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SOUTHCENTRAL FEDERAL SUBSISTENCE  
REGIONAL ADVISORY COUNCIL

PUBLIC MEETING

VOLUME I

Kenai, Alaska  
October 25, 2005  
9:00 o'clock a.m.

COUNCIL MEMBERS PRESENT:

- Ralph Lohse, Chairman
- Doug Blossom
- Tom Carpenter
- Richard Greg Encelewski
- Pete Kompkoff
- James Showalter
- Gloria Stickwan
- Dean L. Wilson, Jr.
- Regional Council Coordinator, Donald Mike

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- Computer Matrix Court Reporters, LLC
- 3522 West 27th Avenue
- Anchorage, AK 99517
- 907-243-0668
- jpk@gci.net

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P R O C E E D I N G S

3 (Anchorage, Alaska - 10/25/2005)

4

5

(On record)

6

7

CHAIRMAN LOHSE: I know we're all having  
8 fun visiting and it'd be nice to -- nice to go for  
9 another half hour but we probably should get started. So  
10 if everybody could take their seats we'll try to put this  
11 show on the road.

12

13

This is the fall meeting of the South  
14 Central Alaska Subsistence Regional Advisory Council, and  
15 I'd like to call it to order at this point in time. I'm  
16 going to have everybody go around the table and introduce  
17 themselves. And at the request of our court recorder I'd  
18 like to remind everybody to turn their microphones on  
19 when they speak and speak into the microphones. And  
20 people in the audience and other people, to state your  
21 name and who you are and if you represent somebody any  
22 time that you talk so that she has it on record.

23

24

So with that we'll have a roll call to  
25 see if we have a quorum and I'll ask Donald Mike to do  
26 that for us and then we'll go into introductions. And  
27 I'm probably done welcoming you all right now but I'm  
28 real glad you're all here, and I'd like to welcome you  
29 and then we can skip the welcome and just go into the  
30 introductions.

31

32

Donald.

33

34

MR. MIKE: Thank you Mr. Chair. Donald  
35 Mike Council coordinator. Roll call for the South  
36 Central Subsistence Regional Advisory Council. Mr. Bob  
37 Churchill.

38

39

MR. CHURCHILL: Here.

40

41

MR. MIKE: Pete Kompkoff. Mr. Chair,  
42 Pete called me at my hotel last night so he's -- I think  
43 he's on his way so he should be here. Doug Blossom.

44

45

MR. BLOSSOM: Here.

46

47

MR. MIKE: Greg Encelewski. Mr. Chair,  
48 Mr. Greg Encelewski informed me that he will be here  
49 today but he'll be arriving later on.

50

1                    Gilbert Dementi. Mr. Chair, Mr. Gilbert  
2 Dementi couldn't make it due to health reasons.  
3  
4                    Ms. Sylvia Lang also couldn't make it due  
5 to family -- taking care of a family member.  
6  
7                    Mr. Fred Elvaasas. I haven't heard from  
8 Mr. Elvaasas.  
9  
10                    Gloria Stickwan.  
11  
12                    MS. STICKWAN: Here.  
13  
14                    MR. MIKE: Dean Wilson.  
15  
16                    MR. WILSON: Here.  
17  
18                    MR. MIKE: James Showalter.  
19  
20                    MR. SHOWALTER: Here.  
21  
22                    MR. MIKE: Ralph Lohse.  
23  
24                    CHAIRMAN LOHSE: Here.  
25  
26                    MR. MIKE: Tom Carpenter.  
27  
28                    MR. CARPENTER: Here.  
29  
30                    MR. MIKE. Harley McMahan. Harley  
31 McMahan couldn't make due to prior commitments doing  
32 surveys.  
33  
34                    Mr. Chair you have a quorum.  
35  
36                    CHAIRMAN LOHSE: Thank you, Donald. With  
37 that, like I said it's good to see you all and I hope we  
38 have a productive meeting today. And that's the end of  
39 the welcome but we'll go into introductions and I'm just  
40 going to go around the table, we'll start with Dean and  
41 work your way around the Council and I'd just like to  
42 work our way down through the people who are sitting out  
43 there in the audience. Everybody state your name and  
44 where you're from and if you represent somebody.  
45  
46                    Dean.  
47  
48                    MR. WILSON: I'm Dean Wilson from Kenny  
49 Lake and I guess I don't represent anybody other than the  
50 Copper River area.

1 MS. STICKWAN: Gloria Stickwan from  
2 Tazlina and I represent the Copper River area.  
3  
4 MR. CARPENTER: Tom Carpenter from  
5 Cordova.  
6  
7 CHAIRMAN LOHSE: Ralph Lohse from Chitina  
8 and Cordova.  
9  
10 Mr. SHOWALTER: James Showalter,  
11 Sterling.  
12  
13 MR. CHURCHILL: Bob Churchill, Anchorage.  
14  
15 MR. BLOSSOM: Doug Blossom, Clam Gulch.  
16  
17 (Introductions away from microphone)  
18  
19 MR. SIMMONS: I'm Rod Simmons from Fish  
20 and Wildlife Service in Anchorage and I serve on the  
21 Interagency Staff Committee  
22  
23 MS. SWANTON: I'm Nancy Swanton from the  
24 National Park Service and I serve on the Interagency  
25 Staff Committee.  
26  
27 MS. ARMSTRONG: I'm Helen Armstrong from  
28 the Fish and Wildlife Subsistence Office, I'm the  
29 anthropologist serving this Council now that Pat  
30 Petrivelli has left.  
31  
32 MR. BERG: Good morning everyone, my name  
33 is Jerry Berg. I'm a fishery biologist out of the Office  
34 of Subsistence Management.  
35  
36 MS. SEE: Good morning. I'm Marianne See  
37 with Fish and Game. I lead the State's liaison team with  
38 the Federal Subsistence Program.  
39  
40 MS. WRIGHT: Sherry Wright with the  
41 Alaska Department of Fish and Game and Board Support,  
42 Anchorage.  
43  
44 MR. BRELSFORD: Good morning. I'm Taylor  
45 Brelsford I serve with the Bureau of Land Management as a  
46 Staff Committee Member.  
47  
48 MR. HOWELL: Good morning. I'm Dave  
49 Howell with BLM out of Anchorage.  
50

1                   MR. ROGERS: Bruce Rogers with the BLM  
2 out of Glennallen.  
3  
4                   MS. ROGERS: I'm Kari Rogers I'm with the  
5 BLM in Glennallen as well.  
6  
7                   MR. TAUBE: Tom Taube Alaska Department  
8 of Fish and Game, SportFish Division out of Glennallen.  
9  
10                  MS. CELLARIUS: Barbara Cellarius,  
11 Subsistence Coordinator and cultural anthropologist for  
12 Wrangell-St. Elias National Park and Preserve from Copper  
13 Center.  
14  
15                  MR. LAPLANT: Good morning. I'm Dan  
16 Laplant with OSM, I'm a wildlife biologist.  
17  
18                  MR. MILLER: Good morning. I'm Matt  
19 Miller with the Alaska Department of Fish and Game,  
20 Division of sportfish. I'm the area management biologist  
21 for Anchorage, Prince William Sound and the North Gulf  
22 Coast.  
23  
24                  MR. BUKLIS: Good morning. My name is  
25 Larry Buklis I'm with the Office of Subsistence  
26 Management, Anchorage.  
27  
28                  MR. JOYCE: Good morning. I'm Tim Joyce  
29 I'm a subsistence fisheries biologist in Cordova with  
30 U.S. Forest Service.  
31  
32                  MR. VEACH: Good morning. My name is  
33 Eric Veach I'm a fisheries biologist with Wrangell-St.  
34 Elias National Park and Preserve in Copper Center.  
35  
36                  MR. KESSLER: Good morning. I'm Steve  
37 Kessler with the U.S. Forest Service out of Anchorage on  
38 the Interagency Staff Committee.  
39  
40                  MR. ZEMKE: Steve Zemke, subsistence  
41 coordinator for Chugach National Forest in Anchorage.  
42  
43                  MR. BOYD: Tom Boyd, Office of Subsistence  
44 Management, Anchorage.  
45  
46                  MR. STOCKWELL: Bill Stockwell, Cooper  
47 Landing Advisory Committee Chairman.  
48  
49                  MR. CHEN: Good morning. My name is  
50 Glenn Chen with the Bureau of Indian Affairs, subsistence

1 program management and Interagency Staff.

2

3 MS. PETRIVELLI: Good morning. My name  
4 is Pat Petrivelli and I'm the BIA anthropologist.

5

6 MR. EASTLAND: Good morning. I'm Warren  
7 Eastland, I'm the wildlife biologist for the BIA and a  
8 member of the Interagency Staff Committee.

9

10 MR. WILLIAMS: Good morning. I'm Darrel  
11 Williams with the Ninilchik Traditional Council.

12

13 MS. DYRDAHL: My name is Sarah Dyr Dahl  
14 with the Ninilchik Traditional Council.

15

16 MR. NELSON: I'm Dave Nelson, a fisheries  
17 biologist with the National Park Service working out of  
18 Anchorage.

19

20 MS. CARU: Good morning. I'm Carrie Caru  
21 (ph) from AHTNA Incorporated Land Department.

22

23 MR. van den BROEK: Keith van den Broek,  
24 Native Village of Eyak from Cordova.

25

26 MS. VALLENTINE: My name is Eric McCall  
27 Vallentine and I'm the partner social scientist for the  
28 Native Village of Eyak.

29

30 MR. CAIN: Bruce Cain. I'm the executive  
31 director for the Native Village of Eyak.

32

33 MR. HENRICH: Bob Henrich, president of  
34 the Native Village of Eyak Traditional Council.

35

36 CHAIRMAN LOHSE: Thank you all.

37

38 With that we're going to go on to review  
39 and adoption of agenda. Everybody have the agenda in  
40 front of them. Donald's brought a couple things up that  
41 with the consent of the Council I would like to change as  
42 far as the order is concerned. Number 1 is, Proposal  
43 No. 9 and Greg isn't going to be here until later so we  
44 were thinking that we would change Proposal No. 9 to the  
45 end of the proposals so that Greg could be here since  
46 it's from his area. Is that -- Donald any other comment  
47 on that.

48

49 MR. MIKE: Thank you, Mr. Chair. If it's  
50 possible and there's time certain you can address

1 Proposal 9 tomorrow, like after lunch.  
2  
3 CHAIRMAN LOHSE: Proposal 9 after lunch  
4 tomorrow.  
5  
6 MR. MIKE: Right. There's some Staff  
7 that would like to attend this meeting and listen in on  
8 the deliberations on Proposal 9.  
9  
10 CHAIRMAN LOHSE: Now, is that Proposal 9  
11 or is that No. 10 the Fisheries Resource Monitoring?  
12  
13 MR. MIKE: Proposal No. 9.  
14  
15 CHAIRMAN LOHSE: Proposal No. 9 after  
16 lunch tomorrow then they'll have a chance to be here then  
17 for that.  
18  
19 MR. MIKE: Right.  
20  
21 CHAIRMAN LOHSE: Okay. Is that agreeable  
22 to the rest of the Council.  
23  
24 (Council Nods Affirmatively)  
25  
26 CHAIRMAN LOHSE: How about the Fisheries  
27 Resource Monitoring Program, Donald you mentioned  
28 something on that.  
29  
30 MR. MIKE: Yes. If we can do that  
31 probably after Proposal 9 I think that would work out.  
32  
33 CHAIRMAN LOHSE: Okay. So we'll try to  
34 have Proposal 9 and No. 10 on our agenda after lunch  
35 tomorrow then so that we have the Staff here and so that  
36 Greg has a chance to be here.  
37  
38 If that's agreeable to the rest of you.  
39  
40 (Council Nods Affirmatively)  
41  
42 CHAIRMAN LOHSE: Okay any other comments  
43 on the agenda, anything that you'd like to add.  
44  
45 (No comments)  
46  
47 CHAIRMAN LOHSE: If not then a motion to  
48 accept the agenda as amended is in order.  
49  
50 MR. CHURCHILL: So moved.

1 MR. CARPENTER: Second.  
2  
3 CHAIRMAN LOHSE: It's been moved and  
4 seconded. All in favor signify by saying aye.  
5  
6 IN UNISON: Aye.  
7  
8 CHAIRMAN LOHSE: All those opposed,  
9 signify by saying nay.  
10  
11 (No opposing votes)  
12  
13 CHAIRMAN LOHSE: Motion carries. Now we  
14 have the minutes. Minutes start on Page 6. Do I have a  
15 motion to adopt the minutes.  
16  
17 MR. CHURCHILL: So moved.  
18  
19 CHAIRMAN LOHSE: It's been moved to adopt  
20 the minutes of our March 15th to 17th, 2005 meeting. Do  
21 I hear a second.  
22  
23 MR. CARPENTER: Second.  
24  
25 CHAIRMAN LOHSE: It's been moved and  
26 seconded, any discussion, any changes, alterations,  
27 corrections.  
28  
29 (No comments)  
30  
31 CHAIRMAN LOHSE: Hearing none the  
32 question is in order.  
33  
34 MR. CHURCHILL: So called.  
35  
36 CHAIRMAN LOHSE: Question's been called.  
37 All in favor of accepting -- adopting the minutes of the  
38 2005 March 15th to 17th meeting signify by saying aye.  
39  
40 IN UNISON: Aye.  
41  
42 CHAIRMAN LOHSE: Opposed signify by  
43 saying nay.  
44  
45 (No opposing votes)  
46  
47 CHAIRMAN LOHSE: Motion carries. Okay if  
48 we take -- this Chair, as you've known in the past  
49 doesn't give too much verbal reports on things that are  
50 written down, when somebody's already spent the time to

1 write them down, but if you'll take a look on Pages 21  
2 through 32 you'll see the things that would be part of  
3 the Chair's report, Federal Subsistence Board and other  
4 meetings. On Page 21 it tells how they reacted to the  
5 proposals that we put in. What was done on them and  
6 you'll see that they pretty much went along with most of  
7 what we suggested.

8  
9                   The .805 letter is our yearly letter and  
10 they addressed the things -- they respond to the things  
11 that we brought up in that letter, everything from the  
12 funding to the Mentasta Caribou Heard. And you can take  
13 a look at that and if there's any questions on that you  
14 can ask me.

15  
16                   And the 2004 annual report and annual  
17 reply thing is on Page 32.

18  
19                   Now, we had some comments on the BLM's  
20 draft management thing, we had a special meeting on that  
21 and we put a resolution in and I'm hoping to get somebody  
22 from the BLM to to tell us exactly what has happened in  
23 that area if we can. So that -- so we can have a verbal  
24 response to where we sit on the Draft Management Plan,  
25 Eastern Draft Management Plan. Does somebody want to  
26 field that for us.

27  
28                   MR. ROGERS: Yeah, Mr. Chairman it's  
29 Bruce Rogers and I'm with the BLM at Glennallen. And  
30 that will be part of our agency report which is tomorrow  
31 afternoon or Thursday.

32  
33                   CHAIRMAN LOHSE: Okay.

34  
35                   MR. ROGERS: So what I'll do is give you  
36 an update on comment summary, what kind of comments we  
37 got and where we're going with the whole thing.

38  
39                   CHAIRMAN LOHSE: Have any decisions been  
40 made on it yet or is it still in the.....

41  
42                   MR. ROGERS: We're still in the decision  
43 making kind of process but I can summarize the difference  
44 that it's made as far as the strength of the testimony.

45  
46                   CHAIRMAN LOHSE: Okay, thank you, we'll  
47 look forward to hearing that. Taylor.

48  
49                   MR. BRELSFORD: Mr. Chairman, thank you  
50 very much. I'm Taylor Brelsford with the BLM. I know

1 we're just sort of easing into the meeting. I think it  
2 is very important to mention for the Council members who  
3 were not able to join us in Kluti-Kaah for the meeting on  
4 July 27th, that this was an extremely effective meeting.  
5 There was a lot of public testimony from the communities,  
6 very well organized, very pointed. I want to say that I  
7 think this Council achieved what you set out to achieve  
8 and that was a sort of careful deliberation about the  
9 land use plan. You asked for the special meeting, you  
10 persuaded my boss that it was an important meeting to  
11 hold and the Council and the communities delivered in the  
12 sense of providing very focused testimony.

13

14 So Bruce will go into more of the details  
15 but just recognizing that at least, Bob Churchill, wasn't  
16 able to join us at that meeting, I do think that here in  
17 the opening it's important to say that this has been a  
18 major undertaking by the Southcentral Regional Council  
19 and I think you've achieved a very significant level of  
20 impact on the planning process as a result of your work.

21

22 Thank you.

23

24 CHAIRMAN LOHSE: Thank you, Taylor. Any  
25 questions for Taylor.

26

27 (No questions)

28

29 CHAIRMAN LOHSE: Thank you. We'll look  
30 forward to hearing that report later then. It's just  
31 that, I guess like you said before it was an important  
32 thing to the subsistence users especially up in the  
33 Copper Basin and that's why it was so important and  
34 that's why we went through the effort that we did.

35

36 Okay with that we're going to go on to  
37 Council member reports. Does anybody have on the Council  
38 have anything they would like to specifically report or  
39 bring before the Council at this point in time.

40

41 (No comments)

42

43 CHAIRMAN LOHSE: Hearing none we'll go  
44 into public testimony. Do we have green slips.

45

46 MR. MIKE: Yes, Mr. Chair. Before we go  
47 any further, Mr. Chair, I'd like to give the Council, as  
48 far as meeting materials are concerned. In the blue  
49 folder there's some public comments that did not make it  
50 into the book they were left out due to technical errors

1 so if you look at the goldenrod document it's all the  
2 public comments on these proposals and in the back the  
3 green sheet is from the comments made Eastern and Western  
4 Interior's meeting on the proposals on statewide issues.  
5

6  
7 Thank you Mr. Chair.  
8

9 CHAIRMAN LOHSE: Thank you. Thank you  
10 Donald. As we go through these proposals the written  
11 public comments will be read in on the individual  
12 proposals to which they apply, won't they?  
13

14 MR. MIKE: (Nods affirmatively)  
15

16 CHAIRMAN LOHSE: Okay. And at this point  
17 in time I can see whether they'd rather wait until the  
18 proposals come up.....  
19

20 MR. MIKE: Right.  
21

22 CHAIRMAN LOHSE: .....or whether they're  
23 -- Darrel Williams, would you prefer to testify now or  
24 wait until the proposal comes up.  
25

26 MR. WILLIAMS: I can do it tomorrow.  
27

28 CHAIRMAN LOHSE: You can do it tomorrow,  
29 okay. If you like to -- it's more effective if you  
30 address it right when we're dealing with that proposal  
31 but if you had a time limitation or something and you  
32 want to do it today, you could. Thank you we'll put it  
33 off until tomorrow.  
34

35 Okay, so we're going to go to fishery  
36 proposals for the Council review and recommendation to  
37 the Federal Subsistence Board. And these are one's that  
38 again for the sake of the public that's out there we need  
39 to state that we are not making decisions on these  
40 proposals, we're making recommendations on these  
41 proposals. The decisions are made by the Subsistence  
42 Board we're just an advisory Council. And so our  
43 decisions are neither final nor absolute, they may be  
44 overridden and they may be changed so if it doesn't go  
45 the way you that you want it to go that just gives you  
46 that much more incentive to make sure you present  
47 something to the actual Board. This is a Council to give  
48 advice.  
49

50 With that we're going to go on to

1 proposals and I'll give you a little synopsis of how we  
2 do it, it's in your book.

3  
4 We'll introduce a proposal.

5  
6 We'll let the Alaska Department of Fish  
7 and Game make comments.

8  
9 Federal, State and tribal agencies make  
10 comments.

11  
12 Then we'll get the Interagency Staff  
13 Committee comments.

14  
15 Fish and Game Advisory Committee  
16 comments.

17  
18 And then summary of written public  
19 comments.

20  
21 And then public testimony.

22  
23 And then we'll deliberate and make  
24 recommendations and justify why we make  
25 the recommendations.

26  
27 With that, that gives us an order that we  
28 go through on these proposals. So we're going to look at  
29 Proposal 1, if I'm correct, and you'll be making to  
30 presentation then.

31  
32 MS. ARMSTRONG: Thank you, Mr. Chair. My  
33 name is Helen Armstrong, I'm from the Office of  
34 Subsistence Management. I'm the anthropologist in the  
35 office. Before we begin, I'd like to bring to everyone's  
36 attention to the two maps on Pages 35 and 36, those are  
37 regional maps so if the people have questions about where  
38 things are these are general maps that affect all the --  
39 or applicable to all the proposals.

40  
41 The first proposal is on Page 39 it is  
42 Proposal FP06-01. This proposal was submitted by the  
43 Office of Subsistence Management and it requests that  
44 Federal regulations permit the sale of handicrafts made  
45 by rural Alaskans from the nonedible byproducts of  
46 subsistence harvested fish or shellfish. It is a  
47 statewide proposal.

48  
49 The Federal regulations currently do not  
50 have any provision for the sale of handicraft articles

1 made from fish or shellfish and the intent it to  
2 accommodate existing practices. This proposal would also  
3 correct an administrative oversight allowing a practice  
4 described in ANILCA for the making and selling of  
5 handicraft articles out of nonedible byproducts of fish  
6 and wildlife resources taken for personal or family  
7 consumption. So in other words it's allowed in ANILCA,  
8 it was an oversight that it was not in our regulations.  
9 It would provide the same opportunities to Federal  
10 subsistence users as are being proposed under State  
11 regulations. There is currently a State agenda change  
12 request was just approved by the Alaska Board of  
13 Fisheries to make this same regulation. It won't change  
14 seasons, harvest limits, methods or means or C&T  
15 determination. So it's just administrative, just  
16 allowing that something people already do is allowed and  
17 not an illegal practice. We don't have anything in the  
18 regulations covering this. We do have a definition of  
19 handicraft which is on Page 39 and I won't read through  
20 it but it does, in that definition it did allow it, but  
21 you have to have a regulation behind your definition.

22  
23 So the proposed regulation would be  
24 worded like this:

25  
26 You may sell handicraft articles from the  
27 nonedible byproducts including but not  
28 limited to skin, shell, fins, and bones  
29 of a subsistence harvested fish or  
30 shellfish.

31  
32 The difference between this one and what  
33 the State is proposing is the State says skin and  
34 nonedible byproducts. I believe that's still the way  
35 it's worded that was what I had heard earlier. We've  
36 never received any proposals regarding the sale of  
37 handicrafts made by fish byproducts. We did have the  
38 wildlife proposals in 2001, 2003, 2004 that dealt with  
39 the sale of handicrafts from parts of black and brown  
40 bears which is why this came up. Somebody started  
41 thinking well what else don't we allow that we should be  
42 perhaps allowing. So as a result we decided to put this  
43 one forward.

44  
45 There aren't any know conservation  
46 concerns regarding the use of nonedible byproducts of  
47 subsistence harvested fish or shellfish from making  
48 handicrafts and adopting the proposed regulatory language  
49 does not provide any additional harvest opportunity for  
50 subsistence users because the current salvage regulations

1 require that the harvest occur primarily for consumption.  
2 So you would never be able to just take fish just for  
3 making handicrafts. Because the fish and shellfish  
4 cannot be harvested solely for raw parts to be made into  
5 handicrafts it's not expected that there would be an  
6 increase of fish harvest.

7  
8 Our preliminary conclusion is to support  
9 the proposal. Adopting the proposal would provide for  
10 existing practices it would allow the same opportunities  
11 for subsistence users under Federal regulations and under  
12 the State is proposing under State regulations, it would  
13 correct an administrative oversight of a practice  
14 described in ANILCA. The proposal would also would  
15 reduce regulation complexity. Adopting the proposal does  
16 not provide additional opportunity for subsistence uses  
17 and an increase of fish harvest is not expected to occur,  
18 no conservation concerns are expected.

19  
20 Thank you, Mr. Chair. That concludes my  
21 analysis.

22  
23 CHAIRMAN LOHSE: Thank you, Helen. Any  
24 questions for Helen. James.

25  
26 MR. SHOWALTER: Yes. On the issues, I  
27 don't know if I'm reading it wrong but you got Federal  
28 regulations to permit sale of handicraft made by rural  
29 Alaskans. You got subsistence harvest of fish or  
30 shellfish, should that be and instead of or at the very  
31 begging of 01?

32  
33 MS. ARMSTRONG: And instead of or?

34  
35 MR. SHOWALTER: Yes, that's what I'm  
36 asking.

37  
38 MS. ARMSTRONG: I think or is  
39 appropriate. It's either or, they don't have to do both.

40  
41  
42 MR. SHOWALTER: Okay, thank you.

43  
44 CHAIRMAN LOHSE: Helen, you said you  
45 hadn't received any proposals from any subsistence users  
46 for this. Could it be because basically up until this  
47 point in time it hasn't been any perceived need because  
48 everybody just took for granted that they could do it and  
49 have been doing. Have there been any prosecutions or any  
50 cases brought by -- against anybody for using these

1 products?

2

3 MS. ARMSTRONG: None that I'm aware of.  
4 No, you're absolutely right.

5

6 CHAIRMAN LOHSE: So this is basically just  
7 a house cleaning. It's basically what you're saying is  
8 this is a proposal to allow what people are already  
9 doing.

10

11 MS. ARMSTRONG: That's correct.

12

13 CHAIRMAN LOHSE: Any other questions for  
14 Helen.

15

16 (No comments)

17

18 CHAIRMAN LOHSE: Thank you, Helen.  
19 Alaska Department of Fish and Game.

20

21 MS. SEE: Good morning, Mr. Chair members  
22 of the Council. My name is Marianne See with the Alaska  
23 Department of Fish and Game. I wanted to just offer an  
24 introductory statement as well before I read my comments  
25 on this particular proposal. And that is throughout our  
26 comments which you should have before you and there are  
27 additional copies on the table in the back room for those  
28 in the audience. We have attempted to really focus on  
29 issues that we want to bring before the Council rather  
30 than taking a hard line position on the proposals  
31 because, in fact, in some of these proposals it's  
32 inappropriate for us to take a hard line position if they  
33 are allocated in nature. And secondly we want to be sure  
34 that concerns we raise have an opportunity to be  
35 discussed or other information brought before the  
36 Council. So if there's a question about our degree of  
37 support for a proposal please ask but we've attempted to  
38 capture issues or points that we want to bring before  
39 you.

40

41 On the sale of handicrafts proposal, as  
42 noted in the analysis the Alaska Department of Fish and  
43 Game has submitted a similar proposal to the Alaska Board  
44 of Fisheries to provide for sale of handicrafts made from  
45 skin and nonedible byproducts of subsistence harvested  
46 fish and shellfish. The Board has since the time of the  
47 analysis agreed to hear this proposal and is now  
48 scheduled for their March meeting. So the Board will  
49 take this up. And this does, as was noted, by Federal  
50 Staff, it does basically correct the record for a long

1 standing practice. It was discovered here that in fact  
2 Staff in our department believe that this was allowed by  
3 regulation and it wasn't until this proposal was  
4 developed on the Federal side that we looked closely at  
5 the regulation and realized it was prohibited which was  
6 again contrary to long standing practices. So the State  
7 went ahead and put this proposal into Board of Fish and  
8 we would see how that comes out in March.

9  
10 But we do agree that it does address a  
11 long standing customary and traditional use and there are  
12 no conservation concerns associated with it.

13  
14 If there are any questions I'd be happy  
15 to answer them. Thank you.

16  
17 CHAIRMAN LOHSE: Any questions.

18  
19 (No comments)

20  
21 CHAIRMAN LOHSE: From your information  
22 then it doesn't appear that the State has ever done -- I  
23 mean if the State just took for granted it was legal so  
24 they probably never done any prosecutions on it, there's  
25 never been anybody gotten in trouble for doing this  
26 practice then has there?

27  
28 MS. SEE: Mr. Chair. Not that I'm aware  
29 of.

30  
31 CHAIRMAN LOHSE: Thank you.

32  
33 MR. CARPENTER: I just have one question.

34  
35 CHAIRMAN LOHSE: Tom.

36  
37 MR. CARPENTER: Just on question and I  
38 understand -- I was going to ask this to the Federal  
39 Staff but I realized it didn't apply. But does the State  
40 have any concern and I understand it's only with  
41 subsistence fish in regards to shark fins.

42  
43 MS. SEE: Through the Chair. What would  
44 be the specific concern that you would be asking about  
45 with shark fins?

46  
47 MR. CARPENTER: Well, I mean a shark fin  
48 would be a nonedible byproduct and there is quite a large  
49 population of salmon sharks. Are we only dealing with,  
50 you know, salmon in this instance or is this all

1 shellfish and all fin fish in regards to the handicrafts  
2 being made from these?

3

4 MS. SEE: Through the Chair. The  
5 regulation change that's been proposed by the Department  
6 is for all skin from nonedible byproducts from  
7 subsistence caught fish or shellfish. So that's the way  
8 the regulation is currently proposed.

9

10 CHAIRMAN LOHSE: Tom, wouldn't -- isn't  
11 the market for shark fin -- shark fins, though, isn't for  
12 an edible byproduct that's not for handicraft.

13

14 MR. CARPENTER: Yeah, I mean I don't see  
15 any real concern with it right now, I mean I just know  
16 that there are certain restrictions that have been put on  
17 the shark populations in Prince William Sound in regard  
18 to harvest. Now, I don't think there's a lot of  
19 subsistence harvest that are taking place in regards to  
20 those fish in State waters. But you know, whenever you  
21 talk about shark fins, you know, there's always this  
22 potential for, you know, if you pay attention to what  
23 goes on around the world in regard to sharks. I just was  
24 curious, if the State had any concerns that there would  
25 possibly be some increased harvest because you were  
26 allowed legally now to deal with these fins in a  
27 different mannEr than you are currently. And obviously  
28 there's no concern so that's all I have.

29

30 CHAIRMAN LOHSE: Any comment on that.

31

32 MS. SEE: Well, Mr. Chair, I believe that  
33 member Carpenter is concerned about or relating to edible  
34 use of shark fins which is a totally different matter.  
35 So this is only about handicrafts made from the nonedible  
36 portions.

37

38 CHAIRMAN LOHSE: Thank you. Any other  
39 questions.

40

41 (No comments)

42

43 CHAIRMAN LOHSE: Thank you. Other  
44 Federal, state or Tribal agencies that wish to testify on  
45 this proposal.

46

47 (No comments)

48

49 CHAIRMAN LOHSE: Don't everybody jump up  
50 at once.

1 (No comments)

2

3 CHAIRMAN LOHSE: Hearing none we'll go on  
4 to Interagency Staff Committee comments. Do we have  
5 comments from the Interagency Staff on this on. Donald.

6

7 MR. MIKE: Mr. Chair the Staff Committee  
8 informed me that they don't have any comments at this  
9 point.

10

11 CHAIRMAN LOHSE: Interagency staff  
12 committee has no comments on this. Fish and Game  
13 Advisory comments. Do we have any on this proposal.

14

15 (No comments)

16

17 CHAIRMAN LOHSE: Boy quiet crowd. Okay,  
18 summary of written public comments, do we have any public  
19 comments on this Donald.

20

21 MR. MIKE: Yes, Mr. Chair. On page -- it  
22 starts on Page 42. The AHTNA Subsistence Committee in  
23 your folder there, they revised their comments on  
24 Proposal Number 1. So it's towards the back after Page  
25 8.

26

27 The subsistence committee on September  
28 13th, letter stated that they revised  
29 their written comments on Federal  
30 Fisheries proposals. On Proposal 1, the  
31 AHTNA Subsistence Committee supports  
32 FP06-01 to allow sale of handicrafts made  
33 by subsistence users from nonedible  
34 byproducts including but not limited to  
35 skin, shell, fins and bones of fish and  
36 shellfish. Subsistence users should be  
37 allowed to sell handicrafts made from  
38 nonedible byproducts from fish and  
39 shellfish.

40

41 The Chilkoot Indian Association supports  
42 the proposal. The Chilkoot Indian  
43 Association supports the sale of  
44 handicrafts made by subsistence users  
45 from nonedible byproducts of fish and  
46 shellfish. This statewide change has the  
47 potential to help economically deprived  
48 regions to generate needed cash. It also  
49 makes sense to use as much of the  
50 harvested fish to minimize waste and this

1 change would also promote cultural skills  
2 with tribes.

3  
4 Karen Pletnikof from the Aleutian  
5 Pribilof Islands Association support the  
6 proposal. This proposal offers more  
7 opportunities for subsistence users.

8  
9 And the Wrangell-St. Elias Subsistence  
10 Resource Commission on September 28th did  
11 not have a quorum but they provided some  
12 comments on Proposal 1. The Wrangell-St.  
13 Elias Subsistence Resource Commission on  
14 Proposal 1 stated that the members of the  
15 Wrangell-St. Elias National Park Resource  
16 Commission who were present for  
17 discussion of this proposal supported it  
18 and felt that it was a good proposal.

19  
20 That concludes the written public  
21 comments, Mr. Chair.

22  
23 CHAIRMAN LOHSE: Thank, you Donald. Do  
24 we have any -- I don't have any green slips in front of  
25 me, so we don't have any requests for public testimony at  
26 this time. Does anybody in the public wish to comment at  
27 this time.

28  
29 (No comments)

30  
31 CHAIRMAN LOHSE: Hearing none we'll go to  
32 regional Council deliberations, recommendations and  
33 justifications. We need a motion to put this proposal on  
34 the table so that we can discuss it. Do I hear such a  
35 motion.

36  
37 MR. CHURCHILL: So moved.

38  
39 CHAIRMAN LOHSE: It's been moved.....

40  
41 MR. CARPENTER: Second.

42  
43 CHAIRMAN LOHSE: It's been moved and  
44 seconded to put Proposal 1, to allow the utilization of  
45 fish and wildlife -- shellfish by nonedible byproducts  
46 for handicrafts on the table.

47  
48 I just have -- personally I have one  
49 question for the Fish and Game if I can ask it. If I can  
50 ask our Fish and Game representative a simple question.

1 MS. SEE: Yes, Mr. Chair.  
2  
3 CHAIRMAN LOHSE: Thank you. Currently  
4 under State law commercially harvested fish and  
5 shellfish, all parts can be used can't they?  
6  
7 MS. SEE: Mr. Chair. Used in what  
8 sense?  
9  
10 CHAIRMAN LOHSE: I mean under -- if a  
11 fish or shellfish is commercially harvested in the State  
12 they're not limited to using just the meat. They can use  
13 all parts of those fish or those shellfish can't they for  
14 sale?  
15  
16 MS. SEE: That's correct.  
17  
18 CHAIRMAN LOHSE: Thank you. I wasn't  
19 sure of that but I was pretty sure. Anybody else have  
20 any questions for her.  
21  
22 (No comments)  
23  
24 CHAIRMAN LOHSE: Thank you. Discussion,  
25 deliberation, recommendations. Bob.  
26  
27 MR. CHURCHILL: Yeah, I guess I'd just  
28 like to ask if any of the Council is aware of any  
29 customary and traditional use of shark fins in Alaska.  
30 I've not heard of it and my concern being driven by the  
31 rapidly decreasing shark populations in whole. But I'd  
32 be curious if anybody is aware of within the meaning of  
33 this proposal that there's been any traditional use of  
34 shark fins.  
35  
36 CHAIRMAN LOHSE: Does anybody in the  
37 Council have any other than edible uses of shark fins.  
38  
39 (No comments)  
40  
41 CHAIRMAN LOHSE: Bob I don't -- I've  
42 never heard of any myself. I'll make a comment on the  
43 rapidly decreasing shark population, then you haven't  
44 been living in Alaska where the high seas drift  
45 gillnetting has been stopped for awhile. When I started  
46 fishing if somebody caught a salmon shark everybody came  
47 over to look at it, today salmon sharks are so thick in  
48 the Sound that you can't hardly run your boat through  
49 without hitting them, you know. So that may be true in  
50 other parts of the world but Alaska's sharks are in good

1 shape.

2

3 MR. CHURCHILL: With all due respect on  
4 the species of shark and your location within the state.

5 CHAIRMAN LOHSE: Yeah. Okay with that  
6 any other comments on this proposal.

7

8 (No comments)

9

10 CHAIRMAN LOHSE: Hearing none -- okay,  
11 Tom.

12

13 MR. CARPENTER: Mr. Chairman it sounds  
14 like there's pretty overwhelming support from both the  
15 State and Federal representatives, no public comments. I  
16 call for the question.

17

18 CHAIRMAN LOHSE: Question's been called  
19 for.

20

MR. WILSON: Second.

21

22 CHAIRMAN LOHSE: All those in favor  
23 signify by saying aye.

24

25 IN UNISON: Aye.

26

27 CHAIRMAN LOHSE: All opposed signify by  
28 saying nay.

29

30 (No opposing votes)

31

32 CHAIRMAN LOHSE: Motion carries. I wish  
33 they were all this easy.

34

35 Okay, with that we're going to skip  
36 Proposal No. 9 and we're going on to Proposal 14 and 15.  
37 And Helen's going to present that to us at this point in  
38 time.

39

40 MS. ARMSTRONG: Thank you, Mr. Chair. If  
41 everyone will turn to Page 88 for Proposal 14 and 15.  
42 Proposals FP06-14 and FP06-15 were submitted by the  
43 Copper River Prince William Sound Fish and Game Advisory  
44 committee, the Native Village of Eyak and Robert Henrich  
45 and it requests that customary and traditional use  
46 determination for freshwater fish for Cordova, Tatitlek,  
47 Chenega Bay, Nuchak and Katella in the Copper River  
48 drainage downstream of Haley Creek in the waters of the  
49 Chugach National Forest in the Prince William Sound area.

50

1                   These two proposals were combined into  
2 one analysis because both of them asked for a C&T  
3 determination for the residents of Cordova, Tatitlek and  
4 Chenega Bay in the Prince William Sound area. Proposal  
5 15 also added use of freshwater fish for Nuchak and  
6 Katella in the Chugach National Forest and the Prince  
7 William Sound. The proposal book listed in error a  
8 request for a C&T determination of freshwater fish in the  
9 Cook Inlet area this was not in the original request and  
10 has not been included in this analysis.

11  
12                   The Federal public waters of the Prince  
13 William Sound area include all waters within the exterior  
14 boundaries of the Gulkana Wild and Scenic River, the  
15 Wrangell-St. Elias National Park and Preserve and the  
16 Chugach National Forest excluding marine waters and  
17 inland waters adjacent to these exterior boundaries and  
18 all nonnavigable waters and the lands managed by the  
19 Bureau of Land Management. The map on Page 90 shows all  
20 of the Federal Public waters relevant to the proposal.

21  
22                   In the Federal Subsistence Management  
23 Program there are no C&T determinations for freshwater  
24 fish in the Prince William Sound area and the Copper  
25 River drainage down stream from Haley Creek, therefore,  
26 all rural residents are eligible to harvest freshwater  
27 fish. So we're moving from a very broad C&T where all  
28 rural residents in the state were allowed to harvest fish  
29 in this area to narrowing it to these five communities  
30 that were listed. Or five I shouldn't say communities,  
31 there are four rural communities Chenega Bay, Cordova,  
32 Tatitlek, and Whittier. These communities from east to  
33 west in Prince William Sound are made up of three major  
34 culture groups. The Chugach Alutiiq, the Eyak and the  
35 Tlingit who have inhabited the region before settlement  
36 by the Russians and Americans in the late 19th Century.  
37 I'm not going to go over all of the history, I think this  
38 Council has heard this before and a discussion of each  
39 one of the communities because you're all quite aware.  
40 I'll incorporate by referencing the information provided  
41 in the book on Page 89 and go forward.

42  
43                   The two places that are not perhaps as  
44 well know were Nuchak and Katella that were included in  
45 this proposal. These are communities that are old  
46 village sites that are no longer permanently inhabited  
47 year-round by more than a few people but are used  
48 primarily as seasonal fishing camps. Nuchak was a  
49 seasonal fishing -- seasonal village site for people of  
50 Tatitlek, later settled by Russians in 1793 and in 1900

1 the Elimar Mine opened and Native Alaskans from Nuchak  
2 and Chenega were relocated to work in the Elimar Mine in  
3 the current village of Tatitlek which was established.  
4 And then in 1902 and 1906 influenza forced the people to  
5 leave Nuchak and resettle in Tatitlek. Neither Nuchak or  
6 Katella are listed in the state of Alaska community data  
7 base nor the US Census.

8  
9                   There are also year-round permanent  
10 residence in the Prince William Sound living in remote  
11 sites including but not limited to, Boswell bay, Deep  
12 Bay, Canoe Pass, Elimar and Two Moon Bay. There are also  
13 cabins scattered throughout the area. There are no data  
14 in the literature regarding these individuals and their  
15 subsistence use patterns but there are -- it is known  
16 that permanent year-round residents live a subsistence  
17 lifestyle and only come into the larger communities to  
18 get supplies every month or two and there are also some  
19 people living permanently around the salmon hatcheries  
20 and Cannery Creek, there were four permanent residents in  
21 Esther Bay, eight permanent residents in Port San Juan.  
22 So there are people scattered though the Prince William  
23 Sound.

24  
25                   I'm not going to go through all of the  
26 eight factors, I know we have a lot of things we need to  
27 discuss in this next three days I'm going to focus on the  
28 couple of factors where I think the discussion needs to  
29 be centered. I refer you to the pages from 91 forward  
30 where the eight factors are discussed.

31  
32                   The long-term consistent pattern of use  
33 Chenega Bay, Cordova, Tatitlek and Whittier residents all  
34 demonstrated that they have harvested freshwater fish in  
35 the area. There have been numerous harvest use studies  
36 done in these communities because of the Exxon Valdez oil  
37 spill. So unlike some parts of the state we actually  
38 have some multiple years of data. Chenega Bay primarily  
39 harvested Dolly varden, they also harvested grayling,  
40 rainbow trout, cutthroat trout and then in 1997 there was  
41 a harvest of actually 280 grayling, 181 cutthroat trout  
42 and 52 rainbow trout. There were also unknown trout  
43 harvested in 1991. Table 1 on Page 92 goes through the  
44 list of the species harvested, how many were used,  
45 percentage of household using, receiving, giving, number  
46 harvested and the pounds harvested in Chenega Bay.

47  
48                   Table 2 on Page 93 shows the harvest by  
49 Cordova residents, they also harvested Dolly varden, lake  
50 trout, grayling, sturgeon, cutthroat trout, rainbow

1 trout, steelhead, unknown trout and whitefish. In  
2 Tatitlek in Table 3 they harvested, Dolly varden, lake  
3 trout, unknown trout and rainbow trout. And Whittier on  
4 Table 4, the tables 3 through 4 on Page 94 harvested  
5 rainbow trout and they harvested 227 rainbow trout and  
6 between 21 and 34 each of Dolly varden, lake trout,  
7 grayling and cutthroat trout, and one steelhead.

8  
9                   They all had patterns, seasonal patterns  
10 of use. Probably the most difficult question is the  
11 areas of use that one of the problems was that the maps  
12 that were done by ADF&G showed nonsalmon use areas and  
13 that included marine waters. So it was a little bit  
14 difficult to determine exactly where people might have  
15 been harvesting freshwater fish. And I would encourage  
16 the Council and anybody here who has specific information  
17 about where people have taken fish if we can get that on  
18 the record that would be great.

19  
20                   There is information that Cordova  
21 residents harvested Dolly varden in fresh water streams  
22 around Cordova and the Copper River delta as well as the  
23 Eyak River. And in 1985 a few respondents were listed as  
24 harvesting grayling and whitefish in the vicinity of  
25 Cordova. Trout were taken in ponds and streams on the  
26 Copper River Delta and streams on Hinchinbrook Island.  
27 All of these waters are within the Federal public waters,  
28 the Chugach National Forest. There were a few rainbow  
29 trout taken from TeaBay and Hanagita Lakes in Wrangell-  
30 St. Elias National Park. For nonsalmon by Chenega Bay it  
31 included the Copper River Delta area, Tatitlek residents  
32 took lake trout from a lake behind the village and off of  
33 the Tatitlek dock. All of those waters were also with in  
34 the Chugach National Forest and in the Prince William  
35 Sound area. Whittier residents harvested nonsalmon  
36 throughout Prince William Sound area and the waters of  
37 the Chugach National Forest but there wasn't any  
38 specification provided for which species. So we don't  
39 really know which species were harvested where and if you  
40 have any information on that that would be also welcomed.

41  
42  
43                   I'm not going to go through all the other  
44 eight factors other than the reliance upon a wide  
45 diversity of resources in Chenega Bay and Tatitlek a 100  
46 percent of the households use subsistence resources. And  
47 in Cordova and Whittier the percentage was a little bit  
48 less than 70.6 percent in Cordova and 93.7 Whittier.  
49 Chenega Bay showed the highest diversity of resources  
50 used with an average of 23.2, Tatitlek ranked second with

1 18.8, Cordova showed an average of 12.8 resources used  
2 and Whittier had the lowest with 8.8. Whittier use was  
3 consistent with other road connected communities. This  
4 is just kind of an indicator of how dependent communities  
5 are on subsistence resources.

6  
7 Our recommendation is to adopt -- support  
8 with modification Proposal FP06-14 and the modification  
9 is to included all residents of the Prince William Sound  
10 area down stream of Haley Creek and waters of Chugach  
11 National Forest this would than be broader and include  
12 those people in outlining communities. I wanted to add  
13 that the anthropologist in the subsistence program not  
14 just in OSM but also from other agencies we did a C&T  
15 paper, it's a guide on how to write C&T analysis and in  
16 there we talked about trying to be more broader to make  
17 sure that we didn't exclude people on the outlying --  
18 outside of communities because those people needed to be  
19 included. So this is consistent with what was in that  
20 guide.

21  
22 Proposal 15 we recommend no action on  
23 because by adopting 14 then it takes care of 15. The  
24 justification is that there is information to fulfill the  
25 eight factors to support a positive customary and  
26 traditional use determination for Chenega Bay, Tatitlek,  
27 Cordova and Whittier for freshwater fish in the Copper  
28 River Drainage and in the waters of the Chugach National  
29 Forest and the Prince William Sound. There are no data  
30 on the people living in those remote communities outside  
31 of the communities but since the communities and the  
32 surrounding area fulfill the eight factors, then the  
33 residents in the remote areas should also be included.  
34 Because these people are living in extremely remote not  
35 road connected and they are depended on a subsistence  
36 life style.

37  
38 Thank you Mr. Chair. That concludes my  
39 analysis.

40  
41 CHAIRMAN LOHSE: Thank you Helen. Any  
42 questions for Helen.

43  
44 Tom.

45  
46 MR. CARPENTER: Yeah Helen. I just got  
47 one question. While I agree with you that places like  
48 Nuchak and some of these smaller places that the proposal  
49 didn't include in their proposal just for oversight  
50 probably. I agree that those communities and everybody

1 in Prince William Sound should be included, but I guess  
2 the big question I have is, and this has happened several  
3 times in the past few years, that when a proposal goes to  
4 the Staff and the Staff does the analysis it seems like  
5 the spectrum of communities that are included that are  
6 not remote communities seem to be incorporated into the  
7 adoptive language by Staff.

8

9 Now, in my opinion Whittier shouldn't be  
10 included, because I think Whittier is a big enough  
11 community that if they want to be included they should  
12 ask for it. Now, I understand that when you're doing  
13 this analysis it's just as easy to do it all at one time  
14 but I mean Whittier is along -- it is connected to the  
15 road now. Whittier has, you know, it's an  
16 infrastructural-type community. And I guess I'm just  
17 curious as to is this going to continue to be like this,  
18 should we just expect this.

19

20 MS. ARMSTRONG: What we've done and I'm  
21 not saying it wouldn't change, because things change,  
22 always, is that if it's a brand new determination, we're  
23 going from all rural residents to something specific, we  
24 look at the communities in the area because sometimes  
25 what will happen is a village will ask for C&T for  
26 themselves and it's actually, I think, easier to do a  
27 whole area and see what the uses are around the area to  
28 make sure that -- because what you're doing is you're  
29 moving from all rural residents to something more  
30 specific and if you had -- let's not think of this  
31 particular example but say you were up in the Interior  
32 and it was Ft. Yukon, and you gave it to Ft. Yukon, but  
33 then you'd be leaving out Steven's Village and, you know,  
34 other communities in the area so that -- which wouldn't  
35 be right to exclude them.

36

37 So that's why we've done it.

38

39 In cases where, perhaps people don't  
40 think they should have C&T, but it's also your purview to  
41 recommend that Whittier not be included as well.

42

43 But I understand your point.

44

45 Then what we do is once it's established,  
46 sometimes we make a mistake. We didn't know that --  
47 there was no data on a community and we didn't know that  
48 they had uses in an area, and so they come out and they  
49 say, well, no, we're just like that other community'd be  
50 over there, we want C&T, then we only look at that

1 community, we don't do a broad analysis after that.

2

3 But you're right, that is what we do,  
4 that has been our standard practice and I suspect it will  
5 continue to be that way.

6

7 MR. CARPENTER: Okay. I mean, it doesn't  
8 really matter to me one way or the other. I mean I  
9 understand that if we didn't do it this way we'd have,  
10 obviously a proposal from Whittier next year asking for  
11 the same thing, so we're just kind of going over the  
12 motions then. I just think that there is possibly some  
13 proposals that you may not want to do that with just  
14 because -- I mean I do think each community has it's own  
15 responsibility to ask to participate in this program, and  
16 I don't necessarily know, in all situations if it's the  
17 best idea to just start throwing communities in. But in  
18 this one, I mean I can understand why you did it.

19

20 Thank you.

21

22 CHAIRMAN LOHSE: Bob.

23

24 MR. CHURCHILL: Yeah, thank you, for  
25 coming and talking with us. I'm looking at the chart on  
26 Page 93 and it appears that some of these species are  
27 harvested in relatively small amounts. Could you talk to  
28 us a little bit about how significant a portion of the  
29 food that these species made in terms of the subsistence  
30 harvest for a family.

31

32 MS. ARMSTRONG: That's a very good  
33 question. And I think that's a question you're going to  
34 be dealing with to a great extent tomorrow on Proposal 9.  
35 The question of how much use is a subsistence pattern of  
36 use. And it's not one that I'm at a high enough level to  
37 make any determinations on, I think it's a decision by  
38 the Board. But it's a very good point. You know, is  
39 just a few households taking a resource, is that enough  
40 to give them C&T. I think it's something the Board is  
41 going to be grappling with more and more. And I think  
42 it's also something that -- I mean they have not -- up to  
43 this point they have not had a policy saying it has to be  
44 above one percent or whatever, 10 percent, 15 percent, I  
45 don't even know what it would be but they don't have a  
46 policy on that so I really can't say.

47

48 MR. CHURCHILL: Follow up.

49

50 CHAIRMAN LOHSE: Bob.

1 MR. CHURCHILL: As it relates to  
2 tomorrow, do you anticipate any arm wrestling.  
3  
4 (Laughter)  
5  
6 MR. CHURCHILL: No, I'm just teasing you.  
7 But thank you very much.  
8  
9 CHAIRMAN LOHSE: Thank you, Bob. Helen,  
10 I've got a question if nobody else has got a question and  
11 it's on a statement that you made to start off with that  
12 maybe I have a misunderstanding. Currently, all rural  
13 residents -- since there is no determination, all rural  
14 residents have a C&T?  
15  
16 MS. ARMSTRONG: (Nods affirmatively)  
17  
18 CHAIRMAN LOHSE: It's not that they're  
19 allowed to take subsistence resources -- currently all  
20 rural residents are allowed to take subsistence resources  
21 out of this area or Prince William Sound.  
22  
23 If this proposal passes, they are not  
24 disallowed from taking subsistence resources, they just  
25 don't have a C&T, so in times of shortage, their priority  
26 goes down?  
27  
28 MS. ARMSTRONG: No.....  
29  
30 CHAIRMAN LOHSE: Or are they just plain  
31 not allowed to have -- to take subsistence resources  
32 then?  
33  
34 MS. ARMSTRONG: If this goes through,  
35 only those people living within Prince William Sound  
36 area, as it says in the regulation, downstream of Haley  
37 Creek, only those people would be allowed to take under  
38 subsistence, Federal regulations, they could then still  
39 harvest under State regulations, yes.  
40  
41 CHAIRMAN LOHSE: Okay. So they would  
42 still be allowed under State and under sport  
43 regulations.....  
44  
45 MS. ARMSTRONG: Correct.  
46  
47 CHAIRMAN LOHSE: .....but they would not  
48 be able to get a Federal subsistence permit for the area?  
49  
50 MS. ARMSTRONG: That's correct.

1 CHAIRMAN LOHSE: Okay. Tom.

2

3 MR. CARPENTER: Mr. Chairman, I think  
4 just to clarify maybe to the Boar -- or to the Council,  
5 one of the reasons that this proposal was put in, without  
6 trying to get into too much depth and detail, is that,  
7 there are regulations and there are permits being issued  
8 within Federal lands or waters in Prince William Sound  
9 for subsistence activity, which is fine, but the way the  
10 statute is now, anybody that's a rural resident could go  
11 to the Forest Service and get one of those permits to  
12 take subsistence fish within those waters.

13

14 The real reason that the proposal was put  
15 in was that it was actually through conversations that  
16 I've had with a couple people in Tatitlek that were  
17 concerned with the influx of people into Prince William  
18 Sound harvesting fish in traditional areas that the  
19 village had harvested and I said, well -- and I explained  
20 how that was taking place. Most of it was taking place  
21 under State regulations but it is possible right now and  
22 I think some of the proposals that we're going to deal  
23 with in the future in regards to bag limits and means and  
24 method will address some of the other issues, but any  
25 rural resident right now could actually get that permit  
26 and harvest the fish under Federal regulation and I think  
27 we were trying to narrow the spectrum of people that are  
28 actually eligible because there really is no traditional  
29 activity from all rural residents. It's obviously people  
30 from Prince William Sound that have been conducting this  
31 over the last however many years, so that's just a little  
32 background.

33

34 CHAIRMAN LOHSE: Thank you, Tom. Doug.

35

36 MR. BLOSSOM: Yeah, Mr. Chairman. I  
37 guess my question would be you've included all of Prince  
38 William Sound except Valdez, why?

39

40 MS. ARMSTRONG: I'm sorry, except what?

41

42 MR. BLOSSOM: You've included all,  
43 basically of Prince William Sound except Valdez.

44

45 MS. ARMSTRONG: Valdez is not a rural  
46 community.

47

48 MR. BLOSSOM: I guess my answer to that  
49 is is Valdez any more nonrural than Whittier, they're  
50 both road-connected?

1 MS. ARMSTRONG: Well, it was a  
2 determination made by the Board and I suppose if you  
3 wanted that brought up then when we get to the rural  
4 section where we're putting communities on the list to be  
5 analyzed, you could bring that issue up but right now  
6 they're not rural and Whittier is rural.

7  
8 MR. BLOSSOM: Okay.

9  
10 MS. ARMSTRONG: So if you wanted Whittier  
11 looked at to be nonrural you could bring that forward  
12 later in the day.

13  
14 CHAIRMAN LOHSE: Thank you, Helen. Doug,  
15 you see where that's coming from then. It's not a choice  
16 in a case like this because that determination's been  
17 made under prior things but it's a good point.

18  
19 MR. BLOSSOM: (Nods affirmatively)

20  
21 CHAIRMAN LOHSE: Helen.

22  
23 MS. ARMSTRONG: Mr. Chairman, I have a  
24 comment.

25  
26 CHAIRMAN LOHSE: Go ahead.

27  
28 MS. ARMSTRONG: I wanted to make a  
29 comment to Tom's question about Whittier. I had not  
30 included Whittier in my initial analysis and it was  
31 someone from Whittier who said to -- in an earlier review  
32 said, why isn't Whittier included, so it was something  
33 that came out. And since I'm new to the area I hadn't  
34 really thought about Whittier, I looked at the  
35 communities that were in there.

36  
37 CHAIRMAN LOHSE: Dean.

38  
39 MR. WILSON: Does this proposal have any  
40 chance to leading to fishwheels below Haley Creek in the  
41 future?

42  
43 MS. ARMSTRONG: Well, when you do a C&T  
44 determination, that then says who has the customary and  
45 traditional right to do something. Beyond that then you  
46 can establish methods and means and harvest limits,  
47 seasons. So I guess -- I'm not a fish biologist and I  
48 would have to turn to Jerry Berg, would it happen, I  
49 don't know. But, I mean could it happen, hypothetically,  
50 yes, would it happen, I can't answer that question, I

1 don't know. But it's a good question. But when you do a  
2 customary and traditional use determination you do that  
3 based on who has customarily and traditionally used the  
4 resource and then if there's a conservation concern then  
5 you manage it appropriately through methods and means and  
6 seasons and harvest limits. Does that answer your  
7 question?

8  
9 MR. WILSON: Yeah, I understand that.  
10 That's obviously of great concern to the Copper Basin  
11 area, if we start getting fishwheels below the low marker  
12 at Haley Creek.

13  
14 Another question is why are we way up  
15 into Haley Creek on this proposal that's well into some  
16 -- that's just below Chitina, and how is that going to  
17 affect the Chitina area and the villages up there?

18  
19 MS. ARMSTRONG: I actually wondered the  
20 same question. But I think it's because if you look at  
21 what the regs say right now, the C&T for the upper part  
22 goes to Haley Creek and so it was just not leaving any  
23 blank spaces but, you know, I don't know. Do you know of  
24 people who have uses up there, and Tom could you speak to  
25 that?

26  
27 MR. CARPENTER: I guess I could possibly  
28 answer two of Dean's questions and if I can't I know Tim  
29 Joyce probably can or Jerry. The reason the proposal was  
30 written as to Haley Creek is if you look at the  
31 regulation book is that all determinations are made north  
32 and south of Haley Creek and that's basically why it was  
33 done that way.

34  
35 The answer to the first part of your  
36 question is I do not believe, and currently it is illegal  
37 to put a fishwheel in south of Haley Creek. And I don't  
38 believe that this proposal would jeopardize that at all.  
39 Because believe me, we don't want any fishwheels south of  
40 Haley Creek either.

41  
42 This is mainly for cutthroat trout and  
43 stuff like that in Prince William Sound, but the broad  
44 spectrum of the proposal was written into -- kind of into  
45 the regulation book was set up into the two segments of  
46 the area.

47  
48 CHAIRMAN LOHSE: Thank you, Tom. And you  
49 can correct me if I'm wrong, and, this is to Dean, I  
50 don't think that this proposal would make it any -- if

1 fishwheels could be put in under this proposal, they can  
2 be put in now. In other words, the same regulations that  
3 would allow fishwheels under this proposal could allow  
4 fishwheels under all residents of the state right now.  
5 Because this doesn't have any affect on methods and  
6 means, this has an affect on qualifications.

7  
8 So currently a proposal could be put in  
9 that would allow subsistence fishwheels below Haley Creek  
10 but it would apply to all rural residents of the state,  
11 not just to the C&T, and if somebody out -- if I'm wrong,  
12 somebody out there correct me, Helen' you're agreeing  
13 that's the way it currently is, right?

14  
15 MS. ARMSTRONG: Yes, that's absolutely  
16 correct. Jerry also added that this is for freshwater  
17 fish and he didn't think that anyone would put a  
18 fishwheel in for freshwater fish.

19  
20 CHAIRMAN LOHSE: Gloria.

21  
22 MS. STICKWAN: I was just going to say we  
23 met with -- we went to Cordova -- some of us from the  
24 AHTNA region went to Cordova and we talked about this  
25 proposal and our concern, too, was the fishwheel would  
26 eliminate that, so this would take care of it.

27  
28 CHAIRMAN LOHSE: Any other questions for  
29 Helen.

30  
31 (No comments)

32  
33 CHAIRMAN LOHSE: Thank you, Helen.

34  
35 Alaska Department of Fish and Game.

36  
37 MS. SEE: Thank you, Mr. Chair. For the  
38 record my name is Marianne See, and I also have  
39 colleagues here from Division of Sportfish if we get into  
40 technical questions that they need to assist on.

41  
42 For this proposal the Federal analysis  
43 draws on multi-year survey research conducted by the  
44 Department of Fish and Game. From the State's  
45 perspective, we look at the evidence for customary and  
46 traditional use of fish species within a management area,  
47 which, in this case is Prince William Sound, thus, as was  
48 noted by Federal Staff, the analysis drew heavily on  
49 information that includes marine waters under State  
50 jurisdiction as well as fresh waters.

1                   The information presented in the analysis  
2 appears to be accurate for this area, with a possible  
3 exception, the use of rainbow trout and lake trout by  
4 residents of Whittier was not clearly attributed to  
5 harvest in the Prince William Sound area. For example,  
6 the harvest may have actually occurred the Prince William  
7 Sound area in the study that was used in the analysis.

8  
9                   Without that information specifically  
10 about harvest location, the determination we think should  
11 be modified to delete those species for that community.  
12 And perhaps there's additional information that Federal  
13 Staff or others would have on that point.

14  
15                   That concludes our comments. We can  
16 answer questions if you have them.

17  
18                   Thank you.

19  
20                   CHAIRMAN LOHSE: Thank you. Do you think  
21 that also applies to rainbow trout and lake trout for the  
22 other communities, too? I've been scratching my head  
23 over the lake trout issue, and I'm trying to think of  
24 where I know of any lake trout, other than down towards  
25 Bering River that are in the area that we're talking  
26 about. And I notice there's a fairly high level of  
27 grayling harvest, too, and unless there's more grayling  
28 ponds than I know about, that looked like that possibly  
29 had to come from out of the area also. And I was just  
30 wondering about that.

31  
32                   MR. MILLER: Mr. Chair. I'm Matt  
33 Miller, Alaska Department of Fish and Game with the  
34 Division of Sportfish.

35  
36                   Yeah, actually we were talking about that  
37 recently too. There's a couple of, probably,  
38 explanations for it, some of it might just be  
39 misidentification of species. If we're talking about  
40 people on the western part of the Sound and they're  
41 reporting rainbow trout catch, it could either be they  
42 were coming from Cook Inlet or the Kenai Peninsula and  
43 coming up through Whittier or that they were  
44 misidentifying cutthroat trout. Typically you look at  
45 the fish and if it's got the cut, you call it a  
46 cutthroat, but in a lot of these places that just doesn't  
47 show, it's just not a sign of them. Most of the rainbow  
48 trout populations that I'm aware of out in the Sound are  
49 out on the Delta and even out there we start having the  
50 hybridization so it gets very difficult to say which

1 species of fish it is.

2

3 Lake trout is a similar issue. I'm not  
4 familiar with lake trout populations on the western part  
5 of the Sound, mainly out on the Delta and the Bering  
6 area.

7

8 Grayling came up, there are probably some  
9 scattered grayling populations. Most of the ones I know  
10 about were Fish and Game stocked lakes. Some of those  
11 have spread out. I know Clear Creek, for example,  
12 there's some grayling there, caught out of there. I'm  
13 not so sure on the western part of the Sound, I'm not as  
14 familiar with grayling being typically harvested out of  
15 there.

16

17 That's some of the same points we had.

18

19 CHAIRMAN LOHSE: That's what I was  
20 wondering whether it could possibly be misidentification  
21 because the only thing I could think of is that Dolly  
22 vardens that are being caught out of a lake are being  
23 classed as lake trout and ones that are running in the  
24 creeks are classed as Dolly vardens. Because I didn't  
25 think we had -- you know, when you look at the map of  
26 ranges for fish, lake trout doesn't extend into Prince  
27 William Sound, rainbows just hit the edge of Prince  
28 William Sound. I know we found a few in some of the  
29 streams in the Cordova area, but not very many, and I  
30 know one incident of somebody that I've got quite a bit  
31 of respect for that saw Hinchinbrook Island. But other  
32 than that, they don't really extend -- the range doesn't  
33 really extend into there.

34

35 MR. MILLER: Mr. Chair. Just a quick  
36 follow up to go along again with what you're saying, I  
37 also have been told that in a lot of places, char and the  
38 Dolly varden which are found throughout Prince William  
39 Sound are often just called trout.

40

41 CHAIRMAN LOHSE: Yeah.

42

43 MR. MILLER: And so if they were filling  
44 out a survey or talking to a survey person, users might  
45 identify those as trout even though they were Dolly  
46 varden.

47

48 CHAIRMAN LOHSE: And if they were caught  
49 in a lake they're lake trout.

50

1 (Laughter)  
2  
3 CHAIRMAN LOHSE: Yeah, okay. Thank you.  
4 Any other questions.  
5  
6 (No comments)  
7  
8 CHAIRMAN LOHSE: Tom.  
9  
10 MR. CARPENTER: No.  
11  
12 CHAIRMAN LOHSE: Thank you. Okay, with  
13 that we'll go on to other Federal, State and tribal  
14 agency comments. Do we have any Federal agency that  
15 wishes to comment.  
16  
17 (No comments)  
18  
19 CHAIRMAN LOHSE: No Forest Service  
20 comments.  
21  
22 (No comments)  
23  
24 CHAIRMAN LOHSE: Any other State agency  
25 that wishes to comment.  
26  
27 (No comments)  
28  
29 CHAIRMAN LOHSE: Tribal agency that  
30 wishes to comment.  
31  
32 MR. CAIN: Bruce Cain, Native Village of  
33 Eyak. Just for the record, that proposal, when we  
34 drafted it, we had no intention of including Whittier.  
35 We were strictly dealing with the villages of Chenega,  
36 Tatitlek and Cordova and then Nuchak, Katella and I think  
37 the scattered residents, that's probably a good thing to  
38 do but we had no intention of including Whittier and I  
39 think it would be -- it's going to open the flood gates  
40 to a lot of use that we don't want to see.  
41  
42 And should let them request that if they  
43 want it.  
44  
45 Thank you.  
46  
47 CHAIRMAN LOHSE: Thank you, Bruce. Any  
48 questions for Bruce.  
49  
50 (No comments)

1 CHAIRMAN LOHSE: Thank you. Okay,  
2 Interagency Staff Committee comments, do we have any?

3  
4 MR. MIKE: They don't have any comments,  
5 Mr. Chair.

6  
7 CHAIRMAN LOHSE: No comments from the  
8 Interagency Staff Committee. Fish and Game Advisory  
9 Committee comments.

10  
11 MR. STOCKWELL: Bill Stockwell. I'm the  
12 Chairman of the Cooper Landing Fish and Game Advisory  
13 Committee. We took up these two proposals at our meeting  
14 on May 17th and in our letter of June 22nd to the Staff.

15  
16 As the proposals were originally written,  
17 the way they read they were requesting a determination  
18 for the entire Chugach National Forest and we, at that  
19 meeting, amended the proposal so it would read only for  
20 that portion of the Chugach National Forest that fell  
21 within the Prince William Sound area. Reading now, of  
22 course, that's the way it's read and I just want to be on  
23 the record that we no longer oppose the proposals as they  
24 were written because it has been changed so that it only  
25 includes the Prince William Sound area of Chugach  
26 National Forest.

27  
28 CHAIRMAN LOHSE: Any questions for him.

29  
30 (No comments)

31  
32 CHAIRMAN LOHSE: Thank you. Thank you,  
33 for that clarification.

34  
35 MR. STOCKWELL: Okay.

36  
37 CHAIRMAN LOHSE: Any other Fish and Game  
38 Advisory Committee comments.

39  
40 (No comments)

41  
42 CHAIRMAN LOHSE: Summary of public  
43 written comments. Donald.

44  
45 MR. MIKE: Thank you, Mr. Chair. Again,  
46 the AHTNA Subsistence Committee revised their comments on  
47 Proposal No. 14 and it's on the back of the page on the  
48 yellow document.

49  
50 The AHTNA Subsistence Committee supports

1 FP06-14 to establish a customary and  
2 traditional use determination for  
3 freshwater fish for residents of Cordova,  
4 Tatitlek and Chenega Bay for all waters  
5 of the Copper River drainage down stream  
6 of Haley Creek.

7  
8 If this proposal is passed methods and  
9 means of harvest should be limited to  
10 gaffs, spears, rod and reel and  
11 fishwheels should not be permitted.

12  
13 The Forest Service Cordova District  
14 Ranger supports the proposal pending the  
15 residents meet the requirements outlined  
16 for customary and traditional use. The  
17 language of the proposal has submitted  
18 the community Whittier which according to  
19 maps including the management and  
20 regulations for harvest of fish and  
21 shellfish is a rural community located in  
22 the Chugach National Forest in Prince  
23 William Sound. The language also fails  
24 to encompass residents in outlying areas,  
25 not within community boundaries, although  
26 in this proposal these smaller locations  
27 are mentioned [sic].

28  
29 This proposal is slightly different than  
30 FP06-14 in that it does not include the  
31 waters of Copper River below Haley Creek,  
32 only the waters within Chugach National  
33 Forest. The Chugach National Forest  
34 boundaries end just about Clear Creek  
35 (ph) on the Copper River and do not  
36 extend up to Haley Creek. Waters of the  
37 Copper River are managed by the National  
38 Park Service from its source through the  
39 mouth, logistically the language of this  
40 proposal, waters within the Chugach  
41 National Forest would be preferred but  
42 that would be a small stretch of the  
43 Copper River without a C&T finding for  
44 freshwater fish.

45  
46 The residents of Prince William Sound  
47 would not use that section of the river  
48 but residents up river might use that  
49 section of the Copper River and they  
50 should submit a proposal for C&T for that

1 section as needed.

2

3 That concludes the written public  
4 comment, Mr. Chair.

5

6 CHAIRMAN LOHSE: Donald, correct me if  
7 I'm wrong on what I just heard, that was from the Forest  
8 Service, did they say that the waters of the Copper River  
9 are managed by the National Park Service from the  
10 headwaters to the mouth?

11

12 MR. MIKE: I couldn't answer, Mr. Chair.  
13 We have a Park Service representative or Forest Service  
14 representatives here to answer that question.

15

16 MR. VEACH: If I understood your question  
17 correctly, Mr. Chair, Eric Veach with the National Park  
18 Service, you are correct. The National Park Service  
19 serves as the in-season manager for the freshwater of the  
20 entire Copper River.

21

22 CHAIRMAN LOHSE: Thank you, Eric. That's  
23 what I thought I understood so I just wanted to make sure  
24 that was clear.

25

26 MR. MIKE: Mr. Chairman.

27

28 CHAIRMAN LOHSE: Donald.

29

30 MR. MIKE: I've got one more written  
31 comment.

32

33 Wrangell-St. Elias Subsistence Resource  
34 Commission commented on this proposal.  
35 The members of the Wrangell-St. Elias  
36 Subsistence Resource Commission who were  
37 present for discussion of this proposal  
38 generally supported it. Mr. Adams  
39 commented that it met the eight factors  
40 used to evaluate customary and  
41 traditional use determination.

42

43 Mr. Marshall stated that he was not aware  
44 of Whittier residents fishing in the  
45 Copper River but that he had no  
46 reservations about the other communities  
47 discussed in the analysis.

48

49 Thank you, Mr. Chair.

50

1 MR. KOMPKOFF: Mr. Chairman.  
2  
3 CHAIRMAN LOHSE: Thank you, Donald.  
4 Pete.  
5  
6 MR. KOMPKOFF: Yeah, I have a question  
7 about what you had just said about the Forest Service  
8 maintaining segments of the water?  
9  
10 CHAIRMAN LOHSE: I was asking if what I  
11 heard was correct, and that is that the in-season  
12 management on the Copper River even where it goes through  
13 Forest Service land, is the National Park Service from  
14 the headwaters to the mouth. The Forest Service does not  
15 manage in-season on the Copper River, even down in Forest  
16 Service land, and that's -- I heard correctly, right?  
17  
18 MR. VEACH: (Nods affirmatively)  
19  
20 CHAIRMAN LOHSE: Right. Okay. Okay, we  
21 don't have any requests for -- yeah, we did, too, Bill  
22 Stockwell, you already did, right, Bill?  
23  
24 MR. STOCKWELL: (Nods affirmatively)  
25  
26 CHAIRMAN LOHSE: Sorry, I didn't see that  
27 before.  
28  
29 Okay, so we have -- and you wanted to  
30 testify as an Advisory Council member, not as an  
31 individual, right?  
32  
33 MR. STOCKWELL: Right.  
34  
35 CHAIRMAN LOHSE: Okay. Yeah, you have  
36 that opportunity automatically because you're  
37 representing the Advisory Committee.  
38  
39 Okay, so now with that, having no other  
40 requests for public testimony, if there is anybody in the  
41 public who would like to testify we'll give you this  
42 opportunity anyway.  
43  
44 (No comments)  
45  
46 CHAIRMAN LOHSE: Okay. With that, then a  
47 motion is in order to put this on the table so that we,  
48 as a Regional Council, can deliberate, recommend and  
49 justify on it.  
50

1 MR. CHURCHILL: So moved.  
2  
3 CHAIRMAN LOHSE: Been moved, do I hear a  
4 second.  
5  
6 MR. WILSON: Second.  
7  
8 CHAIRMAN LOHSE: It's been moved and  
9 seconded to put Proposal 14 on the table; am I correct?  
10  
11 MR. CHURCHILL: (Nods affirmatively)  
12  
13 MR. WILSON: (Nods affirmatively)  
14  
15 CHAIRMAN LOHSE: Okay.  
16  
17 MS. STICKWAN: Aren't they combined?  
18  
19 REPORTER: Gloria.  
20  
21 CHAIRMAN LOHSE: Uh?  
22  
23 REPORTER: Gloria, please, your  
24 microphone.  
25  
26 MS. STICKWAN: Aren't they combined?  
27  
28 CHAIRMAN LOHSE: Well, they're not  
29 combined. If we do 14, then 15 becomes a nonissue. So  
30 in a way we're combining them but we have to put one  
31 proposal, I think, on the table, so this is Proposal 14.  
32  
33 MS. STICKWAN: Okay.  
34  
35 CHAIRMAN LOHSE: So Proposal 14 is:  
36  
37 The waters of the Copper River drainage  
38 down stream from Haley Creek and the  
39 waters of the Chugach National Forest,  
40 which later on was modified to Prince  
41 William Sound, residents of Cordova,  
42 Tatitlek and Chenega Bay.  
43  
44 And we have, for our deliberation, if we  
45 look at what was suggested, it would include the outlying  
46 people and Whittier.  
47  
48 So deliberations. Any comments. Any  
49 discussion.  
50

1 Tom.

2

3 MR. CARPENTER: Mr. Chairman. I've been  
4 thinking about this Whittier situation again and I think  
5 some of the concerns that were actually brought up in  
6 regards to some of the survey data, lake trout,  
7 steelhead, grayling, I just don't -- I'm having more and  
8 more of a problem with that data. I just don't think  
9 that those fish were harvested within this actual area  
10 we're talking about. I tend to believe they came more  
11 from the Kenai Peninsula, and I guess this gets back to  
12 my original point that I don't necessarily know if I want  
13 to include places that haven't proven to both the  
14 Regional Council and the Federal Subsistence Board that  
15 they have justifiable reasons for being able to harvest  
16 all these species of fish.

17

18 Now, they most definitely probably have  
19 cutthroat and rainbow trout but the rest of them I'm not  
20 sure of, so I don't know if we can incorporate them into  
21 this proposal just for that fact, at least that's  
22 the way I'm leaning towards now. All the rest of the  
23 communities that were suggested, Nuchak, Deep Bay,  
24 Boswell, Elimar, Two Moon Bay, Katella, all make  
25 perfectly good sense. But Whittier, I just don't believe  
26 that all the species in the freshwater that we're asking  
27 this C&T for they would necessarily qualify.

28

29 So that's kind of where I'm going right  
30 now.

31

32 MR. KOMPKOFF: Mr. Chairman.

33

34 CHAIRMAN LOHSE: Pete.

35

36 MR. KOMPKOFF: Yeah, I agree with Tom. I  
37 think the maker of the proposal did not include Whittier  
38 in this, right?

39

40 CHAIRMAN LOHSE: No, they didn't. Bob.

41

42 MR. CHURCHILL: Well, at this point I  
43 tend to not support this for a number of reasons,  
44 including what Tom had to say. I think the data is not  
45 sound, it isn't because somebody was sloppy, it's just  
46 where I travel through when I ask somebody if they took a  
47 trout, I'm really asking did they take a Dolly varden,  
48 and your comment, although, humorous, I think is a good  
49 point, did I take it out of a lake, then it's a lake  
50 trout. I think that the data on the biology leaves a lot

1 of questions. I'm not convinced that these species make  
2 up a significant portion of the subsistence harvest  
3 looking at the numbers and I just think it's just a  
4 little too broad in scope, so I don't intend to support  
5 this.

6  
7 I'm sure there's some merit here, but as  
8 it's written I don't intend to support it.

9  
10 CHAIRMAN LOHSE: Thank you, Bob. Tom.

11  
12 MR. CARPENTER: I'd just like to reaffirm  
13 that I am not opposed to this proposal, I'm just opposed  
14 to including Whittier as one of the communities that we  
15 would include with this C&T. I mean there is no doubt in  
16 my mind that all these communities in Prince William  
17 Sound, the freshwater species contribute significantly to  
18 their subsistence lifestyle and diet, I'm just not  
19 supportive of including Whittier because I don't know  
20 that that community has demonstrated that all the species  
21 included in this C&T, they have justifiable reasons for  
22 saying they came from the region we're talking about. I  
23 believe they came from a different region.

24  
25 So just to make my point clear.

26  
27 CHAIRMAN LOHSE: Thank you, Tom. Any  
28 other comments. Bob.

29  
30 MR. CHURCHILL: Yeah, just to follow up.  
31 Specifically I was referring to the chart on Page 93 of  
32 our book and it shows some very small quantities per  
33 capita pounds harvested over numerous years. So that's  
34 what I, when I talk about significance in portion what  
35 I'm relying on. And with that that's really all I have  
36 to say on it.

37  
38 CHAIRMAN LOHSE: Thank you, Bob. I'd  
39 like to point out something and I'm just going to point  
40 this out as a Chair, I'm taking a position one way or the  
41 other.

42  
43 But this proposal does not deal with  
44 species of fish, this proposal deals with freshwater  
45 fish. These are some of the freshwater fish or part of  
46 the freshwater fish that make up what the area  
47 communities have said they've harvested. We're not  
48 making determinations as to whether rainbow trout or  
49 Dollys or grayling or any of them as an individual  
50 species should be part of the C&T, we're trying to decide

1 whether or not freshwater fish, as a group, are harvested  
2 in sufficient quantities to be given a C&T determination.

3  
4                   And I was looking at the same thing that  
5 Bob was looking at and knowing background from the  
6 communities, I look at Cordova here and obviously  
7 grayling does not make a very big proportion of the  
8 subsistence take of freshwater fish in Cordova, there's a  
9 couple grayling ponds out the road that were stocked by  
10 Alaska Department of Fish and Game and I've caught  
11 grayling out of them, my kids have caught grayling out of  
12 them, if we had to live off the grayling we could catch  
13 in Cordova, people would go pretty hungry. But if you  
14 take a look at the total pounds of freshwater fish that  
15 are caught and you throw the Dollys and the cutthroats in  
16 and the grayling are part of the other fish that come out  
17 with the rest of the freshwater fish, you see that  
18 Cordovans use a fair amount of freshwater fish per  
19 capita, which is what we're discussing. The problem is  
20 if I go to Whittier, I see the same mix of fish, I don't  
21 see the same pounds per capita, if you add it all  
22 together. And the one fish that makes up the majority of  
23 the fish that are their freshwater fish that they say  
24 they're using aren't caught in Prince William Sound at  
25 that end of the Sound. And so I could apply that.

26  
27                   But I do want to remind us that we're not  
28 dealing with species of fish, we're dealing with  
29 freshwater fish as a whole.

30  
31                   And so we look at Tatitlek and if they  
32 count Dolly vardens that are caught in a lake as lake  
33 trout it really doesn't make any difference, it's that  
34 many pounds of freshwater fish whether they're the  
35 scientific classification for lake trout or whether  
36 they're Dollys caught in a lake, it really doesn't make  
37 any difference.

38  
39                   And I guess I have to go along with Tom  
40 on that, when I -- when the only thing that I can see  
41 with Whittier is that the species of freshwater fish  
42 that's their major species isn't caught in that side of  
43 the Sound, and I have a sneaking suspicion it's probably  
44 caught on the Kenai but I'm not positive of that and I  
45 can't say that for sure.

46  
47                   Any other discussion. Doug, what do you  
48 think on that?

49  
50                   MR. BLOSSOM: Mr. Chairman, if we're

1 going to use that argument, I guess, the subsistence  
2 people should get up here and explain to us how Whittier  
3 got this amount of fish then if it truly wasn't there  
4 they must have figured that out or, you know, this is  
5 written before us, is it true or not?

6

7

CHAIRMAN LOHSE: Helen.

8

9

MS. ARMSTRONG: As I said earlier the  
10 maps said nonsalmon species and it was -- and I didn't  
11 give it to you because I felt -- it was actually a  
12 decision we made to not show it to you because it was so  
13 confusing. It just showed lots of circles around areas  
14 without any designation of what the fish was so you  
15 really couldn't tell in Prince William Sound, there was a  
16 lot of use by Whittier in Prince William Sound, was that  
17 -- and they -- I mean and it wasn't -- they're not clear,  
18 it was hard to figure out, is this marine water, is this  
19 freshwater, so it really wasn't useful information. The  
20 only reason we knew that there was some use over outside  
21 of Prince William Sound, it was an assumption, it didn't  
22 say that's rainbow trout, it said nonsalmon and so there  
23 was an assumption that that might be rainbow trout in the  
24 -- outside of the Prince William Sound area. And I think  
25 those of you who live in the area know more where the  
26 fish are and you could say, well, yeah, that's probably  
27 rainbow trout.

28

29

I do want to remind you, too, that if you  
30 don't support this then the people there still have C&T,  
31 just as everyone else in the state who's rural has C&T,  
32 so you're not excluding people from being able to take  
33 freshwater fish in Prince William Sound, it's just that  
34 everyone else in the state can too.

35

36

CHAIRMAN LOHSE: Helen, can I ask.....

37

38

MR. BLOSSOM: Mr. Chairman, can I have a  
39 follow up.

40

41

CHAIRMAN LOHSE: Okay, you sure can,  
42 Doug, I have a follow up, too.

43

44

MR. BLOSSOM: I guess the point I'm  
45 trying to get at is that when you put this into writing  
46 it literally becomes the law. We look at this, it  
47 doesn't say assumptions, it says this is it and so I have  
48 to look at this and say, well, gosh, you know, Whittier  
49 has this and Cordova has this, and not coming from Prince  
50 William Sound I'm going to listen to the Prince William

1 Sound people that -- this is written, and it doesn't say  
2 assumptions, so.....  
3  
4 MS. ARMSTRONG: Well, it says.....  
5  
6 MR. BLOSSOM: You know, I grab this and I  
7 look at it and I say, well, this must be right.  
8  
9 MS. ARMSTRONG: It says Whittier  
10 residents harvested nonsalmon throughout Prince William  
11 Sound area and waters of Chugach National Forest,  
12 however, no specification was provided regarding which  
13 species of nonsalmon were harvested. It is assumed that  
14 some of these harvests are freshwater fish but the map  
15 was not clear enough to be certain. Some freshwater fish  
16 were harvested by Whittier residents in the Cordova area  
17 as well. It doesn't say what kind of fish so I think  
18 that's as much as I can tell you.  
19  
20 CHAIRMAN LOHSE: So Helen, I'm following  
21 up on what Doug said then. So this table that we're  
22 looking at, which is Table 4, where it says number  
23 harvested, this didn't come off of some kind of creel  
24 survey or anything like that, these were assumed that  
25 they caught 27 Dollys and 32 lake trout, 34 grayling and  
26 220 rainbow or did this come off of a 1992 survey?  
27  
28 MS. ARMSTRONG: This was a household  
29 survey done by ADF&G in 1992 but it does not say where  
30 those fish were harvested. But.....  
31  
32 CHAIRMAN LOHSE: Okay.  
33  
34 MS. ARMSTRONG: .....you have people  
35 here, I think from Whittier, maybe you need to ask the  
36 question of them where they take, if you want, I mean I'm  
37 just.....  
38  
39 CHAIRMAN LOHSE: No, the.....  
40  
41 MS. ARMSTRONG: Yeah.  
42  
43 CHAIRMAN LOHSE: No, my question was,  
44 these numbers are correct but it doesn't say where.  
45  
46 MS. ARMSTRONG: Where. Exactly.  
47  
48 CHAIRMAN LOHSE: When you did the  
49 household survey in Whittier these were the numbers you  
50 got so the numbers we can use?

1 MS. ARMSTRONG: Uh-huh.  
2  
3 CHAIRMAN LOHSE: But what you're saying  
4 is there weren't any solid definitions as to where these  
5 fish were taken but this was the household survey?  
6  
7 MS. ARMSTRONG: That's correct.  
8  
9 CHAIRMAN LOHSE: And so then that's where  
10 our assumption comes that if they took 220 rainbow trout,  
11 they probably didn't take them at that end of the Sound  
12 because they're not there but they didn't say that on any  
13 of their maps, see what I mean Doug?  
14  
15 MS. ARMSTRONG: Are there rainbow trout  
16 around Cordova?  
17  
18 CHAIRMAN LOHSE: Very, very few.  
19  
20 MS. ARMSTRONG: Okay.  
21  
22 CHAIRMAN LOHSE: You have to go across  
23 the Copper River. They got a few rainbow trout out of  
24 Nineteen Mile Creek when the Forest Service -- if I  
25 remember right with their weir there, you got a few  
26 steelhead, didn't you, at the Nineteen Mile weir, but  
27 only a very few?  
28  
29 MR. JOYCE: I think they were hybrids.  
30  
31 CHAIRMAN LOHSE: They were hybrids, hybrid  
32 cutthroats. Okay, and there's been an occasional hybrid  
33 cutthroat rainbow in Eyak River. But if you want rainbow  
34 trout you have to go on the other side of the Copper.  
35 And I don't think there are any known rainbow trout  
36 streams in Prince William Sound, and I can ask the  
37 Forest Service to collaborate on that. I don't think we  
38 have rainbows in Prince William Sound, Doug, see, that's  
39 what I'm getting at.  
40  
41 MR. BLOSSOM: Mr. Chairman.  
42  
43 CHAIRMAN LOHSE: Doug.  
44  
45 MR. BLOSSOM: I guess my answer to that  
46 then is I'm looking ahead and then Whittier's probably  
47 going to have a greater use of Cook Inlet rainbow than  
48 Cook Inlet residents, is that what I'm hearing as we go  
49 down the trail? I mean that's what I'm looking on ahead  
50 and if they didn't catch them in Prince William Sound,

1 then I guess they're going to say, well, they caught them  
2 in Cook Inlet, and that's our next place so that's what  
3 I'm looking at. Is I'm trying to pin where they catch  
4 these things and I'm seeing that down the trail.

5  
6 CHAIRMAN LOHSE: And you're right, Doug,  
7 and I guess that's why people from Prince William Sound  
8 were questioning when they looked at the table if -- and  
9 that's why I had to clarify what you were asking because  
10 I wanted to if that was an actual survey table or if that  
11 was an assumption and that is a survey table and the  
12 largest proportion of their fish are rainbow trout which  
13 you do have very -- unless they have a secret spot number  
14 1 over there that none of the rest of us know about,  
15 including the biologist, they have a hard time catching  
16 them in Prince William Sound.

17  
18 Thank you, Helen.

19  
20 MR. CARPENTER: Has this been put on the  
21 table?

22  
23 CHAIRMAN LOHSE: It's been put on the  
24 table, didn't we?

25  
26 REPORTER: (Nods affirmatively)

27  
28 CHAIRMAN LOHSE: Yeah, we had a first,  
29 and seconded and it's on the table.

30  
31 More discussion.

32  
33 MR. KOMPKOFF: Mr. Chairman.

34  
35 CHAIRMAN LOHSE: Pete.

36  
37 MR. KOMPKOFF: Mr. Chairman, I support  
38 this proposal with the exclusion of Whittier.

39  
40 CHAIRMAN LOHSE: Tom.

41  
42 MR. CARPENTER: Mr. Chairman, I believe  
43 that looking at the original 14, the proposal that was  
44 written asked for Cordova, Tatitlek, Chenega Bay and  
45 that's it.

46  
47 I'd like to offer up an amendment to  
48 Proposal 14 that would include the following communities  
49 for this C&T, Cordova, Tatitlek, Chenega Bay, Nuchak,  
50 Deep Bay, Boswell Bay, Elimar, Two Moon Bay and Katella.

1 MR. CHURCHILL: Second for purposes of  
2 discussion.  
3  
4 CHAIRMAN LOHSE: Okay, it's been moved  
5 and seconded to put an amendment to limit this proposal  
6 to the residents of Cordova, Tatitlek, Chenega Bay,  
7 Katella, Nuchak, Boswell Bay, Deep Bay, and I'm missing  
8 one.  
9  
10 MR. CARPENTER: Two Moon Bay.  
11  
12 CHAIRMAN LOHSE: Two Moon Bay. Are you  
13 also including the rural residents that are not in those  
14 communities that are residents of Prince William Sound?  
15  
16 MR. CARPENTER: Yes.  
17  
18 CHAIRMAN LOHSE: Okay. Discussion.  
19  
20 MR. BLOSSOM: Question on the motion.  
21  
22 CHAIRMAN LOHSE: Doug.  
23  
24 MR. BLOSSOM: Mr. Chairman. Mr.  
25 Carpenter. Including all the other rural residents of  
26 Prince William Sound you've again included Whittier.  
27  
28 CHAIRMAN LOHSE: Tom.  
29  
30 MR. CARPENTER: The intent of my motion  
31 is to include everybody but Whittier, and if you would  
32 like -- I was just trying to be politically correct and  
33 state it.....  
34  
35 (Laughter)  
36  
37 MR. CARPENTER: .....and state it in an  
38 obvious manner, but.....  
39  
40 (Laughter)  
41  
42 MR. CARPENTER: But the intent of my  
43 proposal is for all rural residents of Prince William  
44 Sound excluding the town of Whittier.  
45  
46 CHAIRMAN LOHSE: Does the second concur?  
47  
48 MR. CHURCHILL: Yes.  
49  
50 CHAIRMAN LOHSE: Now, discussion on the

1 amendment.

2

3 MR. KOMPKOFF: Question on the amendment.

4

5 CHAIRMAN LOHSE: Question on the  
6 amendment. Question's been called, all in favor of the  
7 amendment signify by saying aye.

8

9 IN UNISON: Aye.

10

11 CHAIRMAN LOHSE: All opposed signify by  
12 saying nay. Nay.

13

14 Okay, we have an amended motion on the  
15 table, do we have any other discussion on the motion.

16

17 (Pause)

18

19 CHAIRMAN LOHSE: James.

20

21 MR. SHOWALTER: Yes, I'm still kind of  
22 confused, I would have to say is on Valdez, a subsistence  
23 area and all they specify is freshwater fish, they aren't  
24 saying rainbows or anything like that, so that's ex --  
25 Whittier -- or Valdez, they include in this motion so  
26 that's why, you know, I can't see it, only I -- because  
27 they may have traveled westward to get their rainbows but  
28 they never had a report that they did or didn't so I got  
29 a little bit of a problem there excluding Valdez because  
30 they are also rural.

31

32 CHAIRMAN LOHSE: James, we can't include  
33 Valdez because they're classed as nonrural. Valdez is a  
34 nonrural community by definition.

35

36 MR. SHOWALTER: Okay, I thought they were  
37 considered rural.

38

39 CHAIRMAN LOHSE: No, they're.....

40

41 MR. SHOWALTER: Sorry about that.

42

43 CHAIRMAN LOHSE: The only rural community  
44 that we're talking, the other rural community is Whittier  
45 and so Valdez, we have no authority over including or  
46 excluding them.

47

48 MR. WILSON: Mr. Chairman.

49

50 CHAIRMAN LOHSE: Dean.

1 MR. WILSON: Now, I didn't get that  
2 portion straight about Whittier, did they ask to be put  
3 into this proposal, they didn't ask at all, we're just  
4 volunteering to include them.  
5  
6 MR. CARPENTER: We're not including them.  
7  
8 MR. WILSON: Well, in the modified  
9 proposal, they were voluntarily included, though.  
10  
11 MR. CARPENTER: That was the Staff's  
12 recommendation that they be included.  
13  
14 MR. WILSON: Yeah, okay, and there's  
15 nobody from Whittier as far as we know that is asking to  
16 be put into it?  
17  
18 MR. CARPENTER: Unh-unh. (Negative)  
19  
20 CHAIRMAN LOHSE: Helen, you had a comment  
21 on that.  
22  
23 MS. ARMSTRONG: I was told by a resident  
24 of Whittier when we put out for field review that there  
25 were uses in Prince William Sound of freshwater fish,  
26 that's why it got added.  
27  
28 CHAIRMAN LOHSE: Thank you, Helen. They  
29 weren't part of the original proposal, though, Dean.  
30  
31 MR. WILSON: Yeah.  
32  
33 MR. CARPENTER: Mr. Chairman, I call the  
34 question on the amended motion.  
35  
36 CHAIRMAN LOHSE: Any other discussion,  
37 otherwise the question's been called.  
38  
39 Dean.  
40  
41 MR. WILSON: Could you reread the  
42 proposal that we're looking at right now, reread it  
43 completely in its entirety.  
44  
45 CHAIRMAN LOHSE: The proposal that we're  
46 looking at right now says:  
47  
48 Waters of the Copper River drainage down  
49 stream of Haley Creek and waters of the  
50 Chugach National Forest, and, we, in our

1 original time said, in Prince William  
2 Sound, residents of Cordova, Tatitlek,  
3 Chenega Bay, Nuchak, Katella, Deep Bay,  
4 Boswell Bay, Two Moon Bay, and rural  
5 residents of Prince William Sound,  
6 excluding Whittier.  
7  
8 MR. WILSON: Okay.  
9  
10 CHAIRMAN LOHSE: Bob.  
11  
12 MR. CHURCHILL: Yeah, just a  
13 clarification. If I understood your earlier comment,  
14 currently all state residents have subsistence rights on  
15 all these freshwater fish as it sits; is that correct?  
16  
17 CHAIRMAN LOHSE: That's correct.  
18  
19 MR. CHURCHILL: And this motion would  
20 preclude all other communities not named in the proposal  
21 from having those subsistence rights?  
22  
23 CHAIRMAN LOHSE: Under Federal  
24 regulations.  
25  
26 MR. CHURCHILL: Yeah, under Federal  
27 regulations.  
28  
29 CHAIRMAN LOHSE: Right.  
30  
31 MR. CHURCHILL: Okay, thank you.  
32  
33 CHAIRMAN LOHSE: Question's been called.  
34 If there is no further clarification needed motion is on  
35 the table, all in favor signify by saying aye.  
36  
37 IN UNISON: aye.  
38  
39 CHAIRMAN LOHSE: All opposed signify by  
40 saying nay.  
41  
42 MR. SHOWALTER: Nay.  
43  
44 CHAIRMAN LOHSE: Motion carries.  
45  
46 MR. CHURCHILL: One abstention.  
47  
48 CHAIRMAN LOHSE: I'll abstain on this  
49 one, too, because I think that by excluding Whittier we  
50 -- I don't think we have good enough justification for

1 it. That's my comments on that one there, but I think  
2 the motion needs to pass.  
3  
4 James, do you want to say why you opposed  
5 it.  
6  
7 MR. SHOWALTER: Yes, I still think they  
8 should be included. I have to apologize when I said  
9 Valdez, I meant Whittier. And I think Whittier, like you  
10 indicated is rural and should stay in there even they're  
11 on the western shores of Prince William Sound, and they  
12 do have a harvest of freshwater fish but they're not  
13 indicating where they harvest it.  
14  
15 CHAIRMAN LOHSE: Thank you, James. With  
16 that, Proposal 14 passed, Proposal 15 is not necessary.  
17  
18 Shall we take a five minute break.  
19  
20 MR. CARPENTER: Yes.  
21  
22 CHAIRMAN LOHSE: The motion carried.  
23  
24 (Off record)  
25  
26 (On record)  
27  
28 MR. CHURCHILL: Mr. Chairman, would you  
29 accept a motion to go to lunch.  
30  
31 (Laughter)  
32  
33 CHAIRMAN LOHSE: Motion to go to lunch is  
34 no accepted at this point in time.  
35  
36 (Laughter)  
37  
38 MR. CHURCHILL: Okay.  
39  
40 CHAIRMAN LOHSE: If you're hungry, Bob,  
41 go get a donut.  
42  
43 MR. CHURCHILL: Oh, no, I'm not that  
44 hungry.  
45  
46 (Laughter)  
47  
48 CHAIRMAN LOHSE: Donald.  
49  
50 MR. MIKE: Thank you, Mr. Chair. Just to

1 give an update to the Council and to the public, if we  
2 extend to the third day on Thursday we'll be meeting in a  
3 different location, the Kenai Visitor's Center, it's just  
4 down the road about a mile. But I'll provide a map by  
5 tomorrow for everybody's benefit.

6  
7 Thank you, Mr. Chair. And I'll announce  
8 it again tomorrow.

9  
10 CHAIRMAN LOHSE: You're preparing for  
11 that by the rapid rate of speed with which we're  
12 accomplishing things, right?

13  
14 (Laughter)

15  
16 MR. MIKE: Pardon?

17  
18 CHAIRMAN LOHSE: I said you're preparing  
19 for that because of the rapid rate of speed with which  
20 we're accomplishing things, right?

21  
22 (Laughter)

23  
24 CHAIRMAN LOHSE: Okay, with this we're  
25 going to go on to Proposal 16. Jerry's going to present  
26 it to us. I'm missing Tom and.....

27  
28 MR. CHURCHILL: And Gloria.

29  
30 CHAIRMAN LOHSE: .....and Gloria. Jerry,  
31 let's give them a couple minutes to come here because  
32 this affects them both and so I just as soon they were  
33 both here.

34  
35 (Pause)

36  
37 MR. MIKE: Mr. Chair.

38  
39 CHAIRMAN LOHSE: Donald.

40  
41 MR. MIKE: Just more housekeeping on the  
42 comment sheet on the yellow sheet, the Cordova District  
43 Ranger comments did not apply as public comments, they  
44 were more towards the analysis and I apologize for that.

45  
46 CHAIRMAN LOHSE: Thank you, Donald.  
47 Okay, Proposal 16, Jerry.

48  
49 MR. BERG: Thank you, Mr. Chair. Members  
50 of the Council. You'll find Proposal 16 starting on Page

1 98 in your books.

2

3 Proposal 16 was submitted by the Copper  
4 River Prince William Sound Native Fishermen's Association  
5 and requests that Federally-qualified subsistence users  
6 be allowed to accumulate annual harvest limits of fish  
7 under Federal subsistence fishing regulations and Yeah.  
8 sportfishing regulations in the Prince William Sound  
9 area. The proponent is concerned that the current  
10 Federal regulations prevent any additional harvest or  
11 fishing opportunities for Federal subsistence users after  
12 they've taken their harvest limit with a Federal  
13 subsistence fishing permit.

14

15 There is a statewide Federal regulation  
16 that specifically prohibits Federal subsistence users  
17 from sportfishing for any fish species once they have  
18 taken their harvest limit under Federal subsistence  
19 regulations for that same species.

20

21 You may remember a similar proposal in  
22 2004 that was adopted by the Federal Subsistence Board  
23 after a recommendation from this Council to allow the  
24 accumulation of harvest limits for salmon in the upper  
25 Copper River drainage.

26

27 And I approached this proposal in two  
28 parts. Basically, one, looking at how it would impact  
29 salmon and the other how it would impact freshwater fish  
30 since the proposal does refer to all fish.

31

32 So if adopted the proposal would allow  
33 the accumulation of harvest limits for salmon in the  
34 remaining fresh waters of the Prince William Sound area  
35 under Federal jurisdiction and for freshwater fish the  
36 proposal would allow the accumulation of harvest limits  
37 for freshwater species in all fresh waters of the Prince  
38 William Sound area within Federal jurisdiction. State  
39 regulations do allow the accumulation of harvest limits  
40 for fish taken under State, sport, personal use and  
41 subsistence fisheries.

42

43 I think most of you are aware that  
44 there's basically two primary management areas in the  
45 Prince William Sound area and a Federal subsistence  
46 permit is available through the Park Service for the  
47 Copper River drainage or through the Forest Service for  
48 the remainder of the Prince William Sound area.

49

50 For that portion of the Prince William

1 Sound area within the Copper River drainage up stream of  
2 Haley Creek, the Park Service has issued over a thousand  
3 Federal subsistence salmon permits since 2002 and only  
4 five subsistence permits have been requested to harvest  
5 freshwater fish in this area, and those were issued in  
6 2003.

7  
8                   The Forest Service issued Federal  
9 subsistence permits for the first time this past season  
10 and they issued 46 permits to harvest salmon and  
11 freshwater fish.

12  
13                   Subsistence salmon harvest limits are the  
14 same under Federal and State regulations in both of these  
15 areas.

16  
17                   For freshwater fish, the subsistence  
18 harvest limits are stipulated on the permit for both  
19 State and Federal regulations.

20  
21                   Salmon harvested for subsistence must be  
22 marked as a subsistence caught fish. The permit must be  
23 in the user's possession while fishing and all fish must  
24 be marked on the permit prior to leaving the fishing  
25 site. That's for all fish, salmon and freshwater fish.

26  
27                   State of Alaska sportfishing regulations  
28 can be fairly complicated in many locations in the Prince  
29 William Sound area, as many of you know. I've summarized  
30 those regulations in the analysis and included a copy of  
31 the regulations as an appendix in the back of the  
32 analysis so I won't go over them here unless people have  
33 questions. We can try to answer them.

34  
35                   There are no specific State subsistence  
36 regulations for most freshwater fish species in the  
37 Prince William Sound area, and, therefore, stipulations  
38 are set by permit similar to the Federal regulations.  
39 The main difference being that rod and reel is a legal  
40 gear for subsistence harvest under Federal subsistence  
41 regulations in the Prince William Sound area.

42  
43                   I also included a little bit of  
44 information, a related regulation in Southeast Alaska, a  
45 Federal subsistence regulation states that within the  
46 Southeast area you may not possess subsistence taken and  
47 sport taken salmon on the same day. So I just put that  
48 in there because it is related to this issue and that's  
49 how they've dealt with it in the Southeast area.

50

1                    Since Federal subsistence fishing permits  
2 have only been issued for one year in the Prince William  
3 Sound area within the Chugach National Forest which is  
4 basically the Prince William Sound area other than the  
5 Copper River as we kind of had some of those discussions  
6 earlier this morning, it's difficult to estimate the  
7 harvest levels by Federally-qualified users in this area  
8 since this is the first year we've issued those permits.  
9

10                   For the upper Copper River drainage  
11 accumulation of harvest limits of salmon, as I mentioned,  
12 is already allowed. For freshwater fish there's only  
13 been one burbot harvested under five Federal permits that  
14 were issued and those were all issued, as I said, in  
15 2003.

16  
17                   As you all know recreational fishing is  
18 popular in the Prince William Sound especially along the  
19 road accessible areas. I've also included a summary of  
20 the various sportfishing harvest levels in the analysis  
21 and so I will not go over that in detail at this time  
22 unless there's some questions.

23  
24                   Aerial surveys are conducted to help  
25 assess salmon escapements and there do not appear to be  
26 any conservation concerns for Prince William Sound area  
27 salmon stocks at this time. Freshwater fish stocks have  
28 small populations and generally cannot sustain large  
29 harvest. Most of the harvest of freshwater fish in the  
30 proposed area occurs under State recreational fisheries  
31 and there appear to be sufficient protections for these  
32 stocks through gear and harvest limit protections.

33  
34                   There are no known conservation concerns  
35 for freshwater fish stocks at this time in this proposed  
36 area. The primary stocks that managers are most  
37 concerned about for freshwater fish are coastal cutthroat  
38 trout within the Chugach National Forest and lake trout,  
39 burbot, rainbow trout and steelhead in the rest of the  
40 Prince William Sound area. However, there appear to be  
41 sufficient regulatory protections of these stocks in  
42 place at this time.

43  
44                   This proposal would allow accumulating  
45 annual subsistence harvest limits of all fish in the  
46 Prince William Sound area with annual State sportfishing  
47 harvest limits. It would need to be made clear to those  
48 who choose to do so that they would need to comply with  
49 the requirements of each fishery. Participation in the  
50 sportfishery requires a license, obviously, and

1 sportharvest of chinook salmon also requires a chinook  
2 salmon stamp. Also most sportfishing harvest limits are  
3 daily limits and referring to annual limits as suggested  
4 in the proposal would not likely address the intent of  
5 the proposal. Those fishing under State regulations may  
6 take harvest limits of fish in both the State managed  
7 subsistence fishery and the sportfishery. The proposed  
8 Federal regulation change, if adopted, would parallel  
9 this opportunity for the harvest of fish in Federal  
10 subsistence fisheries.

11  
12 As I mentioned earlier, salmon taken with  
13 a Federal subsistence permit must be marked as a  
14 subsistence caught fish and so are distinguishable from a  
15 sport caught salmon. There is also the requirement that  
16 all fish taken must be recorded on the permit prior to  
17 leaving the fishing site and that permit must be in the  
18 possession of the user. This is the best way to  
19 distinguish a subsistence caught fish from a sport caught  
20 fish.

21  
22 The proposed regulatory change would have  
23 a minimal biological impact on the fish stocks in the  
24 Prince William Sound area since the accumulation of  
25 harvest limits is allowed for those using State permits,  
26 the change for Federally-qualified users would not be  
27 expected to result in a significant change in harvest  
28 patterns or harvest amounts. If this proposal change is  
29 not adopted then Federally-qualified users in the Prince  
30 William Sound area will continue to be prohibited from  
31 sportfishing for any fish species if they have taken  
32 their harvest limit under Federal subsistence regulations  
33 for that same species except for the salmon in the upper  
34 Copper River drainage which is already allowed.

35  
36 So, Mr. Chair, and Council members, our  
37 recommendation is to support the proposal with  
38 modification to delete the reference to annual harvest  
39 limits since there are daily harvest limits for most  
40 species in State sportfishing regulations and also the  
41 Federal in-season manager should be afforded the  
42 flexibility in certain situations to make any special  
43 provisions as needed, and so the phrase, unless otherwise  
44 specified on the permit is also a recommended  
45 modification.

46  
47 That's all I have, Mr. Chair, I'll be  
48 happy to try to answer any questions.

49  
50 Thank you.

1 CHAIRMAN LOHSE: Do we have any questions  
2 for Jerry. Tom.

3  
4 MR. CARPENTER: Yeah, Jerry, one  
5 question, aren't the or maybe Tim will have to answer  
6 this, I don't know, when you hand out a permit right now  
7 isn't the -- doesn't the permit authorize an annual limit  
8 for, say, if somebody wants cutthroat trout and you give  
9 them a permit, you tell them how many cutthroat trout  
10 they can go get, say 30 or whatever it is, would that go  
11 away?

12  
13 MR. BERG: No, that would not go away,  
14 that would still be the annual harvest limit for trout is  
15 specified on the Federal permit and that would remain in  
16 place.

17  
18 MR. CARPENTER: Okay. So when you say  
19 delete -- support with modification to delete reference  
20 to annual harvest limits, what does that mean?

21  
22 MR. BERG: Well, the original proposal  
23 was to you may accumulate annual Federal subsistence  
24 harvest limits with annual harvest limits under State of  
25 Alaska sportfishing regulations and most of the harvest  
26 limits are.....

27  
28 MR. CARPENTER: Daily.

29  
30 MR. BERG: .....daily limits.

31  
32 MR. CARPENTER: Okay.

33  
34 MR. BERG: So that's where I was  
35 referring to eliminating the word annual for that  
36 purpose. But there would still be a harvest limit on the  
37 Federal permit and that would not go away for trout.

38  
39 MR. CARPENTER: Okay.

40  
41 CHAIRMAN LOHSE: Thank you, Jerry. Tom,  
42 any other questions?

43  
44 MR. CARPENTER: (Shakes head negatively)

45  
46 CHAIRMAN LOHSE: I have two, Jerry, if I  
47 may. If I understood you correct, currently State  
48 regulations allow what this Federal proposed regulation  
49 seeks to allow, right?

50

1 MR. BERG: That's correct, Mr. Chair.  
2 Except that this Federal regulation allow rod and reel.

3  
4 CHAIRMAN LOHSE: And if I understand the  
5 way it currently is, we'll go back to Tom's hypothetical  
6 case, if you had a Federal sportfishing permit for  
7 cutthroat trout, we'll just say 15 of them, and you took  
8 that 15 cutthroat trout, under current regulations you  
9 would be prohibited from fishing for cutthroat trout for  
10 the rest of the year, sportfishing, right?

11  
12 MR. BERG: That's correct, Mr. Chair,  
13 yes.

14  
15 CHAIRMAN LOHSE: So what this would  
16 allow, this would allow you to go take your annual  
17 subsistence catch of your 15 cutthroat trout but you  
18 could fish for the other 355 days and catch your two a  
19 day?

20  
21 MR. BERG: That's correct, you could  
22 continue sportfishing even though you had taken your  
23 subsistence harvest limit under that permit.

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

27  
28 (No comments)

29  
30 CHAIRMAN LOHSE: Thank you, Jerry.  
31 Alaska Department of Fish and Game.

32  
33 MR. MILLER: Mr. Chair. Tom Taube is up  
34 here with me, Tom, do you want to introduce yourself,  
35 too.

36  
37 MR. TAUBE: For the record, Tom Taube,  
38 Alaska Department of Fish and Game, the area management  
39 biologist for the upper Copper River management area.

40  
41 MR. MILLER: He'll be here to answer  
42 questions on the upper Copper and to make sure that I  
43 read all of his parts.

44  
45 I'm going to be reading from our Fish and  
46 Game responses, I'm not sure what RC number it is but I  
47 believe you should all have this up in front of you  
48 someplace.

49  
50 It may be reasonable for Federally-

1 qualified subsistence users to harvest  
2 subsistence freshwater finfish and  
3 participate in a State sportfishery,  
4 however, it should be noted that hook and  
5 line is a legal Federal subsistence gear  
6 and that is a significant from State  
7 subsistence regulations and a point of  
8 inconsistency between the two sets of two  
9 regulations.

10  
11 This proposal does not align State and  
12 Federal subsistence regulations.

13  
14 Creating a new fishery on fully allocated  
15 stocks could have a significant impact on  
16 fish stocks. The fact that the number of  
17 permits requested from three to 43 in  
18 2004 suggests that there's a significant  
19 interest in this fishery. This interest  
20 may be based on the opportunity for  
21 Federally-qualified users to harvest  
22 large numbers of salmon in the fresh  
23 waters with hook and line, thus it is not  
24 a given that the harvest numbers for 2005  
25 will be relatively low.

26  
27 The Department believes it is inaccurate  
28 to assume that this regulation will not  
29 change harvest patterns or harvest  
30 levels. Allowing users to aggregate  
31 limits from different fisheries while  
32 using the same gear type would create  
33 enforcement problems for both fisheries.

34  
35 This proposal also applies to the entire  
36 Copper River. The Department has  
37 concerns regarding accumulation of  
38 subsistence and sport limits of burbot  
39 and lake trout due to the potential of  
40 over-exploitation of the long-lived, low  
41 production species.

42  
43 Under State regulations subsistence and  
44 sport limits are cumulative for fresh  
45 water species and salmon but in the upper  
46 Copper area the majority of fresh water  
47 subsistence permits are issued for  
48 whitefish taken for gillnets. The State  
49 issued three permits over the last three  
50 years for freshwater fish in the mainstem

1 Copper River, burbot, grayling, Dolly  
2 varden using fyke traps, but harvests  
3 have been minimal and these were during  
4 open water periods and the permit holders  
5 were checking the traps when they checked  
6 their fishwheels. Since rod and reel is  
7 not a legal subsistence gear under State  
8 regs in the Copper River drainage State  
9 subsistence fishers for freshwater fish  
10 are not inclined to accumulate a sport  
11 and subsistence limit. Also since most  
12 whitefish permits with liberal limits,  
13 1,500 fish, permit holders do not try to  
14 catch whitefish by rod and reel at the  
15 same time.

16  
17 Allowing accumulation of subsistence and  
18 sport limits of burbot and lake trout  
19 might be acceptable if the subsistence  
20 limits were identical to the State sport  
21 limits, otherwise there may be some  
22 conservation issues in certain lakes.

23  
24 Another option would be to require that  
25 the sport limit be taken from a different  
26 body of water than the subsistence limit.  
27 Subsistence limit is generally based on  
28 the Federally-delegated official's  
29 knowledge of the lake or in conference  
30 with the State personnel and should  
31 factor in current sport harvest levels  
32 when the subsistence permit limit is set.  
33 State sport regulations are set to manage  
34 those fisheries to provide sustainable  
35 harvest under the sport bag limits and  
36 generally do not factor in subsistence  
37 harvest in addition to sport harvest.  
38 Accumulation of subsistence and sport  
39 harvest could require future adjustment  
40 to sport regulations if subsistence  
41 harvests are high for burbot and lake  
42 trout.

43  
44 If a concern for a particular species  
45 does arise in an area, the Federal permit  
46 could be modified in-season or in  
47 subsequent years if needed, the State  
48 doubts Federal permits will be modified  
49 in-season because there's no in-season  
50 harvest information available from them.

1 If the Federal-delegated official does  
2 intend to make in-season adjustments to  
3 the permits there should be clearly  
4 articulated criteria, standards, and  
5 process for how this will occur. There  
6 also needs to be a clear definition for  
7 what constitutes a conservation concern  
8 that will trigger such action. The use  
9 of the term, conservation concern, may be  
10 unclear to State managers and users alike  
11 since its usage in this analysis is  
12 inconsistent with the State's definition.

13  
14 Thank you.

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

18  
19 MR. CARPENTER: Yeah, Matt, thanks. Does  
20 the State allow rod and reel as a means of harvest for  
21 subsistence anywhere else in the state?

22  
23 MR. MILLER: Mr. Chair. Tom. I think  
24 so, I think in the Yukon and the Kuskokwim. I'm sure  
25 some other -- I'm not familiar with those fisheries but  
26 they do use rod and reel as a legal subsistence --  
27 Federally-subsistence means and methods in other parts of  
28 the state.

29  
30 MR. CARPENTER: I guess I'm just curious  
31 as to why the State would allow it in some parts of the  
32 state and not others?

33  
34 MR. MILLER: I wasn't at those meetings.

35  
36 MR. CARPENTER: I'm just curious.

37  
38 MR. MILLER: Tom, do you know?

39  
40 CHAIRMAN LOHSE: Tom.

41  
42 MR. TAUBE: Mr. Chairman. Tom. Tom  
43 Taube. Basically the reason for it is the Yukon and  
44 Kuskokwim drainage, it was already going on and it was  
45 kind of a more enforcement thing, there's limited  
46 enforcement out in that area, and since it's already kind  
47 of been adopted as a traditional means they just  
48 basically made it legal since it wasn't being enforced.  
49 They found that in the villages out there, people were  
50 using rod and reel in addition to their normal

1 subsistence gear.

2

3

CHAIRMAN LOHSE: Tom.

4

5 MR. CARPENTER: I guess my question, it  
6 seems to me that if the State was worried about too much  
7 harvest using rod and reel, would the State rather let  
8 them have a net in the water? I mean you know what I'm  
9 saying, it's like, like in the Yukon, for example, if  
10 they were harvesting salmon with a rod and reel for  
11 subsistence purposes already, I mean you would much  
12 rather, if you were worried about a conservation concern,  
13 have them do that than put some type of fyke net or trap  
14 or fishwheel or gillnet in the water. I mean the amount  
15 of overharvest possibilities are completely different.

16

17

18 MR. MILLER: Mr. Chair. Mr. Carpenter.  
19 Well, yes and no, I mean potentially not. I think the  
20 State's position on this right now is that the  
21 subsistence needs are probably being met right now,  
22 certainly in the Cordova area and Prince William Sound in  
23 general where this would affect, because if they're not  
24 then there would have been a system under the State  
25 system to go request a permit for additional harvest  
26 opportunities. And in the past, I believe, it's four or  
27 five years, there have been three of those permit  
28 applications applied.

28

29

30 So first of all, I'm not sure where the  
31 need for this is. And it kind of actually goes outside  
32 of what this proposal is looking for, because the main  
33 objection is -- I mean as we started out, nobody that I  
34 know has any objections to somebody going out and doing  
35 their subsistence fishing, doing their work, getting  
36 their fish and then going out the next day and doing some  
37 recreational fishing. That's perfectly reasonable.

37

38

39 Where it gets very messy, where it  
40 becomes an enforcement issue is when you start having  
41 somebody out there who's hook and line fishing and, then,  
42 well, I've got these fish, well, okay, now I'm going to  
43 do subsistence, well, the fishing is really hot I'm going  
44 to keep fishing. I think, yes, the potential is higher  
45 for overharvest there than it would be the guy going out  
46 and setting his nets. Sometimes you get your fish out  
47 there, sometimes you don't. But if the sportfishing's  
48 hot, sure, I might as well stay out here, there's nothing  
49 to stop me now.

49

50

There's a great deal of confusion with

1 the two gear types, between subsistence fishing and when  
2 you're recreational fishing. I'm not sure how they deal  
3 with it on the Kusko.

4  
5 MR. CARPENTER: Do freshwater fish have  
6 to be marked like salmon, you know, if the -- say,  
7 cutthroat, for example, like in a subsistence fishery  
8 under the State you have to clip the fin, that  
9 differentiates between a subsistence caught fish and say  
10 a commercially caught fish or a sport caught fish, if the  
11 fins were clipped like that and enforcement could  
12 differentiate between sport caught and subsistence caught  
13 fish, would the enforcement problem go away?

14  
15 MR. MILLER: Mr. Chair. Mr. Carpenter.  
16 Yeah, I don't think so. Certainly not entirely. Correct  
17 me if I'm wrong but there is a requirement in here to  
18 clip the fins so that you can tell the difference between  
19 the two fish.

20  
21 Part of it is that there's no in-season  
22 reporting so I'm not sure how you're going to be  
23 confirming that dad's not out on the flats during a  
24 subsistence opener while junior's out on Evak yarding  
25 them in (ph), I don't know how you would tell any of  
26 that.

27  
28 And, again, just the point of besides  
29 saying, okay, now, I'm subsistence fishing, now, I'm  
30 recreational fishing, saying well the fishing's good, let  
31 me pull out another permit, let me just keep fishing out  
32 here, it's just -- I think it's going to cause some  
33 enforcement issues.

34  
35 CHAIRMAN LOHSE: Thank you. Just a  
36 couple of comments on that. I think you're 100 percent  
37 correct because we can see that happening right now  
38 during the silver season just strictly with the fact that  
39 people go out and catch a limit in the morning, catch the  
40 limit in the afternoon, catch the limit in the evening,  
41 if they didn't get checked in the morning, if they didn't  
42 get checked in the afternoon or they didn't get checked  
43 in the evening, and I can see if you could use the same  
44 gear for subsistence and sportfishing, you could go out  
45 sportfishing and catch your subsistence limit and if you  
46 didn't get checked you'd just go out sportfishing the  
47 next day and catch your subsistence limit and go out  
48 sportfishing the next day. But if you happened to get  
49 checked you -- instead of having six fish or three fish,  
50 which is the legal sportfishing limit, you've got 15 fish

1 sitting there and you can say, well, this is my  
2 subsistence catch. And even if you mark the fins on  
3 them, the fact that you're using the same gear type, you  
4 could do the same thing. You could mark the fins on them  
5 and have your 15 fish, take them home, if nobody checked  
6 you that day, you hadn't subsistence fished, you were  
7 just out sportfishing and you could continue.

8  
9 And we've seen -- to me that's one of the  
10 enforcement issues we have in Cordova right now with what  
11 we've seen going on with the fall silver fishery, both  
12 with the -- and I'll say the problem is not limited to  
13 nonresidents, it's there with the nonresident fly-in  
14 fisherman and the fact that they can put fish up and once  
15 they become processed they're not part of their daily bag  
16 limit, they go back out and catch another one but it's  
17 also a problem with some of the local residents too, they  
18 do.

19  
20 When you go out to the airport and you've  
21 got somebody that's been there for two and a half weeks  
22 and he's leaving on the airport [sic] and he's got 11  
23 boxes of silver salmon fillets, there's a problem, and  
24 we've seen that and we know that it happens. And I can  
25 see where something like this -- I see your issue with  
26 having the same gear type. I never thought of that one  
27 before, but with the same gear type this accumulation  
28 really opens the door to everyday your limit is what your  
29 biggest permit is and if you didn't get checked it's  
30 still your limit tomorrow. And I'm not saying that very  
31 many people will take advantage of it, but you and I both  
32 know that some people will take advantage of it, you  
33 know.

34  
35 So I never thought of that one before.

36  
37 Doug.

38  
39 MR. BLOSSOM: Mr. Chairman. I have  
40 watched that for 60 years and I disagree with you. I  
41 think it's much wiser to let them pick the fish out of  
42 the water one fish at a time. If they're going to be  
43 illegal it's easier to watch than if they put a net in  
44 the water and they either catch no fish or they catch a  
45 pickup load, and I'm not exaggerating. I've watched it  
46 time after time in Cook Inlet, when you go down there and  
47 put a piece of net out and catch a pickup load. And  
48 that's -- and if they don't catch those people they can  
49 be doing it time after time, too. So I always think it's  
50 wiser to give a person a method that they can tally as

1 they go along what they're doing. If they're going to be  
2 illegal they're going to do it much worse with a net than  
3 they will with a hook and line.

4  
5 So I think that's the other side of the  
6 coin. And I'm not saying it hypothetical, I've seen it  
7 happen so many times. You know, they have an  
8 educational net off Ninilchik, and I know there was one  
9 instance this fall, they went down and put it out and  
10 before they could get it back they had a pickup load of  
11 silvers, okay, they didn't intend to do that but a net  
12 does not catch the right amount at the right time. It's  
13 designed to catch a net full and that's where I disagree  
14 with you.

15  
16 CHAIRMAN LOHSE: Any other questions.  
17 Dean.

18  
19 MR. WILSON: Just to clarify. Now, this  
20 Prince William Sound also includes all of the Copper  
21 River area, right?

22  
23 MR. TAUBE: Mr. Chairman. Mr. Wilson.  
24 Yes, this proposal would include all the way up to, you  
25 know, the upper Copper, Batzulnetas area, this would be  
26 the entire Copper River drainage, yes.

27  
28 MR. WILSON: And your main reason for not  
29 supporting it is for conservation reasons for -- as it is  
30 right now the subsistence users can use their subsistence  
31 means only and what this means is they would be able to  
32 go back and forth while -- well, like standing on a  
33 fishwheel they can be casting up into a stream or  
34 whatever, that would be -- this would allow that?

35  
36 MR. TAUBE: Yes, Mr. Chairman. Mr.  
37 Wilson. Yes. That would allow someone to use  
38 subsistence gear and at the same time be fishing with  
39 sportfishing gear, you know, as stated in our comments,  
40 you know, the primary concern is probably in Prince  
41 William Sound area, and Matt can correct me if I'm wrong,  
42 it's probably the rainbow trout, even the salmon issue  
43 and while in the upper Copper, we probably don't have  
44 concerns with whitefish and grayling but primarily with  
45 burbot and lake trout.

46  
47 CHAIRMAN LOHSE: Dean.

48  
49 MR. WILSON: Is there any reason why  
50 somebody would want to, other than just for sport

1 reasons, why would somebody want to go with rod and reel  
2 if they were using a net or if they were using a  
3 fishwheel, why would they want to do it other than  
4 sportfishing reasons?  
5

6 MR. MILLER: Mr. Chair. I guess I'm a  
7 little unclear of the question, why would they want to  
8 use hook and line as a subsistence means?  
9

10 MR. WILSON: Yeah, if they're already  
11 using a net or a fishwheel, why would they want to use a  
12 hook and line.  
13

14 MR. MILLER: Because it's more fun.  
15

16 CHAIRMAN LOHSE: Tom.  
17

18 MR. CARPENTER: Yeah, Dean, one of the  
19 other things is, is below Haley Creek, the only way that  
20 you can harvest fish under a Federal permit is rod and  
21 reel, dipnet or like spear.  
22

23 MR. TAUBE: Spear.  
24

25 MR. CARPENTER: So see the regulations  
26 north and south of Haley Creek once again are different  
27 but this proposal addresses the whole thing so, you know,  
28 it's a hard proposal to go with just because it's so  
29 broad in spectrum.  
30

31 CHAIRMAN LOHSE: Can I ask.....  
32

33 MR. CHURCHILL: Speaking of fishing.  
34

35 (Laughter)  
36

37 CHAIRMAN LOHSE: Can I ask you a  
38 question, from what I understood, the biggest objections  
39 are to have this accumulation take place on the same day  
40 or in the same body of water, it's not so much that --  
41 I'll just use myself as a hypothetical, not saying that  
42 I'll do it, but let's say if I lived in Cordova and I go  
43 -- where Tom lives in Cordova, he goes and gets himself a  
44 whitefish, cutthroat trout permit to put a gillnet in  
45 Eyak Lake and he gets 30 whitefish and he gets 10  
46 cutthroat trout and 10 Dollys as part of his permit and  
47 he catches those, under current regulations if he does  
48 that then he -- if I understand correct, then it is  
49 against those regulations for him then to take a rod and  
50 reel out the next day and go cutthroat trout fishing and

1 catch two cutthroat trout.

2

3 MR. MILLER: Mr. Chair, if I'm following  
4 you, that is correct. And I think Tom and I have a  
5 couple of different objections to this, but that does  
6 cover my concern. We don't have any problem with  
7 somebody going out, setting out a gillnet, getting their  
8 whitefish and then going out the next day and going trout  
9 fishing or even subsistence fishing for trout with hoop  
10 trap, with a spear, whatever they're doing, and then  
11 going out and hook and line fishing, sportfishing, but  
12 when you're combining the two under the same gear type,  
13 it causes some inconsistency.

14

15 CHAIRMAN LOHSE: So your objection is to  
16 the gear type not the same time, see that's what I was  
17 thinking is my objection to this would be the fact that  
18 by taking part in this fishery you have closed yourself  
19 down from fishing for the rest of the year with a rod and  
20 reel, but your objection is to the fact that if you're  
21 using the same gear type it's hard to differentiate, but  
22 if -- now, what would be, if on a day that you were  
23 subsistence fishing that you could not sportfish on that  
24 day, but once you caught your sportfish annual limit you  
25 could sportfish on the other 340 days out of the year  
26 under sportfish regulations; would there be an objection  
27 to that?

28

29 MR. MILLER: I'm sorry, could you say  
30 that one once again.

31

32 CHAIRMAN LOHSE: Well, let's use Tom  
33 again for a hypothetical case. He goes out and he  
34 catches his 30 whitefish, his 10 Dollys, his 10  
35 cutthroats and he did that on November 10th, and now it's  
36 December 1st and he decides he wants to go cutthroat  
37 fishing again, under the current regulations he can't go  
38 cutthroat fishing with his rod and reel, but would there  
39 be any objections to changing these regulations so that  
40 he can accumulate his yearly bag limit that he took under  
41 subsistence and then when that's accumulated, on other  
42 days he could go out and he could go sportfishing.

43

44 MR. CARPENTER: Just not the same day.

45

46 CHAIRMAN LOHSE: Just not the same day.  
47 Not the same day, not the same -- in other words, you  
48 couldn't participate in two fisheries at the same time at  
49 the same place.

50

1 MR. MILLER: Mr. Chair. That would  
2 certainly address the issues that I would have for the  
3 lower -- for Prince William Sound by separating it --  
4 again, just to try and recap and make sure I have this  
5 right, that you couldn't get your Federal subsistence  
6 limit and then go out recreationally fishing that same  
7 day, even if you're using the same gear type then at  
8 least it's separating the two events so that you're not  
9 doing them at the same time, it clears up the regulatory  
10 issue.

11  
12 CHAIRMAN LOHSE: Uh-huh.

13  
14 MR. MILLER: I don't see any problem with  
15 that, it takes care of the regulation and it still allows  
16 people to participate in both of the fisheries.

17  
18 Tom wanted to mention something about  
19 burbot up river.

20  
21 MR. TAUBE: Mr. Chairman. For an example  
22 for say, burbot fishery in this same situation would be  
23 Copper Lake, someone gets a permit from Eric Veach for 20  
24 burbot, if it stays the way it's written now, then they  
25 could put out 20 lines for their subsistence, they'd be  
26 closely attended whether they be tip ups or not, and if  
27 they went out there with a family of four, they could put  
28 out five lines per each individual and essentially take  
29 40 burbot in that day as opposed to just 20 under  
30 subsistence. The concern we have is that's basically  
31 with a sport limit, that's double what they'd take, and  
32 probably double what they'd take for the entire season.  
33 And similar situation with lake trout, now if they took  
34 that on a different day on a different lake, it probably  
35 wouldn't be the issue. These lakes can't sustain a lot  
36 of harvest for burbot and lake trout. And that's the  
37 concern for the up river, but like I said it's not an  
38 issue with whitefish or grayling but primarily those two  
39 other species.

40  
41 CHAIRMAN LOHSE: Yeah, Tom, but that --  
42 okay, we'll use my family for an example there then.

43  
44 MR. TAUBE: Okay.

45  
46 CHAIRMAN LOHSE: So there's five of us in  
47 a family, we're allowed how many lines under  
48 sportfishery?

49  
50 MR. TAUBE: It depends on the bag limit.

1 for burbot it depends on the bag limit for that lake,  
2 it's either five or two.

3

4 CHAIRMAN LOHSE: Okay. Well, let's say  
5 we're fishing a lake with five fish, so we're allowed 25  
6 lines. But under current State sport regulations we can  
7 put 25 lines out today and we can do that for 356 days  
8 out of the year, can't we?

9

10 MR. TAUBE: That's correct.

11

12 CHAIRMAN LOHSE: Now, what would happen  
13 if -- let's say my family then says okay we want a  
14 subsistence permit for 20 burbot and we go out today and  
15 we put out our 20 lines and we catch our 20 burbot under  
16 our subsistence permit, then currently we couldn't fish  
17 burbot for the rest of the year because we've just taken  
18 our annual harvest. Where if we went sportfishing we  
19 could take, and I'm not saying we would, but we could  
20 take 25 lines -- or 25 burbot a day for 356 days. Now,  
21 if we took our 20 today and we weren't allowed to  
22 sportfish at the same time that we're taking our 20 then  
23 tomorrow we could still put 25 lines out and the day  
24 after we could put 25 lines and the day after we could  
25 put 25 lines out, the impact on the lake is still the  
26 same, there's really -- the fact that we went -- if we  
27 couldn't subsistence fish and sportfish at the same time,  
28 because the only advantage to subsistence fishing and  
29 sportfishing at the same time would be we could add  
30 another 25 lines for that day, but over the course of the  
31 whole year, it really won't make any difference because  
32 more than likely we're not going to set 25 lines a day  
33 for 356 days out of the year but technically speaking we  
34 could so under the sportfish regulations we have more  
35 opportunity to take burbot than under the subsistence  
36 regulations and if we take the subsistence regulations we  
37 limit our sportfish regulations.

38

39 I can see the enforcement problem of  
40 doing both at the same time, but I can't see conservation  
41 issue because we're not going to take -- we're probably  
42 not going to give any a subsistence limit that's bigger  
43 than their opportunity to take sportfishing.

44

45 MR. TAUBE: I guess, Mr. Chairman, the  
46 issue with that is that by limiting it in a given day,  
47 you might not go back the next day and use your sportfish  
48 limit so that's where the opportunity is in a given day  
49 is that you're doubling your fishing effort in one day,  
50 and, you know, if you're going in and it's not a lake --

1 it might just be a weekend trip that you're going, and  
2 that's just for the season, you're not going to come back  
3 five days and when you're looking at the upper Copper,  
4 most of those are remote lakes and Long Lake, for  
5 example, you know, five permits or three permits caught  
6 one burbot, we went out and set 42 traps in two days and  
7 caught seven burbot, and so we have a history of where,  
8 you know, increased effort and even though it's not set  
9 lines anymore, it's still closely attended lines, the  
10 more lines you put out the more fish you're going to  
11 catch.

12

13 CHAIRMAN LOHSE: Right. Dean.

14

15 MR. WILSON: Yeah, I've seen that before,  
16 I guess it was Moose Lake and Tolsina Lake where they  
17 were hit hard because people can move in, lay out a bunch  
18 of lines and they ended up having to shut it down for  
19 years before it came back, burbot just aren't real  
20 plentiful in these areas where there is easy access and  
21 you have to be real careful with that.

22

23 CHAIRMAN LOHSE: Bob.

24

25 MR. CHURCHILL: Yeah, thank you for  
26 coming. I'd like it, if you could expand a little bit on  
27 the fact that the permits, if I'm understanding this  
28 correctly, for salmon and freshwater went from three to  
29 43 in 2004, I mean that seems to be a horrendous jump,  
30 the dynamics, why that is, what's going on?

31

32 MR. MILLER: Mr. Chairman. Mr.  
33 Churchill. What that's in reference to is before -- 2004  
34 was the first year that there was a request for a Federal  
35 subsistence permit. They've been available but nobody  
36 ever requested them until 2004. Previous to that the  
37 subsistence means for the area were met through the State  
38 subsistence fishery, even through the regularly set  
39 subsistence openers or if additional needs were met  
40 [sic], then individuals would go to the Commfish manager,  
41 which at the time was Dan Ash, and say, I'm requesting a  
42 permit for this, I need to go get some whitefish, I want  
43 to go set a gillnet, et cetera, et cetera, that's what  
44 that's in reference to.

45

46 So for subsistence permits, through the  
47 Department, there were three of them over the last five  
48 years, I believe.

49

50 In 2004, suddenly the number of

1 subsistence permits that were requested from the Federal  
2 subsistence were 43 of them. So either subsistence needs  
3 suddenly jumped in 2004 or there was a fishery, a Federal  
4 fishery that opened up that got people's interest for one  
5 reason or another.

6  
7 We're suggesting that a big part of that  
8 was because local residents would then be allowed to go  
9 out and use hook and line in order to do their Federal  
10 subsistence on areas that are already pretty touchy  
11 fisheries.

12  
13 Does that answer your question?

14  
15 MR. CHURCHILL: Yes. Thank you very  
16 much.

17  
18 CHAIRMAN LOHSE: Thank you, Bob. Any  
19 other questions. Doug.

20  
21 MR. BLOSSOM: Mr. Chairman, just one more  
22 short comment, you know, as to the hook and line versus  
23 net thing. They're supposed to cut the lobes off their  
24 fish immediately when they're subsistence fishing anyway  
25 so they're supposed to be marked. If they're going to  
26 fish illegal you just remember that you can catch a whole  
27 lot more with a net than you can with a hook and line, so  
28 if we're going to talk about legal versus illegal, that's  
29 real important.

30  
31 But I don't think that's what this issue  
32 is about. I don't -- we're just strictly saying that  
33 when you get your Federal annual limit then you can go  
34 sportfish the rest of the year.

35  
36 CHAIRMAN LOHSE: Jerry.

37  
38 MR. BERG: Mr. Chair. There's a lot of  
39 issues kind of swirling around here. You know, I think  
40 Doug's perfectly right, you know, if you get a Federal  
41 permit you're required to record those fish on your  
42 permit before you leave your site, it doesn't matter what  
43 gear you're using. If you're using a rod and reel and  
44 you have 15 fish laying in front of you, you're going to  
45 have to record those on your permit, you're supposed to.  
46 I mean there are people, you know, that might try to get  
47 around the law, but you're supposed to record those on  
48 your permit before you leave the site. And then you  
49 could, I mean I guess you could have 18 there and then  
50 you'd have to have 15 on your permit and three could be

1 for sportfish, you could do that under Federal  
2 regulations if this were allowed, and currently you  
3 cannot. But you could -- you can go out under State  
4 regulations with a net, a State permit and a net and get  
5 your fish for the day and then continue to sportfish that  
6 same day but you cannot under Federal regulations.

7  
8                   And it does come down to the use of rod  
9 and reel, and I think for these few species that we have  
10 concern for, and that's why we put the provision in there  
11 that the Federal in-season manager could make special  
12 provisions on a permit for some of these species, that  
13 may say well you could only take certain species with  
14 certain types of gear or they might limit it to a reduced  
15 harvest limit if they thought that people might be using  
16 rod and reel to target those species.

17  
18                   So we tried to address those concerns  
19 understanding that there is some concern there but they  
20 do have to record those fish on their permit before they  
21 leave the fishing site, so they should be identifiable  
22 whether it's a subsistence caught fish or a sport caught  
23 fish at the fishing site by the law enforcement people.  
24 But only salmon have to be marked, freshwater fish don't  
25 have to be marked under current regulations.

26  
27                   Thank you, Mr. Chair.

28  
29                   CHAIRMAN LOHSE: Thank you, Jerry.

30  
31                   Now I've got a question I've got to ask  
32 Tom. And to see if I understood you correct first of  
33 all. Under State regulations at this point in time, if  
34 you have a subsistence permit, you can catch that limit  
35 of subsistence fish and then sport fish on the same day  
36 for additional fish of that type. Does that apply to all  
37 fish, or does that just apply to salmon under State  
38 regulations?

39  
40                   MR. TAUBE: Mr. Chairman, under State  
41 regulations you can accumulate, whether it's whitefish,  
42 grayling, burbot, salmon, your subsistence limit and your  
43 sport limit.

44  
45                   CHAIRMAN LOHSE: In the same day?

46  
47                   MR. TAUBE: In the same day. It  
48 generally doesn't happen. People are using a fish wheel,  
49 they're catching their fish in the fish wheel, they're  
50 cleaning fish. The last thing they want to do is go try

1 to rod and reel another fish. Someone using whitefish,  
2 you know, gillnet, they're catching whitefish. They may  
3 go sportfish for lake trout while that net's fishing, but  
4 they are not, you know, fishing for whitefish, or they're  
5 not accumulating generally the State -- you know, a State  
6 sport limit and a subsistence limit.

7  
8 CHAIRMAN LOHSE: Okay. Now I'm going to  
9 go -- we'll go back to our hypothetical case. We'll go  
10 back to burbot. Does the State have a subsistence season  
11 for burbot? Can you get a -- can you get a State  
12 subsistence permit for burbot today?

13  
14 MR. TAUBE: In the upper Copper River  
15 drainage, you can get a State subsistence permit for  
16 burbot, not using rod and reel. It could be a fyke trap,  
17 it could be a gillnet which you won't catch many fish in,  
18 or, you know, it would be specific, depending upon what  
19 gear.

20  
21 CHAIRMAN LOHSE: But you can get a State  
22 subsistence permit for burbot today?

23  
24 MR. TAUBE: Yes.

25  
26 CHAIRMAN LOHSE: And technically  
27 speaking, you could get a State subsistence permit for  
28 burbot, let's just -- we'll use my family for a  
29 hypothetical again, and we decide we're not going to do  
30 Long Lake, because we know there aren't enough burbot  
31 there, but we're going to go across the Chitina, and  
32 we'll go to one of the lakes over there. And we get a  
33 State subsistence permit to put in a fyke trap. Can we  
34 then legally put the fyke in and put -- let's say the  
35 limit on that lake's five, and I don't know if it is, but  
36 it's five, and we can each put five lines in at the same  
37 time. So we can be fishing subsistence at the same time  
38 that we're fishing sport under State -- current State  
39 regulations. We're just using two different gear types,  
40 but we can be doing both at the same time under State,  
41 but we can't do that under Federal.

42  
43 MR. TAUBE: Yes, you can.

44  
45 CHAIRMAN LOHSE: And hook and like is  
46 more effective than a fyke trap?

47  
48 MR. TAUBE: Actually a baited fyke trap  
49 would -- because you're fishing it for a longer duration  
50 of time would be more effective probably than --

1 depending upon the density of burbot in the lake, you  
2 know, there's a bunch of factors which we can talk about.

3

4 MR. MILLER: Turn that off.

5

6 (Laughter)

7

8 CHAIRMAN LOHSE: Right. That's what I'm  
9 getting at. So what we're saying is right now Federal  
10 regulations are more restrictive than State regulations  
11 at this current point in time, and that under current  
12 State regulations, you can accumulate a subsistence limit  
13 caught with some method or means, and a sport limit  
14 caught with a rod and reel at the same time?

15

16 MR. TAUBE: Yes, you can. I might add  
17 though that I could not issue you a State subsistence  
18 permit for within the park boundaries for a fyke trap,  
19 because the only legal gear would be your rod and reel.

20

21 CHAIRMAN LOHSE: Right. I'm not asking  
22 for a permit. I just wanted to clarify that, because I  
23 can't see where -- I can't see where there's any more  
24 conservation concerns the under this Federal regulation.  
25 I'm trying to -- and I recognize the enforcement problem  
26 of using the same gear type for both of them, but I can't  
27 identify any conserva -- more stronger conservation  
28 concerns under this Federal regulation that we currently  
29 should have under state regulations, and that's what I  
30 would like some clarification on, is why are there more  
31 conservation concerns under this Federal proposal than  
32 there are under current State regulations?

33

34 MR. TAUBE: Mr. Chairman. Because in our  
35 state regulation it does not occur. that's where the  
36 concern is. For one, we haven't issued but three permits  
37 for burbot with fyke traps. The rest are gillnets for  
38 whitefish, and people do not rod and reel fish for  
39 whitefish at the same time they're doing that. And so  
40 under the State system, this -- the status quo is people  
41 put their nets in, or their fyke trap in, they go off and  
42 go split wood, they do something else, and they come back  
43 and check their nets once a day.

44

45 MR. CARPENTER: Can I ask a question?

46

47 CHAIRMAN LOHSE: Tom.

48

49 MR. CARPENTER: I guess before we go any  
50 further, I'd like to know if the proposer or the author

1 of this proposal intended for the entire Copper River  
2 drainage to have this regulation read this way, or was it  
3 south of Haley Creek. Is there anybody here that could  
4 answer that, Bruce or Bob or anybody?

5  
6 MR. CAIN: Bruce Cain, Native Village of  
7 Eyak. No.

8  
9 CHAIRMAN LOHSE: No what?

10  
11 MR. CARPENTER: You didn't intend for it  
12 to be north of Haley Creek?

13  
14 MR. CAIN: Could you repeat the question?

15  
16 MR. CARPENTER: Well, I guess some of the  
17 conflict we're having now is that north of Haley Creek  
18 and south of Haley Creek there's different -- you know,  
19 the regulations read differently. Did you just intend  
20 basically for this proposal to encompass the Prince  
21 William Sound, Copper River Delta area, not north into  
22 the Chitina Valley?

23  
24 MR. CAIN: That's correct. We had no  
25 idea that this was going to be discussed on the Copper  
26 River at all.

27  
28 MR. CARPENTER: Okay. Thanks.

29  
30 CHAIRMAN LOHSE: Thank you, Bruce. Bob.

31  
32 MR. CHURCHILL: Yeah, just a question.  
33 You know, and it seems like there's really no practical  
34 way to do any in-season management if I'm understanding  
35 what people are saying correctly. So the in-season  
36 management piece doesn't seem to be something that will  
37 actually ever be used or could be used in a practical  
38 sense. Jerry, is.....

39  
40 MR. BERG: Yeah, thank you, Mr. Chair.

41  
42 Yeah. Well, certainly if there was a  
43 concern that came up based on whatever information, if we  
44 had a fish project in a certain area, or if we just got  
45 reports that there was heavy harvest in one area, I mean,  
46 we're all working with the same data, State and Federal,  
47 we're all using the same information. And I think if  
48 there was a concern that came up on either side, even if  
49 the State came to us and said there was a concern, we  
50 certainly have the capability to issue a special -- the

1 in-season manager has the capability to issue a special  
2 action to close certain waters to a certain species. And  
3 we would, you know, make public announcements on the  
4 radio and in the local paper to get the word out that  
5 that change has been made in-season, so we certainly do  
6 have that capability. It's not -- you know, it doesn't  
7 happen very often, but it certainly is a possibility.

8

9 Mr. Chair.

10

11 MR. CHURCHILL: Follow up.

12

13 CHAIRMAN LOHSE: Go ahead.

14

15 MR. CHURCHILL: You know, and I  
16 understand it's a possibility, and my life is based on  
17 possibilities, trust me. But it doesn't seem like  
18 there's any systemic way of providing information or  
19 monitoring harvest or any of those other tools that might  
20 be in active in-harvest management system, if I'm  
21 understanding you correctly.

22

23 MR. BERG: Yeah, currently, you know,  
24 there's the requirement to report the harvest is at the  
25 end of the season on the current permit that's issued.  
26 However, I think we're going to get into some of these  
27 issues and some of these later proposals. I think there  
28 is a need to reassess the proposal -- or the permit  
29 that's being issued in that lower Prince William Sound  
30 area, and, you know, I mean there could be a provision  
31 put in the permit that you have to report after -- you  
32 know, your harvest of certain species after a certain  
33 number of days or -- I mean, you know, you could put  
34 different kinds of stipulation on the permit that you  
35 want if you have species that are of concern. And I  
36 think some of those discussions need to occur of what's  
37 appropriate for that area.

38

39 Thank you, Mr. Chair.

40

41 MR. CHURCHILL: Follow up.

42

43 CHAIRMAN LOHSE: Bob.

44

45 MR. CHURCHILL: Yeah. How many Federal  
46 enforcement people do we have in this area? I think he  
47 snuck out on us.

48

49 MR. BERG: Yeah, I'd have to defer to the  
50 Forest Service to try to answer that question for us.

1 Yeah, Tim --  
2  
3 MR. BRAYDEN: I can only answer on the  
4 Forest Service.  
5  
6 MR. BERG: Oh, there we go.  
7  
8 MR. BRAYDEN: If you want that.  
9  
10 CHAIRMAN LOHSE: What?  
11  
12 MR. BRAYDEN: I can only answer to the  
13 Forest Service. You're also partly in the Park Service  
14 area and BLM.....  
15  
16 CHAIRMAN LOHSE: We'll take your answer.  
17  
18 MR. CHURCHILL: With all due respect I'll  
19 take a scientific guess.  
20  
21 MR. BRAYDEN: Jeff Brayden, lead law  
22 enforcement officer, Chugach National Forest.  
23  
24 Chugach National Forest has five  
25 officers. We have one in Cordova, one in Seward, one in  
26 Moose Pass and one in Girdwood. The Girdwood and the  
27 Moose Pass officer spend a significant amount of time in  
28 Prince William Sound along with the Cordova Officer.  
29  
30 For the Chugach National Forest is all I  
31 can answer. This area, depending on where you're looking  
32 at, could also include National Park Service area and BLM  
33 area officers.  
34  
35 MR. CHURCHILL: Through the Chair. Best  
36 guess?  
37  
38 MR. BRAYDEN: Five.  
39  
40 UNIDENTIFIED VOICE: Six.  
41  
42 MR. BRAYDEN: Six.  
43  
44 MR. CHURCHILL: Five, six. Thank you  
45 very much.  
46  
47 CHAIRMAN LOHSE: Thank you, Bob.  
48  
49 Okay. Do we have any other questions for  
50 -- we're on the Alaska Department of Fish and Game at

1 this point in time. Are there any other questions for  
2 them.

3

(No comments)

5

6 CHAIRMAN LOHSE: I'm sure we're going to  
7 get back to you.

8

9 Other Federal, State and tribal agency  
10 comments. Forest Service.

11

12 MR. JOYCE: Mr. Chairman. I'm Tim Joyce  
13 with the U.S. Forest Service, subsistence biologist in  
14 Cordova.

15

16 And there were some comments that came up  
17 regarding the permits, the numbers of permits going from  
18 three to 46 and the jump in that number. I just want to  
19 clarify that the State permits were generally for  
20 whitefish in lakes around Cordova. The permits that were  
21 issued by the Federal Subsistence Program were for salmon  
22 and trout and freshwater fish. The State did not issue  
23 permits for freshwater salmon harvest. They issue  
24 permits for saltwater harvest. That's the method for the  
25 State subsistence.

26

27 I don't know the exact number, but  
28 there's probably hundreds of subsistence permits that are  
29 issued for saltwater. That's the main reason for the  
30 change. Thank you.

31

32 CHAIRMAN LOHSE: Any questions. Can I  
33 ask a question, Tim?

34

MR. JOYCE: Certainly.

36

37 CHAIRMAN LOHSE: So then out of these 43  
38 permits, was it specified on the permit whether they were  
39 for trout or for salmon or were they just for freshwater  
40 fish in general?

41

42 MR. JOYCE: It's freshwater fish in  
43 general. It had both salmon and trout.

44

45 CHAIRMAN LOHSE: And did they have  
46 separate limits for trout and salmon?

47

MR. JOYCE: Yes.

49

CHAIRMAN LOHSE: Could you give us an

50

1 idea of what kind of limits were proposed -- imposed on  
2 these?

3

4 MR. JOYCE: The salmon limits were  
5 identical to the State salmon limits. Excuse me. The  
6 State -- excuse me again -- the State limits were in  
7 marine waters, and the freshwater limits were identical  
8 to those marine water limits. The State did not have any  
9 freshwater subsistence limits. They were sportfishing  
10 limits. And what we did was identify for trout, meaning  
11 cutthroat trout, rainbow trout, or those hybrids, a limit  
12 of five fish in a year.

13

14 CHAIRMAN LOHSE: Okay. I just wanted to  
15 put that on the record. Basically, if I understand  
16 right, the limit was 15 for salmon, 30 for a household,  
17 and 10 for each additional member in the household.

18

19 MR. JOYCE: That's correct.

20

21 CHAIRMAN LOHSE: And -- which is the same  
22 as what it is in salt water.

23

24 MR. JOYCE: Correct.

25

26 CHAIRMAN LOHSE: Which is quite different  
27 than it is upriver.

28

29 MR. JOYCE: That's correct.

30

31 CHAIRMAN LOHSE: And then the trout was  
32 five trout a year?

33

34 MR. JOYCE: That's correct. Per person,  
35 with a household limit of 30.

36

37 CHAIRMAN LOHSE: With a household limit  
38 of 30, per person was five.

39

40 MR. JOYCE: That's correct.

41

42 CHAIRMAN LOHSE: Okay. And basically  
43 then under current Federal regulations, if I make a  
44 choice to get a Federal subsistence permit, and I go  
45 catch those fish, I can participate in no State sport  
46 fishery after I've done that?

47

48 MR. JOYCE: That's correct.

49

50 MR. CARPENTER: I have a question.

1 CHAIRMAN LOHSE: Tom.

2

3 MR. CARPENTER: Yeah, just a question for  
4 Tim. What would trigger an in-season adjustment from you  
5 if you don't know during the season of all permits  
6 issued, how much harvest you actually have until the  
7 seasons over? Would it be the number of permits, if it  
8 dramatically increased? Let's say if this year we had  
9 43, next year 120 people asked for permits, would you  
10 reduce the permit, the bag limit on the permit, because  
11 of that? What other reason would you have?

12

13 MR. JOYCE: I think my primary concern  
14 would be the -- if we're talking about salmon, for  
15 example, would be the size of the return. If there is an  
16 issue with the return, commercial fishing might be  
17 limited, sport fishing is also looking at maybe some  
18 restrictions. I think at that point we would probably  
19 want to look at what we could do at that point for -- to  
20 ensure the escapement was maintained. We might look at,  
21 you know, a reduction at that point.

22

23 If the returns are healthy for salmon,  
24 and, you know, there are no restrictions that are  
25 occurring, I don't see a need for any kind of an in-  
26 season management at that point. You'd have to again --  
27 in that regard.

28

29 If you're looking at trout, that would be  
30 something where we had right now a fairly conservative  
31 amount as far as the harvest limit would be concerned.  
32 The sport fishing limit is two per day. You could do  
33 that every day of the year, except for a closure period  
34 in the spring spawning period, which we also have a  
35 closure during -- on our permit. Again if there was some  
36 particular issue in one system, for example, if we had a  
37 report or a lot of people that were fishing one  
38 particular lake, Pipeline Lake or something like that,  
39 where a lot of fish were being harvested, that we might  
40 look at something like that.

41

42 If we did get reports, you know, that  
43 would be tough. I would have to admit that it's not  
44 something we would probably generally go out and assess,  
45 but Forest Service personnel are out there often. And if  
46 we were seeing a lot of harvest coming out of that  
47 particular lake, and it was subsistence harvest, to the  
48 point where we would have concerns for that particular  
49 population, we could restrict that lake harvest. But,  
50 again, I don't anticipate that, because we just don't

1 have that big a harvest on trout.

2

3 MR. CARPENTER: Do you think the other  
4 reason that -- and this could be an even greater problem  
5 in the future, or not problem, but concern, is that for  
6 the increase in permits, is that you don't need a sport  
7 fishing license to subsistence fish under Federal  
8 regulations?

9

10 MR. JOYCE: Well, currently you don't  
11 need a sport fishing license, right?

12

13 MR. CARPENTER: Right. So I mean, do you  
14 think more people -- because the State's talking about  
15 doubling its license fees, so, you know, if -- let's say  
16 that they double the sportfish license fee, the  
17 Legislature does, do you think that this 43 number could  
18 potentially go quite higher?

19

20 MR. JOYCE: Potentially it could.  
21 Actually I anticipate it being higher.....

22

23 MR. CARPENTER: All right.

24

25 MR. JOYCE: .....in the future. I do not  
26 know what the reasons would be, whether people would look  
27 at it strictly from a financial aspect. Certainly if  
28 they wanted to go fishing for halibut or other --  
29 rockfish or something like that, they would require -- be  
30 required to get a sportfishing license if they're going  
31 out on that kind of a foray.

32

33 Again, I don't know, I can't answer that.

34

35 MR. CARPENTER: Right. I guess just one  
36 other question for the record is why do you not need a  
37 State sportfish license to subsistence fish, but you need  
38 a State hunting license to subsistence hunt?

39

40 MR. JOYCE: I'm a fisheries biologist. I  
41 don't know.

42

43 (Laughter)

44

45 MR. CARPENTER: That's just for the  
46 record. It's a very interesting situation though, I  
47 mean. It makes no sense.

48

49 Anyway, that's all I've got.

50

1                   CHAIRMAN LOHSE: Tim, I'm going to ask  
2 you one question, too, that I'd like to put on the record  
3 basically, because you're going to be the one that's  
4 going to be able to answer this. Under our current  
5 regulations, if somebody gets a Federal subsistence  
6 permit which limits them to that amount of fishing for  
7 the year, wouldn't that almost be a -- I'll say that  
8 would be almost beneficial to conservation, because if I  
9 go get my Federal subsistence permit to go get my five  
10 trout, I can't trout fish for the rest of the year. If I  
11 take my 30 salmon under the Federal subsistence permit, I  
12 can't go down to Eyak River and catch three salmon a day  
13 for the whole season.

14  
15                   Technically speaking, if the law stays  
16 the way it is right now, a person who gets a Federal  
17 subsistence permit, has opportunity to take a lot less  
18 fish than somebody who fishes under a State sportfishery.

19  
20                   MR. JOYCE: That is correct. If they  
21 wanted to just fish under sportfishing regulations, they  
22 could over time harvest more fish.

23  
24                   The idea behind the subsistence permit,  
25 was to allow people to go out and harvest a larger number  
26 of fish on any given day to put in their smokehouse or to  
27 take care of all at one time versus doing it piecemeal,  
28 three fish at a time.

29  
30                   CHAIRMAN LOHSE: Right. It was for  
31 efficiency of effort.

32  
33                   MR. JOYCE: Certainly.

34  
35                   CHAIRMAN LOHSE: But if we leave the  
36 regulation the way it is, that efficiency of effort for  
37 those fish is greater, but the annual amount of fish that  
38 can be taken is less.

39  
40                   MR. JOYCE: That's correct.

41  
42                   CHAIRMAN LOHSE: Thank you. Well, it's  
43 12:30. I had a motion to recess for lunch about 11:30,  
44 which I didn't allow to come to the table. I think this  
45 would be a good time to break, don't you guys, for lunch?

46  
47                   MR. CHURCHILL: I was overruled before.  
48 I'm not getting into it again.

49  
50                   (Laughter)

1 CHAIRMAN LOHSE: If I hear no objections,  
2 I think we'll continue with this discussion after lunch.  
3 And I don't know, how far do we have to go to get  
4 something to eat around here? Don, how far do we have to  
5 go to get something to eat around here?

6  
7 MR. MIKE: Not very far. Kenai's just  
8 around the corner. There's some groceries stores  
9 and.....

10  
11 CHAIRMAN LOHSE: So can we make the lunch  
12 an hour and everybody still get back in an hour?

13  
14 MR. MIKE: It's your call, Mr. Chair.

15  
16 (Laughter)

17  
18 CHAIRMAN LOHSE: Well, okay, everybody,  
19 if you can't go find something to eat in an hour and get  
20 back in an hour, come back hungry. We'll go back in  
21 session at 1:30.

22  
23 (Off record)

24  
25 (On record)

26  
27 CHAIRMAN LOHSE: Hello, everybody. We'd  
28 like to call this fall session of the Southcentral  
29 Regional Subsistence Advisory Council back into session.  
30 I hope you all had a good lunch and are ready to work  
31 until 7:00 o'clock tonight.

32  
33 MR. CHURCHILL: As ready as the Chair is.

34  
35 (Laughter)

36  
37 CHAIRMAN LOHSE: Okay. We are on  
38 Proposal 16. We've had State, Federal, tribal agency  
39 comments. We're now on Interagency Staff Committee  
40 comments.

41  
42 (No comments)

43  
44 CHAIRMAN LOHSE: And I don't think we  
45 have any. They did a good job of helping to check over  
46 what was prepared.

47  
48 Alaska fish and game advisory committee  
49 comments.

50

1 (No comments)  
2  
3 CHAIRMAN LOHSE: Hearing none, we'll go  
4 on to a summary of written public comments.  
5  
6 MR. MIKE: Thank you, Mr. Chair.  
7  
8 There's one written public comment from  
9 the Wrangell-St Elias Subsistence Resource Commission on  
10 Proposal 16. Two of the SRC members present had no  
11 comments on this proposal. And the third, Mr. Adams,  
12 stated that he supported the recommendation in the Staff  
13 analysis for reasons stated in the analysis.  
14  
15 Thank you, Mr. Chair.  
16  
17 CHAIRMAN LOHSE: Thank you, Donald. Any  
18 questions for Donald.  
19  
20 (No comments)  
21  
22 CHAIRMAN LOHSE: Okay. Public testimony.  
23 I don't have any on my -- I don't have any on my desk  
24 right here for this one here.  
25  
26 So we will go on to Regional Council  
27 deliberation, recommendations and justification. And I  
28 hope you can all remember what we talked about before  
29 lunch. I need a motion on the table to accept Proposal  
30 16 so we can go on with our deliberations. Pete.  
31  
32 MR. CHURCHILL: So moved.  
33  
34 MR. KOMPKOFF: I second.  
35  
36 CHAIRMAN LOHSE: It's been moved and  
37 seconded that we accept Proposal 16, and that is as it  
38 was written, written, right?  
39  
40 MR. CHURCHILL: (nods affirmatively)  
41  
42 MR. KOMPKOFF: (Nods affirmatively)  
43  
44 CHAIRMAN LOHSE: Okay. Let's go from  
45 there. Deliberations, recommendations, amendments,  
46 anything like that that anybody would like to offer.  
47 Tom.  
48  
49 MR. CARPENTER: Mr. Chairman. Before we  
50 go any further on the full proposal, I'd like to offer up

1 an amendment that would in lieu of what the author has  
2 said, that all the area north of Haley Creek be not  
3 included in proposal.

4  
5 CHAIRMAN LOHSE: By north, you mean  
6 upstream?

7  
8 MR. CARPENTER: North of Haley Creek, so  
9 the bound -- this proposal would pertain to all waters  
10 south of Haley Creek.

11  
12 CHAIRMAN LOHSE: Okay. So this proposal  
13 would then be on the same waters that we discussed on the  
14 last proposal?

15  
16 MR. CARPENTER: Right.

17  
18 CHAIRMAN LOHSE: Do I hear a second.

19  
20 MS. STICKWAN: Second.

21  
22 CHAIRMAN LOHSE: It's been moved and  
23 seconded. Discussion on the amendment?

24  
25 (No comments)

26  
27 MR. KOMPKOFF: Question on the amendment.

28  
29 CHAIRMAN LOHSE: Question on the  
30 amendment. All in favor signify by saying aye.

31  
32 IN UNISON: Aye.

33  
34 CHAIRMAN LOHSE: All opposed signify by  
35 like -- by saying nay.

36  
37 (No opposing votes)

38  
39 CHAIRMAN LOHSE: Motion carries.

40  
41 Okay. Now we have an amended motion on  
42 the table, that this only includes the area of Prince  
43 William Sound south or downstream from Haley Creek.

44  
45 Any other discussion. Any other  
46 amendments. Any other clarification. Boy, you all  
47 had.....

48  
49 Tom.

50

1 MR. CARPENTER: I don't know. I'd just  
2 bring up the discussion point of -- I guess I'm curious  
3 to see what the rest of the Council feels in regards to  
4 somebody being able to do both of them the same day. You  
5 know, I am definitely not opposed to somebody being able  
6 to fill their subsistence bag limit, but I also -- and I  
7 also don't feel that they should be completely cut off  
8 for the rest of the year from sportfishing under a State  
9 license. If the only problem we have, and it sounds like  
10 maybe that's it from at least the State's perspective, is  
11 that, you know, they could harvest their subsistence bag  
12 limit and as long as that particular day that they're  
13 doing that, they don't fish under the State license, if  
14 that's the only problem we have, in my eyes, I think we  
15 can move right along. But I'm curious to see what  
16 everybody else has to say.

17  
18 CHAIRMAN LOHSE: Anybody else have any  
19 comments on this. Doug.

20  
21 MR. BLOSSOM: Mr. Chairman. Did I year  
22 you right in saying that you're opposed to them catching  
23 fish the rest of the year then if they fill their  
24 subsistence?

25  
26 MR. CARPENTER: (No audible answer)

27  
28 MR. BLOSSOM: Okay.

29  
30 MR. CARPENTER: No, I'm not opposed to  
31 that.

32  
33 MR. BLOSSOM: Okay.

34  
35 MR. CARPENTER: If the only problem that  
36 the agencies, the enforcement has is by having the person  
37 that is filling the subsistence permit and sportfishing  
38 in the same day, in a 24-hour period, if that's the only  
39 conflict we have, then it seems reasonable that we could  
40 move right along, and put an amendment in there to  
41 disallow it on the same day and the rest of the year  
42 everything would be just fine.

43  
44 CHAIRMAN LOHSE: Pete.

45  
46 MR. KOMPKOFF: I agree with that, what  
47 Tom said there. I don't think they should allow it on --  
48 have both permits the same day either. If that's -- if  
49 there's some way we can add that in there.

50

1 CHAIRMAN LOHSE: An amendment to that  
2 effect would be in order, if somebody wants to make that  
3 kind of an amendment.  
4  
5 MR. KOMPKOFF: I make that motion --  
6 amendment rather.  
7  
8 MR. CHURCHILL: Second.  
9  
10 CHAIRMAN LOHSE: So it's been moved and  
11 seconded that, okay, you may accumulate annual Federal  
12 subsistence harvest limits with annual harvest limits  
13 under State of Alaska sportfishing regulations, but not  
14 in the same 24-hour period. Is that what I understand  
15 you saying? Okay. Any discussion on that?  
16  
17 MR. KOMPKOFF: 24-hour period or the same  
18 day.  
19  
20 MR. WILSON: Same day.  
21  
22 MR. CARPENTER: Same day.  
23  
24 CHAIRMAN LOHSE: Okay. You're right. 24  
25 hours is.....  
26  
27 MR. CARPENTER: It will be the same day.  
28  
29  
30 CHAIRMAN LOHSE: Yeah. Just use same  
31 day.  
32  
33 MR. CARPENTER: I'll call the question on  
34 the amendment.  
35  
36 CHAIRMAN LOHSE: Okay. We have a second  
37 amendment on the table. The question's been called. All  
38 in favor signify by saying aye.  
39  
40 IN UNISON: Aye.  
41  
42 CHAIRMAN LOHSE: All opposed signify by  
43 saying nay.  
44  
45 (No opposing votes)  
46  
47 CHAIRMAN LOHSE: Motion carries.  
48  
49  
50 So now we have an amended motion on the  
table, the Prince William Sound is that -- is south or

1 downstream of Haley Creek. You may accumulate annual  
2 Federal subsistence harvest limits with annual harvest  
3 limits under State of Alaska sportfishing regulations,  
4 but not on the same day.

5  
6 MR. CARPENTER: Question.

7  
8 CHAIRMAN LOHSE: The question's been  
9 called. Jerry.

10  
11 MR. BERG: Yeah, Mr. Chair, I just wanted  
12 to point out that if you leave the word annual in there,  
13 there are very few, if any, sportfish annual harvest  
14 limits, so I think you might need to take a look at the  
15 word annual, especially for the sportfish harvest limits.  
16 I think you could accomplish the same thing by just  
17 getting rid of the word annual altogether within the  
18 wording. Mr. Chair.

19  
20 CHAIRMAN LOHSE: You're right, it would  
21 say the same thing, the annual is redundant, especially  
22 if we put in on the same day. Do we need a motion to  
23 that effect, or can we just do that as part of our  
24 wording cleanup? Okay.

25  
26 So then I will reread it. In the Prince  
27 William Sound area you may accumulate Federal subsistence  
28 harvest limits with harvest limits under State of Alaska  
29 sportfishing regulations, but not on the same day. Sound  
30 good?

31  
32 UNIDENTIFIED VOICE: Yeah.

33  
34 CHAIRMAN LOHSE: Is that what everybody  
35 intended. Okay. Then any more discussion. Bob.

36  
37 MR. CHURCHILL: Yeah, this obviously  
38 leaves the door open to five minutes before midnight,  
39 five minutes after midnight.

40  
41 CHAIRMAN LOHSE: That's right. Dean.

42  
43 MR. WILSON: I don't think it will be  
44 that big of a deal, to tell you the truth. I don't  
45 really see much of an issue coming from that.

46  
47 MR. CHURCHILL: And it may not be, and if  
48 it becomes, we can address it later.

49  
50 MR. WILSON: Okay.

1 CHAIRMAN LOHSE: Okay. Any other  
2 discussion.  
3  
4 (No comments)  
5  
6 CHAIRMAN LOHSE: Hearing none, the  
7 question's in order.  
8  
9 MR. CARPENTER: I called the question.  
10  
11 CHAIRMAN LOHSE: The question's been  
12 called. All in favor signify by saying aye.  
13  
14 IN UNISON: Aye.  
15  
16 CHAIRMAN LOHSE: All opposed signify by  
17 saying nay.  
18  
19 (No opposing votes)  
20  
21 CHAIRMAN LOHSE: Motion carries. Okay.  
22 That wasn't so hard, was it.  
23  
24 And now we go on to Proposal 17. This  
25 one shouldn't take more than two days. Page 118.  
26  
27 MR. CARPENTER: I could make this a lot  
28 simpler before Jerry even starts.  
29  
30 CHAIRMAN LOHSE: Well.....  
31  
32 MR. CARPENTER: Since I've rethought the  
33 whole proposal.  
34  
35 CHAIRMAN LOHSE: Uh-huh.  
36  
37 MR. BERG: Yes. Mr. Chairman. I'll go  
38 ahead and cover Proposal 17. And, yeah, I thought 16 was  
39 going to be the easy one, so we might be here a little  
40 bit longer than expected. Anyway, hopefully this one  
41 will be a little bit easier.  
42  
43 Proposal 17 was submitted by the Copper  
44 River/Prince William Sound Fish and Game Advisory  
45 Committee, and requests to establish a fly fishing zone  
46 from June through September 30 near the bridge that  
47 crosses the Eyak River just outside of Cordova. This is  
48 the same flyfishing zone that currently exists in State  
49 sportfishing regulations for this area from June 1st to  
50 September 30th.

1 Federal subsistence users would only be  
2 allowed to use rod and reel with a single hook or  
3 artificial flies within a portion of this zone.  
4

5 There's a low head dam approximately 100  
6 feet upstream of the bridge near the outlet of Eyak Lake.  
7 As you can see on the insert on map 1 on Page 120,  
8 Federal subsistence regulations prohibit taking fish  
9 within 300 feet of any dam, unless otherwise indicated.  
10 Since the area within 300 feet of the dam is currently  
11 closed, the proposal would have the effect of placing  
12 tackle restrictions on the outlying areas that are open  
13 to subsistence fishing within the fly fishing zone. So  
14 this does create a bit of an odd situation with the  
15 statewide provision that prohibits taking fish within 300  
16 feet of the dam.  
17

18 So basically that would leave these --  
19 you know, the closures within 200 upstream or downstream  
20 of the dam, and the bridge, so that would these two areas  
21 of basically 100 yards upstream and downstream of the  
22 300-foot closures around the dam that would be affected by  
23 this proposal. So it is a little bit odd in that  
24 respect.  
25

26 Currently a Federal subsistence fishing  
27 permit is required, and the permit currently allows rod  
28 and reel only within 200 yards of the Eyak Lake dam, but  
29 does have -- and does not have any tackle restrictions.  
30 So currently you can use spinner, lures, or whatever you  
31 choose with rod and reel.  
32

33 However, the permit also allows rod and  
34 reel, dip net, spears and gaffs to harvest salmon in the  
35 remainder of the Eyak River. So all the way downstream  
36 of this fly fishing zone you can use these other gear  
37 types.  
38

39 The general statewide sport fishing  
40 regulations prohibit fishing within 300 feet of any fish  
41 weir or fish ladder, but do not reference closures near  
42 the dam. So that's how I believe that they got around it  
43 for sport fishing.  
44

45 Sport fishing is limited to fly fishing  
46 gear from June 1 through September 30 in this fly fishing  
47 zone, but is open to other gear types during the fall and  
48 winter months.  
49

50 The proponent is concerned that the

1 current Federal permit provisions that allow the use of  
2 rod and reel with tackle such as spinners or lures may  
3 increase to increase -- may lead to increased snagging,  
4 potential conservation concerns, or may create safety  
5 issues from potential conflict between users.

6  
7 Federal permits were -- excuse me.  
8 Federal permits were issued for this area for this area  
9 for the first time this past season. Although the permit  
10 states that fishing is allowed with rod and reel within  
11 200 yards of the Eyak River dam, it fails to mention that  
12 fishing is also prohibited within this 300 foot zone  
13 around the dam. This was an oversight that we had while  
14 developing this permit, but there is a closure in  
15 statewide regulations within 300 feet of the dam.

16  
17 Since 1999 Federal subsistence fishing  
18 regulations for the Prince William Sound area have  
19 allowed the use of all the methods and means defined in  
20 the general statewide provisions, but require a federal  
21 permit to harvest fish.

22  
23 Local public interest led to a meeting to  
24 discuss regulations in Cordova -- to discuss regulations  
25 for Prince William Sound area in Cordova in December of  
26 2004. Tom was there and Gloria was there. There were a  
27 number of people from various agencies there. And as a  
28 result of that meeting, we came up with some permit  
29 stipulations that were identified, and so the first  
30 Federal subsistence permits were issued for this area in  
31 2005, basically with stipulations that came out of that  
32 meeting.

33  
34 The dam that was built was -- it's a low  
35 head dam that was inserted in 1966 by the Army Corps of  
36 Engineers. It creates about one-foot difference in water  
37 elevation during low water conditions.

38  
39 As I mentioned, the permit also allows  
40 for the harvest of salmon using dipnets, spears and gaffs  
41 in the remainder of the Eyak River, which allows  
42 Federally-qualified users to step outside the fishing  
43 zone to use more efficient gear types.

44  
45 Salmon that are taken must be marked by  
46 removing both lobes of the tails, as I mentioned earlier,  
47 and the permit must be in the user's possession while  
48 fishing, and all fish must be recorded on the permit  
49 prior to leaving the fishing site.

50

1 Sportfishing in the proposed area near  
2 the Eyak River bridge is open year round, except for  
3 trout from April 15th to June 14th, and from June 1st to  
4 September 30th is when the fly fishing gear restriction  
5 is in place. This regulation was established by the  
6 Board of Fisheries in 1991. This fly fishing zone is a  
7 popular sportfishing, as many of you know, for sockeye  
8 and coho salmon. In fact, the Eyak River is the most  
9 population recreational fishing location for coho salmon  
10 along the Cordova road system and accounted for 51  
11 percent of the Cordova area recreational harvest in 2003.

12  
13

14 Areal surveys are conducted throughout  
15 the season to help assess salmon escapements, and there  
16 do not appear to be conservation concerns at this time  
17 for Eyak River salmon stocks.

18  
19

20 Adopting this proposal would establish  
21 the same rod and reel tackle restrictions for Federally-  
22 qualified users that are currently allowed under State  
23 sportfishing regulations, but only for the limited area  
24 in the fly fishing zone that I mentioned.

24  
25

26 Aligning Federal regulations with State  
27 sportfishing regulations may help minimize snagging of  
28 salmon, and potential safety concerns related to user  
29 conflicts, but would also restrict Federally-subsistence  
30 users to less efficient rod and reel tackle.

30  
31

32 At times salmon congregate in large  
33 numbers in the Eyak River near the dam, which can lead to  
34 an increased incidental incidents of snagging salmon with  
35 any type of hook. However, any fish that is snagged must  
36 be released to the water under both State and Federal  
37 regulations. Using a rod and reel in this area can be an  
38 alternative for local residents who do not own a boat or  
39 have access to other fishing gear to use in other parts  
40 of the river. However, Federally-qualified users can use  
41 different gear types in the lower river as I mentioned.

41  
42

43 Since the Federal permits have only been  
44 issued for one year, it's difficult to assess the impacts  
45 that Federally-qualified users may have on these salmon  
46 stocks. The Federal in-season manager currently has the  
47 flexibility to modify the gear allowed with the Federal  
48 subsistence fishing permit if needed. It's premature to  
49 gauge the level of harvest from the Federal subsistence  
50 fishing permits that were issued for the first time this  
51 year; however, after the post-season harvest data are

1 available, it is recommended that we have a meeting --  
2 that a meeting be held in Cordova with all the interested  
3 users and agency personnel to discuss permit provisions  
4 for the 2006 seasons. Such a meeting could help involve  
5 local users in permit provisions that are appropriate to  
6 both protect the resource and help meet subsistence users  
7 needs.

8

9                                   And for that reason, Mr. Chair and  
10 Council members, I'm recommending at this time to oppose  
11 the proposal.

12

13                                   I'd be happy to try to answer any  
14 questions. Thank you, Mr. Chair.

15

16                                   CHAIRMAN LOHSE: Any questions for Jerry.  
17 Bob.

18

19                                   MR. CHURCHILL: Yeah, just a couple  
20 points. You know, we refer to this as sportfishing. Is  
21 that solely on the basis of tackle use?

22

23                                   MR. BERG: Well, those are the  
24 sportfishing regulations in that area. Of course, the  
25 State does not allow subsistence fishing in fresh waters,  
26 so the only -- only Federal regulations allow subsistence  
27 fishing in freshwater. So you can use rod and reel for  
28 subsistence under Federal regulations, but not under  
29 state regulations

30

31                                   MR. CHURCHILL: Yeah. I mean it just  
32 gets a little fuzzy when -- it seems like we tend to  
33 associate sportfishing with the tackle that we use, and  
34 now that in a large area of the State we're using that  
35 same gear for subsistence fishing. We might want to  
36 rethink that usage. Also, coming from Scottish  
37 background, we've been using that for subsistence fishing  
38 now for about 300 years. So we're right behind the  
39 effort.

40

41                                   CHAIRMAN LOHSE: Pete.

42

43                                   MR. KOMPKOFF: Yeah, just one question,  
44 Jerry. How many users do we have for Federal subsistence  
45 permits this year?

46

47                                   MR. BERG: Well, yeah, this is the first  
48 year that permits were issued, and there were 43 permits  
49 issued this year as we mentioned in the previous  
50 proposal.

1 CHAIRMAN LOHSE: Tom.

2

3 MR. CARPENTER: Yeah, Jerry, I do agree  
4 that this is kind of an awkward and perplexing proposal.

5

6

7 I guess just to give everybody on the  
8 Council a little background, at the point where the State  
9 put these regulatory markers north and south of the weir,  
10 the Eyak River is probably about -- not quite as wide as  
11 this room. The reason the State established a fly  
12 fishing area was because there was too much harvest  
13 taking place.

14

15 The fish come up, and they sit right up  
16 against the weir until they're ready to go into the lake.  
17 They're in the lake, and the lake is closed. It's a  
18 spawning area. There's no harvest of salmon in the lake  
19 up to that north regulatory marker, which is 200 yards,  
20 or 200 feet, one of the two.

21

22 In the past, well, let's say five years,  
23 I would say that the, and correct me if I'm wrong, Matt  
24 or Tim or somebody, that the coho harvest has probably  
25 increased probably five times let's say. You have a  
26 place that's a very small area with a lot of people that  
27 use the area.

28

29 And the problem is not with the rod and  
30 reel, the problem is with the dipnetting. The only way  
31 you can harvest subsistence fish under this permit is  
32 with spear, rod and reel, and dipnetting. Now, we're  
33 going to get into the dipnetting of this proposal in the  
34 next proposal, but dipnetting has never ever been a  
35 traditional way of harvesting salmon in this area ever  
36 until this permit was issued this year. These means and  
37 ways of harvest were grabbed out of the general  
38 provisions, and we basically came to a preliminary  
39 conclusion to try this, to see if it would happen.

40

41 Now, myself personally saw three times  
42 this year individuals with dipnets probably as long -- as  
43 side as one of these tables with gillnet web in it. Now,  
44 fine, you can only take a certain bag limit.

45

46 The reason we put the proposal in was  
47 because we think we're starting something that has never  
48 been a traditional ways or means of harvesting fish in  
49 this particular area since the weir has been put in, for  
50 40 years now. Nobody has ever harvested fish in this

1 manner. We're trying to control the conflicts between  
2 user groups, and possibly -- I do agree there's not a  
3 conservation concern at this time, we are trying to stop  
4 something that has the potential become something like  
5 the Chitina bridge is now, and the people of Cordova  
6 don't want it. And the only way that we thought we could  
7 slow the harvest in this restricted area that the State  
8 has was to put a restriction on the actual means of  
9 harvesting.

10

11                   Granted fly fishing gear is not  
12 subsistence gear. I'll give you that.

13

14                   So I'm not sure if we could make this  
15 real simple right now if the Federal manager in Cordova  
16 would put on his permit that you are not allowed to  
17 subsistence fish north of the southern ADF&G marker in  
18 Eyak River, then this proposal could just go away. But  
19 until that happens, the advisory committee is -- the way  
20 that they wrote this proposal, is going to keep asking  
21 for somewhat of the restrictive area in -- you know, in  
22 regards to the weir. That's where we're at.

23

24                   I don't know where to go with this. I  
25 agree it's probably not going to pass as written, so I  
26 don't want to waste a lot of time on it myself. So, I  
27 don't know if Tim's willing to do that or not. I don't  
28 know if there's enough harvest that he thinks is taking  
29 place there to warrant it yet, but I don't want to start  
30 a traditional fishery at a weir that's never had a  
31 traditional fishery, so that 10 years from now people are  
32 going to come testify before this Council and say we have  
33 a traditional fishery, because I don't know if any of you  
34 have been at the Board of Fish meeting lately, between  
35 the dipnetters and every other user group, but it takes  
36 about two weeks, and it's not very fun.

37

38                   So I'm trying to just slow this whole  
39 thing down before it gets opened up, because this is not  
40 the way it's ever been done.

41

42                   CHAIRMAN LOHSE: Jerry.

43

44                   MR. BERG: Yes, thank you, Mr. Chair.

45

46                   And I think those are exactly the kind of  
47 discussion that needs to occur this winter in Cordova to  
48 try to figure out, you know, well, what does -- what are  
49 the stipulations that should be on this permit. Because  
50 right now it is pretty wide open. We tried to narrow it

1 down last winter, and I think most of us would agree it  
2 does need to be revisited and retooled. And what it's  
3 going to look like for next year, I'm not sure what the  
4 answer is.

5  
6 But I don't think putting something in  
7 permanent regulation through this process right now -- I  
8 think it's just premature to go through that process. I  
9 think it would be better to have those discussions, just  
10 like Tom was bringing some ideas up. I think those ideas  
11 need to be discussed with people in Cordova and try to  
12 come to some sort of agreement there this winter for the  
13 provisions for next summer.

14  
15 And then if people aren't happy with it  
16 at that point, then maybe that's the point that we need  
17 to come forward with a proposal.

18  
19 Mr. Chair.

20  
21 CHAIRMAN LOHSE: Thank you, Jerry.  
22 Jerry, can I ask you a question. Under current Federal  
23 regulations if I understood you correct before, no permit  
24 can be given within 300 feet of the dam, period?

25  
26 MR. BERG: That's correct.

27  
28 CHAIRMAN LOHSE: So there can be no  
29 current subsistence harvest within 300 feet on both sides  
30 of the dam?

31  
32 MR. BERG: That's correct.

33  
34 CHAIRMAN LOHSE: And, Tom, I'll ask you a  
35 question. Doesn't that pretty well cover the area you're  
36 talking about? Because once you're below 300 feet, the  
37 river has widened out, the river has deepened up. The  
38 place that we're talking about that's vulnerable for  
39 over-harvest and dipping is definitely within 300 feet of  
40 the dam, right?

41  
42 MR. CARPENTER: Uh-huh. (Affirmative)

43  
44 CHAIRMAN LOHSE: So it almost seems to me  
45 like -- well, like Jerry said, that maybe this is a non-  
46 issue, or it's an issue that needs to be addressed some  
47 place else, because -- or in a different format, because  
48 I can't see making a subsistence area fly fish only.

49  
50 MR. CARPENTER: Yeah.

1 CHAIRMAN LOHSE: But if you can't dip  
2 within 300 feet of the dam, then the area that is  
3 vulnerable is already closed. And were those people  
4 dipping within 300 feet of the dam?

5  
6 MR. CARPENTER: (Nods affirmatively)

7  
8 CHAIRMAN LOHSE: So maybe what needs to  
9 be done is that regulation that's already in place either  
10 needs to be publicized or enforced or put right on the  
11 permit, that, you know, you can't -- that the subsistence  
12 permit is not good within 300 feet upstream or downstream  
13 of the dam, because you can't have a subsistence fishery  
14 within 300 feet. And that would take care of the  
15 violations that we're seeing, because obviously they  
16 didn't know, and it wasn't enforced for another thing.  
17 That's just, you know what I'm wondering anyhow, and  
18 that's why I needed to get that clarification from you.

19  
20 Any other questions for Jerry. Dean.

21  
22 MR. WILSON: I missed a portion. Are  
23 there markers there, or are we just relying on people to  
24 have their own tape measure?

25  
26 MR. BERG: There are markers, there are  
27 ADF&G markers.

28  
29 MR. WILSON: 300 feet.

30  
31 CHAIRMAN LOHSE: But the ADF&G markers  
32 are at 600 feet, aren't they?

33  
34 MR. BERG: Well, my understanding is it's  
35 200 yards upstream of the dam and 200 yards downstream of  
36 the bridge. Now, there's a little bit of a distance  
37 between the bridge and the dam, so there's basically a 4  
38 to 500-yard section that's a fly fishing zone.

39  
40 CHAIRMAN LOHSE: So what you're asking is  
41 are there any Federal markers there for the Federal area,  
42 right?

43  
44 MR. WILSON: For right now, yeah, the  
45 Federal.

46  
47 UNIDENTIFIED VOICE: No.

48  
49 CHAIRMAN LOHSE: No, there are none.  
50

1 MR. BERG: There are no Federal markers.  
2  
3 MR. WILSON: So we're leaving it up to  
4 people to handle that on their own?  
5  
6 MR. BERG: Well, it was -- yeah, we  
7 failed to put that provision on the permit this year, so  
8 that -- you know, and I think, you know, if we're going  
9 to go forward with something like this and have different  
10 regulations within these little 100-yard zones, you know,  
11 certainly that's going to be an issue we're going to have  
12 to deal with separately.  
13  
14 MR. WILSON: That may be part of the  
15 problem that's going here. This just isn't clear, you  
16 know, and I think we need a little more clarification on  
17 both the State and the Federal guidelines for this. It  
18 would probably take care of a lot of it.  
19  
20 CHAIRMAN LOHSE: Thank you, Dean. Tom.  
21  
22 MR. CARPENTER: Yeah, I agree with you,  
23 Jerry. I mean, I think if the language is put on the  
24 permit, and, you know, I don't know -- you could just say  
25 Eyak River bridge. I mean, that's a simple boundary  
26 line. I think the intent the advisory committee had was  
27 to put -- keep this in the focus of the Federal Staff and  
28 the Council, is to keep a very close eye on this  
29 situation in regards to the way that these fish are being  
30 harvested.  
31  
32 This is a proposal that should go no  
33 further. This was just something to keep the focus on  
34 it. I apologize for any undue or unforeseen work that  
35 you had to do, but, you know, I think the next proposal's  
36 the one that we should spend the time on.  
37  
38 CHAIRMAN LOHSE: Well, Tom, there's no  
39 way we can withdraw this proposal, so we'll still go  
40 through all of the steps.  
41  
42 MR. CARPENTER: Yeah.  
43  
44 CHAIRMAN LOHSE: So thank you for your  
45 introduction on that, Jerry.  
46  
47 Can we have the Alaska Department of Fish  
48 and Game comments.  
49  
50 MR. MILLER: Mr. Chair. Yeah, this is an

1 interesting one.

2

3                   The Federal opposition to this proposal  
4 creates a fishery -- again, I'm sorry, I'm referring to  
5 whatever RC it is on Page 4 with the Fish and Game Staff  
6 comments.

7

8                   The Board of Fisheries created the fly  
9 fishing only area of Eyak River in order to meet  
10 Department goals of creating diverse fishery  
11 opportunities in response to local concerns of over-  
12 harvesting salmon stocks at a place in the river where  
13 they are most vulnerable. Creating a fishery using  
14 different gear in the same area will create enforcement  
15 problems and possibly conflict between users. Most  
16 assuredly conflicts between users.

17

18                   The Federal analysis has not shown that  
19 such a fishery is necessary in order for Federally-  
20 qualified subsistence users to meet subsistence needs.  
21 Reasonable opportunity for Federally-qualified  
22 subsistence users to harvest fish exist in the remaining  
23 five miles of Eyak river without causing regulatory and  
24 social conflict in this 400-yard section, 200 yards  
25 upstream and 200 yards downstream, of the dam.

26

27                   Additionally, Federal Subsistence  
28 regulations prohibit taking fishing within 300 feet of  
29 any dam unless otherwise indicated.

30

31                   If the intention of the Federal-delegated  
32 official to alter permit stipulations in-season to deal  
33 with annual variations in stock strength, effort, et  
34 cetera, there should be clear and valid standard for such  
35 action established before the season, as well as  
36 identified means of notifying all participants. The  
37 mechanism for altering requirements listed on a permit is  
38 also not clear from the analysis. There also needs to be  
39 a clear definition -- again, we're in the conservation  
40 concern that will trigger such action.

41

42                   And I think that's about all we have.

43

44                   CHAIRMAN LOHSE: Any questions. Pete.

45

46                   MR. KOMPKOFF: So has there been any --  
47 what's the definition of the conservation concern?  
48 That's been stated twice now, and no definition has been  
49 allowed.

50

1 MR. MILLER: Mr. Chair. Mr. Kompkoff.

2

3 The State has a pretty clear definition  
4 of the conservation concern that's -- it's outlined in  
5 our management plans I believe and in regulation. And I  
6 believe -- frankly, I'd have to check to get it right up,  
7 but I believe it's failing to meet escapement goals, and  
8 I believe it's three out of five years. But it's a very  
9 definite, very definable goal. It's a very measurable  
10 goal that we can refer to. Something has or has not made  
11 a conservation concern.

12

13 MR. KOMPKOFF: Thank you.

14

15 CHAIRMAN LOHSE: Then from that  
16 understanding, you couldn't come up with a conservation  
17 concern in the middle of a season if it was a one-time  
18 thing.

19

20 MR. MILLER: Mr. Chair, I'm sorry. If it  
21 was a one-time thing?

22

23 CHAIRMAN LOHSE: Okay. Let's say that  
24 you've met your escapement goals for the last four years,  
25 and you're in the middle of the season, and it looks like  
26 it's possible that you won't meet your con -- your  
27 escapement goals for that year. You still couldn't --  
28 you could do something about it, but you couldn't  
29 classify it as a conservation concern, because four out  
30 of the last five years have been -- or let's say all five  
31 of the last five years have been good.

32

33 MR. MILLER: Correct.

34

35 CHAIRMAN LOHSE: So to be a conservation  
36 concern, to be an actual conservation concern, it has to  
37 be a reoccurring thing that happens on the average three  
38 out of five years. Am I understanding right?

39

40 MR. MILLER: Correct, Mr. Chair. There's  
41 -- in order to qualify, to be defined or classified as a  
42 conservation concern, there has to be a history of  
43 failure.

44

45 CHAIRMAN LOHSE: Right. Right.

46

47 MR. MILLER: One year doesn't under the  
48 State definition qualify.

49

50 CHAIRMAN LOHSE: Right.

1 UNIDENTIFIED VOICE: EO.  
2  
3 MR. MILLER: We do have EO authority to  
4 do.....  
5  
6 CHAIRMAN LOHSE: So for a one-year thing,  
7 you just would have to use an EO, use an emergency order.  
8  
9 MR. MILLER: Correct.  
10  
11 CHAIRMAN LOHSE: Right. Does that answer  
12 your question, Pete?  
13  
14 MR. KOMPKOFF: Yes, it does, thank you.  
15  
16 CHAIRMAN LOHSE: Thank you. Any other  
17 questions.  
18  
19 (No comments)  
20  
21 CHAIRMAN LOHSE: You said something be --  
22 oh, forget it. We'll go on to other Federal, State and  
23 tribal agency comments. Forest Service.  
24  
25 MR. JOYCE: Mr. Chair. Tom Joyce with  
26 the U.S. Forest Service in Cordova.  
27  
28 I just wanted to clarify just a couple of  
29 things that were brought up and mentioned. In this  
30 proposal, that portion of Eyak Lake that's in this area  
31 by permit definition, or the stipulation of permit, the  
32 Eyak Lake is also closed to subsistence fishing. So in  
33 this particular area above this weir or above the dam,  
34 the lake portion would basically be closed, so there  
35 would not be any subsistence fishing allowed. So what  
36 we're talking about in reality is below the dam, and once  
37 you go beyond your 300 feet, it's that section. There's  
38 a section, a little over 100 yards wide that would be the  
39 area that we're talking about in this particular proposal  
40 that would become a sportfishing, or a fly fishing only  
41 -- I'm sorry, a fly fishing only area.  
42  
43 One of the other things that's a permit  
44 stipulation, too, is that the only legal gear that's  
45 allowed in that area would be rod and reel. So if there  
46 are people in there with dipnets, they were in violation  
47 of their permit. And if that's the case, then that's a  
48 violation of our rules, and they would be liable for  
49 citation.  
50

1                   CHAIRMAN LOHSE: Okay. If I understand  
2 you right then, this year on the permit the only legal  
3 gear was rod and reel?  
4  
5                   MR. JOYCE: That's correct. In that  
6 area.  
7  
8                   CHAIRMAN LOHSE: Okay.  
9  
10                  MR. JOYCE: Now, once you moved out of  
11 that area, beyond those boundaries, downriver, then dip  
12 nets did become a legal gear.  
13  
14                  CHAIRMAN LOHSE: Okay. Now, that 100  
15 yards would put you below the bridge, wouldn't it?  
16  
17                  MR. JOYCE: Within that 300 feet would  
18 put you below.....  
19  
20                  CHAIRMAN LOHSE: That 300-foot would put  
21 you already below the bridge?  
22  
23                  MR. JOYCE: Should put you below the  
24 bridge very -- yes.  
25  
26                  CHAIRMAN LOHSE: So it puts you down to  
27 where the river widens out and most of the fly fishing  
28 takes place above the bridge between the bridge and the  
29 weir, and above the weir right there?  
30  
31                  MR. JOYCE: Right.  
32  
33                  CHAIRMAN LOHSE: And you say above the  
34 weir is closed right now even under current Federal  
35 regulations above the weir is closed?  
36  
37                  MR. JOYCE: Under our permit  
38 stipulations, Eyak Lake is closed to subsistence fishing,  
39 and by definition, the lake would start at the weir.  
40  
41                  CHAIRMAN LOHSE: Okay. Any other  
42 questions.  
43  
44                  MR. WILSON: One clarification I think if  
45 we can get back to what Tom was saying about the dip net.  
46 Why is dip netting even allowed in there if it was never  
47 proven that it was ever any kind subsistence means. Why  
48 was it even put in?  
49  
50                  MR. JOYCE: In our permit? Is that what

1 you're.....

2

3 MR. WILSON: Well, as a means of taking  
4 fish?

5

6 MR. JOYCE: Do you want to answer.

7

8 MR. BERG: Well, I guess it was -- yeah,  
9 there's a whole list of gear types that are allowed  
10 statewide, and we were just trying to come up with  
11 something that was reasonable at that meeting in Cordova  
12 last November, and that seemed like a reasonable gear  
13 type to allow people to use in fresh waters, because they  
14 haven't been able to -- they haven't been allowed to  
15 subsistence fish in fresh waters since I'm not even sure  
16 how long ago. But certainly people around some of the  
17 islands, around Chenega and Tatitlek are allowed to use  
18 dipnets for pink salmon specifically in some of those  
19 areas, so it has been used in some areas of Prince  
20 William Sound. And whether people used it prior to be  
21 regulated out of these other areas, I'm not sure, but we  
22 just thought it was a reasonable -- I can't remember the  
23 discussions at the time, but it seemed like a reasonable  
24 method to allow people to use as an alternative to get  
25 their subsistence fish if they didn't have access to a  
26 boat or other gear types. And it's a gear type that you  
27 can release fish. If you catch a fish you don't want,  
28 you can easily release it. You know, it's an easy method  
29 to regulate your harvest with. And it seemed like there  
30 was consensus at that meeting to allow dipnets last  
31 November.

32

33 But like I say, I think we need to go  
34 back and, you know, maybe have some wider discussions in  
35 Cordova this winter, and see what people think is  
36 reasonable to allow there and still protect the fish  
37 stocks.

38

39 Thank you, Mr. Chair.

40

41 CHAIRMAN LOHSE: Thank you, Jerry.

42

43 Dean, I wasn't part -- I wasn't parcel to  
44 any of that discussion. I can look back on it from a  
45 historical standpoint, and I know that we've always used  
46 dipnets in those freshwater river systems there for  
47 eulachons or candle fish. I mean, I think we always  
48 have, 'cause I always have and my family always has, so  
49 I'm not really sure whether -- I'm not really sure  
50 whether anybody -- whether there was ever any regulation

1 one way or the other, but I know that if you go out to go  
2 eulachon dipping in spring, everybody is using a dipnet.  
3 And if you go back and look in the historical society at  
4 the museum there, you'll see that in the past they  
5 dipnetted in the Copper River up by Ambercrombie Rapids  
6 quite a bit. Now, whether they used what we're talking  
7 about now, I don't know, but I would say that dipnetting  
8 of some sort of another has been used in the Cordova area  
9 for as long as you can go back.

10

11 Dean.

12

13 MR. WILSON: Yeah, I was aware of that.  
14 I know up and down the Copper there's -- the earliest  
15 pictures that have ever been developed, they've seen  
16 pictures of spruce root dipnetting. But like Tom brought  
17 up, the concern about dipnetting right in next to town  
18 like that, it's really got to be regulated, because I  
19 know even out on the Copper it's got the -- it's an issue  
20 that can really get out of hand pretty easily, so without  
21 getting too much into it here, I think it's something  
22 that should be looked at for sure. Next to a large  
23 population like you have in Cordova.

24

25 CHAIRMAN LOHSE: Thank you, Jerry. Thank  
26 you, Tim. I think your clarification on the fact that it  
27 was closed above the dam, and that it's not opened for  
28 the first 300 feet below the dam really addresses a lot  
29 of the issues we were talking about right here. And the  
30 fact that if anybody was dipping in there, it was illegal  
31 under the current permits that you've given out.

32

33 Any other questions.

34

35 (No comments)

36

37 CHAIRMAN LOHSE: Okay. We now have  
38 Interagency Staff Committee comments.

39

40 (No comments)

41

42 CHAIRMAN LOHSE: None. Fish and game  
43 advisory committee comments.

44

45 (No comments)

46

47 CHAIRMAN LOHSE: Summary of written  
48 public comments.

49

50 MR. MIKE: There are no written public

1 comments, Mr. Chair.  
2  
3 CHAIRMAN LOHSE: There are no written  
4 public comments.  
5  
6 I have nobody that's asked to testify.  
7 Do I have anybody in the audience that wishes to testify.  
8 Bruce, are you testifying as an individual? Bruce.  
9  
10 MR. CAIN: Yes.  
11  
12 CHAIRMAN LOHSE: Are you testifying as an  
13 individual?  
14  
15 MR. CAIN: For the Native Village of  
16 Eyak.  
17  
18 CHAIRMAN LOHSE: Oh, okay.  
19  
20 MR. CAIN: You did call for that?  
21  
22 CHAIRMAN LOHSE: I called for that  
23 before, but that's fine. Just make sure you state who  
24 you're testifying for.  
25  
26 MR. CAIN: Bruce Cain, Native Village of  
27 Eyak.  
28  
29 And some more information is that, you  
30 know, the primary methods, traditional methods for  
31 harvest have been fish traps, gillnets and dipnets. And  
32 that's the only clarification there.  
33  
34 And then also I believe that the Federal  
35 manager was real clear about no fishing was allowed on  
36 those permits within 300 feet of an artificial barrier.  
37 So that's all the comments I had.  
38  
39 CHAIRMAN LOHSE: You say he wasn't clear  
40 on the permits?  
41  
42 MR. CAIN: He was very clear when.....  
43  
44 CHAIRMAN LOHSE: He was very clear.  
45  
46 MR. CAIN: Yeah. So I think that's -- at  
47 least the people that I talked to, they all were aware of  
48 that from the instructions they got when they got the  
49 permits.  
50

1 CHAIRMAN LOHSE: So anybody that was  
2 violating that, knew that they were violating it?  
3  
4 MR. CAIN: Yeah. And I don't know, Tom,  
5 did you see people fishing at the weir?  
6  
7 MR. CARPENTER: (Nods affirmatively)  
8  
9 MR. CAIN: Yeah, that's -- they shouldn't  
10 have been doing that.  
11  
12 CHAIRMAN LOHSE: Yeah. Okay. Any  
13 questions.  
14  
15 (No comments)  
16  
17 CHAIRMAN LOHSE: Thank you, Bruce. Okay.  
18 We need a motion to put this on the table.  
19  
20 MR. CHURCHILL: So moved.  
21  
22 CHAIRMAN LOHSE: It's been moved to put  
23 Proposal 16 (sic).....  
24  
25 MR. CARPENTER: Second  
26  
27 CHAIRMAN LOHSE: It's been seconded.  
28 Discussion, recommendations. Tom.  
29  
30 MR. CARPENTER: Yeah, Mr. Chairman. In  
31 lieu of the public, State, Staff comments, general  
32 consensus, it appears that this proposal is not warranted  
33 at this time, but I would suggest that OSM Staff possibly  
34 -- if possible this spring possibly have another hearing  
35 in Cordova to discuss this situation with the public  
36 again. And while I don't agree with Jerry that we had a  
37 consensus last time, I do agree we had a reasonable  
38 consensus to make the meeting move on. That's all I  
39 have.  
40  
41 CHAIRMAN LOHSE: Pete.  
42  
43 MR. KOMPKOFF: Yeah. I heard you say  
44 Proposal 16. It's 17, right?  
45  
46 CHAIRMAN LOHSE: No, we haven't taken  
47 care of 16 yet.  
48  
49 MR. KOMPKOFF: Oh, we haven't? Okay.  
50 I'm sorry.

1 CHAIRMAN LOHSE: Bob.  
2  
3 UNIDENTIFIED VOICE: It's 17.  
4  
5 MR. WILSON: Mr. Chair.  
6  
7 MR. CHURCHILL: From an emotional basis,  
8 it's going to kill me to vote against the fly fishing  
9 only area for subsistence with dry flies, but I'm going  
10 to do it. But it -- I mean, it is interesting that we're  
11 exploring some various means and methods.  
12  
13 So with that, I call the question.  
14  
15 CHAIRMAN LOHSE: The question's been  
16 called, but Dean had his hand up first, so, Dean.  
17  
18 MR. WILSON: Are you sure we're not on  
19 17? Yeah, you'd better take a look Ralph.  
20  
21 MR. CARPENTER: We're all on 17.  
22  
23 CHAIRMAN LOHSE: You're all on 17 and  
24 you're all on the right one, and I'm on 16 and I'm the  
25 wrong one.  
26  
27 MR. WILSON: Boy, you got me totally  
28 confused.  
29  
30 CHAIRMAN LOHSE: You are 100 percent  
31 correct. I apologize to everybody.  
32  
33 UNIDENTIFIED VOICE: Just testing  
34 everybody, weren't you.  
35  
36 CHAIRMAN LOHSE: This is on Proposal 17,  
37 and we already voted on 16. So I apologize, but thank  
38 you for catching it, Pete.  
39  
40 MR. BLOSSOM: Yeah, Mr. Chairman.  
41  
42 Tom, your advisory committee is not  
43 recommending passage at this time then?  
44  
45 MR. CARPENTER: No.  
46  
47 CHAIRMAN LOHSE: Okay. The question --  
48 now that we've put -- Gloria.  
49  
50 MS. STICKWAN: I just wondered if you

1 agreed with Jerry Berg's statement about meeting in  
2 Cordova.

3  
4 MR. CARPENTER: Yeah, like I stated, I  
5 think that would be a good idea sometime this spring,  
6 March or April, something like that before the season  
7 gets going, and maybe we can straighten out some of these  
8 issues. I think the bit issue is the next proposal, so  
9 we'll got from there.

10  
11 CHAIRMAN LOHSE: Okay. Pete, do you  
12 have.....

13  
14 MR. KOMPKOFF: No, I'm fine.

15  
16 CHAIRMAN LOHSE: Okay. Now the question  
17 has been called. Bob, sorry, I didn't.....

18  
19 MR. CHURCHILL: Not a problem.

20  
21 CHAIRMAN LOHSE: .....honor your call of  
22 the question, but I had too many hands up.

23  
24 Okay. The question's been called. All  
25 in favor of Proposal 17 signify by saying aye.

26  
27 (No aye votes)

28  
29 CHAIRMAN LOHSE: All opposed signify by  
30 saying nay.

31  
32 IN UNISON: Nay.

33  
34 CHAIRMAN LOHSE: Motion fails.

35  
36 We now go on to Proposal 18. Jerry.

37  
38 MR. BERG: Thank you, Mr. Chair. You'll  
39 find Proposal 18 following right along on Page 129.

40  
41 Proposal 18 was also submitted by the  
42 Copper River/Prince William Sound Fish and Game Advisory  
43 Committee and requests that the Federal subsistence  
44 fishing methods for salmon be restricted to spears, gaffs  
45 or rod and reel in the Prince William Sound area within  
46 the Chugach National Forest, except for the Copper River  
47 drainage. This proposed change would prohibit the use of  
48 dipnets for harvesting salmon in this area.

49  
50 The methods currently allowed to take

1 salmon are stipulated on a Federal subsistence fishing  
2 permit for this area. The permit currently allows for  
3 the harvest of salmon by dipnets, spears, gaffs, and rod  
4 and reel.

5  
6 The proponent does not want a new fishery  
7 using dipnet to be established in this area.

8  
9 These are the same permit provisions that  
10 were developed at a meeting in Cordova in December of  
11 2004 that I mentioned in the previous proposals.

12  
13 The Federal subsistence fishing permit  
14 for the Prince William Sound area within the Chugach  
15 National Forest allows for the year round harvest of  
16 salmon with dipnets, spears, gaffs, rod and reel except  
17 in Eyak Lake and its tributaries which are closed to  
18 fishing for salmon.

19  
20 As I stated in the other proposals, the  
21 permit must be in the user's possession while fishing,  
22 and all fish must be recorded on the permit prior to  
23 leaving the fishing site.

24  
25 There are also State and Federal  
26 subsistence fishing regulations that allow the take of  
27 pink salmon with a dipnet in fresh waters of most islands  
28 and some mainland waters in the Prince William Sound area  
29 with no harvest or possession limits. This harvest  
30 provision extends from May 15th to September 30th.

31  
32 There are cultural ethnographies for the  
33 region that document a long history of using dipnets to  
34 harvest salmon by some residents of the Prince William  
35 Sound area.

36  
37 If adopted, the proposed regulatory  
38 change would restrict Federally-qualified users from  
39 harvesting salmon with dipnets in the affected area.  
40 Dipnets are a traditional gear used for harvesting salmon  
41 by some people in the Prince William Sound area, and may  
42 be an alternative method available to some qualified  
43 users who lack access to a boat or other permitted gear  
44 types.

45  
46 Also, dipnets can serve as an important  
47 tool for managing salmon stocks since unwanted fish can  
48 easily be returned to the water.

49  
50 Currently there are no conservation

1 concerns for Prince William Sound area salmon stocks.

2

3 Therefore, Mr. Chair and Council members,  
4 we have the same recommendation that it is premature to  
5 gage the level of harvest from federal subsistence  
6 fishing permits that were issued for the first time this  
7 year, and that a meeting be held in Cordova with all  
8 interested users and agency personnel this winter to  
9 discuss the permit provisions for the 2006 season, rather  
10 make permanent regulatory changes at this time.

11

12 So our recommended conclusion is to  
13 oppose the proposal at this time.

14

15 Thank you, Mr. Chair.

16

17 CHAIRMAN LOHSE: Thank you, Jerry. Any  
18 questions for Jerry. Tom.

19

20 MR. CARPENTER: Yeah, Jerry. I've just  
21 got a couple questions. I guess I've got a couple  
22 comments.

23

24 The first is that there hasn't been a  
25 Federal subsistence season in fresh waters ever. I mean,  
26 basically in our lifetimes, the last 50 years, since  
27 statehood. 99 -- probably 95 percent of all the fish  
28 that are harvested in Prince William Sound, subsistence,  
29 sport or other means that are done for subsistence  
30 purposes, have always been done with rod and reel,  
31 because it was always a sport fishery. But basically  
32 when you wanted fish, you took your rod and reel out, you  
33 caught your fish. In my eyes, and in the advisory  
34 committee's eyes, that's a traditional means of  
35 harvesting fish.

36

37 There's never ever -- and I've talked to  
38 a lot of people, a lot of people that have lived in  
39 Cordova a long time. Nobody has ever went and dipped  
40 Eyak River. Nobody has ever went and dipped Alaganik,  
41 except for hooligan like Ralph said, which is a different  
42 issue. We're talking about freshwater fish here.

43

44 Now, granted there is an area in Prince  
45 William Sound, that southwest district, where you are  
46 allowed to go into freshwater and dip pink salmon. Now,  
47 I was looking at the amount of fish that had been  
48 harvested, pink salmon, under a subsistence permit, and I  
49 believe those are issued in both in Tatitlek and Chenega.  
50 There's not very many fish that have been taken, and I'd

1 be curious to know if anybody has the stats as to if they  
2 actually used the dipnet to go and catch those fish. My  
3 guess is no. It was probably either a beach seine or  
4 gillnet.

5  
6 So I'm not so sure that we can  
7 necessarily say that dipnetting is a traditional means of  
8 harvesting fish in this area. And that's the reason that  
9 this proposal's in.

10  
11 It's always been a sportfishery and if  
12 you look back and take that data as a sport fishery, you  
13 have to say that rod and reel is really the only true  
14 means of subsistence fishing in freshwater. Because the  
15 only other State fishery was a gillnet fishery, and that  
16 was done during the commercial openers in the regulatory  
17 markers.

18  
19 So that's our point is that we're  
20 starting something here that really has no traditional  
21 boundaries. And I don't know, I guess I'm looking for  
22 your comment there. Maybe you found something else out  
23 that I don't know about.

24  
25 CHAIRMAN LOHSE: Jerry.

26  
27 MR. BERG: Yeah. Thank you, Mr. Chair.

28  
29 Yeah, I guess I really don't have a real  
30 good answer for you, Tom. I didn't do the background  
31 research on this issue. We had a staff, Pete DeMatteo,  
32 actually did the staff work on this proposal. I thought  
33 he did a good job. He did find some studies that were  
34 done that showed that people did use dipnets in some  
35 places historically, and I think those were primarily  
36 associated with those pink salmon fishery on some of  
37 those island areas.

38  
39 You know, whether people used dipnets  
40 before they were regulated out years ago, I mean, I don't  
41 know. And I don't think Pete found any studies that  
42 showed that people did. You know, I guess we'd be  
43 looking for, you know, if people know of other  
44 information that's available for us to look at.

45  
46 But you know, it's certainly -- most  
47 people I think in that area do get a State subsistence  
48 permit. They have for years. And they go out in marine  
49 waters and they get their fish.

50

1                   The Federal regulations have been  
2 available since 1999. Nobody chose to pursue that until  
3 just this last year, and so this is a new opportunity for  
4 folks to get their subsistence fish if they so choose out  
5 of fresh waters.

6  
7                   You know, you're still taking -- you're  
8 still limited to 15 fish whether you go out in marine  
9 waters and use a gillnet or whether you go into a river  
10 with a dip net. And, in fact, I think you're -- you  
11 know, you're probably safer using a dipnet, because you  
12 -- like I said, you can release unwanted fish. So it  
13 seems like a good management tool to us to allow dipnets.

14  
15                   But, you know, of course, that's why  
16 we're here is because you guys live in the area, and I  
17 think we need to hear from you guys and see what you guys  
18 think is appropriate. And we would rather just wait, and  
19 we just thought it was appropriate to wait and listen to  
20 more people in Cordova this winter.

21  
22                   MR. CARPENTER: No, I understand, and I  
23 appreciate your concern. And I think you know where I'm  
24 coming from, too, but, I mean, I spent a lot of time on  
25 this one, because when people found out this year that  
26 you could go to the Forest Service and get this permit --  
27 and I'm not saying everybody I talked to, but 90 percent  
28 of the people were absolutely outraged that you could use  
29 a dipnet. That I spoke to about this issue. And I tried  
30 to speak to as wide diverse group of people as I could,  
31 because I know living in Cordova what the word dipnet  
32 means when you talk about that in town. It is not a  
33 friendly word that you associate with fish. And I know  
34 you know where I'm coming from there.

35  
36                   We're not opposed to people being able to  
37 go down the river that live in Cordova year round, that  
38 don't have access to go out to the flats and catch  
39 gillnet fish. We're not opposed to them catching their  
40 15 fish on a rod and reel, because that's the way it's  
41 always been done. We just don't think that it's right  
42 that people dipnet, because that would be like, you know  
43 -- I don't know, doing something in Fairbanks that's  
44 never been done before. That's where we're coming from.  
45 We're not opposed to not allowing them to catch their  
46 fish. It's just how they can do it. We're trying to  
47 keep something from getting built up so that in 10 years  
48 somebody doesn't sit right where you are and go, well, in  
49 1999 this has been going on, because that's how some  
50 other dipnet fisheries started. So, anyway.....

1 CHAIRMAN LOHSE: Jerry, can I ask you a  
2 question. I'm looking at this executive summary right  
3 here. Are we dealing with just the fresh waters of  
4 Prince William Sound or are we dealing with the whole  
5 Prince William Sound area?

6  
7 MR. BERG: We're dealing with fresh  
8 waters within the Prince William Sound area, within the  
9 Chugach National Forest. So basically, yeah, the fresh  
10 waters within the Prince William Sound area.

11  
12 CHAIRMAN LOHSE: Just.....

13  
14 MR. BERG: Not marine waters at all.

15  
16 CHAIRMAN LOHSE: Okay.

17  
18 MR. BERG: And I guess that also brings  
19 up a good point. I think we need to keep in perspective  
20 that, you know, whatever gear comes out of this as being  
21 allowed on the permit, only the people who have C&T are  
22 qualified, so people -- you know, there certainly aren't  
23 going to be people from other communities coming in  
24 unless they have C&T for this area. So I think it's  
25 important just to keep that in mind as well, you know.  
26 And in this area, obviously it will probably just be  
27 mainly people from Cordova.

28  
29 But, yeah, it is only fresh waters within  
30 the Prince William Sound area that are within the Chugach  
31 Forest boundaries.

32  
33 CHAIRMAN LOHSE: Okay. So all the marine  
34 waters are under State jurisdiction, right?

35  
36 MR. BERG: That's correct. And there's  
37 no Federal.....

38  
39 CHAIRMAN LOHSE: And so in the marine  
40 waters, gillnets, purse seines, and things like that can  
41 be used in the marine waters under a State permit, am I  
42 correct on that?

43  
44 MR. CARPENTER: Yeah.

45  
46 MR. BERG: Yeah, I'm not sure what the  
47 State.....

48  
49 CHAIRMAN LOHSE: I'm pretty sure I'm  
50 correct on that.

1 MR. MILLER: Mr. Chair. I believe right  
2 now that the subsistence fisheries in Prince William  
3 Sound, there are a couple that I'm not sure about, but  
4 the main one is with gillnets at the mouth of the Copper.

5  
6 CHAIRMAN LOHSE: Okay.

7  
8 MR. CARPENTER: It's the same.....

9  
10 MR. MILLER: And I believe that there are  
11 some other permits that have been issued for other  
12 fisheries around. I think there's a subsistence fishery  
13 out on the west side, too, with seines. I think. And  
14 some gillnets out there.

15  
16 MR. CARPENTER: In the commercial  
17 opening.

18  
19 CHAIRMAN LOHSE: So I just wanted to make  
20 sure that I understood that we're dealing with fresh  
21 water only right here, that the rest of it's under State  
22 jurisdiction.

23  
24 Pete.

25  
26 MR. KOMPKOFF: Yeah, just a couple things  
27 I want to clarify. You know, I've been taking pink  
28 salmon out of the streams when they get up to spawn for  
29 quite a few years with dipnet, so that's how I get my  
30 beavills (ph). So it's been happening for many years.

31  
32 And the other thing that's on this  
33 proposal is on Section 5 AAC where it mentioned Federal  
34 subsistence salmon fisheries for management plan. And  
35 what I don't agree with in this one is salmon may be  
36 taken from May 15th to September 30th. For years it's  
37 been April 15th, and there's no -- there shouldn't be any  
38 limit on when we could take subsistence fish in the first  
39 place. Subsistence is subsistence, and when we need  
40 them, when they're running, we should be able to take  
41 them. So that's one thing I would like to change when it  
42 comes down to that, and where do I go to do that?

43  
44 CHAIRMAN LOHSE: Jerry.

45  
46 MR. BERG: Yeah, Mr. Chair.

47  
48 Yeah, Pete, that would have -- we would  
49 need to submit another proposal during the next cycle to  
50 change the season dates on the permit. Well, actually

1 for the Federal permit, you know, we can stipulate those  
2 dates on the permit as a result of discussions that occur  
3 this winter, as long as we don't set any dates  
4 permanently in regulation, because there are no dates set  
5 permanently in Federal regulations. Those are dates that  
6 are set in State regulations.

7

8 MR. KOMPKOFF: Yeah.

9

10 MR. BERG: But there aren't any for  
11 Federal regulations at this point. It's just stipulated  
12 on the permit.

13

14 MR. KOMPKOFF: Follow up on that. When  
15 you guys have that meeting in Cordova, I'd sure like to  
16 be invited, because it affects my area as well, not just  
17 Copper River we're talking about. We're talking about  
18 Prince William Sound as well.

19

20 Thank you.

21

22 CHAIRMAN LOHSE: Okay. Any other  
23 questions for Jerry.

24

25 (No comments)

26

27 CHAIRMAN LOHSE: Okay. Alaska Department  
28 of Fish and Game.

29

30 MR. MILLER: Mr. Chair. Comments in the  
31 justification of this analysis suggests local subsistence  
32 needs have not been met due to restrictions in gear types  
33 of State subsistence fisheries. However, local  
34 subsistence users are being provided through State  
35 fisheries and special permits. If a local subsistence  
36 need has been identified, a means of harvest has been  
37 documented, and there is a harvestable surplus available,  
38 then there's no reason to restrict that gear type in a  
39 Federal subsistence fishery. Dipnets may be a preferred  
40 method, because they are easily identifiable from the  
41 State sport fishing gear, allow economical and efficient  
42 harvest of fish, and allow for quick and easy release of  
43 nontarget species.

44

45 CHAIRMAN LOHSE: Is that all?

46

47 MR. MILLER: That's it.

48

49 CHAIRMAN LOHSE: Any questions. So if I  
50 understand your comments then, the State is basically

1 opposed to this proposal as it stands, because they don't  
2 see any reason to limit dipnets out?

3

4 MR. MILLER: I would summarize it by  
5 saying that I'm not sure that the State sees that there's  
6 a need for this first of all, but that's a much larger  
7 issue. If a need has been identified, that there's a  
8 need for Federal subsistence users to get more fish, then  
9 the State's recognizing that there's no need to reason --  
10 to limit any particular method. Dipnets as opposed to,  
11 we had mentioned the sport fishing gear before, allow you  
12 to easily release your fish, to control how many you're  
13 catching, et cetera, et cetera. It's more identifiable.  
14 You don't confuse somebody with a dipnet as a  
15 recreational angler, so there's enforcement  
16 clarifications that we had before.

17

18 CHAIRMAN LOHSE: Doug.

19

20 MR. BLOSSOM: Mr. Chairman. Dipnets are  
21 a sort method of catching fish?

22

23 MR. MILLER: Mr. Chair. Not in Prince  
24 William Sound.

25

26 MR. BLOSSOM: Statewide?

27

28 MR. MILLER: They are used -- they're a  
29 way of catching fish. I'm not sure if they're sport up  
30 in the Copper, or if they're just P.U.

31

32 MR. BLOSSOM: I thought that was a  
33 statewide provision that that was a method.

34

35 MR. TAUBE: Mr. Chairman. Mr. Blossom.  
36 For hooligan they're considered sport gear, but otherwise  
37 they're considered personal use gear, or subsistence  
38 gear. For example, in the upper Copper River, in the  
39 Glennallen subdistrict, you're allowed fish wheel or  
40 dipnet. In the personal area, it's dipnet only. You  
41 know, other parts on the Cook Inlet area, that is under  
42 personal use regulations, not sport.

43

44 MR. MILLER: (Indiscernible) Southeast.

45

46 MR. TAUBE: Southeast as far as I know, I  
47 don't think there's anything in Southeast.

48

49 MR. MILLER: The only place that I'm  
50 aware of, Mr. Chair, is as you had mentioned with

1 hooligan in Prince William Sound. Not for salmon.

2

3 CHAIRMAN LOHSE: any other questions.

4

5 (No comments)

6

7 CHAIRMAN LOHSE: Thank you. Other  
8 Federal, State or tribal agencies, Forest Service, Native  
9 Village of Eyak. I see two hands back there.

10

11 MR. CAIN: Yeah. Bruce Cain, Native  
12 Village of Eyak.

13

14 There's a lot of issues on this proposal  
15 that I don't think are -- have been addressed, or -- and  
16 I would recommend that this be voted against at this  
17 time. I think we need to have a meeting and we need to  
18 talk about a lot of different issues.

19

20 Just the -- you know, in terms of the use  
21 of dip nets for, you know, traditional harvest, that's --  
22 you know, we need to see data on that to support Tom's  
23 claim that that's never been done, because I think that  
24 it has, maybe not in recent times, because it's been  
25 illegal, but back before the railroad was built and when  
26 the villages were on the Eyak River. You know, I'm not  
27 an anthropologist and I haven't really got -- you know,  
28 researched that myself, but dipnets were a common method  
29 of back in those days.

30

31 And then the other methods of use is  
32 gillnets and beach seines like Tom was saying, and fish  
33 traps.

34

35 And this is a restrictive proposal and,  
36 you know, we all see the need for some kind of  
37 regulation, and that's why it's -- you know, we're  
38 bringing -- you know, this has been talked about and  
39 brought. But I don't think that, you know -- how this is  
40 being proposed and what impact it's going to have like,  
41 you know, over on Chenega and other parts of Prince  
42 William Sound, it's not going to be very good thing. I  
43 think it needs to be -- we need some committee work on it  
44 or something.

45

46 The other comment, just in terms of, you  
47 know, a subsistence need, you know, like this summer when  
48 all the humpies showed up, I asked if I could get a  
49 permit just personally to get 100 humpies, and there as  
50 no way to really get a permit to do that, just to make

1 dryfish with. Meanwhile thee were millions of humpies  
2 being roe stripped and ground and dumped in the bay. And  
3 in terms of whenever there's roe stripping going on,  
4 there shouldn't be any restrictions on getting humpies  
5 for food.

6

7 And so anyway, those are my comments.

8

9 CHAIRMAN LOHSE: Any questions for Bruce.

10 Thank you, Bruce.

11

12 MR. CARPENTER: I do.

13

14 CHAIRMAN LOHSE: Tom.

15

16 MR. CARPENTER: Yeah, Bruce, you're  
17 right, I can't -- I don't have any documents that say  
18 that dipnetting hasn't been a traditional way in the  
19 past. But the only thing I could do is talk to as many  
20 people that lived in Cordova, that were old enough to  
21 remember that it possibly happened before Statehood. I  
22 didn't find one person that told me that anyone ever  
23 dipnetted on Eyak or Alaganik. There were people that  
24 said that they dipnetted on the lower Copper and above  
25 the Million Dollar Bridge. So, yeah, it's not a  
26 documented fact, but as close as we're probably going to  
27 get.

28

29 I sat for probably -- I don't know, last  
30 year before Bud Janzen died, I sat with him for a couple  
31 hours and talked to him about all kinds of things like  
32 this. And he's the one that told me in definite fact  
33 that there was never any dipnetting on Eyak and Alaganik.

34

35 So, not to say that it doesn't take place  
36 over in Chenega. And by the way the intent of my  
37 proposal was not to address the pink salmon issue in  
38 Prince William Sound, and that will be addressed, but  
39 with an amendment.

40

41 But, you know, it's just a comment. I  
42 mean, I don't know. If you have some other documentation  
43 that shows that there was, I mean, that would be great  
44 for the discussion, but all I have is what all the people  
45 in town told me.

46

47 CHAIRMAN LOHSE: Bruce.

48

49 MR. CAIN: Can I answer, or reply.

50

1 CHAIRMAN LOHSE: (Nods affirmatively)

2

3 MR. CAIN: Yeah. That may be true, but I  
4 guess my point is that, you know, we know that gillnets  
5 have been used, and, you know, up until even recently  
6 down at the duck cabins and things, people set gillnets  
7 out. And that's not addressed in here. And right now,  
8 you know, the regulation, or this whole permit and that  
9 list of gear that was -- it was kind of informally  
10 developed to kind of put some order on this, and, you  
11 know, we all recognize there's a need to put some order  
12 on this. I'm not saying that we should leave it wide  
13 open, I mean, our council is concerned about it as well.  
14 And, you know -- but if we're going to list gear types,  
15 you know, I think it was a gillnet, you know, that's been  
16 traditionally used, but is that something that we want to  
17 allow, and I don't think at least right now talking with  
18 my counsel that that's something they want to allow,  
19 because it's too efficient of a method.

20

21 So, I mean there's a lot of issues that  
22 just need to be discussed and worked out, and I don't  
23 think that this thing's ready to be, you know, put  
24 forward. I would recommend voting against it.

25

26 CHAIRMAN LOHSE: Thank you, Bruce. Tom.

27

28 MR. CARPENTER: Yeah, I mean, I  
29 appreciate your concerns, and I guess the only position  
30 that the AC had that these are -- in our opinion, this is  
31 very informal. I mean, this permit each year is  
32 completely up to the discretion of one individual. I'm  
33 not saying that he's a bad guy or anything, but, I mean,  
34 there's not many places where one guy can control the  
35 destiny of all the subsistence users in town basically.  
36 And we feel that this needs to be a more permanent,  
37 permanent part of the permit every year.

38

39 And we feel there's proper amount of data  
40 to prove that this was never a means and way and method  
41 of harvesting fish. And we'd like to see it changed and  
42 then in the future if somebody can prove otherwise, I  
43 mean, myself sitting on this Council, I'd be more than  
44 happy to listen to that idea. But we're just trying to  
45 keep something from getting started that shouldn't be  
46 started.

47

48 That's all I've got.

49

50 CHAIRMAN LOHSE: (Nods affirmatively)

1 MR. van den BROEK: I'd just like to say  
2 that I think the purpose of a subsistence fishery is to  
3 allow access of all rural residents to that fishery, and  
4 the State subsistence fishery was prohibitive if that if  
5 you don't own a boat, you don't have access to the Flats,  
6 you can't access that fishery. And the Federal  
7 subsistence fishery was started to address that, and made  
8 it available to all users in the freshwater.

9  
10 The traditional nets of gillnets and  
11 beach seines and traps are not necessarily reasonable to  
12 be used in areas like the Eyak River, where it's clogged  
13 with boats and can be damaging to the environment. And I  
14 think that dipnets are an environmentally friendly  
15 alternative to that, and even if they weren't  
16 traditionally used, they're a good alternative now to the  
17 methods that were traditionally used.

18  
19 And, I don't know, I guess the fear of a  
20 lot of Cordova residents about a dipnet fishery starting  
21 like we see on the upper Copper River should be more of a  
22 State issue. At the moment that's a restricted gear in  
23 the sport fishery, and it should continue to be so. As  
24 long as it's only a gear type that's allowed for  
25 subsistence users, I don't think we're going to see an  
26 abuse of it.

27  
28 CHAIRMAN LOHSE: Any questions. Pete and  
29 then Bob.

30  
31 MR. KOMPKOFF: Yeah, I have a question  
32 for Bruce. I didn't hear you when you mentioned your  
33 recommendation on this proposal.

34  
35 MR. CAIN: I recommended that it be voted  
36 against.

37  
38 I have one comment if I could, Ralph. I  
39 think that one of the main reasons why dipnets aren't  
40 used on the Eyak River is because they don't work. You  
41 know, it's just not the right river for dipnetting on.  
42 And, you know, to me, I think we need to really talk this  
43 through. I don't really necessarily think dipnets are  
44 the way to go either, but, you know, if we're going to do  
45 something that really works, and that has been  
46 traditionally used, I mean, you're talking about a big  
47 change in the way that things are done right now, and so  
48 I don't think that's something that can just come up and  
49 be discussed in a few minutes and go down and be  
50 successful. I think that -- I just would urge caution,

1 and I really agree with the staff recommendation.

2

3 CHAIRMAN LOHSE: Thank you, Bruce. Bob.

4

5 MR. CHURCHILL: Yeah. Through the Chair.

6

7 And I'd just like your general opinion on  
8 it. Am I hearing you say you think methods and means in  
9 a subsistence fishery or whatever, is independent of the  
10 subsistence activity itself? Is that the point you're  
11 making?

12

13 MR. CAIN: Ralph -- Mr. Chair. I'm not  
14 -- can you please clarify?

15

16 MR. CHURCHILL: Sure. You've got a  
17 subsistence fisheries and it's well documented, a  
18 particular method, it has been traditionally used, and  
19 the only method that's been traditionally used to harvest  
20 in that fishery. Is the position I'm hearing say that  
21 the -- we wouldn't hold the people using that subsistence  
22 fishery to that means -- particular method. They could  
23 use any reasonable method as long as it didn't interfere  
24 with conservation to harvest the fish that they needed?

25

26 MR. CAIN: Yeah, and I think, you know,  
27 that's what's allowed right now, but we've informally  
28 agreed to this list of gear types, and, you know, it's  
29 like Tom says, it's totally to the discretion of the  
30 Federal manager. And, you know, in my opinion he's doing  
31 an admiral job given, you know, the total lack of  
32 definition that's going on. And I agree with Tom that  
33 it's definitely going to be -- well, it's going to get  
34 out of hand if we don't deal with it. But I don't think  
35 this is the answer. And that's why -- and I would  
36 recommend that it be voted down, and we set up a  
37 committee for this winter and hash this out, because it's  
38 going to take a while to do it.

39

40 MR. CHURCHILL: So just to.....

41

42 CHAIRMAN LOHSE: Bob.

43

44 MR. CHURCHILL: Just to clarify, what  
45 you're saying is you think the methods and mean is  
46 independent, but it needs to be exercised with good  
47 judgment?

48

49 MR. CAIN: Right. And, you know, the  
50 methods and means that are listed, you know, spears,

1 yeah, they were used. Dipnets, you know, not that I'm  
2 aware of on that particular drainage, although they --  
3 you know, the hooligan fishermen incidentally always  
4 catch a few salmon, and so, you know, they've I'm sure  
5 were done. But, you know, all this is a big change, and  
6 it's just -- I mean it's different, it's way different  
7 than in the upriver or in any other area just because of  
8 the way the commercial fishery has been regulated, and  
9 the way that the subsistence fishery is only opened when  
10 the commercial fishery's open, and the way that the whole  
11 fishery's evolved.

12

13 So, anyway, that's just my comments.  
14 Thank you.

15

16 MR. CHURCHILL: One more follow up.

17

18 CHAIRMAN LOHSE: Bob.

19

20 MR. CHURCHILL: So do you have a fair  
21 amount of evidence that the spears and gaffs have been  
22 used for any length of time or not been used, or what's  
23 your sense of that?

24

25 MR. CAIN: Well, I apologize for -- I  
26 don't have any of that date here with me, and my  
27 knowledge bearers are not here. I'm kind of winging it.  
28 And, yeah, I'm sure we can get all that information and,  
29 you know, in my knowledge of, you know, talking to  
30 individuals using spears is there, and, you know -- but  
31 we're only talking in one particular drainage, we're  
32 talking the Eyak River. You know, if you go out to the  
33 Copper River, you know, I've personally seen elders  
34 dipnetting salmon out there, you know, in the six years  
35 I've been in Cordova, so, you know, it's been -- it goes  
36 on, they're just outlaws. And, you know, the hooligan  
37 fishermen I've seen catch salmon, you know, and they're  
38 outlaws. You know, people aren't going to report that  
39 stuff. But it happens. And, you know, before there was,  
40 you know, restrictions on it, and people had to be  
41 outlaws, and I'm sure they did it much more freely.

42

43 MR. CHURCHILL: And, Bruce, I wasn't  
44 aiming that question just at you. Maybe Jerry or someone  
45 else at the table also has information on spears or gaffs  
46 being used.

47

48 MR. BERG: Yeah. Mr. Chair. Mr.  
49 Churchill.

50

1                   Yeah, I'm just looking through the  
2 analysis here, and I know Pete did find some reports that  
3 he was going through that did show some historical use of  
4 dipnets and then he goes -- you know, and then more  
5 recently when there was commercial fisheries, and then  
6 purse seines and gillnets have been use. But I don't see  
7 anywhere where he found historical information of spears  
8 and gaffs, but, you know, I guess it -- you would think  
9 people would have used them years ago, but it's -- you  
10 know, I certainly didn't do the research or go through  
11 the reports for this study, so I can't really comment I  
12 guess.

13  
14                   MR. CHURCHILL: Thank you. Nothing  
15 further.

16  
17                   CHAIRMAN LOHSE: Thank you, Bob. Any  
18 other questions. James.

19  
20                   MR. SHOWALTER: Yes. Am I hearing you  
21 correct when you're indicating that you are in favor of a  
22 dipnet, is that correct?

23  
24                   MR. CAIN: I guess what I would say is  
25 I'm not in favor of doing any restriction on the  
26 subsistence fishery at this time. And this proposal is  
27 much too restrictive.

28  
29                   MR. SHOWALTER: I didn't get your answer.  
30 Are you in favor of it or aren't you.

31  
32                   MR. CAIN: (No response)

33  
34                   MR. SHOWALTER: Okay. The reason why I'm  
35 asking that is a point here in Kenai. For personal use  
36 it never has been done, I think I'll have to stay the  
37 State Fish and Wildlife, or whichever, State, anyway,  
38 implemented a dipnet fishery in the Kenai for a surplus.  
39 Now they demand that they have it. That's the reason why  
40 I'm asking.

41  
42                   Thank you.

43  
44                   CHAIRMAN LOHSE: Thank you, James.

45  
46                   Any other questions.

47  
48                   (No comments)

49  
50                   CHAIRMAN LOHSE: If not, we'll go on to

1 fish and game advisory committee comments. Do we have  
2 any. Oops, we have another -- do I have somebody -- Tim,  
3 another interagency -- another agency.

4  
5 I'll get you Pete.

6  
7 MR. JOYCE: Mr. Chairman. Tim Joyce, I'm  
8 with the Forest Service. I just want to clarify one  
9 point, that I'm not actually the guy that makes that  
10 decision. It's the ranger that's the in-season manager,  
11 so it's that gal that's making that decision, not the  
12 guy, so -- I help her.

13  
14 And also I just want to point out, too,  
15 that there might be some information back when you looked  
16 at Proposals 14 and 15 on the customary and traditional  
17 finding, there is some information there on some of the  
18 traditional methods and means. I did -- I haven't had a  
19 chance to look through it all yet, but there was some  
20 identification of spears as being one use for freshwater  
21 fish.

22  
23 Thank you.

24  
25 CHAIRMAN LOHSE: Thank you, Tim.

26  
27 Pete, did you have a question.

28  
29 MR. KOMPKOFF: Yeah, I had a question for  
30 Bruce. I think our colleague here, James, wanted an  
31 answer from him and he never got it.

32  
33 CHAIRMAN LOHSE: I don't know if you'll  
34 get an answer from him, but -- thank you.

35  
36 MR. CAIN: You have asked me a question  
37 for which I don't have an answer, and I will have to  
38 return home to headquarters for further clarification.

39  
40 CHAIRMAN LOHSE: Good enough.

41  
42 MR. CAIN: Because some -- I think Tom  
43 kind of got on it, you know, the connotations of dipnet  
44 and I just can't say right now what that answer is. So,  
45 I'm sorry, but I can't answer it.

46  
47 CHAIRMAN LOHSE: If I understood your  
48 recommendation, your recommendation was that as a  
49 community and with Staff -- with representatives from the  
50 agency, we should have a meeting this winter where the

1 community sits down and comes up with some guidelines and  
2 then to come forward with a proposal, was I correct on  
3 that?

4  
5 MR. CAIN: That's correct. Yes.  
6

7 CHAIRMAN LOHSE: So you aren't taking a  
8 stand one way or another on any one type of gear, but you  
9 thought that this was too restrictive to be done without  
10 having that kind of a meeting?

11  
12 MR. CAIN: Yes.  
13

14 CHAIRMAN LOHSE: Okay. That's why I  
15 didn't expect him to give you an answer, James. So,  
16 thank you, Bruce.

17  
18 Okay. We are now on Interagency Staff  
19 Committee.

20  
21 (No comments)  
22

23 CHAIRMAN LOHSE: And then on to fish and  
24 game advisory committees.

25  
26 (No comments)  
27

28 CHAIRMAN LOHSE: Summary of written  
29 public comments.

30  
31 MR. MIKE: Mr. Chairman. We have one  
32 written public comment from the Ahtna Subsistence  
33 Committee. The Ahtna Subsistence Committee supports  
34 FP06-18 proposed to allow only spears, gaffs, and rod and  
35 reel to harvest salmon in all water of Prince William  
36 Sound south of Haley Creek.

37  
38 Thank you, Mr. Chair.  
39

40 CHAIRMAN LOHSE: Thank you. That's all  
41 the written comments?

42  
43 MR. MIKE: Yes.  
44

45 CHAIRMAN LOHSE: Well, if there's anybody  
46 that's had experience with the issued, it's them.  
47 They've seen first hand what the results are.

48  
49 With that, we have no public testimony,  
50 so we need a motion to put Proposal 18 on the table so

1 that we can discuss it.  
2  
3 MR. CHURCHILL: So moved.  
4  
5 CHAIRMAN LOHSE: I's been moved to put 18  
6 on the table. Do I hear a second.  
7  
8 MR. WILSON: Second.  
9  
10 CHAIRMAN LOHSE: It's been moved and  
11 seconded that we put 18 on the table for discussion.  
12  
13 (No comments)  
14  
15 CHAIRMAN LOHSE: All in favor signify by  
16 saying aye.  
17  
18 IN UNISON: Aye.  
19  
20 CHAIRMAN LOHSE: All opposed signify by  
21 saying nay.  
22  
23 (No opposing votes)  
24  
25 CHAIRMAN LOHSE: Motion carries. Okay.  
26 Discussion.  
27  
28 MR. CARPENTER: Yeah,, Mr. Chairman. I  
29 mean, I understand the concerns that Bruce has. Like I  
30 said, I spent quite a bit of time on this proposal in  
31 town, because, you know, I haven't lived there for as  
32 long as a lot of those people have, and I couldn't find  
33 anybody that told me that that was a traditional way of  
34 harvesting fish in those two places that it's legal to do  
35 it right now.  
36  
37 And in my opinion we should pass this  
38 proposal. I am not opposed to sitting down with the  
39 community this winter, with OSM Staff, and possibly  
40 looking at a future modification, but I think we need to  
41 stop this where it is now, because if we don't we're  
42 going to keep postponing it, postponing it, postponing  
43 it, and the next thing we're going to have is like James  
44 said, somebody is going to tell us that that's the way is  
45 it, because it's a traditional way, and that's not what  
46 we want right now.  
47  
48 That's my position.  
49  
50 CHAIRMAN LOHSE: Pete, then Gloria.

1 MR. KOMPKOFF: No.  
2  
3 CHAIRMAN LOHSE: Oh, you were pointing to  
4 Gloria? Okay. Gloria.  
5  
6 MS. STICKWAN: I just wanted to know what  
7 Pete had to say, what he thought.  
8  
9 MR. KOMPKOFF: What I think about it? I  
10 would support this proposal with a friendly amendment,  
11 and that amendment being that dipnetting be allowed in  
12 Prince William Sound areas. Chenega, LaTouche.  
13  
14 CHAIRMAN LOHSE: Tom.  
15  
16 MR. CARPENTER: Mr. Chairman. Pete.  
17  
18 I believe, and I -- when this proposal  
19 was being drafted, it was kind of -- Jerry actually  
20 helped me write this proposal, and at the time I knew  
21 about that, and the intent was not to disallow those few  
22 pink salmon streams that have been harvested that way.  
23 That was not the intent. The intent was to disallow  
24 dipnetting, and I can't remember the exact wording that  
25 we'd have to use now, but mainly it's on Alaganik and  
26 Eyak. Those are really the two tributaries that are not  
27 associated with the Copper that that is where it is legal  
28 right now to do that.  
29  
30 MR. KOMPKOFF: Is there any way that you  
31 can incorporate that into this proposal, that it just  
32 mention those two areas?  
33  
34 CHAIRMAN LOHSE: I would think that there  
35 would be, Pete, with an amendment. There's a number of  
36 amendments that could be made if the idea was to limit it  
37 to certain waters, and from what it sounds like to me  
38 like basically is what we're looking at is the waters of  
39 the Copper River Delta except for the Copper River  
40 itself. I mean, that's one thing about this proposal, it  
41 could be more definite that way. We definitely could  
42 make an amendment not to include the waters of Prince  
43 William Sound, of the Sound itself. But somebody would  
44 have to make an amendment that way of you're going to use  
45 this proposal that's in front of us, and that's open for  
46 that kind of amendment.  
47  
48 Tom.  
49  
50 MR. CARPENTER: Mr. Chairman.

1 I guess I'd ask Jerry or maybe Tim a  
2 question since he worked down in -- with the Department  
3 for a long time. The two areas that are open for pink  
4 salmon for subsistence in the sound are the southwest  
5 district, which is Green Island from the western tip of  
6 the island to the northernmost tip, and waters north of a  
7 line from Porcupine Point to Granite Point, and south of  
8 a line from Point Low to Tongue Point. Are those the two  
9 areas we're talking about?

10

11 MR. BERG: (Nods affirmatively)

12

13 MR. CARPENTER: Okay. Mr. Chairman. I  
14 would offer up an amendment that the following waters in  
15 Prince William Sound, it's -- the exact language would be  
16 5 AAC 01.648.....

17

18 UNIDENTIFIED VOICE: What page are you  
19 on?

20

21 MR. CARPENTER: 132. Page 132. Which  
22 would be the southwest district as described in 5 AAC  
23 24.200 along the northwestern shore of Green Island from  
24 the westernmost tip of the island to the northernmost  
25 tip, and waters north of a line from Porcupine Point to  
26 Granite Point, and south of a line from Point Low to  
27 Tongue Point, and those areas in fresh waters that  
28 dipnetting pink salmon would be allowed.

29

30 Is that -- and that's as close as I can  
31 get.

32

33 CHAIRMAN LOHSE: Did you include Chenega  
34 in there?

35

36 MR. KOMPKOFF: It's about there, Chenega,  
37 Knight Island, Chenega Island, Bainbridge Island, Evans  
38 Island, Eleanor Island LaTouche Island, and adjacent  
39 islands. Is that what you said?

40

41 CHAIRMAN LOHSE: Pete, let me, with the  
42 consent of tom, maybe I can make a suggestion here, and  
43 I'm not making this as an amendment, but I see what  
44 you're trying to do, so why not just say in the waters of  
45 Prince William Sound areas, except those of the Copper  
46 River drainage, you may harvest sockeye and coho salmon  
47 only with spears, gaffs, rod and reels; pink salmon may  
48 be harvested with a dipnet.

49

50 Would that meet what both of you are

1 trying to do?

2

3 MR. CARPENTER: I believe it would.

4

5 MR. KOMPKOFF: I believe it would, too.

6

7 CHAIRMAN LOHSE: And we could include  
8 chinook, sockeye and coho, only with spears, gaffs, rod  
9 and reel; pink salmon and chum salmon may be harvested  
10 with a dipnet. That would address your concern, that  
11 would address his concern. And I'm not making that  
12 amendment, if somebody wants to make an amendment to that  
13 effect, he can.

14

15 MR. KOMPKOFF: I make that amendment. I  
16 move to make that amendment.

17

18 CHAIRMAN LOHSE: Do I hear a second.

19

20 MR. CARPENTER: I'll second.

21

22 CHAIRMAN LOHSE: Okay. Now we have an  
23 amendment on the table. Discussion on the amendment.

24

25 (No comments)

26

27 MR. KOMPKOFF: Question on the amendment.

28

29 CHAIRMAN LOHSE: Dean, you've got  
30 discussion?

31

32 MR. WILSON: Could we reread in its  
33 entirety again on that.

34

35 CHAIRMAN LOHSE: In the waters of Prince  
36 William Sound area, except those of the Copper River  
37 drainage, you may harvest chinook, sockeye and coho  
38 salmon only with spears, gaffs, or rod and reel; pink and  
39 chum salmon may be harvested with a dipnet.

40

41 MR. CARPENTER: Just a question on the  
42 language. Would the language that he said, Tim, would  
43 that preclude Eyak and Alaganik, which are the two main  
44 areas, which is all drainages except the Copper River, is  
45 that how that went? I remember we talked about that, and  
46 that language was pretty specific as to how you had to  
47 word that permit.

48

49 MR. BERG: Yeah, Mr. Chair, that would  
50 prevent using dipnets for chinook, sockeye and coho in

1 the those areas.

2

3 CHAIRMAN LOHSE: The question's been  
4 called. Is there any other person that wants to have  
5 some discussion first?

6

7 Bob, I know you had your -- all kinds of  
8 hands going up at the same time.

9

10 MR. CHURCHILL: I think I'm -- just a  
11 question though. I mean, if the concern is establishing  
12 a subsistence fishery using the dipnets, and we allow  
13 folks to take dipnets to take pink salmon and chums,  
14 which could easily be taken as a subsistence target  
15 species, haven't we done that anyway? Don't we still  
16 create that as a historical means of subsistence harvest?  
17 I mean -- and that's just a question. I don't know. It  
18 would seem we would -- that's exactly what we'd be doing,  
19 but kind of don't have a dog in this fight.

20

21 CHAIRMAN LOHSE: Bob, I think the thing  
22 that we've been talking about is they already have a  
23 dipnet fishery for the pinks.

24

25 MR. CHURCHILL: Uh-huh.

26

27 CHAIRMAN LOHSE: So that is a fishery,  
28 that is a use that's been already been done. We're  
29 talking about the other salmon on the I'll say Copper  
30 River Delta minus the Copper River.

31

32 MR. CHURCHILL: I mean, I understand  
33 that.

34

35 CHAIRMAN LOHSE: Yeah.

36

37 MR. CHURCHILL: I'm just saying we're  
38 establishing as a historical method of a subsistence  
39 harvest, and I mean, I understand the difference. I just  
40 am wondering if we don't create the same thing that Tom's  
41 proposal is trying to avoid.

42

43 MR. CARPENTER: Mr. Chairman.

44

45 CHAIRMAN LOHSE: Tom.

46

47 MR. CARPENTER: I understand your point.  
48 I guess the only way that -- the only thing that I could  
49 say there is that these drainages are -- they're  
50 completely different drainages. Prince William Sound,

1 the pink salmon that have been harvested there, you know,  
2 those villages have been there forever, and those  
3 obviously -- you know, I don't know if they've been using  
4 dipnets there or not. Pete says he's done it, so I  
5 believe him. But I guess it would kind of like be  
6 starting a dipnet fishery at Chitina, and then saying,  
7 well, just because there's one at Chitina, that the  
8 Kennicott River should be dipped, too. So I believe that  
9 there is a historical use around the villages, but that's  
10 it.

11  
12 MR. CHURCHILL: Yeah. No, and I  
13 understand exactly where you're going with it. I mean,  
14 there's certain methods and means that put the hair up on  
15 the back of my neck, but, no, I mean, it's fine. I'm  
16 ready to move on.

17  
18 CHAIRMAN LOHSE: Okay. Doug.

19  
20 MR. BLOSSOM: Mr. Chairman, my question  
21 would be you said pink salmon with dipnets, so does that  
22 mean then that that's the only method that can be used  
23 for pinks for subsistence?

24  
25 CHAIRMAN LOHSE: All you need is the word  
26 also in there don't you. You may harvest chinook,  
27 sockeye, and coho salmon only with spears, gaffs, or rod  
28 and reel; you may also use a dipnet for pinks and chums.  
29 That would -- does that answer your.....

30  
31 MR. BLOSSOM: Just so we don't -- all of  
32 a sudden we're restricting it and say that's the only way  
33 you can catch pink salmon now.

34  
35 CHAIRMAN LOHSE: Right. You're right.  
36 Pink and chum salmon may be harvested with a dipnet also.

37  
38 MR. CHURCHILL: Was the question called?

39  
40 CHAIRMAN LOHSE: No, I think.....

41  
42 MR. CARPENTER: Pete did.

43  
44 CHAIRMAN LOHSE: The question's been  
45 called and that's the call on the amendment. Not on the  
46 proposal. So, do I have to say the amendment over again?

47  
48 MS. STICKWAN: Yeah.

49  
50 CHAIRMAN LOHSE: Okay. I thought I

1 would. In the waters of Prince William Sound area,  
2 except those of the Copper River drainage, you may  
3 harvest chinook, sockeye and coho salmon only with  
4 spears, gaffs, or rod and reel; pink and chum salmon may  
5 be harvested with a dipnet also.  
6  
7 Does that meet what you were proposing?  
8 Okay.  
9  
10 The question's called. All in favor  
11 signify by saying aye.  
12  
13 IN UNISON: Aye.  
14  
15 CHAIRMAN LOHSE: All opposed signify by  
16 saying nay.  
17  
18 (No opposing votes)  
19  
20 CHAIRMAN LOHSE: Motion carries. We now  
21 have an amended motion in front of us. Discussion.  
22  
23 MR. CARPENTER: Mr. Chairman. I'll call  
24 the question on the main motion.  
25  
26 CHAIRMAN LOHSE: Doug, did you have your  
27 hand up?  
28  
29 MR. BLOSSOM: Mr. Chairman. One comment.  
30 I hope you remember this and the heartburn we have in our  
31 area with this same problem.  
32  
33 CHAIRMAN LOHSE: Okay. No other  
34 discussion, the question's been called. All in favor of  
35 the amended motion signify by saying aye.  
36  
37 IN UNISON: Aye.  
38  
39 CHAIRMAN LOHSE: All opposed signify by  
40 saying nay.  
41  
42 MR. CHURCHILL: Nay.  
43  
44 CHAIRMAN LOHSE: Nay. Motion carries.  
45  
46 MR. KOMPKOFF: Who said nay, you and.....  
47  
48 CHAIRMAN LOHSE: Bob.  
49  
50 MR. KOMPKOFF: Bob.

1 MR. CHURCHILL: Me.  
2  
3 MR. KOMPKOFF: Thank you.  
4  
5 CHAIRMAN LOHSE: Okay. We're going on to  
6 No. 19. This proposal requests that the -- oh, Jerry,  
7 you do it.  
8  
9 (Laughter)  
10  
11 MR. BERG: I was perfectly happy to let  
12 you go ahead and do it, Ralph.  
13  
14 (Laughter)  
15  
16 CHAIRMAN LOHSE: I think this one's  
17 quick. Can we do this one quick?  
18  
19 MR. BERG: Just a point of clarification  
20 on that last proposal, just so you guys understand, the  
21 Federal regulation's 27(i)(11)(xvi) that specifically  
22 allowed for the pink salmon fishery for the Chenega --  
23 many of the islands, and some of the mainlands. That  
24 will all disappear and then will just be replaced with  
25 that you guys just passed.  
26  
27 (Council nods affirmatively)  
28  
29 MR. BERG: Yeah. That was what you  
30 intended, right?  
31  
32 (Council nods affirmatively)  
33  
34 MR. BERG: Yeah. All right. Just so we  
35 get it right when we get back to the office. We'll make  
36 sure and get it right through you guys.  
37  
38 All right. Proposal 19. Proposal 19's  
39 the last proposal that basically deals with the lower  
40 Prince William Sound area, and then we'll move into the  
41 upper Copper River.  
42  
43 Proposal 19 was also submitted by the  
44 Copper River/Prince William Sound Fish and game advisory  
45 committee, and requests that seasons, harvests and  
46 possession limits for cutthroat trout, rainbow trout,  
47 lake trout, Dolly Varden, whitefish and grayling be  
48 identical to the Alaska sportfishing regulations for  
49 these species in the Prince William Sound area, except  
50 for the Copper River drainage upstream of Haley Creek.

1 Federal subsistence regulations for  
2 freshwater fish in the Prince William Sound area are  
3 currently restricted only by stipulations identified on  
4 the Federal permit.

5  
6 As many of you know, there's two primary  
7 areas of Federal fishery regulations. They're basically  
8 the upper Copper River and then all remaining fresh  
9 waters of the Prince William Sound area. The area  
10 addressed in this proposal includes Federal public waters  
11 of the Prince William Sound area except for the upper  
12 Copper River drainage. So it's going to address  
13 freshwater fish for every place except for the upper  
14 Copper River.

15  
16 Proponent is concerned that the current  
17 regulations may lead to conservation concerns with the  
18 growing interest in the Federal subsistence fishing  
19 permits. The proponent would like to use the existing  
20 sportfishing regulations, harvest and possession limits  
21 as a starting point for discussions of what should be  
22 allowed under Federal subsistence regulations for  
23 freshwater fish in this area.

24  
25 Again, the current Federal subsistence  
26 fishing permit for this area has only been allowed -- has  
27 only been issued for one year, and the stipulations of  
28 the permit were identified during that meeting in Cordova  
29 about a year ago. These permit stipulations allow for  
30 the harvest of freshwater fish with rod and reel and  
31 spears year round, and with gillnets from January 1st to  
32 April 1st only.

33  
34 The permit does not specify any harvest  
35 limits for freshwater fish except for trout. The term  
36 trout includes cutthroat trout, rainbow trout, and  
37 rainbow/cutthroat trout hybrids. The annual harvest  
38 limit for trout is identified as five trout per person  
39 with a household limit of 30. The permit also limits  
40 trout taken incidentally with a gillnet to an annual  
41 limit of 10 per household. The permit also had a closed  
42 season for trout from April 15th to June 15th to protect  
43 spawning fish. It only allows rainbow and steelhead  
44 trout to be retained if caught incidentally in a net.

45  
46 So those are the basic stipulations put  
47 on the permit for trout to help protect those species of  
48 concern.

49  
50 The public became increasingly more

1 interested in the Federal permit over the last year which  
2 is in part why we're seeing many of these proposals that  
3 have been submitted.

4  
5                   There are also no specific State  
6 subsistence regulations for freshwater fish species in  
7 the Prince William Sound area. Harvest limits, methods  
8 and seasons are therefore stipulated by permit similar to  
9 the Federal permit.

10  
11                   There are numerous Alaska sportfishing  
12 regulations in the Prince William Sound waters. I've  
13 summarized those in the analysis, and so I won't go into  
14 those details -- the details of those regulations unless  
15 there's questions.

16  
17                   Adopting this proposal would limit  
18 subsistence users to the same restrictions for freshwater  
19 fish as defined in sportfishing regulations of the Prince  
20 William Sound area.

21  
22                   Freshwater fish species of concern for  
23 the proposed area are cutthroat and rainbow trout, since  
24 they typically have small discrete populations in local  
25 streams and have the greatest potential for over-harvest  
26 which is why the existing harvest limits were set for  
27 trout on the Federal permit.

28  
29                   Again, Federal subsistence fishing  
30 permits were issued for the first time this year, and the  
31 level of harvest cannot be determined until the permits  
32 have been returned, which is December 31st of this year.

33  
34                   The Federal in-season manager currently  
35 has the flexibility to modify the Federal subsistence  
36 fishing permit stipulations.

37  
38                   Again, we feel it is premature to gauge  
39 the level of harvest from the Federal subsistence fishing  
40 permits that have only been issued for one year, and  
41 suggest that a meeting be held in Cordova this winter  
42 with all interested users and agency personnel to discuss  
43 permit provisions for the 2006 season rather than make  
44 regulatory changes at this time.

45  
46                   So for that reason, our recommendation is  
47 to oppose the proposal. Mr. Chair.

48  
49                   CHAIRMAN LOHSE: Thank you, Jerry. Any  
50 questions for Jerry.

1 (No comments)

2

3 CHAIRMAN LOHSE: Jerry, I have one  
4 question. On those permits when they say trout, are they  
5 including char under trout, or are char separate?

6

7 MR. BERG: Char would be considered  
8 separate, and there's no harvest limit on char.

9

10 CHAIRMAN LOHSE: There's no limit on  
11 char. Okay. Okay. I don't hear any questions for you,  
12 Jerry, so I guess we'll go on to Alaska Department of  
13 Fish and Game comments.

14

15 MR. MILLER: Mr. Chair. State fisheries  
16 have developed over the years based on research and  
17 strong public input on fisheries issues. Management  
18 plans, season closures and bag limits have been developed  
19 to assure sustainable fisheries and address biological  
20 and social concerns.

21

22 Failure to adopt this proposal puts  
23 Federal and State regulations in direct conflict and will  
24 cause conflicts between user groups.

25

26 The analysis states that the Federal  
27 delegated official can adjust permit provisions as needed  
28 based on the latest harvest information. Federal  
29 subsistence fisheries do not have any form of in-season  
30 reporting requirements, so it's difficult to see how this  
31 would be possible.

32

33 As stated under biological background and  
34 harvest history, Prince William Sound is at the northern  
35 and western extreme of the natural range for cutthroat  
36 trout. As a result, cutthroat populations in Prince  
37 William Sound are small and scattered in their  
38 distribution. In general populations of fish in the  
39 outer extremes of their range tend to be more susceptible  
40 to environmental changes and their survival rates are  
41 highly variable. Cutthroat trout are also subject to  
42 incidental catch in nearby commercial fisheries, adding  
43 further potential risk to these small stocks.

44

45 Allowing gear types that increase the  
46 success of harvest, providing liberal bag limits and not  
47 having any form of in-season harvesting reporting places  
48 these small stocks at risk of over-exploitation.

49

50 Obtaining abundance information on these

1 stocks is very expensive, and it likely that it will not  
2 be collected on a regular basis.

3  
4 To state currently the in-season manager  
5 has the flexibility to adjust permit provisions as needed  
6 based on the latest biological and harvest information is  
7 misleading. Also, it is not premature to place  
8 restrictions on uses when we are fully aware of the  
9 capability of gillnets to harvest small discrete fish  
10 stocks. The reason these stocks are sustainable is  
11 because they've been managed very conservatively.

12  
13 Thank you.

14  
15 CHAIRMAN LOHSE: Thank you. Any  
16 questions.

17  
18 (No comments)

19  
20 CHAIRMAN LOHSE: Hearing none, thank you.  
21 Other Federal, State, and tribal agencies comments.  
22 Forest Service. Eyak. Anybody.

23  
24 (No comments)

25  
26 CHAIRMAN LOHSE: I don't hear any. Okay.  
27 Interagency Staff Committee comments.

28  
29 (No comments)

30  
31 CHAIRMAN LOHSE: Boy, everybody must want  
32 a break pretty bad. Nothing from the Interagency Staff  
33 Committee. Fish and game advisory committee comments.

34  
35 (No comments)

36  
37 CHAIRMAN LOHSE: Written public comments.  
38 Donald.

39  
40 MR. MIKE: Mr. Chairman, we have one  
41 written public comment. Wrangell-St. Elias Subsistence  
42 Resource Commission comment. The members of the  
43 Wrangell-St. Elias National Park Subsistence Resource  
44 Commission who were present for discussion of this  
45 proposal all oppose it for reasons stated in the Staff  
46 recommendation.

47  
48 Thank you, Mr. Chair.

49  
50 CHAIRMAN LOHSE: I didn't catch that,

1 Donald. What did they propose -- what did they suggest?  
2  
3 MR. MIKE: Their recommendation, to  
4 oppose for the reasons stated in the Staff  
5 recommendation.  
6  
7 CHAIRMAN LOHSE: All right. To oppose.  
8 Okay.  
9  
10 Okay. I don't have any public testimony.  
11 Do I have any public testimony from out there?  
12  
13 (No comments)  
14  
15 CHAIRMAN LOHSE: Okay. A motion to  
16 accept Proposal 19 is in order.  
17  
18 MR. CHURCHILL: So move.  
19  
20 CHAIRMAN LOHSE: It's been moved. Do  
21 I.....  
22  
23 MR. CARPENTER: Second.  
24  
25 CHAIRMAN LOHSE: .....hear a second. I  
26 hear a second. Okay. Discussion, deliberation,  
27 justification. Tom.  
28  
29 MR. CARPENTER: Yeah, Mr. Chairman. I  
30 believe this proposal was put in in lieu of -- in lieu of  
31 the fact that this Council voted to give a C&T to certain  
32 communities in Prince William Sound, that the bag limits  
33 should coincide with that C&T. And following the  
34 traditional patterns that the Federal Board took in the  
35 past when they went from State subsistence to Federal  
36 subsistence, they basically copied the regulations, and  
37 this would be following a similar pattern to put into  
38 precedent some sort of bag limit.  
39  
40 CHAIRMAN LOHSE: Do I hear any other  
41 discussion. So basically what this would do would be to  
42 apply the same bag limits that the State sportfishery has  
43 to the subsistence permits that are available from the  
44 Forest Service?  
45  
46 MR. CARPENTER: (Nods affirmatively)  
47  
48 CHAIRMAN LOHSE: But it would just allow  
49 different methods and means?  
50

1 MR. CARPENTER: (Nods affirmatively)  
2  
3 CHAIRMAN LOHSE: Okay. Any other  
4 discussion. Doug.  
5  
6 MR. BLOSSOM: Mr. Chairman. So this  
7 would cut the bag limit like of Dolly Varden down to two  
8 a day?  
9  
10 MR. CARPENTER: Doug, I believe it's  
11 about -- I know it's -- I believe -- I can't remember, I  
12 believe it's 10 a day for Dolly Varden. In Prince  
13 William Sound, the bag limit for Dolly Varden is 10. The  
14 rest of the Delta is 10. Cutthroat trout in Prince  
15 William Sound is two a day, only one over 20 inches. And  
16 the rest of the Delta are -- between Cordova and 27 Mile  
17 it's five a day, only 2 over 10 inches. And in the  
18 Martin River drainage, which is east of Cordova, it's  
19 catch and release only.  
20  
21 CHAIRMAN LOHSE: Any other discussion.  
22  
23 (No comments)  
24  
25 CHAIRMAN LOHSE: Okay. Hearing none, the  
26 question's in order.  
27  
28 MR. CARPENTER: Mr. Chairman, I'll call  
29 for the question.  
30  
31 CHAIRMAN LOHSE: The question's been  
32 called for. All in favor of Proposal 19 signify by  
33 saying aye.  
34  
35 IN UNISON: Aye.  
36  
37 CHAIRMAN LOHSE: All opposed by saying  
38 nay.  
39  
40 (No opposing votes)  
41  
42 CHAIRMAN LOHSE: Motion carries. Let's  
43 take a break before we go on to the hard stuff.  
44  
45 (Off record)  
46  
47 (On record)  
48  
49 CHAIRMAN LOHSE: I'd like to call this  
50 fall meeting of the Southcentral Regional Subsistence

1 Advisory Council back into session after our five-minute  
2 break that lasted for 15 minutes.

3  
4 Pete.

5  
6 MR. KOMPKOFF: Yes. Mr. Chairman. I  
7 would like to bring up Proposal 17 for reconsideration.

8  
9 MR. CHURCHILL: Second.

10  
11 MR. CARPENTER: Which one, Pete?

12  
13 MR. KOMPKOFF: 17.

14  
15 CHAIRMAN LOHSE: Okay. So I understand  
16 right, you've made a motion to put Proposal 17 up for  
17 reconsideration?

18  
19 MR. KOMPKOFF: Yes, sir.

20  
21 CHAIRMAN LOHSE: And did I hear a second  
22 on that?

23  
24 MR. CHURCHILL: Yes.

25  
26 CHAIRMAN LOHSE: Okay. I've got a second  
27 on that, too.

28  
29 MR. KOMPKOFF: Mr. Chairman.

30  
31 CHAIRMAN LOHSE: Somebody clarify to me,  
32 what -- am I within -- Donald?

33  
34 MR. MIKE: Mr. Chairman, to do a  
35 reconsideration a majority of those who voted on the  
36 prevailing on the vote can only bring the reconsideration  
37 motion back, which Mr. Kompkoff did.

38  
39 And I was questioning if Mr. Churchill  
40 voted on the prevailing side of the motion. And only  
41 those ones that voted on the prevailing side can second  
42 the motion.

43  
44 CHAIRMAN LOHSE: So only those who voted  
45 on the prevailing side of the motion can bring the motion  
46 up or second the motion.

47  
48 MR. MIKE: Correct.

49  
50 CHAIRMAN LOHSE: Were you on the

1 prevailing side?  
2  
3 MR. CHURCHILL: I was not.  
4  
5 CHAIRMAN LOHSE: Okay. So we've got.....  
6  
7 MR. WILSON: I'll second.  
8  
9 CHAIRMAN LOHSE: We've got a second.  
10 Okay. So now then does every then get to vote on it  
11 after it's been brought -- now we have to vote as to  
12 whether or not we're reconsider it, right?  
13  
14 MR. MIKE: Right.  
15  
16 CHAIRMAN LOHSE: Does everybody get to  
17 vote on that, or only the prevailing side.  
18  
19 MR. MIKE: Everybody does.  
20  
21 CHAIRMAN LOHSE: Okay.  
22  
23 MR. KOMPKOFF: Can I -- is there  
24 discussion?  
25  
26 CHAIRMAN LOHSE: Do we have -- yes, we  
27 have discussion before we vote on it.  
28  
29 MR. KOMPKOFF: I'd just like -- yes.  
30  
31 CHAIRMAN LOHSE: Pete, you brought the  
32 motion up, so let's.....  
33  
34 MR. KOMPKOFF: Okay. The reason I  
35 brought the motion up is I got some different news from  
36 home, and from here, somebody here in the session, so I  
37 would like to have this motion -- or Proposal 17  
38 discussed in Cordova and some up with their  
39 recommendations, and then we can vote on that.  
40  
41 CHAIRMAN LOHSE: Okay. Is this the  
42 motion where -- this is the motion where the river's  
43 closed anyhow, right? Okay. This is the one that didn't  
44 have much effect if I remember right. Tom.  
45  
46 MR. KOMPKOFF: I've got the wrong  
47 proposal. Proposal 18, I'm sorry. I apologize.  
48  
49 CHAIRMAN LOHSE: So do you withdraw your  
50 motion then?

1 MR. KOMPKOFF: Yes, I do.  
2  
3 CHAIRMAN LOHSE: Does the second  
4 withdraw? I should ask the second if he withdraws his  
5 motion.  
6  
7 MR. WILSON: Yes.  
8  
9 CHAIRMAN LOHSE: Okay.  
10  
11 MR. KOMPKOFF: Now I make a motion to  
12 bring up Proposal 18 for reconsideration.  
13  
14 CHAIRMAN LOHSE: Okay. You're making a  
15 motion to bring Proposal 18 back on the table.  
16  
17 MR. KOMPKOFF: Yes.  
18  
19 MR. WILSON: I'll second that.  
20  
21 CHAIRMAN LOHSE: Okay.  
22  
23 MR. KOMPKOFF: Now I'd like to reiterate  
24 on what I -- why I brought it up. I'd like to have it,  
25 because it's too restrictive right now. I would like to  
26 have the committee that meets in Cordova review this  
27 proposal and for us to come up with a recommendation.  
28 But in the meantime I would like to vote this down.  
29  
30 CHAIRMAN LOHSE: Okay. This is the one  
31 that we -- this is the one that we ended up with saying  
32 that fresh waters of Prince William Sound area except  
33 those of the Copper River drainage may harvest chinook,  
34 sockeye and coho only with spears, gaffs, or rod and  
35 reel, and chum and pink salmon with a dipnet also, right?  
36 Is that the one?  
37  
38 MR. KOMPKOFF: Right. That's the one.  
39  
40 CHAIRMAN LOHSE: Okay. Do I hear a  
41 second.  
42  
43 MR. WILSON: Second.  
44  
45 CHAIRMAN LOHSE: It's been moved and  
46 seconded to bring this up for reconsideration.  
47  
48 Now, discussion. Tom.  
49  
50 MR. CARPENTER: Yeah, Mr. Chairman.

1 I guess I'm curious, Pete, what part of  
2 it do you think is too restrictive, and why do we need to  
3 reconsider it at this time?  
4

5 MR. KOMPKOFF: Well, there was never a  
6 proposal restricting anything before, right? If there  
7 was no restrictions then there's identification on what's  
8 to be used for getting those fish out of the stream.  
9

10 MR. CARPENTER: I believe that the.....  
11

12 CHAIRMAN LOHSE: Wait, we can't discuss  
13 the motion yet. We have to discuss the reconsideration.  
14

15 MR. CARPENTER: You're right. I was just  
16 curious as to why he was bringing it back up.  
17

18 CHAIRMAN LOHSE: Yeah. Yeah.  
19

20 MR. KOMPKOFF: Did I answer it properly?  
21

22 CHAIRMAN LOHSE: You felt that it was too  
23 restrictive.  
24

25 MR. KOMPKOFF: Yes.  
26

27 CHAIRMAN LOHSE: Okay. Any other  
28 discussion on the reconsideration. Dean.  
29

30 MR. WILSON: Now you're -- I'm getting  
31 confused here. You're asking for comments on why we're  
32 reconsidering it?  
33

34 CHAIRMAN LOHSE: Why we're reconsidering  
35 it.  
36

37 MR. WILSON: Okay. I'm in the same boat.  
38 I would like it more centrally located to the Alaganik or  
39 the Eyak as far as no dipnetting, but knowing that that's  
40 probably not going to happen, I would be in the same  
41 boat, is to try to eliminate this, they're having a  
42 meeting this winter that they could get together and then  
43 bring it back to us next year.  
44

45 CHAIRMAN LOHSE: I'm trying to think for  
46 a second, and I'm sorry that I'm so slow on Robert's  
47 Rules of Order, but I'm not sure what the criteria is for  
48 reconsideration. I thought that there had to be new  
49 information that we hadn't discussed before. There is no  
50 criteria, you can just do it, right? Okay.

1 MR. KOMPKOFF: Mr. Chairman.  
2  
3 CHAIRMAN LOHSE: So in that case.....  
4  
5 MR. KOMPKOFF: I have Robert's Rules of  
6 Order with me. Reconsideration, it said the purpose, to  
7 consider the vote on a motion.  
8  
9 CHAIRMAN LOHSE: Okay. Thank you. So in  
10 that case we need to vote on the motion to reconsider.  
11 All in favor of reconsidering say aye.  
12  
13 IN UNISON: Aye.  
14  
15 CHAIRMAN LOHSE: All opposed say nay.  
16  
17 MR. CARPENTER: Nay.  
18  
19 CHAIRMAN LOHSE: Motion carries. Okay.  
20 Now we can have discussion on the motion.  
21  
22 MR. KOMPKOFF: Mr. Chairman.  
23  
24 CHAIRMAN LOHSE: Yes.  
25  
26 MR. KOMPKOFF: I would like to -- like I  
27 said, I would like to have a determination made by the  
28 committee that's going to meet on this subject in  
29 Cordova, and what their recommendations are going to be.  
30  
31 CHAIRMAN LOHSE: Any other discussion.  
32 Gloria.  
33  
34 MS. STICKWAN: I'd like to know who the  
35 committee and what -- who are they talking about when  
36 they say committee.  
37  
38 MR. KOMPKOFF: I believe it's Jerry's  
39 going to head the team up, and Tom, is that right? The  
40 meeting in Cordova.  
41  
42 MS. STICKWAN: I'm asking who's involved.  
43 The question is who is involved, not who's heading it up.  
44  
45 CHAIRMAN LOHSE: I don't know if there --  
46 is there a -- there is no actual committee for Cordova,  
47 is there?  
48  
49 MR. BERG: No, there's really no  
50 committee that's been set up yet, but certainly, you

1 know, our intent it to try to get as many -- you know,  
2 make it -- publicize it around Cordova and get as many  
3 people from Cordova there, and get agency people and  
4 organizations up and down the river and that are affected  
5 in the Prince William Sound area, and get as many people  
6 that are interested in helping set the provisions of the  
7 permit involved with the discussions at that meeting. So  
8 I don't think we've established -- you know, basically it  
9 would be the people that were at the meeting last year  
10 plus, you know, hopefully maybe twice that many people if  
11 possible, with, you know, a lot more involvement with  
12 people from Cordova hopefully. That would be my intent.

13

CHAIRMAN LOHSE: Tom.

14

15  
16 MR. CARPENTER: Well, I guess to address  
17 Pete and Dean's concerns, I don't think that -- I believe  
18 that the way we drafted this last proposal and the  
19 amendments that went along with it, addressed only the  
20 areas of concerns, which were Eyak River and Alaganik. I  
21 believe we addressed the concerns for the people in  
22 Prince William Sound in regards to the pink salmon. So I  
23 guess I'm kind of confused as to why we're even  
24 reconsidering this, because I don't know exactly what we  
25 could change by having a meeting in Cordova. I mean, if  
26 you all would rather have dipnetting on the river, then,  
27 you know, that's your choice, but I don't see what we're  
28 going to gain by having another meeting this winter,  
29 after we've already put the proper, in my estimation,  
30 restrictions as to what you can do this next summer in  
31 regards to subsistence in Cordova area. I don't know,  
32 maybe one of you two or somebody else can address those  
33 concerns.

34

CHAIRMAN LOHSE: Dean.

35

36  
37 MR. WILSON: The way it was written from  
38 what I understand and listening to it when Ralph repeated  
39 it just beforehand, it's pretty broad spectrum. It  
40 didn't specifically say Alaganik Slough and Eyak when it  
41 came to the dipnetting portion. Now, having experience  
42 with dipnetting, I know you've got to be real careful.  
43 You've got to be real, real careful.

44

45 But this is a pretty complicated issue.  
46 There's a lot of different things are staring to come  
47 into this fishery. I think it would be best if for right  
48 now we get a lot of the affected people together, they  
49 come up with a meeting that they can get together this  
50 winter, come up with some plans, and lay them down and

1 discuss them, and then they'd come to us next year, so  
2 we'd get a real rounded group of people that can give us  
3 a proposal for it. And that's where I'm coming from.

4  
5 I understand that dipnetting is a  
6 sensitive issue. I mean, we know more than anybody, the  
7 Copper River, how that can take off, you know, dipnetting  
8 right next to the road system. But the same with the  
9 folks from the Kenai. You know, that's -- it can be a  
10 big issue.

11  
12 But that's the reason for -- I would  
13 recommend pushing it off and getting back to us next  
14 year.

15  
16 MR. CARPENTER: Follow up.

17  
18 CHAIRMAN LOHSE: Tom.

19  
20 MR. CARPENTER: I guess -- understanding  
21 that, I guess the reason that I thought that it was so  
22 well defined was because the only two possible areas that  
23 could have been affected are the Eyak and Alaganik,  
24 because those are the only two tributaries between  
25 Cordova and the Copper River. So there's really no other  
26 rivers to -- there's really no other rivers or  
27 tributaries that we could even be talking about, because  
28 the rest of it is closed right now. So as we drafted  
29 this last proposal and made the amendments, we kept  
30 Prince William Sound exactly the way it is now and we  
31 restricted by dipnet only the only two tributaries that  
32 could possibly be restricted. There is no other waters  
33 or bodies of water that we change.

34  
35 So I guess that's where my confusion is,  
36 is if there was another five tributaries in between the  
37 Alaganik and the Eyak, I could see where we'd have some  
38 debate. But seeing how there's only two, and those are  
39 the only two that are affected by our last proposal, I  
40 don't see what we're going to change. So, anyway.

41  
42 MR. KOMPKOFF: Mr. Chairman, could you  
43 read back that amended motion that we passed?

44  
45 CHAIRMAN LOHSE: Yes, I can. In the  
46 waters of Prince William Sound area, except those of the  
47 Copper River drainage, you may harvest chinook, sockeye  
48 and coho salmon only with spears, gaffs, or rod and reel;  
49 pink salmon and chum salmon may be harvested with a  
50 dipnet also.

1                   So basically what this did is this opened  
2 pink salmon and chum salmon. Now, I'm going to give you  
3 my read on this, and I may be wrong, but this proposal  
4 opened pink salmon and chum salmon to dipnetting in the  
5 entire Prince William Sound drainage area below Haley  
6 Creek, not just out at Chenega.

7  
8                   MR. CARPENTER: In freshwater.

9  
10                  CHAIRMAN LOHSE: In freshwater. In  
11 Federal fresh water. So basically it expanded the pink  
12 and the chum salmon fishery.

13  
14                  And I have to disagree with Tom to a  
15 certain extent, because it didn't just affect Alaganik  
16 and Eyak. It affected all those little tributaries that  
17 cross the Copper River Highway, which are extremely  
18 vulnerable, and need even more protection than Eyak and  
19 Alaganik, like Nineteen Mile, Twenty Mile, Ivek Creek,  
20 all of those small creeks are also protected under this.  
21 And it actually covers those ones on the other side of  
22 the river that everybody expressed concern about if they  
23 build the Carbon Mountain Road on the other side of the  
24 River.

25  
26                  MR. CARPENTER: Those are all tributaries  
27 of the Copper, they're already closed.

28  
29                  CHAIRMAN LOHSE: Those are all  
30 tributaries of the Copper? All of them?

31  
32                  MR. CARPENTER: Mr. Chairman, I don't  
33 know, I had a discussion with Tim Joyce about this last  
34 year when I was -- when this proposal was being talked  
35 about. King Salmon Slough, Pete Dahl Slough, Gus Stevens  
36 Slough, Clear Creek, and all the other tributaries  
37 associated with those are already closed to subsistence  
38 fishing right now. All of those are tributaries of the  
39 main stem of the Copper River, which are closed both  
40 south of Haley Creek. The only two that we're talking  
41 about are Eyak River and Alaganik.

42  
43                  CHAIRMAN LOHSE: And Alaganik's  
44 tributaries.

45  
46                  MR. CARPENTER: Alaganik's tributaries  
47 would.....

48  
49                  CHAIRMAN LOHSE: And Eyak's tributaries.  
50

1 MR. CARPENTER: .....be north of the  
2 basically the grass banks.  
3  
4 CHAIRMAN LOHSE: Right.  
5  
6 MR. CARPENTER: Which are basically where  
7 we have already put the proposals with dipnetting right  
8 now.  
9  
10 CHAIRMAN LOHSE: All right. Did I make  
11 it clear on the pink salmon and the chum salmon?  
12  
13 MR. KOMPKOFF: Yes.  
14  
15 CHAIRMAN LOHSE: And I'll stand  
16 corrected, but because those other little tributaries are  
17 either tributaries of the Copper or of Eyak or of  
18 Alaganik.  
19  
20 MS. STICKWAN: Is that true statement?  
21 Is it true, there's no more other -- is that the only  
22 two?  
23  
24 CHAIRMAN LOHSE: May I -- oops, go ahead.  
25 Tim.  
26  
27 MR. JOYCE: Mr. Chairman. As far as the  
28 way I read the proposal as you have passed it as amended,  
29 that would close all the systems to red salmon, coho  
30 salmon, and chinook for dipnetting. The only systems you  
31 could -- well, you could dipnet in every system if they  
32 had pinks and chums in is the way I understand that  
33 proposal right now, the way it's written, as long as you  
34 were dipnetting for pink salmon or chum salmon.  
35  
36 To my knowledge there are pink salmon  
37 that go up the Eyak River into the lake at times. I do  
38 not know of chum salmon that go into the lake. I don't  
39 know if there's any that actually go into the lower river  
40 even. There are pink salmon that go in on occasion --  
41 this year in particular there were some pink salmon went  
42 into the Alaganik. That's probably rare.  
43  
44 There are chum in Hartney Bay, a very  
45 large run of chum salmon down there that could be dipped.  
46 But in other areas, the rest of the systems beyond  
47 Alaganik are tributaries of the Copper River, and the  
48 Copper River in regulation is closed to subsistence  
49 harvest below Haley Creek. So for all methods and means,  
50 the Copper River and its tributaries are closed.

1 UNIDENTIFIED VOICE: For salmon.

2

3 MR. JOYCE: For salmon, yes, not for  
4 freshwater species.

5

6 CHAIRMAN LOHSE: Thank you, Tim. Any  
7 questions for Tim.

8

9 (No comments)

10

11 CHAIRMAN LOHSE: Well, I'm going to read  
12 something out of our Regional Council Operations Manual,  
13 and it's talking about proposals that we pass. And it  
14 says, the Secretary may choose not to follow any  
15 recommendation, that's recommendation of the Council,  
16 which he determines is not supported by substantial  
17 evidence, violated recognized principles of fish and  
18 wildlife conservation, or would be detrimental to the  
19 satisfaction of subsistence needs.

20

21 So if anybody can apply any of these to  
22 the proposals as we're standing, or show me why -- or  
23 show why this proposal meets these needs, or these things  
24 that the -- that would give us something that we can take  
25 before the Secretary, or before the Board in other words.

26

27 Basically at this point in time, we've  
28 got a motion on the table to, if I remember right, just  
29 oppose this proposal, right? Do we have any other  
30 discussion on it? And if you can put your -- if you can  
31 put your reasons within these kind of reasons right here,  
32 you know, is it -- does it have substantial evidence?  
33 Does it violate or go along with recognized principles of  
34 fish and wildlife conservation? And is it detrimental to  
35 or not, just detrimental to, or is it advantageous to the  
36 satisfaction of subsistence needs. Put your -- if you  
37 can put your reasons within that, that gives us a much  
38 better presentation that we can make before the Board.

39

40 Not to go -- Gloria.

41

42 MS. STICKWAN: I thought I heard Bruce  
43 Cain say that dipnetting was a traditional method and  
44 means, way of getting fish down there, but he didn't have  
45 that information with him. That's currently not on  
46 record. That would be new information that could be  
47 brought before this committee if he got it, went and got  
48 it and showed it to us, shared it with us.

49

50 MR. KOMPKOFF: Could we have Bruce Cain

1 step up here and.....

2

3 CHAIRMAN LOHSE: Bruce. Pete, you wanted  
4 to ask him a question.

5

6 MR. KOMPKOFF: Yes. Bruce, so from the  
7 Native Village of Eyak, what is your recommendation and  
8 why are you recommending what you're recommending?

9

10 MR. CAIN: Okay. Like I stated before, I  
11 recommend that this proposal be voted down, and that we  
12 meet as a community and come u with a different proposal  
13 that's more specific to address the needs.

14

15 The thing that I'm worried about is that  
16 it's talking about all waters of Prince William Sound,  
17 and that's just too broad. And it's restricting it to  
18 just spears, gaffs and rod and reel. That's too broad.  
19 That's too broad of a restriction.

20

21 There's definitely a need to do some  
22 restrictions on the Eyak and Alaganik River. Those need  
23 to be addressed very specifically. And that's my biggest  
24 concern is we're doing a broad sweeping restriction of  
25 subsistence rights when we're trying to address one  
26 specific area of concern.

27

28 CHAIRMAN LOHSE: Tom.

29

30 MR. CARPENTER: Yeah. Bruce, other than  
31 Eyak River and Alaganik, the proposal that stands on the  
32 table now, it restricted by dipnetting. What else have  
33 we restricted?

34

35 MR. CAIN: The way that the subsistence  
36 regulations work, that I understand, is if it's not  
37 addressed, then it's open. So anything you can name is  
38 being restricted. Gill nets, seine nets, traps, rifles,  
39 shotguns. I don't know, whatever you can come up with  
40 that people are using now to harvest fish is now  
41 restricted to spears, gaffs and rod and reel.

42

43 MR. CARPENTER: So are you suggesting  
44 that -- so are you suggesting that everything should be  
45 open and allowed to harvest subsistence fish if it's not  
46 otherwise closed?

47

48 MR. CAIN: I'm not suggesting that.  
49 That's the way it is. And what I'm saying is that when  
50 you're going to put a restriction, you need to be very

1 specific. And this is a broad restriction that I just  
2 can't support or recommend unless we address, you know,  
3 the reasons why we're doing it. You know, if our reason  
4 is we're concerned about, you know, the dipnetting is  
5 going to be expanded on the Eyak and the Alaganik River,  
6 well, then let's address that on those two drainages, and  
7 specifically what gear we're going to do and what gear  
8 we're not going to do, but leave the rest of -- you know,  
9 all waters of Prince William Sound, that's just way too  
10 broad of language.

11

12 CHAIRMAN LOHSE: I see what you mean,  
13 Bruce. Basically what you're saying, that what we tried  
14 to accomplish on a broad scale, we could accomplish on a  
15 finer scale and just -- and that wouldn't have changed  
16 things like in the pink and the chum salmon fishery, it  
17 wouldn't have opened everything up for that. What we  
18 could do is just say -- we could have just made this a  
19 specific motion for Alaganik and Eyak, if that's what we  
20 were trying to do.

21

22 MR. CAIN: Right. That would be fine.

23

24 CHAIRMAN LOHSE: Yeah.

25

26 MR. CAIN: Although I would like to see  
27 some more pink salmon availability when they're doing roe  
28 stripping.

29

30 CHAIRMAN LOHSE: Yeah. Well, that's kind  
31 of what I was looking at when I had the other one. Okay.  
32 But, see, then we could have -- then what you're saying  
33 is what we need is we need a proposal in then that  
34 addresses like what you're talking about, the pink salmon  
35 roe stripping, we need a proposal in to address that so  
36 that we can deal with that when the time comes.

37

38 MR. CAIN: Yeah. But, you know, the  
39 issues that are being brought up here are for a very  
40 specific area.

41

42 CHAIRMAN LOHSE: Yeah.

43

44 MR. CAIN: And, you know, if we can  
45 restrict that to the -- you know, that discussion just to  
46 those two drainages, I mean, you know, that's -- I would  
47 think that would be a very -- you know, you're not going  
48 to do a bunch of -- I think what's going to happen,  
49 you're going to have a whole bunch of unforeseen ripple  
50 effects out of this that nobody thought about, and that's

1 why I just said vote this down and deal with it later. I  
2 mean, if you can amend it to be very specific to just  
3 Eyak and Alaganik, well, then fine. But I don't think,  
4 you know, Pete even knows what's going to happen over  
5 there in Chenega with this thing. I mean, he may end up  
6 run out of town.

7  
8  
9

CHAIRMAN LOHSE: Thank you, Bruce. Tom.

10 MR. CARPENTER: So let me get this  
11 straight. So you would be in favor of amended language  
12 that said that Federal subsistence fishing on the Copper  
13 River Delta, excluding all those drainages of the Copper  
14 River, means of harvest would be spear, gaff and rod and  
15 reel, specific exact, those words. Excluding Prince  
16 William Sound, leave Prince William Sound as it is right  
17 now. Only address the two drainages, except those of the  
18 main stem of the Copper, which would be Alaganik, Pete  
19 Dahl -- or, excuse me, Alaganik, Eyak, Ivek, and you  
20 would be fine with that language?

21  
22  
23

CHAIRMAN LOHSE: Bruce.

24 MR. CAIN: I would be less concerned  
25 about it. I would -- and I apologize for not having a  
26 little more specific direction from my council. I know  
27 that they're not supportive of dipnets, but I don't know  
28 what other gear they would like to see. You know, there  
29 may be some other gear besides the spear and a gaff,  
30 which, you know, maybe a short gillnet or something like  
31 that, but I don't -- you know, I can't tell -- give you  
32 that information now. But I would -- you know, if it  
33 would be restricted down to this, we could change that.  
34 But I'm just -- it just scares the daylights out of me to  
35 deal with all waters in Prince William Sound without  
36 really doing a little more thinking than we're doing.

37  
38  
39

CHAIRMAN LOHSE: Bob.

40 MR. CHURCHILL: Maybe since there seems  
41 to be a possibility of some research that Bruce could do  
42 before the end of the meeting, maybe we could table this  
43 to a time certain and move forward with the rest of the  
44 agenda, and he could talk with folks he needs to, and we  
45 might be able to reach an agreement on this proposal that  
46 satisfies the majority of the parties.

47  
48  
49

CHAIRMAN LOHSE: Thank you, Bob.

50 Bruce, I just wanted to clarify what --

1 now, see, I heard something different than what Tom heard  
2 evidently, and that's why I just would like to clarify  
3 that. What you basically were saying is that if the idea  
4 is that we see dipnets at detrimental to the  
5 Eyak/Alaganik drainages, the proposal should be directed  
6 directly at those. Like you could say, in the waters of  
7 Prince William Sound area, dipnets are not a legal gear  
8 in the Alaganik and Eyak drainages. That would be doing  
9 it specifically like what you said where you would  
10 specifically address a certain issues. Is that what you  
11 meant by what you were talking about before?

12  
13 MR. CAIN: Yes. But, you know, I'm not a  
14 lawyer, but I'd like to -- you know, the waters of Prince  
15 William Sound is a pretty broad statement, so maybe  
16 you're talking about in that area, and then the specific  
17 place, that's fine But it needs to be restricted to  
18 those specific drainages, and, you know, gear types are  
19 only restricted that we're dealing with in that  
20 particular area.....

21  
22 CHAIRMAN LOHSE: In those drainages,  
23 yeah.

24  
25 MR. CAIN: .....because, you know,  
26 there's other places that we don't know about that people  
27 are doing things, or may want to.

28  
29 MR. CARPENTER: I just have a question  
30 for Jerry.

31  
32 CHAIRMAN LOHSE: Tom.

33  
34 MR. CARPENTER: Does it -- do these  
35 tributaries have to be considered navigable or only  
36 boundaried by Federal land?

37  
38 MR. BERG: It's all fresh waters within  
39 the Chugach National Forest boundary.

40  
41 CHAIRMAN LOHSE: Well, we have a motion  
42 to reconsider that we've already passed, so we can either  
43 vote this down, we can put this off until later in the  
44 meeting, or we can offer an amendment at this point in  
45 time, and amend the motion that's on the table. It's up  
46 to the rest of the council to decide what you'd like to  
47 do.

48  
49 MR. KOMPKOFF: Mr. Chairman. The  
50 amendment that you mentioned, I would support that.

1 MR. CARPENTER: Mr. Chairman.  
2  
3 CHAIRMAN LOHSE: Tom.  
4  
5 MR. CARPENTER: I would offer an  
6 amendment which would allow spears, gaffs, rods and reel  
7 for harvesting salmons in all waters of the Copper River  
8 Delta which are not tributaries of the main stem of the  
9 Copper River south of Haley Creek. Would that be  
10 appropriate? Which would be everything between Cordova  
11 and 27 Mile, because everything else on the Delta is a  
12 tributary of the main stem of the Copper, which is  
13 already closed.  
14  
15 CHAIRMAN LOHSE: okay Would you repeat  
16 that, Tom.  
17  
18 MR. CARPENTER: The amendment would read,  
19 allow spears, gaffs, rods and reel for harvesting salmon  
20 in all tributaries -- let's see. Harvesting salmon in  
21 all waters that are not tributaries of the main stem of  
22 the Copper south of Haley Creek.  
23  
24 MR. BERG: Copper River Delta.  
25  
26 CHAIRMAN LOHSE: Yeah, for all waters of  
27 the Copper River Delta. Probably you'd have to do  
28 something like that, because I don't think that -- I  
29 think that's still pretty general.  
30  
31 MR. CARPENTER: Basically the only thing  
32 that that amendment would restrict is from Eyak River to  
33 the easternmost tributary towards the Copper River, which  
34 would be Pete Dahl. It would not -- Prince William Sound  
35 would be left as it is, and all the tributaries off the  
36 main stem of the Copper on the eastern portion of the  
37 Copper River Delta are already closed for subsistence  
38 completely. All this would do is close all the rivers  
39 for dipnetting between Eyak River and 27 Mile.  
40  
41 MR. WILSON: Which are how many?  
42  
43 MR. CARPENTER: Two.  
44  
45 CHAIRMAN LOHSE: Two.  
46  
47 MR. WILSON: Why don't we just put the  
48 two down?  
49  
50 MR. CARPENTER: Well, because according

1 -- you know, there are some little dinky sloughs and such  
2 that we're -- we're talking 20 miles.

3

4 CHAIRMAN LOHSE: But they're all -- all  
5 of those sloughs basically are tributaries of either the  
6 Copper, the Alaganik or Eyak, so you could just say that,  
7 you know, to allow spears, gaffs, rods and reels only on  
8 Eyak and Alaganik and their tributaries, and then it  
9 would be specifically defined.

10

11 MR. CARPENTER: If that language works  
12 technically.

13

14 CHAIRMAN LOHSE: Because all -- because  
15 you said all the Copper River drainage is already closed?

16

17 MR. CARPENTER: All the tributaries of  
18 the main stem of the Copper River are already closed.

19

20 CHAIRMAN LOHSE: Right.

21

22 MR. CARPENTER: So Pete Dahl, King  
23 Salmon, Gusty Davis, and all those.....

24

25 CHAIRMAN LOHSE: They're closed.

26

27 MR. CARPENTER: Those are all closed.

28

29 CHAIRMAN LOHSE: Mile 24, mile 25 is  
30 closed.

31

32 MR. CARPENTER: The first tributary that  
33 you could legally dip on now, and correct me if I'm wrong  
34 is Alaganik. Alaganik to Eyak. So everything from  
35 Alaganik to Eyak is what would be a non-main stem  
36 tributary of the Copper.

37

38 CHAIRMAN LOHSE: Well, Backwards Creek  
39 goes into Alaganik, see. That's why I'm saying, if it's  
40 Alaganik and its tributaries, Eyak and its tributaries,  
41 you've covered everything, except the ones that go in the  
42 Copper. And that way it's specific if you just said  
43 Alaganik and Eyak and their tributaries.

44

45 MR. WILSON: It's less confusing.

46

47 CHAIRMAN LOHSE: Yeah.

48

49 MR. CARPENTER: The less confusing the  
50 better.

1 CHAIRMAN LOHSE: Yeah. Okay. So that  
2 would be your amendment, so that -- allow spears, gaffs,  
3 rod and reels only on Alaganik and Eyak and their  
4 tributaries. Does that sound better, Pete?  
5  
6 MR. KOMPKOFF: Uh-huh. (Affirmative)  
7  
8 CHAIRMAN LOHSE: Okay. We have a motion.  
9 Do we have a second.  
10  
11 MR. KOMPKOFF: I second.  
12  
13 CHAIRMAN LOHSE: It's been seconded.  
14 Now, discussion. We have -- that is an amendment to the  
15 current motion. If we pass the amendment, we'll be  
16 voting -- if we pass the amendment, we'll be voting on  
17 the motion as amended.  
18  
19 MR. CARPENTER: Right.  
20  
21 (No comments)  
22  
23 CHAIRMAN LOHSE: Do I hear any more  
24 discussion or question.  
25  
26 MR. CHURCHILL: Question.  
27  
28 CHAIRMAN LOHSE: The question's been  
29 called on the amendment. All in favor signify by saying  
30 aye.  
31  
32 IN UNISON: Aye.  
33  
34 CHAIRMAN LOHSE: All opposed signify by  
35 saying nay.  
36  
37 (No opposing votes)  
38  
39 MR. CHURCHILL: I'll abstain.  
40  
41 CHAIRMAN LOHSE: One abstention. Motion  
42 carries.  
43  
44 We're now sitting with an amended motion  
45 before us that says that we're allowing spears, gaffs,  
46 rods and reels only on Eyak and Alaganik river and their  
47 tributaries.  
48  
49 Any more discussion.  
50

1 (No comments)  
2  
3 MR. CHURCHILL: Question on the motion.  
4  
5 CHAIRMAN LOHSE: Question on the motion.  
6 All in favor signify by saying aye.  
7  
8 IN UNISON: Aye.  
9  
10 CHAIRMAN LOHSE: All opposed signify  
11 saying nay.  
12  
13 (No opposing votes)  
14  
15 CHAIRMAN LOHSE: Justification. What is  
16 our reason for doing this now.  
17  
18 MR. CARPENTER: For amending it?  
19  
20 CHAIRMAN LOHSE: For this motion. Does  
21 -- is this for conservation purposes?  
22  
23 MR. CHURCHILL: You got my abstention  
24 down?  
25  
26 CHAIRMAN LOHSE: Got your abstention.  
27 Because of the amount of people and the small  
28 vulnerability of the streams? For conservation purposes.  
29  
30 Okay. With that, do we have any other --  
31 Bruce, does that meet kind of what you were talking  
32 about?  
33  
34 MR. CAIN: Yes. Yes, thank you.  
35  
36 CHAIRMAN LOHSE: Thank you.  
37  
38 MR. CAIN: And one of the justifications,  
39 it better meets the needs of subsistence users. That  
40 would be my method.....  
41  
42 CHAIRMAN LOHSE: It better meets the  
43 needs of the subsistence users, right?  
44  
45 MR. CAIN: Yeah. I feel a lot better  
46 about it.  
47  
48 CHAIRMAN LOHSE: And then if -- on that  
49 issue that you were talking about before, why don't you  
50 see if you can get some kind of proposal before us on

1 that, because that to me is something that if there's  
2 that kind of surplus, something has to be done to make  
3 that available, you know, for people.

4  
5 MR. CAIN: Thanks. Yeah, I agree, and it  
6 was just a little frustrating when they were roe  
7 stripping, you know, millions of pounds of fish, and I  
8 asked for a permit to go get 100 humpies to make dry  
9 fish, and they said you can't do it, unless you want to  
10 go all the way across Prince William Sound. And it just  
11 didn't -- it's just one of those things that's not right.

12  
13 CHAIRMAN LOHSE: Well, see if you can  
14 work up some kind of proposal that you can bring before  
15 us on that. Especially with -- figure out some Federal  
16 waters that we can apply that to.

17  
18 Thank you. And thanks for helping Pete  
19 and us clarify what you were after.

20  
21 Okay. With that we are now going on to  
22 -- Jerry.

23  
24 MR. BERG: Mr. Chair, I just wanted to  
25 clarify then. So now that you've made this new motion to  
26 specifically only allow certain gear types on the Eyak  
27 and the Alaganik River drainages, so then we also still  
28 have in regulation where dipnets are allowed for pink  
29 salmon in all those areas, so that's just going to stay  
30 in regulation now.

31  
32 CHAIRMAN LOHSE: That's going to stay.

33  
34 MR. BERG: Right.

35  
36 CHAIRMAN LOHSE: We didn't touch that.

37  
38 MR. BERG: Right. Okay. So that stays  
39 in now.

40  
41 CHAIRMAN LOHSE: Right.

42  
43 MR. BERG: I just wanted to clarify that,  
44 because last time I clarified that we were going to get  
45 rid of it, but now we're going to leave it alone.

46  
47 CHAIRMAN LOHSE: Last time what we were  
48 doing was expanding that opportunity.

49  
50 MR. BERG: Right.

1 CHAIRMAN LOHSE: This time we're leaving  
2 that opportunity as it is.  
3  
4 MR. BERG: Yeah. Okay. I just wanted to  
5 clarify that. Very good.  
6  
7 CHAIRMAN LOHSE: And we've requested that  
8 they possibly work on something that would expand that  
9 opportunity.  
10  
11 MR. BERG: Right.  
12  
13 (Whispered conversation)  
14  
15 CHAIRMAN LOHSE: Okay. I think that  
16 we're going to go on to Proposal 20 at this time. 20.  
17 And this one here is Jerry.  
18  
19 MR. BERG: Yes, sir.  
20  
21 CHAIRMAN LOHSE: Oh, this one should be  
22 an easy one I hope.  
23  
24 MR. BERG: I hope so, too.  
25  
26 MR. CHURCHILL: Even false hope is hope,  
27 Ralph.  
28  
29 (Laughter)  
30  
31 MR. BERG: Well, we're going to shift our  
32 focus to the upper Copper River for the next two  
33 proposals. The next three proposals.  
34  
35 Proposals 20 and 21 were submitted by the  
36 Ahtna Subsistence Committee and were analyzed together  
37 since they request similar regulatory changes.  
38  
39 Proposal 20 requests that fish wheels in  
40 the Upper Copper River District to be equipped with a  
41 live box unless they are closely attended or checked  
42 every four hours.  
43  
44 Proposal 21 requests that fish wheels in  
45 the Upper Copper River District be checked and all fish  
46 removed at least every 24 hours -- at least once every 24  
47 hours.  
48  
49 The proponent is concerned that too many  
50 fish caught in fish wheels are not being used and may be

1 wasted by people who do not check their fish wheel  
2 regularly. The proponent believes this change would  
3 enable law enforcement personnel to more effectively  
4 enforce provisions prohibiting wanton waste of salmon.  
5 Similar proposal were also submitted to the Board of  
6 Fisheries for their consideration this coming December.  
7 Those are State Fishery Proposal Nos. 4, 5 and 8.

8  
9                   Currently there are no requirements in  
10 the Upper Copper River District specifying how often a  
11 fish wheel must be checked, or that it be equipped with a  
12 live box.

13  
14                   Also related to this issue is a statewide  
15 Federal regulation which prohibits the wasting of  
16 subsistence-caught fish.

17  
18                   The Ahtna Subsistence Committee submitted  
19 additional comments regarding these proposals after the  
20 proposals were published for public comment. Their  
21 committee has suggested that no action be taken on  
22 Proposal 20, and that for Proposal 21, that it be  
23 modified to require fish wheels to be checked at least  
24 every 8 hours instead of every 24 hours and all fish  
25 removed.

26  
27                   Federal regulations for the Upper Copper  
28 River District require users to have a subsistence  
29 fishing permit and allows the use of fish wheels, dipnets  
30 and rod and reel gear for the take of salmon.

31  
32                   There's never been a State or Federal  
33 regulation for the Upper Copper River District requiring  
34 the use of a live box on fish wheels or stipulations of  
35 how often the fish wheel must be checked. There are  
36 other areas of the State that do require either a live  
37 box for fish wheels in certain situations, or that fish  
38 wheels be monitored. These requires are discussed in the  
39 analysis to serve as a reference for how this regulation  
40 has been implemented in other areas.

41  
42                   Overall, salmon escapements in the Copper  
43 River have been above average for the past five years,  
44 and there are no conservation concerns for salmon at this  
45 time.

46  
47                   There's a couple of tables in the  
48 analysis that summarize the subsistence salmon harvest by  
49 fish wheel users with a State or Federal permit over the  
50 past few years. And you can see that the majority of

1 subsistence salmon harvest continues to occur under  
2 State-issued permits for the Upper Copper River District.

3  
4

5                   Again, to summarize, Proposal 20 would  
6 require Federally-qualified users who use a fish wheel to  
7 check their wheels every four hours, or have a live box  
8 attached to their fish wheel. The proponent has  
9 suggested taking no action on this proposal.

10  
11

12                   Proposal 21 would require Federal users  
13 who use a fish wheel to check their wheels every 24 hours  
14 and remove all fish. And that one has -- the proponent  
15 has since suggested modifying it to check their wheels  
16 every eight hours and remove all fish.

17  
18

19                   Both proposals would make Federal  
20 regulations more stringent than State regulations unless  
21 the Alaska Board of Fisheries takes similar action at  
22 their meeting this December.

23  
24

25                   Obviously it takes a tremendous amount of  
26 effort to build, deploy and operate a fish wheel, and  
27 subsistence users in the Upper Copper River District  
28 check their fish wheels regularly to ensure that the fish  
29 are processed while they're fresh.

30  
31

32                   A regulation to require that fish wheels  
33 be checked on a regular basis would align with  
34 traditional practices, and could also help law  
35 enforcement officers to reduce potential wanton waste of  
36 fish caught in fish wheels. However, situations may  
37 occur when there is an unexpected disruption to an  
38 individual's normal fishing schedule, and a liberal time  
39 limitation such as 24 hours as proposed in Proposal 21  
40 would allow for additional time to help avoid unnecessary  
41 citations.

42  
43

44                   The provision to require that a fish  
45 wheel be equipped with a live box is not a traditional  
46 practice and would require a significant amount of  
47 additional effort, especially in the fast moving waters  
48 of the Copper River.

49  
50

51                   Any such change in regulation to require  
52 that fish wheels be checked regularly would need to have  
53 the support of the local users, and would need to be  
54 coordinated with similar action in State regulation.

55  
56

57                   These proposed changes may be targeted

1 towards non-local users who have longer distances to  
2 travel to the upper Copper River, thus making it more  
3 difficult to check their fish wheel on a regular basis.  
4 These users are most likely fishing under the authority  
5 of a State-issued permit. If the Alaska Board of  
6 Fisheries takes action this December to establish a  
7 regulation to require that fish wheel -- requiring that  
8 fish wheels be checked and/or equipped with a live box,  
9 then it would be helpful to adopt a similar regulation  
10 into Federal regulations to keep regulations in alignment  
11 and have the same regulation for all subsistence users in  
12 the Upper Copper River District.

13  
14 The primary intent of this regulation is  
15 to reduce potential waste of salmon, which also needs to  
16 be balanced with the practices of subsistence users, so  
17 as not to unduly require them to change their pattern of  
18 use due to the potentially wasteful practices of a few.

19  
20 Adopting some level of periodic fish  
21 wheel checks into regulation would align with current  
22 subsistence practices and would provide law enforcement  
23 officers with a better tool to help reduce potential  
24 waste of fish in the Upper Copper River District.  
25 However, there are very few cases of salmon being wasted  
26 that have been documented for fish wheel operators in the  
27 Upper Copper River District.

28  
29 According to law enforcement officers I  
30 spoke with, there are reports of salmon being wasted, but  
31 it's very difficult to document such cases.

32  
33 If a requirement is adopted into  
34 regulation that would help law enforcement officers, a  
35 more liberal time limitation of how often the fish wheel  
36 is checked, such as 24 hours, would align with checking  
37 the wheel regularly while also allowing for situations  
38 when something unexpected may come up which prevents the  
39 fisher from checking their wheel as expected. It would  
40 be best to coordinate any changes with actions taken by  
41 the Alaska Board of Fisheries this December.

42  
43 And so the conclusion is to support the  
44 proposal, support Proposal 21 only if approved by Alaska  
45 Board of Fisheries in December of '05, and take no action  
46 on Proposal 20 due to the action taken on Proposal 21.

47  
48 Thank you, Mr. Chair. I would be happy  
49 to try to answer any questions.

50

1 CHAIRMAN LOHSE: Thank you. Any  
2 questions for Jerry.

3  
4 (No comments)

5  
6 CHAIRMAN LOHSE: Jerry, I have just a  
7 couple real quick clarifications. So No. 20 was put in  
8 by Ahtna, right, and they are also requesting that we  
9 take no action on it at this time until we see what the  
10 Board of Fish does, right?

11  
12 MR. BERG: That's correct, Mr. Chair.

13  
14 CHAIRMAN LOHSE: And No. 21 was put in by  
15 Ahtna, and they support it now with the modification to  
16 go to an 8-hour check period, but they recognize that  
17 that may cause some problems that the 24-hour was set out  
18 to address to begin with, right?

19  
20 MR. BERG: Yeah, they didn't give reasons  
21 for why they reduced it to eight hours. That was just  
22 their comment that they would rather see it -- see fish  
23 wheels checked every 8 hours instead of every 24 hours.  
24 Maybe Gloria could help us with some of the reasoning  
25 there.

26  
27 CHAIRMAN LOHSE: Gloria.

28  
29 MS. STICKWAN: These proposals were put  
30 in after we had written all our proposals and submitted  
31 it, and then another person came and submitted these  
32 proposals, and they went and supported it and so it got  
33 changed and things got mixed up, and so I told them that  
34 we should reconsider what we did, and at the Board of  
35 Game -- Board of Fishery meetings, we'd have to consider  
36 what we wrote there, too. So it was a big confusion.

37  
38 CHAIRMAN LOHSE: So the current written  
39 public comments at the bottom is Ahtna's current stand on  
40 it, that it would be best if we took no action on 20 at  
41 this time?

42  
43 MS. STICKWAN: Yes.

44  
45 CHAIRMAN LOHSE: And that we'd support  
46 the modification on 21?

47  
48 MS. STICKWAN: They thought 24 hours was  
49 too long to let the fish go, and so even though it was  
50 more restrictive under the State, they still thought it

1 should be done every eight hours. They didn't give a  
2 reason why. They just -- other than it was too long.  
3  
4 CHAIRMAN LOHSE: Now are both of these  
5 proposals in front of the State Board of Fish then?  
6  
7 MS. STICKWAN: Yeah. This one is, right?  
8 Is that right?  
9  
10 UNIDENTIFIED VOICE: December.  
11  
12 MS. STICKWAN: Yeah.  
13  
14 CHAIRMAN LOHSE: This December.  
15  
16 MS. STICKWAN: Yeah.  
17  
18 CHAIRMAN LOHSE: And like you said, then  
19 if we pass these as.....  
20  
21 MS. STICKWAN: We haven't addressed the  
22 Alaska Board of Fisheries yet, so I don't know what  
23 they're going to say.  
24  
25 CHAIRMAN LOHSE: Yeah.  
26  
27 MS. STICKWAN: I just know what I --  
28 what's on there.  
29  
30 CHAIRMAN LOHSE: So you're suggesting  
31 that we wait and see what the Board does, because if we  
32 pass these at this point in time, we could be more  
33 restrictive than the Board of Fish is for subsistence  
34 purposes.  
35  
36 MS. STICKWAN: We could be, yeah. Well,  
37 we will be, yeah.  
38  
39 CHAIRMAN LOHSE: Yeah. Thank you. Any  
40 other questions for Jerry and/or Gloria on what we just  
41 were talking about.  
42  
43 (No comments)  
44  
45 CHAIRMAN LOHSE: Jerry, thank you.  
46 Alaska Department of Fish and Game, and, Tom, can you  
47 address both 20 and 21. Both 20 and 21 at the same time.  
48  
49 MR. TAUBE: Yes, Mr. Chairman. My  
50 comments will be directed at both 20 and 21 as we

1 reviewed those as combined.

2

3

4 The Department supports the Staff  
5 recommendation to adopt this Proposal 21 if the State  
6 Board of Fisheries adopts their proposal that's similar  
7 to that. To provide for consistency between State and  
8 Federal regulations, the Federal Subsistence Board action  
9 should align the State and Federal regulations, which  
10 should be accomplished by eliminating identical Federal  
11 regulations.

11

12

13 A 24-hour requirement will still be  
14 difficult to enforce, but it does provide guidelines in  
15 the regulations for subsistence users to follow.  
16 Requiring that a fish wheel be closely attended would be  
17 the easiest regulation to enforce, but would also be the  
18 most restrictive to the users.

18

19

19 CHAIRMAN LOHSE: Okay. So you're saying  
20 that to require that it's strict -- closely attended is  
21 more restrictive than the 8 hours or the 24 hours?

22

23

23 MR. TAUBE: That's correct. The most  
24 effective way to try to enforce wanton waste would be  
25 require that the wheel is manned at all times, or have a  
26 live box that would be checked at a certain time, but  
27 right now under -- that's not what the standard practice  
28 is. The standard practice is generally most people, at  
29 least local users check it before they go to work, and  
30 then after they come home from work. A lot of folks  
31 under the State system that are coming from outside,  
32 Anchorage, Fairbanks, may just camp on the wheel.

33

34

34 I know some of the concern is that those  
35 outside fish wheel owners leave the wheel running, go  
36 home for the week, and then come back on a weekend, and  
37 that's where the wanton waste occurs. But as stated in  
38 both the Staff analysis that they haven't cited anybody  
39 for that. It's a very difficult situation to try to --  
40 you have to -- the enforcement guy actually has to see  
41 the fish being pitched back in the river for them to cite  
42 someone for wanton waste.

43

44

44 CHAIRMAN LOHSE: So while having it  
45 closely attended would be more restrictive, this eight-  
46 hour one actually recognizes local -- you know, from what  
47 I know of the local people, this more closely recognizes  
48 local people's actual way of doing it, because they do.  
49 They have jobs that they have to go to. They have other  
50 things that they have to do, and so they make it there

1 before they go to work, they make it there after they  
2 come back from work. So if you had something, even the  
3 24 hours or this 8-hour one, you would have a tool to  
4 affect the people who leave their fish wheel on Monday  
5 morning and come back on Friday to find it plugged.

6  
7 MR. TAUBE: That's correct. That's the  
8 Depart -- that's why the Department's supportive of the  
9 24-hour check. Where eight hours -- you know, if someone  
10 works an eight-hour day, it's going to be a fine line  
11 whether or not they're able to check it. You know, 12  
12 hours may be a better option, right now our comments are  
13 directed supportive of the 24-hour.

14  
15 CHAIRMAN LOHSE: Yeah. Yeah, the eight  
16 hours would be real hard for somebody that works an  
17 eight-hour shift. You could say twice a day or something  
18 like that, and then -- and that would accomplish the same  
19 thing. But at least it would give you a tool if there  
20 was somebody that left their fish wheel on Monday morning  
21 and didn't come back until Friday to -- you'd at least  
22 have a tool that you wouldn't have to sit there and wait  
23 for them to pitch fish in the river. Maybe after two  
24 days you could go shut their wheel down and give them a  
25 citation or something.

26  
27 Bob.

28  
29 MR. CHURCHILL: Yeah, I would like to  
30 direct this through you to Gloria. Do you feel if we  
31 changed and amended this to 12 hours, that that would be  
32 consistent with what the proposers are looking for?

33  
34 MS. STICKWAN: Well, I disagreed with  
35 eight hours, but I don't have a say in what they vote on.  
36 So I would prefer that it be longer than eight hours, or  
37 -- you know, 12 hours, 24 hours, whatever.

38  
39 MR. CHURCHILL: Thank you.

40  
41 CHAIRMAN LOHSE: Dean.

42  
43 MR. WILSON: As it is right now, what's  
44 the regulation as far as checks?

45  
46 MR. TAUBE: There's nothing in the State  
47 or Federal regulations that requires that a wheel be  
48 checked once every 24 hours. It's just provided that --  
49 you know, it's a common practice that occurs, but that's  
50 where the difficulty lies, where we have been unable to

1 cite someone for wanton waste.

2

3                   There's one case that occurred several  
4 years ago where an individual did actually have a live  
5 box on their fish wheel, and they were gone for five  
6 days, and the fish were still alive when they came there,  
7 and Protection had actually staked out the wheel. But  
8 when the guy came, they confronted him, and he said,  
9 well, that's the way I like my fish, and took them and  
10 left. And they were unable to cite to cite him for  
11 anything.

12

13                   MR. WILSON: Is there a proposal you said  
14 with the State fisheries right now?

15

16                   MR. TAUBE: There are -- yeah, there's  
17 two proposals, they're State Proposals 4 and 5 that are  
18 put in to address the 24-hour check, and I believe the  
19 live box is I think Proposal 8. There are two identical  
20 ones that are Proposals 4 and 5, so the Board of Fish  
21 will be taking those three up in December.

22

23                   MR. WILSON: Okay. But as long as the  
24 fish are alive and they're in the live box, and  
25 enforcement right now can't do anything about it. If  
26 they show up and they're dead, and they were staking him  
27 out all week long, is there a problem with that? Is that  
28 -- at that point it's wanton waste, right?

29

30                   MR. TAUBE: If they took those fish, left  
31 the fishing site, drove off, there's nothing they could  
32 do. Once they become part of their possession, then they  
33 could take them home, and unless they were followed home  
34 and seen that those fish were pitched in the dumpster,  
35 there's nothing they could do. I mean, the fish could be  
36 rotting in the box, and as long as those permit holder  
37 took those fish with them, there's nothing that  
38 Enforcement could do.

39

40                   MR. WILSON: Okay. Yeah. That's kind of  
41 what I was thinking. This proposal -- well, we'll get  
42 into it in our discussion later, but this one encompasses  
43 a lot of things, and as you know, it's going to restrict  
44 myself greatly from where I fish.

45

46                   I'm curious if -- with the new way that  
47 the regulations are going to read for the State  
48 fisheries, that would pretty much eliminate everybody  
49 that fishes up and down the river unless they're on the  
50 road system, correct? Those of us that check fish wheels

1 by boats up and down the river, this -- there's no way we  
2 would be able to check our wheels with 8-hour or 12-hour  
3 time. With the price of gas and everything right now,  
4 it's hard enough to check it once a day. But we get out  
5 there once a day and check them. But this would  
6 eliminate a lot of that, and a lot of the Ahtna land up  
7 and down the river is unaccessible except by boat.

8

9 MR. TAUBE: Yeah. Mr. Chairman. Mr.  
10 Wilson.

11

12 That's why under the State proposals,  
13 we're supportive of the 24-hour, realizing that there are  
14 certain limitations that would be more restrictive than  
15 the current status of the users on there. And so, I  
16 mean, from our initial analysis of the State proposals,  
17 we're supportive of the 24, not the more restrictive.

18

19 CHAIRMAN LOHSE: Thank you. Any  
20 questions for Tom.

21

22 (No comments)

23

24 CHAIRMAN LOHSE: I'll have a question for  
25 you later, Dean.

26

27 Thank you, Tom.

28

29 Other Federal, State and tribal agency  
30 comments. Do we have any?

31

32 (No comments)

33

34 CHAIRMAN LOHSE: Hearing now, Interagency  
35 Staff Committee comments.

36

37 (No comments)

38

39 CHAIRMAN LOHSE: None. Fish and game  
40 advisory committee comments.

41

42 (No comments)

43

44 CHAIRMAN LOHSE: None. Summary of  
45 written public comments. Don. Or Donald.

46

47 MR. MIKE: Thank you, Mr. Chair. The  
48 Ahtna Subsistence Committee supports FP06-20. We support  
49 the Federal Subsistence Board taking no action on  
50 Proposal 20. After review of this proposal, we do not

1 support Federally-qualified subsistence users being  
2 required to have a live box on their fish wheels. This  
3 would only add one more regulation that we would have to  
4 comply with that isn't necessary, since most of us check  
5 our fish wheels often during the day and night.

6  
7                   On Proposal 22 (sic) the Ahtna  
8 Subsistence Committee supports Proposal 21 with  
9 modification to require that fish wheels be checked at  
10 least every eight hours and all fish be removed.

11  
12                   The Wrangell-St. Elias Subsistence  
13 Resource Commission, one member of the Commission, Mr.  
14 Miller, had no comment on this proposal, the other two  
15 members of the Wrangell-St. Elias National Park  
16 Subsistence Resource Commission who were present for  
17 discussion of this proposal supported it as written.  
18 They were concerned about increasing numbers of fish  
19 wheels on the Copper River and the potential for waste if  
20 fish wheels do not have a live box or are not checked  
21 frequently.

22  
23                   Thank you, Mr. Chair.

24  
25                   CHAIRMAN LOHSE: Thank you. Okay. I  
26 don't have any requests for public comment right now. So  
27 is there anybody in the public that wishes to comment  
28 that would -- that hasn't handed a slip in.

29  
30                   (No comments)

31  
32                   CHAIRMAN LOHSE: Okay. So let's go on.  
33 Need a motion on the table. I think we should take these  
34 one at a time so that we can deal with them. Do I have a  
35 motion on the table to accept WP06-20.

36  
37                   MR. CARPENTER: So moved.

38  
39                   CHAIRMAN LOHSE: Do I have a second.

40  
41                   MR. KOMPKOFF: Second.

42  
43                   CHAIRMAN LOHSE: It's been moved and  
44 seconded. Discussion.

45  
46                   I'm going to make a comment as Chair on  
47 this one here. I was glad to see Ahtna have this one in  
48 here, but I know we've talked about it in the past how  
49 this is not traditional for Ahtna to have live boxes on  
50 their fish wheels. And it's nice to see a step in the

1 direction recognizing that we may need to do this in the  
2 future. I kind of agree with them at this point in time,  
3 it would probably be better if we took no action on this  
4 one until the State takes action on theirs, because I  
5 can't see us being more restrictive and requiring them to  
6 have fish boxes if the State doesn't. And as the Chair,  
7 I think that would be a good direction to go to honor  
8 what they ask for and go in that direction.

9  
10 Anybody have any other discussion they'd  
11 like to say on this motion right here?

12  
13 MR. CHURCHILL: Yeah, I'd like to ensure  
14 we have some of the discussion that Member Wilson brought  
15 up regarding the impact to the local users of having more  
16 frequent check than 24 hours. I think whatever body  
17 might consider this after us needs to understand it would  
18 have a devastating impact, and it's important we go on  
19 record with that.

20  
21 CHAIRMAN LOHSE: Yeah, we'll deal with  
22 that one when we get to 21, Bob.

23  
24 Doug.

25  
26 MR. BLOSSOM: Yeah, Mr. Chairman. I want  
27 to go along with Ahtna all I can, but one thing I want to  
28 stress is I want to see these fish better quality. I  
29 mean, this is what it's all about, they're fish for you  
30 to take home for the winter and eat and, you know, if  
31 we're leaving these fish for days and rotting that's  
32 against my principles, so come up with some plan that we  
33 can keep these fish good.

34  
35 CHAIRMAN LOHSE: Now, we have a motion on  
36 the table. Can we vote to take no action on this motion,  
37 or do we have to vote to either support it or oppose it?

38  
39 (Whispered conversation)

40  
41 CHAIRMAN LOHSE: Bob.

42  
43 MR. CHURCHILL: We can indefinitely  
44 table. We can vote to take no action. I think it's our  
45 pleasure. I'd stand corrected by Donald, but I think we  
46 can do either of those.

47  
48 CHAIRMAN LOHSE: Okay. We have the  
49 motion on the table. Does -- would we like to vote to --  
50 would we like to vote the motion up or down or have an

1 amendment made to have no action on it. Dean.  
2  
3 MR. WILSON: I'd like to offer a -- I  
4 guess vote to vote it down.  
5  
6 CHAIRMAN LOHSE: Okay. Then call the  
7 question.  
8  
9 MR. CHURCHILL: Call the question.  
10  
11 CHAIRMAN LOHSE: The question's been  
12 called. All in favor of Proposal 20 signify by saying  
13 aye.  
14  
15 (No aye votes)  
16  
17 CHAIRMAN LOHSE: All opposed signify by  
18 saying nay.  
19  
20 IN UNISON: Nay.  
21  
22 CHAIRMAN LOHSE: Proposal 21. You must  
23 check the fish wheel at least once during every 24-hour  
24 period and remove all fish. That's the original  
25 proposal. A motion to accept it is in order.  
26  
27 MR. CHURCHILL: So moved.  
28  
29 MR. KOMPKOFF: Second.  
30  
31 CHAIRMAN LOHSE: It's been moved and  
32 seconded. Discussion.  
33  
34 Dean, you were talking about hardship on  
35 getting to it. Do you see a hardship with 24 hours, or  
36 should that be a legitimate period that everybody checks  
37 their fish wheel.  
38  
39 MR. WILSON: Well, right now there's a  
40 couple of users that we boat into our fish wheels. And  
41 with the price of gas and just means of getting there,  
42 it's tough. I fish on the Chesnina River, and from the  
43 private land where I take off from, it's about 15 miles  
44 round trip. No, it's about 16 miles round trip. To do  
45 that twice a day would be tough.  
46  
47 I've got my fish wheel rigged up right  
48 now with an escape box to where I can take hatches out to  
49 where I can only keep as low as 18 or 23, right around  
50 there, and I can start putting in more box -- more level

1 fencing in to where I can keep as many as 200 in there.  
2 It's up to me. It's up to how many I want to keep.

3  
4 I have never gotten a fish that I haven't  
5 eaten. Every single fish that I've gotten out has been  
6 eaten. By no means has there been any rotten fish that  
7 I've ever taken out.

8  
9 i don't see an reason for a 24-hour  
10 regulation on here. We're adding a regulation in here  
11 that I feel has no means of being in here.

12  
13 The Ahtna region is strict -- I'm  
14 surprised AHTNA supports this one. Ahtna Region goes all  
15 up and down the river where a huge amount of it is by  
16 boat access only.

17  
18 Now, granted there is just a few of us  
19 that boat into it, but this would eliminate a lot of that  
20 land for them to be putting fish wheels out, whether it's  
21 the Chesnina, Cheslina Rivers or wherever. This would  
22 eliminate somebody to go out to some of the old village  
23 sites and put in a fish wheel like I've done. And that's  
24 going to greatly hurt them.

25  
26 Along with the fact that my fish wheel  
27 and -- which I learned from Earl Bell years ago, is that  
28 we put in a spray can on there to where constantly our  
29 fish are being sprayed with water. Constantly being  
30 sprayed with water. So we never get fish that are all  
31 dried out and maggots all eating in them, or anything  
32 like that. These -- no birds are in them. They're being  
33 sprayed with water continuously. So if I get there just  
34 a little bit after 24 hours or 30 hours, whatever, the  
35 fish are all fine.

36  
37 So by putting this regulation in here,  
38 this is going to hurt my fish wheel personally, and along  
39 with other people that have fish wheels like mine up and  
40 down the river. I think that there's a better way to  
41 find wanton waste than this method right here.

42  
43 CHAIRMAN LOHSE: So, Dean, you feel that  
44 there's a number of people that don't check theirs every  
45 24 hours that keep good fish?

46  
47 MR. WILSON: If there are, the people  
48 that I know that don't, they're certainly not getting  
49 rotten fish. They're doing it -- they're coming up with  
50 a means of making sure that the fish are in good shape by

1 the time they're getting to them. Everybody I know that  
2 does that, they're getting good fish, and they're eating  
3 their fish, too. This isn't just a casual thing where  
4 they're, yeah, they get a lot of fish.

5  
6 But here's another problem, too, Ralph,  
7 along with that, is a lot of times I check my fish wheel  
8 in a 24-hour period and there's no fish there. So if --  
9 and a lot of times I do that, because there's not run  
10 coming through. So when the run starts coming through,  
11 you've got to hit it and hit it. And then when the run  
12 starts coming through, we can check it several times  
13 throughout the day or whatever. But to check -- to  
14 increase this to 24 hours or even more than that, we're  
15 tying our own hands I think with that, and you're going  
16 to have the potential to start citing some really good  
17 users of the subsistence need that are out there right  
18 now.

19  
20 CHAIRMAN LOHSE: Would you suggest a  
21 different time limit?

22  
23 MR. WILSON: No, not right now I  
24 wouldn't. I'd have to think this one over a little bit.  
25 I would say that there should be another way of coming up  
26 with wanton waste besides an actual time limit on fish.  
27 You have live boxes that could keep them in there, you  
28 have spray boxes that could them in there. If you  
29 actually have rotten fish or something like that, I think  
30 that there's other ways that it can be approached, but I  
31 don't like the 24-hour limit.

32  
33 CHAIRMAN LOHSE: Doug.

34  
35 MR. BLOSSOM: Mr. Chairman.

36  
37 Dean, how about have an amendment in here  
38 that a live box or every 24 hours, would that accommodate  
39 you better? So you could -- if you put a live box, then  
40 you could let it go longer or -- I just want to see good  
41 fish. I mean -- down my way, you know, four hours is too  
42 long, so I'm flabbergasted at these longer hours.

43  
44 MR. WILSON: Yeah. No, and I can tell  
45 you we've never had a fish that's rotten or not in good  
46 shape by the time we get there. The dry box -- the wet  
47 well that I have, it fills up after like 35 fish, and  
48 everything above there is all dry well. So I could hold  
49 up to a couple hundred fish just in the dry well portion  
50 of it. But that's when I want them. That's when I -- if

1 I want that many fish, then I'll put all the fencing in,  
2 and I'll hold them in to that point. When we get there,  
3 they're all still wet. I still have a lot of water  
4 dumping on them, and I don't really see any.....

5  
6 I don't see any reason for that  
7 regulation right now. I would think maybe 36 hours,  
8 something like that or longer I would think. But by not  
9 doing that, you're -- by going 24 hours or less I think  
10 you're starting to dive into those of us that check our  
11 fish wheels with boats, and you have the potential with  
12 boat problems or with other things that be out there, of  
13 getting cited for absolutely no reason at all, with not  
14 problem as far as fish go, and use goes. But you're  
15 going to start sticking some of us in the category of  
16 wanton waste for no reasons at all.

17  
18 CHAIRMAN LOHSE: Bob.

19  
20 MR. CHURCHILL: Yeah. Dean just  
21 mentioned a figure of 36 hours, and I guess reading the  
22 material and thinking about it, one thing that parallels  
23 at least in my mind is when we struggled with some of the  
24 proposals on trap lines. Some of the same problems and  
25 same good intent/bad law. but if we were to do a 36-  
26 hour, would that be something that would not  
27 unnecessarily restrict or have an unnecessarily high cost  
28 impact? Are we really doing something that's moving us  
29 forward in your opinion?

30  
31 MR. WILSON: That's going to what? Come  
32 again?

33  
34 MR. CHURCHILL: That -- I'm sorry, what?

35  
36 MR. WILSON: You said -- repeat the last  
37 portion. I didn't catch it.

38  
39 MR. CHURCHILL: Would -- if we went to 36  
40 hours, would we unnecessarily restrict people? Would it  
41 actually move us forward to the goal of having -- being  
42 able to deal with people who don't handle their fish  
43 properly?

44  
45 MR. WILSON: Oh, with the -- you know, if  
46 we're going to go -- I would support a proposal for 36  
47 hours unless you've a wet well, because there are some  
48 people with wet wells that I know of. A good friend of  
49 Donald's and mine has a wet well, and the fish stay in  
50 there fine. It's a very good flow through there, and he

1 can come back a couple of days later and every single  
2 fish other than those that are right down inside there  
3 can all -- they go out the escapement hatch. So I would  
4 support that.

5  
6 MR. CHURCHILL: Could you give us some  
7 language on an amendment to that effect for 21?

8  
9 MR. WILSON: If you give me some time, I  
10 will.

11  
12 MR. CHURCHILL: Might we profitably deal  
13 with this by tabling it until tomorrow or just adjourning  
14 until tomorrow?

15  
16 CHAIRMAN LOHSE: I was just seeing what  
17 the time was right there. And unless Dean can give us an  
18 amendment in the next three minutes, I think that's a  
19 good idea.

20  
21 I'll make a comment -- while Dean's  
22 thinking, I'll make a comment to Doug, because Doug made  
23 a comment about needing it every four hours. The thing  
24 is we're dealing with the Copper River, which is a  
25 glacial stream which runs cold, and if you run Copper  
26 River water on your fish, it's just like putting them on  
27 ice. It's just like putting them in a fish hold and  
28 throwing ice on them.

29  
30 Doug.

31  
32 MR. BLOSSOM: Mr. Chairman, you're asking  
33 for an argument. We're required now to take ice out in  
34 our skiffs on our set nets. We take ice out with us and  
35 put the fish from the gillnet in ice, so, you know, this  
36 is part of life, and.....

37  
38 CHAIRMAN LOHSE: Doug, I've done that for  
39 years.

40  
41 MR. BLOSSOM: .....when I hear this  
42 other, it's just different for me, because we have to do  
43 this.

44  
45 CHAIRMAN LOHSE: You have to do this,  
46 because you're selling them. I've been doing that for 20  
47 years, Doug.

48  
49 MR. BLOSSOM: Well, I have, too.

50

1 CHAIRMAN LOHSE: And the difference is  
2 tremendous, you know. But I will say this one thing.  
3 There is a total difference between the Copper River  
4 water, you know, the water on those streams up there than  
5 it like if you're down on the ocean. If you're down on  
6 the ocean, water's running -- in the summertime it's  
7 running 45 to 54 degrees. You take your fish out of 45,  
8 54 degree water, you've got to chill them down.  
9 Otherwise they're going to spoil on you. You take fish  
10 out of 34 degree water, they're already chilled, and you  
11 run that 34 degree water over them for a day, they still  
12 chilled. You know, it's -- there is a difference between  
13 being up on the Copper and down on the ocean.

14  
15 Dean, did you come up with anything for  
16 us?

17  
18 MR. WILSON: Well, I'm still thinking  
19 about it. I've got a -- I think there's somebody that  
20 I'd like to give a call and talk with before I make a  
21 decision on this.

22  
23 CHAIRMAN LOHSE: I think we should just  
24 table it then until tomorrow.

25  
26 MR. WILSON: Yes.

27  
28 MR. CHURCHILL: So moved.

29  
30 CHAIRMAN LOHSE: And we'll come back to  
31 Proposal 21 in the morning. Maybe everybody else can do  
32 some thinking on it, too, and maybe we can come up with  
33 something that -- I think what we're doing is we're  
34 trying to address two things. We're trying to allow the  
35 subsistence user to still do his subsistence with the  
36 least interference as possible, but address the fact that  
37 there are people who, like Tom was talking about, that  
38 come and turn their fish wheels on on Monday and don't  
39 come back until Friday, and their fish are spoiled. Not  
40 everybody tries to take care of the fish the way you're  
41 trying to take care of yours, Dean, just like not  
42 everybody that's commercial fishing tries to take care of  
43 the fish like you're taking care of it, Doug, you know.

44  
45 Okay. With that, we're going to recess  
46 until tomorrow morning at 7:00 o'clock.

47  
48 (Laughter)

49  
50 CHAIRMAN LOHSE: 9:00 o'clock. 9:00

1 o'clock.

2

3

(Off record)

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5

(PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

UNITED STATES OF AMERICA )  
 )ss.  
STATE OF ALASKA )

I, Joseph P. Kolasinski, Notary Public in and for the state of Alaska and reporter for Computer Matrix Court Reporters, LLC, do hereby certify:

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THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 4th day of November 2005.

\_\_\_\_\_  
Joseph P. Kolasinski  
Notary Public in and for Alaska  
My Commission Expires: 03/12/08