on  
47 May 15th. This year we did not open until January -- or  
48 June 1st.  
49  
50 CHAIRMAN CARPENTER: And then you said

1 that the first fish that you counted at the Tanada Creek  
2 weir was a couple weeks late, too.....

3

4 MS. McCORMICK: Uh-huh. (Affirmative)

5

6 CHAIRMAN CARPENTER: .....about June  
7 17th? And then you said you took it out on the 21st. Is  
8 that when you normally take it out, or do you usually  
9 take it out earlier, do you know?

10

11 MS. McCORMICK: That's about a normal  
12 time. We usually wait as long as we can to take the  
13 Tanada Creek Weir out. It's usually dependent on when it  
14 starts freezing up. We need to get it out before frost  
15 develops on the weir. I think last year it was -- it's  
16 pretty close to the time that we took it out last year.  
17 Sometimes we take it out a little bit earlier. And the  
18 Long Lake weir usually does not come out until October  
19 15th. It's a quite a bit later run. It doesn't start  
20 until sometime in August, the first week or so in August.

21

22 CHAIRMAN CARPENTER: All right. Okay.

23 Thanks.

24

25 And I would assume that unfortunately  
26 there was probably a lot of people that might have lost  
27 their fishwheels during this big flood we had. Is that a  
28 correct assumption?

29

30 MS. McCORMICK: Well, I have not heard  
31 that there are any fishwheels that were lost. The  
32 fishing season does end on September 30th, so I'm  
33 assuming that there were at least some people who had  
34 taken the wheels out already. The flooding didn't happen  
35 until mid week last week, October, what, 12th, 13th,  
36 something like that.

37

38 I did see a picture of some wheels that  
39 ere left at the area right where the bridge crossed, the  
40 Chitina/McCarthy Bridge crosses the Copper River, and  
41 they were -- it looked like they were in the middle of a  
42 lake. I didn't see any pictures of anything that had  
43 actually gone downstream.

44

45 CHAIRMAN CARPENTER: Okay. Thank you.

46 Gloria.

47

48 MS. STICKWAN: When was the camp,  
49 Batzulnetas camp, held? Is that the end of June?

50

1 MS. McCORMICK: The culture camp?  
2  
3 MS. STICKWAN: Uh-huh. (Affirmative)  
4  
5 MS. McCORMICK: I think it was right  
6 around the middle of July. That's generally when they  
7 have it, July 13th through 17th comes to mind.  
8  
9 MS. STICKWAN: (Indiscernible, mic off)  
10 fishwheel either?  
11  
12 MS. McCORMICK: No. No, they -- nobody  
13 put the fishwheel in this year at all Batzulnetas.  
14 Usually there's just one that's in the Batzulnetas  
15 fishery. And there was no application for a fyke net  
16 permit, and so that did not happen either.  
17  
18 CHAIRMAN CARPENTER: Okay. Thank you.  
19 Are you talk about the wildlife, too, or.....  
20  
21 MS. McCORMICK: I could go through it if  
22 you like.  
23  
24 CHAIRMAN CARPENTER: That's up to you. I  
25 mean, I didn't know -- it's in our packet here. I didn't  
26 know if you wanted to say anything about it.  
27  
28 MS. McCORMICK: Yeah. You know, probably  
29 it would just be -- you would get as much information out  
30 of it just if you went through it and read it. I'm not  
31 much of an expert on the wildlife.  
32  
33 CHAIRMAN CARPENTER: Okay. Well, thank  
34 you, Molly. And you said that there was nobody here from  
35 Denali or Lake Clark yet?  
36  
37 MS. McCORMICK: I don't think so.  
38  
39 (Whispered conversation)  
40  
41 MS. McCORMICK: Oh, I'm sorry, there is a  
42 correction. On the last page, the proposal that was  
43 adopted in the Batzulnetas fishery for the fyke was the  
44 Federal Subsistence Board not the Board of Fish.  
45  
46 CHAIRMAN CARPENTER: Right.  
47  
48 MS. McCORMICK: So, sorry about that.  
49  
50 CHAIRMAN CARPENTER: Okay. Thank you

1 very much.

2

3 Well, we don't have anybody else from the  
4 Park Service here until this afternoon, I think the next  
5 thing that we could do if you want to, Doug, or you --  
6 would you like to give your representation or would you  
7 like to do it after lunch, or -- it's up to you. I don't  
8 know if you're ready to go. If you're not, maybe Erin  
9 could give her presentation, but you're really -- the  
10 fisheries monitoring program is about the only two things  
11 we could possibly do until Dean gets here, but it's up to  
12 you.

13

14 MR. McBRIDE: Well, Mr. Chairman, I could  
15 certainly give a presentation now, but we are looking for  
16 Council action on the 2007 monitoring plan, so I'll leave  
17 that to you, if you want me to give it now, but we are  
18 looking for Council review, comment and recommendation.

19

20 CHAIRMAN CARPENTER: Well, we'll probably  
21 better wait until Dean gets here then. So, thanks.  
22 Erica, would you like to give your presentation?

23

24 MS. McCALL-VALENTINE: All right. My  
25 name is Erica McCall-Valentine, and I am the Partners for  
26 Fisheries Monitoring Program regional social scientist  
27 for Southcentral Alaska.

28

29 What I'm going to do today is just give  
30 an update on what I've been working on since your last  
31 Council meeting. I'll start out with the fisheries  
32 resource monitoring program projects.

33

34 There was a stock -- there was a harvest  
35 monitoring traditional ecological knowledge project that  
36 was funded. It's looking at the traditional ecological  
37 knowledge of salmon runs on the Copper River. Prior to  
38 July of 2006, Bill Simeone and I, he's with ADF&G, we  
39 wrote -- did some interview analysis, some more data  
40 analysis, and some more writing. We finished our draft  
41 of the report in July and it's currently at a copy  
42 editor. Once it's back from the copy editor, which  
43 should happen actually any day now, we'll continue  
44 working on the revisions of that, and then the final  
45 draft will be to OSM in December of '06. So that project  
46 is soon to be done.

47

48 The second bunch of FRMP projects that I  
49 worked on was the Native Village of Eyak administered  
50 FRMP projects. That includes the sockeye, steelhead,

1 chinook escapement and monitoring projects. So with  
2 those projects I assisted in hiring of personnel, with  
3 project logistics, as well as reviewing and editing the  
4 data that was compiled in conducting those research  
5 projects. Data analysis is currently being conducted by  
6 NVE, and NVE hopes to give a presentation on the results  
7 to the Council at your spring '07 meeting.

8  
9 And then I also helped NVE Staff and the  
10 consultants write, review and edit a new FRMP proposal to  
11 continue monitoring the escapement of chinook and sockeye  
12 that are entering the Copper River, and Doug will present  
13 that proposal to you at a later date.

14  
15 So in preparation for the 2000 field  
16 season, I also helped facilitate the development of an  
17 MOU between NVE and AHTNA, Incorporated for the use of  
18 AHTNA land when NVE conducts the FRMP projects, as well  
19 as the MOU acts to facilitate an information exchange  
20 between NVE Staff and AHTNA, Incorporated.

21  
22 Excuse me. The regulatory -- the  
23 subsistence regulatory portion of the work that I have  
24 done, I've worked with AHTNA Subsistence Committee, the  
25 Copper River/Prince William Sound Native Fishermen's  
26 Association, the Chugach Regional Resource Commission and  
27 NVE in reviewing and developing comments on Federal and  
28 State subsistence regulatory proposals. And I also  
29 assisted tribes and rural residents while at Federal and  
30 State subsistence regulatory meetings. That includes the  
31 RAC meetings and the Federal Subsistence Board meetings.

32  
33 So I have just a couple more additional  
34 projects and tasks that I worked on. I worked with some  
35 of the Copper River tribes in developing integrated  
36 resource management plans. I served on the Eco Trust  
37 Copper River collaborative workshop series steering  
38 committee, and I also participated in and assisted in  
39 facilitating portions of the workshop. This workshop was  
40 held in March of 2006, and the workshops worked to bring  
41 together users and managers of the Copper River watershed  
42 to discuss issues and information of the Copper River  
43 basin.

44  
45 In May of 2006 I presented the Partners  
46 for Fisheries Monitory Program and the Native Village of  
47 Eyak administered fisheries resource monitoring program  
48 projects as the annual Native American Fish and Wildlife  
49 Society meeting in Bar Harbor, Maine. This then led to  
50 an invitation to participate in the National Tribal

1 Environmental Science forum in September of 2006. And  
2 this forum brought together tribes and organizations that  
3 work with tribes to address environmental issues that are  
4 and will continue to challenge tribes and tribal members  
5 throughout the nation.

6  
7 I also worked with the Forest Service and  
8 BIA Staff to monitor important Eyak archaeological sites  
9 within the vicinity of Cordova. The areas that are being  
10 monitored are believed to be important Eyak traditional  
11 fishing sites.

12  
13 And then finally I'll give an update on  
14 one of the objectives of the Partners Program is to have  
15 interns. Last year and this year Ethan McGaffey, who is  
16 a University of North Texas master of anthropology  
17 student, worked for me as an intern. So during the  
18 summer of 2005 Ethan worked in Mentasta to conduct a  
19 subsistence salmon harvest monitoring project, and then  
20 with the approval of the tribe, he used this data in his  
21 master's thesis. And so that was written up and  
22 presented. I'm currently working with Ethan and Fish and  
23 Wildlife Service to publish his master's report so it's  
24 within the system here in Alaska, so that information  
25 will be available here.

26  
27 And then Ethan's summer of 2006 was  
28 multi-faceted. He didn't focus on one single project.  
29 He worked on multiple projects, and those included the  
30 TEK of salmon runs project. He helped us finish up  
31 writing and analyzing the data for that project.

32  
33 He attended and participated in the  
34 Chickaloon/ Tazlina culture camp and the Fort Yukon  
35 science camp. He did work at the Fort Yukon science camp  
36 because there was some turn over in the Partner's Program  
37 position that was helping administer that project, and so  
38 he went up to Fort Yukon and helped with that program up  
39 there.

40  
41 And then Ethan also helped with some of  
42 the archaeological work that was done in the Cordova  
43 area.

44  
45 And then one last thing. The Partners  
46 for Fisheries Monitoring Program was set up as a five-  
47 year cooperative agreement between Fish and Wildlife  
48 Service and the Native Village of Eyak. And in July of  
49 2006 NVE and Fish and Wildlife Service entered the fifth  
50 year of that cooperative agreement. So that means that

1 I'm in the last year of the program as it's currently  
2 funded. We do anticipate a new request for proposals to  
3 come out sometime soon with hopes of continuing the  
4 program in the future, but that's going to have to go  
5 through the process of writing proposal for the positions  
6 and going through the review process and being funded and  
7 that sort of thing.

8

9 So that's all that I have. Are there any  
10 questions.

11

12 CHAIRMAN CARPENTER: Gloria.

13

14 MS. STICKWAN: Are you expecting your  
15 position to be up next year? This year?

16

17 MS. McCALL-VALENTINE: In July, mid July  
18 of '07, the cooperative agreement that's currently on the  
19 table will be over.

20

21 MS. STICKWAN: And then the applications  
22 come out soon, and so a new project could be put in?

23

24 MS. McCALL-VALENTINE: That's the hope.

25

26 MS. STICKWAN: And that's for three  
27 years? Another three years? Sorry.

28

29 MS. McCALL-VALENTINE: We don't -- I  
30 don't know the stipulations. The RFP hasn't been  
31 released yet, so the hope is that the RFP will come out,  
32 and then that the new positions will be funded so that  
33 they'll back up together so there won't be a gap in the  
34 Partners Program between the end of the current  
35 cooperative agreement and the start of the new ones.

36

37 MS. STICKWAN: I just think that Erica's  
38 position really helped our people in getting projects and  
39 interviewing, and the committee, the subsistence  
40 committee that I work with. She's been training them.  
41 There's a real need for training, because a lot of the  
42 problems we have, or complaints could be if they would  
43 understand more, they'd be able to, I don't know, you  
44 know, understand how things work, and I some of the  
45 problems are because they don't understand, you know what  
46 I'm trying to say, and if they got more training as a  
47 committee, they'd learn a lot more and I think her  
48 position is really helpful in starting to. Because you  
49 can't just take one meeting and expect them to learn  
50 something, and it's something you have to go back over

1 and over and over again, because this was regulations  
2 that you have to know, and it's just hard to remember  
3 when you only meet like once every so often. I think her  
4 position is important, and I'd like to see our Council  
5 support her.

6  
7 CHAIRMAN CARPENTER: Well, I'd agree with  
8 you, Gloria. I think the Partner's Program has been a  
9 perfect example as to how to take a lot of these Federal  
10 and State regulations and try and help the people in the  
11 rural communities understand, you know, how to  
12 participate and how to understand some of the  
13 regulations. And I think it's been a good one, too. I  
14 know Erica has done a lot in Cordova in regards to some  
15 of the projects that the Native Village of Eyak has had  
16 down there, and I know I appreciate that. So I'm hopeful  
17 also that the program continues. And I think that when  
18 -- you know, when we -- we could make a formal motion to  
19 that once we have a quorum this afternoon so that that  
20 would be forwarded that this program continue.

21  
22 I did have one question. How many years  
23 -- it was interesting about the intern position that you  
24 had. Is that -- have you only had an intern for a couple  
25 years?

26  
27 MS. McCALL-VALENTINE: I've had an intern  
28 every year that the cooperative agreement has been in  
29 place. The first two years I had two interns. Last year  
30 -- so in 2005 I had five interns. There was some extra  
31 monies that was left in the budget, so I was able to hire  
32 five interns. And then this year I went back down to one  
33 intern.

34  
35 CHAIRMAN CARPENTER: And are they -- have  
36 they typically been like masters, Ph.D. type students  
37 that are.....

38  
39 MS. McCALL-VALENTINE: One of the  
40 stipulations with my cooperative agreement is that they  
41 have to be enrolled in university. So they can be an  
42 undergraduate to a Ph.D. student. Ethan has been my only  
43 intern that has been a master's student. All the rest  
44 have been undergraduate students.

45  
46 CHAIRMAN CARPENTER: Yeah, that would be  
47 interesting to see if that thesis was published. There  
48 would probably be some valuable information that could be  
49 shared there.

50

1 Anybody else have any questions for  
2 Erica. Gloria.

3  
4 MS. STICKWAN: I don't really have a  
5 question. I just wonder if we could put that in our  
6 letter, too.

7  
8 CHAIRMAN CARPENTER: I think we'll try  
9 and get that in there, yeah. We'll wait until Dean gets  
10 here.

11  
12 Anything further.

13  
14 (No comments)

15  
16 CHAIRMAN CARPENTER: Thank you.

17  
18 MS. McCALL-VALENTINE: Thank you.

19  
20 CHAIRMAN CARPENTER: We've ran through  
21 these rather fast this year, of course. There's really  
22 not much more that we can do right now until we have a  
23 quorum. So Dean's supposed to be here in about a half  
24 hour. I don't know what the pleasure of everyone is, but  
25 I guess we could take an early lunch break here at 11:00  
26 o'clock, and maybe let's say we reconvene here about  
27 12:30, and hopefully we'll have a quorum then, and we can  
28 get down to some more business. So we'll call a recess  
29 until 12:30.

30  
31 (Off record)

32  
33 (On record)

34  
35 CHAIRMAN CARPENTER: Okay. We'll call  
36 the meeting back to order. It's 12:35 p.m. Dean Wilson  
37 has joined us.

38  
39 I think the way we'll continue forward is  
40 we'll let Tim and Steve give the Chugach National Forest  
41 report which they have set up on the overhead, and then  
42 we'll go and we'll see if anybody from Denali or Lake  
43 Clark has an agency report. If not, we'll move back to  
44 the beginning of our agenda and we'll establish a quorum  
45 and continue with the agenda as it was set forth in the  
46 packet.

47  
48 So, Tim, if you want to go ahead and  
49 present your information.

50

1 MR. JOYCE: Thank you, Mr. Chair. Members  
2 of the Council. My name is Tim Joyce. I'm the  
3 subsistence fisheries biologist for the Cordova Ranger  
4 District in the Chugach National Forest. And what I'm  
5 going to present here today is some information that the  
6 Forest Service has been collecting for the past couple  
7 years, three years actually, in Cordova on coho sport  
8 fishing effort and subsistence effort, local and non-  
9 local. And this is -- just to give you an idea of what's  
10 been going on, the last year of data that we collected  
11 was this year, which is not included here, because we  
12 haven't got all the numbers yet. But I'll just go  
13 through what we have for the past couple years to give  
14 you an idea of the harvest and catch for coho salmon in  
15 Cordova.

16  
17 This graph is a graph of angler effort in  
18 the west Copper River delta. You can see 2004 was a big  
19 year, there's a lot of fish, and water conditions were  
20 good. 2005, the water conditions were a little bit  
21 different, but there is a trend of increasing effort.  
22 Now, in 2006 you'll probably see this graph decrease a  
23 little bit because of some really high water conditions,  
24 and anglers were not able to get out and actually fish.  
25 But I don't have that data yet. It's still being just  
26 now collected, but that would be my guess, that it will  
27 probably show a little bit of a decrease in what's there  
28 now. Not there wouldn't have been the effort, but it was  
29 just the water conditions were such they couldn't.

30  
31 And again, a lot of this -- I don't want  
32 to get too far into the numbers on this, exact numbers,  
33 because some of this data is still preliminary.

34  
35 In 2004, you can see here from non-local  
36 fishers, and we're doing surveys at the Cordova airport  
37 and at the ferry terminal. We kind of have a very  
38 interesting situation that nearly all the tourists or  
39 non-locals have to come through those locations. There's  
40 no road into Cordova, so there's no one that can drive in  
41 and drive out. So anyone that comes into Cordova has to  
42 pass through either the airport or the ferry terminal,  
43 and we survey those people as they leave to get an idea  
44 of how many fish they are actually harvesting or  
45 catching.

46  
47 And you can see in 2004 the different  
48 systems around Cordova. Some of those down the Siyu (ph)  
49 and the Kiklukh and others are not on the district, in  
50 the forest, they're just a little bit east of the forest.

1 And there are some lodges down there on some of those  
2 locations where people will come in and they will stay  
3 for three nights or seven nights and pay to go fish. You  
4 can see there's a huge catch, almost 30,000 fish in the  
5 Siyu, but the harvest is actually quite small, only maybe  
6 3,000 fish. Part of the reason is there's only a limited  
7 amount of freezer space that the lodge has, and they  
8 restrict the amount of fish that a person can keep. So  
9 if they do go fishing, they have to release nearly all of  
10 their fish. A lot of the fishing is done with a fly,  
11 there is some lure fishing, but it's mostly done with  
12 flies. But many of those fish are released.

13

14 You can also see that in Cordova area,  
15 the Eyak, the Alaganik, and Ibeck, there's also a fairly  
16 high number of catch, but not a high retention rate.  
17 There's just a much smaller retention rate.

18

19 In the local fishermen in 2004, these are  
20 people, we send surveys out in the mail to all the local  
21 residents and they will respond back as to what their  
22 catch and harvest rate were for the year. And this is  
23 kind of some of the information in 2004. There is, you  
24 know, much smaller numbers in -- you know, in Eyak River,  
25 for example, it's almost 4500 fish, but the catch rate is  
26 less, but the harvest rate is quite a bit more. There's  
27 a higher retention of fish from the local fishermen than  
28 say the non-locals. And that applies across the board  
29 for all those streams.

30

31 Flemming's Spit is a location where those  
32 fish are stocked by the Prince William Sound Aquaculture  
33 Association, and that is more of a catch, put and take  
34 fishery. They were specifically put there for people to  
35 harvest.

36

37 In 2005 again you can see the non-locals,  
38 the same scale. The Siyu again not as many fish being  
39 caught. Water conditions and run size probably had a  
40 little effect there, but still it's pretty significant,  
41 18,000 fish caught, but the retention is again down  
42 around 2500.

43

44 You can see there was a shift in the  
45 streams that were fished a little bit in the local area  
46 of Cordova, in that now the harvest was coming from Ibeck  
47 Creek instead of Eyak River. And again that had to do  
48 with water conditions.

49

50 And then in 2005, again there's the local

1 fishermen, water conditions again were somewhat less  
2 desirable for harvest and catch, and you can see the  
3 harvest was out of the Eyak and the Ibeck and the  
4 Alaganik. But one of the things we noticed, that as the  
5 numbers of fish or the difficulty in catching fish  
6 increases, for the local at least, the amount of  
7 retention still stays up there. They keep the fish.  
8 They just don't let as many go for whatever the reason,  
9 whether they had a seal bite or some other reason that  
10 those fish would be released. When there's fewer fish,  
11 the retention rate goes up. So maybe the less desirable  
12 fish, colored fish, or something like are retained,  
13 whereas if there's more fish, that doesn't necessarily  
14 occur.

15  
16                   And that's all I had to present on that  
17 piece of information. We have again one more year of  
18 data in 2006. It will be a little bit different, because  
19 of the water conditions, but it does show that we do have  
20 an increasing amount of participation by sport anglers  
21 that are moving in -- coming into town and utilizing that  
22 resource. the retention of those fish is pretty small  
23 when compared to the locals as far as the percentage of  
24 retention. Most of those anglers coming into town catch  
25 and release a lot more fish. But when you look at the  
26 actual numbers of fish being retained and removed by non-  
27 local fishermen, it is considerable. There are quite a  
28 number of fish that actually are caught, harvested and  
29 taken.

30  
31                   And that's my portion of the  
32 presentation, and Mr. Zemke has some additional.....

33  
34                   MR. ZEMKE: Hi. This is Steve Zemke with  
35 Chugach National Forest, Subsistence coordinator. And  
36 I've passed out, it's 20 pages of two-sided copy with our  
37 scheduled proposed actions. That's for the Chugach.  
38 Rather than try to go individually over the myriad of  
39 projects, probably three major types of projects that you  
40 might be interested in.

41  
42                   And the first is probably the wildlife  
43 habitat improvement projects. Those are primarily on the  
44 Seward Ranger District, which is kind of the last few  
45 pages of the document. And those primarily are probably  
46 wildlife prescribed burns, some mechanical treatments,  
47 and they're usually around the communities of Cooper  
48 Landing, Moose Pass, kind of concentrated closer to the  
49 communities and along the road corridor, so they probably  
50 have utility for providing more moose habitat, better

1 moose habitat for potentially subsistence users. There  
2 isn't a moose season for subsistence harvest on the  
3 eastern Kenai Peninsula yet, but I guess for sport users  
4 and then for the residents of Cooper Landing and Hope,  
5 they also would be able to participate in those moose  
6 hunts.

7

8                   There's also kind of a series of fish  
9 habitat projects, most of them are relatively small  
10 projects, but they're scattered on both the Cordova,  
11 Glacier and Seward Ranger Districts, quite often with --  
12 some of them are accessible, handicap accessible  
13 projects. Others are small ponds.

14

15                   The Russian River is kind of a perpetual  
16 project of -- I'm sure you're all aware of the intense  
17 pressure on the Russian River.

18

19                   The idea of it to be able to kind of  
20 control access to the rivers has been ongoing for several  
21 years, kind of a major stream site restoration project.  
22 And so they're looking -- the Seward Ranger District is  
23 potentially looking at some more habitat restoration  
24 along the Russian, and also working with access, and that  
25 would probably want to be involved with the Cooper  
26 Landing local advisory committee in helping us, and  
27 possibly the Southcentral committee to be able to help us  
28 to better delineate the kind of recreational access  
29 that's needed along that area.

30

31                   And then finally there's kind of a whole  
32 series of special use permits. There's kind of a long-  
33 term fisher special use permits on the Kenai. There's I  
34 think 10 total that probably have recently been put into  
35 place. I know Ralph Lohse had considerable questions.  
36 We still don't have a real good handle on the actual  
37 capacity that the numbers of those users that are  
38 serviced by those special use permits, but, you know, 10,  
39 and most of those are also done in conjunction with if  
40 they're floating from say Kenai Lake floating through the  
41 Kenai, or Chugach National Forest, they may actually  
42 access onto the Kenai Refuge, and they also need special  
43 use permits from them. And then probably the Kenai River  
44 Special Use area also.

45

46                   But as always, there's kind of this  
47 project name, the SOPA, or schedule of proposed action  
48 includes the project name, kind of a short description of  
49 the project purpose, kind of where the planning status  
50 is, kind of when they expect implementation, and then

1 actually a project contact either by phone or email. I  
2 guess there is a snail mail address there, but probably  
3 the best way is either phone call or email to get  
4 specific information. Or you could call me at  
5 supervisor's office also.

6

7 But basically that's all I have right  
8 now. Thank you.

9

10 CHAIRMAN CARPENTER: Any questions from  
11 Council members.

12

13 (No comments)

14

15 CHAIRMAN CARPENTER: I just had one  
16 question, Steve. Some of these projects, it says on  
17 hold. Is that just due to funding? Is that.....

18

19 MR. ZEMKE: It could be a couple things.  
20 One, generally it is funding, but then also the decision  
21 may not be ripe. They may have some new information that  
22 they need to push the decision date back some before they  
23 can get that information to be able to make the adequate  
24 decision on the actual implementation.

25

26 CHAIRMAN CARPENTER: Okay. Anything  
27 further. Anything for Tim.

28

29 (No comments)

30

31 CHAIRMAN CARPENTER: Okay. Thanks.  
32 Okay. We'll go back to the National Park Service for  
33 agency comments. Is there anybody here from Denali or  
34 Lake Clark yet.

35

36 (No comments)

37

38 CHAIRMAN CARPENTER: Okay. So we'll just  
39 put them back after we take up the rest of the agenda  
40 here. So seeing now we have -- that Dean has showed up,  
41 we need to establish a quorum. Donald, would you call  
42 the roll, please.

43

44 MR. MIKE: Thank you, Mr. Chair. Donald  
45 Mike, Council coordinator. Roll call for the  
46 Southcentral Regional Advisory Council.

47

48 Robert Churchill.

49

50 (No comments)

1 MR. MIKE: Pete Kompkoff.  
2  
3 (No comments)  
4  
5 MR. MIKE: Doug Blossom.  
6  
7 MR. BLOSSOM: Here.  
8  
9 MR. MIKE: Greg Encelewski.  
10  
11 Gilbert Dementi. Mr. Dementi submitted  
12 his official resignation from the Council, and it's in  
13 your packet and I'll explain it later.  
14  
15 Gloria Stickwan.  
16  
17 MS. STICKWAN: Here.  
18  
19 MR. MIKE: Dean Wilson, Jr.  
20  
21 MR. WILSON: Present.  
22  
23 MR. MIKE: James Showalter.  
24  
25 MR. SHOWALTER: Here.  
26  
27 MR. MIKE: Ralph Lohse.  
28  
29 (No comments)  
30  
31 MR. MIKE: Tom Carpenter.  
32  
33 CHAIRMAN CARPENTER: Here.  
34  
35 MR. MIKE: Mr. Chair, you have a quorum.  
36  
37 CHAIRMAN CARPENTER: Okay. Thank you,  
38 Donald. Most everybody, we did introductions this  
39 morning. Like I say, we welcome Dean who is here with us  
40 now. I think we can go to, Council members can check the  
41 agenda, and if there's any additions, please bring them  
42 forward at this time. Doug.  
43  
44 MR. BLOSSOM: Mr. Chair, I'd like to put  
45 on the agenda some discussion at least about he new RAC  
46 that they want to form.  
47  
48 CHAIRMAN CARPENTER: Okay. How about --  
49 do you have any particular place that you want to put  
50 that, or just sometime before the meeting's adjourned.

1 MR. BLOSSOM: Any place you want.  
2  
3 CHAIRMAN CARPENTER: Okay. How about we  
4 add that right after the Fisheries Resource Monitoring  
5 Program discussion that Doug's going to give us. So  
6 probably sometime tomorrow. Would that be okay?  
7  
8 Any other additions to the -- Donald.  
9  
10 MR. MIKE: Thank you, Mr. Chair. In your  
11 packet there's a letter from Mr. Greg Encelewski. He  
12 wrote a letter dated October 13th to the Council, and he  
13 has a request that the Council call a special meeting  
14 after this meeting, October 17th/20th, after this meeting  
15 is over. So it's an action item, I think the Council  
16 needs to address. And I believe the tribe will be  
17 speaking on this letter, is that correct?  
18  
19 Thank you, Mr. Chair.  
20  
21 CHAIRMAN CARPENTER: The letter is kind  
22 of a rose-colored letter. It's kind of a rose-colored  
23 letter. It's in the pink folder, if any of you need to  
24 look at that. Okay. How about we -- maybe we should add  
25 this to the agenda right after Proposal 16, before we  
26 take up the Kenai Peninsula winter subsistence gillnet  
27 fisher and request for reconsideration. That would give  
28 time for the people from Ninilchik to be able to speak to  
29 that proposal if they want to.  
30  
31 MS. STICKWAN: Where is this at?  
32  
33 CHAIRMAN CARPENTER: It would be right  
34 after Proposal 16, Gloria.  
35  
36 Is there anything else anybody has that  
37 they'd like to add? I know gloria had mentioned earlier  
38 something be added to our.....  
39  
40 MS. STICKWAN: Council composition.  
41  
42 CHAIRMAN CARPENTER: .....Council letter.  
43  
44 MS. STICKWAN: That was on the Council  
45 composition.  
46  
47 CHAIRMAN CARPENTER: On the Council's  
48 composition, right. And also on a recommendation about  
49 continuing the Partners Program, was that the other one  
50 that Erica talked about? Okay. So we will add those in

1 right after -- or right before the Fisheries Monitoring  
2 Program at the end of the meeting, too.

3

4 Doug.

5

6 MR. BLOSSOM: Mr. Chair. I have kind of  
7 a question. It was my understanding that this was a  
8 fisheries meeting and we had a number of proposals that  
9 had been deferred for several years on fish. And I'm  
10 just curious why they're not on the agenda today.

11

12 CHAIRMAN CARPENTER: Well, Doug, I'm not  
13 exactly sure either, but I don't know if Donald or Pete  
14 or Jerry or somebody would like to comment on that.

15

16 MR. MIKE: Okay. I can get started.  
17 Those proposals, Mr. Blossom, we're talking about were  
18 deferred until March. The thinking was that by that time  
19 we'll have a Council that will be able to address those  
20 Kenai Peninsula fisheries proposal. So those were  
21 deferred until March 2007. If we had Staff to add to it.  
22 Mr. Probasco will be up.

23

24 MR. PROBASCO: Mr. Chair. Mr. Blossom.  
25 Are you talking about the deferred proposals?

26

27 MR. BLOSSOM: Mr. Chair. Yes.

28

29 MR. PROBASCO: Okay. As the Council's  
30 aware, the Board took the deferred proposals along with  
31 the -- well, there's four total now, those four deferred  
32 proposals were moved to coincide with the special call  
33 for proposals that coincide for this upcoming winter  
34 meeting. So you have a call for proposals right now for  
35 Kenai Peninsula that coincides with the call for wildlife  
36 proposals. Those will be deferred with the deferred  
37 proposals, and you will address them, either this Council  
38 will, or if the Board elects to form an 11th Council and  
39 it goes through all the procedure that it has to go  
40 through back in Washington, if all that lines up, either  
41 this council or the new Council would take it up in their  
42 winter meeting.

43

44 And that's not to say that the new  
45 Council will be formed. There's still a lot of steps to  
46 go through yet.

47

48 MR. BLOSSOM: I guess my answer -- you've  
49 answered it. You know, as Mr. Encelewski made the  
50 proposal for call by fall meeting, I understood it was

1 going to be at this meeting. But I have spent some time  
2 reading through this lengthy document, and I see in the  
3 end that everything got transferred back again except the  
4 deferred ones. And I thought they were going to be at  
5 this meeting. So, anyway, you've told me what you were  
6 going to do, so that's what I needed to know.

7  
8 MR. PROBASCO: Mr. Chair. Mr. Blossom.  
9 We also received Mr. Encelewski's letter, and it sort of  
10 puzzled us at first until we went back to the transcripts  
11 and reviewed the actual motion that took place on those  
12 deferred proposals. And Mr. Encelewski's motion actually  
13 supported moving all of the proposals to the winter  
14 meeting. If you go through the whole transcripts, he  
15 even went on record to clarify the motion, and that was  
16 done by Mr. Berg, and then Chairman Lohse followed up to  
17 clarify that all proposals dealing with the Kenai  
18 Peninsula would be taken up during the winter cycle. So  
19 there was some confusion. If you go through the  
20 transcription, at the beginning, you can see the  
21 confusion, but then it was clarified by the end of the  
22 meeting. Mr. Chair.

23  
24 CHAIRMAN CARPENTER: Yeah. I think one  
25 of the points of contention then was that the call for  
26 wildlife proposals, the deadline was about ready to  
27 expire when we were at that meeting. Am I correct? And  
28 so there wasn't enough time to get the fisheries  
29 proposals in for this meeting, so that's why they were  
30 postponed until the winter meeting, is that correct?

31  
32 MR. PROBASCO: The Board had first  
33 deferred -- well, there was four proposals from previous  
34 meetings that were deferred. And then there's the  
35 Ninilchik proposal that was also submitted. If you go  
36 through the process, and to provide opportunity for all  
37 proposals to be reviewed during a call for proposals, the  
38 Board elected to put it in in the winter cycle. We had  
39 already bumped up against the call for the fishery  
40 proposals deadline, so the only other option in a timely  
41 manner was to do it during the wildlife cycle.

42  
43 CHAIRMAN CARPENTER: Okay. Anything  
44 further, Doug.

45  
46 MS. STICKWAN: You said there's a letter  
47 here or something?

48  
49 CHAIRMAN CARPENTER: It's in your packet,  
50 in your purple folder, Gloria. It's kind of a rose-

1 colored letter.  
2  
3 Is there anything else anybody would like  
4 to add or amend the agenda to. Donald.  
5  
6 MR. MIKE: Mr. Chair. Agenda item No.  
7 12, the RFR, Helen Armstrong is the Staff anthropologist  
8 who will be presenting the analysis. She won't be here  
9 until tomorrow morning, so if we can hold off doing  
10 agenda Item No. 12 until tomorrow morning.  
11  
12 Thank you.  
13  
14 CHAIRMAN CARPENTER: If there's no  
15 additional changes to the agenda, I would accept a motion  
16 to approve the agenda as amended.  
17  
18 (Whispered conversation)  
19  
20 CHAIRMAN CARPENTER: Dean.  
21  
22 MR. WILSON: Mr. Chair. I move that we  
23 accept the agenda as written.  
24  
25 CHAIRMAN CARPENTER: It's been moved. Is  
26 there a second.  
27  
28 MR. BLOSSOM: Second.  
29  
30 CHAIRMAN CARPENTER: It's been moved and  
31 seconded to approve the agenda as amended. All those in  
32 favor say aye.  
33  
34 IN UNISON: Aye.  
35  
36 CHAIRMAN CARPENTER: Opposed.  
37  
38 (No opposing votes)  
39  
40 CHAIRMAN CARPENTER: Okay. On Page 5 is  
41 the review and adoption of the minutes from the March  
42 14/16 meeting in Anchorage. Does anybody have any  
43 corrections to the minutes from the March 14/16 meeting.  
44  
45 (No comments)  
46  
47 CHAIRMAN CARPENTER: If there's no  
48 corrections to the -- Gloria.  
49  
50 MS. STICKWAN: (Indiscernible, mic not

1 on)

2

3 CHAIRMAN CARPENTER: If you would turn  
4 your mic on.

5

6 MS. STICKWAN: I had a comment about Mr.  
7 Encelewski's motion on Page 7.

8

9 CHAIRMAN CARPENTER: Page 7.

10

11 MS. STICKWAN: It says here that the  
12 SCRAC is in place to make decisions through the public  
13 process. I believe in his motion he said he wanted an  
14 EIS done as the way it was done in the 90s. They went  
15 through a lengthy EIS process, NEPA process, and that was  
16 a part of his motion. It wasn't just a public process.  
17 It's in those transcripts if you read it. That's what it  
18 says, and it's different from what this says here. There  
19 isn't anything in here about an EIS or a NEPA process.

20

21 CHAIRMAN CARPENTER: Okay. Well, Donald,  
22 you can clarify, but the minutes don't necessarily  
23 reflect everything that was stated correctly. The  
24 transcripts would actually have word for word for the  
25 official record.

26

27 MR. MIKE: That's correct, Mr. Chair.  
28 The transcripts are the official records, and these  
29 minutes are just a summary of what occurred at the  
30 meeting. So I'll make note of that, too, Mr. Chair.

31

32 CHAIRMAN CARPENTER: Okay. Is that okay  
33 with you, Gloria? Understanding that the official record  
34 does have his statement as you said, but these are just  
35 kind of a comprehensive overview of what the official  
36 record said, because I think it would just take too much  
37 paperwork to print it.

38

39 MS. STICKWAN: But I would still like it  
40 in here, and that's what you're going to do, right?  
41 You're going to add this to this?

42

43 MR. MIKE: Mr. Chair. Gloria. I  
44 couldn't hear what you were saying. Can you repeat,  
45 please?

46

47 MS. STICKWAN: I'm sorry. I would like  
48 to add to the summary what I just said.

49

50 CHAIRMAN CARPENTER: I don't think that

1 would be a problem.  
2  
3 Any other corrections.  
4  
5 MS. STICKWAN: I had a question about the  
6 vacant seats. Are those going to be filled?  
7  
8 CHAIRMAN CARPENTER: I think maybe we  
9 can.....  
10  
11 MS. STICKWAN: That's probably another  
12 discussion, but I just made notes in here.  
13  
14 CHAIRMAN CARPENTER: Yeah. I think maybe  
15 we can talk about that after we approve the agenda.  
16  
17 So if there's nothing further, or no more  
18 corrections to the minutes for the 14th/16th meeting, I  
19 would entertain a motion to approve the minutes. Dean.  
20  
21 MR. WILSON: Mr. Chair, I move that we  
22 adopt the minutes for the March 14th, 2006 meeting.  
23  
24 CHAIRMAN CARPENTER: It's been moved. Is  
25 there a second.  
26  
27 MR. BLOSSOM: I second.  
28  
29 CHAIRMAN CARPENTER: It's been moved and  
30 seconded. Is there any other discussion.  
31  
32 (No comments)  
33  
34 CHAIRMAN CARPENTER: The question's in  
35 order. All those in favor of approving the minutes say  
36 aye.  
37  
38 IN UNISON: Aye.  
39  
40 CHAIRMAN CARPENTER: All those opposed.  
41  
42 (No opposing votes)  
43  
44 CHAIRMAN CARPENTER: Okay. We'll move on  
45 to Page 18, which is the Chair's report, it's the 805(c)  
46 letter.  
47  
48 Donald, you'll have to help me out here  
49 since this is the first time I'm chairing one of these  
50 meetings. Do we need to read this into the record or

1 what is the point of order there?

2

3 MR. MIKE: Mr. Chair, it's just a Chair's  
4 report to the Council as far as the activities that the  
5 Chair did as far as attending Federal Subsistence Board  
6 meetings. And the 805(c) letter is a letter to the  
7 Council stating what the Board did on those proposals.  
8 So if the Council have any questions, I can try to  
9 answer those. And the rest is just informational. If  
10 any Council members have any particular questions on the  
11 Chair's report document, you can just let me know, and  
12 I'll try to answer them.

13

14 Thank you, Mr. Chair.

15

16 CHAIRMAN CARPENTER: Okay. Is there any  
17 Council members that have any questions in regards to the  
18 805(c) letter or any of the information included in the  
19 statewide proposals, or the special meeting that was held  
20 on, let's see, August 24th, or anything in the annual  
21 report.

22

23 Is this an action item, Donald? Just  
24 information only?

25

26 MR. MIKE: Just informational. One thing  
27 is an oversight on my part, Mr. Chair, is the  
28 Southcentral Alaska's special meeting. They did have  
29 recommendations on the Kenai Peninsula and the special  
30 action from Ninilchik. And I meant to include it as a  
31 part of summary in your Council book. It was just an  
32 oversight, so I can have that available to the Council by  
33 tomorrow.

34

35 CHAIRMAN CARPENTER: Okay. Does anybody  
36 have any questions about anything from Page 18 to 30.

37

38 MS. STICKWAN: (Indiscernible, mic not  
39 on)

40

41 CHAIRMAN CARPENTER: What was that,  
42 Gloria?

43

44 MS. STICKWAN: Could we just look at it  
45 for a moment?

46

47 CHAIRMAN CARPENTER: Yeah, okay. Okay.  
48 If there's nothing further, I believe we'll move on to  
49 Council member reports. Does anybody on the Council have  
50 anything they'd like to report to the rest of the

1 members.

2

3

(No comments)

4

5 CHAIRMAN CARPENTER: Hearing none, we'll  
6 move on to the charter review, which is on Page 34.  
7 Donald, this is information only?

8

9 MR. MIKE: Mr. Chair. This is an action  
10 item by the -- the Council should take. It's a charter  
11 that has to be reviewed every other two years I believe.  
12 And if there's anything the Council would like to make  
13 changes to or add to the charter, this is an opportunity  
14 for the Council to do so. Mr. Chair.

15

16 CHAIRMAN CARPENTER: Is there -- getting  
17 back to something that Gloria said a minute ago about the  
18 vacant seats that haven't been filled, and there's been a  
19 few resignations due to various circumstances, and also  
20 considering the information that was presented to us  
21 earlier about the 70/30 split, in regards to that, does  
22 that affect what our charter reads right now, or are  
23 there amendments that we should put in there in regards  
24 to that, or is the charter sufficient. I don't know if  
25 you can answer that. Maybe somebody else has.....

26

27 MR. MIKE: Well, the charter -- the 70/30  
28 split, I think the 70/30 is going to be going forward I  
29 believe this time around. Is that correct, Pete or Rod?  
30 But as far as the vacancies are concerned, Mr. Chair, our  
31 last nomination cycle was completed and the names are  
32 being forwarded to the Secretary's Office for approval.  
33 And we should be getting notification from the  
34 Secretary's Office probably next month or by December,  
35 And then we should be able to have 13 members minus the  
36 vacancy from Mr. Gilbert Dementi.

37

38 CHAIRMAN CARPENTER: I guess the one  
39 question I have in this charter, and just something for  
40 everybody to think about, I'm not saying that we need to  
41 take action now, but there is a paragraph in here, and it  
42 involves removal of members. And I guess I would maybe  
43 like an interpretation of what this says. It's on Page  
44 35, the bottom line. And I would like to know if that is  
45 supposed to be acted on by the Chair of the Federal  
46 Subsistence Board or if this Council has to recommend to  
47 the Chair that a person be dismissed, you know.  
48 Basically it says that if a Council member appointed  
49 under paragraph 9 has 2 consecutive unexcused absences of  
50 regular meeting, the Chair of the Federal Subsistence

1 Board may recommend. Is there -- so that is not  
2 necessarily automatic is what I'm saying. It is to be at  
3 the suggestion of this RAC that that happen, or.....

4  
5 MR. LORD: Mr. Chair. Ken Lord from the  
6 Solicitor's Office.

7  
8 Each member serves at the pleasure  
9 of.....

10  
11 UNIDENTIFIED VOICE: Your microphone.

12  
13 MR. LORD: Oops, thank you. Mr. Chair.  
14 Ken Lord of the Solicitor's Office.

15  
16 Each member serves at the pleasure of the  
17 Secretary of the Interior and the Secretary -- with  
18 concurrence of the Secretary of Agriculture. So it's in  
19 the Secretary's office that that authority lies. A  
20 recommendation for removal could come from the Board as  
21 it says here, or if the RAC wanted to make that  
22 recommendation to the Board, then it would go up the  
23 chain from there. It would work either way.

24  
25 CHAIRMAN CARPENTER: Okay. Thank you.

26  
27 MR. LORD: Sure.

28  
29 MS. STICKWAN: I have a question.

30  
31 CHAIRMAN CARPENTER: Dean.

32  
33 MR. WILSON: There's some guidelines in  
34 here. A couple of unexcused absences, or if they're  
35 causing problems due to misconduct. Who overlooks that?  
36 If we see somebody's not showing up to meetings, is there  
37 somebody that's actually doing that, or is it some motion  
38 that's going to have to come out of our Council, or is  
39 there somebody at your end going to be doing that?

40  
41 MR. LORD: Normally the designated  
42 Federal officer, in this case Donald, would be the person  
43 who would keep track of that information with regard to  
44 absences.

45  
46 As far as misconduct, we've never had  
47 that come up, but it could come from the Chair here or  
48 from the designated -- it could come from any source, or  
49 anyone available I think. And then the Secretary's  
50 Office would have to make the final judgment call on

1 that.

2

3 CHAIRMAN CARPENTER: Gloria.

4

5 MS. STICKWAN: I have a couple questions  
6 in regards to what he just said. Even the public could  
7 say, is that -- you said anybody?

8

9 MR. LORD: Well, anyone can raise the  
10 issue. It would obviously have to go through a process  
11 if the issue was misconduct, and an investigation, and  
12 then the -- I actually don't -- like I said, I don't know  
13 precisely what that process would involve, but the  
14 Secretary's office would take the lead on that.

15

16 MS. STICKWAN: And also, and I don't -- I  
17 would like to see us bring up that 70/30. I mean, these  
18 are our charters. Aren't we able to make recommendations  
19 that it be kept that way?

20

21 CHAIRMAN CARPENTER: So you would  
22 recommend that we amend our charter to include that the  
23 70/30 split remain for this Council?

24

25 MS. STICKWAN: For the record, yeah. And  
26 also, you know, when he says roll call, we don't know if  
27 these people that aren't here, if they're excused or not  
28 excused. Like I don't know if Churchill's here, and I  
29 don't know why he's, you know, not here.

30

31 CHAIRMAN CARPENTER: Well, I think, you  
32 know, there's obvious circumstances, like Mr. Lohse  
33 obviously right now has an excused absence. There's been  
34 cases in the past, medical issues, things like that,  
35 conflicts with work. I mean, there could be all sorts of  
36 things.

37

38 But I guess the reason I wanted to bring  
39 it up is that, you know, we all either volunteered or  
40 were nominated for this board and we accepted the  
41 responsibility. And I think it's our fiduciary duty to  
42 try and show up as often as possible. And I guess I  
43 would just like to bring it to the attention, to Donald,  
44 if he's the one that keeps track of excused/non-excused  
45 absences, then it would be my recommendation that if  
46 Donald sees Council members that are not being forthright  
47 and showing up, that he forward that information on to  
48 this Council and that this Council could make a  
49 recommendation to the Board for further action. I'm not  
50 saying that it has to happen now, but, you know, this is

1 a public process and there's a lot of expense that has  
2 gone on to set up a forum like this, and it would have  
3 been a real unfortunate circumstance if we would have had  
4 all these people show up, and we wouldn't have been able  
5 to conduct the business, because we didn't have a quorum.  
6 And I don't want to see that happen. I won't want the  
7 Council's reputation to be tarnished because of, you  
8 know, lack of participation, and so that would be my  
9 suggestion.

10

11 I guess in regards to something Gloria  
12 said, would that be appropriate for this Council to amend  
13 our charter to put that 70/30 language in there, or is  
14 that not appropriate at this time?

15

16 MR. LORD: I would advise against it.  
17 It's an issue of law that we're still litigating. When  
18 it becomes finalized, then we can adjust the charters  
19 accordingly.

20

21 And in any event, the 70/30 rule is a  
22 goal. It's never been set in stone that, you know, we  
23 will have 70 percent or 30 percent or wherever that  
24 percentage lies. It's just something that we'll strive  
25 for that we may not be able to make, because of the  
26 nature of the applications that we receive and the  
27 volunteer nature of the Council service.

28

29 CHAIRMAN CARPENTER: So you would  
30 recommend instead of doing that, that sometime in our  
31 meeting that we make a motion for the record that we  
32 would encourage the Federal Board to follow the 70/30  
33 guidelines in regards to this Council?

34

35 MR. LORD: That would be appropriate if  
36 you wanted to do that.

37

38 CHAIRMAN CARPENTER: Okay. We could do  
39 that. Would that be good for you?

40

41 MS. STICKWAN: Yeah. I was just asking.  
42 That's okay.

43

44 MR. LORD: That would be appropriate as  
45 well.

46

47 CHAIRMAN CARPENTER: Okay.

48

49 MS. STICKWAN: (Indiscernible, mic not  
50 on)

1                   CHAIRMAN CARPENTER: Okay. I think  
2 that's the best course of action then. thanks a lot.  
3  
4                   MR. LORD: You're welcome.  
5  
6                   CHAIRMAN CARPENTER: Okay. So I guess  
7 getting back to -- is there anything other than what  
8 we've discussed, is there any -- Gloria.  
9  
10                  MS. STICKWAN: I guess you didn't  
11 understand what I said. I just said, I don't understand  
12 why some people aren't here, and I would like to hear a  
13 reason why they're not here.  
14  
15                  CHAIRMAN CARPENTER: I think -- well, no,  
16 I think that's more than appropriate. You have every  
17 right to ask why, if a member is excused or not excused.  
18 But I think we should follow through with this charter  
19 motion and get this off the table, and then we can let  
20 Donald clarify as to why someone is here or not here. Is  
21 that okay?  
22  
23                  MS. STICKWAN: Isn't it something that  
24 could be put in as part of our charter, too. Or is that  
25 not -- is that something that could be part of our  
26 charter as an explanation or not -- should not be in  
27 there?  
28  
29                  CHAIRMAN CARPENTER: Well, I guess I'm  
30 not the -- I guess I'm not the person to say if that is  
31 the way it should be or shouldn't be. I'm not sure if  
32 this.....  
33  
34                  MS. STICKWAN: It would be part of the  
35 guidelines I guess.  
36  
37                  CHAIRMAN CARPENTER: .....under  
38 membership guidelines, if the removal of a member or  
39 explanation as to why they're absent is -- if that needs  
40 to be in our charger or not. Or I don't know for a fact  
41 that if this isn't just statute already that we don't  
42 have the ability to change. I don't know. Donald, maybe  
43 you can answer that.  
44  
45                  MR. MIKE: Mr. Chair. The charter really  
46 -- you know, you can make any recommendation to the  
47 Board, and it will be on the Board if these  
48 recommendations will be able to be applied to the  
49 charter. Mr. Chair.  
50

1 CHAIRMAN CARPENTER: So I guess, Gloria,  
2 in trying to explain what Donald said, is that if you  
3 would like in our charter to be something that says that  
4 before every meeting there is an explanation as to why a  
5 member isn't here, or, you know, you could make a motion  
6 that says that, and we could forward that to the Board as  
7 a charter change recommendation. And see what they say.

8  
9 MS. STICKWAN: I just -- you said it  
10 already, so somebody could second it.

11  
12 CHAIRMAN CARPENTER: Well, I would prefer  
13 to accept an motion other than from the Chair.

14  
15 MS. STICKWAN: Okay. I make a motion to  
16 -- that we have an explanation as to why there are  
17 absences as -- to the Federal Subsistence Board and to be  
18 added to our charter if that's possible, acceptable.

19  
20 CHAIRMAN CARPENTER: So your motion would  
21 be to amend the charger to read.....

22  
23 MS. STICKWAN: As possibly as a  
24 guideline. They have guidelines here he said, right? So  
25 that could be like another guideline they could look at.  
26 If that's -- if that can be done though.

27  
28 CHAIRMAN CARPENTER: Do you have clarity  
29 on that, Donald?

30  
31 MR. MIKE: Yes.

32  
33 CHAIRMAN CARPENTER: Is there a second to  
34 the motion.

35  
36 MR. BLOSSOM: I'll second it.

37  
38 CHAIRMAN CARPENTER: It's been moved and  
39 seconded to amend the Southcentral charter for -- I guess  
40 under duties of the Council or membership qualifications  
41 as to that there be an explanation why a member is  
42 absent, excused or unexcused, that is reported to the  
43 Council before every meeting.

44  
45 Is there any more discussion about that.  
46 Dean.

47  
48 MR. WILSON: Whether we hear some of  
49 these folks can make it or not, Donald, whether we hear  
50 it out loud or not, who's going to make the determination

1 whether it's excused or not? Is it going to be just an  
2 open forum to tell what they're doing? I'm sure somebody  
3 can always come up with an excuse why they're not here.  
4 But I think somewhere along the lines we need somebody to  
5 make a determination, and I don't really see that in  
6 here. We can openly talk about what people are doing,  
7 and for some people it's going to be excused and for some  
8 it's not. So until we can decide upon that, whether it  
9 will make a difference if were open about what they're  
10 doing, until we can decide upon that, I see no reason in  
11 being open about it, unless we can get a clarification.  
12 Will it help?

13

14 CHAIRMAN CARPENTER: I think I agree with  
15 Gloria that I think something should be put in here, but  
16 I also agree with you, Dean, that it's really left --  
17 it's an interpretation by I guess Donald who's the  
18 Federal officer if somebody has an excused or unexcused  
19 absence. And I guess the only thing that I could  
20 recommend is that maybe that Donald and maybe someone  
21 from Staff come up with what an excused or unexcused  
22 absence is, and that be put on the agenda at our next  
23 meeting, and we can take that up and possibly add that to  
24 the charter at that time. Other than that, I think that  
25 we're caught in a catch 22 as to, you know, it's up --  
26 it's left up to the interpretation of somebody, and I  
27 don't necessarily know that we have the ability to make  
28 that determination.

29

30 Dean.

31

32 MR. WILSON: You know, maybe this is  
33 something where we can -- Donald can do some research  
34 into other Councils and see how they're handling it.  
35 Maybe go back to the Federal Board and kind of see where  
36 -- what they've come down on as far as that goes. But we  
37 have a lot of folks that are legitimately excused from  
38 the committee because of certain things that are going  
39 on. But we have some that have consistently not showed  
40 up, and we don't have a lot of communication with them.  
41 And we need some kind of a clarification so we could try  
42 to get some more involved committee members in here, and  
43 I think that's what this whole thing revolves around, but  
44 I just think being open about it right now isn't going to  
45 handle that or it's not going to take care of that, so  
46 maybe it's a good idea to push it off.

47

48 CHAIRMAN CARPENTER: Gloria.

49

50 MS. STICKWAN: That's why I said I wanted

1 it as part of the guidelines, and it would be good if we  
2 could get Staff to work on that.

3

4 CHAIRMAN CARPENTER: So you would  
5 basically be withdrawing your motion, and that your  
6 recommendation be forward to Staff to be discussed at our  
7 next meeting after they've done some research into how  
8 this could be better solved?

9

10 MS. STICKWAN: Uh-huh. (Affirmative)

11

12 CHAIRMAN CARPENTER: Does the second  
13 withdraw?

14

15 MS. STICKWAN: Yes, I withdraw my motion.

16

17 CHAIRMAN CARPENTER: Does the second  
18 concur?

19

20 MR. BLOSSOM: And I agree.

21

22 CHAIRMAN CARPENTER: Okay. The motion  
23 has been withdrawn. And, Donald, you have clarity in  
24 regards to what the Council is looking for?

25

26 MR. MIKE: Yes, I do, Mr. Chair. And  
27 I'll work with Staff to get up a statement for the  
28 Council to review.

29

30 CHAIRMAN CARPENTER: Okay. So if there's  
31 nothing further to review on the Charter, we do have to  
32 -- this is an action. We do have to approve the charter  
33 as presented to us. So I would accept a motion to do so.  
34 Dean.

35

36 MR. WILSON: Mr. Chair, I move that the  
37 Council accepts the charter as written.

38

39 CHAIRMAN CARPENTER: It's been moved. Is  
40 there a second.

41

42 MR. BLOSSOM: Second.

43

44 CHAIRMAN CARPENTER: It's been moved and  
45 seconded. Further discussion. Gloria.

46

47 MS. STICKWAN: We're going to wait until  
48 the next meeting, right? So shouldn't we wait on the  
49 motion until we see that before? Or are you accepting it  
50 the way it's written right now is what you're saying,

1 right? Okay. Sorry.

2

3 CHAIRMAN CARPENTER: Well, I think as  
4 Donald stated, I think we have to approve or amend the  
5 charter every two years. I guess we could possibly defer  
6 this until our next meeting, but I'm not sure what the  
7 legality is there. I think that we probably have the  
8 ability if we approve this now to make a recommended  
9 change at our next meeting if it's an agenda item. Would  
10 that be correct, Donald?

11

12 MR. MIKE: Mr. Chair. You can make  
13 recommended changes to the charter and not approve it as  
14 it is, but just make -- make a recommendation, forward it  
15 to the Board, and then like you said, I'll work with  
16 Staff to develop a statement, and then in our next  
17 meeting probably can do a final approval.

18

19 CHAIRMAN CARPENTER: Okay. Suffice?  
20 Okay. It's been moved and seconded. Any further  
21 discussion.

22

23 (No comments)

24

25 CHAIRMAN CARPENTER: All those in favor  
26 of approving the charter as presented signify by saying  
27 aye.

28

29 IN UNISON: Aye.

30

31 CHAIRMAN CARPENTER: All those opposed.

32

33 (No opposing votes)

34

35 CHAIRMAN CARPENTER: Okay. Next on the  
36 agenda is public testimony. Donald, do we have any  
37 public testimony at this time?

38

39 MR. MIKE: No, Mr. Chair, we have none.  
40 We just have testimony having to do with proposals. When  
41 they do come up, I'll forward to you the names.

42

43 CHAIRMAN CARPENTER: Okay. So they want  
44 to testify before their specific proposal?

45

46 MR. MIKE: Right. There's on Proposal 14  
47 and -- 14, 15, and 16.

48

49 CHAIRMAN CARPENTER: Okay. Very good.  
50 Okay. I guess we'll move on to fisheries proposal for

1 Council review and recommendation to the Federal  
2 Subsistence Board. Where's Pete. Jerry, do you know if  
3 Pete or who's doing the first proposal, the analysis, or  
4 the introduction of Proposal 14? Oh, Tim is, okay.  
5 Excuse me. Sorry, Tim. I didn't see you there.

6

7 MR. MIKE: Mr. Chair.

8

9 CHAIRMAN CARPENTER: Yes.

10

11 MR. MIKE: Just to address Gloria's  
12 concern about the absent members, I contacted Pete  
13 Kompkoff, and he had a meeting schedule conflict. He had  
14 to attend one in Anchorage, so that's the reason he  
15 couldn't attend. But he made himself available  
16 conference, too, but I tried getting ahold of him this  
17 morning, but he was unable.

18

19 Mr. Gilbert Dementi, he submitted an  
20 official resignation, and it's in your packet here,  
21 addressed to Ralph Lohse.

22

23 And additional items, we received  
24 additional comments from the Native Village of Eyak on  
25 Proposal 14, and in the blue printout we have additional  
26 comments for each proposal. When written public comments  
27 come up, I'll read them into the record.

28

29 CHAIRMAN CARPENTER: Okay. Very good.

30

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

32

33 CHAIRMAN CARPENTER: Okay. Tim, if you  
34 want to go ahead and introduce and give your analysis on  
35 Proposal 14.

36

37 MR. JOYCE: Thank you, Mr. Chair.

38 Members of the Regional Advisory Council.

39

40 If I could -- maybe, Mr. Carpenter, if I  
41 could get your mic? Thank you.

42

43 Proposal FP07-14 was submitted by Chris  
44 Grimwood of Cordova, requests that the Lower Copper River  
45 downstream of the bridge over the Copper River at 52-Mile  
46 of the Copper River Highway, also known as the Million  
47 Dollar Bridge, be opened to Federal subsistence harvest  
48 of salmon using dip nets and rod and reel with bait for  
49 three months. And those months would be May, June and  
50 July.

1                   The portion of the Copper River being  
2 discussed has been closed to subsistence fishing for  
3 salmon under State regulations since 1977 and possibly  
4 longer. The information prior to 1977 is pretty scarce,  
5 and so I'm not sure if it was closed before then, but  
6 it's possible.

7  
8                   There was a commercial dip net fishery at  
9 Ambercrombie Canyon, which is upstream of the Million  
10 Dollar Bridge in the early 20th century when the railroad  
11 was in operation between Kennicott Mine and Cordova.  
12 There is some historical information that salmon were  
13 harvested by dip net from the main river channels of the  
14 Lower Copper River by the Eyak Tribe.

15  
16                   If this proposal were adopted, it would  
17 allow the subsistence harvest of salmon in the Lower  
18 Copper River below the Million Dollar Bridge similar to  
19 what is allowed in the Upper Copper River District. The  
20 exception is the only gear types allowed to harvest  
21 salmon in the Lower Copper River would be dip nets and  
22 rod and reel, since fishwheels and other gear types were  
23 not requested.

24  
25                   State regulations allow the sport harvest  
26 of salmon in the proposed area using rod and reel;  
27 however, State sport fishing regulations prevent the use  
28 of bait from April 15th through June 14th to protect  
29 spawning trout. Few if any trout spawn in the main  
30 channels of the Lower Copper River, but trout and  
31 steelhead do migrate through this area.

32  
33                   The waters of the Lower Copper River are  
34 very turbid from glacier melt, which greatly reduces the  
35 ability to sport harvest salmon with rod and reel with or  
36 without bait.

37  
38                   The majority of the chinook salmon pass  
39 through the proposed area prior to lifting of the bait  
40 restrictions on June 15th.

41  
42                   Sockeye salmon do not readily take bait  
43 or artificial lures.

44  
45                   If you'll look at map 1 on the proposal,  
46 this provides a visual aid in describing the area under  
47 consideration by this proposal. There's some arrows on  
48 there -- the most recent map, and it's on the table, has  
49 arrows identifying some of the locations that are -- that  
50 will be discussed here in a minute.

1                   There has been a Federal customary and  
2 traditional use determination for salmon below Haley  
3 Creek on the Copper River in the Prince William Sound  
4 area, which includes all residents of the Prince William  
5 Sound area. Residents of the Copper River basin and  
6 Prince William Sound would be eligible to harvest salmon  
7 below the Million Dollar Bridge if this proposal passes.  
8

9                   Federal subsistence fishing regulations  
10 for the Prince William Sound area downstream of Haley  
11 Creek require Federally qualified subsistence users to  
12 have a permit to harvest fish, but do not establish  
13 seasons, harvest limits, or methods of harvest.  
14 Stipulations on the Federal subsistence permit for the  
15 Prince William Sound area downstream of Haley Creek  
16 regulate the methods of harvest and establish harvest  
17 limits. these stipulations were established at public  
18 meetings with user groups and agency personnel in 2004  
19 and 2006.  
20

21                   In 2005 the Federal Subsistence Board  
22 adopted regulations to allow the accumulation of harvest  
23 limits under State of Alaska sport fishing regulations  
24 and Federal subsistence regulations in the Prince William  
25 Sound area within the Chugach National Forest and the  
26 Copper River drainage downstream of Haley Creek provided  
27 that the accumulation of harvest limits does not occur  
28 during the same day.  
29

30                   Subsistence users in Prince William Sound  
31 in recent history have fulfilled their subsistence needs  
32 under a State of Alaska subsistence fishing permit and/or  
33 sport fishing regulations. State subsistence fishing  
34 permit -- the State subsistence fishing permit allows  
35 harvest in marine waters only. Harvest in fresh water  
36 was accomplished under State sport fishing regulations.  
37

38                   Subsistence harvest of salmon in the  
39 Lower Copper River may increase the number of Federal  
40 users, and the harvest, or it may shift the harvest from  
41 current locations to the Copper River.  
42

43                   And in Table 1 you can see that there's  
44 -- it provides an annual average for the last 10 years of  
45 commercial, sport and subsistence harvest and sonar  
46 passage information for the Copper River system.  
47

48                   The Copper River and its tributaries are  
49 the only major producers of chinook salmon in the Prince  
50 William Sound area. Although allowed, a sport fishery

1 for salmon or trout in the proposed area has not  
2 developed primarily because of the high turbidity of the  
3 Copper River.

4  
5           The bait restriction from April 15th  
6 through June 14th to protect spawning trout, also reduces  
7 the chances of harvesting Chinook salmon migrating to the  
8 Lower Copper River since the bait restriction overlaps  
9 the migration timing of that species.

10  
11           Sockeye salmon do not readily take bait  
12 or lures and are not pursued in the turbid Copper River  
13 with rod and reel. Coho salmon will strike at artificial  
14 lures and bait, but coho salmon are abundant in many of  
15 the local streams with more favorable water conditions,  
16 and little effort would be expected in the proposed area  
17 for this species. Excuse me. Few pink salmon and chum  
18 salmon migrate up the Copper River and those that do  
19 enter the proposed area will only be found in the very  
20 lower reaches in clear water tributaries.

21  
22           There are populations of unknown size of  
23 rainbow and steelhead trout that migrate up the Copper  
24 River that may be susceptible to harvest in the proposed  
25 area when using bait. Current Federal subsistence  
26 regulations in the Prince William Sound area require the  
27 immediate release of rainbow, steelhead trout unharmed  
28 unless taken incidentally in a net fishery or in a  
29 fishwheel.

30  
31           Table 2 provides some indication of the  
32 estimated subsistence salmon harvest by State subsistence  
33 salmon permit holders in the Prince William Sound area,  
34 excluding the Upper Copper River District. Of the three  
35 fishing districts in the Prince William Sound, the Copper  
36 River, which is the Copper River flats near the community  
37 of Cordova, accounts for the majority of the subsistence  
38 salmon harvested.

39  
40           This proposal would open waters to  
41 Federal subsistence fishing that contains runs of chinook  
42 salmon. The permit stipulations on the permit for Prince  
43 William Sound does not currently restrict the number of  
44 chinook salmon since few systems in Prince William Sound  
45 other than the Copper River support this species. A  
46 stipulation regulating the number of chinook salmon  
47 harvested similar to those imposed on upper river Federal  
48 subsistence users may need to be added to the permit if  
49 this proposed area is open to Federal subsistence  
50 fishing. Quantification of these numbers will need to be

1 done in consultation with local users as was done in the  
2 past.

3

4                   Opportunities to harvest sockeye salmon  
5 by qualified rural residents of Prince William Sound  
6 already exist in several locations near Cordova,  
7 Tatitlek, Chenega Bay, and Whittier. A Lower Copper  
8 River Federal subsistence fishery would provide  
9 additional opportunities earlier in the year to harvest  
10 sockeye salmon for rural residents without boats capable  
11 of accessing marine waters.

12

13                   This proposal would open waters to  
14 Federal subsistence fishing around the ADF&G Miles Lake  
15 sonar counting station, the Native Village of Eyak lower  
16 river sonar site, and Childs Glacier. Childs Glacier and  
17 Miles Lake sonar are just downstream of the Million  
18 Dollar Bridge. The lower river sonar is located in the  
19 western most channel of the Copper River just downstream  
20 of the 27-Mile bridge, and is only operated during the  
21 month of May. The sonar counting stations depend on fish  
22 swimming close to shore without interference.  
23 Subsistence fishing in the areas near the sonar sites  
24 could interfere with acquiring dependable counts of fish  
25 passing upstream. The Alaska Department of Fish and Game  
26 discourages sport anglers from fishing near the sonar  
27 counters on other popular rivers with warning signs and  
28 marker buoys. However, specific regulations closing an  
29 area around a sonar counter to sport angling have not  
30 been adopted.

31

32                   Subsistence fishing or even walking at  
33 the edge of the Copper River near Childs Glacier is  
34 extremely hazardous because of waves generated from  
35 glacial calving. Warning signs are posted in the area  
36 recommending extreme caution even while viewing the  
37 glacier from the opposite shore. These waves have caused  
38 serious injury and property damage in the past.

39

40                   In conclusion, the recommendation from  
41 Staff is to support with modification to allow fishing in  
42 the Copper River from a point three miles downstream of  
43 the Million Dollar Bridge to the mouth of the river.

44

45                   Mr. Chairman.

46

47                   CHAIRMAN CARPENTER: Thank you, Tim. Any  
48 questions for Tim, Council members.

49

50                   (No comments)

1                   CHAIRMAN CARPENTER: I had a couple  
2 questions, Tim. And we discussed this at a couple of  
3 meetings in town. A couple years ago we had a meeting in  
4 Cordova where upriver users, Gloria was there, there was  
5 a couple other people from upriver that were there, Roy  
6 Ewan, at the Forest Service when we talked about the --  
7 initially there was a proposal that came before the  
8 Council in regards to a new dipnet subsistence fishery on  
9 some smaller tributaries on the west delta. And some of  
10 the concerns from Gloria and Roy and a couple of the  
11 other people from upriver were that a dipnet fishery  
12 south of Haley Creek would be a newly established dipnet  
13 fishery that could possibly impact the upriver  
14 subsistence users. And at the time in this informal, you  
15 know, forum, we all agreed that that was a possibility,  
16 and that there would be no fishery south of Haley Creek.

17  
18                   And I guess I'm curious as to why that  
19 idea -- obviously there was a proposal put in so the  
20 Staff had to address it, but why is there a change in  
21 opinion from Staff as -- in regard to that?

22  
23                   MR. JOYCE: Mr. Chairman and members of  
24 the Council. In regulation at the current time, the  
25 Copper River below Haley Creek is closed to subsistence  
26 fishing for salmon. That has been in regulation. I  
27 think that was adopted back when the Federal subsistence  
28 for fisheries became part of the Federal system. And it  
29 was just adopted over. And as I said in my testimony,  
30 that has been in effect since at least 1977 and probably  
31 before.

32  
33                   And as you said, rightly so, that, you  
34 know, there was a proposal that was submitted and the  
35 Staff had to do an analysis on that proposal. The  
36 analysis that was done looked at historical fishing  
37 records and/or how subsistence has occurred in the past.  
38 There was some historical fishing at Ambercrombie Rapids,  
39 as I've stated. There has been in some literature cited  
40 that there may have been some dip net fishing in the  
41 Copper River below Haley Creek in some locations by the  
42 Eyak Tribe. And certainly there is dip nets used now for  
43 eulachon.

44  
45                   Based upon some of those things, some of  
46 that information that's out there, and the customary and  
47 traditional uses of salmon that's out there, that is part  
48 of the reasons that went into the analysis that we could  
49 find no reason why we shouldn't object to having a  
50 subsistence fishery in this area based upon some of that

1 historical information.

2

3 CHAIRMAN CARPENTER: Okay. Just maybe a  
4 follow up real quick, Dean, before you get at it.

5

6 You said that there was a dip net fishery  
7 at Ambercrombie Rapids. That's currently north of the  
8 area in this -- the area in this -- for this proposal is  
9 from the Million Dollar Bridge south. So historical data  
10 would prove then that, for one, that this was a  
11 commercial dip net fishery, not a subsistence fishery.  
12 And even though there was a dip net fishery there,  
13 commercially it was not in the area in regards to this  
14 proposal that we are currently talking about. Am I  
15 correct?

16

17 MR. JOYCE: That's correct.

18

19 CHAIRMAN CARPENTER: Okay. I was also  
20 reading, you know, through the analysis, and there -- the  
21 one piece of information that was quoted was by an  
22 author, 1926, or something like that, De Laguna, that  
23 said that there was possibly some traditional dip netting  
24 along the Eyak River south of Haley Creek. Well, there  
25 is a letter written in here by a woman in Cordova, who is  
26 much, much older than the dating of that article, that  
27 suggested that that is incorrect. And I was curious when  
28 Staff saw that, did they take -- did they have any -- did  
29 that have any impact on the impact recommendation that  
30 this proposal go forward?

31

32 MR. JOYCE: When we did the analysis for  
33 this proposal, De Laguna Smith is the reference that  
34 you're talking about there, there was indication in that  
35 material that there was some dip net fishing by the Eyak  
36 Tribe in the Lower Copper River. Exactly where on the  
37 Copper River, it doesn't identify, but it identifies the  
38 Eyak Tribe as the locals that were fishing there using  
39 dip nets. It described in detail how it was done. They  
40 formed -- two persons would go out to do it. One would  
41 be dipping and a second person would have a little rock  
42 wall that they would construct that the person would toss  
43 the fish into, and the second person was killing the  
44 fish. And De Laguna Smith indicated that, you know, it  
45 was done very rapidly and very efficiently.

46

47 Again, I have no information exactly  
48 where that occurred. It was, you know, by the Eyak  
49 Tribe, which had to put it somewhere in the Lower Copper  
50 River.

1                   The reference you're referring to of --  
2 from the person in Cordova that's an elder that indicated  
3 that she had no information of that, that came in very  
4 late. It was not part of the Staff analysis.

5  
6                   CHAIRMAN CARPENTER: Okay. Thank you. I  
7 guess, finally, the last -- or I've got two more  
8 questions. One question would be is, could this fishery,  
9 if it was imposed, could it possibly have an impact on  
10 upriver subsistence?

11  
12                  MR. JOYCE: The majority of this fishery  
13 would occur below the -- well, in fact nearly all of this  
14 fishery would occur below the sonar counter at Miles  
15 Lake. If adopted as amended, it would all occur below  
16 that sonar counter. The sonar counter is set up to have  
17 escapements that include not only the spawning  
18 escapement, but as well a subsistence uses, sport fish  
19 uses and additional fish for hatchery escapement, and  
20 additional fish for -- to compensate for the higher  
21 survivals of hatchery fish.

22  
23                  Therefore, if this fishery occurred below  
24 the sonar counter, the counter would still be regulated  
25 -- or the escapement pass the counter would still be  
26 those numbers would still have to pass that counter in  
27 order to meet the needs of the upper river users.

28  
29                  In that respect, fish would be allowed up  
30 the river to meet the needs of subsistence users upriver.  
31 I cannot talk to the timing, depending on -- I have no  
32 idea how much effort would occur in this area. You know,  
33 it hasn't occurred for many, many years. I don't know if  
34 there would be a lot of people that would participate or  
35 very few. And, you know, again as to the numbers of fish  
36 being taken, I have no information as to how many that  
37 could be, and so I don't know if it would have an impact  
38 or not on any particular timings. But the actual numbers  
39 of fish that would escape the sonar counter should be at  
40 least what's in the management plan for the Copper River.

41  
42                  CHAIRMAN CARPENTER: Okay. And then I  
43 guess my final question is about, was it last year or the  
44 year before, the -- actually this Council recommended to  
45 the Board that the dip net fishery on the tributaries  
46 west of the Copper not be opened, and actually the  
47 Federal Board in a rare occurrence disagreed with this  
48 Council and opened the fishery. That fishery's had a  
49 very short time to prove itself, but it did give local  
50 residents additional opportunity to harvest sockeye at a

1 very early point in the season. In early May the sockeye  
2 start running in the Eyak River. And I was curious as  
3 to, don't we -- don't you think that we should maybe let  
4 a newly -- a new fishery like that take hold on a  
5 community before, you know, possibly rushing in and  
6 opening up another fishery that -- until we see what --  
7 how much effort and how much harvest and how much  
8 interest there is going to be in the one that we just  
9 created?

10

11 MR. JOYCE: Mr. Chair. Members of the  
12 Council. the current fishery that's in place now, the  
13 subsistence fishery in the Cordova area, we've had in the  
14 first year 46 permits that were issued, and roughly just  
15 over 200 salmon that were harvested, 250 salmon I think  
16 it was that were harvested. This year I haven't -- and,  
17 of course, I haven't got very many permits back for this  
18 year yet. I've only got probably seven, of which about  
19 50 salmon have been harvested. There was about 50  
20 permits that were issued, so roughly the same numbers.

21

22 Those people that seem to be fishing on  
23 these permits, several are the same people as last year.  
24 There's some people -- new people that got permits, and  
25 others from last year didn't get permits. So it's kind  
26 of a trial and error aspect. But those people that are  
27 repeat permittees seem to be more successful this year  
28 than they were last year. So I would anticipate a  
29 harvest level slightly higher than what it was last year.

30

31 And again, I have no idea what would  
32 happen with the Copper River fishery, whether these  
33 people would move to the Copper River, whether they  
34 would stay where they're at. I suspect there would be  
35 some attempt for chinook salmon as those salmon aren't in  
36 the other systems, but I can't speculate on what the  
37 harvest or potential harvest could be on the Copper.

38

39 CHAIRMAN CARPENTER: I guess my final  
40 question would come down to this proposal did not address  
41 bag limits, and that could be of concern to some people  
42 depending on where you live, up or down the river. In  
43 the past the bag limits at least in this area have been  
44 left up to the local fisheries manager to set in regards  
45 to what he thinks are sustainable levels. When you're  
46 talking about chinook salmon on the Copper River, it is  
47 highly probable that it is a fully utilized fishery to  
48 the Nth degree.

49

50 What kind of levels do you think, if this

1 proposal were passed, would be put into place? Would  
2 they be similar to the subsistence levels upriver, or  
3 would they be similar to the State's subsistence levels  
4 currently available in Cordova? And what type of  
5 enforcement is there in Cordova in regards to monitoring  
6 and making sure that those bag limits are respected?  
7

8 MR. JOYCE: Mr. Chair. Members of the  
9 Council. The bag limits right now on the permits are  
10 identified as those that are the same bag limits as what  
11 occurs in the marine fishery in Cordova, except for  
12 chinook salmon. And that would be 15 fish for one-member  
13 households, 30 fish for two-member households, and then  
14 10 fish for each additional member of the household.  
15

16 If there was a -- if this proposal was  
17 passed, and chinook salmon then became an issue, as it  
18 would, of these permits. I expect that we would have a  
19 another meeting in Cordova with local users and agency  
20 Staff to determine what would be a proper bag limit for  
21 chinook salmon. And my recommendation would be something  
22 very similar to what is occurring right now both in the  
23 upriver dip net fishery in the Upper Copper River  
24 District as well as what occurs in the marine fishery  
25 right now, which is five chinook salmon. That would be  
26 the most logical number to use. But again, we would  
27 probably want to go through a public process to do that.  
28

29 CHAIRMAN CARPENTER: Okay. Thank you.  
30 Dean, you had a question for Tim?  
31

32 MR. WILSON: I did, but I'm going to hold  
33 off. It looks like we're going to be talking with  
34 InterAgency Staff Committee. They're going to be back up  
35 here again addressing this proposal, and I'll bring it up  
36 thing.  
37

38 CHAIRMAN CARPENTER: Okay. Anybody else.  
39 Gloria, did you have a question. Your mic.  
40

41 MS. STICKWAN: I guess I don't really  
42 have a question. It's just that I know that -- I've read  
43 this, and Eyak themselves wrote in there saying they  
44 didn't support this. And AHTNA didn't support it. And  
45 this guy, Grimwood, is he a resident down there?  
46

47 MR. JOYCE: Yes, he is. He's a resident  
48 in Cordova.  
49

50 MS. STICKWAN: The concern I have is that

1 even though there's a lot of fish going through the Miles  
2 sonar, people in Mentasta are saying that they're not  
3 getting enough fish, and I don't know what to think about  
4 that. They, you know, didn't put a fishwheel in this  
5 year. It's hard for me to sit here and, you know, I  
6 don't -- I'm a little undecided about how to vote,  
7 because I hear concerns from upriver people saying they  
8 don't get an early fish, and they're not getting their  
9 subsistence needs met even though there's a Miles sonar  
10 that says there's a lot of fish going up the river, but  
11 it's not going up to their area. And the first runs that  
12 do go up there are all the way up to Tanada, and that's  
13 where they're complaining that they're not getting enough  
14 fish. And, I don't know, I just don't feel like I could  
15 support a proposal where their own people in Eyak say  
16 they don't support this.

17

18 My concern would be it's a dip net and a  
19 long season of using dip net, because I know you can  
20 catch a lot of fish with a dip net. And in their report  
21 they say it's a dangerous place to fish. And, you know,  
22 that's a concern everybody should have, if they've been  
23 involved in fish there. And safety is a concern, too.

24

25 So I would like to see the local users  
26 here involved, and the Upper Copper River people as part  
27 of that discussion. If there's going to be a decision,  
28 then I think I would like to hear what -- maybe wait  
29 until then to make a decision and just talk about it like  
30 we did the last time. I think that worked out really  
31 well when we all got together.

32

33 CHAIRMAN CARPENTER: Do you have any  
34 other questions for Tim, Gloria?

35

36 MS. STICKWAN: I can't think of any right  
37 now.

38

39 CHAIRMAN CARPENTER: Okay. Doug. Dean.  
40 James.

41

42 (No comments)

43

44 CHAIRMAN CARPENTER: Okay. Tim, thank  
45 you.

46

47 Alaska Department of Fish and Game  
48 comments.

49

50 MS. GILBERTSON: Good afternoon, Mr.

1 Chairman. Council members. My name is Sarah Gilbertson.  
2 I'm the subsistence and Federal issues coordinator with  
3 the Alaska Department of Fish and Game. And our comments  
4 on this proposal begin on Page 50, and I thought I'd just  
5 walk you through those pretty quickly.

6  
7 Fish and Game concurs with the Federal  
8 Staff analysis that subsistence users have historically  
9 fulfilled their subsistence uses under State of Alaska  
10 subsistence fishing permits and/or sport fishing  
11 regulations. And we believe that this still holds true  
12 today.

13  
14 We agree with the comments from the  
15 public on Page 52 that there are sufficient opportunities  
16 for harvest of salmon for subsistence purposes in this  
17 area, and that adoption of this proposal is not necessary  
18 to provide for subsistence uses.

19  
20 We do not believe that adoption of this  
21 proposal is necessary to address any conservation or  
22 management concerns, and would say that based upon our  
23 experience use of dip nets or bait would be extremely  
24 effective and could be expected to increase harvest and  
25 result in capture of non-targeted species such as  
26 steelhead, rainbow and possibly even cutthroat trout.  
27 Use of bait in this area was prohibited by the Alaska  
28 Board of Fisheries in order to protect spawning trout.  
29 Use of a dip net would allow those fish to be released  
30 unharmed, whereas use of bait would significantly  
31 increase incidental mortality of non-target species.

32  
33 On the issue of jurisdiction, I just  
34 bring up for your information that the State does not  
35 accept the claims of Federal jurisdiction in this area.  
36 I know that Federal Staff are back there rolling their  
37 eyes. But because of that and because of these other  
38 issues that I'm going to continue to raise, we would urge  
39 the Council to ask the proponent to bring this proposal  
40 before the Alaska Board of Fisheries.

41  
42 Other comments and questions and concerns  
43 that we had was on the issue of requiring a 1/0 or larger  
44 hook when using bait and whether that would effectively  
45 reduce catch of trout and steelhead. There's no evidence  
46 that suggests that, at least not that we're aware of.  
47 There's no data that indicates the extent to which using  
48 a 1/0 hook or larger decreases the catch of rainbow trout  
49 or steelhead. Further more, there 's substantial  
50 variation among hook brands and styles as to what is

1 designated as a 1/0 hook, which in our mind raises a lot  
2 of questions for enforcement.

3  
4 In conclusion, this proposal is not  
5 supported by substantial evidence to show that allowing  
6 this gear type in this area is necessary to provide for  
7 subsistence uses. The recommendation by the Federal  
8 Staff to amend this proposal to rod and reel only and  
9 allow the use of bait makes it appear that this proposal  
10 is a means of avoiding the State's prohibition on bait in  
11 the sport fishery.

12  
13 As I mentioned earlier, we suggest that  
14 the Federal Staff assist the proposal proponent in  
15 pursuing full consideration by the Alaska Board of  
16 Fisheries.

17  
18 And as your conversation earlier was  
19 alluding to, there are allocation concerns involved, and  
20 because of the allocation concerns and the jurisdiction  
21 questions, perhaps the Alaska Board of Fisheries is the  
22 best place to address this particular proposal.

23  
24 In closing, as mentioned here, you know,  
25 there are conservation benefits of using dip nets, so if  
26 the Council does move forward with this, we would very  
27 much appreciate some discussion and dialogue upon whether  
28 or not those should be put back into the proposal or  
29 taken out as the Federal Staff recommended. And then  
30 we'd welcome any comments or discussion on the 1/0 or  
31 greater hook as well.

32  
33 Thank you.

34  
35 CHAIRMAN CARPENTER: Thank you, Sarah.

36  
37 Any questions for the Department. Doug.

38  
39 MR. BLOSSOM: Yeah, Mr. Chair, where is  
40 the Federal/State boundary? I hear this, you've got a  
41 problem with it, show us so we know.

42  
43 MR. MILLER: Mr. Chair. For the record,  
44 I'm Matt Miller. I'm the sport fish area management  
45 biologist. My area includes Anchorage, north Gulf Coast,  
46 and Prince William Sound.

47  
48 Mr. Blossom. Mr. Chair. My  
49 understanding of that is, and I'd have to go back and  
50 check this, but originally the lower Copper flows through

1 Forest Service lands, and perhaps the Forest Service  
2 could speak to this, which is why the original idea that  
3 they had the jurisdiction in this area was there. Since  
4 then, many land trades have gone on and have gone into  
5 private hands. So it's my understanding, and again  
6 Forest Service could perhaps clarify this, or we could  
7 look at some other maps, but the majority of the land  
8 surrounding the Lower Copper River, directly touching it,  
9 is not Forest Service or Federal government lands any  
10 more. Mr. Chair.

11

12 CHAIRMAN CARPENTER: Doug.

13

14 MR. BLOSSOM: Is it State lands or  
15 private lands or Native lands.

16

17 MR. MILLER: Mr. Chair. I'd need some  
18 clarification on that. I believe it's private or Native.  
19 There is some State land across there, but that's  
20 certainly not the majority of it.

21

22 MS. STICKWAN: Are you talking about 52-  
23 Mile bridge and south? Where are you talking about?

24

25 CHAIRMAN CARPENTER: Yeah. Gloria, if  
26 you look at the map on -- let's see, I've got to find the  
27 map. If you look at the map on Page 42, you can see  
28 where the Million Dollar Bridge is, where Miles Lake  
29 dumps into the river there. Basically the proposal would  
30 start the fishery there and it would basically go all the  
31 way down to where the mouth gets very broad and at the  
32 bottom of the fishery.

33

34 I think what Matt is alluding to is that  
35 a lot of the land around the Million Dollar Bridge south  
36 to a certain point along the Highway, and I'm not exactly  
37 sure where it is, about 38-Mile, so that's about 14  
38 miles, I believe that's Eyak Corporation land. Some of  
39 that land is leased to the Forest Service. They have a  
40 camp ground there, a viewing area, things like that, but  
41 actually the owners of the property are the Eyak  
42 Corporation.

43

44 And I'm not sure, maybe Tim or somebody  
45 else could address the lands south of that. I don't know  
46 if any of that was sold in EVOS trade or.....

47

48 MR. MILLER: Mr. Chair. I think another  
49 part of the State's contention with this, and again I'd  
50 like to see an updated map of this also, color-coded of

1 who the land properties are, it's tough to keep track of  
2 it, but I believe part of the State's contention with  
3 this is also the status of the islands, which you can  
4 tell in that map make up a large part of that land in the  
5 lower Copper.

6  
7 MS. STICKWAN: I'm sorry, I still didn't  
8 understand. You said below Million Dollar Bridge, that's  
9 where the proposal's talking about and that's where  
10 you're talking about?

11  
12 MR. MILLER: Right.

13  
14 MS. STICKWAN: And you don't know whether  
15 it's State land or Federal land, because a determination  
16 hasn't been made and it's still in the process of being  
17 made or what?

18  
19 MR. MILLER: Mr. Chair. I don't have a  
20 map in front of me that has that mapped out, but that's  
21 U.S. Forest Service land generally surrounding the lower  
22 Copper, which is why the Feds believe that they have the  
23 jurisdiction there. It's my understanding and what the  
24 State was saying in the comments is that a lot of that  
25 land directly touching the banks of the Lower Copper  
26 River is Native land, it's private land, some of it's  
27 State land. It's not necessarily Forest Service land.

28  
29 MS. STICKWAN: Isn't there some kind of  
30 law about high water mark? Is that part of the  
31 determination, too, if it's State land or Federal land on  
32 this part of the river.

33  
34 MR. MILLER: Mr. Chair. I believe so.  
35 Again, I would have to check. The person who wrote the  
36 comments for this I'm sure was following up on that and  
37 checking exactly where the definitions are, but due to  
38 land trades and things that the Forest Service has done,  
39 a lot of the land surrounding the lower Copper is no  
40 longer Forest Service land.

41  
42 Thank you.

43  
44 CHAIRMAN CARPENTER: Anything further,  
45 Gloria.

46  
47 (No comments)

48  
49 CHAIRMAN CARPENTER: Do you have a  
50 question, Dean.

1 MR. WILSON: Yeah, Mr. Chair. I think  
2 what she may have been trying to allude to was the  
3 navigable water aspect of it. And my understanding, I'm  
4 talking from hearing from the State is the navigable  
5 water is owned by the State. I don't know how that  
6 carries all the way down there, I'm just not sure of it,  
7 and it sounds like everybody else is, too. And that's  
8 what the State is throwing in on their summary, is that  
9 correct, that they're unsure of that area as well, until  
10 it's exactly clarified. Then it's not clear on either  
11 end.

12  
13 MS. GILBERTSON: Mr. Chairman. Mr.  
14 Wilson. That is exactly the case. We brought this issue  
15 up in earlier discussion with the Federal Staff, and you  
16 know, have the same questions and have asked for better  
17 maps. And I might also add as they probably would that  
18 this is an issue of who owns what lands and waters, you  
19 know, the Federal reserve waters lawsuit. The State and  
20 the Federal government are currently in court on that  
21 issue. So a very complicated issue, one that, as you can  
22 see, just from looking at this map is not going to be  
23 easily answered.

24  
25 CHAIRMAN CARPENTER: Doug.

26  
27 MR. BLOSSOM: Yeah, Mr. Chair. I guess I  
28 need to follow up on that. If you were to take a boat  
29 and go in the mouth of the Copper River, how far can you  
30 navigate?

31  
32 MS. STICKWAN: All the way up to Chitina.

33  
34 MR. BLOSSOM: Okay. So navigable waters  
35 is up in the area where they presently subsistence fish  
36 also?

37  
38 MS. STICKWAN: Uh-huh. (Affirmative)

39  
40 MR. BLOSSOM: Okay.

41  
42 CHAIRMAN CARPENTER: Any other questions  
43 for the Department?

44  
45 MS. STICKWAN: When are they going to  
46 find out? When is the answer going to be answered to  
47 this questioned? And this is probably not the only area  
48 they have. The question is probably real wide.

49  
50 CHAIRMAN CARPENTER: I think maybe after

1 these guys are done, maybe Pete wants to say something,  
2 so maybe he has a better explanation or can help our  
3 discussion out. Pete, did you have something to add to  
4 this discussion.

5  
6 MR. PROBASCO: Thank you, Mr. Chair. We  
7 are ready to go into details, the Forest Service, Ken, as  
8 far as jurisdiction, but as I listen to the discussion  
9 here, I just want to advise the Council that the  
10 jurisdiction issue between the State and Federal, on most  
11 parts we have agreement. However, there are some areas  
12 of the State, as this program has developed where those  
13 issues have been questioned. We still feel that the  
14 jurisdictional issue on these proposal that we're  
15 providing you is our correct interpretation. And we will  
16 continue to state it in that fashion.

17  
18 When it gets to these type of issues, you  
19 know, from my viewpoint, it's probably going to take a  
20 court case to decide who has the jurisdiction, who does  
21 not.

22  
23 But Steve can get you into the specifics  
24 from the Federal program's view, what is our  
25 jurisdiction. And then I think the Council should just  
26 focus on that part. The State has cautioned you, which  
27 is correct, that's their view of the issue, and put that  
28 in the back of your mind, but you're a Federal Regional  
29 Advisory Council working on Federal proposal on  
30 jurisdiction as we understand it. Mr. Chair.

31  
32 CHAIRMAN CARPENTER: Yeah. Thank you,  
33 Pete. I think that's a good bit of advice there. I  
34 think we need to focus on the context of the proposal and  
35 send our recommendations on to the Federal Board in  
36 regards to that. And if there is a land dispute or  
37 jurisdictional question after the fact it's probably  
38 going to be solved in a forum much larger with much  
39 smarter people than we are sitting there, so that's  
40 probably a good bit of advice. But if you would like to  
41 question -- your question answered, Gloria, in regards to  
42 the jurisdiction, I'm sure Steve can answer that for you  
43 if you want that.

44  
45 MS. STICKWAN: Yes.

46  
47 CHAIRMAN CARPENTER: Okay.

48  
49 MR. KESSLER: Mr. Chairman. I'd just  
50 like to point out a couple of different things. If you

1 could -- if you have a copy of the regulatory book handy,  
2 it's probably fairly straight forward just to look at a  
3 few different items in here.

4  
5                   On Page 6 it explains where these Federal  
6 regulations are in place, and it says, these regulations  
7 apply on all Federal public lands and non-navigable --  
8 slash-non-navigable inland waters except marine waters  
9 within or adjacent to the exterior boundaries of, and it  
10 includes the Chugach National Forest. So these  
11 regulations apply to the inland waters within the  
12 exterior boundary of the Chugach National Forest.

13  
14                   If you were to look on Page 52 of your  
15 regulatory book, there is a map that shows the boundary  
16 of the Chugach National Forest. And you have to look  
17 fairly carefully, but you could see there's a very thin  
18 black line, a very thin black line that goes in parts of  
19 Prince William Sound. You can actually see it. It goes  
20 from the southern tip of Kayak Island all the way over to  
21 Hinchbrook Island. That thin black line that says  
22 Federal boundary. That's the Federal boundary for the  
23 Chugach National Forest.

24  
25                   Then the next thing you have to go say  
26 is, okay, so what are the inland waters, or what are the  
27 marine waters, which is the opposite of that. And  
28 there's a definition of marine and inland waters. Those  
29 definitions are on Page 44. And so the jurisdiction is  
30 within the inland waters. Inland waters means waters  
31 located landward of the mean high tide line or upstream  
32 of the straight line drawn from headland to headland  
33 across the mouths of rivers or other waters as they flow  
34 into the sea. Inland waters include, but are not limited  
35 to, lakes, reservoirs, ponds, streams and rivers.

36  
37                   And if you look at the definition for  
38 marine waters, it's essentially the opposite. Marine  
39 waters are those waters located seaward of the mean high  
40 tide line or seaward of the straight line drawn from  
41 headland to headland across the mouths of rivers or other  
42 waters as they flow into the sea.

43  
44                   And I want to point you to this map right  
45 here that was handed out to you. It says on the top of  
46 it, the site of Proposal FP07-14. And if you look at  
47 that map, the headlands to headlands are down at the very  
48 southern end of the Copper River Delta, not including all  
49 the islands. And I believe I have this corrected, it  
50 extends from Cottonwood Point to Grass Island and then

1 over to the west side of Castle Island Slough and then  
2 continues off the map. So you actually can't see  
3 everywhere on the map where that boundary applies. But  
4 everything that's north of that line or up in the Copper  
5 River Delta is all part of the Federal waters for which  
6 these regulations apply. And I've sort of drawn a line  
7 here if you can see this line on this map here.

8  
9 Now, the area that we're talking about  
10 primarily that people would be fishing is considerably  
11 north of there. Take a look up at the 27-Mile bridge.  
12 And, yes, there are a number of private lands, of Native  
13 corporation lands scattered along the Copper River  
14 Highway, but that's not what's actually relevant here.  
15 What's relevant here is where is the jurisdiction. And  
16 this jurisdiction is all of the Copper River delta. So  
17 that's the way we look at it.

18  
19 Any questions.

20  
21 CHAIRMAN CARPENTER: Any more questions.  
22 Gloria.

23  
24 MS. STICKWAN: I have questions, but I  
25 just -- you say that Eyak, do they have anything,  
26 policies on their land? Do they have land closure, do  
27 you know?

28  
29 CHAIRMAN CARPENTER: The Eyak  
30 Corporation, the way I understand it, they are the  
31 primary land owner in that area. And they own land you  
32 know, scattered.....

33  
34 MS. STICKWAN: Well, my question is, do  
35 they have any closures on their land. That's my  
36 question.

37  
38 CHAIRMAN CARPENTER: They do have  
39 closures. You do need to get permission from the Eyak  
40 Corporation to access property, across their land, or to  
41 hunt in their land. You can go to the office, and they  
42 have a different schedule of fees set up, depending on  
43 what you wanted to do, cut firewood, hunt, fish, trap.  
44 So there are issues there in regards to that, yes.

45  
46 Any other comments for -- Gloria.

47  
48 MS. STICKWAN: You guys, you don't see a  
49 problem with -- I know you guys are basing your numbers  
50 on what passes the sonar, but you've heard testimony

1 about Mentasta and those people not getting enough fish.  
2 You don't believe that will affect them, because you  
3 don't have any real numbers on how this will go, the  
4 number of people that will be fishing here five years  
5 from now, or even 10 years, you know, you don't have  
6 those numbers. You don't really know what's going to  
7 happen, I mean, so I'm kind of worried about, you know,  
8 how it will affect the people upriver like Mentasta and  
9 those people in Slana.

10

11 MR. JOYCE: Mr. Chairman. Gloria. I'm  
12 not sure how to answer your question without good  
13 information. Certainly there could be a development of a  
14 dip net fishery down there and depending on the people  
15 that are involved, they may want to fish early, they may  
16 be after chinook. You know, I just don't know how that's  
17 going to develop for certain. We all I think understand  
18 that the fish that go up into Mentasta Lake are probably  
19 earlier fish. I know there's been some restrictions on  
20 the commercial fishery, and I know there's been some  
21 restrictions on the subsistence fishery in different  
22 locations in the upper river areas, Chitina particularly,  
23 to try to allow those fish into the river system to get  
24 to the Mentasta Lake area. And again I don't know how to  
25 answer your question in this particular proposal, because  
26 I have no idea what kind of effort there would be, and  
27 what kind of harvest there would be. And I don't know  
28 whether that effort would be early, or whether it would  
29 be later. It's very difficult to try to answer that  
30 question at this point.

31

32 CHAIRMAN CARPENTER: Okay. Thanks, Tim.  
33 Is there -- let's see, is there any other Federal -- oh,  
34 I'm sorry, Doug. Go ahead.

35

36 MR. BLOSSOM: Yeah. Mr. Chair. If they  
37 take one fish in this area, that will be one less for the  
38 same fisherman upriver, right?

39

40 MR. JOYCE: Excuse me. The potential is  
41 certainly that if there's fishing that occurs early in  
42 the season, they could be targeting fish that would be  
43 bound for upriver locations. Again, I don't know the  
44 numbers that could be involved. I don't know exactly  
45 where all those fish go. I know there's been some  
46 tagging that has been done from the fishwheels at Baird  
47 Canyon to try to do some location of when the fish  
48 timing, or where they're going and what their timing is,  
49 and I don't know what all that -- the results of that  
50 tagging study is at the moment. I don't know exactly

1 what they found out. But I do know that there is some  
2 effort that's being -- that is occurring. So I don't  
3 know -- again, yes, if they catch one fish that's found  
4 for that area, it would certainly be one fish less that's  
5 going to go up there. These fish are obviously fish that  
6 have escaped past the commercial fishery, and, you know,  
7 probably the issue then would be back to the department  
8 as to how to regulate the commercial fishery to allow for  
9 sufficient escapement, if they have some different  
10 numbers to go by by certain dates.

11  
12 MR. BLOSSOM: I guess another part of my  
13 question is, is it going to be different people doing  
14 this fishing, or the same ones that are presently fishing  
15 upriver?

16  
17 MR. JOYCE: I'm not sure if I understand  
18 your question totally, but the people that could fish,  
19 those that have a customary and traditional use are  
20 people that live in Prince William Sound as well as those  
21 people that live in the Copper River basin, so it's  
22 everyone within the Prince William Sound area. So people  
23 that are fishing upriver right now say in the Upper  
24 Copper River District could come down and fish in this  
25 area, too, because it does -- they do have a customary  
26 and traditional finding for salmon in this area.

27  
28 MR. BLOSSOM: Well, what's more important  
29 to me is, is there a new group that will fish this area,  
30 because they haven't had they opportunity in the other,  
31 or is it just going to spread the present population out  
32 more?

33  
34 MR. JOYCE: The people that would fish  
35 this area, I'm not sure again if it would be a new group.  
36 It would be people that probably live in the area, the  
37 Prince William Sound area, Cordova, for example, many of  
38 those people right now fish in marine waters using a boat  
39 and a gill net. Many people in this area don't have a  
40 boat or a gill net to fish with, and oftentimes they  
41 can't access the area because of the timing of the  
42 fisheries, because the subsistence fishery occurs when  
43 the commercial fishery occurs. And the commercial  
44 fisheries right now occur on Mondays and Thursdays.  
45 Well, Thursday night and Friday, which are work days, so  
46 many people don't have the opportunity to go out and fish  
47 in the subsistence fishery, because they're working or  
48 doing some other job, so theoretically there could be a  
49 different set of people within the population that would  
50 fish on the Copper River, for example, with a dip net on

1 a weekend when they had an opportunity to pursue that  
2 fishery. Or the set of people that do not have a boat  
3 that's able to go out in the marine waters.

4

5 So it would be probably a different set  
6 of people, but I'm not sure that would be entirely the  
7 case. There very well could be other people that  
8 currently do fish in marine waters, may not go into  
9 marine waters and just do this.

10

11 CHAIRMAN CARPENTER: Gloria.

12

13 MS. STICKWAN: You don't see a problem  
14 with the chinook? At the last Board of Fish and Game  
15 meeting I went to, they said there was a -- the  
16 population for chinook was slow -- I mean, low, so.....

17

18 MR. JOYCE: As regarding chinook salmon,  
19 I think as your Chairman, Mr. Carpenter, said, it  
20 probably is a fully allocated species; however,  
21 subsistence is the priority for all fisheries within  
22 Alaska, both in State and Federal regulation. And if  
23 there an escapement that's required for the Copper River,  
24 which is now being determined by the fishwheels in Baird  
25 Canyon and Canyon creek through a tagging -- a mark and  
26 recapture program, I know that the Board of Fish this  
27 last cycle restricted fishing in the Copper River flats  
28 in the first two weeks of the season. Part of the inside  
29 area was closed to commercial fishing, and part of the --  
30 and the reason given was to reduce the number of chinook  
31 salmon being harvested by the commercial fleet. That  
32 would probably also be a situation where to meet the  
33 subsistence needs of those users, the Board of Fish would  
34 then have to look at that commercial fishery again to  
35 determine whether or not sufficient fish are passing that  
36 fishery to get into the river to meet the subsistence  
37 needs both of the lower river and the upper river users,  
38 because subsistence would have the priority.

39

40 CHAIRMAN CARPENTER: Dean.

41

42 MR. WILSON: Terry, were you involved  
43 with writing the preliminary conclusions for the Staff?

44

45 MR. JOYCE: Yes.

46

47 MR. WILSON: Was it taken into  
48 consideration, it says in here the folks that would be  
49 eligible are the Prince William Sound residents, correct?

50

1 MR. JOYCE: That's correct.  
2  
3 MR. WILSON: Does it take into  
4 consideration.....  
5  
6 MR. JOYCE: Prince William Sound area.  
7  
8 MR. WILSON: Whittier falls into that  
9 group as well, right?  
10  
11 MR. JOYCE: Yes.  
12  
13 MR. WILSON: Was conservation a concern  
14 for you guys when you wrote the conclusion? It seems  
15 like it hasn't been looked at to the extent that it  
16 should have been. This is a complete new fishery that  
17 has the potential to blow wide open, and it doesn't seem  
18 like enough emphasis was put on the user group getting  
19 out of control. I don't really see any bag limits that  
20 are involved here or looking at escapement that -- we  
21 can't even number any escapement going up through the  
22 counter before -- to let the upriver folks get their use  
23 before this fishery even opens. It's going to open the  
24 first.  
25  
26 And I don't think that the Miles Lake  
27 sonar is even open for a while after that. If it is  
28 open, certainly you're not going to get any escapement  
29 before then.  
30  
31 MR. JOYCE: Mr. Chair. Mr. Wilson. The  
32 Miles Lake Sonar generally does not go in until around  
33 the middle of May. It depends on the ice in the river  
34 obviously. And so that in some years it's in earlier, in  
35 some years it's in later.  
36  
37 The proposal was to start -- to allow the  
38 dip net fishery to be prosecuted from -- during May, June  
39 and July. And in my estimation, May means May 1.  
40 Whether or not there are fish in the river in that time  
41 period would certainly depend on the water flows and  
42 weather conditions, ice conditions, et cetera.  
43  
44 As far as conservation concern was --  
45 that's being mentioned, if you look on Table 1, I'm not  
46 sure what page that was in your packet, but on Table 1  
47 there is an estimated run size for the last 10 years --  
48 thank you, Page 44 -- that was taken from the Alaska  
49 Department of Fish and Game's annual reports, and it  
50 comes out to approximately 2.4 million fish. So -- and

1 that's for sockeye and chinook salmon. So it's one of  
2 those things where if there is a conservation concern,  
3 there would have to be some restriction on the commercial  
4 fishery and all users to mitigate that conservation  
5 concern, if there was one. At this point in time it does  
6 not appear that there's a conservation concern for the  
7 Copper River as far as escapement is concerned.

8  
9 Now, if you're discussing about  
10 particular individual stocks, say Mentasta Lake or  
11 something like that, you might have an individual stock  
12 that might be an issue to be concerned, but the  
13 Department doesn't manage the Copper River for individual  
14 stocks. They manage it for the entire run.

15  
16 MR. WILSON: Mr. Chair. Wasn't there  
17 some new move that the Fish and Game did down as far as  
18 an opener? They moved the commercial fishermen later  
19 here recently, so they can allow more of an escapement in  
20 the early escapement runs all the way up to the upper end  
21 of the river. And so I think that they are actually  
22 managing it for different stocks if you look at it from  
23 that aspect.

24  
25 MR. JOYCE: Mr. Chairman. Mr. Wilson.  
26 My understanding is from the last Board of Fish action  
27 and based upon testimony at the Board of Fish was that  
28 the commercial fleet was limited in their ability to fish  
29 inside the inside areas of the Copper River flats during  
30 one period of the first two weeks of the season. They  
31 could not fish there.

32  
33 And the testimony given at a -- after a  
34 suit was filed and the Board of Fish basically provided  
35 additional testimony, it concluded that that was done for  
36 a chinook salmon issue. It was a conservation issue for  
37 chinook salmon, not so much for sockeye or for particular  
38 stocks of sockeye, but it was mostly for chinook, to  
39 allow additional chinook salmon up the river.

40  
41 The sport fishermen did not see a  
42 reduction, nor did the subsistence fishermen see any  
43 reduction in their harvest or bag limits. And it was  
44 only the commercial fishermen that were moved out of an  
45 area there to allow additional escapement of chinook  
46 salmon. And to my recollection, there was no mention of  
47 any particular stock that they were after, it was just  
48 the chinook salmon run in particular.

49  
50 MR. WILSON: So if this is opened, if

1 this fishery is opened, does the Fish and Wildlife  
2 Service or -- not the Fish and Wildlife Service, but the  
3 Forestry down there plan on working with the Miles Lake  
4 counter and allowing escapement prior to opening this, or  
5 is it again going to go as the modifications read, it's  
6 just going to open on the first and it will be wide open  
7 and then just hope for the best.

8

9 MR. JOYCE: At this point in time, the  
10 proposal is to open the fishery, subsistence fishery on  
11 May 1 and go through May, June and July, and end on the  
12 end of July. The Staff recommendation was to allow those  
13 dates to remain the same. The only recommendation to  
14 modify would be to reduce the area somewhat in the upper  
15 portion so that it's below the Miles Lake sonar and the  
16 Childs Glacier area.

17

18 That is the Staff recommendation.  
19 Obviously the Council can make a different recommendation  
20 if they so desire for whatever needs they might deem  
21 necessary.

22

23 But obviously May 1 the sonar counter  
24 could not be in. We would -- it would open and we'd  
25 obviously have to look at effort and harvest to see  
26 what's going on.

27

28 MR. WILSON: One last thing. I guess I'm  
29 still trying to track down where the Staff come up with  
30 their decision on that. Is it taken into consideration  
31 that the folks down in that area have other options and  
32 the folks up the river don't have other options? Is that  
33 taken into consideration at all?

34

35 MR. JOYCE: Yes, the -- currently the  
36 people that are in the down river areas have other  
37 options. They have some systems in which they are able  
38 to harvest both sockeye and coho. They don't have  
39 systems in which they can harvest chinook salmon, but  
40 they do have options for sockeye. Both the Alaganik and  
41 Eyak River have sockeye in them, and the Eyak River has  
42 fish that are there in May, there's some early run fish,  
43 that I'm not sure exactly what's the latest date the  
44 sockeye are in the river. Probably well into July. I  
45 don't know if there are maybe a few in August even. But  
46 certainly coho start coming in at that time. So there  
47 are options for people in the river.

48

49 This would provide additional opportunity  
50 if this area was opened, as I stated earlier in my

1 testimony, in the analysis, that this would provide  
2 additional opportunity earlier in the season, and maybe  
3 not earlier, but at least early in the season for people  
4 to harvest fish. It's not the only option, but it does  
5 provide additional opportunity.

6  
7 MR. WILSON: Yeah, for residents of the  
8 entire Prince William Sound it provides an additional  
9 opportunity for them.

10  
11 MR. JOYCE: Yes

12  
13 MR. WILSON: Yeah.

14  
15 CHAIRMAN CARPENTER: Any other questions  
16 for Tim. Gloria.

17  
18 MS. STICKWAN: So you would work with  
19 this group and upper users and down users the same as you  
20 did the year -- when we talked with Roy, you were down  
21 there, you would probably do the same thing and probably  
22 listen to our concerns about, you know, the fishery being  
23 open without a season and bag limits. I think that would  
24 be our concern, so you would form that kind of committee  
25 and invite us down there, or somebody from our area?

26  
27 MR. JOYCE: Mr. Chairman. Ms. Stickwan.  
28 This proposal, of course, is before you to make a  
29 determination whether or not you want to adopt it as  
30 written, or as suggested, the modification, or otherwise  
31 change it as you deem necessary. Or not to adopt it.

32  
33 If you do adopt this proposal in some  
34 form, then my recommendation would be, unless the Council  
35 makes another determination of harvest and bag limits,  
36 that we have a meeting in Cordova to determine what the  
37 proper harvest level should be by household for Chinook  
38 salmon. I think that the numbers of salmon we've talked  
39 about overall in aggregate, we've had that discussion  
40 several times, you know, as far as the Eyak River and the  
41 Alaganik River, as to how many fish will be necessary for  
42 household.

43  
44 I think the issue here to be discussed  
45 would be how many chinook salmon would be allowed. And  
46 that would certainly be as far as I'm concerned, you  
47 know, something we would want to involve both upriver  
48 users and downriver users in that discussion.

49  
50 CHAIRMAN CARPENTER: Anything further for

1 Tim.

2

3

(No comments)

4

5 CHAIRMAN CARPENTER: Okay. Tim, thanks  
6 once again. Is there any other Federal or State agencies  
7 that have a comment.

8

9 MS. McCORMICK: Mr. Chair and members of  
10 the Council. This is Molly McCormick with Wrangell-St.  
11 Elias National Park.

12

13 And I just wanted the Council to be aware  
14 of the fact that the Subsistence Resource Commission  
15 connected with Wrangell-St. Elias National Park opposed  
16 this proposal. Their main objection to the proposal was  
17 they felt that any fish harvested out of this particular  
18 fishery would adversely affect the ability of upriver  
19 users to catch their harvest.

20

21 Thank you.

22

23 CHAIRMAN CARPENTER: Thank you. Any  
24 other State or Federal agencies.

25

26 (No comments)

27

28 CHAIRMAN CARPENTER: Erica, do you want  
29 to, representing the Native Village of Eyak -- oh, excuse  
30 me. Yeah. InterAgency Staff Committee comments.

31

32 MR. KESSLER: Thank you, Mr. Chairman,  
33 and members of the Council. There are I think three  
34 things that I want to point out.

35

36 First I'll start with Section 805(c) of  
37 ANILCA, and that is the section that has to do with how  
38 the Secretary may choose or not choose to follow  
39 recommendations of this body. So with that, I ask that  
40 since this is going to be -- is clearly controversial  
41 proposal, that you provide a good record for the Staff  
42 Committee and for the Board so that when we deal with  
43 your recommendation we have a clear thinking of the  
44 Council.

45

46 And let me just read that again for you.  
47 The Secretary may choose not to follow any recommendation  
48 which he determines is not supported by substantial  
49 evidence, violates recognized principles of fish and  
50 wildlife conservation, or would be detrimental to the

1 satisfaction of subsistence needs. So key things here  
2 are substantial evidence, violation of recognized  
3 principles of fish and wildlife conservation, and then  
4 detrimental to the satisfaction of subsistence needs.

5  
6 The second item I would like to point out  
7 to you is actually from Section 804 of ANILCA. And what  
8 804 of ANILCA deals with is if there are competing  
9 subsistence users, that there's not enough fish for all  
10 the subsistence users, in this case the subsistence users  
11 that have a customary and traditional use determination,  
12 they you go to the 804(c) -- or 804 process. And that  
13 804 process allows you to discriminate between the  
14 different users and those are -- that's based on three  
15 items: customary and direct dependence upon the  
16 populations as the mainstay of livelihood, local  
17 residency and the availability of alternative resources.

18  
19 Why I bring that up is because there  
20 seems to be a difference between upriver and downriver  
21 users. Upriver users may not have the availability of  
22 alternative resources that the downriver users have where  
23 people in the Cordova area can fish both in marine waters  
24 and fresh waters, but the users up in the upper river may  
25 only be able to fish in the fresh waters and have more  
26 limited ability to meet their needs. So anyway, that's  
27 Section 804.

28  
29 And the third item I want to bring up to  
30 you again is the priority. And Tim really went into this  
31 pretty well. That's Table 1 on Page 44 where this table  
32 shows how many fish are being caught, this is for chinook  
33 and sockeye, in the marine fisheries, marine commercial,  
34 marine subsistence and the sport fishery, and just  
35 remembering that the -- as Tim described, that under both  
36 Federal and State regulations that subsistence is the  
37 number 1 priority.

38  
39 I think I'll leave it at that. If there  
40 are any questions for me.

41  
42 CHAIRMAN CARPENTER: Any questions? I  
43 have one question, Steve. I don't know if you were  
44 involved in this analysis at all with the Inter Staff  
45 Working Group, but, you know, one of the interesting  
46 points to me in the 805(c) is, number 1, that supplies  
47 sufficient evidence to support the subsistence. In  
48 regards to the Staff analysis, does the Staff analysis  
49 not also have to support sufficient evidence in regards  
50 to bringing a positive or negative opinion to the

1 Regional Advisory Council in regards to any proposal?  
2 Because I look at this proposal and I see very little  
3 evidence, if any at all. And understanding that some of  
4 the information that was presented was not available to  
5 the Staff, you know, before the opinion was written, but,  
6 I mean, we're talking about a proposal that is within an  
7 area that's never had a traditional dip net fishery. The  
8 only piece of evidence used to bring this positive  
9 recommendation forward is a piece of literature from  
10 early 20th century that has been somewhat contradicted by  
11 an elder from the area saying that that didn't happen.  
12 And I guess, does that play into effect here?

13

14 MR. KESSLER: Mr. Chairman. First of  
15 all, the InterAgency Staff Committee has not taken a  
16 position on this proposal yet. The Staff Committee takes  
17 a position following this meeting at a meeting that we  
18 will be holding the end of November where the Department  
19 of Fish and Game and all the agencies within the Staff  
20 Committee get together, as well as the Chairs are all  
21 invited to participate in that meeting to see if there's  
22 some sort of consensus on the way to move on each of  
23 these proposals. So until that occurs, there is no  
24 recommendation of the Staff Committee.

25

26 The Staff Committee has reviewed all of  
27 these proposals, and tries to make sure that key points  
28 are included in here. And so we haven't gone into, you  
29 know, customary and traditional use of certain types of  
30 fishing, certain places, that type of thing.

31

32 We do know that there's a customary and  
33 traditional use for salmon in the Copper River, and that  
34 may be as far as one needs to go. But in this case there  
35 is the information from Birket-Smith and De Laguna as  
36 stated on Page 39, and I think Tim went into some of  
37 that, to actually -- and I read this document. And this  
38 document goes into how they actually went about fishing.  
39 And this was in the river channels of the Lower Copper  
40 River, it wasn't in some other river. It was  
41 specifically stated as being the Copper River. And I  
42 read that, you know, saw that there were dip nets being  
43 used. Tim described how they made little dams to hold  
44 the fish, and had two people fishing there.

45

46 You know, I can't weigh this versus what  
47 an elder would tell us today, but this was from  
48 observations that were made, you know a long time ago and  
49 then provided in this book.

50

1 CHAIRMAN CARPENTER: Yeah. I actually --  
2 I talked to Tim a few weeks ago, and I actually went and  
3 read that piece of literature also down in the library in  
4 Cordova. They had it.

5  
6 And the one thing that it doesn't say  
7 specific to this proposal is it doesn't say specifically  
8 that where that took place was in the area that this  
9 proposal is formulated to take place. You know, it was  
10 very non-specific. It does say the Lower Copper River,  
11 but it was very non-specific.

12  
13 Most of the Lower Copper River is sand.  
14 There's very little rock. And until the railroad was put  
15 in, there was very, very little rock. So wherever these  
16 -- I mean, there is some, granted, but I mean, there's  
17 very -- it is more obvious to me that this took place  
18 above the Million Dollar Bridge somewhere. But that was  
19 just me reading the article and me talking with these  
20 elders. So, I mean, that's up to each of our own  
21 opinion.

22  
23 But I appreciate you bringing up those  
24 three pieces of the 805, because that is important that  
25 if the Council -- the Council needs to substantiate those  
26 three things, and I think we've seen that in the past,  
27 that we need to put on the record one say or the other to  
28 formulating our opinion as to, you know, providing that  
29 to the Federal Board. So thank you for that, Steve.

30  
31 Is there any other questions for Steve.  
32 Thanks a lot. Okay.

33  
34 MS. STICKWAN: How come the Federal Board  
35 doesn't take into consideration stocks? I mean, it's  
36 like Mentasta said, the fish isn't going to go way up  
37 there. They just take into consideration the whole  
38 fisheries that go up the river. How come they don't look  
39 into individual stocks?

40  
41 MR. KESSLER: Mr. Chairman. Ms.  
42 Stickwan. I don't think that it's quite fair to say that  
43 the Federal Board doesn't take into account individual  
44 stocks.

45  
46 As far as management of the Copper River  
47 and the stock management within the river, I think that  
48 Mr. Joyce is much more of an expert than I am, and was  
49 able sort of to answer to how stocks are managed, and  
50 perhaps there's somebody from the Department of Fish and

1 Game here who could go into that in even greater detail  
2 for the Copper River.

3

4 But I know that there are instances  
5 within the Federal system where we do look at stocks,  
6 because one of the clear objectives through Title 8 of  
7 ANILCA is to not cause problems with viability of fish  
8 and wildlife, and conserve fish and wildlife. And in  
9 many cases you do need to look at individual stocks.

10

11 If you take a look -- I mean, I deal with  
12 Southeast Alaska a lot. And so we actually talk about  
13 individual stocks of sockeye salmon. We don't talk about  
14 sockeye salmon throughout Southeast Alaska. We have to  
15 actually go and ferret it down to go to some of the  
16 specific stocks, because you don't want to wipe out  
17 individual areas. And that's what the Federal Board has  
18 to deal with.

19

20 In a river like the Copper River, it  
21 might be a little tougher to deal with, because it's all  
22 coming up one major area. But again, the fisheries  
23 managers will have to talk to you on that. I don't have  
24 knowledge of that.

25

26 MS. STICKWAN: I guess I didn't  
27 understand what he said. He said a comment about  
28 managing the stocks.

29

30 CHAIRMAN CARPENTER: Well, I think  
31 basically what he was saying, Gloria, is that the  
32 Department of Fish and Game manages the stocks. The  
33 river is managed by escapement levels. It would be very  
34 hard in-season to manage the different stocks and  
35 different systems within the river, because there are so  
36 many, and so basically they're basing the in-river  
37 management on a number. And the Board of Fish has set  
38 the number in regards to minimum escapement levels, the  
39 amount that is necessary for upriver subsistence and so  
40 forth. And I think that's basically what they're going  
41 on there.

42

43 But if there's anything further for  
44 Steve.

45

46 (No comments)

47

48 CHAIRMAN CARPENTER: Okay. Thank you.  
49 Erica with the Native Village of Eyak.

50

1 MS. McCALL-VALENTINE: Thank you, Mr.  
2 Chair. My name is Erica McCall-Valentine.

3  
4 And today the Native Village of Eyak  
5 asked for me to read into the record a letter that Bob  
6 Henrichs has signed. Bob as well as Bruce Canon and  
7 Keith Vanderbrock normally attend these meetings and  
8 testify on behalf of the Native Village of Eyak, but  
9 there were other meetings, they're cleaning up after the  
10 flooding in Cordova, they're processing a moose, and  
11 Keith's wife had a baby on Thursday, so they're all quite  
12 busy doing other things. So for that reason they've  
13 asked for me to read this letter. And I believe that  
14 each of you do have a copy of this letter.

15  
16 It starts out, comments on the Federal  
17 Subsistence Fishery Proposal FP07-14, establish a three-  
18 month, May, June, July, Federal subsistence dip net and  
19 rod and reel subsistence salmon fishery downstream of the  
20 Million Dollar Bridge. So that's what this letter is  
21 regarding.

22  
23 It says, Dear Council members, the Native  
24 Village of Eyak, a Federally recognized tribe located in  
25 the eastern area of the Gulf of Alaska, respectfully  
26 request that the Southcentral Regional Advisory Council  
27 oppose the Federal subsistence fishery Proposal FP07-14.

28  
29 FP07-14 seeks to establish a three-month,  
30 May, July, July, Federal subsistence dip net and rod and  
31 reel subsistence salmon fishery downstream of the Million  
32 Dollar Bridge at Mile 52 on the Copper River Highway.  
33 NVE does not support the establishment of a subsistence  
34 salmon fishery using a dip net or rod and reel below the  
35 Million Dollar Bridge for the following reasons:

36  
37 The proposal is not supported by  
38 substantial evidence showing a customary and traditional  
39 use of dip nets or rods and reels to subsistence fish for  
40 salmon below the Million Dollar Bridge. There was a dip  
41 net fishery within the close vicinity of the Million  
42 Dollar Bridge in the early 1900s, but that was a  
43 commercial fishery, not a subsistence fishery.  
44 Establishing a subsistence fishery based upon commercial  
45 use is not in the best practice of the Regional Advisory  
46 Council or the Federal Subsistence Board.

47  
48 The second reason is that establishment  
49 and opening of additional salmon fishery within the lower  
50 reaches of the Copper River Basin could further disrupt

1 the escapement of salmon to their spawning grounds. The  
2 early run of salmon go to the headwaters of the Copper  
3 River Basin, to Mentasta and Chistochina, and local  
4 residents are already concerned over the lack of fish  
5 returning to spawn in these areas. An additional fishery  
6 harvesting the early run of salmon entering the Copper  
7 River Basin could cause further devastation to the  
8 upriver salmon stocks.

9  
10 And then their third reason is, is the  
11 State regulations already allow the sport harvest of  
12 salmon in the Copper River in the proposed area using rod  
13 and reel. this sport fishery provides sufficient means  
14 for local residents to harvest for salmon in the lower  
15 reaches of the Copper River. As stated in the Federal  
16 Staff analysis, subsistence users in Prince William Sound  
17 have historically fulfilled their subsistence needs under  
18 a State of Alaska subsistence fishing and/or sport  
19 fishing regulations.

20  
21 Thank you for considering our comments in  
22 your decision-making process. If you have any questions,  
23 please contact Bob Henrichs or NVE executive director,  
24 Bruce Cain.

25  
26 Thank you.

27  
28 CHAIRMAN CARPENTER: Thank you, Erin  
29 (sic). Is there any questions for Erin (sic). Thank  
30 you.

31  
32 Brenda, representing AHTNA, Inc.

33  
34 MS. REBNE: Thank you, Mr. Chair.  
35 Committee members. My name is Brenda Rebne. I'm an  
36 employee of AHTNA, Incorporated, a tribal member of the  
37 Native Village of Cantwell, and I am here speaking on  
38 behalf of the AHTNA 'Tene Nene' Subsistence Committee,  
39 which represents eight Federally recognized tribes and  
40 tribal governments and their tribal members, all that --  
41 the majority of which live in the Copper River Basin and  
42 are impacted by many of the decisions you make here.

43  
44 I'm here speaking against FP07-14. We  
45 oppose Proposal 07-14. The proposal is unclear and can  
46 convey different messages, different meanings. There  
47 isn't any harvest limits listed in the proposal. It is  
48 left open as to how many fish can be harvested, which we  
49 just disagree with.

50

1                   The people in Mentasta Village are not  
2 getting their subsistence needs met. They are not  
3 getting enough sockeye salmon.

4  
5                   People using dip nets could harvest a lot  
6 of sockeye during the early run during the month of May,  
7 which is when fish travels to Tanada Creek to spawn.

8  
9                   And furthermore it states, survey of fish  
10 caught could be used in conjunction to commercial  
11 fisheries with the sonar counter at Miles Bridge. This  
12 sentence is unclear. Are they proposing to harvest fish  
13 while commercial fishing at the same time. If so, then  
14 we disagree that Cordova residents can fish for salmon  
15 while commercial fishing is going on at the same time.

16  
17                   I didn't have the opportunity to look at  
18 the Native Village of Eyak's comments, but I would say  
19 that the committee, and I don't believe I'm going out on  
20 a limb with this, would definitely concur with everything  
21 that was submitted by Mr. Henrichs.

22  
23                   I have some other points that I would  
24 like to make that are not writing here, but that I  
25 certainly could supply you with.

26  
27                   I'm very concerned with the potential of  
28 trespass that opening this fishery could develop as a  
29 result of opening this fishery. Right now the Chitina  
30 dip net fishery causes AHTNA a lot of problems. This  
31 particular area to me is -- it would be like the Chitina  
32 dip net fishery. It would be a poster child for bad land  
33 management between the State and the Federal government,  
34 and not having the manpower or ability to manage its  
35 fisheries that are opened.

36  
37                   This area, like -- I don't remember who  
38 mentioned that there was some historical data from the De  
39 Laguna regarding the natives that were dip netting in  
40 this area. And I think that you probably are correct  
41 that that was probably north of the Million Dollar  
42 Bridge. And I just wonder with some of those statements  
43 that were made earlier is the people that this fishery  
44 will be open to, such as the Whittier, are there also  
45 historical records of Whittier people being up there by  
46 the Million Dollar Bridge that would support them being  
47 -- having the ability to go i that area and fish.  
48 Because I can guarantee you that historically the AHTNA  
49 Natives did not travel down to Eyak without Eyak's  
50 permission. And so if there were Native populations

1 coming over from Whittier, there should be some  
2 historical, you know, information, that there is  
3 historical records of the AHTNA and Eyak tribes  
4 interaction. So I would be very interested in that.

5  
6           There were some other statements as to  
7 the availability of other fisheries to the Prince William  
8 Sound residents. This is not an option for Mentasta.  
9 That river is their one access to fish. I think that I  
10 would ask you to please take a very hard look at that,  
11 and when you do have this follow-up meeting in Cordova  
12 and do address this, that you look at all the other  
13 available options for the people down there, and really  
14 take a hard look at whether this is really a necessary  
15 fishery in lieu of the other opportunities that they have  
16 down there. And I really would urge you to take a look  
17 at that, and then perhaps compare it to the options  
18 opened to the Mentasta and Chistochina residents as to  
19 where their fish resources will be derived from. I think  
20 that will be very important.

21  
22           Just to get back very quickly, I will  
23 try, on the trespass issue. Once a fishery is opened,  
24 there has to be a way to manage it. There also has to be  
25 a way to access that. And my understanding is that  
26 they'll have to get off the land. And AHTNA regions  
27 recognizes, we deal with trespass all the time especially  
28 in the Chitina area, so we have considerable experience  
29 with trespass as a result of boaters coming up and  
30 getting off the river, unloading their gas, the whole  
31 works, up on our land. And the bottom line is that is  
32 private property. And opening a fishery without managing  
33 it is essentially a taking of property rights illegally.  
34 These people have to get to where they're going. they  
35 have to get off their boat. I don't -- I just -- I can  
36 see it, that the -- if Eyak owns the property down there,  
37 and if there's very little State land, which is the case  
38 in the Chitina area right now, and we'll get into that  
39 with the fishwheels issues, which is also another problem  
40 in our area, but that's going to be a big thing.

41  
42           The biggest opposition we have to this is  
43 the negative impact it will have on private land owners,  
44 the negative impact it will have on Mentasta and  
45 Chistochina's availability to fish stock. Those are our  
46 biggest complaints. And I would really urge you to take  
47 a hard look at those, especially the trespass and lack of  
48 opportunity issues.

49  
50           And thank you.

1 CHAIRMAN CARPENTER: Thank you, Brenda.  
2 Is there any questions for Brenda.  
3  
4 (No comments)  
5  
6 CHAIRMAN CARPENTER: Thank you very much.  
7  
8 MS. REBNE: Mr. Chair, could I please ask  
9 a question?  
10  
11 CHAIRMAN CARPENTER: Sure.  
12  
13 MS. REBNE: I have a lot of testimony  
14 here. 15, 16 and then also on the commercial use. Do  
15 you want me to keep coming up here, or do you want me to  
16 -- after each issue, which would be fine with me.  
17  
18 CHAIRMAN CARPENTER: If you're going to  
19 be here, that would be probably.....  
20  
21 MS. REBNE: I will be.  
22  
23 CHAIRMAN CARPENTER: .....more beneficial  
24 to the discussion at the time.  
25  
26 MS. REBNE: Okay. Thank you.  
27  
28 CHAIRMAN CARPENTER: Thanks a lot.  
29 Donald, is there any fish and game advisory comments?  
30  
31 MR. MIKE: No. No, Mr. Chair. Not on  
32 this proposal.  
33  
34 CHAIRMAN CARPENTER: I believe there's  
35 some written comments, isn't there? Yeah. Thanks.  
36  
37 (Whispered conversation)  
38  
39 CHAIRMAN CARPENTER: I believe those  
40 comments are for this proposal, Donald. I think it's  
41 just that they submitted the wrong proposal number, but  
42 at least when I read through them. So do you want to  
43 read those into the record?  
44  
45 MR. MIKE: I can summarize what the  
46 Prince William Sound advisory did. Written public  
47 comments. You'll find written public comments on page 52  
48 of your book, and the AHTNA Subsistence Committee was  
49 already presented by Brenda.  
50

1                   Seven residents from Cordova all wrote in  
2 opposition to Proposal No. 14. These individuals were  
3 Stella Janson, Jimmie Higgins, Bud Janson, Merle Hanson,  
4 Les Allen, Dick Shellhorn and Rob Maxwell. And all of  
5 these individuals are opposed to Proposal 14.

6  
7                   And in your packet, and this it's a blue  
8 printout, the Cordova United Fishermen submitted a  
9 resolution, Resolution 2006-9-14, a resolution by the  
10 Cordova District Fishermen United in opposition to  
11 Proposal FP07-14 as submitted by Chris Grimwood of  
12 Cordova, Alaska to the Federal Subsistence Management  
13 Program. And it's on Page 2, and basically it's a  
14 resolution to opposition to Proposal 14.

15  
16                   On Page 3 of your blue handout, the  
17 Prince William Sound/Copper River Advisory Committee  
18 comments, I guess -- I believe they were commenting on  
19 Proposal 14, not 16. The Prince William Sound/Copper  
20 River Advisory Committee met on September 26th regarding  
21 subsistence proposals and the advisory committee is not  
22 support of Proposal 14.

23  
24                   Mr. Chair. Thank you.

25  
26                   CHAIRMAN CARPENTER: Thank you, Donald.  
27 That was a summary of all the written public comments.

28  
29                   Is there anybody -- excuse me, go ahead.

30  
31                   MR. MIKE: One more proposal. I believe  
32 the Wrangell-St. Elias Staff person already presented  
33 Wrangell-St. Elias Subsistence Resource Commission's  
34 position on Proposal 14, and they unanimously opposed  
35 this proposal as written.

36  
37                   Thank you, Mr. Chair.

38  
39                   CHAIRMAN CARPENTER: Thank you. Is there  
40 anybody that would further like to comment on this  
41 proposal. Anybody from the public.

42  
43                   (No comments)

44  
45                   CHAIRMAN CARPENTER: Okay. Hearing none,  
46 the next order of business will be Council deliberation.  
47 Let's take a five-minute break real quick and then we'll  
48 come back in to deliberate.

49  
50                   (Off record)

1 (On record)

2

3 CHAIRMAN CARPENTER: Okay. We'll call  
4 this meeting back to order. It's 3:14 p.m.

5

6 We're about to go into deliberation on  
7 Proposal 07-14. At this time we are ready for  
8 deliberations, so I would accept a motion to put Proposal  
9 14 on the table.

10

11 MR. WILSON: Mr. Chair. I ask that we  
12 adopt Proposal FP07-14.

13

14 CHAIRMAN CARPENTER: It's been moved. Is  
15 there a second.

16

17 MR. BLOSSOM: Second.

18

19 CHAIRMAN CARPENTER: It's been seconded.  
20 Okay. Council discussion.

21

22 MR. WILSON: Mr. Chair. I don't really  
23 know where to start on this one, but it just really  
24 amazes me how much opposition there is to this. You have  
25 the folks all over Cordova that are in opposition to it.  
26 You've got folks in the Village of Eyak that are in  
27 opposition to it. You've got folks with AHTNA, upriver,  
28 as well as all the advisory councils upriver in  
29 opposition to this, coming out of the Wrangell-St. Elias,  
30 the SRC.

31

32 But yet there's a thread of evidence that  
33 could be construed through the Federal Staff, or some  
34 folks with the Federal Staff that there was historical  
35 use of subsistence use down in this area. I don't deny  
36 that that's true.

37

38 I'm sure up and down that river at some  
39 point everywhere somebody fished there. I'm sure of  
40 that. Is it enough to open up a fishery? I don't think  
41 so. I don't really see that.

42

43 I think as far as a conservation concern,  
44 there may not be an actual conservation concern as far as  
45 escapement. I think the only conservation concern would  
46 be with so many people in opposition to this that the  
47 welfare of Mr. Grimwood living in Cordova would be a  
48 conservation concern. I don't know anybody that's on his  
49 side. Maybe he's got a group down there, but certainly  
50 he's not showed up here. And I don't believe that he

1 showed up at any of the other meetings in support of this  
2 as well.

3  
4 This proposal has a lot of opportunities  
5 to damage this fishery. It's a fragile fishery as it is,  
6 and there's getting to be more users all the time, and to  
7 be able to open this up and allow fishing way, way down  
8 the river well before the subsistence users even start  
9 their take, it can be damaging. It can be real damaging  
10 to this fishery, especially at the time we have right  
11 now. We've just -- just a week ago we've had some of the  
12 biggest floods we've had in some have said over a century  
13 that they know of. And that could have wiped out a lot  
14 of rivers as far as the fishery for years to come. The  
15 Tonsina River was well bigger than the size of the Copper  
16 River during most levels. So we know that in years to  
17 come, we're going to probably expect, and again you'll  
18 have to hear from the fishery folks on this, but you can  
19 probably expect some decline. So we're going to be  
20 looking at that as well. And we already have a decline  
21 up in the Batzulnetas area and the Mentasta area.

22  
23 And then to turn around and add another  
24 fishery that includes not only just the Cordova area, but  
25 also all of Prince William Sound. And there's no thread  
26 of evidence that anybody over in the Whittier or other  
27 areas has ever even subsistence used this area.

28  
29 So it's just got red flags all over the  
30 whole thing, and I'm really surprised that it's actually  
31 even made it this far other than the procedure or the  
32 process allows for it. So I'll come out in opposition to  
33 this from about every angle I can possibly think of.

34  
35 That's it.

36  
37 CHAIRMAN CARPENTER: Thank you, Dean.  
38 Doug.

39  
40 MR. BLOSSOM: Yeah, Mr. Chair, I will be  
41 in opposition to this. I've got a couple, three things.

42  
43 The first thing is the proposer didn't  
44 bother to show up. You know, if you're going to propose  
45 something, I'd like you to be here and tell us why you're  
46 here.

47  
48 But more importantly, I have a whole list  
49 here of subsistence users that oppose this. And it's not  
50 commercial fishermen or sport fishermen, but subsistence

1 users opposing this. And so I say for that reason, I  
2 will oppose it.

3

4 CHAIRMAN CARPENTER: Thank you, Doug.  
5 Gloria.

6

7 MS. STICKWAN: I just want to state  
8 Section 805, it says that, or would be detrimental to the  
9 satisfaction of subsistence needs. I've heard comments  
10 at that Board of Fish and Game meeting. People from  
11 Chistochina and Mentasta said that they were not getting  
12 enough fish, and that's the reason why the State of  
13 Alaska Board of Fisheries closed the -- or restricted the  
14 opening to just one 12-hour for two weeks, because of  
15 that reason. They did delay the fishing because of that,  
16 because there was a lot of testimony at that Board of  
17 Fisheries meeting saying that people were not getting  
18 their subsistence needs met in Chistochina and Mentasta.  
19 And because of that, even though I know that this Miles  
20 sonar count says that there were over 600,000 fish there,  
21 and we all know it's going up the river, but it's not  
22 going all the way up to Mentasta, and that's where their  
23 needs are not being met.

24

25 And so because of that, I would -- and  
26 because of all the other reasons that Dean just said, you  
27 know, we don't know -- they don't know how this fisheries  
28 will grow in the coming years. I mean, it's so broad of  
29 an area, you know, it might have -- with a dip net, you  
30 can have quite an impact fishing with a dip net, and it  
31 could and can -- could be detrimental to Mentasta, and  
32 even our area, you know, the next 10, 20 years from now.

33

34 So because of that, I'm listening to  
35 subsistence users saying they're not getting their  
36 subsistence needs met in Mentasta or Chistochina, I'll  
37 have to base my decision on that section, 805.

38

39 CHAIRMAN CARPENTER: Thank you, Gloria.

40

41 James.

42

43 MR. SHOWALTER: Yes. I'll also have to  
44 vote opposed to this proposal due to the fact that lower  
45 river people, tribes and the subsistence users down  
46 there, they do have the existing opportunities to do  
47 subsistence fishing. And now, what, Grimwood, wants this  
48 proposal to be passed. As was indicated, he isn't here  
49 to support it. And whereas people upriver for  
50 subsistence users aren't getting fish like they used to,

1 or need the fish they need, so with that I'm going to  
2 have to vote against it.

3

4 CHAIRMAN CARPENTER: Okay. Thank you,  
5 James.

6

7 I'll just make a couple comments, and  
8 make it real quick. I think there's been a lot of  
9 evidence that's gone to support my opposition.

10

11 One is that Cordova residents have ample  
12 opportunity to do their subsistence fishing in two  
13 already well-established fisheries.

14

15 We've also gone probably in the last 10  
16 years, there's been a lot of work that's gone into  
17 mending some of the relationships between the downriver  
18 and upriver users in regards to fishery allocation. And  
19 at least from my perspective, and a lot of other people  
20 in Cordova, we don't want to harm that relationship that  
21 we've built over the last 10 years. The people in  
22 Mentasta and north of the Chitina dip net fishery, they  
23 have, you know, struggled in some years to meet their  
24 subsistence needs, and we don't want to impact that any  
25 more than it's already being done.

26

27 We feel that the dip net fishery that was  
28 established by the Board of -- or by the Federal  
29 Subsistence Board last year, maybe it was the year  
30 before, is a new fishery that needs to be established.  
31 We think that it added additional opportunity, and we  
32 think that with that fishery and the State's subsistence  
33 fishery, that there is ample opportunity.

34

35 The other piece of evidence that I think  
36 is critical is that I don't think that the rationale  
37 brought forward by the analysis is very -- is clear  
38 enough to determine that there was an actual dip net  
39 fishery in this area. I think there's contradictory  
40 evidence by some elders that are still alive that provide  
41 evidence today that this fishery did not take place in  
42 the area proposed in this proposal. And I think that  
43 needs to be taken well into account. I just understand  
44 that the Staff didn't have that information at the time  
45 that they did this analysis, but I think that as a  
46 Council we have to look at all the information, and  
47 that's a very important one.

48

49 And other than that, I think there are  
50 trespass issues and there are other fisheries available,

1 both marine and freshwater fisheries, that have to be  
2 taken into account.  
3  
4 So with that, I will oppose this  
5 proposal.  
6  
7 So is there any further comment on  
8 Proposal 14.  
9  
10 (No comments)  
11  
12 CHAIRMAN CARPENTER: Dean.  
13  
14 MR. WILSON: Question  
15  
16 CHAIRMAN CARPENTER: The question has  
17 been called on Proposal 14. All those in favor signify  
18 by saying aye.  
19  
20 (No affirmative votes)  
21  
22 MR. SHOWALTER: No.  
23  
24 CHAIRMAN CARPENTER: All those opposed  
25 signify by saying nay.  
26  
27 IN UNISON: Nay.  
28  
29 CHAIRMAN CARPENTER: Motion fails.  
30  
31 MR. SHOWALTER: I thought he said  
32 opposed.  
33  
34 CHAIRMAN CARPENTER: Oh, did you vote  
35 incorrectly?  
36  
37 MR. SHOWALTER: Yes.  
38  
39 CHAIRMAN CARPENTER: Okay. So you voted  
40 nay?  
41  
42 MR. SHOWALTER: Right.  
43  
44 CHAIRMAN CARPENTER: Okay. Let the  
45 record show that James Showalter voted nay.  
46  
47 Okay I had been asked by Donald -- is  
48 there anybody here that needs to testify publicly that  
49 will not be around either until five this afternoon or  
50 tomorrow when the rest of these proposals that we're

1 going to take up? Because if you're not going to be able  
2 to be here, we can sure accommodate you right now for  
3 public testimony. Sir.

4

5 MR. HAGBERG: Yeah, I'm just here to  
6 testify on the rural/nonrural status in the Homer area.  
7 I can be here until five, but I couldn't make it  
8 tomorrow.

9

10 CHAIRMAN CARPENTER: You're more than  
11 welcome. Did you fill out a green card?

12

13 MR. HAGBERG: Yes, I did.

14

15 CHAIRMAN CARPENTER: Okay. You're more  
16 than welcome to come up how and testify before we start  
17 this next proposal.

18

19 MR. HAGBERG: Thank you.

20

21 CHAIRMAN CARPENTER: Just state your name  
22 and town of residency for the record.

23

24 MR. HAGBERG: Thank you. My name is Tom  
25 Hagberg, a resident of Anchor point.

26

27 CHAIRMAN CARPENTER: Your microphone.  
28 Just press the button.

29

30 MR. HAGBERG: Thank you. My name is Tom  
31 Hagberg. I'm a resident of Anchor Point. I'm here this  
32 afternoon to represent the South Peninsula Sportsmen's  
33 Association, of which I'm president. And I'm also a  
34 member of the Homer area fish and game advisory  
35 committee, and I was asked to represent our views at this  
36 meeting.

37

38 Basically we were asked to talk about our  
39 views on rural subsistence and give our support for the  
40 rural subsistence communities on the Peninsula, which in  
41 both the minds of the Sportsmen's Association and the  
42 fish and game advisory committee consist of Nanwalek,  
43 Port Graham and Seldovia.

44

45 Although personally I have a little  
46 trouble with Seldovia. They've had a little black bear  
47 problem recently, and any community that can't handle a  
48 black bear in their town without talking to Fish and Game  
49 doesn't deserve subsistence status. In Anchor Point, a  
50 bear in your yard is not a problem, it's just an

1 opportunity.

2

3                   With that out of the way, I do live in  
4 Anchor Point. We believe that only the people that live  
5 off the road system should have subsistence rights. I  
6 live on the left-hand side of the Old Sterling Highway as  
7 you're going out of town. People on the right-hand have  
8 subsistence rights, and the rest of us don't. And  
9 through 10 years with the fire department there, I've met  
10 most of the people on the North Fork Road, and they're  
11 pretty much like me. Although I think I'm better looking  
12 than most of them, there's basically not much difference  
13 between the whole bunch of us there. And to give them a  
14 subsistence right when the rest of the people in the area  
15 don't have it is kind of a slap in the face.

16

17                   It's the same with the rural  
18 determination out on East End Road, particularly we're  
19 talking about the Russian village out there, fairly  
20 recent arrivals to the area. They knew what they were  
21 getting when they bought in there, and they have no  
22 subsistence -- rural and customary determination for  
23 either that or the North Fork.

24

25                   Just recently one of the true pioneers in  
26 Anchor Point, who's lived there since early 50s, a woman  
27 who had gillnetted the Anchor River, who certainly killed  
28 a large number of moose in her yard for subsistence and  
29 had a wide history of subsistence, died recently, and she  
30 didn't die because she could no longer gillnet in the  
31 Anchor River or poach a moose out of her front yard. She  
32 died because she was old, much older than anybody sitting  
33 here on the Board as a matter of fact.

34

35                   And you hear of the stories in Anchor  
36 Point of people that in the past lived a true subsistence  
37 life style, but it's not a priority any more. And to  
38 give a nonrural status to the North Fork Loop, which is  
39 as rural as any other area in Anchor Point -- or nonrural  
40 as the rest of Anchor Point or out on East End Road. It  
41 is not a nonrural area any longer, either on the North  
42 Fork Loop or out East End Road.

43

44                   And again we would like you to continue  
45 to support the subsistence people in this area:  
46 Nanwalek, Port Graham, Seldovia. And please change the  
47 status of the North Fork Road and East End Road from  
48 nonrural to rural to fit in with the rest of the  
49 community that's here.

50

1 Thank you.  
2  
3 CHAIRMAN CARPENTER: Thank you. Is there  
4 any questions for Thomas.  
5  
6 (No comments)  
7  
8 CHAIRMAN CARPENTER: Hearing none --  
9 James. Microphone.  
10  
11 MR. HAGBERG: Yes, sir.  
12  
13 MR. SHOWALTER: Yes. My question to you  
14 is why do you want to change from, what, nonrural to  
15 rural or rural to nonrural just because it's on a road  
16 system you're saying? No, I don't think I'd agree with  
17 that.  
18  
19 And then, of course, they go not only  
20 with that, but the people that's determining this,  
21 they're going by an aggregation number, not just because  
22 you live there, you're rural. It's because other people  
23 around you, and they want to come up with a number just  
24 to eliminate you. That's what I see.  
25  
26 MR. HAGBERG: Sir, I've lived in Anchor  
27 Point for 25 years. The Old Sterling Highway, the North  
28 Fork Loop, is a portion of Anchor Point the same as one  
29 side of Homer, or the Homer Spit. There is no difference  
30 in that population. It's served by the same fire  
31 department. We shop in the same places. We're the same  
32 people.  
33  
34 To have one area rural determination and  
35 giving them -- the whole thing boils to in times of  
36 shortage, should the people on the North Fork Road have  
37 rights over something that the rest of us don't have.  
38 And I don't think you're going to find anybody from  
39 Anchor Point or the North Fork Road that's going to show  
40 up at this meeting and say, yes. And I'm pretty much  
41 guaranteeing you don't have any comments in your packet  
42 from people that live on the North Fork Road saying they  
43 certainly deserve subsistence regulations.  
44  
45 Did I answer your question?  
46  
47 MR. SHOWALTER: I believe so, yes,  
48 because I know where you're coming from, because I was  
49 eliminated on subsistence myself by regulation, by  
50 aggregation. And so now I don't have any subsistence at

1 all any more, unless I go live or share with another  
2 village.

3

4 MR. HAGBERG: I'm not here to argue a  
5 point with you. Anchor Point and the North Fork Road are  
6 the same group of people. We haven't had subsistence  
7 right in that area in many years, and I'm not here trying  
8 to take subsistence right away from somebody, since there  
9 hasn't been anybody living a subsistence lifestyle in  
10 those areas in many, many years.

11

12 The Russian village up at the top came in  
13 there in the late 60s, almost the time that I got here.  
14 And we're pretty much all in the same boat. And  
15 philosophically I'm opposed to the idea that in times of  
16 shortage someone that lives within a few hundred feet of  
17 me should have subsistence rights and the rest of us  
18 don't. I think we're all in the same boat.

19

20 CHAIRMAN CARPENTER: Anything further,  
21 James?

22

23 (No comments)

24

25 CHAIRMAN CARPENTER: Okay. Thank you,  
26 sir.

27

28 Okay. Next is the Proposal 07-15. And  
29 we will have an introduction of the proposal and analysis  
30 by Staff.

31

32 MR. CAMPBELL: Yes. Thank you, Mr.  
33 Chairman. Council members. My name is Rod Campbell.  
34 I'm with the U.S. Fish and Wildlife Service, Office of  
35 Subsistence Management in Anchorage, and I'll be giving  
36 you a brief introduction to FP07-15. I believe that's on  
37 page 53 in your Council book.

38

39 This proposal was submitted by the AHTNA  
40 Subsistence Committee and requests that fishwheels in the  
41 Upper Copper River District, that's both, excuse me,  
42 Glennallen and Chitina Subdistricts, must be removed from  
43 the water and stored above the high water mark at the end  
44 of the permit period.

45

46 The proponent requests this regulatory  
47 change, because people carelessly store fishwheels in the  
48 water or adjacent to the bank. At the end of the season  
49 most fishwheel owners pull their fishwheels at least  
50 partially out of the rivers to prevent damage from debris

1 and ice. Because fishwheels are so big and weigh so  
2 much, they've got a lot of difficulties in hauling them  
3 up these steep river banks, and many of the fishwheels  
4 are just left in the river or on the bank, commonly on a  
5 log rack, partially disassembled or locked.

6  
7                   During the winter, these fishwheels can  
8 become jarred by ice flows, and during the spring break  
9 loose from their moorings and float downriver. And I  
10 would think this could probably also happen during the  
11 fishing season.

12  
13                   The fishwheels are sometimes damaged  
14 during this journey down the river, and debris or even  
15 entire fishwheels ground on sandbars downriver near  
16 Chitina. The result is an unsightly mess, which requires  
17 considerable time and effort by downriver residents to  
18 clean up.

19  
20                   Under existing regulations, the Federal  
21 regulations that were adopted from existing State  
22 regulations around 1999 when the Federal Subsistence  
23 Management Program expanded to include fisheries,  
24 requires that the owner of a fishwheel must remove their  
25 fishwheel from the water at the end of the permit period.

26  
27  
28                   The current State regulations for the  
29 Glennallen Subdistrict also require that a fishwheel be  
30 removed from the water at the end of the permit period.  
31 The State regulations do not allow use of fishwheels in  
32 the Chitina Subdistrict.

33  
34                   Part of the proponents reason that they  
35 stated for putting this proposal in was conservation  
36 concerns, so under the biological background, in 2001 the  
37 Alaska Board of Fisheries adopted a sustainable salmon  
38 fisheries policy for the State of Alaska. In part this  
39 policy established a criteria to identify those salmon  
40 stocks for which there's a yield management or  
41 conservation concern under the general heading of stock  
42 of concern. No Copper River salmon stocks are currently  
43 designated as a stock of concern by the Alaska Board of  
44 Fisheries. Copper River salmon are being maintained at  
45 relatively high levels of abundance.

46  
47                   As far at the harvest history and  
48 particularly in this case the fishwheel permit activity,  
49 in 2006 there were 44 registered Federal fishwheels and a  
50 total of 121 Federal and State combined fishwheels

1 registered in the Upper Copper River District. The  
2 majority of the subsistence permits and salmon harvest in  
3 the Glennallen Subdistrict occur under state regulations.  
4 Table 1 on page 58 has a list of that.

5  
6 In addition to State permits issued,  
7 Federal subsistence fishing permits have been available  
8 for the Upper Copper River District since 2002. And  
9 Tables 2 and 3 show that. They're also on Page 58.

10  
11 Local Copper River Basin residents  
12 primarily fish in the Glennallen Subdistrict with  
13 fishwheels. However, few people have chosen to operate a  
14 fishwheel under Federal regulations in the Chitina  
15 Subdistrict. In 2005, there were no reported fishwheel  
16 harvest in the Chitina Subdistrict. Again, those were  
17 under Federal regulation.

18  
19 Potential effects of this proposal. If  
20 adopted, this proposal would prohibit the owner of a  
21 fishwheel who operates under Federal regulations in the  
22 Upper Copper River District from storing the fishwheel  
23 below the high water mark when they remove the fishwheel  
24 from the water at the end of the fishing permit period.  
25 This proposal would increase the effort required to move  
26 and store fishwheels at the end of the season, again  
27 because of the great size and bulk, and related  
28 difficulties in hauling them up in some cases steep  
29 riverbanks.

30  
31 This action could reduce the clean-up  
32 time currently required because of careless storage  
33 procedures, as proponent suggested; however, there's no  
34 evidence to indicate that fishwheels lost in the Copper  
35 River pose a risk to the fishery resources in the Copper  
36 River.

37  
38 And if adopted, this proposal would  
39 create a divergence between State and Federal regulations  
40 which could cause confusion and enforcement problems.  
41 And again because of the multiple land ownership that we  
42 have there, would only be effective on Federal lands.

43  
44 The primary conclusion would be to oppose  
45 this proposal, with the justification being prohibiting  
46 subsistence users from storing their fishwheels below the  
47 high water mark to preclude the loss of the fishwheel to  
48 high water events appears to be more of a social issue,  
49 not a fisheries or conservation issue. This social  
50 concern could preferably be resolved by participants

1 themselves without implementing any additional  
2 regulations.

3  
4                   There's no evidence to indicate that  
5 fishwheels lost in the Copper River pose a risk to the  
6 fishery resources.

7  
8                   And it's the hope of everyone that  
9 fishwheel owners can educate other owners on the benefits  
10 of properly storing these fishwheels, and hopefully that  
11 could reduce number and also the adverse social impacts  
12 of lost fishwheels in the future.

13  
14                   And this proposed regulation does not  
15 appear to be necessary, because federal land managers  
16 currently have authority to regulate storage of  
17 fishwheels on Federal public lands. And requirements to  
18 move fishwheels from Federal public lands should be  
19 addressed to the respective land management agencies, and  
20 not through the Federal Subsistence Board regulatory  
21 process.

22  
23                   Thank you, Mr. Chairman.

24  
25                   CHAIRMAN CARPENTER: Thank you. Any  
26 questions. Doug.

27  
28                   MR. BLOSSOM: Mr. Chair. On page 55,  
29 6(b), a fishwheel must be removed from the water at the  
30 end of the permit period. Doesn't that mean you've got  
31 to get it above the high water, too?

32  
33                   MR. CAMPBELL: My understanding is it  
34 just needs to be removed from the river. I don't think  
35 that -- we have no stipulations that it has to be above  
36 the high water mark to my understanding.

37  
38                   MR. BLOSSOM: It says it must be removed  
39 from the water. I just wondered, because that's the  
40 State regulation as I read it here. And so I'm just  
41 curious what removed from the water means.

42  
43                   MR. CAMPBELL: Well, I guess removed from  
44 the water. I don't know if we have any further  
45 definition of that. I don't have one, besides removed  
46 from the water. I think that's why perhaps the proponent  
47 put this in, to make it more -- to clarify that.

48  
49                   MR. BLOSSOM: Well, my question, of  
50 course, is that you're saying the State and Federal

1 regulations would be different, but I'm reading the State  
2 regulations here, and that's why -- I'm just curious what  
3 removed from the water means so that we get an idea of  
4 where we're at.

5  
6 CHAIRMAN CARPENTER: I think Tom's got a  
7 comment there.

8  
9 MR. TAUBE: Mr. Chairman. Mr. Blossom.  
10 Tom Taube for the record.

11  
12 The State interprets it as out of the  
13 water, not above ordinary high water line. So as long as  
14 the fishwheel is physically out of the water, it doesn't  
15 matter if it's above or below high water line at the end  
16 of the season.

17  
18 CHAIRMAN CARPENTER: Thank you, Tom. Any  
19 other questions for Rod.

20  
21 (No comments)

22  
23 CHAIRMAN CARPENTER: Okay. Thank you  
24 very much.

25  
26 Alaska Department of Fish and Game  
27 comments.

28  
29 MS. GILBERTSON: Thank you, Mr. Chairman.  
30 Sarah Gilbertson with Fish and Game.

31  
32 And our comments are found on Page 60.  
33 But to run through those quickly, the State provides  
34 subsistence fishing opportunity in the area for persons  
35 using both dip nets and fishwheels. And so in the  
36 State's view there is sufficient opportunities for  
37 harvest of salmon for subsistence purposes in this area,  
38 and adoption of this proposal is not necessary to provide  
39 for continued subsistence uses.

40  
41 With respect to conservation issues, the  
42 adoption of this proposal is not necessary to address any  
43 conservation or management concerns, because no salmon  
44 stocks in this area have been determined by the Alaska  
45 Board of Fisheries to be either a stock of conservation  
46 of management concern.

47  
48 I don't want to take us down the long and  
49 messy path of jurisdiction questions, but I do want to  
50 raise the issue that Fish and Game has questions as to

1 whether or not, and we'll raise this before the Federal  
2 Subsistence Board, but I want you all to be aware of it,  
3 as to whether or not the Federal Subsistence Board has  
4 the authority to adopt this proposal, since it does not  
5 involve the taking of fish and wildlife, and in most  
6 cases, maybe all, the land below the high water mark is  
7 State land, and any regulation of equipment storage on  
8 this land falls under the jurisdiction of the Alaska  
9 Department of Natural Resources.

10

11                   If this proposal were to be adopted, it  
12 would give a preference to adjacent landowners at the  
13 expense of other subsistence users. If fishwheels are  
14 required to be moved above ordinary high water, the  
15 fishwheel owner would have to get permission from the  
16 land owner to store their fishwheel on site and across  
17 private lands to access the river. This might eliminate  
18 existing fishwheel sites or prevent fishermen from using  
19 their historical sites depending upon the land ownership.

20

21                   If adopted, this proposal would  
22 detrimental to subsistence uses and may eliminate some  
23 subsistence users from the fishery.

24

25                   Adoption of the proposal would cause  
26 Federal regulations to differ significantly from current  
27 State regulations and would thus be problematic to  
28 administer.

29

30                   Fish and Game has oversight of the  
31 fishwheel registration program in the Glennallen  
32 Subdistrict. Both State and Federal fishwheel owners  
33 must register for their fishwheels with the State.

34

35                   Fish and Game agrees with the draft  
36 Federal Staff analysis that this is a social issue, not  
37 one of a biological or conservation issue. Fish and Game  
38 agrees with the Staff preliminary conclusion to oppose  
39 the proposal. Because State fishwheel permit holders far  
40 out number Federal fishwheel permit holders, adoption of  
41 this proposal unilaterally by the Federal Subsistence  
42 Program will not solve this problem, but will only  
43 disadvantage Federal permit holders.

44

45                   In conclusion, Fish and Game feels that  
46 this proposal should be addressed by the Alaska Board of  
47 Fisheries since fishwheels owned by both State and  
48 Federal subsistence users are operated in the Glennallen  
49 Subdistrict. Addressing only one user group at a time  
50 would cause confusion between fishwheel owners. If

1 Federal jurisdiction does apply, Federal permit holders  
2 would have to move their fishwheels above ordinary high  
3 water while State permit holders would not.

4

5 Thank you.

6

7 CHAIRMAN CARPENTER: Thank you, Sarah.

8

9 Any questions for Sarah. Dean.

10

11 MR. WILSON: I hate to go down the road  
12 of jurisdiction again, but I've got a question I've just  
13 got to ask, and it's -- so the State looks at it as below  
14 high water mark is State?

15

16 MS. GILBERTSON: Correct.

17

18 MR. WILSON: The Federal -- there's a  
19 Federal fishery there, subsistence fishery. Why isn't  
20 there any troopers arresting the folks that are on part  
21 of that Federal fishery if there is all State land below  
22 navigable water?

23

24 MS. GILBERTSON: Maybe one of the  
25 biologists in the back can answer that. Through the  
26 Chair, Mr. Wilson, I don't know that.

27

28 MR. WILSON: I hate to confuse things  
29 even more, but.....

30

31 MR. TAUBE: Mr. Chairman. Mr. Wilson.

32

33 The State recognizes the Federal fishery  
34 which occurs on Federal waters, which the Copper River  
35 is, and those fishwheels are operating in the water. And  
36 so there hasn't been any citations of Federal users,  
37 because they're operating within the Federal regulations  
38 that the State recognizes.

39

40 Does that answer your question?

41

42 MR. WILSON: Well, does it fall -- it's a  
43 Federal fishery that falls inside State jurisdiction, and  
44 that's okay then with the State?

45

46 MR. TAUBE: The water -- or the land  
47 below ordinary high water is State land, but the waters  
48 themselves fall under both State and Federal  
49 jurisdiction.

50

1 MR. WILSON: So it's in question?  
2  
3 MR. TAUBE: No, it's not in question.  
4 The State recognizes -- we wouldn't be here right now if  
5 the State did not recognize the Federal fishery. And the  
6 Federal regulations are recognized by the State. It's  
7 whether or not the Federal regulations have the authority  
8 to regulate that a fishwheel has to be moved from State  
9 lands at the end of the season.  
10  
11 MR. WILSON: Yeah.  
12  
13 MR. TAUBE: That's the question.  
14  
15 MR. WILSON: Okay. I kind of get an  
16 idea. I was just trying to clarify as far as  
17 jurisdiction goes. It seems pretty.....  
18  
19 MS. GILBERTSON: Complicated.  
20  
21 MR. WILSON: Yeah.  
22  
23 MR. TAUBE: I guess to give a similar  
24 situation, is we don't have Federal enforcement officers  
25 down there citing State users under State regulations.  
26 There's the jurisdiction of the regulations.  
27  
28 CHAIRMAN CARPENTER: I've got one  
29 question. What do they say about 15 to 20 fishwheels  
30 right there, is this right above the bridge? Is this  
31 where they're mainly talking about?  
32  
33 MR. TAUBE: Yes, Mr. Chairman, that's  
34 correct.  
35  
36 CHAIRMAN CARPENTER: And it doesn't -- I  
37 mean, that doesn't seem like that many fishwheels,  
38 but.....  
39  
40 MR. TAUBE: If you go there at the end of  
41 the season, there's 15 to 20 fishwheels out there on  
42 probably a quarter mile stretch of river bank. And the  
43 Kotsina River flows in above up there. And as mentioned  
44 in the Staff comments, a couple years ago we had overflow  
45 from the Kotsina River and all those wheels were locked  
46 in four or five feet of ice. I don't believe any of  
47 those were washed downstream, because they basically were  
48 anchored down. But it's fairly noticeable the number of  
49 fishwheels down there. I mean, when you go there,  
50 compared to the way these other 100 or so are distributed

1 amongst the Copper River, it's the highest concentration  
2 of fishwheels we have in the Glennallen subdistrict.

3

4 CHAIRMAN CARPENTER: So is part of the  
5 problem the fact that these fishwheels, if they're left  
6 in the water and they're destroyed by ice, is where  
7 they're destroyed impeding someone's ability the next  
8 season to put their fishwheel there, because there's  
9 debris, is that the problem? Or is it just they don't  
10 want the fishwheels getting lost down the river.

11

12 MR. TAUBE: Mr. Chairman. This is  
13 probably somewhat my interpretation of what the problem  
14 is. Many of those fishwheels just upstream of the bridge  
15 are urban residents. And many of the local residents  
16 have been pushed out of there because it's been a first  
17 come, first served use of that site. And by leaving  
18 those fishwheels there, those fishwheels potentially have  
19 reserved the site for the next season. But it's still  
20 first come, first served.

21

22 We hear complaints, people coming in,  
23 putting their fishwheel in, the guy, you know, the  
24 commercial fishery term, corked me off, you know, with  
25 his fishwheel. So there is some -- every year there's  
26 some confrontation amongst even the users down there.  
27 But many of the local rural residents have been excluded  
28 from that and have had to go and fish other locations  
29 that traditionally had been a site used by the local  
30 fishwheel owners. And that kind of falls under a social  
31 issue in our determination.

32

33 CHAIRMAN CARPENTER: Are those fishwheels  
34 that are used there, are those -- where are they  
35 anchored? Are they anchored on Federal land?

36

37 MR. TAUBE: Generally those fishwheels  
38 area anchored via 55 gallon drums filled with concrete  
39 dug into the -- below ordinary high water.

40

41 CHAIRMAN CARPENTER: Okay. Thanks.

42

43 MR. WILSON: I've got a question for you,  
44 Tom. What's the option? If this proposal -- if the  
45 purpose for it is to -- it looks like -- I wasn't a part  
46 of it, but it looks like it was to try to stop garbage  
47 from entering the river. At least that's what it's  
48 written out as. What would some options be? Have you  
49 thought about this as far as trying to maybe double  
50 anchor them, or some other options that you've thought

1 of? I mean, you've been in this part of this fishery for  
2 a long time and see it. Do you have any ideas as far as  
3 that goes.

4

5 MR. TAUBE: I think a lot of times where  
6 they get torn off, it isn't where they're anchored. It's  
7 on the fishwheel itself. You know, the hasp or the bolt  
8 or whatever is holding it in. That's the weak point,  
9 because fishwheels are generally constructed from wood.  
10 And there might be a metal I bolt that's holding the  
11 cable in place that ends up tearing out due to, you know,  
12 water logging or whatever over time.

13

14 When this happens, actually what I've  
15 observed more is that probably we have more fishwheels  
16 coming loose during the season itself when we have flood  
17 events, with the exception of the recent flood event we  
18 had, because oftentimes the glacier lake up Tazlina will  
19 break loose in the middle of summer, and a lot of people,  
20 if they're not attending their fishwheels, they'll rise  
21 up rather fast and the thing will come ripped out of its  
22 mooring and go downstream.

23

24 From the perception of, you know,  
25 blocking anything in the river, all you have to do is see  
26 one time when the Copper River comes up, the first time  
27 in the summer, all the drift logs coming down. The  
28 debris isn't an issue. It's more the perception that,  
29 you know, garbage is going down into the river. And some  
30 of these fishwheels are -- people spend \$4,000 to  
31 construct a fishwheel. So it's a monetary investment that  
32 people would be smart enough to fasten it in such a way  
33 that it stays secure. But they are -- as you all know,  
34 the fishwheels aren't an easy job to maintain and keep  
35 operating.

36

37 So I guess a solution would be, this is a  
38 solution to that, but whether it falls under the  
39 jurisdiction of the Federal Board or the State Board, it  
40 maybe more of a DNR jurisdiction.

41

42 CHAIRMAN CARPENTER: Any other questions  
43 for Department of Fish and Game.

44

(No comments)

46

47 CHAIRMAN CARPENTER: Thank you. Excuse  
48 me.

49

50 MR. CAMPBELL: All right. Yes, Mr.

1 Chairman. Again, Rod Campbell OSM.

2

3 I just want to note, it may or may not be  
4 germane to this issue, but we were talking about the  
5 diverse regulation potentially between the State and  
6 Federal. Both 15 and 16 were submitted to the Alaska  
7 Board of Fisheries as agenda change requests, and they  
8 were both not accepted last week. And as you know, that  
9 has nothing to do with the merits whatsoever of the  
10 proposal. It's just that they did not feel they met the  
11 criteria of those. But, you know, they were submitted  
12 there to try to get some kind of comprehensive plan here,  
13 but.....

14

15 Thank you, sir.

16

17 CHAIRMAN CARPENTER: Thank you, Rod.

18

19 Other Federal, State or Tribal agency  
20 comments.

21

22 MS. McCORMICK: Mr. Chairman and members  
23 of the Council. This is Molly McCormick with Wrangell-  
24 St. Elias National Park. And at the local SRC meeting --  
25 or the local SRC in our area made no determination on  
26 this proposal. I believe they felt it would be a fairly  
27 difficult regulation to enforce.

28

29 CHAIRMAN CARPENTER: Thank you, Molly.  
30 Any questions for Molly.

31

32 (No comments)

33

34 CHAIRMAN CARPENTER: Thank you. Any  
35 other Federal or State comments. Brenda, did you want to  
36 represent AHTNA.

37

38 MS. REBNE: Thank you, Mr. Chair. You  
39 have our written comments there.

40

41 I would just like to add that this is  
42 also a potential environmental issue. I haven't really  
43 been following the numbers that closely. Did I hear  
44 correctly that there were 900 plus permits issued for  
45 fishwheels?

46

47 UNIDENTIFIED VOICE: No, 122.

48

49 MS. REBNE: That were actually --  
50 fishwheel that were actually put in the water, but actual

1 permits issued I believe were considerably higher.

2

3 My question would be, again this is  
4 another trespass issue, because above the high water mark  
5 is mostly Chitina and Native corp -- Chitina and AHTNA  
6 Native Corporation land. So if you look at that map, I  
7 don't think I'm going out on a limb to say that the areas  
8 that are not, the checkerboards that are not identified  
9 as NPS land, I know from the Haley Creek down, 14 miles  
10 on both sides of the river are AHTNA property. I  
11 couldn't say specifically what Chitina lands are. But in  
12 that general area, the majority of that land, so there  
13 are other issues.

14

15 I think this is a management issue as  
16 well for both Federal and State, and that is that there  
17 isn't a lack of management. I think that possibly  
18 further restrictions should be put on these that these  
19 fishwheels are not just put in the water. That they are  
20 maintained. Maybe when the permits are turned back in or  
21 however you manage that fishery -- I think this is  
22 another example of where the private land owner is paying  
23 as well as I do believe potentially with the numbers that  
24 are allowable for subsistence permits being issued, that  
25 this could just escalate, continue to escalate, and  
26 perhaps this is the time, if it can't be fully addressed  
27 for what's been presented to you, as this is the time to  
28 look at this industry, this fishery and see where it's  
29 going down the road. The numbers are potentially going  
30 to go up as far as fishwheels being issued. The trespass  
31 issue for private property lands is going to go up.  
32 There is potential for environmental hazards I believe  
33 down the road, and I would like to make note of that.

34

35 I do think that -- I'm not sure how these  
36 people got their fishwheels there that they can't get  
37 them back out, but I would suggest, is that a remote  
38 possibility that if that is not your home, perhaps you  
39 take your fishwheel back with you when you're done, as  
40 opposed to leaving it in the river. This is a huge deal.  
41 And I've had elders tell me they've been chased off their  
42 site. These are AHTNA traditional fishing grounds, and  
43 for our elders to be chased off of their own sites is  
44 really unacceptable. And I don't think that that's just  
45 a social issue. I think this is an example of a fishery  
46 that's been developed without management on both sides.  
47 And so I would really request that you take serious  
48 consideration into that fact.

49

50 This being a social issue would have --

1 that's a huge impact. These are local residents that are  
2 being pushed off their sites. and I don't think that's  
3 acceptable. And I don't think that that's something that  
4 should be ignored. I think it should be taken into  
5 consideration. And I have heard of fishwheels being let  
6 loose.

7

8 But I do think it's unacceptable for  
9 fishwheels to be left unattended. A true subsistence  
10 user is there to get that fish, and they're going to be  
11 watching those fishwheels, and they're going to be  
12 monitoring them. And for their fishwheel to be let  
13 loose, it should be -- something should be put in place  
14 where they are required to notify Fish and Game that  
15 their fishwheel is in fact gone and how that happened.  
16 Some sort of a more extensive management would be  
17 advisable.

18

19 Thank you for your time.

20

21 CHAIRMAN CARPENTER: Thank you, Brenda.

22

23 Is there any questions for Brenda. Dean.

24

25 MR. WILSON: Brenda, I've got a question  
26 for you. I have to agree with you, it's really a  
27 nightmare down there. I'm working in a couple different  
28 areas the Five-Mile area, and also the airport. There's  
29 been a lot of -- it's some issues that need some  
30 management. It definitely needs some management.

31

32 This proposal if it's approved and  
33 implemented would apply only to Federal users. So all  
34 the State users now that the proposal was denied by the  
35 State going through there, all the Federal users are  
36 going to have -- they're going to be restricted much,  
37 much less than the Federal (sic) user at this point. Is  
38 there a plan to resubmit that to the State in the future  
39 or -- it would see that that would be the first direction  
40 to go before -- because typically we don't like to hold  
41 down the Federal user more than the State user already  
42 is.

43

44 MS. REBNE: The State user. Right. I  
45 believe the opportunity to do that is coming up in March,  
46 is that correct, Gloria? I was just at the Board of Fish  
47 meetings where they rejected our proposal. And my  
48 understanding was that the hardship being placed on the  
49 subsistence user was a direct result of the fact that  
50 there's very little State land for people to put their

1 fishwheels on, which I think should be taken into  
2 consideration with any new fishery that's been opened.  
3 That's something that has to be addressed. If there's no  
4 land for State users to use, there should be no fishery  
5 for them. You know, I mean, unless something is worked  
6 out with the private land owner. It amounts to a taking  
7 of property.

8  
9 CHAIRMAN CARPENTER: Any other questions  
10 for Brenda.

11  
12 (No comments)

13  
14 CHAIRMAN CARPENTER: Thank you.

15  
16 MS. REBNE: Thank you.

17  
18 CHAIRMAN CARPENTER: InterAgency Staff  
19 Committee comments.

20  
21 MS. SWANTON: Nancy Swanton, National  
22 Park Service.

23  
24 The InterAgency Staff Committee has no  
25 comments at this time.

26  
27 CHAIRMAN CARPENTER: Thank you very much.

28  
29  
30 Fish and game advisory committee  
31 comments.

32  
33 (No comments)

34  
35 CHAIRMAN CARPENTER: Seeing none.  
36 Summary of written public comments.

37  
38 MR. MIKE: Mr. Chair. Your written  
39 public comments starts on Page 62, and it was already  
40 presented by Brenda from AHTNA. And the Wrangell-St.  
41 Elias SRC, Ms. McCormick already presented their  
42 recommendation.

43  
44 That's it, Mr. Chair. Thank you.

45  
46 CHAIRMAN CARPENTER: Is there any public  
47 testimony. Does anybody want to testify on this that  
48 hasn't submitted a card.

49  
50 (No comments)

1 CHAIRMAN CARPENTER: Seeing none. Well,  
2 the Council can move into deliberation on Proposal FP07-  
3 15. The Chair would accept a motion at this time. Dean.

4  
5 MR. WILSON: Mr. Chair. I propose that  
6 we submit FP07-15, we adopt it for discussion.

7  
8 CHAIRMAN CARPENTER: It's been moved. Is  
9 there a second.

10  
11 MR. BLOSSOM: Second.

12  
13 CHAIRMAN CARPENTER: It's been moved and  
14 seconded. Discussion. Dean.

15  
16 MR. WILSON: I'll weigh in on this one I  
17 guess initially. I'm really torn as to a lot of  
18 different issues. Like I said, this fishery falls into a  
19 lot of different land ownership issues. There are some  
20 issues down in the Five-Mile area and also just above the  
21 bridge that have just got out of hand. A lot of people,  
22 they don't even want to go in that area, because of a lot  
23 of problems that are being taken in that area.

24  
25 One of the problems that I see with this  
26 proposal is that it has the potential to cause even more  
27 problems when it comes to jurisdiction and trying to stop  
28 the fighting in that area. If all those fishwheels are  
29 pulled off -- I'm thinking of the Kotsina area  
30 specifically, just above the bridge. If they're all  
31 pulled of there every year, every spring it's going to be  
32 a fight. Everybody's looking for the perfect spot, the  
33 right location. As it is right now it's a fight. And  
34 there's only a couple of spots open every year. If we're  
35 going to open that up and then try to start all over  
36 again every year, it would really, really be a mess down  
37 there. It's a mess as it is.

38  
39 This -- the high water mark issue is --  
40 when it comes to the high water mark, and the State  
41 regulations again, Doug, I wanted to bring one more thing  
42 up as far as the -- bringing your fishwheel out of the  
43 water every year. In many places there's a huge  
44 difference between bringing your fishwheel out of the  
45 water and bringing it above high water mark. It could be  
46 a long ways, especially at the Kotsina area where the  
47 Kotsina fans way out into the Copper. And their  
48 fishwheels are right out in the middle of that, so they  
49 could be well -- they'd have to haul them sometimes way,  
50 way away from that area.

1                   A good share of all the fish that's  
2 gotten in the area where I live, in Kenny Lake, and also  
3 the Chitina and all the way up to McCarthy, is gotten  
4 from just above the bridge and at Five-Mile. Typically  
5 all of those areas were -- the fishwheels are borrowed,  
6 and that's why there's probably so many permits out  
7 there, just because of that. Everybody gets a permit to  
8 get a fishwheel, they borrow it for a few days.  
9 Hopefully there's fish running, and then you're done for  
10 the year.

11  
12                   If this would -- if this permit made they  
13 go above high water mark, some of those areas would be in  
14 question as to whether you're going to get the same  
15 fishwheel spot back and everything. And that could  
16 affect you. There's only just a few spots down there  
17 left that I think locals are able to borrow stuff. A lot  
18 of the spots down there, we don't even know the folks  
19 down there.

20  
21                   So again, I think that it does need some  
22 more scrutiny as far as being managed down there, but I  
23 think that this is the wrong way to handle it as far as  
24 requesting that they go above high water mark. I think  
25 as for -- above high water mark at the end of every year.  
26 I spend a lot of time on that river in the years past,  
27 and I do know that by and large a good share of the  
28 wheels that have busted loose are during high water  
29 throughout the year, just now being attended to or not  
30 properly marked down, not properly anchored in. And they  
31 -- the fishwheels -- I've got pictures of fishwheels  
32 stringing all the way down to Miles Lake that have broke  
33 free from the Chitina area, so they do cause a bit of an  
34 eye sore, but unless we come up with another plan, in my  
35 mind, I'm going to come out against this one and hope for  
36 another way to handle this issue without causing even  
37 more problems in the future.

38  
39                   CHAIRMAN CARPENTER: Thank you, Dean.  
40 Gloria.

41  
42                   MS. STICKWAN: I would like to know if  
43 it's out of our purview to write a letter to the  
44 Department of Natural Resources about the concerns of,  
45 you know, the fishwheels being on the river down by  
46 Chitina, getting stuck on the sandbar. Is that okay with  
47 U.S. Fish and Wildlife if we did something like that, or  
48 is that something we can't do.

49  
50                   CHAIRMAN CARPENTER: Maybe we ought to

1 get an opinion here from the Solicitor's Office.

2

3 MR. LORD: This isn't really a legal  
4 opinion, but as a matter of policy that letter would have  
5 to be vetted through the Office of Subsistence Management  
6 according to the correspondence policy that was adopted  
7 two or three years ago. You could write that letter, but  
8 it would have to be signed off on and approved.

9

10 MS. STICKWAN: So if we could do that and  
11 you guys will approve or disapprove it then. Could we at  
12 least try?

13

14 CHAIRMAN CARPENTER: I think if that's  
15 the wishes of the Council, we could forward our opinion  
16 to Staff and have a letter written, and I guess it would  
17 be approved by.....

18

19 MR. LORD: If I remember the policy  
20 correctly, it would be the Assistant Regional Director of  
21 Subsistence.

22

23 CHAIRMAN CARPENTER: And I guess if he  
24 approves it, he would forward it on. So that's -- if  
25 that's what you want to do, we could sure bring that up.  
26 But maybe we should -- you should maybe make a separate  
27 motion after we're done on this if you want to do that,  
28 Gloria.

29

30 Is there -- Doug, do you have a comment.

31

32 MR. BLOSSOM: Yeah, Mr. Chair. I guess I  
33 will oppose this. First of all, taking the fishwheels  
34 out onto private land, we're going to make more problems  
35 for AHTNA than they have now. But the most important  
36 thing is that because the State has viewed it as staying  
37 in the water being legal, all we're doing is punishing  
38 Federal people, and that's not right. So if we had a way  
39 to make the State take it out, too, then I'd really think  
40 about it, but they're going to leave their fishwheels in,  
41 and the Federal user's going to have to take them out.  
42 So that doesn't work.

43

44 CHAIRMAN CARPENTER: Thank you, Doug.

45

46 I guess I would just -- that's -- what  
47 was kind of my comment was that I understand the feelings  
48 that Dean and Brenda portrayed in regards to the local  
49 residents pretty much losing their spots to put their  
50 fishwheels in. Unfortunately, I think your best battle

1 is with trying to resubmit that proposal to the Board of  
2 Fisheries, and hopefully the State may react in regards  
3 to those -- it sounds to me like most of those fishwheels  
4 are not Federal fishwheels.

5  
6 And in the other hand is the same thing  
7 Doug said, is that if we did pass something like this on  
8 forward, that it would restrict the Federal people with  
9 Federal fishwheels there more than the people with State  
10 fishwheels, and that would be an undue hardship for the  
11 time being, so that would be my suggestion.

12  
13 So I would vote against this.

14  
15 MR. WILSON: Yeah, it -- there's several  
16 other things I was going to bring up, but I didn't. I  
17 just wanted to keep it short. Just having a Federal  
18 proposal, to try and implement that, you would actually  
19 really, really be taking out the subsistence user,  
20 because every time a Federal fishwheel is pulled off one  
21 of these areas down there, a State user is just going to  
22 jump in there, and they'll never get it again.

23  
24 So for right now it needs to go through  
25 the process of the State. And then hopefully work back  
26 around up in our area.

27  
28 With that, I'll call the question.

29  
30 CHAIRMAN CARPENTER: The question's been  
31 call on FP07-15. All those in favor of the proposal  
32 signify by saying aye.

33  
34 (No affirmative votes)

35  
36 CHAIRMAN CARPENTER: All those opposed  
37 signify by saying nay.

38  
39 IN UNISON: Nay.

40  
41 CHAIRMAN CARPENTER: Motion fails.

42  
43 MS. STICKWAN: Can I make my motion now?

44  
45 CHAIRMAN CARPENTER: Sure, Gloria, if you  
46 want to make a motion, go ahead.

47  
48 MS. STICKWAN: I would like to make a  
49 motion that we write a letter with the permission of U.S.  
50 Fish and Wildlife Service, that we have concerns about

1 fishwheels being stuck on the sandbar at Chitina River,  
2 to have it sent to Department of Natural Resources, to  
3 see if they can do something. Because it is -- it could  
4 become an environmental problem like Brenda says.

5  
6 CHAIRMAN CARPENTER: Okay. Is there a  
7 second to that motion.

8  
9 MS. STICKWAN: And to the Board of Fish,  
10 too.

11  
12 MR. BLOSSOM: I'll second that.

13  
14 CHAIRMAN CARPENTER: It's been moved and  
15 seconded to write a letter supporting our concerns about  
16 fishwheel storage in regards to Proposal FP07-15, have  
17 that be sent to the -- I guess we'll figure out who  
18 exactly it goes to, the Acting Subsistence Supervisor,  
19 DNR and to the Board of Fish, and hopefully that will get  
20 the attention of several people and maybe would help  
21 alleviate some of the controversy and burden on some of  
22 the local users up the river.

23  
24 So is there anything else there.

25  
26 (No comments)

27  
28 CHAIRMAN CARPENTER: I would entertain  
29 the question.

30  
31 MR. WILSON: Question.

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

35  
36 IN UNISON: Aye.

37  
38 CHAIRMAN CARPENTER: Those opposed.

39  
40 (No opposing votes)

41  
42 CHAIRMAN CARPENTER: Motion passes. Do  
43 you have enough clarity on that, Donald? Okay.

44  
45 Let's see. It's about 4:15. I think we  
46 can get through this one. We have the introduction of  
47 Proposal 07-16. Rod.

48  
49 MR. CAMPBELL: Yeah. Thank you, Mr.  
50 Chairman. Council members. Again my name is Rod

1 Campbell with U.S. Fish and Wildlife Service, Office of  
2 Subsistence Management.

3

4 As the Chairman said, I will providing  
5 the introduction to FP07-16. That should be located on  
6 Page 63 in your book.

7

8 This proposal was submitted by the AHTNA  
9 Subsistence Committee and requested fishwheels in the  
10 Upper Copper River District may not be set or operated  
11 within 200 feet of another fishwheel.

12

13 The proponent requests this regulatory  
14 change because they believe there are too many fishwheels  
15 in the Copper River that are fishing too close together.  
16 The proponent believes that the overcrowding has forced  
17 some people from their traditional fishing sites.

18

19 The proponent further claims that this  
20 crowding not only causes conflicts among fishwheel  
21 operators, but also creates a potential conservation  
22 concern as fewer fish will reach the spawning ground.

23

24 The issue of overcrowding and associated  
25 conflicts are not new. There are several studies that  
26 are cited in this report that confirm that displacement  
27 of local fishermen by non-local fishermen appears to have  
28 begun in the 1960s and 70s, and continued into the early  
29 80s. This was an older report. And it sounds like it  
30 could still be continuing today.

31

32 In 1982, about 32 fishwheels, that was 31  
33 percent of the fishwheels used that year, and 191  
34 permittees fished just north of the bridge, the  
35 Chitina/McCarthy bridge. All the wheels were located  
36 within a three-quarter mile stretch of river, and  
37 conditions were obviously crowded.

38

39 Stratton in his 1982 report said some  
40 fishwheels were as close as five yards apart. The  
41 density gave rise to complaints and various kinds of  
42 accommodations among fishermen. And it noted that some  
43 residents waited to run their fishwheels until others had  
44 finished fishing and had pulled those fishwheels. In  
45 other cases, local households just found new locations.

46

47 The use of fishwheels in the Glennallen  
48 Subdistrict continues to be based on factors such as  
49 kinship relations, traditional rules of access to fishing  
50 sites and land ownership patterns that restrict access

1 and concentrate fishwheels in a few areas. And some of  
2 these areas include the Chitina Bridge, the Chitina  
3 Airport, Gakona and Slana.

4  
5           The proponent further notes additional  
6 concerns related to overcrowding, including adverse  
7 effects on traditional fish racks and other traditional  
8 processing techniques used by the AHTNA people. The  
9 traditional practice of stringing salmon in the water to  
10 sand blast the fish before cutting and drying, which  
11 requires space between fishwheels and fishwheel sites, is  
12 difficult to do with this overcrowding, and cutting and  
13 harvesting wood for smoking salmon also requires a  
14 certain amount of space.

15  
16           In the existing regulations, State and  
17 Federal regulations for the Upper Copper River District  
18 require that a person may not set or operate a fishwheel  
19 within 75 feet of another fishwheel. The State  
20 regulation for minimum distance between fishwheels has  
21 been in effect since at least 1984 that I could find.  
22 The current Federal regulation as I mentioned in a  
23 previous analysis, was adopted from existing State  
24 regulations when the Federal subsistence program expanded  
25 their fishery management program.

26  
27           Also, as far as the biological  
28 background, since the proponent mentioned potential  
29 conservation concerns, I'll refer back to the 2001 Alaska  
30 Board of Fish sustainable fisheries policy that I  
31 mentioned before. And I'll just reference those  
32 comments. Again, no Copper River salmon stocks are  
33 currently designated as a stock of concern.

34  
35           As far as the harvest and permit fishery,  
36 I already -- I did already discuss that. It's the same  
37 information that was provided in a previous analysis, 15.  
38 There's a set of tables on Page 68 that shows the  
39 majority of the subsistence permits issued and salmon  
40 harvest in the Glennallen subdistrict as I mentioned  
41 earlier under State regulation.

42  
43           And local Copper River Basin residents  
44 primarily fish in the Glennallen Subdistrict with  
45 fishwheels.

46  
47           And I'll move on to the effects of  
48 proposals as this other information was just covered.

49  
50           If adopted, the proposal would increase

1 the distance between fishwheels from 75 feet to 200 feet,  
2 potentially reduce the number of fishwheels operating in  
3 the Upper Copper River District, and thereby reducing  
4 overcrowding. It may allow more salmon to move upriver  
5 to meet spawning requirements. It may increase the  
6 opportunity for upper river subsistence users to catch  
7 more fish. However, there is no documentation, at least  
8 that I could find, to substantiate the proponent's  
9 concern that more fishwheels operating in a given area  
10 substantially increases the overall harvest of salmon and  
11 creates any kind of a conservation concern.

12  
13 As I mentioned, there's no Copper River  
14 salmon stocks listed by the Alaska Department of Fish and  
15 Game, Alaska Board of Fisheries as a stock of concern.  
16 The Copper River chinook and sockeye stocks regularly  
17 achieve their escapement goal and support significant  
18 subsistence, personal use, sport and commercial  
19 fisheries.

20  
21 And adopting this proposal would make  
22 Federal regulations more restrictive than State  
23 regulations. For example, if Federally qualified  
24 subsistence users are required to maintain 200 feet from  
25 another fishwheel, the potential exists for a State user  
26 to place a fishwheel between those two fishwheels  
27 operated by Federally qualified people. This location  
28 would require someone to move. In the case if it's the  
29 Federally qualified subsistence users would need to  
30 relocate their fishwheels in order to maintain that 200  
31 feet.

32  
33 And since the districts and subdistricts  
34 do have set boundaries, if this proposal is adopted it  
35 would surely displace some unspecified number of  
36 subsistence users operating fishwheels in this area and  
37 thereby reducing their opportunities.

38  
39 The proponent also states that adoption  
40 of this proposal would help to reduce bank erosion on the  
41 Copper River by lowering the number of fishwheels being  
42 utilized in the Upper Copper River District. If adopted,  
43 this proposal may just disperse fishwheels to other areas  
44 of the river, which as I mentioned earlier, could reduce  
45 competition in one area, but not necessarily provide any  
46 riverwide relief for bank erosion concerns. No  
47 documentation was found to substantiate that a  
48 significant amount of bank erosion would be reduced if  
49 the number of fishwheels being operated in the Upper  
50 Copper River District were reduced.

1  
2                   This proposal would also create a  
3 divergence between State and Federal regulations and  
4 would cause confusion, conflicts and enforcement  
5 problems.

6  
7                   The preliminary conclusion is to oppose  
8 the proposal. And justification, proposal requiring  
9 subsistence users to maintain a minimum of 200 feet  
10 between fishwheels. Again as far as we can tell, it  
11 primarily addresses social and allocation issues. There's  
12 -- no evidence was found indicating the current minimum  
13 distance between fishwheels as having a negative effect  
14 on the fishery resources of the Copper River. This  
15 proposal would likely benefit some user, but be  
16 detrimental to others, potentially causing more  
17 conflicts.

18  
19                   Adopting this proposal as I mentioned  
20 would restrict Federally qualified subsistence users more  
21 than subsistence users fishing under State regulation.

22  
23                   And again the divergence in regulations  
24 would cause confusion and enforcement concerns.

25  
26                   In order to be effective, this proposal  
27 would need to be adopted by both the Alaska Board of  
28 Fisheries and the Federal Subsistence Board in the same  
29 year to reduce confusion and not unnecessarily restrict  
30 Federally qualified users.

31  
32                   And I'll add just like I did on the  
33 previous proposal, both 15 and 16 were submitted to the  
34 Alaska Board of Fisheries as agenda change requests.  
35 They weren't accepted again due to -- not on the merits  
36 of the proposal whatsoever, but they did not meet this  
37 criteria to take them out of cycle. And I think I did  
38 fail to mention the first time that the Alaska Board of  
39 Fisheries did recommend that they be submitted during  
40 their normal cycle. And that was for both 15 and 16.

41  
42                   And that's my summary, Mr. Chairman.

43  
44                   CHAIRMAN CARPENTER: Thank you, Rod. Any  
45 questions for Rod. Gloria.

46  
47                   MS. STICKWAN: This regulation was  
48 adopted from the State and the State made this regulation  
49 back in the 80s?

50

1 MR. CAMPBELL: Mr. Chair. Ms. Stickwan.  
2 That's my understanding, it was back in the 80s. We have  
3 the Alaska Department of Fisheries here, but what I  
4 found, I believe it was 1984 when that management plan  
5 was adopted, and that was the first that I could find of  
6 those distances. The State may have some more specific  
7 information. But my understanding, they were adopted by  
8 the Federal program when we took over the fisheries on  
9 Federal land.

10  
11 CHAIRMAN CARPENTER: Anything further for  
12 Rod.

13  
14 (No comments)

15  
16 CHAIRMAN CARPENTER: Thank you, Rod.  
17  
18 Alaska Department of Fish and Game.

19  
20 MS. GILBERTSON: Sarah Gilbertson with  
21 the Department of Fish and Game.

22  
23 And Rod did a very nice job, so our  
24 comments are on Page 71 and 72, but I won't reiterate all  
25 of this, just to say that adoption of this proposal  
26 would, as the last proposal, would also have made Federal  
27 regulations more restrictive than State regulations,  
28 causing a situation that would be very difficult both to  
29 administer and I think would increase user conflicts.

30  
31 And then the only other issue that I  
32 would bring up is that since the Federal Subsistence  
33 Program cannot regulate State users, the 200-foot  
34 separation, if the Feds wish to enforce it, they would  
35 have to do a closure to State users, which in our view  
36 would be unnecessary.

37  
38 So having said that, I did just want to  
39 add that once the letter is written, I'm happy to bring  
40 that to the attention of folks at DNR that I work with  
41 pretty closely on other issues, and make sure they're  
42 aware of it, and perhaps suggest to you all that in  
43 drafting that letter that you make your suggestions very  
44 clear, because as was mentioned earlier, there area lot  
45 of trespass problems, and we don't want to increase  
46 those. So just any suggestions that you all might have,  
47 please include those in the letter, and I'll be happy to  
48 bring that to the attention of some folks at DNR.

49  
50 Thank you.

1 CHAIRMAN CARPENTER: Thank you, Sarah,  
2 very much. Doug.

3  
4 MR. BLOSSOM: Mr. Chair. Is there a  
5 limit on how many State permits can be issued.

6  
7 MS. GILBERTSON: Here comes Tom.

8  
9 MR. TAUBE: Mr. Chair and Mr. Blossom.  
10 There's no limit on the number of permits that we issue  
11 for the fishery or the number of fishwheels that can be  
12 registered. So there's -- it's as many people come get  
13 the permits or register fishwheels, as many as there are.

14  
15  
16 MR. BLOSSOM: Okay. So what I'm kind of  
17 hearing in these proposals from these subsistence users  
18 is that it's getting too crowded, and maybe it's time for  
19 the State and the Federal people to look at this and come  
20 up with a solution jointly.

21  
22 MR. TAUBE: That's -- well, as Mr. Rod  
23 Campbell brought forward, you know, in '82 that was what  
24 instituted the 75-foot distance already was the crowding.  
25 And by widening that distance, you're going to displace a  
26 certain number of people from the fishery by doing that.

27  
28 And it's more of a comfort zone. I know  
29 in the initial statement, what the proposers put forward,  
30 they were saying that somewhere as close as 50 feet, and  
31 I verified that with our local protection officer, and I  
32 know this past year there were two wheels there were  
33 within 50 feet, and he had gone and told those two users  
34 or the fishwheel owners to remove their fishwheels, you  
35 know, but they said, well, we're okay with 50 feet. And  
36 he said, well, if you guys are okay with 50 feet, you can  
37 keep your wheels in. So there's been some interpretation  
38 by the protection officer that it's more a comfort level  
39 of the individual users. But 75 has been in place for  
40 20-some years.

41  
42 CHAIRMAN CARPENTER: Thank you, Tom.  
43 Anything else Doug.

44  
45 (No comments)

46  
47 CHAIRMAN CARPENTER: Dean.

48  
49 MR. WILSON: In the -- just above the  
50 bridge in Chitina, how many of those users -- do you know

1 how many of those users are subsistence users? Do you  
2 have any rough numbers? I've never really looked at it  
3 myself. I don't know how many.

4  
5 MR. TAUBE: Do you mean how many are  
6 Federal subsistence users?

7  
8 MR. WILSON: Yeah. How many are Federal  
9 versus how many are State in that area. I'm sure that  
10 that's mostly State permits coming out of that area, but  
11 I don't have any numbers. Do you know any?

12  
13 MR. TAUBE: I know the fishwheels, I  
14 believe only a handful, like two to four are actually  
15 owned by Federal users. But you can have a state-owned  
16 -- a fishwheel owned by a State user that as Federal  
17 permit holders on it. So of those 17 to 20 wheels that  
18 may be fishing at one time, it's a mix of Federal and  
19 State permit holders that are using those wheels at any  
20 given time. So it's somewhat confusing on who's going to  
21 be displaced.

22  
23 MR. WILSON: Yeah. Yeah. I -- my  
24 experience is that there's just a handful, like six of  
25 them that are really used heavily by locals, and the rest  
26 of them aren't. I don't know if you can probably comment  
27 on that, but it seems like there's only about half a  
28 dozen wheels that are really available to the locals out  
29 there, that we just really go through them. Everybody  
30 kind of locks up some time in there trying to get their  
31 fish. And those wheels are used, like I said all over  
32 the -- the folks from Chitina, Kenny Lake, and even up  
33 the road use just a handful of them. The rest of them,  
34 they're really kind of -- people don't know them. They  
35 get in there, and those must be the State ones I'm sure.

36  
37 But if this proposal is implemented,  
38 those Federal -- the Federal fishwheels that are there,  
39 they'll be abolished at that point. Because you couldn't  
40 -- if there's a Federal fishwheel in there, it would have  
41 to pull out, because they would be within 75 feet of  
42 everyone else's fishwheel. So this would get rid of any  
43 federal subsistence users in that area, correct?

44  
45 MR. TAUBE: That's correct. I mean,  
46 that's why our recommendation is to do it in conjunction  
47 with State regulations. For any regulation to work down  
48 there regarding distance between fishwheels, it's going  
49 to have to be both on the State and Federal side so we're  
50 on equal standing. Otherwise, you know, you're going to

1 have Federal users displaced.

2

3 CHAIRMAN CARPENTER: Gloria.

4

5 MS. STICKWAN: Were you there when they  
6 made this regulation? Why did they decide 75 feet, and  
7 when did they?

8

9 MR. TAUBE: I believe it was in 1984 when  
10 the -- there was a personal use plan that was adopted in  
11 1984, and there actually were personal use fishwheel  
12 above the Chitina/ McCarthy Bridge at that time. And so  
13 I think in regards to all the crowding issues at that  
14 point, they just came up with 75 feet as a reasonable  
15 distance between fishwheels. I don't believe there was  
16 any biological reason behind it. You can go there, and  
17 of those 17 wheels that are in the water at a time,  
18 there's generally only 3 to 6 that are doing really well.  
19 And so it depends upon where they're actually located on  
20 the river bank whether they are catching a lot of fish or  
21 very few fish.

22

23 CHAIRMAN CARPENTER: Anything further for  
24 the Department?

25

26 (No comments)

27

28 CHAIRMAN CARPENTER: Thank you very much.

29

30 Other Federal, State or tribal agency  
31 comments.

32

33 MS. McCORMICK: Mr. Chairman and members  
34 of the Council. The SRC took no action on this proposal.  
35 Again they felt it would be too difficult to regulate  
36 because it would create a divergence between the State  
37 and Federal regulations.

38

39 Thank you.

40

41 CHAIRMAN CARPENTER: Thank you very much.  
42 Brenda.

43

44 MS. REBNE: Thank you, Mr. Chair.  
45 Committee members. You have our written comments in  
46 front of you.

47

48 I kind of see this going down the road  
49 that the last proposal went, and I think it is also a  
50 regulatory issue, and basically a common sense one that,

1 you know, obviously there needs to be some co-management  
2 on this particular issue. And we don't know how many  
3 permits or how many fishwheels. It really is dependent  
4 on the population growth and use of the area. So I  
5 really think some -- you know in addition to our  
6 comments, public education is sometimes useful, and maybe  
7 some collaboration between the State and Federal side  
8 could move in some -- in that direction as to proper  
9 etiquette, at the minimum, proper etiquette on the river.  
10

11                   It is a dangerous place up there. I did  
12 mention this before, that people have been chased out of  
13 their sites. There have been -- you know, there's been  
14 threats of violence, it's a very serious situation.  
15 There's very little management going on in the area, and  
16 I think that that is a big, big part of this. And if  
17 fisheries are going to be open, there has to be  
18 management, there has to be people on the ground, and the  
19 collaboration needs to be with the public safety as well,  
20 because that is a dangerous situation. Fishwheels are  
21 important to a lot of people. Fish is sustaining a lot  
22 of people, and fights can break out. And that's a  
23 minimum.

24  
25                   But I think public education should also  
26 be part of this, and perhaps a recommendation would be  
27 that you add this to your previous letter, in some form  
28 address this issue as well.

29  
30                   Thank you.

31  
32                   CHAIRMAN CARPENTER: Thank you, Brenda.  
33 Doug.

34  
35                   MR. BLOSSOM: Yeah, Mr. Chair. Don't get  
36 us wrong. We sympathize and agree with you, but we're  
37 not going to punish the Federal subsistence users over  
38 the State users. I mean, that's backwards. We can't do  
39 that.

40  
41                   MS. REBNE: I absolutely understand that,  
42 and that is not what we were asking, and certainly we  
43 would not want to go down that road in any way. So thank  
44 you.

45  
46                   CHAIRMAN CARPENTER: Thank you very much.

47  
48                   InterAgency Staff comments.

49  
50                   MS. SWANTON: Nancy Swanton, National

1 Park Service.

2

3 The InterAgency Staff Committee has no  
4 comment at this time.

5

6 Thank you.

7

8 CHAIRMAN CARPENTER: Thank you very much.  
9 Any fish and game advisory comments.

10

11 (No comments)

12

13 CHAIRMAN CARPENTER: Seeing none.  
14 Donald, a summary of written public comments.

15

16 MR. MIKE: Mr. Chair, written public  
17 comments start on Page 72. The AHTNA Subsistence  
18 Committee are in support of their proposal. And the  
19 Wrangell-St. Elias, Ms. McCormick presented their  
20 recommend -- the SRC's recommendation, took no action on  
21 Proposal 16. And Mr. Angus DeWitt of Slana wrote a  
22 comment opposing Proposal 16, and he basically said that  
23 the regulations should be kept as is as 75 feet apart,  
24 and it's not hurting anyone, and there's no reason to  
25 change it.

26

27 Mr Chair. Thank you.

28

29 CHAIRMAN CARPENTER: Thank you, Donald.

30

31 Is there anybody that would like to  
32 comment publicly on this? I don't have any yellow  
33 sheets, but if there is anybody, please speak now.

34

35 (No comments)

36

37 CHAIRMAN CARPENTER: Okay. That would  
38 lead us to Council deliberation, recommendation and  
39 justification. So I would accept a motion to put  
40 Proposal 16 on the floor.

41

42 MR. WILSON: Mr. Chair. I'd ask that we  
43 adopt FP07-16.

44

45 CHAIRMAN CARPENTER: It's been moved. Is  
46 there a second.

47

48 MR. BLOSSOM: Second.

49

50 CHAIRMAN CARPENTER: It's been moved and

1 seconded. Discussion. Doug.

2

3 MR. BLOSSOM: Yeah, Mr. Chair. I'll be  
4 opposing this much for the same reason as I did on 15.  
5 We're hurting Federal subsistence users and giving  
6 greater relief to State users, and that's not what we're  
7 here for.

8

9 CHAIRMAN CARPENTER: Thank you, Doug.

10

11 Dean, do you have any comments.

12

13 MR. WILSON: Yeah. The same line there.  
14 We're not going to do anything that is going to be a  
15 detriment to the subsistence users in our area. And I  
16 think that that's understood as well.

17

18 The point taken, I think we need to pass  
19 this on in this letter, is that better management in that  
20 area of the fisheries, it needs to be looked at and  
21 written and handed off. And this letter I think will  
22 help out with that, but certainly adopting this proposal  
23 is going to hurt more subsistence users than it's going  
24 to help.

25

26 So I'll come out in opposition of this  
27 proposal as well.

28

29 CHAIRMAN CARPENTER: Thank you, Dean.  
30 Gloria.

31

32 MS. STICKWAN: This letter, Dean, you're  
33 talking about is the one we just said we're going to  
34 write to DNR and.....

35

36 MR. WILSON: Yes.

37

38 MS. STICKWAN: And you're thinking about  
39 sending it to anybody else?

40

41 MR. WILSON: No, I don't -- not that I  
42 can think of. I know DNR is primary.

43

44 MS. STICKWAN: I was just going to --  
45 Board of Fisheries.

46

47 CHAIRMAN CARPENTER: Yeah, I think we  
48 included the Board of Fish when we talked about it last  
49 time.

50

1                   Seeing no further comment, I would oppose  
2 the proposal for the same reasons expressed. I think  
3 there just maybe needs to be a little bit different  
4 management style. I also think that AHTNA should take  
5 this back before the Board of Fisheries and see if they  
6 get any satisfaction there. And if they do, then that  
7 would be great, and then we could possibly look at this  
8 in the future, but we don't want to restrict the Federal  
9 people, any undue harm there with this proposal. So I  
10 would oppose it.

11  
12                   So if there's no further discussion, I'd  
13 call for the question.

14  
15                   MR. WILSON: Question.

16  
17                   CHAIRMAN CARPENTER: The question's been  
18 called. All those in favor of FP07-16 signify by saying  
19 aye.

20  
21                   (No affirmative votes)

22  
23                   CHAIRMAN CARPENTER: All those opposed  
24 signify by saying nay.

25  
26                   IN UNISON: Nay.

27  
28                   CHAIRMAN CARPENTER: Proposal fails.

29  
30                   So let's see. It's a quarter to five. I  
31 guess we can do whatever the.....

32  
33                   MR. BLOSSOM: Do you want to take this  
34 letter up, (indiscernible, mic not on)

35  
36                   CHAIRMAN CARPENTER: We can do that.  
37 Yeah, we've got 20 minutes. I think we could probably do  
38 that.

39  
40                   UNIDENTIFIED VOICE: Greg's letter?

41  
42                   CHAIRMAN CARPENTER: Yeah.

43  
44                   MR. WILSON: That's what's written in my  
45 book as what we're going to do next.

46  
47                   CHAIRMAN CARPENTER: Yeah, you're right.  
48 So let me find that letter.

49  
50                   Donald, are these available over there

1 for the public to look at, these letters?

2

3 MR. MIKE: Yes, they are.

4

5 CHAIRMAN CARPENTER: If anybody's  
6 interested, there's a table over there. This is the next  
7 order of business. Doug, if you would like to put a  
8 motion on the floor or to take action, that would be  
9 great. If this is just for discussion purposes, that  
10 would be great. So why don't you go ahead and.....

11

12 MR. BLOSSOM: Mr. Chair. I think for a  
13 start, we need to just discuss. The original motion and  
14 my second was to do what he's complaining about, but  
15 since that time I've got the transcript of everything we  
16 said on that, and in the very end they even talked Greg  
17 into letting this thing transpired into the spring  
18 meeting. And so what he originally said is we should  
19 have these fish proposals in by our October meeting, but  
20 in the end, after we did all the dickering back and  
21 forth, he even agreed that there was no deadline.

22

23 But I think there is. I think we should  
24 have had all those deferred proposals and acted on them.  
25 Instead of having more proposals at one time, we could  
26 have done it over two meetings. Now we're going to get  
27 several proposals where we could have done some of them  
28 now and we don't have them, so, yeah, we can't act on  
29 them.

30

31 So his letter -- you know, when I read  
32 the whole transcript, I don't know what we can do except  
33 bellyache. His original motion was to get it done in  
34 this meeting, and we're not going to get that done. So I  
35 don't know what else to say.

36

37 CHAIRMAN CARPENTER: Yeah, I actually  
38 read through that a little bit at lunch time, and I agree  
39 with you. I think his original intent was something  
40 other than what we actually came up with when we voted on  
41 it at the end of the meeting.

42

43 So I think that the process has been  
44 followed. You know, I think Staff and everybody followed  
45 basically what the direction was in regard to the  
46 transcript. So maybe you could let Greg know when you  
47 see him or talk to him that that's, you know, actually  
48 what happened, but that we did bring his concern up, and  
49 they provided us with that information, which is good.

50

1 I do agree, too, that, you know, there is  
2 going to be a time when we get backlogged to the point  
3 where this meeting might be five or six days long,  
4 because we have so many deferred proposals. But  
5 obviously there's court cases and other things that are  
6 beyond our control, and all we can do is ask that we  
7 handle the proposals that are given to us. So I'm not  
8 sure we have anything else that we can do besides that.

9  
10 So hopefully in the future they come to  
11 us on a regular basis.

12  
13 So if that satisfies the need, we'll just  
14 leave that as a discussion purpose only and move on. Is  
15 that fine with you, Doug. Gloria.

16  
17 MS. STICKWAN: I just want to say I don't  
18 feel comfortable talking about these proposals without  
19 Greg being here. I think he needs to be here for the  
20 discussion, since it's Ninilchik's.

21  
22 CHAIRMAN CARPENTER: Yeah. Well, we're  
23 not going to -- I'm not sure we're going to actually get  
24 to all of those today, so I'm not sure if he's going to  
25 be here tomorrow or not, but I think he's got plenty of  
26 people here for Ninilchik that are going to be able to  
27 testify in regards to their concerns, so I think maybe he  
28 must have had a work conflict or something.

29  
30 Anything else in regards to Greg's  
31 letter. Doug.

32  
33 MR. BLOSSOM: Mr. Chair. Could we -- I  
34 see someone in the audience wanting to talk. Could we  
35 allow them that opportunity.

36  
37 CHAIRMAN CARPENTER: Absolutely.

38  
39 MR. ENCELEWSKI: My name is Ivan  
40 Encelewski, and I'm the executive director of the tribe.  
41 Greg just happens to be my father.

42  
43 And one of the original issues here, I  
44 know there was some discussion, and his understanding  
45 from the original motion was that the proposals would be  
46 in, and I know through the transcript it later got  
47 diluted on. But there was definitely some legitimate  
48 concern and wholehearted concern from Greg, and  
49 originally from Doug, without seeing the transcripts,  
50 that their understanding was that the proposals would be

1 addressed and dealt with.

2

3                   Greg is working on the Slope and the  
4 reason that he is not here today is that he -- the  
5 meeting was originally scheduled for the 24th when he  
6 would be off, and the meeting got changed, because of  
7 AFN. And that was the reason he is not available. He's  
8 working nights.

9

10                   And I would ask maybe that we could defer  
11 this until tomorrow morning when he might be able to call  
12 in and address this, because one of the things that we  
13 are asking for is that the Regional Advisory Council hold  
14 a special meeting prior to the January meeting to maybe  
15 deal with some of the proposals.

16

17                   We know there are some court case issues  
18 surrounding some of Ninilchik concerns. And I think it  
19 was recently acknowledged by Judge Sedwick that Ninilchik  
20 has been shabbily treated for over 50 years, and there's  
21 proposals ongoing for six years. And further delaying  
22 this out, we feel is potentially a way to have this new  
23 RAC in place and deal with this when we would prefer that  
24 this be dealt with and kept in the regulatory cycle. And  
25 even the judge acknowledged that if this continues  
26 outside of the regular cycle it would be illegal,  
27 arbitrary and capricious.

28

29                   But at this point, I would just request,  
30 and I know Greg would request that -- he works nights, so  
31 he gets off at six in the morning. He would normally be  
32 sleeping, but I think we could be able to conference him  
33 in and discuss this first thing in the morning as a  
34 continuation of this, and that would be our request.

35

36                   CHAIRMAN CARPENTER: Thank you, Ivan.  
37 Appreciate that. That's helpful to the discussion, and,  
38 yeah, anything we can do to get your father's input is  
39 greatly appreciated.

40

41                   It is a quarter to five now. I think we  
42 were going to go to about five today anyway. We got  
43 through quite a bit of proposals. We're almost  
44 completely finished with all the agency reports. So I  
45 think we're going to have plenty of time tomorrow to deal  
46 with No. 11, 12, 13 and then go through the Resource  
47 Monitoring Program. So my suggestion would be.....

48

49                   Dean, did you have a comment before I go  
50 any further?

1 MR. WILSON: Yeah, one more thing, Ivan.  
2 Is he available all day long tomorrow for a call?

3  
4 MR. ENCELEWSKI: Basically, like I said,  
5 he works from about six at night to six in the morning.  
6 So he would normally be sleeping probably by nine and  
7 wouldn't get up until probably about five. But our line  
8 of thinking was, is that this issue is before you now,  
9 and as well as the other two Ninilchik special action  
10 requests. The request for reconsideration and the RAC  
11 issue, all of which Ninilchik has significant comments,  
12 and Greg has significant input. And our feeling would be  
13 that he -- if it was dealt with starting in the morning  
14 of this issue as well as the other Ninilchik issues,  
15 which will follow that, that he would be available at  
16 least for those issues that he's concerned about and  
17 would like to have it addressed. So he would be  
18 available probably -- I'll try and see if he would be  
19 available from nine to teleconference and to address  
20 those issues. That's how I think he would prefer it, and  
21 how the Tribe would prefer it.

22  
23 MR. WILSON: Being a nightshift worker  
24 myself, I know that can be a challenge, going to sleep at  
25 6:15 and waking up at nine. So if there's any way we  
26 could push that off until maybe early afternoon, I think  
27 that would be best, wouldn't it?

28  
29 MR. ENCELEWSKI: It may be. I need to  
30 talk to him tonight and I could have that information to  
31 you available whether it would be better to defer those  
32 until later afternoon, like before -- say from like three  
33 to five when he normally would probably be getting up,  
34 rather than having to Get up -- go to sleep, get up, and  
35 then go to sleep again. But we would just request the  
36 indulgence of the Board on this.

37  
38 MR. WILSON: Yeah, because we have a  
39 couple issues that running right down here, so that would  
40 probably.....

41  
42 CHAIRMAN CARPENTER: Yeah, I think that  
43 will work, Ivan. Maybe if you could let us know in the  
44 morning when it's best for Greg, that would be fine. We  
45 have a couple of -- we don't have a lot of stuff to do  
46 left, but we have several things that we could do first  
47 thing in the morning, kind of move the agenda around a  
48 little bit to accommodate him. So, yeah, just let us  
49 know in the morning, and we'll try to work with you on  
50 that one.

1 MR. ENCELEWSKI: Yeah, we would  
2 appreciate it, because I know as hard as it may be to be  
3 working 12-hour days and then get up and go back to  
4 sleep, I think these issues are important enough to him  
5 that he would like to -- would make whatever  
6 accommodations necessary.  
7  
8 CHAIRMAN CARPENTER: Or we could just  
9 convene at like 5:45 a.m. if that would work better.  
10 Anyway, okay. I say with the approval of the Council, of  
11 course, that.....  
12  
13 Did you have a comment, Doug.  
14  
15 MR. BLOSSOM: One more thing, Mr. Chair.  
16 Are you going to be here tomorrow, Ivan?  
17  
18 MR. ENCELEWSKI: No, I won't be here  
19 tomorrow.  
20  
21 MR. BLOSSOM: Are you going to testify on  
22 your tribe's proposal then?  
23  
24 MR. ENCELEWSKI: I have written testimony  
25 that Ann is going to read into.....  
26  
27 MR. BLOSSOM: Because I don't like  
28 proposers not being present.  
29  
30 MR. ENCELEWSKI: Well, I may be able to  
31 -- I could probably teleconference in, too if I had to,  
32 but I have three meetings in Anchorage tomorrow. Yeah,  
33 or I could testify to some of these issues now, but.....  
34  
35 (Whispered conversation)  
36  
37 MR. ENCELEWSKI: Darrel will be here.  
38  
39 MR. BLOSSOM: You'll be here, Darrel.  
40 Okay.  
41  
42 MR. ENCELEWSKI: And Daniel, Sky, our  
43 legal representative.  
44  
45 CHAIRMAN CARPENTER: That's  
46 representation I would say. Just as long as you have  
47 somebody to read it into the record, that would be fine.  
48  
49 Okay. Well, that sounds good. Any  
50 further comment.

1 (No comments)

2

3 CHAIRMAN CARPENTER: If not, I would  
4 suggest that we recess until 9:00 a.m. tomorrow.

5

6 (Off record)

7

8 (PROCEEDINGS TO BE CONTINUED)

