

1 SOUTHCENTRAL FEDERAL SUBSISTENCE  
2 REGIONAL ADVISORY COUNCIL MEETING

3  
4 PUBLIC MEETING

5  
6 VOLUME II

7  
8 Anchorage, Alaska  
9 October 17, 2007  
10 9:00 o'clock a.m.

11  
12  
13 COUNCIL MEMBERS PRESENT:

- 14  
15 Ralph Lohse, Chairman  
16 Doug Blossom  
17 Tom Carpenter  
18 Richard Greg Encelewski  
19 Chuck Lamb  
20 James Showalter  
21 Gloria Stickwan  
22 Tricia Waggoner  
23 Dean Wilson  
24  
25 Regional Council Coordinator, Donald Mike

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

2  
3 (Anchorage, Alaska - 10/17/2007)

4  
5 (On record)

6  
7 CHAIRMAN LOHSE: Donald.

8  
9 MR. MIKE: Good morning, Mr. Chair.  
10 Thank you. I provided a copy for all the Council  
11 members and there's some copies on the table for the  
12 public. This is regarding the proposal that Council  
13 was addressing yesterday on amendments. I did the  
14 strike-out on the language there and there's a few  
15 clarifications on No. 8, so Council can go through that  
16 and discuss what amendments were made yesterday.

17  
18 Thank you, Mr. Chair.

19  
20 CHAIRMAN LOHSE: Thank you, Donald.  
21 I'd like to call the Southcentral Alaska Subsistence  
22 Regional Advisory Council back into session. We  
23 stopped with Council deliberation, recommendation,  
24 justification and a motion on the table for FP08-09 and  
25 we stopped with the idea that we would get a  
26 solicitor's opinion on it before we went on to vote on  
27 the motion. I think I saw the solicitor in back there.  
28 With that, we'd like to start at this point. If you  
29 can come up and give us your legal opinion as to what  
30 was recommended and do you know exactly what was  
31 recommended.

32  
33 MR. LORD: I do not, Mr. Chair. I  
34 think I have a general sense that the question involves  
35 fishwheels and whether there is authority for  
36 fishwheels in this situation. So I can give a little  
37 background and hopefully it will answer your question  
38 and, if not, you can follow up.

39  
40 I've heard a couple of legal questions  
41 raised in connection with fishwheels. Larry just  
42 reminded me to identify myself. For those who don't  
43 know me, my name is Ken Lord. I'm with the Solicitor's  
44 Office. Thank you, Larry. The first question always  
45 is can we do fishwheels because there isn't a history  
46 of doing them on the Kenai or on the Kasilof. The  
47 Bobby Decision tells us if there is a customary and  
48 traditional methods and means, we have to -- the Board  
49 has to do its best to accommodate that methods and  
50 means, but that's not the case here. This is something

1 new.

2

3 I've also heard comments that, gee, we  
4 can't do something new because it's not customary and  
5 traditional, but that's not true. The phrase customary  
6 and traditional in ANILCA modifies the word uses of  
7 fish and wildlife, not users, not methods and means, so  
8 ANILCA was really constructed in a way that would allow  
9 new methods and means and it can conform to new ideas,  
10 new developments, new situations.

11

12 So there's nothing in the law that  
13 prevents you or the Board from allowing fishwheels on  
14 the Kenai or the Kasilof. I think you got to the crux  
15 of the matter, in my mind, which is how to do it  
16 fairly. I think everyone has been in agreement for the  
17 past couple years that there will not be -- in numerous  
18 fishwheels up and down the Kenai that would not be a  
19 desirable situation that we try and limit it to one or  
20 maybe just a few and the question then in my mind  
21 becomes how to do that equitably.

22

23 We've got three communities, at least  
24 one of which is heavily fractionated, and all rural  
25 users need to be treated fairly and equitably. They  
26 need the same access to the resource using the same  
27 methods and means. So if we have one fishwheel, the  
28 question becomes how to administer it, how to allocate  
29 the cost of construction fairly across those  
30 communities. I don't know the answer to that.  
31 Hopefully, you, as the folks on the ground, maybe can  
32 come up with some kind of a solution there.

33

34 CHAIRMAN LOHSE: Ken.

35

36 MR. LORD: Yeah.

37

38 CHAIRMAN LOHSE: With the motion that  
39 we have on the table, what we really need an opinion on  
40 is we have the Kenai River, there are three communities  
41 that have C&T for the Kenai River. The motion on the  
42 table leaves out two of those communities and only  
43 includes one of them. If three communities have C&T  
44 and a fishwheel is put on the Kenai River, is it  
45 legally capable of leaving two communities out and just  
46 having one community there or do all C&T people have to  
47 be included.

48

49 MR. LORD: I'm not aware that we have  
50 ever granted a method and means to only one portion of

1 a group of users with C&T. Since that's the request on  
2 the table, we could, but if the other communities come  
3 forward, if somebody from the other communities come  
4 forward and says I want one too, we would have no basis  
5 to deny that.

6

7 CHAIRMAN LOHSE: Dean.

8

9 MR. WILSON: Which community was it you  
10 mentioned is fractioned?

11

12 MR. LORD: I was referring to  
13 Ninilchik. For example, Ninilchik Traditional Council  
14 has been heavily involved in this program, but their  
15 membership is only something like 18 percent of the  
16 community of Ninilchik.

17

18 MR. WILSON: And then the other two are  
19 relatively whole for the most part.

20

21 MR. LORD: Well, I don't know that I  
22 would go that far, but it would be difficult, I think,  
23 to have one entity that could administer a fishwheel or  
24 one or two fishwheels in a fair manner, I think.

25

26 CHAIRMAN LOHSE: Tom.

27

28 MR. CARPENTER: Yeah, Ken, assuming  
29 that, and what we've talked about considerably, is only  
30 having one fishwheel, and assuming that the RAC puts  
31 forward to the Board that only Ninilchik be able to use  
32 that fishwheel or be able to put the fishwheel in the  
33 river and assuming the other two communities come back  
34 and say we'd like to participate because we also have  
35 C&T for the Kenai River, do I have to assume then that  
36 those communities would also get to put a fishwheel in  
37 the river without going through the RAC or am I to  
38 assume that the administrative procedure, I guess the  
39 refuge manager who is going to be dealing with this  
40 situation is going to have to work out the details to  
41 allow them to use the existing fishwheel that Ninilchik  
42 had already put in? Because I don't want to get into  
43 down the road where we're going to be getting away from  
44 what the RAC's intent was to have one fishwheel.

45

46 MR. LORD: Right. We couldn't force  
47 the builder and owner of a fishwheel to allow others  
48 onto his fishwheel any more than if they'd built a boat  
49 we couldn't say, okay, now you've got to let somebody  
50 from Cooper Landing onto your boat. It's their private

1 property. So the only solution in that case would be  
2 to allow them to build another fishwheel.

3

4 MR. CARPENTER: So basically Hope and  
5 Cooper Landing, if we were to allow the proposal to go  
6 forward the way we have it on the table right now, we  
7 would basically be potentially allowing Hope and Cooper  
8 Landing, who have not showed up and participated in  
9 this process, have never requested a fishwheel, but  
10 they could actually end up with their own fishwheels  
11 after the fact and have never participated in the  
12 process because we have set a standard.

13

14 MR. LORD: That's correct.

15

16 CHAIRMAN LOHSE: Gloria.

17

18 MS. STICKWAN: And then they would get  
19 the same amount of harvest as Ninilchik, which is set  
20 at a limit. I don't remember what it is.

21

22 MR. LORD: I'll defer that one to  
23 Larry.

24

25 MR. BUKLIS: Mr. Chairman. I'm a  
26 little uncomfortable speculating too much about  
27 downstream consequences of some of these decisions. I  
28 think the main point we wanted to lead with, and we are  
29 open to questions, but the main point was that what I  
30 had said to you yesterday I reconfirmed with the  
31 Solicitor's Office and the Federal program's practice  
32 has not been to allow a fishery gear type to one  
33 portion of the known C&T pool. That's the main theme.  
34 As you get into what's legal and what would the Board  
35 do if you make one or another recommendation and what  
36 would we, the program, do if the Board adopted such a  
37 recommendation in the actual fishery in the summer,  
38 some of this is speculation and it's kind of hard to  
39 think through how we would administer some of these  
40 consequences downstream.

41

42 The message I got clearly from the  
43 Solicitor's Office was that our practice has not been  
44 to do what you're describing. So it is difficult to  
45 think through consequences and how we'd  
46 administratively handle what we have not done before.

47

48 CHAIRMAN LOHSE: Thank you, Larry.  
49 I've got one question for you on that line. Since what  
50 we're not doing is we're not setting any fishery limit

1 for the fishwheel, what we have is we have a limit for  
2 the whole subsistence catch on the Kenai River and on  
3 the Kasilof River and it's cumulative. If you had one  
4 fishwheel and it took all of the limit, there wouldn't  
5 be anything left for rod and reel or for dipnet because  
6 it's a set limit for the river. If you had three  
7 fishwheels, it doesn't increase the limit for the  
8 river. The limit for the river stays the same.

9

10 MR. BUKLIS: Mr. Chairman. Steve Fried  
11 is closer to those details, but, yes, I believe you're  
12 correct.

13

14 CHAIRMAN LOHSE: So basically, in  
15 answer to our question, Ken, the idea of taking a pool  
16 of subsistence users and giving a gear type to one of  
17 them and not to all of them, while it may be legal, it  
18 just hasn't been done.

19

20 MR. LORD: That's correct. It could be  
21 legal because they're the only ones asking for it. If  
22 one of the other groups asked for it and we denied it,  
23 that would probably not be legal.

24

25 CHAIRMAN LOHSE: Dean.

26

27 MR. WILSON: So, in this situation with  
28 three communities instead of one C&T, would it be  
29 easier if we had one proposal for each community as far  
30 as two different aspects, one of them being sharing?  
31 Also, if we had three of them in, they could make up  
32 their own proposal individually as they want to in the  
33 next three years. To my understanding, this is going  
34 to be good until 2010.

35

36 CHAIRMAN LOHSE: Larry.

37

38 MR. BUKLIS: Thank you, Mr. Chairman.  
39 Strictly speaking, this proposal is from the  
40 SouthCentral Alaska Regional Council and its genesis  
41 was described yesterday as an outgrowth from the issue  
42 of gillnets on the Kenai and Kasilof Rivers and trying  
43 to provide the subsistence priority and yet work  
44 through those other issues.

45

46 There was a stakeholder process, there  
47 was a Council review. This sort of all grew out of  
48 that. I understand there's a focus on Ninilchik and  
49 Ninilchik Traditional Council, but, strictly speaking,  
50 it's a Council proposal and there are three communities

1 with C&T.

2

3                   If I could speak to the point you made  
4 ancillary to that about the cycles, it did come up  
5 yesterday and I think you worked through it pretty  
6 well, but just to remind you the next fisheries call is  
7 in February/March, your next Council meeting window in  
8 2008. And, you're right, you will not have 2008  
9 fishing season experience when those proposals are due,  
10 but, as you know from past experience, you could submit  
11 what might be called a placeholder proposal that  
12 advances an issue or concept with some detail and that  
13 would be in process during 2008.

14

15                   Next year at this time you would be  
16 meeting post 2008 fishing season and such a proposal  
17 would be before you with an analysis and public  
18 comments and you could make your recommendation. So  
19 you don't have to wait three years, although if you  
20 want to make a proposal built up on practical  
21 experience with the existing regulation, you would have  
22 to wait because the call I'm describing is a two-year  
23 call.

24

25                   Mr. Chairman, there's one other aspect  
26 that's come up at times and that is the role of the  
27 Council in relation to the Board and I heard it a few  
28 times yesterday about will the Board accept this  
29 recommendation or how is this going to go with the  
30 Board. I just wanted to remind you that I understand  
31 you're talking about legality and administrative  
32 procedures, but this is a bottom up program and it is  
33 kind of reverse to think about whether the Board is  
34 going to accept what you're recommending. The focus  
35 needs to be applying your knowledge and experience of  
36 the resource in the area and the issues in making the  
37 best recommendation you can. That is what it is and  
38 the Board takes it from there.

39

40                   CHAIRMAN LOHSE: Tom.

41

42                   MR. CARPENTER: Well, Larry, that's  
43 fine and well and I think that that's the way that this  
44 Board has reacted in the past, but I think we have to  
45 be more conscious of what the Board is doing from now  
46 on because of some of the actions that they've taken in  
47 the past in regards to some of our decisions. We, as a  
48 Council, aren't going to sit here for three or four  
49 days a couple times a year and try and work out the  
50 details to the best solution we can come up to with the

1 problem and then just have it go by the wayside. So I  
2 think that's maybe where I was coming from in regards  
3 to trying to be a little more proactive and trying to  
4 send the best proposal to the Board that we thought  
5 could pass.

6  
7 CHAIRMAN LOHSE: Any other questions  
8 for the solicitor, for Larry.

9  
10 (No comments)

11  
12 CHAIRMAN LOHSE: Thank you, Ken.

13  
14 MR. LORD: No problem.

15  
16 CHAIRMAN LOHSE: We have a motion on  
17 the table and we need to read it in at this point in  
18 time. We all have this modified proposal in front of  
19 us, but I think that this one here is leaving out the  
20 crux of what we had decided to be in this amendment.  
21 This, I think, is the amendment that Tom put forward.  
22 So what we need to do is make sure that it's understood  
23 that this motion that's on the table at this point in  
24 time limits it strictly to the residents in Ninilchik,  
25 for the Kasilof and the Kenai River.

26  
27 Basically what it leaves out is the  
28 residents of Cooper Landing and Hope and it leaves out  
29 the part that it says residents of Cooper Landing and  
30 Hope may retain other species incidently caught in the  
31 Kenai River except for early run chinook salmon. So  
32 basically any reference to Cooper Landing and Hope is  
33 left out.

34  
35 We had some changes on the back side  
36 and I think that those are all pretty well understood.  
37 We changed eight to be three years from the time of the  
38 first fishwheel and I think we left off list all  
39 household members and we took out continually out of  
40 the monitoring. Am I correct in my assumptions on that  
41 from the makers of the motion?

42  
43 MR. BLOSSOM: And habitat effects.

44  
45 CHAIRMAN LOHSE: And leave out habitat  
46 effects, right. Doug.

47  
48 MR. BLOSSOM: Mr. Chairman. In lieu of  
49 what I heard this morning, I will be voting against  
50 this.

1 CHAIRMAN LOHSE: Tom.  
2  
3 MR. CARPENTER: A parliamentary  
4 question. Is a RAC member that's previously made an  
5 amendment that's failed allowed to reintroduce the same  
6 amendment? You can do it once correctly.  
7  
8 CHAIRMAN LOHSE: I don't think you're  
9 allowed to introduce the same amendment and I don't  
10 remember if we had already called the question on this  
11 before we asked for the Solicitor's advise or if we  
12 were going to wait for the Solicitor's advice before we  
13 called the question.  
14  
15 MR. CARPENTER: I don't believe the  
16 question had been called. I believe before it was I  
17 made a motion to table this until 9:00 a.m. to get the  
18 Solicitor's advice.  
19  
20 CHAIRMAN LOHSE: So what we have is we  
21 have a motion on the table that can be amended if  
22 somebody would wish to amend it, but I don't think the  
23 person whose amendment failed can submit the same  
24 amendment.  
25  
26 So, with that, if there's no  
27 amendments, then the question is in order. But if  
28 there is somebody who wishes to put in an amendment,  
29 the table is open for amendments. Greg.  
30  
31 MR. ENCELEWSKI: Mr. Chairman. I'd  
32 like to make an amendment to Doug's motion. I'm not  
33 sure, I'm hoping I get this correct because I think I  
34 amended it to start with, but I want to make an  
35 amendment. This new amendment would be to include Hope  
36 and Cooper Landing, that a fishwheel for -- three  
37 fishwheels and if they request one, then they would be  
38 eligible to have a fishwheel.  
39  
40 CHAIRMAN LOHSE: So you're amending  
41 this back to its original with the provision that there  
42 would be three fishwheels for the Kenai River.  
43  
44 MR. ENCELEWSKI: That's correct.  
45  
46 CHAIRMAN LOHSE: One per community.  
47  
48 MR. ENCELEWSKI: That's correct.  
49  
50 CHAIRMAN LOHSE: Do I hear a second.

1 MS. STICKWAN: Second.  
2  
3 MR. WILSON: Second.  
4  
5 CHAIRMAN LOHSE: It's been seconded by  
6 Gloria and/or Dean, whichever. Discussion. Dean.  
7  
8 MR. WILSON: Greg, in clarification on  
9 this -- under the proposed regulation you would  
10 actually go with the original, so Kenai River would  
11 encompass all three communities and Kasilof would be  
12 only for Ninilchik, is that correct?  
13  
14 MR. ENCELEWSKI: That's correct. That  
15 would be my understanding.  
16  
17 MR. WILSON: So that's the original.  
18  
19 MR. ENCELEWSKI: Right.  
20  
21 CHAIRMAN LOHSE: We still leave the  
22 changes that we changed, continuously to three years to  
23 the listing and to the habitat effects. They remain in  
24 effect. But what you wish to do is put Cooper Landing  
25 and the wording for Cooper Landing and Hope back into  
26 the motion and change it to one fishwheel per  
27 community.  
28  
29 MR. ENCELEWSKI: That's correct.  
30  
31 CHAIRMAN LOHSE: We have a second on  
32 that. Discussion. James.  
33  
34 MR. SHOWALTER: Yes, I think my  
35 understanding of it with Greg's amendment there is with  
36 Cooper Landing and Hope is that they would have to be  
37 present here and submit a request for the fishwheel and  
38 not Ninilchik speaking for them.  
39  
40 CHAIRMAN LOHSE: James, I don't think  
41 that would go underneath this proposal, this regulation  
42 as it goes through. I think they would probably have  
43 to meet the same requirements. They'd have to submit an  
44 additional plan to the refuge manager and the refuge  
45 manager would have to approve their operation plan.  
46 But there's nothing that we can do that says they have  
47 to come to us. If I'm wrong on that, I would expect  
48 the Solicitor to jump up and wave his hands at me.  
49  
50 MR. CARPENTER: I'm going to have to

1 vote against this amendment based on the same rationale  
2 that I voted against giving Hope and Cooper Landing the  
3 C&T originally. They're not here, they're not  
4 participating. I understand what the Solicitor said.  
5 It makes very fine legal sense. But I'm not in favor  
6 of giving fishwheels to somebody that has hasn't asked  
7 to participate in a fishwheel program.

8  
9 I still tend to be more in favor of my  
10 original amendment which would only allow a fishwheel  
11 on the Kasilof River with the same stricken language  
12 that is presently in this amendment and if Cooper  
13 Landing and Hope want a fishwheel on the Kenai, they  
14 have the ability to put a proposal in the next three  
15 years to ask for one. But we're all of a sudden giving  
16 more things out again without people asking for them.

17  
18 CHAIRMAN LOHSE: Any other discussion.  
19 Gloria.

20  
21 MS. STICKWAN: I don't think we are. I  
22 think we're just allowing them to have a chance to put  
23 a fishwheel in if they want to. We're not saying they  
24 have to do it. We're just including them. That's all  
25 we're doing.

26  
27 MR. ENCELEWSKI: Mr. Chairman.

28  
29 CHAIRMAN LOHSE: Greg.

30  
31 MR. ENCELEWSKI: I agree with Gloria.  
32 My understanding would be that they'd have to have a  
33 plan that would be approved. I mean we're allowing  
34 them as an additional gear type.

35  
36 CHAIRMAN LOHSE: Doug.

37  
38 MR. BLOSSOM: Mr. Chair. I will be  
39 voting in opposition to this. I was all for the one  
40 fishwheel per river and I don't want to see three  
41 fishwheels.

42  
43 CHAIRMAN LOHSE: Tricia.

44  
45 MS. WAGGONER: I'll be voting in  
46 opposition in agreement with Doug. I don't want to see  
47 right now in this early stage three fishwheels on the  
48 Kenai. I still think going back to giving Ninilchik an  
49 opportunity on the Kasilof  
50 is an opportunity and I think it's a good start.

1 CHAIRMAN LOHSE: Dean.

2

3 MR. WILSON: Whether we have one  
4 fishwheel or three fishwheels, it's still a limit. The  
5 limit has already been put out there. With a  
6 fishwheel, it will probably bump up against the limit  
7 either way. Ninilchik has said they want to include  
8 the original communities of the C&T and I'm going to go  
9 along with that. If they feel they don't want to  
10 include them and have a good reason behind it or they  
11 say nothing about it, it might be different, but they  
12 want to include them and share the quota that they've  
13 been allowed to fish with fishwheels. I'm not too sure  
14 the wording in this is a little bit strange in trying  
15 to divvy up this proposal into three communities. It's  
16 not worded well for that, but I think that's something  
17 a fisheries manager could probably take care of on  
18 their own, but I'll come out in support of this.

19

20 CHAIRMAN LOHSE: James.

21

22 MR. SHOWALTER: Yes. I guess I'm going  
23 to have to vote for this amendment with my  
24 understanding that Cooper Landing and Hope also have to  
25 submit their plan if they wanted to have a fishwheel  
26 within the Kenai River. I understand the State or Feds  
27 wouldn't have to approve it. So, with that, that  
28 should take care of those other two communities.

29

30 MR. CARPENTER: Question.

31

32 CHAIRMAN LOHSE: I'd like to make a  
33 comment on this. One thing as a Council we haven't  
34 taken into consideration on all this discussion. We  
35 put three fishwheels on the Kenai or even one on the  
36 Kasilof and knowing the efficiency of fishwheels we may  
37 just totally catch the quota on those rivers so fast  
38 that people who are still subsistence users that don't  
39 want to take part in the fishwheel will not be able to  
40 do any fishing with their rod and reel or with a  
41 dipnet. We could end up catching, and I could see with  
42 three fishwheels on the Kenai, the quota could be  
43 caught fast enough that nobody else that wasn't  
44 participating with fishwheels would have any  
45 opportunity to take any subsistence fish underneath the  
46 system. So, from that standpoint, the idea of three  
47 fishwheels and the effect it has on others, I'm going  
48 to vote against this amendment at this point in time.  
49 I'll have to do thinking on the fishwheel in general.  
50 Larry.

1 MR. BUKKLIS: Thank you, Mr. Chairman.  
2 Larry Buklis, OSM. I know you're in deliberations, but  
3 when I hear something that may not be correct, I think  
4 I need to come forward. As I understand it, the limits  
5 that you're speaking of and you spoke of earlier apply  
6 to the fishwheel and the dipnet, rod and reel fishery,  
7 but the doubled sport limit rod and reel fishery, I  
8 believe, is independent of that limit.

9  
10 CHAIRMAN LOHSE: So the double  
11 sportfish limit with the sport rods does not take --  
12 you don't need a permit and that doesn't go on the  
13 total quota? I think it does go on the total quota.

14  
15 MR. BUKKLIS: You need your subsistence  
16 fishing permit.

17  
18 CHAIRMAN LOHSE: Right.

19  
20 MR. BUKKLIS: But that double daily bag  
21 limit from the sport level is not added into those  
22 several thousand fish fishwheel/dipnet fishery harvest  
23 limits.

24  
25 CHAIRMAN LOHSE: Steve.

26  
27 MR. FRIED: Yeah, that's correct. I  
28 mean that's why that was done that way. The confusing  
29 part, when the regulation was passed, it allowed for  
30 the dipnet fishery, which does have household and  
31 annual limits, people to use rod and reel because  
32 people were concerned that since they've never really  
33 tried dipnetting that it might be totally ineffective  
34 and at least maybe some household members could get  
35 their dipnet household limit with a rod and reel. So  
36 that fishery has to be done with a rod and reel under a  
37 dipnet permit in those three sites in the Kenai and a  
38 site on the Kasilof, but it's totally separate from  
39 just the salmon rod and reel fishery, which has daily  
40 harvest and possession limits.

41  
42 CHAIRMAN LOHSE: Right. But if you  
43 take.....

44  
45 MR. FRIED: The only annual limits  
46 there are for chinook salmon and I think steelhead.

47  
48 CHAIRMAN LOHSE: Okay, but it's done  
49 under the dipnet fishery for a permit. Does the catch  
50 go on the dipnet quota?

1                   MR. FRIED:  If they're doing it at  
2 those three sites as a family member under the dipnet  
3 permit, then, yes, it does go on their household.

4  
5                   CHAIRMAN LOHSE:  Whether they caught it  
6 with a rod and reel or whether they caught it with a  
7 dipnet.

8  
9                   MR. FRIED:  That's correct.

10  
11                  CHAIRMAN LOHSE:  That's what I was  
12 under the impression.

13  
14                  MR. FRIED:  It is confusing, but that's  
15 the way.....

16  
17                  CHAIRMAN LOHSE:  So if the quota was  
18 caught, that fishery would be closed along with the  
19 dipnet fishery.

20  
21                  MR. FRIED:  That's correct and then  
22 people would -- the only Federal subsistence  
23 opportunity then for salmon would be for people that  
24 fish in Federal waters under regulations for rod and  
25 reel, which has that up to two hooks with bait on  
26 certain dates and daily harvest that I think in all  
27 cases double what the State would allow under sportfish  
28 regulations.

29  
30                  CHAIRMAN LOHSE:  Gloria.

31  
32                  MS. STICKWAN:  But since it's our  
33 proposal we could amend this proposal to set a limit  
34 for dipnetters and sport fisheries.

35  
36                  MR. FRIED:  If I understand what you're  
37 saying, you're saying that the proposal before you for  
38 fishwheels you're talking about an amendment to provide  
39 additional harvest for the fishwheel fishery?

40  
41                  MS. STICKWAN:  Not an additional  
42 harvest.  Just the set quota, whatever the quota is,  
43 but to set aside a certain amount for dipnetters and  
44 sport fisheries so they will be able to harvest fish.

45  
46                  MR. FRIED:  So what you're saying is to  
47 set aside a portion of that quota for each of those  
48 salmon species specifically for a fishwheel.  So  
49 instead of just sharing it, you know, if it's reached  
50 by one year another or both and then it closes, then

1 you'd actually just -- that would close after they  
2 reached their specific limit. I guess you could do  
3 that if you wanted to amend that.

4  
5 CHAIRMAN LOHSE: I think I see what  
6 Gloria is saying. Like you could say no more than 75  
7 percent of the quota can be caught by fishwheels or  
8 something like that. Anyhow, we have an amendment on  
9 the floor right now.

10  
11 MR. CARPENTER: Mr. Chairman. Point of  
12 order. The question has been called on the original  
13 amendment.

14  
15 CHAIRMAN LOHSE: The question was  
16 called on the amendment. So the amendment is three  
17 fishwheels including Hope and Cooper Landing.  
18 Everything else stays the same as it was before.  
19 Donald, I think you better make a roll call on this  
20 one.

21  
22 MR. MIKE: Mr. Chair. Roll call vote  
23 on the amendment to include Cooper Landing and Hope as  
24 part of the amendment would include three fishwheels  
25 and everything would stay the same, is that correct?  
26 Mr. Blossom.

27  
28 MR. BLOSSOM: No.

29  
30 MR. MIKE: Mr. Encelewski.

31  
32 MR. ENCELEWSKI: Yes.

33  
34 MR. MIKE: Ms. Waggoner.

35  
36 MS. WAGGONER: No.

37  
38 MR. MIKE: Mr. Lamb.

39  
40 MR. LAMB: Yes.

41  
42 MR. MIKE: Ms. Stickwan.

43  
44 MS. STICKWAN: Yes.

45  
46 MR. MIKE: Mr. Wilson.

47  
48 MR. WILSON: Yes.

49  
50 MR. MIKE: Mr. Showalter.

1 MR. SHOWALTER: No.  
2  
3 MR. MIKE: Mr. Lohse.  
4  
5 CHAIRMAN LOHSE: No.  
6  
7 MR. MIKE: Mr. Carpenter.  
8  
9 MR. CARPENTER: No.  
10  
11 MR. MIKE: Mr. Chair. The amendment  
12 fails 5 to 9.  
13  
14 CHAIRMAN LOHSE: So the amendment  
15 fails. We have in front of us the original motion,  
16 which is exactly the same motion except it's still one  
17 fishwheel and it leaves out Hope and Cooper Landing.  
18 That was the original motion that's on the table.  
19 Doug.  
20  
21 MR. BLOSSOM: Mr. Chair. I made that  
22 amendment and I'm going to vote against it.  
23  
24 CHAIRMAN LOHSE: This is the motion as  
25 amended. We've already voted on the amendment, so this  
26 is the motion as amended.....  
27  
28 MR. BLOSSOM: Right.  
29  
30 CHAIRMAN LOHSE: .....so we aren't  
31 voting on an amendment. We're voting on the motion.  
32  
33 MR. BLOSSOM: Right. It only has  
34 Ninilchik in it.  
35  
36 CHAIRMAN LOHSE: It only has Ninilchik  
37 in it, right.  
38  
39 MR. CARPENTER: Mr. Chairman. I  
40 believe, correct me if I'm wrong, that we're still  
41 actually voting on Doug's original amended motion that  
42 only has Ninilchik. Then we have to pass or fail and  
43 then go back to the original motion after that still.  
44  
45 CHAIRMAN LOHSE: We didn't vote on your  
46 amendment?  
47  
48 MR. CARPENTER: No. The amendment that  
49 I proposed failed. The amendment Greg proposed failed.  
50 We're back to Doug's original amendment.

1 CHAIRMAN LOHSE: That makes things  
2 simpler. Okay. We have Doug's original amendment in  
3 front of us then, so we still have the original motion  
4 after this.

5  
6 MR. BLOSSOM: Yes.

7  
8 CHAIRMAN LOHSE: Good. Okay. Any more  
9 discussion. Dean.

10  
11 MR. WILSON: Yeah, this is getting real  
12 confusing now. I'm going to try to get some  
13 clarification on this from you, Doug. This is the  
14 original one that you brought up yesterday and you're  
15 going to come out here in opposition to it.

16  
17 MR. BLOSSOM: Mr. Chair. It only has  
18 Ninilchik being the recipient and after what I heard  
19 this morning it looks to me like we want to include all  
20 the communities and go that way.

21  
22 MR. WILSON: Just on the Kasilof River.

23  
24 CHAIRMAN LOHSE: No, this is on both of  
25 them. Does everybody understand this amendment that's  
26 in front of us then?

27  
28 MS. STICKWAN: This is all communities.

29  
30 CHAIRMAN LOHSE: This amendment does  
31 not include all communities. This amendment is the one  
32 Doug put in that only included Ninilchik and left all  
33 the other changes in it, but only included Ninilchik  
34 and took out Hope and Cooper Landing. This is the  
35 amendment Doug put in. So we're voting on the  
36 amendment to whether we're going to amend the motion to  
37 this one. Is it clear to everybody? Do we have any  
38 other discussion?

39  
40 MR. LAMB: It still has the stricken  
41 language, right?

42  
43 CHAIRMAN LOHSE: Still has the stricken  
44 language. James.

45  
46 MR. SHOWALTER: Okay. So according to  
47 this it will be a fishwheel on the Kasilof and the  
48 Kenai for Ninilchik, is that correct?

49  
50 CHAIRMAN LOHSE: Right. Okay. If

1 everybody understands the motion that's on the table,  
2 the question is in order.

3

4 MR. LAMB: Question.

5

6 CHAIRMAN LOHSE: The question has been  
7 called. Donald, do you want to take a roll call vote.

8

9 MR. MIKE: Mr. Chair. Roll call vote  
10 on the amendment to the proposal to exclude Cooper  
11 Landing and Hope. Mr. Blossom.

12

13 MR. BLOSSOM: No.

14

15 MR. MIKE: Mr. Encelewski.

16

17 MR. ENCELEWSKI: No.

18

19 MR. MIKE: Ms. Waggoner.

20

21 MS. WAGGONER: No.

22

23 MR. MIKE: Mr. Lamb.

24

25 MR. LAMB: No.

26

27 MR. MIKE: Ms. Stickwan.

28

29 MS. STICKWAN: No.

30

31 MR. MIKE: Mr. Wilson.

32

33 MR. WILSON: No.

34

35 MR. MIKE: Mr. Showalter.

36

37 MR. SHOWALTER: I'm going to abstain  
38 from this vote. Thank you.

39

40 MR. MIKE: Mr. Lohse.

41

42 CHAIRMAN LOHSE: No.

43

44 MR. MIKE: Mr. Carpenter.

45

46 MR. CARPENTER: No.

47

48 MR. MIKE: Mr. Chair. The amendment  
49 fails, 8 nays and 1 abstain.

50

1 CHAIRMAN LOHSE: Okay. The amendment  
2 fails. We have in front of us the original motion that  
3 we see on Page 45 with the stricken language on  
4 continuously on habitat effects, on listing of all  
5 households and on a three-year moratorium. Doug.

6  
7 MR. BLOSSOM: Mr. Chair. I would like  
8 to amend the original motion to take out in section 2  
9 (ii) habitat effects, and in section 3 (iii)  
10 continuously, and in section 4 (i) that entire line,  
11 and in No. 8 change it to three years from date  
12 fishwheel is installed.

13  
14 CHAIRMAN LOHSE: Okay.

15  
16 MR. CARPENTER: Second.

17  
18 CHAIRMAN LOHSE: It's been moved and  
19 seconded to do those language changes that we've all  
20 agreed on in the past. Do we need any discussion on  
21 this. Tricia.

22  
23 MS. WAGGONER: I just want to add one  
24 more friendly amendment to the amendment. On No. 1 can  
25 we strike continuously on that one also.

26  
27 CHAIRMAN LOHSE: There's continuously  
28 in there twice, Doug.

29  
30 MR. BLOSSOM: Sure.

31  
32 CHAIRMAN LOHSE: Thank you, Tricia, for  
33 bringing that one up.

34  
35 MR. BLOSSOM: I see it now.

36  
37 CHAIRMAN LOHSE: Do we need any further  
38 discussion on this amendment.

39  
40 MR. WILSON: Question.

41  
42 CHAIRMAN LOHSE: The question has been  
43 called. All in favor of the amendment to make those  
44 language changes signify by saying aye.

45  
46 IN UNISON: Aye.

47  
48 CHAIRMAN LOHSE: Oppose signify by  
49 saying nay.

50

1 MR. CARPENTER: Nay.

2

3 CHAIRMAN LOHSE: Motion carries. Do  
4 you wish to tell us why.

5

6 MR. CARPENTER: For the facts I stated  
7 earlier about including communities that I don't  
8 believe have participated. I believe it should have  
9 been dealt with the Kasilof for this Board meeting and  
10 that's it.

11

12 CHAIRMAN LOHSE: Tom, I think you  
13 misunderstood the motion that was on the table. All we  
14 were voting on was amending the language on this one  
15 here. Now we're having the motion in front of us. We  
16 were just changing these words. We were just voting on  
17 the amendment to change this, this, this and this. We  
18 weren't voting on the motion.

19

20 MR. CARPENTER: I stand corrected.

21

22 CHAIRMAN LOHSE: Thank you. So the  
23 amendment passes. We now have in front of us the  
24 original motion with the amended language in 2, 3 and  
25 4. Discussion or question, whichever anybody wants.  
26 Greg, did you have something you wished to say.

27

28 MR. ENCELEWSKI: I was just going to  
29 make a comment. I have no other choice but to vote for  
30 this. I think it's a compromised situation. I fully  
31 believe after listening to the Solicitor and everything  
32 else that if a community doesn't come forth and request  
33 to be included, why are we granting them something. I  
34 think that could be argued legally both sides, but I'm  
35 going to support it as is I guess.

36

37 CHAIRMAN LOHSE: Tricia.

38

39 MS. WAGGONER: Just the opposite. I'm  
40 going to vote against it because I still think it's  
41 going to be too much confusion and we're going to end  
42 up with too many fishwheels on the Kenai.

43

44 MR. ENCELEWSKI: May I respond to  
45 Tricia on that. As I stated yesterday, it's clearly an  
46 issue of the C&T. Ninilchik has C&T on the Kenai.  
47 They didn't lose that C&T and, therefore, they should  
48 be -- they brought the proposal, supported it, and I'm  
49 going to support it.

50

1 CHAIRMAN LOHSE: Any other question or  
2 any other discussion or is the question is order. Tom.

3  
4 MR. CARPENTER: Just one more comment.  
5 Just for the record, this is a RAC-generated proposal.  
6 This proposal was not brought forth by any community.

7  
8 CHAIRMAN LOHSE: Thank you, Tom. I  
9 think that needed to be said. I would say and I will  
10 bring up the fact that while Ninilchik has been here,  
11 there also have been people in our thing when we've  
12 discussed things like this from Cooper Landing or Hope.  
13 We have one in the audience right now. So this was not  
14 a Ninilchik-generated proposal, it was a RAC-generated  
15 proposal. James.

16  
17 MR. SHOWALTER: Yes. Can we go through  
18 this modified proposal. I think it was on Page 45. I  
19 think this morning I'm running a little bit behind on  
20 catching up on pages and omissions.

21  
22 CHAIRMAN LOHSE: James, if you look at  
23 the proposal on Page 45, everything on the first page  
24 is exactly the same as the way the proposal reads.  
25 Nothing has been changed on the first page. That's all  
26 exactly the way it reads on the first page, the  
27 proposal that's in front of us.

28  
29 MR. SHOWALTER: So then like yesterday  
30 we struck some of that reading to go by the new draft,  
31 so it's back to the original.

32  
33 CHAIRMAN LOHSE: It's back to the  
34 original. If you go to the next page, on Page 46, we  
35 struck the word continuously, so it's remain on site to  
36 monitor, we struck list all household members for which  
37 the fishwheel is being operated, we struck habitat  
38 effects up at the top, which is just above line 3,  
39 because we didn't feel that the people involved with  
40 running the fishwheel were responsible for judging the  
41 habitat effects. I won't say capable, but that's not  
42 their position. And we went to No. 8 and we said that  
43 instead of a date of December 31st, 2010, we said three  
44 years from the time the first fishwheel is put in. So  
45 that's the only changes that are made to what you're  
46 seeing in front of you right there.

47  
48 MR. MIKE: Mr. Chair.

49  
50 CHAIRMAN LOHSE: Donald.

1 MR. MIKE: We also made an amendment on  
2 each one continuously to be struck out too?  
3  
4 CHAIRMAN LOHSE: Yeah. All the words  
5 continuously are struck out.  
6  
7 MR. CARPENTER: Question.  
8  
9 CHAIRMAN LOHSE: The question has been  
10 called on the amended motion as it sits in front of us  
11 then. Donald, I think you better make a roll call on  
12 this one, too.  
13  
14 MR. MIKE: Mr. Chair. The amended  
15 motion as discussed to strike out the words  
16 continuously and strike out 4(i) and include language  
17 this regulation expires three years from the date a  
18 fishwheel is installed. Mr. Blossom.  
19  
20 MR. BLOSSOM: Yes.  
21  
22 MR. MIKE: Mr. Encelewski.  
23  
24 MR. ENCELEWSKI: Yes.  
25  
26 MR. MIKE: Ms. Waggoner.  
27  
28 MS. WAGGONER: No.  
29  
30 MR. MIKE: Mr. Lamb.  
31  
32 MR. LAMB: Yes.  
33  
34 MR. MIKE: Ms. Stickwan.  
35  
36 MS. STICKWAN: Yes.  
37  
38 MR. MIKE: Mr. Wilson.  
39  
40 MR. WILSON: Yes.  
41  
42 MR. MIKE: Mr. Showalter.  
43  
44 MR. SHOWALTER: Yes.  
45  
46 MR. MIKE: Mr. Lohse.  
47  
48 CHAIRMAN LOHSE: No.  
49  
50 MR. MIKE: Mr. Carpenter.

1 MR. CARPENTER: No.  
2  
3 MR. MIKE: Mr. Chair. The vote is 6 to  
4 3. The yeas have it.  
5  
6 CHAIRMAN LOHSE: Okay. That is taken  
7 care of. We have in front of us at this point in time  
8 FP08-10, but we can't take care of FP08-10 because of  
9 the change that the Board made in the C&T status of  
10 Ninilchik on the Kenai River. But we had a request by  
11 one of our Board members that in place of that we put a  
12 resolution in to the Board that they give us written,  
13 specific, detailed reasons for refusing to follow the  
14 Southcentral RAC's C&T recommendations. You all have  
15 that resolution in front of you. A motion to send this  
16 resolution in to the Board is in order because it  
17 applies directly to FP08-10. Do I have such a motion.  
18 Doug.  
19  
20 MR. BLOSSOM: Mr. Chair. I make a  
21 motion that we send 07-01 to the Federal Subsistence  
22 Board for their consideration.  
23  
24 CHAIRMAN LOHSE: Do I hear a second.  
25  
26 MR. ENCELEWSKI: I'll second that  
27 motion.  
28  
29 CHAIRMAN LOHSE: It's been moved and  
30 seconded. Discussion. I think we all understand what  
31 it is. We discussed it yesterday. Do I hear any more  
32 discussion or do we have a call for the question.  
33  
34 MR. WILSON: Question.  
35  
36 CHAIRMAN LOHSE: The question has been  
37 called. All in favor signify by saying aye.  
38  
39 IN UNISON: Aye.  
40  
41 CHAIRMAN LOHSE: All opposed signify by  
42 saying nay.  
43  
44 (No opposing votes)  
45  
46 CHAIRMAN LOHSE: Motion carries  
47 unanimously. Okay. At this point in time we are going  
48 to skip through the Fisheries Resource Monitoring  
49 Program in deference to Polly Wheeler who has to leave  
50 and ask her to give the draft customary and traditional

1 use policy for Council recommendations. You'll find it  
2 on Page 76. If anybody needs to take a break, just  
3 take a break individually at this point in time and  
4 we'll try to give Polly time to go through this.

5  
6                   Maybe we better take a quick break. I  
7 see enough people taking quick breaks. Give us five  
8 minutes.

9  
10                   (Off record)

11  
12                   (On record)

13  
14                   CHAIRMAN LOHSE: Okay. If everybody  
15 can take their seat, we'll call this meeting of the  
16 Southcentral Regional Advisory Council back into  
17 session. Polly is going to present the draft policy of  
18 implementation of customary and traditional use  
19 determinations to us. I think what she's looking for  
20 is some comments from those of you sitting on the  
21 Council. So listen carefully and if you have any  
22 comments or advice or anything to give her, I know  
23 Polly is open to hearing it. With that, Polly, I'll  
24 turn it over to you.

25  
26                   MS. WHEELER: Thank you, Mr. Chair and  
27 Council members. Again, thank you for moving the  
28 agenda around to accommodate my schedule. I appreciate  
29 that. I'm going to give you some background  
30 information on the draft C&T policy and then we'll get  
31 into some of the specifics of the policy. I fully  
32 expect that you will have comments and questions and  
33 I'm looking forward to them.

34  
35                   The policy is on Pages 76 to 79 in your  
36 books. There's also for the people that are here that  
37 are interested a number of copies of the draft policy  
38 on the back table so that we can get as broad public  
39 distribution as possible.

40  
41                   Just some background, Mr. Chair. The  
42 draft policy has been in the works for several years.  
43 Work on the draft policy began in January 2005 with a  
44 letter from then Governor Murkowski to then Secretary  
45 of Interior, Gale Norton, noting specific concerns over  
46 inconsistencies and lack of clear criteria on C&T  
47 determinations.

48  
49                   The State asked that the C&T  
50 determinations be rigorously evaluated and only

1 provided where substantial evidence is present. In  
2 responding to the State's complaint, the Deputy  
3 Secretary of Interior requested that the Federal  
4 Subsistence Board review and clarify its approach to  
5 making C&T determinations.

6  
7 While we were working on the draft  
8 policy the State of Alaska filed a lawsuit in Federal  
9 court against the Federal Board challenging its May  
10 2005 decision to expand a C&T finding for moose for the  
11 community of Chistochina to include all of Unit 12.

12  
13 As recently as June of 2007, Secretary  
14 of Interior Kempthorne instructed the Board to continue  
15 its work on developing the customary and traditional  
16 determination policy as expeditiously as possible.  
17 That direction interestingly came the day after the  
18 U.S. District Court denied the State's challenge to the  
19 Board decision to expand C&T finding for moose for the  
20 community of Chistochina.

21  
22 I realize that you have not had a  
23 briefing on the Chistochina decision and I'm not sure  
24 if Ken Lord is still here if you had specific questions  
25 on that. Just basically, in short, the Chistochina  
26 decision affirmed the Board's approach to making C&T  
27 determinations and it provided some further  
28 clarification to the Board. The decision underscored  
29 the rule of C&T determinations in the Federal  
30 Subsistence Management Program, namely to identify uses  
31 needing protection under ANILCA. It clarified that the  
32 role of C&T determinations is not to limit the pool of  
33 users to the smallest possible group, but rather  
34 identify which uses need protection under ANILCA.

35  
36 The Federal program's procedures for  
37 addressing C&T determinations, which have been utilized  
38 since the inception of the program, are outlined in the  
39 policy.

40  
41 Key elements of the draft policy --  
42 and, again, it's fairly short, just four pages. Key  
43 elements of the policy are basically the policy lays  
44 out the existing Board process for addressing C&T  
45 determinations. The policy does not represent a change  
46 from the way C&T determinations have been made in the  
47 past. It is simply intended to clarify the approach  
48 the Federal program has been taking as requested by the  
49 Secretary of the Interior. Part of the process is to  
50 consider the eight factors in a general holistic way

1 rather than a rigid manner or checklist manner as some  
2 have requested.

3  
4           The Chistochina decision actually  
5 underscored the importance of addressing the eight  
6 factors in a holistic way rather than as a checklist.  
7 Specifically the decision states that, quote, in making  
8 a C&T determination for a specific community, the  
9 Federal Subsistence Board must first consider whether  
10 the community generally exhibits the eight regulatory  
11 factors which exemplify customary and traditional use.  
12 So, again, if they generally exhibit the eight  
13 regulatory factors, he was fairly specific about the  
14 fact that it had to be general.

15  
16           The draft policy does not provide a new  
17 way of doing C&T determinations. It does not call for  
18 definitions. It does not call for thresholds. It does  
19 not call for benchmarks. The need for such perimeters  
20 was negated by the Chistochina decision.

21  
22           Here we get to the good part. It's  
23 important to note that the policy is a draft. The  
24 Federal program is very interested in hearing comments,  
25 questions, recommendations from the Regional Advisory  
26 Councils and the public. The deadline for public  
27 comments is December 1, 2007. I will say that at this  
28 point I have received exactly one comment. I suspect  
29 that as the deadline gets closer we'll probably ramp up  
30 a little bit, but that's all I've received at this  
31 point. Once the comments are all received the Board  
32 will meet to discuss them and to revise the policy  
33 accordingly.

34  
35           That, Mr. Chair, is sort of the outline  
36 of the policy. I could go through and read it to you,  
37 but I don't think I need to do that. I suspect that  
38 you've all read it and hopefully have questions or  
39 comments for me.

40  
41           Thank you, Mr. Chair.

42  
43           CHAIRMAN LOHSE: Polly, one of the  
44 things I'd like to make understood is that even if  
45 Council members don't have comments to make here in  
46 this Council they have the opportunity to submit the  
47 comments to you in writing as individuals after the  
48 meeting and anybody that's in the audience also has the  
49 ability to submit comments up until December 1st, 2007.  
50 So it's not limited to the Councils. It's limited to

1 the general public and any Council member can submit  
2 comments as a member of the general public if they  
3 don't submit comments right here in the meeting today.

4

5 MS. WHEELER: That's correct, Mr.  
6 Chair. The one thing I would add, however, is that  
7 this is an opportunity for the Council as a group to  
8 weigh in, but, absolutely, we're hoping that this  
9 policy generates a lot of interest and a lot of  
10 comments. That's our goal.

11

12 CHAIRMAN LOHSE: Polly, what I'm going  
13 to do is turn it over so they don't have to go through  
14 the chair. People on the Council can direct questions  
15 directly to you. So I'm going to ask you if somebody  
16 holds their hand up to recognize them and they can deal  
17 with you instead of dealing through me.

18

19 MS. WHEELER: Okay, but I may have to  
20 ask for your help. No, I'm kidding. Thank you, Mr.  
21 Chair. Mr. Carpenter.

22

23 MR. CARPENTER: This is a very  
24 interesting policy to me. At the beginning of the  
25 meeting I know you were here and you heard some of my  
26 comments in regards to how C&T's are done and this has  
27 always been the most fascinating display of  
28 policy-making on the Federal side. It just bothers me  
29 to no end. This policy, to me, does absolutely  
30 nothing. It changes absolutely nothing. It does  
31 absolutely nothing.

32

33 It's like the statement that you made,  
34 and I believe you were speaking of the Chistochina case  
35 in which the judge said that generally they must  
36 exhibit the eight factors. What does generally mean?  
37 That, to me, is ultimately the crux of the problem.

38

39 The State system, like it or not,  
40 follows the eight criteria quite stringently when  
41 handing out C&T's. The Federal process, granted it has  
42 to be a little bit more open-minded and lenient towards  
43 C&T's, but when you put a word like generally in there,  
44 how could the RAC or the Board ever possibly turn  
45 somebody down for a C&T. I would look at the word  
46 generally and if there's eight criteria, if you can  
47 find one small shred of evidence to throw in at number  
48 one or number five, how could you possibly take what  
49 the judge has said and ever turn somebody down.

50

1 My idea is that the Federal process has  
2 got to become  
3 more clear and obvious. The reason I say that is if  
4 the RAC makes a determination on C&T and recommends  
5 that to the Board and it uses whatever it thinks is  
6 generally qualifying factors, the Board could either  
7 deny the C&T based on the factors we used or they could  
8 actually come up with their own. There's no clear and  
9 set policy as to how this process should go forward.

10  
11 I'm not sure exactly what the answer  
12 is, but it has to change somehow. I mean I've talked  
13 to a lot of people that they don't even want to get  
14 involved in the process because it's so open to the  
15 debate and to -- you know, it just needs to be more  
16 defined and I don't think this policy does it. I'm not  
17 criticizing the work that you did. This does not  
18 change anything from the standard that we have now.

19  
20 My ultimate goal, and I've said this in  
21 the past, is I always wished that the Board would take  
22 a proactive step, engage in rule-making, come up with  
23 criteria as a Board for the RAC, let the RAC's comment  
24 on that and let it ultimately go back to the Board for  
25 final approval. But they have been so non-proactive in  
26 this because I think it gives the Board the ultimate  
27 tool to do whatever they want and that's a problem.  
28 I'll stop at that.

29  
30 CHAIRMAN LOHSE: Greg.

31  
32 MS. WHEELER: If I could just respond.  
33 I'm not sure you were actually looking for a response  
34 or if you were just.....

35  
36 MR. ENCELEWSKI: Venting.

37  
38 MS. WHEELER: I completely understand  
39 your frustration and this frustration has been  
40 expressed in all kinds of different contexts by all  
41 kinds of different people. On the flip side of that,  
42 part of the problem, in a way, is that the Federal  
43 program has adopted this model utilized by the State,  
44 which you got a history lesson from Mr. Starkey  
45 yesterday on the development of the 10 criteria, which  
46 then turned into eight criteria, which then, under the  
47 Federal program, turned into eight factors.

48  
49 So you have a model that was developed  
50 by the State, which is a very different mandate, then

1 you have the Federal program that comes along. If  
2 there's not a C&T determination, all rural Alaskans are  
3 Federally -- you know, have customary and traditional  
4 use. In a way, it's different than the State system  
5 because the C&T determination sort of more narrowly  
6 defines the pool. The original filter under the  
7 Federal program is rural. That defines the pool. The  
8 C&T more narrowly defines the pool.

9  
10 I think some Councils have thought  
11 about just throwing out C&T's all together because we  
12 already have that original filter and then we could go  
13 to 804. Other Councils see C&T use determinations as  
14 sort of a validation of their use. The thing to  
15 recognize in all that is part of the frustration is  
16 it's a model that comes from a different mandate that's  
17 being imposed on a program that has -- or is being used  
18 by a program that has a very different mandate.

19  
20 MR. CARPENTER: I guess just in  
21 response to that, I understand that, but in  
22 understanding that all rural residents are eligible if  
23 there is no C&T, but that is also assuming that for  
24 whatever species you're talking about that there's an  
25 actual open Federal season. If there is no open  
26 Federal season, in which a lot of the state there are  
27 no open Federal seasons -- take, for example, brown  
28 bear in Unit 6. There is no open Federal season.  
29 Cordova residents have a C&T, but that doesn't mean  
30 they can harvest under the Federal program. So, you  
31 know, there are other factors to take into account when  
32 we're talking about these C&T's.

33  
34 I understand when the Federal  
35 government got into the subsistence management, they  
36 took a lot of these things from the State, but it seems  
37 to me that if you're going to use the eight criteria as  
38 a basis for formulating judgment on a community or an  
39 individual if it was in the park, that you would have  
40 to take a long-term, consistent pattern of use, which  
41 would seem like a very obvious thing that subsistence  
42 people have done, a community. You would have to be  
43 able to look at that and come up with some kind of  
44 reasonable guideline that the RAC and the Board could  
45 follow as to what is there a minimum criteria or  
46 maximum criterias.

47  
48 Shouldn't there be something that we  
49 look at or should it just be open to just unlimited  
50 debate in regards to every single proposal. There's

1 just absolutely no standard, so every time we talk  
2 about a community and every community has -- you know,  
3 Cordova might depend on deer and have a 90 percent  
4 dependency on deer, whereas some other place, when  
5 you're talking about grouse or something like that, you  
6 might have a 15 percent dependency, but how can you  
7 really differentiate between is one more important than  
8 the other in regards to subsistence need. But if there  
9 was some sort of formal guideline in regards to that, I  
10 think it would be easier for the RAC to look at  
11 situations and come up with better resolutions.

12

13 MS. WHEELER: Ms. Stickwan.

14

15 MS. STICKWAN: Since there's a ruling  
16 by the court on C&T, I guess now we're stuck with C&T  
17 since the court ruled on that, is that right? We have  
18 to have the C&T in place?

19

20 MS. WHEELER: I'm not a lawyer, but  
21 I'll tell you what I think and if there's a lawyer in  
22 the audience they can jump up. My understanding is  
23 that current regulations -- Judge Holland, in making  
24 the Chistochina decision, didn't go into whether or not  
25 those regulations are -- I mean he just addressed the  
26 fact that the regulations exist. If regulations were  
27 to change, there would need to be a rule-making process  
28 to change those regulations. As it stands, he didn't  
29 go into the appropriateness of the regulations. He  
30 accepted the regulations and affirmed how the Federal  
31 program has been using those regulations.

32

33 MS. STICKWAN: Is there somebody here  
34 that could answer my question?

35

36 MR. LORD: Ken Lord with the  
37 Solicitor's Office again. Polly is exactly right.  
38 Judge Holland's decision was based on how our program  
39 is currently structured. That structure is to make  
40 customary and traditional use determinations. The  
41 issue of whether or not we could somehow dispense with  
42 them was not addressed. I think that or I would be  
43 speculating, but when reading that decision I would  
44 guess that he intentionally left that question open.

45

46 MS. STICKWAN: It could be. We could  
47 do away with C&T.

48

49 MR. LORD: Right. If we went through a  
50 rule-making to do so, yes, I think we could legally do

1 that. Because the phrase customary and traditional  
2 modifies the word uses of the resource, not the take,  
3 not the geography from which that take occurs and I  
4 think back 20, 25 years ago when whoever it was  
5 initially came up with customary and traditional use  
6 determination in the way it did, I think that was a  
7 mischaracterization of what the statute said.

8

9 MS. STICKWAN: I have another question  
10 for Polly. Since C&T's in our area are mostly all done  
11 for the Glennallen area, are we going to have to go  
12 back and do all these C&T's again or are you just going  
13 to leave them the way they are?

14

15 MS. WHEELER: No. The court decision  
16 affirmed how the Federal program has been doing C&T  
17 determinations all along. So my understanding would be  
18 that the C&T determinations that are in place right now  
19 are intact. There was no direction provided by that  
20 decision to go back and redo anything. It just  
21 affirmed what has been done and how the program has  
22 approached C&T determinations.

23

24 MS. STICKWAN: So even if the court  
25 ruled -- I mean I understand the State is appealing the  
26 case, is that right?

27

28 MR. LORD: That's correct. It's going  
29 up to the Ninth Circuit. We have not yet even done  
30 briefings, so it may drag on for a year or two before  
31 we get a final decision from the Ninth Circuit.

32

33 MS. STICKWAN: So you might have to do  
34 C&T again for Chisela.

35

36 MR. LORD: Well, what would happen is  
37 that either the court would affirm the district court,  
38 in which case we wouldn't change anything or it could  
39 conceivably remand -- find that there was something  
40 wrong with the district court's decision and remand it  
41 back. They wouldn't actually direct the Board to  
42 change some particular C&T necessarily. Like I said,  
43 it's a long process and for now the state of the law is  
44 what the district court decided in Alaska.

45

46 MS. STICKWAN: I don't know what remand  
47 means. Sorry.

48

49 MR. LORD: I'm sorry. They would send  
50 it back for further decision-making and improving the

1 record or something to that effect.

2

3 MS. STICKWAN: So it would go back to  
4 this court right now? Is that what you're saying?

5

6 MR. LORD: It would ultimately go back  
7 to the Board for a new decision, which could actually  
8 be the same decision with different information or new  
9 information or it could be a different decision if the  
10 Ninth Circuit really found that we were off base in the  
11 way we make customary and traditional use  
12 determinations. I find it hard to believe that the  
13 Ninth Circuit would go that far though.

14

15 MS. STICKWAN: Okay.

16

17 MR. ENCELEWSKI: Polly, I've got a  
18 couple questions for you here. I think you've answered  
19 one of these, but what would be the effect of amending  
20 our C&T policy to not require C&T use determinations by  
21 the Board.

22

23 MS. WHEELER: As I understand it, and  
24 Ken can correct me if I'm wrong, if we were to go that  
25 route, it would require rule-making because current  
26 regulations require the C&T findings as they're  
27 currently structured, but if we were to -- if the  
28 program dropped the criteria, changed the criteria --  
29 factors, excuse me, then that would require rule-  
30 making.

31

32 MR. ENCELEWSKI: Okay.

33

34 MS. WHEELER: But along those lines  
35 again, it's not ANILCA that requires the C&T findings,  
36 it's the implementing regulations, so that's what would  
37 have to be changed. ANILCA doesn't require the eight  
38 factors. ANILCA speaks to customary and traditional  
39 use, but it doesn't talk about the eight factors.  
40 That's in the implementing regulations.

41

42 MR. ENCELEWSKI: I've got another  
43 question for you and this one is a real burner and I  
44 just don't know what to do about it. How could the RAC  
45 amend the C&T policy to prevent the Board from  
46 requiring a C&T showing for each species, each stock,  
47 on every stream? Do you follow what I'm getting at? I  
48 mean you get a C&T and then you've got to prove for  
49 each stock, each fish, everything on every stream.  
50 That seemed to have got way carried away in my opinion.

1 Thank you.

2

3 MS. WHEELER: Ken wants to answer that  
4 one.

5

6 MR. LORD: This kind of goes back to  
7 Tom's comment too, that the policy doesn't change  
8 anything. You can't use a policy to change a  
9 regulation. If you're going to change the way you do  
10 business, you've got to go through public comment --  
11 notice and comment rule-making to do that. The policy  
12 is never intended to change what you do. It's just  
13 simply intended to clarify sort of for ease of  
14 reference for the public and the Board members what it  
15 is you are already doing. If you want to go farther  
16 than that, then you need to go into rule-making.

17

18 MR. ENCELEWSKI: Okay.

19

20 MS. WHEELER: Ms. Stickwan.

21

22 MS. STICKWAN: How many other Councils  
23 have voted to do away with C&T or to revise it? Do you  
24 have that number?

25

26 MS. WHEELER: Based on this policy?

27

28 MS. STICKWAN: Uh-huh.

29

30 MS. WHEELER: Actually, the policy has  
31 been presented to I think all but two of the Councils.  
32 Eastern Interior and Western Interior have yet to meet.  
33 I wasn't at all the Council meetings, but in reviewing  
34 the transcripts there has been -- a lot of Councils  
35 have just looked at it and said, oh, okay, it affirms  
36 how we're already doing it and have left it at that.  
37 There's other Councils that have kind of commented  
38 individually. It's been interesting because I think  
39 the amount of interest certainly shown by this Council  
40 with regard to the policy is indicative of the  
41 contentiousness of the C&T findings and issues before  
42 it. I think in other areas where they haven't been as  
43 contentious it's not seen as a big deal. I suspect  
44 that Western Interior and Eastern Interior may have a  
45 lot to say about this issue as well. To date, none of  
46 the Councils have suggested that we do away with C&T  
47 findings. That has been raised in the program and it  
48 has been raised by Councils in the past, but in  
49 response to this particular policy that hasn't come up.

50

1 MR. CARPENTER: I'm under the  
2 assumption that to start the rule-making process that  
3 is a vote of the Board to engage in that process and a  
4 majority of the Board, is that how that works?

5  
6 MR. LORD: Well, it could come as a  
7 proposal from the Council, but since this is a subpart  
8 B regulation it would have to be changed by action of  
9 the Secretary, not the Board.

10  
11 MR. CARPENTER: So the Secretary would  
12 have to authorize the Board to engage in rule-making?

13  
14 MR. LORD: No. I'm sorry. The Board  
15 could go through the process of notice and comment and  
16 decision-making, but ultimately the decision would rest  
17 with the Secretary. The Board's decision would be a  
18 recommendation to the Secretary.

19  
20 MR. CARPENTER: So there could be a  
21 recommendation from this RAC, for example, to the Board  
22 that they engage in rule-making in regards to this C&T  
23 situation because obviously I understand it clearly now  
24 that this policy wouldn't change anything. It would  
25 have to be the regulations or the rules that would  
26 change the way the C&T process is done. If that was  
27 adopted, then the whole public process were to take  
28 place, ultimately the Secretary would have to sign  
29 that.

30  
31 MR. LORD: That's correct. I'd want to  
32 comment too that if there's a proposal to rescind C&T  
33 use determinations, as I think I'm hearing at least  
34 some people in favor of, I'm also in favor of that, but  
35 I recognize that there would be strong resistance from  
36 multiple sides of the subsistence issue. I mean there  
37 are those who view C&T's as a way of restricting the  
38 number of subsistence users that gain access to a  
39 resource and we get resistance from that side of the  
40 argument. We would also gain resistance from the  
41 subsistence users that view C&T's as a validation of  
42 their customary and historic uses of the resource. I  
43 think that this is something that would be very  
44 controversial to try and do at this point. It's been  
45 going on for 25, 27 years and people are used to it.

46  
47 MS. WHEELER: Ms. Stickwan.

48  
49 MS. STICKWAN: I know that we've had  
50 different regulations passed by the Board because each

1 region is different in Alaska. Southcentral and the  
2 Kenai area, probably the Fairbanks area, would be  
3 really different from somebody like, you know, where  
4 there's very little people, very rural areas would be  
5 really different, so I was wondering if the Board --  
6 what do you think about having a different policy for  
7 different regions because it would be well suited to us  
8 to have one different from theirs.

9

10 MR. LORD: That's not something.....

11

12 MS. WHEELER: I'll.....

13

14 MR. LORD: Go ahead, please.

15

16 MS. WHEELER: I'll take a shot at it  
17 and then see what Ken has to say. I think the beauty  
18 of the current policy is that it can and does take  
19 regional differences into account. I recognize that  
20 there's a frustration on some people's parts that  
21 there's not a consistent approach. I would take it  
22 from the other side saying the Board has been  
23 consistent in its approach and that it has taken into  
24 account regional variations, so practices up in the  
25 North Slope may be different from practices up in  
26 Northwest Alaska, which may be different from practices  
27 in Southeast Alaska, which may be different from  
28 practices on the Kenai Peninsula and the Board has  
29 taken that into account. So the policy as it stands  
30 allows for consideration of regional, temporal,  
31 geographic diversity, as was intended by the program.

32

33 I think it would be very difficult for  
34 the Board to get into having -- there's 10 Regional  
35 Councils, having 10 different approaches. I think the  
36 approach that they've used has been consistent because  
37 they've taken into account the regional and geographic  
38 variation. As far as having a different policy by  
39 region, I'm not sure how that would work, Ken.

40

41 MR. LORD: (Shakes head negatively)

42

43 MS. WHEELER: He's saying no for the  
44 record.

45

46 MS. STICKWAN: It would never fly then  
47 is what you're saying?

48

49 MR. LORD: I'm saying I have no idea.  
50 I have never even considered the concept of having

1 different policies or different C&T's for different  
2 regions or different C&T regulations for different  
3 regions. I guess we'd have to see it if you've got  
4 something in mind.

5

6 MS. WHEELER: Mr. Carpenter.

7

8 MR. CARPENTER: I mean understanding  
9 what you're saying, I kind of like the idea that Gloria  
10 has. Unfortunately, I don't think the Solicitor's  
11 Office budget has enough -- they'd probably have to  
12 hire four or five more Ken Lords.

13

14 MS. WHEELER: Couldn't afford them.

15

16 (Laughter)

17

18 MR. CARPENTER: Probably not. You  
19 know, when you take the eight criteria, I would assume  
20 that's part of the current rule, that they're supposed  
21 to use those in a general fashion to come up with C&T  
22 determinations. Wouldn't it be possible to get rid of  
23 those eight criteria and come up with the Federal  
24 government's own idea? Forget what the State brought  
25 forward. Come up with the Federal government's idea or  
26 the Board's idea of their own criteria that could be  
27 followed not in a general fashion but in a more  
28 specific fashion when coming up with C&T's. Wouldn't  
29 that solve a lot of these problems in regards to -- you  
30 know, you're still going to be able to take cultural  
31 differences and things like that into account, but,  
32 generally speaking, it's just not quite good enough, I  
33 don't think. Wouldn't that be something that's  
34 possible that the Board could engage in?

35

36 MS. WHEELER: Mr. Carpenter. Yes,  
37 theoretically. I mean the Board, as Ken explained  
38 earlier, if they engage in a rule-making process, if  
39 the Secretary authorizes that, then they can change,  
40 they can take the eight factors and narrow it down to  
41 two, they could come up with something totally  
42 different. They could throw C&T's out the window. I  
43 mean there's any number of approaches that they could  
44 do in a theoretical sense. It certainly would be a  
45 long, probably fairly contentious, public process, but  
46 that shouldn't dissuade anybody from going there.  
47 You've just got to go into it recognizing that that  
48 would be the case.

49

50 MR. CARPENTER: And would you also say

1 that they're probably not going to engage in this rule-  
2 making process unless one of the RAC's request that  
3 they do so?

4

5 MS. WHEELER: I don't know that I can  
6 speak for the Secretary. They probably wouldn't like  
7 that very much, but I guess I could say that you never  
8 know until you ask and if you don't ask, you won't  
9 know. How's that for direction?

10

11 MR. CARPENTER: That's excellent.  
12 Thanks.

13

14 (Laughter)

15

16 MS. WHEELER: Ms. Stickwan.

17

18 MS. STICKWAN: I have a question.  
19 Maybe it's for Donald Mike more than you, but isn't the  
20 C&T's almost done for the Southcentral area and this  
21 would be just like a moot point for us?

22

23 MR. MIKE: Ms. Stickwan, I would have  
24 to defer to Polly.

25

26 MS. WHEELER: Oh, great. I think the  
27 thing to keep in mind that C&T's, to a certain extent,  
28 they're never done. They're always open for further  
29 refinement. We always say that once you do them  
30 they're not like set in stone and can't be changed. So  
31 I guess a cynic might say that they're never done. They  
32 could always be changed. That doesn't always happen,  
33 but it could happen. So just because you have a C&T  
34 for a particular resource doesn't mean it can't be  
35 tweaked or modified in some way.

36

37 CHAIRMAN LOHSE: Polly, I'm going to  
38 make some comments on this. Personally, while I don't  
39 see much change here, I like some of the things that  
40 were defined and I like the idea that the court upheld  
41 the fact that it's generally exhibited. No subsistence  
42 user usually exhibits all eight factors and they aren't  
43 quantifiable factors. They're lifestyle factors and  
44 lifestyle factors aren't quantifiable.

45

46 Now, to me, if somebody says they're  
47 generally exhibited, they're not going to find one  
48 little one off in a corner that you have that you do to  
49 a small extent and I've never seen the Board use that.  
50 To be generally exhibited means that you do the

1 majority of these things or more and that's what I've  
2 always looked at. The idea is that you're going to  
3 have to do most of them. You may not do all of them.  
4 You may not be able to quantify how much of each one  
5 you do, but this is part of a lifestyle thing.

6  
7                   Looking over here under policy, it says  
8 the customary and traditional use determinations that  
9 the Board makes must be based on a community's long-  
10 term, consistent pattern of use of a fish stock or  
11 wildlife population, but nothing in 36 CFR 24.16(b) and  
12 50 CFR 100.16 states that a specific wildlife  
13 population or fish stock has to be defined in terms of  
14 a specific geographical area. I think that's what we  
15 ran into in the Chistochina case. I think that was  
16 pretty much the crux of the whole Chistochina case and  
17 that's been the crux of a lot of our discussions down  
18 here when it came to the Kenai.

19  
20                   Basically, for lack of a better way of  
21 putting it, what you're doing is you're putting out a  
22 policy that affirms what the Board has done and you're  
23 looking for comments on whether there's an agreement  
24 with -- whether there's affirmation or displeasure with  
25 how the Board has operated in the past.

26  
27                   Some of the statements in here, and  
28 this is one that's very, very clear and, to me, this is  
29 the one that actually a lot of this whole C&T stands  
30 on. It says consider the knowledge, reports and  
31 recommendations of the appropriate Regional Advisory  
32 Council regarding custom and traditional use of  
33 subsistence resources in making its decisions, and  
34 that's one of the things that, to me, that has been the  
35 strength, is the fact that what you're dealing with is  
36 you're dealing with people that know the people.  
37 Again, remembering that this was not put in place to  
38 limit. This was put in place to affirm the right of  
39 rural residents to subsistence, not to limit rural  
40 residents' access to subsistence, which is basically  
41 what the State's program was put into effect to do.

42  
43                   You're going to look for people who  
44 understand the communities involved and say as rural  
45 subsistence users do you feel that this community  
46 exhibits these characteristics that are characteristics  
47 of a rural subsistence user. The person that would  
48 know that the best would be somebody that does that  
49 kind of lifestyle. I think that's why the program was  
50 set up the way it was.

1                   Like I said, as we've talked before  
2 about the opportunistic part and things like that, some  
3 of these things are unquantifiable because they're  
4 really a lifestyle and not a, boy, I chalked up this  
5 this year and I chalked up this year. You're not  
6 keeping a spreadsheet. You're not doing what's  
7 normally done in our society today. I've got this many  
8 assets and I've got this much going out and I've done  
9 this and I've done this and I've done this, and I've  
10 kept a record and look at all the heads sitting on the  
11 wall. I went to this hunt on this place and I went to  
12 this hunt on this place. You're not talking about  
13 that.

14  
15                   One year the cranberries are good, you  
16 get cranberries. The next year the blueberries are  
17 good, you get blueberries. One year the rainbows are  
18 running, you eat rainbows. One year the cohos are  
19 running, you eat cohos. Maybe the cranberries came  
20 because you had a clear-cut in your area and for 10  
21 years you got cranberries all over the place and the  
22 next 10 years you don't have any, you know.

23  
24                   That's why, to me, I think it's been  
25 the big headache in this system, but I also think it's  
26 been the big strength in the system. There has been  
27 more affirmation, at least in this Council, and maybe  
28 we've gone overboard that way, but we have done more  
29 affirmation of rural residents' access to subsistence  
30 even at times when it hurt us as individuals on the  
31 Council because it allowed competition, I'll put it  
32 that way, in the area that we live, but this Council  
33 has done more affirmation than it has done limiting.

34  
35                   I think it's one of the reasons, to a  
36 certain extent, that this draft policy at least meets  
37 what I look at as -- I've got a good friend sitting  
38 right here that I'll disagree with on it, you know, and  
39 we both understand we look at it from a different  
40 standpoint and we disagree with it, you know, but  
41 that's part of the thing here. Can we operate this in  
42 a way that meets the fact that it says rural residents,  
43 Native and non-Native. That's the priority use of the  
44 subsistence resources on Federal land. How do you  
45 affirm that? You have to affirm that with something  
46 that is a little bit more general than specific.

47  
48                   For lack of a better way, Polly, I  
49 don't know how I would change this. I have to agree  
50 with Tom. It doesn't change any way that we've been

1 doing business and it doesn't give us clear, concise,  
2 consistent checklist guidelines that we can check off  
3 and say this meets the qualifications and this doesn't  
4 meet the qualifications, but I don't know how I would  
5 write any kind of checklist that would do the same  
6 thing.

7

8 If the Board wants to go into rule-  
9 making and make that kind of checklist, that's fine  
10 with me, but it's going to be like some of the things  
11 we discussed in the last day. You know, they're going  
12 to be awful hard to do because you're dealing with such  
13 a broad variety of ideas that it's going to be hard to  
14 bring all those ideas to something that everybody can  
15 agree on. I don't know where to go from there.

16

17 MR. CARPENTER: I have one more  
18 question.

19

20 CHAIRMAN LOHSE: Tom.

21

22 MR. CARPENTER: You know, when you  
23 actually read the policy and you get down to the part  
24 where it talks about the customary and traditional use  
25 that the Board makes depending on long-term, consistent  
26 pattern of use of fish and wildlife and fish stocks,  
27 don't you think the next line is critical in the whole  
28 thing where it talks about but nothing in 36 CFR states  
29 that a specific wildlife population or fish stock has  
30 to be defined in regards to a geographical area? Isn't  
31 that what the real debate is?

32

33 You have a community that's here and  
34 obviously communities trade and barter and they've used  
35 resources from a reasonable distance from where their  
36 community is based, but I think the reason that some of  
37 the -- at least some of the reason I have a problem  
38 with the way the C&T is done is because there have been  
39 far outreaching C&T's given to communities that are so  
40 dramatically and so far away from where either the  
41 wildlife or fish stocks are harvested that it seems  
42 completely unreasonable that it could have ever taken  
43 place on a consistent basis. I think that's where I  
44 have the real problem with it. It doesn't seem like  
45 there's an end to how far one could go to, you know,  
46 retrieve the resource.

47

48 CHAIRMAN LOHSE: Thank you, Tom. I  
49 agree with you on that and I wish when we started C&T  
50 we would have said that C&T applies for as far as

1 somebody can walk from home and that would have solved  
2 the whole thing and then we wouldn't worry about it,  
3 but we didn't. They came up with a different program  
4 and we have to fit it into that program. I'm sure that  
5 if we had that kind of C&T, that would be called  
6 limiting because in some areas we don't walk, we use  
7 boats, you know, and go from there.

8

9 Does anyone on the Council have  
10 anything they wish Polly to take back. Gloria.

11

12 MS. STICKWAN: I don't think it's  
13 necessary for us, like we said earlier, to go through  
14 every species to get C&T for them. Once we have C&T it  
15 should be for all fish and wildlife. That's how this  
16 could be amended, I think, and I think there should be  
17 rule-making to open this. Maybe not to take away from  
18 the C&T, but to add to it. That being that we include  
19 a broad, to include all fish and wildlife. Once they  
20 have C&T they can take fish and wildlife in that area  
21 instead of having to go through each species all the  
22 time and trying to get documentation for rabbit and,  
23 you know, whatever.

24

25 MS. WHEELER: Ms. Stickwan. Mr. Chair.  
26 If I could, just to get some clarification because I  
27 think I know -- I just want to be clear on what it is  
28 you're saying. So rather than have resource-specific  
29 C&T findings, you're talking about having an area where  
30 C&T use occurs and then all resources within that area  
31 would be covered?

32

33 MS. STICKWAN: Yeah, so we wouldn't  
34 have to go through each species one by one by one. If  
35 they have C&T for one thing, historically people use  
36 whatever they could have gotten. You know, they just  
37 went and got it.

38

39 MS. WHEELER: Thank you for that.

40

41 CHAIRMAN LOHSE: Ken.

42

43 MR. LORD: I don't disagree with you,  
44 Gloria. In fact, we've taken in a way a first step in  
45 that direction with the Kenai C&T's because when we  
46 wrote the analyses on certain fish -- we didn't have  
47 information on certain species of fish, but we did on  
48 others, so we actually used -- and thinking that, okay,  
49 if someone throws a net out in the river and they're  
50 obviously not targeting one particular species if

1 something else comes in, so we wrote the analyses for  
2 C&T for multiple species based on information of only  
3 one or two, focusing on the opportunistic nature of  
4 subsistence and the fact that when you cast a net, you  
5 get what you get. And I don't disagree that we could  
6 do that on a broader range of species, but we would  
7 have to change the regulations to do that, I think.

8

9 MS. STICKWAN: You said but what?

10

11 MR. LORD: I think we would have to do  
12 a rule-making to change the regulations to do that. I  
13 think that if we did we perhaps could do it in a way  
14 that would be defensible in court.

15

16 CHAIRMAN LOHSE: That would go along  
17 with what both Tom and I were talking about. If it was  
18 instead of species by area and you just would have to  
19 come up with a definition of what is a reasonable area,  
20 but the program didn't start that way. That was one of  
21 the suggestions at the start of the program. I can  
22 remember making that suggestion at one of the RAC  
23 meetings a long, long time ago. It didn't go over very  
24 good at that time. I'm not sure it would go over very  
25 good right now, but it would sure simplify -- that  
26 would have sure simplified things and, like Gloria  
27 said, if they went to a rule-making like that, that  
28 would sure simplify things. Whether it would be more  
29 contentious or less contentious trying to change to  
30 that at this point in time.

31

32 We just went through a court case for  
33 Chistochina in Unit 12, which is a pretty big extension  
34 of Chistochina's area. Now, if you tried to go back to  
35 making a rule-making for Chistochina based on an area  
36 reasonably close to Chistochina, I could see where they  
37 would end up going to court because they said we just  
38 got -- the Ninth Circuit court just affirmed our right  
39 to be up here. If we had done that from the start,  
40 there would have been no problem. But at this point in  
41 time, to implement an area by area customary and  
42 traditional, we would end up with contention on both  
43 sides there. And that was some suggestions that first  
44 came out with C&T.

45

46 There were suggestions for circles  
47 around communities, circles of major use, circles of  
48 minor use and stuff like that and nobody really wanted  
49 to go along with them because how do I put a circle  
50 around Copper Center that includes the Denali Highway

1 where the caribou go. How big a circle do I make.  
2 That's where we ran into that kind of a problem.

3  
4 That would be a suggestion, Gloria, but  
5 I don't know if the Board would want to go back to  
6 rule-making to change things in that area.

7  
8 Doug, you haven't said anything. Do  
9 you have anything to say.

10  
11 MR. BLOSSOM: Mr. Chair. I guess you  
12 just brought up, and I'll bring an example of that,  
13 this RAC decided that Ninilchik, for instance, had C&T  
14 on the Kenai River for fish, but the Board decided that  
15 they didn't have it for trout, just for salmon. Well,  
16 let's get real. If they're in the river fishing for  
17 salmon, they sure caught trout. They're both there.  
18 So that was our reasoning why we just said if you're  
19 going to give them C&T in the Kenai River for fish,  
20 they get it for fish, but that didn't happen and that's  
21 an example of one of the things.

22  
23 I look through this book here and, you  
24 know, I see the State arguments are clear down here.  
25 Here's a deal where Ninilchik had 16.2 commuting rate  
26 and they should have only had 15 percent. I mean some  
27 of this stuff is so trivial. That's the arguments they  
28 used with this eight criteria. I was around all the  
29 time that the State developed the eight criteria and  
30 I'll say it again, they developed this to try to deter  
31 subsistence, not promote it.

32  
33 CHAIRMAN LOHSE: Polly.

34  
35 MS. WHEELER: Thank you, Mr. Chair.  
36 Mr. Blossom brings up a good point and that is ANILCA  
37 was enacted to protect and continue subsistence uses  
38 and once you start putting these checklists,  
39 benchmarks, you know, you have to have done something  
40 for 30 years, then after 30 years it won't have been  
41 done, then that use is no longer protected. So it's a  
42 tough call getting in there and coming up with the --  
43 as satisfying as it might be on the one hand to come up  
44 with these lists of what we could and couldn't do and  
45 what constitutes customary and traditional use when you  
46 looked at the original legislation, which is to protect  
47 and continue. You've got to be pretty careful about  
48 the benchmarks that you attach to it. It wasn't to  
49 protect and then end.

50

1 MR. CARPENTER: But, you know, I think  
2 the interesting thing is that you have, like the  
3 Chistochina case, where you have a community that asks  
4 for something in a very far outreaching place and the  
5 RAC there decided they'd recommend that should happen,  
6 but this RAC or somebody out in Western Alaska might  
7 have looked at that like there's absolutely no way that  
8 those people could have continually done that on a  
9 consistent basis.

10  
11 So you could actually take a  
12 geographical area and you could get six different  
13 recommendations based on the same information from six  
14 different RAC's and how does the Board reasonably come  
15 to a conclusion as to whose information or whose  
16 recommendation is the best because the information they  
17 have is the same, the recommendations they have are all  
18 different, but the criteria doesn't give them -- it  
19 seems like it gives them too much subjective judgment  
20 as to which way they want to vote on certain issues.  
21 The more heated politically a situation is, the more  
22 subjective they can be and there's no way to keep that  
23 in check. I think that's the part that needs to be  
24 changed.

25  
26 Unfortunately, the RAC is in kind of a  
27 limiting position. They can ask the Board or the  
28 Secretary to do something, but I mean I'm not sure it's  
29 going to happen. So I guess you can take our comments,  
30 but I don't think anything is going to change because I  
31 don't think that the Board would ever want to give up  
32 its ability to be subjective.

33  
34 CHAIRMAN LOHSE: Does anybody on this  
35 Council wish to make any resolutions or motions  
36 concerning this draft for Polly to take back to the  
37 Board or should we just let her take our comments back  
38 that are on the record or what are the wishes of the  
39 rest of this Council. Doug.

40  
41 MR. BLOSSOM: Mr. Chair. I don't know  
42 whether that changes anything. I wrote up a resolution  
43 yesterday that the Southcentral RAC requested the  
44 Federal Subsistence Board use ANILCA as the basis for  
45 forming the final criteria for C&T findings. I don't  
46 know if that changes anything that they aren't doing,  
47 so I don't know.

48  
49 CHAIRMAN LOHSE: Do you wish to put  
50 that on the table as a resolution or is that just a

1 comment you would like in the record, Doug?

2

3 MR. BLOSSOM: Mr. Chair. I'll just  
4 make it as a comment for now.

5

6 CHAIRMAN LOHSE: Polly, would you like  
7 me to ask if anybody in the general public out there  
8 would like to make comments on what you presented this  
9 morning.

10

11 MS. WHEELER: Mr. Chair. I defer to  
12 your better judgment, but I think since the point of  
13 this whole process is to get input from the Regional  
14 Advisory Councils and the public, by all means.

15

16 CHAIRMAN LOHSE: If the RAC has no wish  
17 to make any motions or resolutions and just wishes to  
18 have their comments go forward, I'll open it. Gloria.

19

20 MS. STICKWAN: Ken, so the Board can do  
21 this broad thing without rule-making.

22

23 MS. WHEELER: I'm sorry?

24

25 MS. STICKWAN: Like they did for Kenai,  
26 they can do it for the others. They could just do that  
27 since they already did it anyway. I guess they can.

28

29 MS. WHEELER: Yes.

30

31 MS. STICKWAN: He just said they did it  
32 for the Kenai to include all fish instead of.....

33

34 MR. LORD: What I said is we wrote the  
35 Staff analysis that way with an eye towards that. The  
36 Board did what it did.

37

38 CHAIRMAN LOHSE: The Board didn't go  
39 that way.

40

41 MR. LORD: Did not go that route, but  
42 we did have that in mind when we wrote the Staff  
43 analysis.

44

45 CHAIRMAN LOHSE: Right. Hearing no  
46 comments, no resolutions, no motions, I'm going to ask  
47 if there's anybody from the public who would like to  
48 make a comment on this draft policy. All I ask is that  
49 you've read it before you make comment on it or at  
50 least you listened carefully.

1 Sky.

2

3 MR. STARKEY: Thank you, Mr. Chairman.

4 Well, given that there's no substantive changes to the  
5 policy you can make or to the regulation you can make  
6 without rule-making, I think there are some things you  
7 could do in this policy that would help with some of  
8 the concerns I've heard.

9

10 When you look at everything you're  
11 struggling with, one would think that you're the first  
12 people to ever think of all the problems that might  
13 have come from trying to regulate a system of customary  
14 and traditional subsistence uses. Of course, Congress  
15 thought about this and Congress's solution was to  
16 create Regional Councils, frankly.

17

18 The way Section 805 is set up  
19 unfortunately is not well implemented, but if you take  
20 the time to really carefully read what your powers are  
21 under 805, you have the authority to make  
22 recommendations across the board, not just on taking  
23 regulations, but your annual report was anticipated by  
24 Congress to be something very meaningful that talked  
25 about the whole system and how it was operating.

26

27 My view of the way things have gone is  
28 that the annual reports fall far short of what they  
29 could be. You have to ask Polly what other Regional  
30 Councils are doing. Why isn't the Federal system set  
31 up so that you know, you meet, you understand what  
32 Regional Councils are doing, you coordinate your  
33 efforts. In any event, if there are things you don't  
34 like about the rule, you can point those out in your  
35 annual report and those should go to the Secretary and  
36 they should be considered.

37

38 On this policy though, I think there's  
39 some things that you could do to assert the Regional  
40 Councils' role in customary and traditional use  
41 findings. There are regional differences, there are  
42 differences in villages, there are differences across  
43 the board. As much as you might want a formula where  
44 you're going to be able to judge everybody under the  
45 same criteria, I just don't really think it real.

46

47 So, again, what did Congress do? They  
48 appointed local people with knowledge of the resources  
49 in their region to make recommendations that are  
50 supposed to be followed except for very narrow

1 circumstances on customary and traditional use and  
2 other issues. It's your knowledge that's supposed to  
3 be depended on so that when you come to a situation  
4 where the Regional Council and local people think that  
5 maybe a resource is too far away, they say no, or when  
6 they think there is customary and traditional use, they  
7 say yes, but it's supposed to be the Regional Councils  
8 who have the authority to make the call and for their  
9 recommendations to be followed. Unfortunately, that  
10 doesn't happen.

11  
12                   So I think I'm going to make a few  
13 suggestions to you on how the policy could more  
14 accurately reflect a strong will for Regional Councils.  
15 What I'm going to direct you to would be the fourth  
16 page of the.....

17  
18                   MS. WHEELER: Page 78 in the book.

19  
20                   MR. STARKEY: That's the decision-  
21 making, the actual nuts and bolts of things. In the  
22 decision-making, you would see the fourth bullet talks  
23 about consider the knowledge and reports and  
24 recommendations of the appropriate Regional Council. I  
25 would think that at least on the record you would want  
26 to state that your clear understanding of this bullet  
27 is that they will defer to your recommendations the  
28 same way they would any taking recommendations and they  
29 would only be rejected on the three grounds in the  
30 statute. That is not just, you know, a recommendation  
31 that falls short of your other recommendations.

32  
33                   Following that line of thought then I  
34 would think on the next bullet -- it says consider the  
35 comments and recommendations of the State of Alaska.  
36 By using recommendations in the same line as comments  
37 from the State and the public, I think it really  
38 confuses and deludes what recommendations are  
39 considered in the statute and those are recommendations  
40 from the Council.

41  
42                   So I would suggest you'd want to strike  
43 and recommendations from that bullet and that it just  
44 be considered the comments from the State of Alaska and  
45 the public because really that is much different and  
46 all they're entitled to rather than making a  
47 recommendation, which is the strength of the Council,  
48 is recommendation.

49  
50                   Then on the next guiding

1 considerations, the second bullet says assessment of  
2 the eight factors can vary due to regional, cultural,  
3 and temporal variations. Now this is precisely the  
4 point where the Regional Council comes in with its  
5 knowledge and is best equipped to make recommendations  
6 and determinations. So, in that bullet, I would  
7 suggest to make it clear that you would add language  
8 something like after variations, comma, and RAC  
9 knowledge and recommendations are particularly  
10 important in such cases. So that would be my  
11 suggestion on how the RAC could assert more of its  
12 authority in this realm.

13

14                   Again, when you come to making your  
15 annual report, that would be a place where you could  
16 express what your thoughts are about how the system is  
17 working and how it's not working on customary and  
18 traditional use determinations.

19

20                   Thank you, Mr. Chairman.

21

22                   CHAIRMAN LOHSE: Thank you, Sky. I  
23 would appreciate it if not only did you make your  
24 comments in public and on the record here, but that any  
25 comments that you wish to make be submitted by the  
26 deadline on December 1st in writing. Whether everybody  
27 agrees with them or not, they still are comments that  
28 need to be put down.

29

30                   And you do hold our feet to the fire  
31 every so often and I appreciate that. I never would  
32 have looked at the difference in the strength of the  
33 word between consider and defer to, you know. There's  
34 definitely a difference in the written language of the  
35 law on those two.

36

37                   Thank you for that.

38

39                   MR. STARKEY: Thank you, Mr. Chairman.

40

41                   CHAIRMAN LOHSE: Is there any other  
42 member of the public that would like to come up and  
43 give testimony or comments or suggestions or anything  
44 else on this. Again, remember, the deadline for  
45 comments is December 1, 2007. Everybody and anybody as  
46 a member of the public is entitled to submit comments,  
47 suggestions, disagreements, whatever you want to put on  
48 this policy and submit them. I'm sure that while we  
49 might not all get our way, they will all definitely be  
50 considered and looked at.

1 Tom.

2

3 MR. CARPENTER: Mr. Chairman. I'd like  
4 to make a motion from the Southcentral RAC requesting  
5 that the Federal Subsistence Board engage in rule-  
6 making to specifically come up with a definition for  
7 long-term consistent pattern of use and a definition  
8 for consistent harvest of fish and wildlife.

9

10 CHAIRMAN LOHSE: Do I hear a second.  
11 Ken, do you have a comment for us.

12

13 MR. LORD: Mr. Chair. I think really  
14 for the Board to take some kind of action we'd need a  
15 specific proposal what that definition should be and we  
16 could build on. Just starting with a request to start  
17 rule-marking to do it differently doesn't give us a  
18 starting place.

19

20 MR. CARPENTER: The reason I asked that  
21 is there a specific definition that they have right now  
22 that they can use to tell me what that is, what is a  
23 long-term, consistent pattern of use. What is the  
24 Federal definition of that or is there one?

25

26 MR. LORD: There is not one and that's  
27 something that we have.....

28

29 MR. CARPENTER: And I don't know what  
30 it should be, but I am requesting that they engage in  
31 the rule-making process and public forum and public  
32 comment to debate the idea and come up with a  
33 definition.

34

35 CHAIRMAN LOHSE: What was the other  
36 besides long term?

37

38 MR. CARPENTER: Consistent harvest of  
39 fish and wildlife, what is consistent harvest.

40

41 MS. WHEELER: I've just been encouraged  
42 to share by legal counsel. This is an issue that's  
43 been around for quite a while as you well know. It's  
44 been batted about internally what is consistent pattern  
45 of use. You can go to the Federal Board meetings and  
46 you can hear some of the frustration with I don't know  
47 what long-term consistent pattern of use is, I don't  
48 know what consistent harvest of wildlife is. I guess  
49 the rub is, as I said earlier, ANILCA was intended to  
50 protect and continue subsistence uses. Once you put in

1 a benchmark, threshold, whatever in there, where do you  
2 go with it, at some point in time. If you say, okay,  
3 you have to view something for, just say, 30 years.  
4 What if it's 29 years. I mean the rub is for most of  
5 these C&T findings 95 percent of them it's pretty  
6 clear. It's that 5 percent that's the tough part, the  
7 gray area. It's something that has been dealt with a  
8 lot, has been batted around a lot internally and I  
9 guess I would just say that it's coming up with a  
10 definition that will appease anyone or everyone is  
11 difficult at best.

12

13 MR. CARPENTER: I do have a motion on  
14 the table and I would actually -- if someone would  
15 second it, I would like to respond to that question if  
16 I could. If no one would second it, that's fine, too.

17

18 MR. BLOSSOM: I'll second it.

19

20 CHAIRMAN LOHSE: It's been moved and  
21 seconded that we submit to the board a request that  
22 they define long-term, consistent harvest of wildlife,  
23 correct?

24

25 MR. CARPENTER: That's right. The  
26 reason I'm putting this in is exactly for those  
27 reasons. I don't want to put an undo burden on  
28 communities to prove subsistence. That's not what I  
29 want to do. Just take this for example. In Unit 6  
30 Shishmaref has a customary and traditional use for  
31 black bear and wolves. Shishmaref. How could that  
32 have possibly have happened. It happened because there  
33 are no definitions for these two things.

34

35 If it would have said that you had to  
36 -- you know, it could be a very broad definition that  
37 you have to have used or participated or shared or  
38 bartered a couple times in 10 years, but,  
39 unfortunately, there are situations where there have  
40 been one occurrence of one harvest and somebody told  
41 the Board and told the RAC that we have a C&T finding  
42 that's never going to be taken away and it's apparent  
43 that it's so far outreaching that that's why we're  
44 having this discussion quite frankly and that's why we  
45 have had the court case in Chistochina quite frankly.

46

47 So I'm not trying to be so restrictive  
48 with the definition. I just want there to be a  
49 definition, so that's why I'm bringing it to present it  
50 to the Board.

1 CHAIRMAN LOHSE: We do have a motion  
2 and a second on the table. Any further discussion on  
3 the motion.

4  
5 MS. WAGGONER: Call for the question.

6  
7 CHAIRMAN LOHSE: Dean.

8  
9 MR. WILSON: We've gone over this a few  
10 times in the years past, but I'm not too sure any  
11 wording or any definition that comes down is going to  
12 ever eliminate that. That's why Sky has kind of  
13 mentioned that we should be deferring back to the RAC.  
14 Regardless of how it is written down, it's always going  
15 to come down to interpretation. It would be nice to  
16 have everything black and white, but this just isn't  
17 going to be that kind of a situation

18  
19 MR. CARPENTER: I guess in response to  
20 that, I understand what you're saying, Dean, but I  
21 don't think that the RAC -- the RAC, I agree, should be  
22 deferred to on most circumstances by the Board. We're  
23 sitting here listening to the public testimony and  
24 we're supposed to be the knowledgeable ones in the  
25 areas of which we live and that's why there's supposed  
26 to be such deference, but I don't think that the RAC  
27 has the ability to defend itself.

28  
29 A perfect example is this resolution  
30 that we passed in regards to the Kenai Peninsula in  
31 regards to the resident species. Besides asking the  
32 Board through a resolution to forward us why they did  
33 what they did, what other defense of our decisions do  
34 we have. I think if we had a definition for these two  
35 things, if we looked at it as a RAC and said, okay,  
36 it's quite obvious that this community has this, at  
37 least the Board, through the definition, would not be  
38 able to take that away from us.

39  
40 MS. STICKWAN: I don't want to see a  
41 definition because I think it's going to narrow the C&T  
42 use. Let me think of a case now. They used all of  
43 Unit 12. Even though there's no documentation there, I  
44 know they did. I've heard testimony, but there's no  
45 documentation. I don't want to see a definition that's  
46 going to be -- I'm afraid that it might be so narrow  
47 that it's going to exclude communities that have  
48 harvested and used fish and wildlife. It's going to  
49 eliminate them and I don't ever want to see that  
50 happen.

1 CHAIRMAN LOHSE: Tom, what Gloria said  
2 does bring up a question, what are we going to use to  
3 define long term? Do we use oral reports, Fish and  
4 Game records, data, written data, permits turned in?  
5 What do we limit the long term to when it comes to  
6 deciding whether somebody has long-term use?  
7

8 MR. CARPENTER: I mean I understand  
9 completely what Gloria's concern is. I mean I don't  
10 want that to happen either. But, on the other hand, I  
11 think you have to take into account all the things you  
12 just mentioned in regard to what would be the  
13 definition. The only thing that this proposal is doing  
14 is opening up the debate in the future through public  
15 forum, at this meeting and at the Board meeting so that  
16 the general public, the villages throughout  
17 Southcentral, the RAC, the OSM team, the State and  
18 everybody can engage in the debate of what is this.  
19

20 There is no definition and I can't  
21 believe that it's 2007 and we're still defining these  
22 things. I mean the Federal government has a rule and  
23 regulation for everything and we don't have a  
24 definition for something that we're basing these  
25 decisions on and that just seems ridiculous to me. I'm  
26 not saying what the definition should be. I'm just  
27 saying let's open up the debate so that we could come  
28 up with a conclusion to the definition and if we can  
29 come to no conclusion, then we fall back on what we  
30 have. We haven't lost anything. That's all I'm  
31 saying.  
32

33 CHAIRMAN LOHSE: Tricia.  
34

35 MS. WAGGONER: This is kind of a  
36 question for Polly and Ken, but back when we did the  
37 definition of customary trade, that took several years  
38 to get that through all the RAC's and get some sort of  
39 definition. I know we had regional differences on that  
40 definition. Would it be possible to start that process  
41 to define the long-term customary trade and have the  
42 RAC's do it rather than the Board?  
43

44 MR. LORD: Well, the regional  
45 differences in customary trade have to do with the fact  
46 that you can quantify it, to distinguish it from what  
47 is commercial trade and that's where the regional  
48 differences come in, how much you're going to quantify  
49 that customary trade before it becomes commercial. So  
50 this is a different situation and I honestly don't know

1 how you would define customary and traditional use  
2 better statewide in a way that would resolve Mr.  
3 Carpenter's concerns and I certainly don't know how you  
4 would do it region by region.

5  
6 CHAIRMAN LOHSE: Gloria.

7  
8 MS. STICKWAN: We have a question on  
9 the floor.

10  
11 CHAIRMAN LOHSE: We have a motion on  
12 the floor. If there's no further discussion on the  
13 motion -- James.

14  
15 MR. SHOWALTER: Yes, on the motion,  
16 there was a lot of long-term wording within that which  
17 I don't particularly agree. I agree on a hand-me-down  
18 verbal from the elders, but I don't agree with that  
19 harvest tickets because that's a State requirement and  
20 actually you can say that hasn't been in place that  
21 long a time compared to customary harvest and total  
22 harvest.

23  
24 CHAIRMAN LOHSE: Thank you, James. One  
25 more comment and then I'll allow the question.

26  
27 MR. WILSON: Kind of a point of  
28 clarification. So what you're bringing up is strictly  
29 to ask the Federal Board for clarification on those two  
30 items. I'm not against that. I think that we can  
31 always send that up for a reading and see if they'll  
32 give a clarification on it. My guess is that hundreds  
33 of people have poured over those few words there over  
34 the years so much that that's exactly what they ended  
35 up with is a general feeling and I don't think it's  
36 going to change.

37  
38 MR. CARPENTER: Probably thousands.

39  
40 CHAIRMAN LOHSE: We have a motion on  
41 the table. Tom, you made the motion. Would you  
42 clarify the intent of the motion exactly. You're  
43 asking for the Board to define or to enter into  
44 discussion.

45  
46 MR. CARPENTER: I'm asking the Board to  
47 enter into the process to ask the RAC's -- to open up  
48 the format so that we can try and define as a whole,  
49 everybody, all the different RAC's, the public, staff,  
50 and see if we can come to a conclusion over the next

1 couple years what the definition -- if we can, of what  
2 these two definitions are. I'm not asking the Board to  
3 come up with a definition. I'm trying to ask the Board  
4 to allow the process to start like we did with  
5 customary trade to see if we could find out if we could  
6 come to a consensus on a definition. And we might find  
7 out that it can't happen, but I think we need to try  
8 because I think these are the two biggest questions in  
9 regards to C&T.

10

11 CHAIRMAN LOHSE: So your motion is for  
12 the Board to set in progress a -- you wouldn't call it  
13 a policy or decision-making, but a forum to define long  
14 term and consistent harvest of wildlife.

15

16 MR. CARPENTER: That is exactly what  
17 I'm asking for.

18

19 CHAIRMAN LOHSE: Is that the  
20 understanding of the second?

21

22 MR. BLOSSOM: (Nods affirmatively)

23

24 CHAIRMAN LOHSE: Okay. Like Gloria  
25 said, the question has been called. We have a motion  
26 on the table. Should we do roll call or just voice.

27

28 MS. STICKWAN: Roll call.

29

30 CHAIRMAN LOHSE: Roll call, okay. It's  
31 been requested that we do a roll call. Donald, will  
32 you do that.

33

34 MR. MIKE: Mr. Chair. There's a motion  
35 on the table to request that the Board engage to define  
36 the long term and consistent use of harvest of fish and  
37 wildlife.

38

39 MS. STICKWAN: Did you say a forum?

40

41 CHAIRMAN LOHSE: To create a forum.

42

43 MR. MIKE: Create a forum, Mr. Chair.  
44 Thank you. Mr. Blossom.

45

46 MR. BLOSSOM: Yes.

47

48 MR. MIKE: Mr. Encelewski.

49

50 MR. ENCELEWSKI: I'm going to have to

1 vote no.

2

3 MR. MIKE: Ms. Waggoner.

4

5 MS. WAGGONER: Yes.

6

7 MR. MIKE: Mr. Lamb.

8

9 MR. LAMB: Yes.

10

11 MR. MIKE: Ms. Stickwan.

12

13 MS. STICKWAN: I'm going to say no  
14 because this has been debated since subsistence law  
15 came into effect and there's never been a solution and  
16 even now, even after all this public forum that takes  
17 place, we'll still have everybody unhappy without a  
18 definition.

19

20 MR. MIKE: Mr. Wilson.

21

22 MR. WILSON: Yes.

23

24 MR. MIKE: Mr. Showalter.

25

26 MR. SHOWALTER: Yes.

27

28 MR. MIKE: Mr. Lohse.

29

30 CHAIRMAN LOHSE: No, because I know  
31 what's going to have to happen and it's going to be a  
32 long-term committee type thing and I don't think it  
33 will come to any resolution either, so I'm going to  
34 vote no.

35

36 MR. MIKE: Mr. Carpenter.

37

38 MR. CARPENTER: Yes.

39

40 MR. MIKE: Mr. Chair. The motion  
41 carries 6 to 3.

42

43 MS. STICKWAN: Can I make a motion?  
44 I'd like to make a motion that we adopt what Sky  
45 Starkey recommended. I don't know if that needs a  
46 rule-making or just could be passed by the Board. I  
47 don't know.

48

49 CHAIRMAN LOHSE: I think what you're  
50 making a motion, Gloria, is that we recommend on this

1 policy as a Council that the deference be added to the  
2 decision-making point and the recommendations be struck  
3 in front of the State. I don't know how the other  
4 recommendation he meant was the assessment of the eight  
5 factors can vary due to regional, cultural and temporal  
6 variations. I had wrote down are best understood by  
7 the RAC, but I didn't know how else to write that, what  
8 he said there. I didn't take it down word for word.  
9 Do you have an idea what you would want right there,  
10 Gloria?

11  
12 MS. STICKWAN: We could just copy what  
13 Starkey had said.

14  
15 CHAIRMAN LOHSE: Polly.

16  
17 MS. WHEELER: The wording that Mr.  
18 Starkey had included was on the second bullet under the  
19 Board recognizes that, second bullet, after temporal  
20 variations he suggested put in a comma and add and  
21 Regional Advisory Council knowledge and recommendations  
22 are particularly important in such situations.

23  
24 CHAIRMAN LOHSE: We have a motion on  
25 the table. Do I hear a second.

26  
27 MR. CARPENTER: Second.

28  
29 CHAIRMAN LOHSE: It's been moved and  
30 seconded.

31  
32 MS. STICKWAN: And all the other  
33 changes he added?

34  
35 CHAIRMAN LOHSE: Yeah, to add the  
36 changes he added.

37  
38 MS. STICKWAN: And this would be part  
39 of that public forum discussion or is that just going  
40 to be added in there or what?

41  
42 CHAIRMAN LOHSE: That will be  
43 recommended changes to the draft policy supported or  
44 not supported by this Council depending on how the  
45 motion passes or doesn't pass. Donald.

46  
47 MR. MIKE: Thank you, Mr. Chair. The  
48 Regional Council's comment or Ms. Gloria's motion to  
49 adopt comments made by Mr. Starkey and Ms. Wheeler read  
50 into the record the statement to add and Regional

1 Advisory Council knowledge and so forth. There's some  
2 additional comments made by Mr. Starkey as far as on  
3 Page 78, the fourth bullet, he recommended to replace  
4 considered to defer to the Regional Advisory Council  
5 and strike out on the fifth bullet recommendations.

6

7

MR. CARPENTER: Question.

8

9

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

11

12

IN UNISON: Aye.

13

14

CHAIRMAN LOHSE: All opposed signify by  
15 saying nay.

16

17

(No opposing votes)

18

19

CHAIRMAN LOHSE: Motion carries. Do we  
20 have any other motions that we'd like to put on this  
21 policy at this point in time. It's been requested that  
22 we have a break. Thank you, Polly. Have a good trip  
23 to where you're going and hope your dad comes through  
24 good.

25

26

MS. WHEELER: Thank you, Mr. Chair.  
27 Thank you, Council members.

28

29

CHAIRMAN LOHSE: With that we are going  
30 to take a break and then we are going back to the  
31 Fisheries Resource Monitoring Program, No. 11 on our  
32 agenda.

33

34

(Off record)

35

36

(On record)

37

38

CHAIRMAN LOHSE: Let's take our seats.  
39 At this point in time we're going to look at the  
40 Fisheries Resource Monitoring Program and we're going  
41 to skip over the Draft Fisheries Resource Monitoring  
42 Program and take that after lunch and we'll have the  
43 Partners present their thing before lunch. We're going  
44 to try to break at 12:00 o'clock, which gives us  
45 another 15 minutes. We'll see if we can accomplish  
46 this before lunch right now. So if the rest of the  
47 Council is -- who are we missing. We're missing Greg  
48 and Tricia. Gloria is here. Did you see them standing  
49 out in the hall, Donald.

50

1 MS. STICKWAN: May I say something?  
2  
3 CHAIRMAN LOHSE: Yes, you sure can,  
4 Gloria.  
5  
6 MS. STICKWAN: What we just passed,  
7 will all the RAC's get a chance to see that and not  
8 just the chairs?  
9  
10 CHAIRMAN LOHSE: Polly.  
11  
12 MS. WHEELER: Ms. Stickwan. Mr. Chair.  
13 In one way, shape or form, yes. The comments are due  
14 by December 1. The initial process was to get all the  
15 comments together, summarize them and then present them  
16 to the Board. I suspect that the comments will be  
17 provided to each of the Councils at the spring  
18 meetings. I don't think it's going to be discussed at  
19 the December meeting because that's only two weeks  
20 after the comments are due, so it will probably be  
21 springtime when a summary of the comments will be  
22 presented to the Regional Advisory Council is my guess.  
23 How that process is going to be carried out hasn't been  
24 completely formalized yet.  
25  
26 MS. STICKWAN: I would like to see all  
27 the RAC's see what we wrote. I mean get a chance to  
28 read it and not just the chairs before a decision is  
29 made.  
30  
31 MS. WHEELER: Duly noted.  
32  
33 CHAIRMAN LOHSE: Thank you, Gloria.  
34 With that we are going to go on to the Partners for  
35 Fisheries Monitoring Program presentation and then we  
36 have a Council member that's going to be leaving after  
37 lunch and he would like to present a possible motion on  
38 the table and see what the support of the rest of the  
39 Council is. With that, Polly, are you pretty much done  
40 then?  
41  
42 MS. WHEELER: I'm actually presenting  
43 the Partners overview.  
44  
45 CHAIRMAN LOHSE: Okay. Sorry, Polly.  
46  
47 MS. WHEELER: No, that's okay. It will  
48 be short, I promise you. Bruce Cane or Bob Hendrichs  
49 was going to be here, but it's my understanding that  
50 they weren't able to make it, so I'm going to briefly

1 summarize, give you an update on the program where it's  
2 at right now and then that will be it unless there's  
3 any questions.

4  
5 As you all know, the Partners Program  
6 was initiated in 2002 and it provided roughly \$1  
7 million annually to a number of Alaska Native  
8 organizations, including the AVCP, Bristol Bay Native  
9 Association, Council of Athabascan Tribal Governments,  
10 Kuskokwim Native Association, Native Village of Eyak  
11 and Tanana Chiefs Conference. Originally a total of  
12 eight fishery biologists or anthropologists were hired.  
13 There were about 45 interns across the state. They  
14 were involved in the Fisheries Resources Monitoring  
15 Program, which you'll hear about the 2008 plan from  
16 Karen Hyer after lunch, and those projects are all to  
17 provide information for Federal subsistence fisheries  
18 management.

19  
20 Through the Partners Program there were  
21 a number of partnerships established. There were a  
22 number of high school and college students mentored and  
23 doing interns. There were some matching funds received  
24 from the National Science Foundation for the intern  
25 program and some of those interns received credit  
26 through the University of Alaska and the State of  
27 Alaska Rural High School Program.

28  
29 As far as 2008 goes, all of the current  
30 agreements for Partners are going to end by December  
31 31, 2007. Basically we're in a holding pattern now  
32 waiting for the President's budget. You've probably  
33 heard that we got a continuing resolution. So until we  
34 get the President's budget for 2008 we're not going to  
35 know what the next step is as far as the Partners  
36 Program goes.

37  
38 We have received a number of letters of  
39 support. They have been sent to our Alaska senators  
40 and our Congress person for all Alaska. AFN has  
41 submitted a request for a congressional oversight  
42 hearing that includes support for continuation of the  
43 program, but at this point it's kind of a question  
44 mark.

45  
46 So that's all I had, Mr. Chair, since I  
47 know Mr. Cane or Mr. Henrichs would have had something  
48 to add to that, but since they're not here that's  
49 really all I have for an update.

50

1 CHAIRMAN LOHSE: Basically you said  
2 we're in a holding pattern until we find out the  
3 current budget for next year and the future.

4  
5 MS. WHEELER: That's correct. I mean  
6 budget cuts have been proposed, but we're not going to  
7 know until we actually see what the budget is.

8  
9 CHAIRMAN LOHSE: Any comments on the  
10 Partners Program from anybody on the Council.

11  
12 MS. STICKWAN: We sent a letter before  
13 I'm sure, but maybe we should send a letter again. I  
14 don't know if it would do any good. That we make it a  
15 priority for -- I guess we could put it in our annual  
16 report.

17  
18 CHAIRMAN LOHSE: Duly noted. We will  
19 definitely put it in our annual report, support for the  
20 Partners Program. Any other comments.

21  
22 (No comments)

23  
24 CHAIRMAN LOHSE: Thank you, Polly. That  
25 was shorter than I expected. We may have a little bit  
26 longer lunch break than expected. We have one Council  
27 member who is leaving after lunch and he would like to  
28 throw something out to you for your consideration. At  
29 this point in time I'm going to let Tom present  
30 something to you real quick and we can get comments or  
31 we can make a motion or we can do what we want with it.  
32 He was thinking that we would submit it in our annual  
33 report. It's also a controversial subject, so I'd like  
34 to give him an opportunity to present it and the rest  
35 of you comment on it.

36  
37 Tom.

38  
39 MR. CARPENTER: Thank you, Mr.  
40 Chairman. I'm not sure where to put this. I guess it  
41 could go in our annual report. It could be something  
42 to add to our winter meeting agenda for the RAC to  
43 discuss at that time.

44  
45 For the last two, maybe four meetings,  
46 this is supposed to be a Council made up of everybody  
47 from Southcentral Alaska and it is, but the main focus  
48 of debate that the Southcentral Council has taken up  
49 has been continually all Kenai Peninsula and two years  
50 ago or a year ago, whenever we decided that we would

1 recommend to the Board as a Council that this Council  
2 remain with the same make-up that it is now, I think we  
3 all decided we'd try.

4

5 I guess it's my conclusion that it's  
6 not maybe in the best interest of the Regional Council  
7 system that this Council not be split into two councils  
8 like the Federal Subsistence Board had suggested at one  
9 time. We can put it wherever you want, but my  
10 suggestion is that it be added to our winter  
11 subsistence board meeting that the Regional Council  
12 reconsider splitting this Council into two; one for the  
13 Kenai Peninsula, whatever the boundaries were or  
14 whatever we come up with, and one for the rest of  
15 Southcentral.

16

17 CHAIRMAN LOHSE: Tom, is that presented  
18 as a motion.

19

20 MR. CARPENTER: That is presented as a  
21 motion to be added to our agenda for next winter or for  
22 our next meeting so that the RAC could debate it at  
23 that time.

24

25 CHAIRMAN LOHSE: Do I hear any seconds  
26 for it.

27

28 (No comments)

29

30 CHAIRMAN LOHSE: Hearing none, the  
31 motion dies for lack of a second, Tom.

32

33 Doug.

34

35 MR. BLOSSOM: Mr. Chair. I'd like to  
36 comment. Tom, I would have been very happy to see a  
37 proposal from any district. I'm willing to act on any  
38 of them, whatever shows up in this book I'll work on  
39 and I want to work on it until it's over. I think we  
40 had the fire -- we knew we were going to have the fire  
41 of the Kenai when we started this, but I think we've  
42 pretty well got it stabilized and steady now. I don't  
43 see any other proposals in here. I'm willing to act on  
44 them. So that's my position on it.

45

46 MR. CARPENTER: Well, the motion failed  
47 and that's fine. I mean I respect everybody's  
48 decision. The only reason I suggested it is not  
49 because I'm not willing to do it, but I'm not sure  
50 there are going to be other people from the rest of the

1 Southcentral Region in the future that are going to  
2 want to participate and be on this Council if the  
3 Council meetings are basically all Kenai Peninsula  
4 driven in the future.

5  
6 And maybe you're right, maybe it won't  
7 happen after a period of time. I want the population  
8 from Southcentral to be able to participate and I don't  
9 think you're going to get that kind of participation in  
10 the future just because of the politics and the one-  
11 sidedness of the agendas that we've been getting.

12  
13 But that's fine. That's just my  
14 opinion.

15  
16 CHAIRMAN LOHSE: Dean.

17  
18 MR. WILSON: Just a comment. I've been  
19 torn on this issue ever since it came up, but I can see  
20 some problems with the way things are run right now.  
21 We're getting to where we meet more and more in  
22 Anchorage, which is completely away from the  
23 subsistence area. If you take a look at the majority  
24 of the folks that show up here, they're Agency folks  
25 and they're not folks from the communities and  
26 villages, certainly where I'm from in the Copper River  
27 area. They, for the most part, can't make it. So I  
28 can see an advantage there and as well as the Kenai.  
29 We don't have a lot of folks showing up strictly  
30 because of proximity. In the future, we're going to  
31 meet more in Anchorage because it makes sense for the  
32 Staff and for the Agency folks to meet here.

33  
34 That, along with it's tough for myself,  
35 speaking for myself, it's tough to learn some of the  
36 issues and the complexities that you guys have down on  
37 the Kenai. I spent the first half a day or day just  
38 trying to reel that in. If there were folks on the  
39 Council more in tune with it, a lot of time and energy  
40 could be saved there.

41  
42 Again, I've been torn on this issue  
43 since it came through. Those are just comments.

44  
45 CHAIRMAN LOHSE: Thank you, Dean.  
46 Doug.

47  
48 MR. BLOSSOM: Mr. Chair. I hate to  
49 keep talking, but, Dean, you hit exactly why I think we  
50 should keep it like it is. I appreciate the new input

1 that you put in not being in the middle of a heated  
2 battle. It's nice to have, and I think it reverses in  
3 your area when you have a battle. We kind of come in  
4 with a different perspective on it. And I enjoy trying  
5 to help the different parts of the state because I like  
6 the whole state. So I like the diversity rather than  
7 just putting it in a pile of people that have been  
8 right in the middle of the fight.

9

10 CHAIRMAN LOHSE: Thank you, Doug.  
11 Thank you for your comments. Gloria, would you like to  
12 make a comment.

13

14 MS. STICKWAN: I'd just like to say we  
15 already voted on this and I don't think we need to go  
16 backwards and go over the whole thing again. I'm glad  
17 everybody voted no. The one thing I don't like is the  
18 long meetings, but that's what we signed up for.

19

20 CHAIRMAN LOHSE: Thank you, Gloria.  
21 Even if we have voted on something it's always open for  
22 somebody, like Polly said, to bring up another motion  
23 on it, but we have the ability to either not second it  
24 or vote it down.

25

26 So, Tom, there's definitely no  
27 stricture to the fact that you brought up another  
28 motion even if nobody else voted for it. So, with  
29 that, we're going to recess for lunch. It's 10 till.  
30 We're not going to come back until 1:00 o'clock. You  
31 have an hour and 10 minutes for lunch.

32

33 (Off record)

34

35 (On record)

36

37 CHAIRMAN LOHSE: We're going to call  
38 this session of the Southcentral Regional Advisory  
39 Council back into session. We're just at the point now  
40 of listening to the Fisheries Resource Monitoring  
41 Program and Karen is going to present that to us.  
42 Thank you, Karen.

43

44 MS. HYER: Good afternoon, Mr. Chair  
45 and Council members. I'm Karen Hyer. I work with the  
46 Office of Subsistence Management with the Fisheries  
47 Division. Today I'm going to walk you through the 2008  
48 Draft Fisheries Resource Monitoring Plan, which starts  
49 on Page 53. And then we're fortunate enough to have  
50 two of our investigators with us that have proposals

1 submitted for the 2008 plan, so I will be calling them  
2 up to give you kind of an overview of their projects.

3  
4 The draft plan starts with just a basic  
5 introduction on Page 54 and 55 talks about the project  
6 evaluation process and there are four criteria that we  
7 evaluate our proposals and then our investigation plans  
8 with. They are the strategic priority, technical and  
9 scientific merit, investigators ability and the  
10 partnership capacity building. You can see that on  
11 Page 56.

12  
13 If you go to Table 1 on Page 57, you  
14 can see for this region, Southcentral Alaska, there  
15 were five total investigation plans submitted. Four  
16 for the stocks status and trends category and one HM-  
17 TEK. Of those, the Technical Review Committee proposed  
18 four of them move forward. That's Table 1.

19  
20 If you continue on, Page 58 is more  
21 background information and Page 59, it talks about the  
22 issues and information needs and this is what we use to  
23 develop our call. It was developed from the strategic  
24 plan that occurred for Southcentral some time in the  
25 past. Due to the potential new subsistence fisheries  
26 on the Kenai, we also included a call for Cook Inlet.  
27 So our call went out just as some of these subsistence  
28 fisheries were developing. So the call basically asks  
29 for projects on the Copper River dealing with salmon  
30 and projects on the Kenai.

31  
32 If you'll turn to Page 60, you'll see  
33 under Table 1 this is just a history of what's  
34 happening in your region and these are completed  
35 projects that have occurred in the past. On Page 61  
36 you have Table 2, which is the ongoing projects. Right  
37 now in the Copper River we have the Copper River  
38 sockeye salmon spawning distribution and that's the  
39 radio telemetry project that is tracking the fish and  
40 giving us information on their spawning distribution.

41  
42 Then we have a long-standing project  
43 that we funded in the past, Tanada Creek Weir, and  
44 that's an escapement project on the Copper. Then we  
45 have the Copper River chinook and sockeye salmon  
46 abundance project with NVE and that is producing  
47 abundance for both the chinook and sockeye salmon on  
48 the Copper River.

49  
50 Also on the Copper River we have

1 another escapement project at Long Lake. And we have a  
2 project on the Copper River dealing with steelhead,  
3 which was a radio telemetry project that provided  
4 information on spawning location, run timing and  
5 abundance, and that project actually had the last field  
6 season and is being wrapped up now. Then we have a  
7 burbot project that is just collecting some baseline  
8 abundance information on burbot in Tanada and Copper  
9 Lakes.

10

11 Finally on the Kenai we had two out-of-  
12 cycle projects. Their first year in the water was this  
13 season. One is for Kasilof coho and it was a radio  
14 tagging project, and the other one that worked hand in  
15 hand with the coho project was the Kasilof watershed  
16 steelhead radio telemetry project.

17

18 At this point, what I'll do before I go  
19 into the funding recommendations for 2008 is I'll ask  
20 Mr. Sonnevil to come up and talk about his work on the  
21 Kenai and then I'll have Mr. Van den Broek come up and  
22 talk about his work on the Copper.

23

24 MR. SONNEVIL: Mr. Chair. Council  
25 members. My name is Gary Sonnevil and I'm the field  
26 supervisor of the Kenai Fish and Wildlife Field Office.  
27 The two projects that I'm discussing here briefly this  
28 afternoon with you are the Kasilof watershed coho  
29 salmon radio telemetry project and it is ongoing as we  
30 speak. I just spoke with my office this morning. We  
31 finished tagging 109 coho. These are esophageal tags.  
32 They're a radio transmitter that's inserted into the  
33 stomach of the coho salmon. So we're monitoring their  
34 movements. We have fixed receiver stations, four on  
35 the main stem in the Kasilof, so if we have any drop-  
36 back, we'll be able to record that. Then we also have  
37 stations at Bear Creek, Shantatalik Creek, Nikolai  
38 Creek and Glacier Creek, so we're looking to see where  
39 these fish end up.

40

41 Right now the very preliminary results,  
42 and the fish are still moving and we're monitoring  
43 weekly. We apparently have what appears to be a  
44 spawning population in the main stem Kasilof River  
45 between Silver Salmon Rapids and just downstream of the  
46 boat ramp, which is the same area that the chinook  
47 spawn in the Kasilof.

48

49 Our video weir on Nikolai Creek we've  
50 been recording coho entering Nikolai Creek and that,

1 from our understanding, is an early run. We haven't  
2 noticed any fish moving through there in the last week  
3 and a half. Shantatalik Creek we're still seeing coho  
4 passing through in small numbers. That's where we're  
5 at with the coho and we'll be continuing to collect  
6 that information throughout the fall until freeze-up.

7

8 Our steelhead efforts, we've surgically  
9 implanted 80 steelhead with radio transmitters and  
10 that's what our target goal was and we completed that  
11 yesterday. We're tracking those fish on these same  
12 fixed stations. So that's ongoing and we're very  
13 pleased with being able to get those numbers of tags  
14 out and meet those goals. We'll keep you informed as  
15 the information comes in.

16

17 CHAIRMAN LOHSE: Doug.

18

19 MR. BLOSSOM: Mr. Chair. How about  
20 Indian Creek?

21

22 MR. SONNEVIL: Indian Creek at this  
23 point, Mr. Blossom, I didn't get anything from my  
24 office that noticed any fish moving into Indian Creek  
25 at this point. But, again, it's October, so we'll see.

26

27 CHAIRMAN LOHSE: Just out of curiosity,  
28 at the end of your study will you fly and find out  
29 where your radio tags ended up and see what creeks you  
30 hadn't expected fish to have?

31

32 MR. SONNEVIL: Yes. We've already had  
33 one aerial survey. If the weather permits, Geoff  
34 Beyersdorf with the refuge will be flying us the end of  
35 this week, either tomorrow or Friday.

36

37 CHAIRMAN LOHSE: Have you had any  
38 sleepers or fish show up where you hadn't expected them  
39 to?

40

41 MR. SONNEVIL: At this point, no, but  
42 we're early into it, so we'll see.

43

44 CHAIRMAN LOHSE: Any other questions  
45 for him.

46

47 (No comments)

48

49 MR. SONNEVIL: Thank you.

50

1 MR. VAN DEN BROEK: Mr. Chairman.  
2 Members of the Board. My name is Keith van den Broek.  
3 I'm with the Native Village of Eyak. I just wanted to  
4 give a brief overview on our projects. As Karen said,  
5 we had two projects funded under the FRMP this season.  
6 The chinook and the sockeye mark-recapture were  
7 combined, so it was technically three projects.

8  
9 The chinook component is our ongoing,  
10 long-term monitoring program on chinook salmon, which  
11 I'm sure everyone is very familiar with. We initiated  
12 the sockeye mark-recapture study and the purpose of  
13 that is trying to do an independent validation of the  
14 Miles Lake counts. We did some feasibility work in  
15 2005 and ended up being more feasibility work in 2006.  
16 We weren't able to derive a good estimate there, but  
17 looking a lot better for 2007.

18  
19 The third project, we had the sockeye  
20 radio telemetry program again and that was the third  
21 and final year of that study. We're no longer funded  
22 on that. I believe sockeye mark-recapture we've got  
23 another two seasons ahead and chinook is currently  
24 funded for another two seasons as well.

25  
26 So we mobilized on the very first week  
27 of May because of heavy snow cover and the flooding  
28 last October had shifted our wheels from where they  
29 were resting at Baird Canyon to up against the  
30 hillside. It took some additional effort to mobilize  
31 the wheels at the start of the season. Fortunately we  
32 were able to get some FEMA to help out with that. That  
33 went fairly quickly and we started fishing on the 18th  
34 of May and it was several days before we saw any fish.  
35 It was a pretty late run. We ran through the 6th of  
36 August at Baird Canyon with three fishwheels. At  
37 Canyon Creek we ran from the 28th of May through the  
38 19th of August with two fishwheels.

39  
40 So, for the sockeye we caught a total  
41 of 19,890 at Baird Canyon and of these tagged 11,027 of  
42 them. Then up at Canyon Creek we examined a total of  
43 56,460 fish out of a total 56,637 that were caught. Of  
44 those, a total of 505 of them were recaptures. Keep in  
45 mind these are very preliminary numbers. We still need  
46 to go through the database and sensor out a few minor  
47 problems. Based on these numbers, the preliminary  
48 Peterson estimate for sockeye is around 1.2 million  
49 fish. Compared with the 926,000 some odd fish that  
50 went through at Miles Lake, this would mean that the

1 sonar is undercounting salmon by approximately 35  
2 percent. That takes into account the chinook numbers  
3 which will be pulled out. I'll talk about that in a  
4 minute.

5  
6 But, like I said, this is a preliminary  
7 number. I expect once we do temporally stratify the  
8 data I believe that estimate will go down a little bit  
9 and there won't be such a strong variation from the  
10 Miles Lake count. I can say with some certainty that  
11 we are undercounting fish to some degree at Miles Lake,  
12 which was the original theory with this when we  
13 started.

14  
15 For the chinook component, we tagged a  
16 total of 4,458 chinook at Baird and examined 4,190 at  
17 Canyon Creek. Of these, a total of 468 were  
18 recaptures. Again, preliminary estimate based on these  
19 numbers, the Peterson estimate is approximately 40,000  
20 fish, which is right around the range we want to be  
21 seeing.

22  
23 Radio telemetry, we tagged  
24 approximately 530 fish and we ran three aerial surveys  
25 and three boat surveys. We pushed the final aerial  
26 survey later into September than we ever have in the  
27 past to try to account for the movement of some of the  
28 later run fish that we haven't been able to see before.  
29 We also left our stationary towers up later, but that's  
30 all shut down now and I don't have any preliminary data  
31 to present at this stage because we did shut it down so  
32 late. And that's all I've got. I'd welcome any  
33 questions.

34  
35 CHAIRMAN LOHSE: Keith, you didn't do  
36 any steelhead at all this year then.

37  
38 MR. VAN DEN BROEK: That's correct.

39  
40 CHAIRMAN LOHSE: Okay. I was under the  
41 impression this was the last year, but last year was.

42  
43 MR. VAN DEN BROEK: Last year was.  
44 That was a two-year program.

45  
46 CHAIRMAN LOHSE: I'm looking forward to  
47 seeing the data on where those 530 radio tags went.

48  
49 MR. VAN DEN BROEK: We're tentatively  
50 planning a February symposium in Cordova to present all

1 the final results, so you'll all be receiving  
2 invitations.

3  
4 CHAIRMAN LOHSE: Okay, good. Any  
5 questions for Keith.

6  
7 (No comments)

8  
9 CHAIRMAN LOHSE: Thank you, Keith.

10  
11 MR. VAN DEN BROEK: Thank you.

12  
13 MS. HYER: Okay. If you will join me  
14 on Page 63, this is the TRC recommendation for the 2008  
15 Fisheries Resource Monitoring Program. Table 5 goes  
16 pretty much hand in hand with the recommended funding  
17 on the top of the next Page 64. So what you see is the  
18 TRC recommended for funding the top four projects, the  
19 Copper River sockeye salmon in-season abundance, which  
20 is recommended for two years of funding, which is a  
21 continuation project.

22  
23 08-205 Tustumena Lake coho salmon radio  
24 telemetry and weirs, which is also two more years of  
25 funding. The Kasilof River steelhead trout radio  
26 telemetry project, which goes hand in hand with the  
27 coho project and, again, this is another continuation  
28 project.

29  
30 The last one is the Crooked Creek and  
31 Nikolai Creek steelhead trout weirs and video. That  
32 project goes hand in hand with the above project for  
33 steelhead. This project has been funded by the Kenai  
34 field office for the next two years.

35  
36 Those were the four projects that the  
37 Technical Review Committee recommended forwarding. If  
38 you'll turn to Page 64, you can see here they're listed  
39 in order of importance and the line is drawn basically  
40 where the money ran out. The guideline for this region  
41 is 471,000 and the TRC actually recommended 543,000  
42 worth of projects to continue, so through the process  
43 we put them in order of priority and then just simply  
44 had to draw the line somewhere. Any questions.

45  
46 MS. STICKWAN: Who put that 550 in?

47  
48 MS. HYER: The 08-550 was put in by the  
49 Department of Subsistence, Alaska Department of Fish  
50 and Game and Ecotrust. The Ecotrust representative was

1 Erica McCall, who used to be one of our partners on the  
2 Copper in Cordova.

3

4 CHAIRMAN LOHSE: Any questions.

5

6 (No comments)

7

8 CHAIRMAN LOHSE: So basically you found  
9 all five of these were worthwhile programs, but the  
10 money ran out after the first four.

11

12 MS. HYER: Yeah. And actually more  
13 money than was allotted for this region was put into  
14 this region because of the issues on the Kenai.

15

16 CHAIRMAN LOHSE: Any questions or  
17 comments. Gloria.

18

19 MS. STICKWAN: Polly said she didn't  
20 know anything about the funding, so is it possible to  
21 get more funding?

22

23 MS. HYER: For 2008?

24

25 MS. STICKWAN: Yeah.

26

27 MS. HYER: No. I think what Polly was  
28 talking about was we're under continuing resolution now  
29 for our budget, but the budget for the draft Fisheries  
30 Resource Monitoring Project has been set.

31

32 MS. STICKWAN: So there's no other  
33 monies for this other project then, huh?

34

35 MS. HYER: Not at this time.

36

37 CHAIRMAN LOHSE: Could that project go  
38 forward if they found other funding to do the project?

39

40 MS. HYER: Absolutely. If there was  
41 more money available. What we did when we rated these  
42 is we had to draw the line somewhere in each region and  
43 then we took everything that was near the line or under  
44 the line and we scored that with the Technical Review  
45 Committee. I don't remember exactly where this project  
46 fell out, but it's possible that a project may be  
47 submitted and pulled for a reason and we may get more  
48 money. So they do have all the projects that were  
49 submitted throughout the whole state of Alaska ranked.

50

1                   Also, one thing that's important to  
2 realize is all the projects above the line are  
3 continuation projects, so it's possible that at a  
4 future date this project could be resubmitted. It is  
5 something that was in the call that we asked for  
6 information we would like. It's just we can only  
7 afford so much.

8  
9                   CHAIRMAN LOHSE: So the four projects  
10 that we're looking at funding already have been making  
11 progress and it would just be a continuation of the  
12 data so they'd be more valid.

13  
14                   MS. HYER: Right. As in the Copper, we  
15 have one good abundance estimate that Keith talked  
16 about and we're hoping to get two more there. It's the  
17 same with the other projects.

18  
19                   CHAIRMAN LOHSE: Any other questions  
20 for her.

21  
22                   (No comments)

23  
24                   CHAIRMAN LOHSE: At this point in time  
25 do you need us to make a recommendation?

26  
27                   MS. HYER: I do. I need a  
28 recommendation on the 2008 draft.

29  
30                   CHAIRMAN LOHSE: Recommendation to  
31 accept the recommendations of the TRC.

32  
33                   MS. HYER: Yeah, exactly.

34  
35                   CHAIRMAN LOHSE: Doug.

36  
37                   MR. BLOSSOM: Mr. Chair. If we're  
38 going to do that -- you had other projects that you  
39 kicked out?

40  
41                   MS. HYER: What happens through our  
42 process is we get proposals and we do an initial review  
43 of the proposals and we forward everything that looks  
44 like a good project that meets the criteria on to  
45 investigation plans. For this region, you're seeing  
46 the five that were forwarded on to investigation plans.  
47 So the only one that was not approved for funding was  
48 the Copper River subsistence salmon harvest permit  
49 validation.

50

1 MR. BLOSSOM: You didn't have the  
2 Hidden Lake project ready to go forward or that's one  
3 that didn't make it?  
4  
5 MS. HYER: The Hidden Lake project.  
6 Who would that proposal have been submitted by?  
7  
8 MR. BLOSSOM: I see it in this pamphlet  
9 here.  
10  
11 CHAIRMAN LOHSE: Doug, I think that's  
12 not under this program, which is to gather information.  
13 So that would have to be under a different type of  
14 program.  
15  
16 MR. BLOSSOM: Okay. Good enough. I  
17 just want to understand it.  
18  
19 CHAIRMAN LOHSE: See, these are  
20 fisheries resource monitoring programs.  
21  
22 MR. BLOSSOM: Right.  
23  
24 CHAIRMAN LOHSE: So if anybody would  
25 like to make a motion to accept the recommendations of  
26 the TR on these proposals that we have funding for.  
27 Greg.  
28  
29 MR. ENCELEWSKI: Yeah, I'll make that  
30 motion.  
31  
32 MR. BLOSSOM: Second.  
33  
34 CHAIRMAN LOHSE: It's been moved and  
35 seconded. Any discussion.  
36  
37 (No comments)  
38  
39 MR. WILSON: Question.  
40  
41 CHAIRMAN LOHSE: No discussion. The  
42 question is called. All in favor of supporting the TR  
43 and the recommendations signify by saying aye.  
44  
45 IN UNISON: Aye.  
46  
47 CHAIRMAN LOHSE: Opposed signify by  
48 saying nay.  
49  
50 (No opposing votes)

1 CHAIRMAN LOHSE: Motion carries  
2 unanimously. Thank you, Karen.  
3  
4 MS. HYER: Thank you.  
5  
6 CHAIRMAN LOHSE: Okay. We are now on  
7 FY-'06 annual report reply, Page 80. You'll see the  
8 reply that we received on our annual report of last  
9 year. At that time we expressed concern on the Council  
10 composition and the Partners Program and we have the  
11 response that the Board gave us.  
12  
13 Does anybody have any comments on the  
14 -- Donald, it says your name. Are you going to present  
15 this to us or am I supposed to go through this.  
16  
17 MR. MIKE: Mr. Chair. You're doing  
18 fine.  
19  
20 CHAIRMAN LOHSE: Does anybody have any  
21 comments on the response the Board gave us on both the  
22 Council composition and the Partners Program.  
23  
24 (No comments)  
25  
26 CHAIRMAN LOHSE: Myself, I found no  
27 objections to it, but maybe somebody else does.  
28  
29 MS. STICKWAN: I would have liked to  
30 know what the other Councils voted on for the Council  
31 composition, what their recommendation was, as part of  
32 the information given back to us.  
33  
34 CHAIRMAN LOHSE: We'd probably need  
35 that under another heading. This is in response to our  
36 comment that we made to the Board and this is their  
37 response to us. Someplace along the line we should be  
38 able to get that information, Gloria, of what the other  
39 Councils said on Council composition.  
40  
41 MS. STICKWAN: Okay.  
42  
43 CHAIRMAN LOHSE: In fact, I thought we  
44 had a paper on that. Didn't we, Larry?  
45  
46 MR. BUKLIS: Larry Buklis, OSM. Yes,  
47 Mr. Chairman. There's a briefing in your book coming  
48 up on your agenda soon about the closure policy and  
49 Council composition issue. Yet that briefing doesn't  
50 contain a breakdown of specific feedback from Council.

1 We could provide that to you through correspondence  
2 later, but we have a briefing on the main outcome.

3  
4 CHAIRMAN LOHSE: Okay. But we would be  
5 capable as individual Council members to ask to see  
6 what the other Councils suggested, wouldn't we?

7  
8 MR. BUKLIS: Even more than that, Mr.  
9 Chairman, given the interest that's been expressed, we  
10 could provide to the Council at large a mailing, some  
11 kind of correspondence about the breakdown of positions  
12 and recommendations.

13  
14 CHAIRMAN LOHSE: Thank you, Larry. I'm  
15 pretty sure as a Council we would request that then.

16  
17 MR. BUKLIS: Thank you.

18  
19 CHAIRMAN LOHSE: Okay. And the  
20 Partners Program was one again we were going to put  
21 into this year's annual report, our continued support.  
22 I see they recognized that support. Like it points  
23 out, the Partners Program was reduced \$150,000 due to  
24 budget reductions. We have to recognize that we will  
25 be within the restrictions of the budget, whatever that  
26 budget comes out to be, but by expressing our support  
27 that gives the Secretary of Interior support in asking  
28 for more for that program and shows the Board our  
29 interest in that program.

30  
31 Does anybody have anything they would  
32 like to respond to the Board on what the Board has said  
33 to us or shall we just start on our new annual report  
34 and include all the concerns we have in that.

35  
36 MS. STICKWAN: Just respond to the new  
37 annual report.

38  
39 CHAIRMAN LOHSE: Thank you, Gloria. I  
40 think we can do that and I think that's a good idea.  
41 So, with that we'll go on to developing our annual  
42 report. We refer to the guidance on Page 83. They  
43 give us some guidance for what we could include in the  
44 annual report.

45  
46 An identification of current and  
47 anticipated subsistence uses of fish and wildlife  
48 populations within the region; an evaluation of current  
49 and anticipated subsistence needs for fish and wildlife  
50 populations within the region; a recommended strategy

1 for the management of fish and wildlife populations  
2 within the region to accommodate such subsistence uses  
3 and needs; and, recommendations concerning policies,  
4 standards, guidelines, and regulations to implement the  
5 strategy.

6

7                   When a Council has no report regarding  
8 subsistence resource uses and needs to bring forward,  
9 the Council will submit a letter to that effect. That  
10 letter will be included with the Annual Report package  
11 considered by the Board.

12

13                   Issues not described in Section 805 may  
14 be addressed in a letter to the Board for more  
15 immediate attention. So if we have issues that are not  
16 direct subsistence issues, just like we did with the  
17 Partners one, we can submit that in our annual report.

18

19                   So the one thing I had down was  
20 continued support for Partners Program. Does anyone  
21 else have anything they'd like to include in our annual  
22 report.

23

24                   Doug.

25

26                   MR. BLOSSOM: Mr. Chair. What about  
27 the brown bear issue that Ninilchik Tribe brought up.  
28 It should be brought to their attention that they  
29 desired one or two brown bear and didn't get it and  
30 asked the Board if there's something that can be done  
31 about it.

32

33                   CHAIRMAN LOHSE: I think we talked  
34 about asking the Board whether there would be some way  
35 to get the Federal government involved in population  
36 studies on the brown bear on the Kenai Peninsula.

37

38                   MR. BLOSSOM: That would be part of it,  
39 yeah.

40

41                   CHAIRMAN LOHSE: So we could just  
42 basically put the brown bear problem, the lack of  
43 subsistence opportunity and population studies for  
44 brown bear on the Kenai Peninsula would be all part of  
45 our concerns. Does that sound acceptable?

46

47                   MR. BLOSSOM: (Nods affirmatively)

48

49                   CHAIRMAN LOHSE: Have I missed  
50 something in that?

1 MR. BLOSSOM: No.

2

3 CHAIRMAN LOHSE: Okay. Population  
4 estimates, brown bear problems and lack of subsistence  
5 opportunity. And I think the idea brought up before on  
6 deference and the difference between consideration and  
7 recommendations by the ADF&G. And the need for, if  
8 deference isn't given, a written statement as to why it  
9 wasn't given. And we have that as a resolution, but it  
10 also should go forward in our report.

11

12 Anything else. Tricia.

13

14 MS. WAGGONER: Just for consideration  
15 from everybody else, should we mention in the annual  
16 report that we're aware of budget cuts and the need for  
17 meetings in Anchorage, but we also do need to address  
18 issues in other locations by periodically being out in  
19 the communities for our meetings.

20

21 CHAIRMAN LOHSE: Okay. Despite budget  
22 cuts, need to hold meetings in the rural subsistence  
23 areas. Does that sound good?

24

25 (Council nods affirmatively)

26

27 CHAIRMAN LOHSE: Donald is getting all  
28 this and he does a good job of writing it up. Dean.

29

30 MR. WILSON: I had a topic I was going  
31 to bring up under other business, but that is to try to  
32 rescind the new method we're using of alternating the  
33 wildlife and fish proposals. I'd like to revert back  
34 to the system we're using now or the old system instead  
35 of the new system that we've been told by the Board. I  
36 don't know if that would be something we could make a  
37 motion to in other business as well as this, but I'd  
38 like to keep it the way it is instead of trying to  
39 manage our areas on two-year basis.

40

41 (Council nods affirmatively)

42

43 CHAIRMAN LOHSE: So what you're saying  
44 is need for timely yearly meetings on a one-year basis  
45 for fish and game despite the budget cuts. Whether we  
46 get it or not we don't know, but we can still put it  
47 in. Need for timely yearly meetings on a one-year  
48 cycle.

49

50 MR. WILSON: Fish and wildlife.

1                   CHAIRMAN LOHSE: For fish and wildlife.  
2 I'm going to ask you a question. I don't know if this  
3 would even work. Would it be possible if they limit us  
4 to one meeting a year to combine fish and wildlife in  
5 the same meeting. I don't know if the Staff could  
6 handle it though. That's the whole thing.

7  
8                   MS. STICKWAN: I don't think we could  
9 handle it.

10  
11                   (Laughter)

12  
13                   CHAIRMAN LOHSE: You don't want to be  
14 here for two weeks? We'll put that down into our  
15 annual report anyway. Anybody else have some more  
16 things that you've thought of for our annual report.  
17 We've got Partners, brown bear, deference, budget cut,  
18 meetings held in subsistence areas and more frequent  
19 meetings for fish and wildlife on a one-year cycle.

20  
21                   You know, I was talking to a friend up  
22 in Copper Center the other day and it's something we  
23 used to put in our reports and we haven't been putting  
24 it in a long time, but it has a direct effect on  
25 subsistence users, especially in the Interior right  
26 now. I know from talking to the biologist up there in  
27 the Wrangell-St. Elias the sheep population is  
28 basically crashing.

29  
30                   I talked to somebody that was up in the  
31 same area  
32 moose hunting that they've only hunted for probably 30  
33 years or so and last year the few moose that they saw  
34 all had wolf and bear bites on them and this year they  
35 didn't see any moose period. The predation problem.  
36 We used to mention that in our reports even knowing  
37 they couldn't do anything about it. We just kept  
38 bringing it to their attention because the predation  
39 problem on the ungulates that people need for  
40 subsistence hasn't gone away. In fact, it's increased.  
41 So if we want to mention something like that in our  
42 annual report, we can do it if it's acceptable to the  
43 rest of you.

44  
45                   Now, we'll be told that they can't do  
46 anything about it, but at least we've put it to their  
47 attention and this goes in front of the Secretary of  
48 Interior, too.

49  
50                   MR. ENCELEWSKI: I would agree, Mr.

1 Chairman, because we are obligated to make notice of  
2 those things.

3

4 CHAIRMAN LOHSE: And that would be Unit  
5 11 and 13 and 12 in that area, 11 and 13, that area up  
6 there.

7

8 MR. BLOSSOM: And unit 15.

9

10 CHAIRMAN LOHSE: And Unit 15. Units  
11 11, 13 and 15 on sheep and moose. Okay. Anything  
12 else.

13

14 (No comments)

15

16 CHAIRMAN LOHSE: Anything on fish or  
17 anything like that.

18

19 (No comments)

20

21 CHAIRMAN LOHSE: Hearing none. I don't  
22 think we even need a motion on this. If this is  
23 acceptable to the Council as a whole, we will write up  
24 our annual report containing these items here. And if  
25 anybody thinks of another item before the end of the  
26 meeting, we can add that to our annual report.

27

28 Larry.

29

30 MR. BUKLIS: Thank you, Mr. Chairman.  
31 The guidance on writing annual reports on Page 83 is  
32 meant to help you see the difference between the  
33 ANILCA-mandated annual report scope and other issues of  
34 concern. The thinking being in this guidance that  
35 other issues of concern, perhaps the Partners Program,  
36 the deference program, I don't want to try to sort them  
37 for you, but some of those could be a letter to the  
38 Board and they could respond timely and not wait for a  
39 year later response, whereas these ANILCA-mandated  
40 issues about subsistence uses and needs and strategies  
41 for meeting the needs, those kinds of things would be  
42 more of the annual report.

43

44 So when you were talking about brown  
45 bear, sheep, moose, perhaps the regulatory cycle for  
46 dealing with issues, that would be more the core of  
47 what was mandated. And some of the other issues, while  
48 important, would be more correspondence to the Board  
49 and they could write back with a response.

50

1                   So that's what the guidance was meant  
2 to help you with, trying to move the annual reports  
3 closer to their ANILCA source.

4  
5                   CHAIRMAN LOHSE: But will it hurt us to  
6 include those issues in the annual report, but to also  
7 include these other things just so that we make sure  
8 that we get at least one response out of the year? In  
9 the past we've included the other things as part of our  
10 annual report as concerns of the Council and we could  
11 just say other concerns of the Council are and stick  
12 them in our annual report.

13  
14                   But I see what you mean. What we  
15 really should be doing is sticking with things that  
16 deal directly with game and fish and the uses of those  
17 game and fish and these other things are not part of an  
18 annual report but they're actually letters of concern.  
19 Am I correct?

20  
21                   MR. BUKLIS: You are correct, Mr.  
22 Chairman. I think the concern is not on any one  
23 particular Council or element of one letter, but I  
24 think the net effect of it all is sort of a drifting  
25 from the core purpose and a diminishment of what the  
26 annual report could be. If it was more focused on  
27 subsistence uses, needs, strategies, with the Council  
28 as a source for that, it would perhaps -- if we could  
29 get back to that origin and purpose, they could be more  
30 substantive and focused in that way.

31  
32                   They've sort of drifted to being a  
33 letter of correspondence about a range of concerns and  
34 sometimes there's none of the ANILCA-mandated elements  
35 at all. When that happens, there's a concern that the  
36 Councils are missing an opportunity to perform this  
37 function. And it's not something we're going to be  
38 able to address immediately. I think it's going to  
39 have to be a shift of our thinking together.

40  
41                   CHAIRMAN LOHSE: Larry, would your  
42 recommendations be that we would submit this as two  
43 letters then, one as an annual report letter and one as  
44 an issues of concern for the Council?

45  
46                   MR. BUKLIS: Yes, Mr. Chairman. I'm  
47 recommending that any of the issues that have been  
48 raised that seem more like the report content that's  
49 highlighted at the top of Page 83 be put into your  
50 annual report and issues that seem like other concerns

1 could be simply letters of concerns to the Board and  
2 they would get back to you in weeks or months, but not  
3 the scale of the annual cycle.

4  
5 CHAIRMAN LOHSE: Okay. Well,  
6 definitely the brown bear one fits those  
7 recommendations. I, myself, would include the predator  
8 problem because that directly affects game.

9  
10 CHAIRMAN LOHSE: Chuck.

11  
12 MR. LAMB: I would put it in.

13  
14 CHAIRMAN LOHSE: Yeah. And what we can  
15 do is we can take a write a second letter to include  
16 the Partners Program and the deference and include that  
17 -- I still have difficulty not putting that in my  
18 annual report. Greg.

19  
20 MR. ENCELEWSKI: I agree with what  
21 Larry is saying there, but I think the suggestion here  
22 is what may be contained in an annual report and if we  
23 feel as a Council that we have something in an annual  
24 report that needs the attention of a higher level, I  
25 think we ought to put it in there. Definitely the  
26 deference.

27  
28 CHAIRMAN LOHSE: Tricia.

29  
30 MS. WAGGONER: Yeah, I'd like to see  
31 the deference issue in the annual report because the  
32 annual report is seen by the Secretaries whereas the  
33 letter of concern isn't.

34  
35 CHAIRMAN LOHSE: Okay. If that's the  
36 wish of this Council, that's what we'll do.

37  
38 MS. STICKWAN: Could we do both?

39  
40 CHAIRMAN LOHSE: We're already doing  
41 one of them, but we could do both and that is a good  
42 idea. But the inclusion in the annual report is the  
43 wish of this Council.

44  
45 (Council nods affirmatively)

46  
47 CHAIRMAN LOHSE: In that case, we will  
48 include it. Okay, let's go on. At this point in time  
49 we're going to take a five-minute break. We will go on  
50 to call for proposals to change Federal subsistence

1 wildlife regulations. That's the next item on there.  
2 So if anybody is going to submit a proposal, this will  
3 be the time to do it. And then we're going on to  
4 Agency reports.

5  
6 It's the request of this Council of the  
7 Agencies that they make their reports as concise and to  
8 the point as possible and not be loquacious as the  
9 Council members are.

10  
11 (Off record)

12  
13 (On record)

14  
15 CHAIRMAN LOHSE: At this point we're on  
16 Proposal No. 14. It's a call for proposals to change  
17 Federal subsistence wildlife regulations. They can be  
18 submitted at this meeting. If you want to submit them  
19 to the Council, we can do that, or they can be  
20 submitted at any time up until when, Donald.

21  
22 But it's for everybody to know that  
23 anybody can submit a proposal to change Federal  
24 subsistence wildlife regulations and this is a call if  
25 anybody on the Council wishes to submit one or anybody  
26 in the audience wishes to submit one to the Council.

27  
28 MR. MIKE: Mr. Chair. The deadline is  
29 October 19th and we have proposal forms on the back  
30 table for anyone wishing to submit a proposal.

31  
32 CHAIRMAN LOHSE: You have until October  
33 19th. Does anybody on the Council wish to submit a  
34 proposal and have the Council support it.

35  
36 (No comments)

37  
38 CHAIRMAN LOHSE: Hearing none. Were  
39 going to go on to Agency organization reports and we'll  
40 go to tribal and non-governmental organization. Do we  
41 have any at this point in time.

42  
43 (No comments)

44  
45 CHAIRMAN LOHSE: Hearing none. We're  
46 going to go on to Bureau of Land Management.

47  
48 MS. STICKWAN: AVCP proposals.

49  
50 CHAIRMAN LOHSE: Oh, that's right. We

1 had that included at this point in time. On the tribal  
2 and non-governmental organizations, we were going to  
3 get a report on the AVCP proposals.

4  
5 We have that here and somebody was  
6 going to present that to us, but I can't remember who.

7  
8 Donald.

9  
10 MR. MIKE: Mr. Chair. The director of  
11 Natural Resources for AVCP, which would be Mr. Tim  
12 Andrew, isn't available to speak on these two  
13 petitions, but he requested if the Council could take a  
14 position on the two petitions they have provided.

15  
16 Mr. Chair.

17  
18 CHAIRMAN LOHSE: Thank you, Donald.  
19 Since he's not here to present them, let's take a  
20 little time each member of the Council to read these  
21 real quick and we will see if as a Council we wish to  
22 take a formal position on these proposals from AVCP.

23  
24 (Pause)

25  
26 CHAIRMAN LOHSE: Are we ready? Has  
27 everybody had a chance to go through these. We don't  
28 have anybody here to present them, but we were asked to  
29 take a look at them as a Council and see whether they  
30 were things that we wished to support or go forward on  
31 their own merit.

32  
33 Council members, we could take one at a  
34 time and make a decision or if there's a motion or  
35 something like that we can go through that or just  
36 comments even.

37  
38 Let's take the first one, which is the  
39 appointment of Regional Advisory Council members. Does  
40 anybody on the Council wish to comment on that, should  
41 we leave it go forward on its own merits or take a  
42 position one way or the other on it. Do I hear any  
43 motions.

44  
45 MR. WILSON: Forward on its own merit.

46  
47 CHAIRMAN LOHSE: Is that agreeable to  
48 the Council. Greg.

49  
50 MR. ENCELEWSKI: Without having a lot

1 of time to kind of study it, I see some merit in it for  
2 certainty and I think maybe go forward on its own merit  
3 and maybe to reinforce it at a later date or something.

4

5 CHAIRMAN LOHSE: I see some merit on  
6 it, but, at the same time, it does leave out ANILCA's  
7 rural Native and non-Native and in this case it would  
8 leave out the whole non-Native population. But there  
9 is some merit in allowing them to be part of the  
10 process. So we'll leave this one go forward on its own  
11 merit then, neither support or object to it.

12

13 (Council nods affirmatively)

14

15 CHAIRMAN LOHSE: How about for the  
16 Federal government to exert and extend Federal  
17 jurisdiction and authority over hunting, fishing and  
18 trapping activities on non-Federal land. I'm afraid for  
19 my own standpoint I'd have to let that go forward on  
20 its own merit because I don't think that the Federal  
21 government can exert authority on land that's not  
22 theirs. In this case, whether good or bad, Native land  
23 is now considered private property.

24

25 Anybody else on the Council wish to do  
26 anything on this one or should we just allow it to go  
27 forward on its own merit.

28

29 MR. ENCELEWSKI: Mr. Chairman. I would  
30 agree with you 100 percent, it is private land and we  
31 should let it go on whatever merit it has.

32

33 MS. STICKWAN: Plus I don't think we  
34 should be speaking for the Native corporations. It's  
35 their land.

36

37 CHAIRMAN LOHSE: Thank you, Gloria.  
38 We've looked at them and we're going to allow them to  
39 go forward on their own merit, neither supporting or  
40 objecting to them.

41

42 Okay. Now we're on the Bureau of Land  
43 Management. Sorry that we called you up before.  
44 Anchorage office, Glennallen field office. Have at it.

45

46 MR. ARDIZZONE: Good afternoon, Mr.  
47 Chair. Chuck Ardizzone, Bureau of Land Management.  
48 I'm actually at the state office. We don't currently  
49 have a subsistence person at the Anchorage field  
50 office, thus I'm here to give a quick report as you

1 requested.

2

3 I just wanted to update you that we are  
4 currently trying to fill that position at the Anchorage  
5 field office. Interviews start next week and hopefully  
6 we'll have someone on board by December for the next  
7 meeting.

8

9 The other item is that the Anchorage  
10 field office is in the pre-planning phase of a new RMP,  
11 which is a resource management plan. It's called the  
12 Bering Sea Western Interior Resource Management Plan.  
13 It's funding is anticipated to start in '09. Pre-  
14 planning includes creating a schedule, budget,  
15 accessing data needs and etcetera, things to get the  
16 plan up and going. Hopefully you'll hear more about  
17 that later. For this Council, that would be Unit 16.  
18 I'll keep you apprised as I know more.

19

20 CHAIRMAN LOHSE: Thank you. Any  
21 questions.

22

23 (No comments)

24

25 CHAIRMAN LOHSE: Elijah.

26

27 MR. WATERS: Good afternoon, Mr.  
28 Chairman. Council members. My name is Elijah Waters.  
29 I work for the Glennallen field office, the Bureau of  
30 Land Management. Today I just want to give you a quick  
31 update on Federal moose and caribou season. We issued  
32 942 moose permits to residents of Unit 13 and 28 and  
33 the total harvest for that was 52. That compares with  
34 47 moose last year and 51 the year before, so right  
35 about average.

36

37 Also, in caribou, to date we've issued  
38 2,053 permits and the harvest so far is 74; that's 67  
39 bull and 7 cow.

40

41 Also, two other things. We issued the  
42 special action permits that have been approved by this  
43 Council before. The Johnny Goodlataw or the  
44 Chickaloon/Tazlina Culture Camp, we issued a moose  
45 permit for that and Johnny was unsuccessful in the  
46 harvest of that. We also issued one moose permit and  
47 two caribou permits to the Ahtna Heritage Foundation  
48 and, unfortunately, they didn't harvest anything  
49 either.

50

1                   So that concludes my report. I'd be  
2 glad to answer any questions.

3  
4                   CHAIRMAN LOHSE: When does the next  
5 session of caribou season open?

6  
7                   MR. WATERS: It opens October 21st,  
8 which is Sunday.

9  
10                  CHAIRMAN LOHSE: Any other questions.  
11 So basically the caribou is not on track, it's lower  
12 than normal for this time of the year by quite a bit.

13  
14                  MR. WATERS: It's quite a bit lower.  
15 As you know, the peak harvest can essentially occur at  
16 any time, but it's been a pretty low harvest on the  
17 Federal side so far and that's just purely they haven't  
18 moved into the Federal area in any significant numbers  
19 yet.

20  
21                  MR. LAMB: Where is he Federal area in  
22 13?

23  
24                  MR. WATERS: It just so happens I have  
25 a map. The yellow areas on this map are the Federal  
26 areas. I'll try to orient you. This is the Denali  
27 Highway. This is the Richardson Highway. Glennallen  
28 would be about right here where my hand is, so it's  
29 pretty much along the Richardson Highway, Denali  
30 Highway and then these Wild and Scenic River corridors.  
31 There's also some land down south in what's called the  
32 T-Cal block, but there's no caribou down there.

33  
34                  CHAIRMAN LOHSE: Out of curiosity, how  
35 many of the Federal moose are taken in the T-Cal block  
36 this year?

37  
38                  MR. WATERS: It's about half and half.  
39 As you know, we get all the hunt reports now, the  
40 harvest reports and I track that pretty darn close and  
41 it's about half and half.

42  
43                  CHAIRMAN LOHSE: So about half of them  
44 came out of the small T-Cal block.

45  
46                  MR. WATERS: Right.

47  
48                  CHAIRMAN LOHSE: Okay. Any other  
49 questions for Elijah.

50

1 (No comments)

2

3 CHAIRMAN LOHSE: Thank you, Elijah.  
4 Now we go on to the Office of Subsistence Management  
5 and we're going to go to the status of the closure  
6 policy you can find on Page 84, status of Council  
7 composition recommendations on Page 85, rural/nonrural  
8 determinations on 86 and two-year cycles on 87, and  
9 Secretary Kempthorne's letter to the Board on 89 and  
10 we'll go from there.

11

12 Let's go to Page 84. Larry, you're  
13 going to be doing it for Pete.

14

15 MR. BUKLIS: Thank you, Mr. Chairman.  
16 Larry Buklis, OSM. Yes, I'll be taking these four  
17 briefings. The letter to Secretary Kempthorne and the  
18 other items that follow after that are informational  
19 references. If you want to get into those issues, we  
20 can, but we planned briefings on the first four.

21

22 CHAIRMAN LOHSE: Okay.

23

24 MR. BUKLIS: The first one, as you  
25 said, is Page 84, the status of the closure policy. I  
26 think Donald handed out copies of that earlier.

27

28 Mr. Chairman, I think you're aware that  
29 the Secretaries directed the Board to develop a policy  
30 on closures of Federal public lands to takings of fish  
31 and wildlife when appropriate and also directed the  
32 Board to develop the C&T policy. You've talked about  
33 the C&T policy draft earlier in your meeting today and  
34 that is underway, as you know. The closure policy was  
35 addressed first and has been completed.

36

37 The Councils were invited to review a  
38 draft of the policy back in the winter of 2006 meetings  
39 and the Board has moved through a process culminating  
40 with Secretarial approval in August of this year. What  
41 Donald handed out, I believe, is the brief letter from  
42 Secretary Kempthorne approving the policy that was  
43 developed dated August 29th and attached to that was  
44 the policy document he had reviewed and approved.

45

46 The policy continues to recognize the  
47 status of the Regional Advisory Councils and does not  
48 diminish or change their role. I want to emphasize  
49 this point as Polly did with the C&T policy draft, but  
50 this is the final policy on closures. This closure

1 policy is intended only to clarify existing practices.  
2 It's not rule-making. It's a policy that brings  
3 together the existing approaches and practices.

4  
5 I'll highlight some of the key points  
6 laid out there that the policy brings together.

7  
8 Board decision-making is done on a  
9 case-by-case basis using the best available data.

10  
11 Established subsistence uses have both  
12 physical and cultural components, it's not just the  
13 food being gathered.

14  
15 Thirdly, when making decisions  
16 regarding closures or restrictions, the Board will  
17 consider the recommendations  
18 of the affected Councils, giving due deference.

19  
20 The Board will also consider the  
21 comments and recommendations made by the State of  
22 Alaska and the public.

23  
24 The Board will implement closures or  
25 restrictions of Federal public lands and water in  
26 accordance with certain criteria and those are laid out  
27 at the end of this summary page.

28  
29 When a fish or wildlife population is  
30 insufficient to sustain takings for all uses, takings  
31 for non-subsistence uses may be reduced or prohibited.

32  
33 When a fish or wildlife population is  
34 insufficient to sustain takings for all subsistence  
35 uses, then we move into 804 criteria of ANILCA where we  
36 allocate among subsistence uses.

37  
38 And then in some cases, if the fish or  
39 wildlife population cannot sustain any take, then all  
40 uses may be closed.

41  
42 And these closures are to be reviewed  
43 on a periodic basis and to be removed as conditions  
44 allow. I think you're aware that we've already been  
45 underway with these periodic reviews of existing  
46 closures.

47  
48 So, Mr. Chairman, again, to summarize,  
49 there was a draft out about a year ago, the Board moved  
50 through the process on it and the Secretary has

1 approved it and you now have a copy of it.

2

3 CHAIRMAN LOHSE: So this is not a draft  
4 policy, this is a final policy right here.

5

6 MR. BUKLIS: Yes, Mr. Chairman. This  
7 is for your information and awareness. It's not for  
8 further development at this time.

9

10 CHAIRMAN LOHSE: So we do not need to  
11 comment on this. It's for our information.

12

13 MR. BUKLIS: Correct.

14

15 CHAIRMAN LOHSE: The next one is the  
16 same way, right.

17

18 MR. BUKLIS: Yes. If you're moving on  
19 to Page 85, it's the status of the Council composition  
20 recommendation. This had come up a few minutes ago in  
21 your meeting and I'll summarize that now.

22

23 In December 1998, Safari Club  
24 International and others filed a lawsuit against the  
25 Secretaries of the Interior and of Agriculture and the  
26 Federal Board. One element of this complaint involved  
27 the composition of the Regional Advisory Council  
28 membership. In 2003, the Council charters were amended  
29 to introduce a 70 percent/30 percent representation  
30 approach with 70 percent for subsistence and 30 percent  
31 for commercial and sport use.

32

33 There was further process on that. In  
34 August 2006, the Court concluded that the Board had not  
35 provided a sufficient administrative record showing  
36 rationale for the 70/30 composition approach. The  
37 Federal program, responding to court order, issued a  
38 notice for comment and recommendations on approaches to  
39 Council membership to meet the court direction and also  
40 to provide additional administrative record.

41

42 At its May 2007 meeting, the Board  
43 considered public comments and Council recommendations  
44 that were received and developed its recommendation.  
45 It's a recommendation from the Board and not a final  
46 decision because it has to go back to the court. So  
47 the recommendation is for a 70/30 Council composition.  
48 That's being published in the Federal  
49 Register as a notice and then it will be brought to the  
50 court to see if that meets the court order and then it

1 would finally be advanced to the Secretaries for review  
2 and approval.

3  
4 So it's a Board recommendation for  
5 those two reasons actually, because we're operating  
6 under a court order and ultimately it goes to the  
7 Secretary.

8  
9 So the status on that, this is an  
10 informational item, we've been through a process, we  
11 are prepared to publish the notice of this 70/30 and  
12 the substance behind it, the administrative record, and  
13 then go to the court. If that meets the court's  
14 directive, go to the Secretary for approval. Given the  
15 interest expressed earlier by the Council, through  
16 correspondence we can provide you a summary of what we  
17 had received from the Councils on the issue when it was  
18 in process.

19  
20 CHAIRMAN LOHSE: Any questions on that.

21  
22 (No comments)

23  
24 CHAIRMAN LOHSE: Larry, do you want to  
25 go on to the next one.

26  
27 MR. BUKLIS: Thank you, Mr. Chairman.  
28 Page 86 is the final rule on rural/nonrural review and  
29 the status of the request for reconsideration of the  
30 final rule. Through the mail you should have received  
31 this blue bound booklet summarizing it, but I have  
32 extras here if anyone on the Council needs one.  
33 Otherwise, there are spares for the public.

34  
35 As you know, Mr. Chairman, we went  
36 through a several year process on reviewing  
37 rural/nonrural determinations as required by the  
38 regulations. The regulations require such a review  
39 once every 10 years following the decade census. Year  
40 2000 was our first such review. That effort concluded  
41 with the final rule published May 7th of '07. Our  
42 regulations allow for a reconsideration request within  
43 60 days of such a publication or effective date,  
44 whichever comes first. In this case, it was 60 days  
45 from the May 7 publication day. During that 60-day  
46 window we did receive six requests for reconsideration.

47  
48 The final rule is in this booklet and  
49 each of the six requests for reconsideration of the  
50 rule are in the booklet. At this point in time,

1 they're really for your reference and information.  
2 You're welcome to discuss them. The process on RFR's,  
3 either for rural/nonrural or fish and wildlife  
4 regulations, is we go through a threshold step to see  
5 if the request, in this case six of them, meet the  
6 criteria for being accepted as a viable claim and to  
7 move on in the process for consideration.

8  
9 The regulations require that a request  
10 meets certain criteria. It's not just to revisit the  
11 issue. The requester has to prove up on whether the  
12 Board action did not consider information now  
13 available, new information, or whether the Board's  
14 action demonstrates that existing information that was  
15 used was incorrect or their interpretation was  
16 incorrect or conflicted with applicable law or  
17 regulation. So there are some specific criteria to be  
18 met.

19  
20 So we're in the process now of looking  
21 at these six requests, breaking out the individual  
22 claims and doing threshold analyses of the claims.  
23 After that the Board would make a decision as to which,  
24 if any, claims would be advanced as accepted and those  
25 accepted claims would be brought back out to the  
26 relevant Councils for comment, for recommendation and  
27 then the Board would make a determination on those  
28 claims.

29  
30 So we're early in the process. I'll  
31 summarize who those six requests are from and what  
32 they're about. That's on the bottom of Page 86.

33  
34 RFR 07-01 was from the State of Alaska.  
35 It covers a range of issues and various places. It  
36 speaks to how the Board approached the grouping  
37 questions and consistency of approach and a number of  
38 places are raised. There is an emphasis on the Kenai  
39 Peninsula as well, but a number of other places are  
40 raised.

41  
42 The Alaska Outdoor Council was No. 02.  
43 They also raised several different places around the  
44 state.

45  
46 03 and 04 from Kenai River Sportfishing  
47 Association and, No. 04, Alaska Fly Fishers, had a  
48 focus on the Kenai Peninsula.

49  
50 No. 05, Ketchikan Indian Community and

1 06, Organized Village of Saxman, had a focus on  
2 Ketchikan and Saxman respectively.

3

4 So those are the six we have in hand  
5 and we will be delivering threshold analyses to the  
6 Board and any accepted claims will come back out for  
7 comment. That's the status of the rural process.

8 CHAIRMAN LOHSE: Larry, out of  
9 curiosity, it just says various places. There's no  
10 actual listing of what these places are. Do you have a  
11 listing of the places that are in contention?

12

13 MR. BUKLIS: Mr. Chairman. I don't  
14 have with me or I don't think I've compiled a detailed  
15 listing of the places. The reason I put various places  
16 there and said it this way here is because this request  
17 for reconsideration from the State raises some  
18 questions about the approach that was used and if the  
19 Board were to accept such a claim and make some kind of  
20 positive action because of such a claim, it might  
21 compel them to revisit a number of places. So it's  
22 various places not only because some places are named  
23 and it's more than one, but because if approach is  
24 shifted it could affect numerous places. My  
25 recollection is there is a particular length of  
26 treatment given to the Kenai Peninsula as I remember.

27

28 CHAIRMAN LOHSE: Okay. So these are in  
29 the process of evaluating whether or not they should  
30 even be reconsidered. If they are reconsidered,  
31 they'll be brought back to the Council.

32

33 MR. BUKLIS: That's correct.

34

35 CHAIRMAN LOHSE: Any questions for  
36 Larry on this. Gloria.

37

38 MS. STICKWAN: The State of Alaska,  
39 does it affect this Council on the list, can you  
40 remember?

41

42 MR. BUKLIS: Mr. Chairman. If I  
43 understand your question, Ms. Stickwan, if some claims  
44 in the State's RFR were accepted, would it affect this  
45 Council. Yes. At least some of the claims would  
46 address areas of concern in this region. The Kenai  
47 Peninsula comes right to mind.

48

49 MS. STICKWAN: There's no other places  
50 you could think of?

1 MR. BUKLIS: Well, they did raise a  
2 concern about methods and approaches more generally and  
3 if they prevailed on those points, it could affect a  
4 number of different places within this region and  
5 outside of it. As I recall, in this Southcentral  
6 Region, the issues were focused on the Kenai Peninsula,  
7 not the Copper River Valley or Prince William Sound  
8 part of the region. But other Councils would be  
9 affected by methods shifts if they were accepted.

10

11 CHAIRMAN LOHSE: Any other questions  
12 for Larry.

13

14 (No comments)

15

16 CHAIRMAN LOHSE: If not, Larry, do you  
17 want to go on to the next one.

18

19 MR. BUKLIS: Yes, Mr. Chairman. The  
20 fourth and last one of these briefings is on Page 87.  
21 It's titled two-year cycles, OSM budget and OSM  
22 reorganization. I think you're quite familiar with  
23 this. I'll just paraphrase it briefly. You've already  
24 addressed a concern about having moved to a two-year  
25 cycle earlier.

26

27 We've briefed you before about a budget  
28 situation with the Subsistence Management Program and  
29 budget reductions. We are in the process of moving to  
30 a two-year cycle. This wildlife call that's underway  
31 now is a two-year call. The Fishery Resource  
32 Monitoring Plan that's being compiled and considered is  
33 a two-year plan. And the fisheries call that we  
34 mentioned earlier that will be coming up to you in  
35 February/March will be the first of the two-year  
36 fisheries calls.

37

38 There's a table on Page 88 which tries  
39 to help you see how those different calls and processes  
40 would lay out over the next few years because it is  
41 confusing and hard to remember, so that should help.

42

43 In terms of the budget, you've heard  
44 reports on different numbers before. Just a reminder  
45 that the overall OSM budget has declined about \$2.6  
46 million since fiscal year '01. For the year beginning  
47 October 1, '07 that we are just underway with, we have  
48 a further reduction of about \$500,000. Since fiscal  
49 year '04, the number of Staff in OSM has declined by  
50 19 percent. OSM has reorganized existing staffing to

1 make use of efficiencies with existing workloads and  
2 staffing.

3  
4                   Regional Advisory Councils will  
5 continue to meet twice each year unless lack of other  
6 business to be conducted in a particular case warrants  
7 not holding a meeting in a particular region for a  
8 cycle, but the approach will generally be to meet twice  
9 a year each year. There continues to be the special  
10 action process for out of cycle requests if issues  
11 can't wait.

12  
13                   Mr. Chairman, I think those are the  
14 main points on the budget and the organization.

15  
16                   CHAIRMAN LOHSE: Gloria.

17  
18                   MS. STICKWAN: Is this just because of  
19 the budget? Are you going to go back to the way it was  
20 if you get more monies in the future?

21  
22                   MR. BUKLIS: Mr. Chairman. We don't  
23 anticipate budget increases in the current environment,  
24 but, in concept, if the budget was restored, we could  
25 move back to annual calls, yes.

26  
27                   CHAIRMAN LOHSE: Dean.

28  
29                   MR. WILSON: Just looking at the plan  
30 overall, I don't see how any money is going to be  
31 saved. I don't understand that portion. I see where  
32 we're still going to meet twice a year and everybody  
33 here, for the most part, is volunteer, so they're going  
34 to show up. The only thing that's going to take a big  
35 hit are the proposals that are going to be delayed  
36 another year for each one. I just don't understand.  
37 The amount of money that's going to be saved overall is  
38 so minimal if anything at all. Maybe you can expand on  
39 that a little bit. Each meeting length, let's say if  
40 it's an extra day shorter or half a day shorter. I  
41 don't see where this two-year cycle is going to save  
42 the budget at all.

43  
44                   CHAIRMAN LOHSE: Larry, do you want to  
45 respond to that one.

46  
47                   MR. BUKLIS: Mr. Chairman. There is a  
48 report that's available and some summary material on  
49 the budget that I think I can make available to the  
50 Council. Rather than trying to get into the details

1 now, off the top of my head, I think I'd stay at the  
2 level of general points and that is, you're correct,  
3 some of the Council meetings could be shortened and  
4 that is a savings. Frequency of Board meetings would  
5 be reduced. Rather than an April/May wildlife meeting  
6 and a December or January fisheries meeting, there  
7 would be just one main board meeting a year and that  
8 would save a cost. There's also materials production  
9 for all the Council meetings for the annual wildlife  
10 and annual fisheries calls. Also, the staffing at OSM,  
11 with the less frequent calls on the regulatory side  
12 we're able to allocate the time for the fishery  
13 biologist in the fisheries group that used to  
14 specialize on just the Fisheries Resource Monitoring  
15 Plan, they can now be allocated to it for one year and  
16 the regulatory work for the other year.

17  
18 For example, you had Steve Fried here  
19 working through the regulatory issues for your region  
20 this week, but in the past we had regulatory fishery  
21 biologist for whom that was their whole job. Now he's  
22 doing split time between the monitoring plan and the  
23 regulatory work. So it's a reallocation of existing  
24 staffing.

25  
26 I think, in summary, it's making use of  
27 a smaller staff, its production and materials  
28 efficiencies, it's Board meeting reduction and some  
29 savings on the Council meeting costs.

30  
31 CHAIRMAN LOHSE: Thank you, Larry.  
32 Dean, do you see that. The Council is the least  
33 expensive component in all this. It costs a lot more  
34 to have a Board meeting than a Council meeting and it  
35 costs a lot more to produce the paperwork for the  
36 Council meeting than it does for the Council to meet  
37 because you have to have a Staff involved each year to  
38 do both the fisheries and the wildlife one. So you put  
39 a lot of man hours into that and produce a lot of  
40 paper. So the actual Council being here is the  
41 cheapest part of the whole issue.

42  
43 One thing, if nothing else, and I think  
44 this is something Larry brought up once before, is as  
45 you have an increase in Staff, you also have a very big  
46 increase in expenses because as our Staff gets more  
47 senior, the pay goes up and also the benefits goes up.  
48 It's a matter of what they're having to do is having to  
49 cut their Staff back more than the Council back.

50

1 Larry.

2

3 MR. BUKLIS: Mr. Chairman. The only  
4 comment I'd make on that summary is that when you  
5 multiply the number of Councils times 10, I don't know  
6 that the Council round is cheaper or less expensive  
7 than a Board meeting. The Board meeting involves some  
8 travel, but 10 Council meetings times 10 to 13 members  
9 is expensive. I would rather say that the Council  
10 meeting process was the least reduced. You're trimming  
11 a day here and a day there, but the total existing cost  
12 and future cost of Council meetings is still fairly  
13 substantial.

14

15 CHAIRMAN LOHSE: That was a mistake on  
16 my part and I stand corrected on that. What I meant  
17 was that what's being reduced is not the Council,  
18 what's being reduced is the staffing and the amount of  
19 work the staff has to put in. Tricia.

20

21 MS. WAGGONER: You mentioned something  
22 that there's still going to be availability of special  
23 action requests out of cycle. I'm looking at the  
24 proposals for fisheries and thinking back on what we  
25 just passed for the Kenai and fishwheels. So, based on  
26 this schedule, somebody can't come in with a new  
27 fishwheel proposal until 2010 to be enacted for 2011.  
28 So is there that opportunity that they can come in out  
29 of cycle if needed?

30

31 MR. BUKLIS: Mr. Chairman. There is an  
32 opportunity for out of cycle requests and I'm not going  
33 to go through the different years and different  
34 opportunities because it does get confusing how the  
35 windows lay out, whether it's 2011, but the special  
36 action process isn't intended to be a way to circumvent  
37 the normal call for proposals. It needs to be an issue  
38 that cannot wait. So a requester has to demonstrate or  
39 the issue needs to demonstrate about it that it needs  
40 to be taken up out of cycle. There's some circumstance  
41 about it that either the resource status or the  
42 subsistence use aspect can't wait for the normal cycle.  
43 So it's not going to be an open-ended sort of thing  
44 where we're continuously dealing with proposals whether  
45 it's the normal call or not. There's a certain  
46 standard for out of cycle requests.

47

48 CHAIRMAN LOHSE: Thank you, Larry.  
49 Dean.

50

1 MR. WILSON: You said the Federal Board  
2 may go down to one meeting a year. That's not for  
3 sure?

4  
5 MR. BUKLIS: Mr. Chairman. If I said  
6 that or emphasized that, I didn't mean to. I might  
7 have said may about which months it's going to be.  
8 Currently it's an April/May sort of window for wildlife  
9 and December/January for fisheries. We are in the  
10 process of moving to a once-a-year main major Board  
11 meeting for the regulatory cycle. There will be work  
12 sessions, executive sessions, twice a year Council  
13 windows, but we anticipate there will be a once-a-year  
14 three-day type Board meeting and now it's a twice-a-  
15 year process.

16  
17 CHAIRMAN LOHSE: Dean.

18  
19 MR. WILSON: One last follow up. Have  
20 they looked into the possibility of combining them  
21 both, both meetings? They meet one time a year and  
22 they take care of fisheries and wildlife proposals.

23  
24 MR. BUKLIS: Mr. Chairman. I think a  
25 broad range of ideas were looked at. I'm trying to  
26 remember if that particular one was given lengthy  
27 treatment. I don't remember it, but I'm pretty sure it  
28 must have come up. It doesn't address how the staffing  
29 are utilized because in the off year for fisheries,  
30 those fishery people are working on the Resource  
31 Monitoring Plan. So if you want a bundled fish and  
32 wildlife regulatory process every year, you don't  
33 create the capacity to work on the Monitoring Plan in  
34 the off year because every year you're tackling  
35 fisheries.

36  
37 I think this issue was talked about a  
38 bit and I think there was some talk about what it would  
39 mean for the Council meetings at least in some regions  
40 with the fish and wildlife issues they would have on  
41 their table.

42  
43 CHAIRMAN LOHSE: Thank you, Larry. Any  
44 other questions for Larry.

45  
46 (No comments)

47  
48 CHAIRMAN LOHSE: Larry, if I understand  
49 right, the next one is Secretary Kempthorne's letter  
50 and that's just for us to read. It's an informational

1 item that's in our pamphlet. The Regional Advisory  
2 Council compensation is also an informational item that  
3 was sent to us. It's not an item for action or  
4 discussion or presentation. It's just an item for us  
5 to read for our own information, am I correct?

6

7 MR. BUKLIS: That's correct, Mr.  
8 Chairman. They're just there for your reference.

9

10 CHAIRMAN LOHSE: Thank you muchly.  
11 With that we're going to go on to the U.S. Fish and  
12 Wildlife Service. Do we have anybody presenting  
13 something from them. Good.

14

15 MR. SONNEVIL: Good afternoon, Mr.  
16 Chair. Members of the Council. I'm Gary Sonnevil, your  
17 in-season Federal fisheries manager and field  
18 supervisor of the Kenai Fish and Wildlife Field Office.

19

20 MR. BEYERSDORF: I'm Geoff Beyersdorf.  
21 I'm the new pilot and subsistence biologist down on the  
22 Kenai Refuge.

23

24 MR. SONNEVIL: We don't have an awful  
25 lot to cover, but I did put together a summary dated  
26 the 5th of October regarding the recent subsistence  
27 fisheries, activity that occurred on the Kenai  
28 Peninsula.

29

30 The salmon subsistence permits for the  
31 Kenai are due October 15, which was Monday. That was a  
32 bit of an oversight since the season extends to the end  
33 of the month, the 31st. I was out of the office all of  
34 last week. I'm sure there's more permits on my desk  
35 awaiting entry into the database, but that's pretty  
36 much where we were at the beginning of the month. I  
37 would anticipate there would be some additional harvest  
38 reported, primarily rod and reel and some coho harvest.

39

40 From my perspective, the season went  
41 very well. We spent an awful lot of time with the  
42 individuals who came into our office seeking permits.  
43 We co-conspired with the Forest Service. They held a  
44 meeting in Cooper Landing where we met with members of  
45 Cooper Landing and issued permits together up there.

46

47 Geoff and myself went to Ninilchik and  
48 held a public period there at the senior center and  
49 issued permits. We spent a lot of time talking with  
50 people that were interested in permits to ensure that,

1 in fact, they were permanent residents of those three  
2 communities.

3

4 We spent a lot of time going over the  
5 regulations and pointed out the fact that our telephone  
6 numbers were on all the documents and if there was a  
7 question to give us a call because we'd be more than  
8 happy to answer them. We did receive some calls in my  
9 office.

10

11 Overall, I thought it went fairly well.  
12 We had no major complaints that I'm aware of or major  
13 incidents at all. There was a little concern about the  
14 possibility of brown or black bear interactions up at  
15 the Russian River. As far as I'm aware of any of our  
16 subsistence permits, none of those folks had any  
17 incidents with bears on the Russian River.

18

19 So I'd be happy to answer any questions  
20 you have regarding this season that just completed or  
21 about to complete. I will be preparing a final report  
22 once I get the rest of the permits back.

23

24 CHAIRMAN LOHSE: The gist I get is that  
25 for the first year it went pretty smooth.

26

27 MR. SONNEVIL: In my opinion, it did,  
28 Mr. Chair, yes.

29

30 MR. BEYERSDORF: Mr. Chair. If I may  
31 add, we did end up having a meeting on Monday just to  
32 kind of talk about what worked and what didn't work  
33 with this permit system. I think one of the things we  
34 discussed was just having the chance to have these  
35 individual meetings with people as they came in. I  
36 realize going through a permit system can be somewhat  
37 onerous on people, but having that opportunity to  
38 discuss the regulations and have an open forum for them  
39 to ask questions about it I think that was very  
40 beneficial to everyone involved.

41

42 CHAIRMAN LOHSE: Thank you. I know  
43 that's worked for Elijah up there for the BLM in  
44 Glennallen. I think that's been one of the strengths  
45 of the program for the caribou hunt up there, is the  
46 individual face-to-face things. So I'm glad it worked  
47 out down on the Kenai, too. Greg.

48

49 MR. ENCELEWSKI: Just a quick question  
50 for you, Geoff. Did you conclude that you might be

1 able to consolidate some of that permit issuing? Is  
2 there a possible way of going to a subsistence use  
3 permit that might cover more than one situation?

4

5 MR. BEYERSDORF: In regards to the  
6 fisheries permits, we did talk about that on Monday.  
7 At this point, we haven't been able to figure out a way  
8 to get it to fewer permits and that's where that  
9 stands.

10

11 CHAIRMAN LOHSE: Any other questions  
12 for them.

13

14 (No comments)

15

16 CHAIRMAN LOHSE: Thank you for your  
17 report. I'm glad we didn't cause any big stir on the  
18 Kenai for the summer.

19

20 MR. SONNEVIL: Thank you, Mr. Chair.  
21 We do have one more item to discuss and I'll let Geoff  
22 take the lead on that and fill in any voids or be happy  
23 to help answer any questions regarding the possibility  
24 of a Hidden Creek subsistence setnet fishery.

25

26 CHAIRMAN LOHSE: Thank you.

27

28 MR. BEYERSDORF: I guess, just before I  
29 get into the Hidden Creek fishery, I would like to say  
30 we have started issuing the Federal moose permits for  
31 both the early and the late season. To date, just to  
32 kind of bring you up to speed, we have been issuing  
33 them through our office. I also went to Ninilchik last  
34 week and issued permits. At this point, I've issued  
35 about 57 moose permits. The late season starts on  
36 October 20th and it will run through November 10th.  
37 We've got about six permits returned at this point from  
38 the early season. I've had, I believe, three or four  
39 people successfully take moose. I didn't know if there  
40 were any other questions on those moose permits before  
41 I continue on to the Hidden Creek.

42

43 CHAIRMAN LOHSE: Doug.

44

45 MR. BLOSSOM: Mr. Chair. How does this  
46 compare with last year? How many permits were issued  
47 last year?

48

49 MR. BEYERSDORF: I believe the 10-year  
50 average is 38. We're at 57, so it seems like there's

1 more interest definitely and I would also say that that  
2 probably continues on into the black bear permits that  
3 we've been issuing, too. I believe I've issued close  
4 to 36 at this point.

5  
6 CHAIRMAN LOHSE: It sounds to me like  
7 the success was up in that early season for moose from  
8 past years, was it?

9  
10 MR. BEYERSDORF: I believe it has been.  
11 As I said, I'm fairly new here, so as far as comparing  
12 it, having the averages and all the numbers before me,  
13 I haven't had a chance to do that yet.

14  
15 CHAIRMAN LOHSE: Okay. Any questions  
16 before we go on.

17  
18 (No comments)

19  
20 MR. BEYERSDORF: Thank you, Mr. Chair.  
21 Members of the Council. This past February it was my  
22 understanding that the Council subcommittee met and  
23 they were interested in trying to find out if they  
24 could create a dipnet fishery for sockeye salmon on  
25 Hidden Creek to provide a productive subsistence  
26 opportunity that wouldn't interfere with any other user  
27 groups.

28  
29 Robin, the refuge manager, has tasked  
30 me with putting together the information as far as what  
31 it would take to do that and that's the information  
32 I'll present to you now. I wanted to give you a little  
33 background information and then discuss a little bit as  
34 far as the 1991 fishery and go into what we found out  
35 as far as developing this fishery both from a  
36 biological and an infrastructure standpoint.

37  
38 As many of you are probably aware, the  
39 Alaska Department of Fish and Game did initiate a  
40 sockeye enhancement project on Hidden Lake back in  
41 1976. This enhancement project is authorized via  
42 special use permit by the refuge. The Cook Inlet  
43 Aquaculture Association collects fertilized eggs and  
44 then holds them over in the Trail Lakes Hatchery and  
45 then releases them into Hidden Creek the following May.  
46 Without the enhancement efforts, the natural returns  
47 would be expected to be about 6-7,000 sockeye. With  
48 the enhancement efforts under the permit stipulations,  
49 you're looking at a calculated return of adult sockeye  
50 of hatchery plus natural production of about 30,000

1 fish.

2

3

4                   It seems to me that many of you Council  
5 members have been on the Council for a while, so many  
6 of you may be aware of the 1991 dipnet fishery that  
7 occurred in Hidden Creek. That dipnet fishery was  
8 created by the State under emergency order when it was  
9 anticipated that the run size would exceed fish  
10 production and water quality for that area. There was  
11 a total of nine different openings that were held from  
12 July 30th to August 14th. What they did was they  
13 allowed 1,500 people per day to utilize the fishery.  
14 They allowed 50 people at a time to enter into the  
15 creek and get their fish. Over 12,000 people  
16 participated in this fishery and collected over 72,000  
17 sockeye in the nine openings over those 15 days.

17

18

19                   It was obvious this is fairly popular  
20 with the public; however, there were several issues  
21 that are associated with this fishery that I wanted to  
22 present. One of them was that it was very costly to  
23 administer. It took over 3,700 hours of the refuge  
24 staff time in addition to staff time from the Cook  
25 Inlet Aquaculture and State Fish and Game. There were  
26 concerns in regards to public safety with the returns  
27 of those fish. There were bears that obviously started  
28 using that area. They ended up having to put up a  
29 platform and have an armed guard basically on that  
30 platform to monitor activities while people were in the  
31 stream fishing.

31

32

33                   The last thing I wanted to point out is  
34 that in this fishery, and Gary may be able to provide  
35 more information, but my understanding was that there  
36 were two weirs set up. They would allow the fish to  
37 come in and they would hold them in between those two  
38 weirs. They would build up the numbers, allow the  
39 people to come into the creek, then they would release  
40 those fish. When the people came in 50 dipnetters at a  
41 time allowed six fish each, they'd come in and they  
42 would dipnet basically up against that weir. So having  
43 that weir there was part of what made this a successful  
44 fishing opportunity. So that's one thing for the  
45 Council to be aware of when they look at this.

45

46

47                   We did meet earlier in the fall, Gary,  
48 myself and a couple other refuge staff people, to  
49 discuss what it would take from an infrastructure  
50 standpoint. What we looked at was developing some sort  
of a walkway or fishing platform and also the fact that

1 you'd have to probably do a gravel pad for a parking  
2 area and a little bit of an entrance road there. The  
3 cost for that are estimated at about \$56,000. We would  
4 probably have to contract this out in order to get this  
5 done in a timely manner. Given the different  
6 government policies in regards to overhead, locality  
7 factors, contingency fees, the total cost of those  
8 structures would be about \$106,000.

9  
10 In addition to developing the  
11 infrastructure -- obviously with the 1991 fishery we  
12 learned some lessons there in regards to what it would  
13 take to kind of work that. So I talked to our visitor  
14 services people in regards to the staffing that would  
15 be required as far as monitoring those people that are  
16 using the fishery, issuing permits, providing  
17 information both to those people that are qualified to  
18 use the fisheries and those that aren't, just so that  
19 they understand this is a subsistence-only activity.  
20 The estimated staffing costs would be about 21,000.

21  
22 So the entire cost from our perspective  
23 from the walkway, to the fishing platforms, to the  
24 staffing and the educational materials comes to a total  
25 of \$127,000.

26  
27 From the biological standpoint, the  
28 upper target escapement for sockeye into Hidden Lake is  
29 30,000. The lower target is anywhere from 3-10,000.  
30 Between 1992 and 2007 there were only four years that  
31 had less than 15,000 as far as escapement. Gary is  
32 suggesting using 15,000 as a minimum escapement in  
33 regards to whether to establish a subsistence harvest  
34 there or not.

35  
36 One of the things that we discussed is  
37 that if a harvest were allowed, harvests would be  
38 fairly inefficient with a dipnet unless you had  
39 something for people to go up against to be able to  
40 kind of fish them into a corner, but he felt if returns  
41 were met as they have been in the past, a harvest of  
42 1-2,000 sockeyes could be accommodated in most years.  
43 And probably looking at a time period of mid August to  
44 September.

45  
46 So, in conclusion to this, our feeling  
47 is that a fishery could go forward. It could be a new  
48 opportunity for qualified subsistence users. However,  
49 just for the Council to be aware that there would have  
50 to be adequate planning and coordination with Fish and

1 Game, Fish and Wildlife and the Cook Inlet Aquaculture  
2 Association. Also, the infrastructure would need to be  
3 constructed.

4

5 At this point, no funding source has  
6 been identified and, as many of you are aware, as OSM  
7 is presented with their  
8 budget this is a time period of a not necessarily  
9 increasing budget. With that, I open it up for any  
10 questions.

11

12 CHAIRMAN LOHSE: I've got one question  
13 right off the bat. You were talking about a mid August  
14 to September season for red salmon. Are these bright,  
15 fresh red salmon or are these already pretty dark red  
16 salmon by the time they get to Hidden Creek?

17

18 MR. SONNEVIL: Mr. Chair. The  
19 brightest fish, of course, are the first in, but  
20 they're still bright fish in mid August. The reason I  
21 would suggest mid August was to be able to ensure that  
22 we would make a minimum escapement number into the lake  
23 because the way that fishery is operated everything is  
24 passed through the weir, it escapes up into the lake,  
25 it's counted and when it's time to collect fish for the  
26 egg take, the Aquaculture Association goes into the  
27 lake and seines out the fish. So those fish are then  
28 subtracted from the escapement in terms of what we  
29 actually had in there for any sort of natural  
30 reproduction.

31

32 In 1991 we had several previous years  
33 of extremely high returns and based on the stocks we  
34 expected a high return in 1991 as well. Now that we're  
35 targeting 30,000 return to the lake, we have seen  
36 fluctuations. Prior to instituting a subsistence  
37 fishery, I would think we would want to err on the side  
38 of caution and make sure we can get a level of return  
39 back that can sustain it. That's why I picked mid  
40 August. The last couple years we've had pretty good  
41 pulses into early September going through the weir.  
42 Those fish can be a little bit colored up. There's no  
43 question about that and they may not be desirable.

44

45 This fishery, the way we're proposing  
46 how it would be  
47 operated would be considerably different than '91  
48 because you wouldn't have 50 people in the creek itself  
49 going up and down and cornering and corralling the  
50 fish. It would be more a fishing area where they would

1 be dipping and waiting for the fish to come into range  
2 to where they could dipnet them so you wouldn't be  
3 hurting them or crowding them.

4  
5 The other thing that is slated as a  
6 replacement is that culvert under the road. Right now  
7 it's a partial barrier. It's not a complete barrier,  
8 but it does slow up and impede fish a little bit. When  
9 that culvert ends up being replaced, then there won't  
10 be any impeding of the movement of those fish at all.  
11 When they choose to shoot up, they can go straight on  
12 through. We're expecting it won't be nearly as  
13 efficient as the '91 fishery.

14  
15 CHAIRMAN LOHSE: So my impression was  
16 that there was a falls there that fish didn't get over,  
17 but that's not true. These fish don't congregate in a  
18 hole below the falls.

19  
20 MR. SONNEVIL: They congregate below  
21 the culvert, but not enough to completely block their  
22 passage. And it depends on the water level as well,  
23 too. But that culvert is on the list. Whether it will  
24 be replaced in the next year or two, I'm not sure, but  
25 it's definitely fairly high on our priority list for  
26 replacement on the Peninsula.

27  
28 CHAIRMAN LOHSE: From the pictures you  
29 showed us, this is a clear water, rocky, fast stream?

30  
31 MR. SONNEVIL: Yes.

32  
33 CHAIRMAN LOHSE: Shallow?

34  
35 MR. SONNEVIL: Yes, it is. Of course,  
36 it depends upon what we end up with for August rain.

37  
38 CHAIRMAN LOHSE: Okay. Doug.

39  
40 MR. BLOSSOM: Mr. Chair. How many eggs  
41 were you intending Aquaculture take for this?

42  
43 MR. SONNEVIL: Mr. Chair. Mr. Blossom.  
44 Currently the Aquaculture Association's egg take is  
45 dependant upon what they project based on the previous  
46 four years survival and return. So it's a moving  
47 target from year to year. Approximately stocking  
48 anywhere from 650 to 850,000 to produce that many fry.  
49 Plus they also requested and have received the  
50 authority to collect a few extra eggs to develop a

1 brood stock return to Tutka Bay for sockeye.

2

3 MR. BLOSSOM: My question was how many  
4 extra eggs were they going to put in the hatchery for  
5 this project.

6

7 MR. SONNEVIL: At this point, there  
8 would be no additional enhancement for the project. It  
9 would run on the existing level of stocking.

10

11 MR. BLOSSOM: I guess I would say  
12 that's not the way to run this ship because Hidden Lake  
13 can produce tremendous amounts of fish. I don't see  
14 why we don't take a few more eggs and have a few more  
15 fish come back and you can up this subsistence harvest  
16 substantially just by putting a few more eggs in the  
17 hatchery.

18

19 MR. SONNEVIL: Mr. Chair. Mr. Blossom.  
20 Yes, you could, but from my perspective, is that the  
21 intent to expand an enhancement project to support a  
22 subsistence fishery. I guess that just comes down to  
23 is there a need. For example, we had a 4,000 fish  
24 harvest limit of sockeye salmon this year in the Kenai  
25 and we ended up with just over 500 fish harvest total.  
26 Will the demand be there? Probably so. If you build  
27 it, they will come. There is no question about that.  
28 This is road accessible. It's very easy access.

29

30 On the downside, these fish come back a  
31 year earlier, they're a smaller size sockeye in  
32 comparison to what you see in the main stem Kenai.  
33 They're running anywhere from five, six pounds.

34

35 MR. BLOSSOM: Mr. Chair. One final  
36 comment on that. When we talked about this, it looked  
37 like a spot where we wouldn't interfere with any other  
38 user group. We could let these people in there and  
39 with a little bit of enhancement and a weir they could  
40 totally take any amount you didn't want to go up. My  
41 thought was we could have 8-10,000 sockeye being taken  
42 there by the subsistence areas and they wouldn't be  
43 bothering anyone else.

44

45 MR. SONNEVIL: Mr. Blossom, obviously  
46 we could increase the production if the demand was  
47 there. Presently though, just looking at the mean  
48 escapement from 1992 to 2007, we looked at 34,000 fish  
49 returning. If we had a target of 30, we're already  
50 looking at 4,000 excess fish and we could certainly

1 stay within the means and drop down even less.

2

3 MR. BLOSSOM: I agree there, but we  
4 know from past experience that that system can rear 14  
5 million eggs or thereabouts that's been put in there  
6 before and it's worked. WE know the lake will handle a  
7 lot more fish. That was our thought, is putting a few  
8 more fish in there and getting the subsistence user out  
9 of the conflict with all the other user groups in the  
10 Kenai off into a different area and they would get  
11 their supply of at least sockeye in a pretty easy spot.

12

13 CHAIRMAN LOHSE: Gary, that lake  
14 currently I know the permitting system has to go  
15 through the review of the Fish and Game if I remember  
16 right for stocking. Is that the current level of the  
17 permitting system for that lake, that 650-850,000 eggs?

18

19 MR. SONNEVIL: Yes, that's correct, Mr.  
20 Chair. That's in conjunction between the Fish and  
21 Wildlife Service, ADF&G and the Aquaculture Association  
22 in order to ensure that we do not over-escape. The  
23 concern with Hidden Lake and over-escapement, and this  
24 is exactly why we had a dipnet fishery in 1991 to  
25 reduce the numbers, is the fact that Hidden Lake is  
26 almost a closed system. It's been estimated that a  
27 total water exchange in the lake is between 10 and 11  
28 years. We were very concerned about excessive fish  
29 getting back. It can only produce so many fish  
30 naturally, somewhere between 3-7,000 or so fish on a  
31 natural basis.

32

33 We were concerned with the additional  
34 carcasses we'd end up with extreme levels of nutrients  
35 and throw the entire system out of balance, which has  
36 been shown to occur. That was our concern there. in  
37 order to maintain the stability of the lake that we  
38 maintain a target limit of 30,000 adults coming back to  
39 the lake and not try to exceed that.

40

41 CHAIRMAN LOHSE: Is Hidden Lake one of  
42 those deep, brine-filled lakes like Coghill or is it a  
43 lake that turns over every year?

44

45 MR. SONNEVIL: Hidden lake is  
46 reasonably deep. It's clear. It's productive in terms  
47 of the zooplankters. This was why it was identified  
48 early on by the Alaska Department of Fish and Game as a  
49 lake that could be enhanced to increase sockeye salmon  
50 production and help even out the highs and lows that we

1 see return. The lake does turn over.

2

3 CHAIRMAN LOHSE: It does turn over,  
4 okay. Doug.

5

6 MR. BLOSSOM: Mr. Chair. One final  
7 comment. The lake has shown by lots of years of  
8 experience that it can handle tremendous amounts of  
9 fish. It doesn't have a spawning area and that's why  
10 you take the fish to the hatchery, hatch them and they  
11 throw them right back in the lake. They don't even  
12 rear them in the hatchery really. The lake does a  
13 beautiful job. Its capacity is huge. But Fish and  
14 Wildlife had a reason they wanted to keep the lake at a  
15 certain level, so that's why the escapement is down.  
16 It's a very productive lake. It's just not a spawning  
17 lake.

18

19 CHAIRMAN LOHSE: But the limnology of  
20 the lake is capable of handling unlimited carcasses or  
21 is it.....

22

23 MR. BLOSSOM: Not carcasses so much as  
24 it will rear a lot of fish. When Aquaculture takes  
25 eggs, they don't throw the carcasses back in the lake.

26

27 CHAIRMAN LOHSE: I know. That's what I  
28 mean. If you would up the return to that lake and then  
29 they weren't taken by the subsistence fishery or the  
30 hatchery system, I know we had that problem up at  
31 Paxson a couple years where we had such a huge return  
32 to Gulkana that they didn't know what to do with all  
33 the salmon.

34

35 MR. BLOSSOM: There's a weir at the  
36 mouth of Hidden Lake now that Aquaculture runs and I  
37 would think you'd want to put a weir down there where  
38 the subsistence area would be and you can control what  
39 fish go back in the lake very easily.

40

41 CHAIRMAN LOHSE: So over-escapement  
42 wouldn't be a problem. I don't even like to use that  
43 word because I have a difficulty with the word over-  
44 escapement. But it does have a lot of zooplankton and  
45 a lot of capability then for raising fish.

46

47 MR. SONNEVIL: Mr. Chair. It does have  
48 capability, but we also have another issue with Hidden  
49 Lake and that is the fact that we do have a natural  
50 lake trout population in Hidden Lake that's the most

1 popular sport fishery for lake trout in the Kenai  
2 Peninsula. Currently lake trout are extremely  
3 long-lived and slow growing. They don't even sexually  
4 mature until they're approximately seven years of age  
5 or older. That population, based on the harvest  
6 information that ADF&G maintains on an annual basis  
7 through their survey has shown that we have a lake  
8 trout population in trouble in Hidden Lake. I would be  
9 very hesitant to recommend an increased stocking of  
10 sockeye salmon into Hidden Lake at this point given the  
11 fact that we have that lake trout population. We have  
12 some resident rainbow trout in there as well and Dolly  
13 Varden. I had to see that system tweaked any more than  
14 necessary.

15  
16 And Mr. Blossom is correct, we could  
17 control the escapement into the lake through the weir,  
18 but that means we're going to have to do something with  
19 those fish, which it's then invite the public to  
20 another personal use dipnet fishery to harvest them or  
21 as an Agency we're going to have to pull them out and  
22 dispose of them. That's kind of a concern, too,  
23 because then that becomes a real management issue for  
24 us there.

25  
26 CHAIRMAN LOHSE: I could see the  
27 biggest management issue you'd have is if you've got  
28 mixed stock in the lake. The additional fry are very  
29 good for the adult rainbows and they're very good for  
30 the adult lake trout, but, at the same time, the adult  
31 rainbows and the adult lake trout are the ones that are  
32 currently being caught by sport fishermen. If you've  
33 got the competition for the zooplankton from the  
34 immature salmon, you don't have anything to raise baby  
35 lake trout and baby rainbows on and baby lake trout are  
36 a lot slower growing and a lot less aggressive when it  
37 comes to getting zooplankton than the salmon are. If  
38 nobody was fishing in the lake, it would probably be  
39 pretty tremendous for a while to have lots of  
40 additional salmon fry because you'd get very big lake  
41 trout, but you wouldn't get any recruitment because the  
42 young lake trout could never compete with the salmon.  
43 So I could see where you've got a problem there.

44  
45 Doug.

46  
47 MR. BLOSSOM: Mr. Chair. Are you  
48 thinking that the subsistence people won't utilize all  
49 the fish you want to give them?  
50

1 MR. SONNEVIL: Mr. Chair. Mr. Blossom.  
2 I honestly don't know. It's hard to say. Undoubtedly  
3 we would get people coming in from Cooper Landing and  
4 Hope and Ninilchik to fish it. We also recognize that  
5 the way it's being proposed to operate it's not going  
6 to be very efficient from that perspective and how much  
7 interest and participation that would be, I honestly  
8 can't say. I'm sure there would be some and especially  
9 probably from Cooper Landing since it's right in their  
10 back yard and a short drive.

11  
12 MR. BLOSSOM: At Hidden Lake you could  
13 have total take. You close the weir and the subsistence  
14 people could total take. You wouldn't have any fight  
15 there. An old duffer like me could even get in there.

16  
17 MR. SONNEVIL: Mr. Chair. Mr. Blossom.  
18 The way we're proposing this fishery be conducted is  
19 not like it was in '91 where we would allow people full  
20 access into the stream and wading up and down the  
21 stream. Our concern there is the habitat issue and  
22 trampling of the banks. Unless we had somebody in  
23 there herding the fish to the people, then the fish  
24 will move when they're ready.

25  
26 The other concern we have too, of  
27 course, is that's a very popular stream for bears  
28 because it is a small stream and there is a nice  
29 healthy run of sockeye back in there and it is used by  
30 bears frequently. In fact this summer we had a bear  
31 shooting incident there where a camper and his family  
32 were walking the dog to the stream and the dog  
33 encountered a black bear and the dog got chewed up, the  
34 bear got wounded but was never found.

35  
36 CHAIRMAN LOHSE: Gary, if I understand  
37 right, you're proposing on not doing this until you're  
38 able to develop the infrastructure and the  
39 infrastructure is dependant on money.

40  
41 MR. SONNEVIL: Mr. Chair. That's  
42 correct.

43  
44 CHAIRMAN LOHSE: You would want the  
45 infrastructure in place prior to even having a trial on  
46 it?

47  
48 MR. SONNEVIL: Mr. Chair. That would  
49 be our preference, yes.

50

1 CHAIRMAN LOHSE: Any more questions for  
2 Gary on this or comments.

3  
4 (No comments)

5  
6 CHAIRMAN LOHSE: Will this be put down  
7 as a budget request item, priority item, a possible  
8 item into the Fish and Wildlife Service's budget  
9 request or what?

10  
11 MR. SONNEVIL: Mr. Chair. Because it  
12 would be a subsistence fishery, we would ask that of  
13 our Office of Subsistence Management and we've heard  
14 that their budget situation is dwindling, as is ours  
15 within our fishery program as well.

16  
17 CHAIRMAN LOHSE: Thank you, Gary.

18  
19 MR. SONNEVIL: Thank you, Mr. Chair.

20  
21 CHAIRMAN LOHSE: Possibly this is an  
22 item to put in our annual report, the need for funding  
23 to develop the infrastructure necessary for the Hidden  
24 Creek subsistence fishery. Is that in agreement with  
25 the rest of the Council.

26  
27 (Council nods affirmatively)

28  
29 CHAIRMAN LOHSE: Fish and Game. Roger,  
30 roger.

31  
32 MR. PAPPAS: Mr. Chair. George Pappas,  
33 Department of Fish and Game for the record. Before you  
34 go too far, you might want to talk with legal counsel  
35 with the Department of Fish and Game and the State  
36 because I'm not too sure how constitutional it is to  
37 enhance a system for a subsistence fishery. This  
38 initially was discussed during the last Federal  
39 Subsistence Board meeting, but I believe there are  
40 issues with the fishery transport permits to allow the  
41 egg takes for particular reasons. Enhancing a system  
42 for one user group might not be constitutional, so  
43 there's some investigation you might want to take a  
44 look at before you go too far into this process. I  
45 wish I had legal counsel here, but I just want to give  
46 you a heads up, sir.

47  
48 CHAIRMAN LOHSE: I could see that for  
49 any additional take above the current permit, but I  
50 wouldn't see that as a problem for take under the

1 current permit myself because you're not enhancing it  
2 for that reason. You've already made the decision to  
3 enhance it to that level and all you're doing is making  
4 use of the surplus fish. It would be no different than  
5 the take of surplus fish by subsistence in, let's say,  
6 Eyak River or some place like that where it's not  
7 enhanced. Those fish at other portions of the stream  
8 are available for sport fishing take and personal use  
9 take.

10

11 MR. PAPPAS: And commercial.

12

13 CHAIRMAN LOHSE: But I could see your  
14 point right there and it would be worth checking into.  
15 If you specifically enhanced it for that one user  
16 group, you might run into a problem there.

17

18 MR. PAPPAS: Mr. Chair. One more  
19 point. Very few projects in the state of Alaska have  
20 been around forever. Enhancement projects do end. So  
21 if you had a Federal subsistence fishery with a Federal  
22 subsistence priority and the enhancement ends next  
23 year, where does it leave everybody downstream. So  
24 there are some other issues to really look into.

25

26 I just wanted to bring that to your  
27 attention, sir.

28

29 CHAIRMAN LOHSE: Thank you. Okay.  
30 U.S. Forest Service.

31

32 MR. ZEMKE: Good afternoon, Mr. Chair  
33 and Council. This is Steve Zemke with the Chugach  
34 National Forest and with me is Tim Joyce, the  
35 subsistence fisheries biologist in the Cordova ranger  
36 district.

37

38 Gary Sonnevil covered most of what I  
39 was going to talk to you about, the prosecution of the  
40 Russian River subsistence fishery this year and our  
41 district staff in Seward ranger district thought that  
42 the fishery went well. There wasn't a lot of user  
43 conflicts either from subsistence users or from the  
44 sport users in subsistence viewpoint.

45

46 I think one of the things, the meetings  
47 we had in Cooper Landings, the formal one was well  
48 attended. I think there was almost 50 people at it,  
49 which is a lot of people to show up at a Cooper Landing  
50 meeting, and then we had another one that was about 10.

1 I'd like to thank Robert Gibson, the vice chairman of  
2 the Cooper Landing Local Advisory Council, who helped  
3 with the email and phone tree to be able to get people  
4 there. It was very helpful. Anyway, we're planning to  
5 have a couple more meetings next year. At minimum, one  
6 at Cooper Landing and another one at Hope to make sure  
7 we do get face to face with people in their communities  
8 so they don't have to come down to Moose Pass or Seward  
9 to obtain permits.

10

11 The fishery, as you all well know, you  
12 had to walk or bike up there. It seemed to work pretty  
13 well. They used trailers and wheelbarrows and  
14 backpacks to get their fish back out. Parking was  
15 considered a problem. One of the things that happened  
16 this year, the fishery wasn't as strong as it has been  
17 maybe in the last 10 years. It was a good run. I  
18 think the early run was 27,000 and the later run was at  
19 53, but there weren't days where they were really  
20 strong numbers going through. We also had very low  
21 water, so I think the sport fishery wasn't probably as  
22 intense as it's been in the last four or five years.  
23 So maybe a little bit of that sport/subsistence  
24 conflict may not have been maybe as intense as it would  
25 have been if there would have been more fish in the  
26 river.

27

28 One of the things that has been brought  
29 up, there was maybe some confusion about who could fish  
30 up there, not so much by subsistence users but by sport  
31 users. What we're planning for this coming year is  
32 make sure we have some interpretive signs up there  
33 saying here is a subsistence fishery, who is qualified  
34 and here's what's going on so that cuts down on the  
35 confusion for sport users or other casual users that  
36 are up there. With the low water, most of the fish  
37 seemed like they were caked up right at the base of the  
38 falls and it was pretty easy fishing. A lot of the  
39 fishers looked like they weren't taking 25 at one time  
40 but maybe 10 or 12, but that may be what they felt they  
41 could pack back out reasonably.

42

43 With that, we're planning to have at  
44 least two more meetings next spring. We also at the  
45 meetings didn't have designated fisher permits for  
46 maybe some individuals that felt they may be too senior  
47 to be able to make the hike up, that they wanted to be  
48 able to designate a fisher at that time, and we'll make  
49 sure that we have that available this year.

50

1                               So that's pretty much all I've got  
2 about how the Forest Service felt about the fishery  
3 this year. Also, normally I bring a schedule of  
4 proposed actions. I don't have that, it's kind of  
5 going through a revision, so I'll make sure that Donald  
6 has a copy of it for our next winter meeting. With  
7 that, I'll ask if there's any questions. If not, then  
8 Tim can take over.

9  
10                              CHAIRMAN LOHSE: I have two questions.  
11 I received just on the way here a schedule of proposed  
12 actions. Would that have been the current one?

13  
14                              MR. ZEMKE: It probably is the current  
15 one. They come out quarterly. You can either get them  
16 on the web or get on the mailing list.

17  
18                              CHAIRMAN LOHSE: I think I must be on  
19 the mailing list.  
20 The other thing I wondered, if you've got that many  
21 fish being taken in that small an area and you've got  
22 other things going on, have you set up any type of  
23 facilities set up for handling cleaning them and stuff  
24 like that or is it going back in the stream where  
25 everybody is or what?

26  
27                              MR. ZEMKE: Currently it's going back  
28 in the stream. There's a recommendation of chop and  
29 throw back in the river to where you chop the carcass  
30 into at least three pieces and put it in the river, but  
31 it's not in the Code of Federal Regulations, so it's  
32 not technically enforceable. In the lower river, in  
33 the sport fishing area, that was the recommendation  
34 too, but at the same time all the carcasses are going  
35 back.

36  
37                              There was a look at setting up some  
38 grinding stations to be able to grind the carcasses up  
39 to put the material back in the river so it wouldn't  
40 stack up. It did create somewhat of a nuisance this  
41 year with the low water. I think it was low flow since  
42 1987 in the river and the carcasses did kind of pile up  
43 in various eddies.

44  
45                              So that was one of our concerns about  
46 that, that it might attract bears into the area and  
47 there would be more of a people/bear conflict. Again,  
48 there weren't any DLP's. I think looking at the  
49 overall river plan, there's interagency group we'd be  
50 working with to try to address overall kind of fish

1 carcass management. It's not only a Forest Service  
2 issue, it's obviously a Fish and Game, Fish and  
3 Wildlife Service issue to kind of come together on a  
4 census, how to deal with it.

5  
6 CHAIRMAN LOHSE: That's what I was  
7 wondering, if they're allowed to take the fish all the  
8 way to the filet stage up there before they packed them  
9 out or were they required to pack out the whole fish  
10 with the either the dorsal or the tail fin cut and  
11 marked for subsistence.

12  
13 MR. ZEMKE: You could fillet, but you  
14 would have to maintain a fillet with a chopped dorsal  
15 on it so you didn't need to take the carcass out.  
16 That's just because of the packing situation that most  
17 people filleted on site.

18  
19 CHAIRMAN LOHSE: Did they have tables  
20 set up?

21  
22 MR. ZEMKE: There's no tables set up  
23 there. I think most people take a board up to use.  
24 It's kind of a bedrock area. We did have a viewing  
25 platform and we actually had a prohibition from being  
26 able to use the viewing platform as a fillet station.

27  
28 CHAIRMAN LOHSE: Any other questions.

29  
30 (No comments)

31  
32 CHAIRMAN LOHSE: Thank you.

33  
34 MR. JOYCE: Mr. Chairman. Tim Joyce.  
35 I'm the Federal subsistence fisheries biologist in  
36 Prince William Sound. In my presentation I'm going to  
37 be referring to a little handout you should have  
38 received earlier today or yesterday afternoon. The  
39 first page starts with permit return information for  
40 Prince William Sound/Chugach National Forest.

41  
42 I'm just going to summarize real  
43 quickly. We started a permitting system in 2005 for  
44 Prince William Sound area of the Southcentral Region.  
45 We issued 46 permits in that year and there's a summary  
46 of the types of gear that was used on that first page  
47 and also the number of fish harvested. In 2006, same  
48 thing. We had 49 permits that were issued and, going  
49 across, you can see the summary of the types of gear  
50 that was used and number of salmon harvested. It's not

1 a typo, both years had 250 salmon. I can't explain  
2 why, but that's how it ended up both years.

3

4 In 2007, since our permits are not due  
5 to be returned until the end of the calendar year,  
6 which is December 31st, I don't have return information  
7 for this year. The one thing I wanted to point out was  
8 we issued fewer permits this year and it's not from the  
9 lack of having them available, we just didn't have that  
10 many people come in this year for some reason. I don't  
11 know why and have no comments on that one.

12

13 The second table has a permit harvest  
14 information and this is just for the two years 2005 and  
15 2006 and that provides you with the breakdown of the  
16 different species that were harvested under these  
17 permits and you can see how the different gear types  
18 affected the different species. For example, in 2005  
19 using dipnets there was 112 sockeye and 12 coho,  
20 whereas with rod and reel there was only 2 sockeye and  
21 129 coho.

22

23 Going to the next year in 2006, you can  
24 see that there was 150 sockeye and 20 coho using a  
25 dipnet and then no sockeye and 80 coho with rod and  
26 reel. I think users have figured out that it's a whole  
27 lot easier catching sockeye with a net than it is with  
28 a rod and reel. But they've also found out that it's  
29 not that easy in very low, clear water systems because  
30 the fish tend to run away from you.

31

32 Also, just to point out too, the first  
33 year there was one user, since spear was a legal  
34 method, one user tried it. His report back to me was  
35 he got five fish all day and he said it was interesting  
36 to try but he'd never do it again, it was way too hard,  
37 so that's why we didn't have any the next year.

38

39 The next table is a different project.  
40 I guess maybe I should give you the opportunity if you  
41 want to ask questions on these before I go into this  
42 other project.

43

44 CHAIRMAN LOHSE: Anybody have any  
45 question for him.

46

47 (No comments)

48

49 CHAIRMAN LOHSE: Okay.

50

1 MR. JOYCE: The next page is the  
2 project that the Forest Service has been conducting for  
3 the last three years. It's an exit survey on people  
4 that were sport fishing in the Cordova area,  
5 particularly on the West Copper River Delta. It also  
6 did a household survey of residents in the Cordova area  
7 to get an estimate of their catch and harvest of  
8 different species and primarily it was coho because of  
9 the time of the year we were looking at.

10  
11 In our exit survey we looked at, the  
12 first year was just at the airport and then we expanded  
13 that to include all modes of entry, which was the  
14 airport and the ferry systems. So we were looking at  
15 almost 100 percent of the people that at least came  
16 through Cordova as to their harvesting.

17  
18 Again, I want to point out this is a  
19 draft and I do not have the final numbers yet on the  
20 non-resident catch and harvest. This just gives you an  
21 idea of the different river systems and then if you can  
22 look down where it says West Delta total and road  
23 system total, you can look at the numbers of fish,  
24 where they were caught and the number that was  
25 harvested in each case.

26  
27 The road system has two areas on it  
28 which is not part of the Copper River Delta and that is  
29 the Fleming Spit, which is an enhanced stocking area  
30 and also Hartney Bay, which is almost to the delta but  
31 not quite, but it is road accessible. The Fleming Spit  
32 area is very well used by a lot of the local residents  
33 as well as some of the non-residents.

34  
35 Again, this just gives you some idea of  
36 the numbers of fish that we're talking about that are  
37 utilized in the local area. As you can see in 2004,  
38 roughly for the entire road system the harvest was  
39 about 4,400 and in 2005 the harvest was about 3,200 and  
40 in 2006 the harvest dropped down to 2,100. I do want  
41 to point out that in 2006 we had two 100-year flood  
42 events, high waters in August and also in October, and  
43 that definitely affected the harvest capabilities. Not  
44 only of the residents but everyone that was there at  
45 the time.

46  
47 The only other thing I would kind of  
48 just give you an indication of the numbers of fish that  
49 were harvested by non-locals, if you take these numbers  
50 and double them and maybe a little bit more than double

1 you'd be getting close to the numbers of non-residents.

2

3

4                   If anybody has any questions on that,  
5 I'd be happy to answer. That project is complete, by  
6 the way, and we will have the final report later this  
7 winter and it will be available to the Regional  
8 Advisory Council when it is finished.

9

10                   CHAIRMAN LOHSE: Any questions. With  
11 the increase in the non-locals, have we seen a great  
12 increase in above the road fishing up in the spawning  
13 areas for the cohos in comparison with what -- I mean  
14 most of the local fishing in the past took place below  
15 the road. It seems to me from what I've seen is a big  
16 increase in above the road in the spawning areas  
17 themselves since we've had the non-residents coming.

18

19                   MR. JOYCE: The only area where that's  
20 actually occurring in the actual spawning area is in  
21 some of the small systems, like 18 Mile and at Goose  
22 Meadows. There are people that are fishing above the  
23 road on Ibeck Creek and that's probably the one you're  
24 referring to. The spawning areas are a considerable  
25 distance up. We did aerial surveys in conjunction with  
26 this survey that was aerial surveys on effort and I  
27 don't have all that -- again, there's quite a bit of  
28 information that would be available here. And that was  
29 one of the things that was looked at. There is a  
30 little bit going on, but it's not significant at this  
31 time. I'm not saying that couldn't change as pressure  
32 increases.

33

34                   CHAIRMAN LOHSE: That's the report I  
35 got from this year because with the low amount of  
36 cohos, I was getting reports of people going all the  
37 way up Ibeck Creek to where the creeks were about three  
38 feet wide and taking the cohos out of those and that  
39 would have definitely been up in the spawning areas.  
40 And it wasn't just a few people. The water was low  
41 enough that if anybody wanted to make the hike could  
42 get up there.

43

44                   MR. JOYCE: I want to point out we  
45 didn't do the project this year. Last year was its  
46 last year. We will probably do it again in five or six  
47 years from now to try to get a judge of what happened.  
48 So, yes, you're very well probably right, this year  
49 being a very low escapement year, low water year, very  
50 well could have been up there.

1 CHAIRMAN LOHSE: Any questions from Tim  
2 on this report.

3 (No comments)

4  
5 CHAIRMAN LOHSE: That was a very good  
6 report. This is interesting because it's a household  
7 survey basically right here on Cordova's use. When we  
8 see the difference between the West Delta total and the  
9 road system, what you're adding in there is the Fleming  
10 Spit and Hartney Bay.

11  
12 MR. JOYCE: Yes, those are the two  
13 systems.

14  
15 CHAIRMAN LOHSE: Okay. Any other  
16 questions for Tim.

17  
18 (No comments)

19  
20 CHAIRMAN LOHSE: Thank you muchly.  
21 Okay. Do we want to take the Alaska Department of Fish  
22 and Game and the National Park Service before we have a  
23 break or before. I've got a call for a break, so we're  
24 going to take a five-minute break.

25  
26 (Off record)

27  
28 (On record)

29  
30 CHAIRMAN LOHSE: We have in front of us  
31 the Alaska Department of Fish and Game. This meeting  
32 is back in session with a report from the field  
33 offices.

34  
35 MR. SOMERVILLE: Mr. Chairman. I'm  
36 Mark Somerville with the Department of Fish and Game.  
37 I'm the area management biologist for sportfish out of  
38 the Glennallen office, manage the Upper Copper River.  
39 I'll present today some information from the Upper  
40 Copper River District subsistence and personal use  
41 fisheries this year.

42  
43 On the first page here, the Board of  
44 Fisheries has authorized the Department to manage the  
45 commercial salmon fishery to provide the following in-  
46 river goal for salmon. It changes somewhat each year  
47 depending on the hatchery production and projection of  
48 the number of fish coming up. This year the pre-season  
49 goals for the Copper River was an escapement goal of  
50 300,000 sockeye salmon. An additional escapement goal

1 of 17,500 salmon for other species. Glennallen  
2 subdistrict allocation 70,000 and then Chitina  
3 subdistrict was 110,000. That 110,000 includes  
4 hatchery stocks as well since we have data on the  
5 separation between hatchery and wild stocks within that  
6 fishery. Sport harvest was set at 15,000 and then this  
7 year's hatchery brood stock goals were 20,000 and then  
8 the surplus fish for the hatchery 44,000. So round it  
9 off, the goal this year was 577,000 salmon passed the  
10 Mile Lake sonar on the Copper River.

11  
12 Again, this goal is announced pre-  
13 season. Daily fish passes objectives are set based  
14 upon the historical migratory timing pattern past the  
15 sonar and hatchery brood stock and hatchery surplus are  
16 adjusted annually as well. The in-river goal for 2007  
17 was 577,000. The actual in-river passage for 2007 was  
18 926,000 and change. The sonar operated through August  
19 4th this year.

20  
21 Page 2, the table here is for the catch  
22 for the harvest on the Copper River in the Chitina  
23 Subdistrict personal use dipnet fishery. Preliminary  
24 total number of permits this year was 8,100 permits. A  
25 preliminary estimate, which is based on 54 percent of  
26 the permits being returned. We'll be sending out  
27 reminders here the end of next week for permit returns  
28 that were due on the 15th of this month. We'll go  
29 through two more reminders and have final numbers  
30 usually in March. We had a little over 119,000 salmon  
31 harvested.

32  
33 We had four supplemental periods which  
34 occurred in 2007. Supplemental periods are called when  
35 there's a surplus of 50,000 salmon above the weekly  
36 escapement objectives for each respective week. Having  
37 four openers was unusual for the fishery. Generally we  
38 have one to two in the year.

39  
40 Breaking down for 2007, as I said, we  
41 had 8,100 permits. That's above the five-year average,  
42 2002 to 2006, of about 7,600 permits, but is a little  
43 below the 10-year average. Estimated right now 2,448  
44 chinook caught in the Chitina Subdistrict, 115,669  
45 sockeye, about 1,300 coho and then 327 unidentified  
46 salmon. This comes out to about a harvest level of  
47 about 15 fish per permit holder, which is running about  
48 the average for five years, 14.

49  
50 The table here on the third page is the

1 estimated harvest for the Copper River Glennallen  
2 subsistence fishery, fishwheel and dipnet fishery.  
3 This year we issued a total of 1,176 State permits.  
4 This is an increase of 192 permits over last year. 130  
5 is an increase in dipnet permits and 62 additional  
6 fishwheel permits over 2006. Preliminary estimate  
7 based on 55 percent of the return is about 74,000  
8 salmon were harvested in the subsistence fishery this  
9 year. This is the highest harvest since 2001 with a  
10 harvest per permit consistent with the 10-year average  
11 of about 63 fish per permit.

12  
13 Chinook catch this year was 3,660. For  
14 sockeye, 69,890, about 201 coho, 8 steelhead and 37  
15 unidentified fish. That concludes my report if you have  
16 any questions.

17  
18 CHAIRMAN LOHSE: This is the harvest  
19 under the State permit, isn't it?

20  
21 MR. SOMERVILLE: Correct.

22  
23 CHAIRMAN LOHSE: This doesn't include  
24 the harvest under the Federal permits.

25  
26 MR. SOMERVILLE: Correct. I believe  
27 Eric will be reporting that.

28  
29 CHAIRMAN LOHSE: So what we have to do  
30 is add the two together.

31  
32 MR. SOMERVILLE: Correct.

33  
34 CHAIRMAN LOHSE: Any questions.

35  
36 MR. PAPPAS: Mr. Chair. George Pappas,  
37 Department of Fish and Game. I apologize if this is  
38 out of order. I just want to make one correction for  
39 the record. Yesterday I stated that the fishwheel got  
40 away from us below the Soldotna bridge. That was  
41 incorrect. That was a smolt trap with the same  
42 fishwheel platform. We did have a fishwheel get away  
43 from us in the Keely River while the guys were towing  
44 it up and staging it, but they did recover it. It was  
45 a mess. But just for the record I wanted to clarify  
46 that. I apologize if I'm out of order here.

47  
48 CHAIRMAN LOHSE: Thank you. Any  
49 questions.

50

1 (No comments)

2

3 CHAIRMAN LOHSE: Thank you for your  
4 report, Mark. Okay. At this point in time we'll go to  
5 the National Park Service, Wrangell-St. Elias, and see  
6 the rest of the story. You don't have a nice handout  
7 for us like this?

8

9 MR. VEACH: I apologize, Mr. Chair.  
10 Mr. Chairman. Regional Council members. Good  
11 afternoon. For the record, my name is Eric Veach. I'm  
12 the division chief of natural and cultural resources  
13 for Wrangell-St. Elias National Park and Preserve in  
14 Copper Center. I do apologize, I didn't bring you a  
15 handout and in hindsight I should have. My position  
16 has changed a little bit when I used to be a fisheries  
17 biologist and I'm becoming more of a bureaucrat and  
18 extremely less productive, I'm afraid. Certainly, when  
19 we get back together for the winter meeting I can give  
20 you a handout.

21

22 I'll just kind of jump right into our  
23 subsistence permit data to begin with. Subsistence  
24 users actually have another two weeks until October  
25 31st to get their Glennallen and Chitina subdistrict  
26 permits returned to us, so we actually don't have any  
27 preliminary data yet as far as the actual harvest.  
28 Just a shot from the hip guess, I would certainly  
29 expect that we'd see easily between 20-25,000 salmon  
30 harvested in the Glennallen subdistrict this year.

31

32 As you know, the National Park Service  
33 issues permits for the Federal subsistence fishing  
34 permits for the Glennallen subdistrict, the Chitina  
35 subdistrict and also the Batzulnetas area fishery. In  
36 2007 we issued 281 permits for the Glennallen  
37 subdistrict. This was a new high. In 2005 we issued  
38 271 permits and in 2006 we issued 243.

39

40 For the Chitina subdistrict we issued  
41 98 permits. This was about average. In 2001, the  
42 first year, we issued 123. Last year we issued 70, so  
43 the 98 is about average. As I mentioned, we don't have  
44 any catch data available yet. I do want to mention we  
45 didn't actually issue any permits for the Batzulnetas  
46 fishery this year, so there wasn't any fishing that  
47 occurred there.

48

49 I'd like to move on and give you an  
50 update on some of our fisheries projects that we

1 conducted this summer that are funded by the Fisheries  
2 Information Service. The first one is the Tanada Creek  
3 weir. As many of you know, this has been kind of a  
4 long-running project. We operate a salmon counting  
5 weir in Tanada Creek. This weir has been extremely  
6 successful some years and other years a lot of troubles  
7 with high water and maintaining the integrity of the  
8 weir during the high flows and not have any leakage of  
9 fish.

10  
11 This year we went to a little bit of a  
12 newer system. We're actually using a camera and it's  
13 really an outstanding system. I was very pleased with  
14 how that operation went this summer. It's a digital  
15 camera. We're actually recording this on DVD's. We  
16 have this narrow box that the fish swim in. They  
17 basically swim right up against a piece of glass and  
18 the camera sits behind that piece of glass, so we're  
19 able to get a good look at each fish. We can actually  
20 identify species very clearly with this camera system.

21  
22  
23 Anyway, it was an excellent summer for  
24 the Tanada Creek weir. We feel really confident in our  
25 count there this summer. We actually saw 11,029 sockeye  
26 salmon that swam past the camera this summer as well as  
27 7 chinook salmon. The count for sockeye salmon is the  
28 highest since 2004 when we saw over 17,000 fish. Of  
29 course, if you go back to the late '90s we saw over  
30 20,000 fish. Certainly since 2001 this is the second  
31 highest return that we've counted, so we're very  
32 pleased to see 11,000 fish move through Tanada Creek.  
33 We had a great crew out there this year. They were all  
34 local rural residents.

35  
36 I'd like to move on and talk about our  
37 weir at Long Lake located at Mile 45 of the McCarthy  
38 Road and it's in the Chitina River drainage. The Long  
39 Lake system is typically the largest sockeye spawning  
40 system in the Chitina River drainage. It's kind of an  
41 interesting system. Long Lake also has the longest  
42 spawning duration for sockeye, often until the end of  
43 April, which is certainly unique for a sockeye  
44 population.

45  
46 This year at Long Lake as of September  
47 22nd there were 6,262 sockeye counted through the weir.  
48 That's the most recent update I have, but it's my  
49 understanding the fish were still coming in strong, so  
50 it wouldn't surprise me a bit if we're over at least

1 7,000 sockeye into that system by now. That's not a  
2 bad run for Long Lake. It's certainly not an  
3 outstanding run. We've seen as many as 50,000 sockeye  
4 there in 2002. Last year the total number we had was  
5 9,239. But a run over 7,000 fish certainly isn't  
6 anything to be concerned about.

7  
8                   And then I'd like to talk about our  
9 Tanada Lake burbot abundance project as well. That's  
10 another project that was funded through FIS and it was  
11 a very successful project this year. We set hoop traps  
12 in Tanada Lake both in the spring and fall for a  
13 recapture effort, as Karen mentioned earlier today, to  
14 get kind of a baseline abundance estimate for burbot in  
15 that lake. In the past we have issued some subsistence  
16 permits for burbot harvest in that lake.

17  
18                   In our spring sampling event, we had  
19 443 burbot captured and tagged. I want to mention  
20 these were burbot that were over 450 millimeters in  
21 length. That's approximately 18 inches, so that's a  
22 fairly substantial burbot. In our fall sampling  
23 effort, there was another 248 burbot that were captured  
24 and tagged. This was a preliminary draft estimate at  
25 this point. Based on this information, a rough  
26 estimate would be that the burbot population in Tanada  
27 Lake of over 450 millimeters in length is around 1,800  
28 fish, which is comparable to Paxson Lake. We're pretty  
29 confident in our estimate there. This project will be  
30 ongoing again in 2008.

31  
32                   Changing gears a little bit from  
33 fishery work. One other issue I wanted to mention the  
34 Park is wrestling with right now. As many of you  
35 probably know, in June of 2006 the Park was sued by the  
36 Alaska Center for the Environment as well as the  
37 National Parks Conservation Association and a handful  
38 of other litigants, basically challenging our authority  
39 to issue recreational ATV permits for nine trails along  
40 the Nebesna Road. I just wanted to mention this  
41 doesn't affect subsistence. It only affects folks that  
42 are there as essentially recreational users using ATV's  
43 to sport hunt in the preserve.

44  
45                   The Park did reach an agreement with  
46 the litigants. Essentially we agreed to draft an  
47 environmental impact statement taking a look at our  
48 management of the trails and to cease issuing  
49 recreational ATV permits on three of the nine trails.  
50 Those three are the Copper Lake Trail, the Tanada Lake

1 Trail and the Suzota Lake Trail. Those were the three  
2 trails identified in the suit as being the most  
3 degraded at this point in time. In exchange for that  
4 the litigants agreed not to challenge our continuing to  
5 issue permits for the remaining six trails during the  
6 period of time that we're drafting the environmental  
7 impact statement.

8

9 We anticipate that we'll start scoping  
10 and holding public meetings and looking for input on  
11 the environmental impact statement at some point next  
12 spring. We'll certainly keep the Council in the loop  
13 as to our efforts there. We anticipate it will take us  
14 three years to complete the EIS.

15

16 That's really all I had, Mr. Chairman.  
17 I'd be happy to answer any questions at this point in  
18 time.

19

20 MS. STICKWAN: I didn't hear how many  
21 permits you gave out, the fishwheels.

22

23 MR. VEACH: Let's see. We issued 281  
24 permits for the Glennallen subdistrict and then 98  
25 permits for the Chitina subdistrict.

26

27 CHAIRMAN LOHSE: Eric, did you say 450  
28 millimeters or 450 centimeters?

29

30 MR. VEACH: 450 millimeters.

31

32 CHAIRMAN LOHSE: I was going to say  
33 those are some nice burbots.

34

35 (Laughter)

36

37 CHAIRMAN LOHSE: Just one more  
38 question, James. Out of your recapture, your 280 that  
39 you captured in the fall that you tagged all the  
40 surplus, how many of those were tagged fish that you  
41 recaptured?

42

43 MR. VEACH: I apologize, Mr. Chairman.  
44 I don't actually have that information for how many  
45 were actually recaptured in that fall event. I'll ask  
46 for that and hopefully I can get that to you at your  
47 winter meeting.

48

49 CHAIRMAN LOHSE: But that's the number  
50 that you used to come up with your estimate for the

1 lake, right?

2

3 MR. VEACH: That's correct.

4

5 CHAIRMAN LOHSE: James.

6

7 MR. SHOWALTER: Yes. Just a comment on  
8 your measurements there. Can you also give it in the  
9 standard measurement instead of metric system.

10

11 MR. VEACH: Yeah, I'll be happy to do  
12 that. Next time I'll convert it and come with the  
13 exact, but 450 millimeters is approximately 18 inches.

14

15 CHAIRMAN LOHSE: One other question.  
16 You said you had 7 chinook going through Tanada Creek  
17 weir?

18

19 MR. VEACH: That's correct.

20

21 CHAIRMAN LOHSE: Do most of the  
22 chinooks spawn below the weir or do they spawn above  
23 the weir?

24

25 MR. VEACH: They would certainly spawn  
26 above the weir. You know, we don't see a lot of  
27 chinook salmon in Tanada Creek. It's kind of anybody's  
28 guess, but I wouldn't be surprised if the chinook  
29 salmon that we see in Tanada Creek are actually strays  
30 coming out of the Chistochina River drainage. We've  
31 never had a year where we've had a really strong  
32 chinook run in Tanada Creek. That's something that Tom  
33 Taube and I mulled over a number of times and it's not  
34 impossible that there's always been a very small  
35 chinook run there, but it's also possible that those  
36 are just strays coming out of the Chistochina where  
37 there's a stronger chinook run.

38

39 CHAIRMAN LOHSE: From the TEK up there,  
40 what is their consensus on what was the historical --  
41 was there a historical run of chinook in there? Was it  
42 ever a big run or was it a small run always?

43

44 MR. VEACH: You know, the conversations  
45 I've had with Katie John was that she didn't actually  
46 ever identify chinook salmon as being different from  
47 sockeye salmon. They had big salmon and little salmon,  
48 but there's also -- they had what they referred to as  
49 Batzulneta salmon. My understanding is that folks down  
50 stream fishing in the Upper Copper River for a

1 substantial ways down stream of Tanada Creek were able  
2 to identify these Batzulneta fish as being different  
3 from the other stocks on the Copper River. According  
4 to Katie, she hasn't seen any of these Batzulneta fish  
5 in Tanada Creek for a number of years now. So it's a  
6 little challenging for me to tease out of that if there  
7 were more chinook salmon and those Batzulneta salmon  
8 were actually a stock of chinook salmon or if they were  
9 somewhat of an additional sockeye salmon stock.

10

11 The short answer there is, with the TEK  
12 that I'm aware of, I'm not really certain what the  
13 long-term perspective has been on the chinook stock.

14

15 CHAIRMAN LOHSE: Any other questions.

16

17 (No comments)

18

19 CHAIRMAN LOHSE: Thank you, Eric.

20

21 MR. VEACH: Thank you, Mr. Chairman.

22

23 MS. SWANTON: I'm Nancy Swanton with  
24 the National Park Service and I'm giving the short  
25 report from Denali with respect to the Subsistence  
26 Resource Commission vacancies and membership. There is  
27 currently one vacancy with the passing of Gilbert  
28 Dementi. That created a vacancy. Amy Craver, the  
29 subsistence coordinator at Denali, plans to provide a  
30 list of candidates to this group prior to your winter  
31 meeting should you choose to consider those at that  
32 time.

33

34 Of course, you can always develop your  
35 own recommendation and appointment as well if you  
36 choose not to wait for that list. Vernon Carlson is  
37 current through 2009 and Gloria Stickwan is current  
38 through 2008. So just to look at some upcoming  
39 vacancies to think about. I think that's it from  
40 Denali. Thank you.

41

42 CHAIRMAN LOHSE: So it is intended to  
43 have us a list by our winter meeting so we have some  
44 candidates to choose from.

45

46 MS. SWANTON: That's correct.

47

48 CHAIRMAN LOHSE: Unless some member of  
49 the Council has a wish to go forward with somebody else  
50 in the meantime, we could wait until we have a list in

1 front of us so we can look at qualified candidates if  
2 that's the wish of the rest of the Council.

3

4 (No comments)

5

6 CHAIRMAN LOHSE: Hearing no objection,  
7 I think that's what we'll do is wait for her list then.

8

9 MS. SWANTON: Okay. Thank you.

10

11 CHAIRMAN LOHSE: Okay. With that we've  
12 concluded our Agency and organizational reports and we  
13 go on to other business. Council topics for the winter  
14 FSB meeting. Gloria, would you like to bring it up.

15

16 MS. STICKWAN: There was a proposal in  
17 March, I guess, by the Board of Game. They want to  
18 have a refuge in Tangle Lakes archeological district  
19 area. They want to make that into a refuge to protect  
20 it for hunting in that area because it's an important  
21 place where the Nelchina Caribou Herd migrate. The  
22 Board of Game couldn't do anything about it, but they  
23 deferred it. They were going to try to work with the  
24 legislature to make it into a refuge. I just wanted to  
25 know if this Council would support writing a letter to  
26 support this proposal.

27

28 CHAIRMAN LOHSE: What we have in front  
29 of us is a Proposal 204 which was given to the Board of  
30 Game and it's referring to making a refuge out of the  
31 area up there in the Denali Highway where the  
32 subsistence caribou hunting takes place. It's a  
33 request to make a refuge. Like she said, the Board of  
34 Game said they couldn't do it and was going to put it  
35 off to the legislature and she's wondering whether we  
36 would be willing as a Council to write a letter in  
37 support of this refuge because of the importance of the  
38 subsistence community in that area.

39

40 Any comments or questions or motions or  
41 anything like that.

42

43 Doug.

44

45 MR. BLOSSOM: Mr. Chair. In reading  
46 through this, the big issue isn't probably caribou so  
47 much as a mine. Is that what I'm reading?

48

49 MS. STICKWAN: Yeah, we're trying to  
50 protect the caribou because a mining company is trying

1 to put a line in there for zinc or something. I don't  
2 remember what it is.

3

4 MR. LAMB: I thought that area was  
5 already closed to mining. That's up there in that  
6 archaeological dig, isn't it?

7

8 MS. STICKWAN: They're doing  
9 exploratory drilling right now. If they find  
10 something, they're going to mine it, try to, and we're  
11 trying to stop it by making it into a refuge.

12

13 CHAIRMAN LOHSE: I think what you're  
14 referring to is the part that's on BLM land, which is  
15 Federal, but what we're dealing with is State land up  
16 there. It's a checker board up there. This is a  
17 request for the State to make a refuge on State land.  
18 I think at this point in time under the BLM's land  
19 management plan -- I was hoping that Elijah would still  
20 be here, but I don't see him. I know that was part of  
21 the subsistence community's concern when we dealt with  
22 the land management plan they were putting forward for  
23 this area. This would extend it onto State land.

24

25 It's up to this Council whether they'd  
26 like to make a motion. Oh, Elijah is right there. Can  
27 we bring you forward to ask you a question or two.

28

29 MR. WATERS: Elijah Waters, BLM. I'm  
30 not a mining expert, but I'll try my best.

31

32 CHAIRMAN LOHSE: What is the current  
33 status on the BLM land that's up there on the Denali  
34 Highway, what did the status come out for the  
35 possibility of mining up in the archaeological area,  
36 the Tangle Lakes area and that area up there?

37

38 MR. WATERS: Actually, that's all  
39 covered in our plan which just got signed a couple  
40 months ago. Most of that area north of the Denali  
41 Highway, with the exception of the Wild and Scenic  
42 River corridor and then that kind of wide section  
43 that's known as the utility corridor, that's the only  
44 thing that's still under BLM management. The rest of  
45 that land is being conveyed. We have required  
46 operating procedures along the BLM land, of course,  
47 that would apply. It's not -- I apologize, I don't  
48 have this memorized. The BLM section up there, the  
49 Wild and Scenic River corridor has protections;  
50 however, it's not entirely -- once you get out of the

1 corridor, it is open to mining. But most of that  
2 proposal is not on BLM land.

3

4 CHAIRMAN LOHSE: That was my  
5 impression, too. The BLM lands makes a very small part  
6 of that up there. That's why this proposal went to the  
7 Board of Game because what we're really dealing with is  
8 State land. And while the caribou hunting on State  
9 land is extremely important to the subsistence hunters  
10 up there, it takes place on a very small portion of the  
11 land and the caribou actually spend a lot of the time  
12 living on State land.

13

14 Doug.

15

16 MR. BLOSSOM: Mr. Chair. Gloria, how  
17 big is this area you think they're going to mine.

18

19 MS. STICKWAN: I don't know. Elijah  
20 could probably answer it better than I could.

21

22 MR. WATERS: Actually, I can't. Just  
23 because that land was actually conveyed, it really took  
24 the BLM out of that whole process. Our interest in it  
25 is kind of the access if that is eventually opened to  
26 mining or that mine goes through, how they're going to  
27 access it. Is it going to cross the Wild and Scenic  
28 corridor or not.

29

30 CHAIRMAN LOHSE: Doug.

31

32 MR. BLOSSOM: Mr. Chair. Gloria, I'm  
33 curious. We have a Pebble Mine going in over here,  
34 they're talking about it. As I look around, the  
35 Usabelli coal mine, they reclaimed that and wildlife  
36 seems to be doing good around it. I wonder if we want  
37 to get into this mining fight or is it a caribou thing.

38

39 MR. LAMB: It isn't.

40

41 MR. BLOSSOM: I'm trying to read  
42 through. Are we trying to stop a mine or are we trying  
43 to protect the caribou herd or what's going to happen?

44

45 MS. STICKWAN: We're trying to protect  
46 the caribou migration. I was told at a meeting by a  
47 biologist up there that it's an important migration  
48 route where they're going to put in the mining and it's  
49 going to affect the migration of the caribou and that's  
50 what we're really trying to protect. I just wanted a

1 letter of support. I'm not asking you guys to do  
2 anything.

3

4 MR. LAMB: Is it a strip mine?

5

6 CHAIRMAN LOHSE: It would be an open  
7 pit mine.

8

9 MR. LAMB: I was living on the Denali  
10 when Cambiar was operating back there and that was  
11 reclaimed and there was caribou all over those hills  
12 back in there. It didn't really seem to affect them  
13 that much. The hunting pressure along the highway  
14 affected them more than anything.

15

16 CHAIRMAN LOHSE: I know that when we  
17 dealt with people in Copper Center when we were up  
18 there for the hearings on it, the possibility of this  
19 taking place -- since I've been up there and looked at  
20 the stakes, I have an idea where this is, it's right  
21 through the area that the caribou come when they come  
22 down through Hungry Hollow. I think what's being  
23 pointed out here, it's more the disruption of the  
24 exploration than the fact that, yes, it can be  
25 reclaimed in the future, but in the meantime you're  
26 talking about years of exploration and then years of  
27 development and years of use and then you reclaim it  
28 later. By that time you've impacted that migration of  
29 the caribou for an awful long time and affected a lot  
30 of people who depend on it and possibly disrupted it on  
31 a permanent basis.

32

33 The mine you're talking about is  
34 comparatively small compared to what they're talking  
35 about here. This is on the order of a Pebble's mine.  
36 They call it a world class, low grade, open pit mining  
37 thing. So it's not a small scale.

38

39 Doug.

40

41 MR. BLOSSOM: Mr. Chair. I make a  
42 motion that we support the Copper Center Advisory  
43 Committee on Proposal 204.

44

45 CHAIRMAN LOHSE: Do I hear a second.

46

47 MR. ENCELEWSKI: I'll second it.

48

49 CHAIRMAN LOHSE: It's moved and  
50 seconded that we support the Copper Basin Advisory

1 Committee in their request to the Board to form a  
2 refuge in this area. Do I hear any more discussion on  
3 it. Dean.

4

5 MR. WILSON: What else comes with  
6 establishing a wildlife refuge? I'm unaware of that.  
7 I don't want to be involved or say something, get  
8 involved with starting a refuge that could cause a lot  
9 more problems down the road. Is that going to restrict  
10 more hunting down the road or does anybody know?

11

12 MS. STICKWAN: I was told that this  
13 refuge would be under the State management and you  
14 could still hunt and fish on this refuge. It wouldn't  
15 restrict anything. But as far as everything that a  
16 refuge is, I'm not sure.

17

18 MR. LAMB: Who actually administers it,  
19 DNR or Fish and Game?

20

21 MS. STICKWAN: Administers what?

22

23 CHAIRMAN LOHSE: A State wildlife  
24 refuge.

25

26 MS. STICKWAN: I think it would be DNR,  
27 but I'm not sure.

28

29 MR. SOMERVILLE: Fish and Game.

30

31 CHAIRMAN LOHSE: Mark, what did you  
32 say?

33

34 MR. SOMERVILLE: I don't know if I'm  
35 the most appropriate person to mention it, but I  
36 believe Fish and Game would manage it once it was  
37 established, but it's DNR land, so it's a process there  
38 as well.

39

40 CHAIRMAN LOHSE: Mark, while you're  
41 there. Wildlife refuges normally have their intent use  
42 set out when the refuge is formed, don't they? That  
43 would be spelled out in the formation of the refuge,  
44 right?

45

46 MR. SOMERVILLE: I believe that's how  
47 the process works. It's designed out and done through  
48 the legislature that way, so specific uses that can or  
49 cannot be done within the refuge.

50

1 MR. LAMB: Is that amendable? Can it  
2 be changed at a later date?

3  
4 MR. SOMERVILLE: I don't know that.

5  
6 MR. LAMB: I don't want to start  
7 something that's going to hinder people later.

8  
9 CHAIRMAN LOHSE: You know, I don't know  
10 anything political that's not amendable. Even our  
11 constitutional rights are amendable, much as we'd like  
12 to think that they're not.

13  
14 MR. LAMB: I was just thinking getting  
15 another Tony Knowles in there. He wasn't really a  
16 friend of hunting and fishing.

17  
18 CHAIRMAN LOHSE: Yeah. Tricia.

19  
20 MS. WAGGONER: While I believe in  
21 protecting the habitat and the migration corridors of  
22 the Nelchina caribou and having lived up on the Denali  
23 Highway for a couple years and understanding the  
24 country up there, we have in place a permitting  
25 process. We have established review processes. I  
26 don't feel a State mandated refuge that says no mining  
27 is the answer because it then not only restricts the  
28 mining but it also has potential to restrict our  
29 hunting and fishing activities. We can't support this  
30 and say, yes, we're going to have the opportunity to  
31 hunt and fish in this refuge if it goes through and we  
32 can't guarantee that at this stage in supporting them.

33  
34 CHAIRMAN LOHSE: Thank you, Tricia.  
35 Any other comments. Dean, go ahead.

36  
37 MR. WILSON: I just don't know enough about  
38 it. I don't know the size of the mine, what a refuge  
39 entails. Until I get more information, I'll have to  
40 either abstain or be against it.

41  
42 MR. BLOSSOM: Question.

43  
44 CHAIRMAN LOHSE: I have a comment. I'm  
45 going to put my plug in for the refuge because I know  
46 too many places where if it wasn't for a refuge there  
47 would be no hunting and there would be no fishing.  
48 I've been there. I've been in states where the only  
49 hunting and fishing is on the refuges or private  
50 property. We have refuges in this state. Look at our

1 refuge we have down on the Kenai. If it wasn't for the  
2 refuge, that land would be developed into an urban area  
3 just like the rest of the Kenai. So I'm going to put  
4 my support in for the refuge. I would much rather take  
5 a chance on the refuge than on something else, so  
6 that's my feeling. Gloria.

7

8 MS. STICKWAN: They told us they were  
9 pretty sure we would still be able to hunt and fish and  
10 trap on the refuge. You can write that into the refuge  
11 and work through the legislature. It would have to be  
12 passed by the legislature and everybody would have a  
13 vote on it statewide, I think. I just see it as a way  
14 to protect the caribou. I'm not really trying to stop  
15 mining.

16

17 CHAIRMAN LOHSE: Greg.

18

19 MR. ENCELEWSKI: I just wanted to  
20 comment. I definitely would like to see the protection  
21 of the caribou but I do have a concern not being in  
22 guaranteed writing and create something that could  
23 backfire on everyone. I'm also kind of pro-  
24 development. I shouldn't say that, but, anyway, I  
25 think it could be worked together.

26

27 CHAIRMAN LOHSE: Okay. Tricia.

28

29 MS. WAGGONER: Just one more thing in  
30 the discussion here. Just a reminder that this would  
31 be a State mandated refuge and not an ANILCA Federal  
32 land refuge. Just keep that in mind in the thought  
33 process.

34

35 MS. STICKWAN: Can I say something  
36 else.

37

38 CHAIRMAN LOHSE: One more. Go ahead.

39

40 MS. STICKWAN: Maybe we should just get  
41 more information and just wait.

42

43 CHAIRMAN LOHSE: We could do that. We  
44 could defer any vote on it. We've discussed it. If at  
45 this time nobody is ready to make a vote on it, we  
46 could withdraw it or -- the people who made the motion  
47 can say they don't want to withdraw it and the question  
48 has to be called and we have to vote on it, but I would  
49 imagine that the people who made the motion can  
50 withdraw their motion. It looks to me like it's a

1 mixed controversial subject, so we're not going to have  
2 -- we can't reach consensus on it obviously. So it's  
3 up to you guys.

4  
5 Doug.

6  
7 MR. BLOSSOM: Mr. Chair. I hate to  
8 withdraw things, but I will in this case because I see  
9 it's split in all directions. I have nothing against  
10 forming a refuge because I think you can still even  
11 mine on it. If it's that's divisive I'll withdraw if  
12 my second agrees.

13  
14 MR. ENCELEWSKI: Yeah, I agree to  
15 withdraw my second until more information is found. I  
16 think it might be prudent.

17  
18 CHAIRMAN LOHSE: Okay. That takes care  
19 of that topic.  
20 Council topics for the winter meeting. Does anybody  
21 have any topics that they would like to put as a  
22 Council member on the winter meeting. Would you like  
23 to put this one on the winter meeting, Gloria, and see  
24 if we can have more information on it.

25  
26 MS. STICKWAN: In March. I just don't  
27 know if we could get information between now and March.

28  
29 CHAIRMAN LOHSE: Okay. Donald.

30  
31 MR. MIKE: Mr. Chair. I believe the  
32 Board of Game will address this particular proposal in  
33 Fairbanks in February or March.

34  
35 CHAIRMAN LOHSE: Larry.

36  
37 MR. BUKLIS: Thank you, Mr. Chair.  
38 Larry Buklis, OSM. As I read your agenda item in your  
39 meeting book, this is Council topics for the winter  
40 Board meeting and the winter Federal Board meeting is  
41 in December. I think it's the 11th to the 13th of  
42 December in Anchorage. So these are Council topics you  
43 want to advance to the Federal Board. That would be  
44 before the State Board meets on it. If you're thinking  
45 about your winter meeting, that's February/March.

46  
47 MS. STICKWAN: Is this a fisheries  
48 meeting only?

49  
50 MR. BUKLIS: The Federal Board winter

1 meeting in December is on the fisheries cycle and the  
2 Fisheries Resource Monitoring Plan. It would be the  
3 issues you addressed this week they would address and  
4 other regions.

5  
6 CHAIRMAN LOHSE: If we can't get a  
7 majority vote on this, we can't very well advance it to  
8 the Federal Board. Gloria, if you can get more  
9 information for us by our winter meeting, we could  
10 reconsider it ourselves at that point in time even if  
11 it's already been acted on. If it's going to go to the  
12 legislature, we could either support it or not support  
13 it. It definitely does affect subsistence users in our  
14 area.

15  
16 So do we have anything, any topics for  
17 the winter Board meeting. We have the resolution we  
18 put in and that will be before the Board. Do we have  
19 any other topics we wish to carry to the Board for the  
20 winter meeting.

21  
22 (No comments)

23  
24 CHAIRMAN LOHSE: Hearing none. We'll  
25 go on. Future meeting plans. Time and location for  
26 the winter 2008 meeting. That's the meeting that takes  
27 place in March. At this point in time, while I can't  
28 make a motion, I'm going to suggest that with the  
29 schedule of events and our talk about taking this to  
30 the communities involved and the proposals that are on  
31 the book, I would request that somebody on this Council  
32 makes a motion that the spring meeting be moved to  
33 Cordova. Doug.

34  
35 MR. BLOSSOM: I make a motion that we  
36 move the spring meeting to Cordova.

37  
38 MS. WAGGONER: Second.

39  
40 CHAIRMAN LOHSE: It's been moved and  
41 seconded that we move the spring meeting to Cordova.  
42 Discussion or objections.

43  
44 MR. LAMB: Cordova has facilities down  
45 there?

46  
47 CHAIRMAN LOHSE: Oh, yeah, Cordova has  
48 facilities. There are currently two large hotels in  
49 Cordova that are operating, probably 20 bed and  
50 breakfasts, Tim, at least. There are two other hotels

1 that aren't quite up to the same standards as the two  
2 hotels I mentioned. There are currently eating places  
3 or we could find people who will feed everybody.

4

5 MR. LAMB: I'd love to.

6

7 CHAIRMAN LOHSE: So, we have a motion.  
8 Did we have a second.

9

10 MR. LAMB: Yeah.

11

12 CHAIRMAN LOHSE: Any other discussion  
13 or questions. Dean.

14

15 MR. WILSON: Another in support of  
16 that, we're also looking at some proposals that are  
17 going to be hot topics for Cordova during that time, I  
18 understand, so that's another reason to go there. The  
19 4th through the 6th of March is the dates I would like  
20 to see.

21

22 CHAIRMAN LOHSE: 4th through the 6th of  
23 March.

24

25 MR. ENCELEWSKI: The schedule is always  
26 a problem.

27

28 CHAIRMAN LOHSE: Now comes trying to  
29 find a schedule we can all meet. I can meet any one of  
30 them, so you don't have to consider me.

31

32 MR. BLOSSOM: The one in the book  
33 doesn't work?

34

35 MR. WILSON: I can make any of them  
36 work. Those were just preferred dates. As it is right  
37 now, we're looking at 13th through 15th. The weekend  
38 is always a tough one to push in on. These dates work  
39 better during the middle of the week.

40

41 CHAIRMAN LOHSE: Donald, was there any  
42 reason that it's on Thursday, Friday, Saturday? Did we  
43 decide on that one?

44

45 MR. ENCELEWSKI: Yeah, it kind of fits  
46 my schedule. I don't know if I was involved in that,  
47 but I work Monday through Thursday. It's more  
48 preferable for me the latter part of the week. Of  
49 course, I may not be on there then.

50

1                   CHAIRMAN LOHSE: How about the rest of  
2 you. Is there any problem with the current one that's  
3 on there. I had a request from one of the Staff that  
4 would like to move it forward into the beginning of the  
5 next week because he doesn't get back until the 15th of  
6 March and he would like to attend. But what's  
7 important is that we try to meet the Council's  
8 accommodations. Yours is best the end of the week,  
9 like Thursday, Friday, Saturday.

10

11                   MR. ENCELEWSKI: Uh-huh.

12

13                   MR. LAMB: I can do anything until  
14 about mid April.

15

16                   CHAIRMAN LOHSE: Dean.

17

18                   MR. WILSON: I don't think I can meet a  
19 weekend date. Certainly not March 17th.

20

21                   CHAIRMAN LOHSE: We could do a meeting  
22 backwards for once. We could start on March 12th and  
23 start with our Agency reports and then go into our -- I  
24 don't know if we can even start with that unless we  
25 have a quorum. Am I correct, we have to have a quorum  
26 to even start the meeting and listen to Agency reports,  
27 don't we?

28

29                   MR. MIKE: That's correct. If you're  
30 going to start a meeting, you need a quorum. By our  
31 March meeting we should have a full roster, which is  
32 13. Currently we have 11, but by March we should have  
33 13.

34

35                   CHAIRMAN LOHSE: We could add one more  
36 day at the front of it and probably have a quorum and  
37 could start with the back end of our meeting with the  
38 reports and give Greg time to be there on Thursday, go  
39 into our proposals on Thursday, Friday and if we have  
40 to carry them over to Saturday and let Dean go home.  
41 Would that work for the rest of you.

42

43                   MS. STICKWAN: It might go faster that  
44 way, too.

45

46                   CHAIRMAN LOHSE: Let's do that. Let's  
47 add a day there and go 12, 13, and try to be done on  
48 the 14th, but if we have to carry it over to the 15th.

49

50                   MR. LAMB: 12th through the 14th?

1 CHAIRMAN LOHSE: 12th through the 15th,  
2 but our intention is to be done on the 14th if at all  
3 possible. Okay. Now we need a tentative meeting date  
4 for the fall meeting. Dean.

5  
6 MR. WILSON: I propose the fall meeting  
7 October in Glennallen, the 7th through the 9th of  
8 October.

9  
10 CHAIRMAN LOHSE: Do we have any  
11 objections. Does that meet everybody's.....

12  
13 (Council nods affirmatively)

14  
15 CHAIRMAN LOHSE: Second week in  
16 October, middle of it.

17  
18 MR. WILSON: Or move it 8th through  
19 10th.

20  
21 CHAIRMAN LOHSE: Basically the middle  
22 of the second week of October depending how it fits in,  
23 right?

24  
25 MR. WILSON: (Nods affirmatively)

26  
27 CHAIRMAN LOHSE: In Glennallen. Is  
28 that agreeable to everybody.

29  
30 (Council nods affirmatively)

31  
32 CHAIRMAN LOHSE: We have accomplished  
33 what this agenda says unless somebody else has  
34 something they wish to bring up.

35  
36 (No comments)

37  
38 CHAIRMAN LOHSE: If not, a motion to  
39 adjourn is in order.

40  
41 MR. BLOSSOM: I so move.

42  
43 MS. WAGGONER: Second.

44  
45 CHAIRMAN LOHSE: It's been moved and  
46 seconded that we adjourn. Meeting is adjourned.

47  
48 (Off record)

49  
50 (END OF PROCEEDINGS)

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C E R T I F I C A T E

UNITED STATES OF AMERICA )  
 )ss.  
STATE OF ALASKA )

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Joseph P. Kolasinski  
Notary Public in and for Alaska  
My Commission Expires: 03/12/08