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SOUTHCENTRAL FEDERAL SUBSISTENCE
REGIONAL ADVISORY COUNCIL

PUBLIC MEETING

VOLUME II

Kenai, Alaska
October 26, 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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1 P R O C E E D I N G S

2
3 (Kenai, Alaska - 10/26/2005)

4
5 (On record)

6
7 CHAIRMAN LOHSE: I'd like to call this
8 fall meeting of the Southcentral Alaska Subsistence
9 Regional Advisory Council back in session. Donald.

10
11 MR. MIKE: Thank you, Mr. Chair. Just to
12 remind you, don't forget to sign in and those that wish
13 to testify, if you want, you can fill out the testify
14 form on the table in the back, it's a green form, or be
15 recognized by the Chair if you want to testify on any
16 particular proposals.

17
18 Yesterday we were doing 20 and 21 and I
19 overlooked some comments that I was supposed to read into
20 the record, so I can go ahead and do that. In your blue
21 folders, the Eastern Interior made some comments or
22 recommendations on 20 and 21 and that's on Page 2.

23
24 The Wrangell-St. Elias Subsistence
25 Resource Commission on Proposal 21 commented one member
26 of the Commission, Mr. Miller, had no comment on this
27 proposal. The other two members with the Wrangell-St.
28 Elias Subsistence Resource Commission who were present
29 for discussion of this proposal both opposed it. They
30 felt that 24 hours was too long to go between checking
31 the wheel and that a lot of fish would be wasted if
32 wheels were not required to be checked more frequently.

33
34 If you go to Page 2 on the green sheet,
35 the Eastern Interior recommendation was to oppose the
36 proposal. Their justification was the Council reviewed
37 the materials and heard the presentation by Rod Campbell,
38 and comments by Refuge, Tanana Chiefs Conference, and
39 Bureau of Indian Affairs staff. Such a regulation isn't
40 needed; wanton waste laws protect against this problem.
41 This is harassment of certain users. More
42 micromanagement over the subsistence users isn't needed.

43
44 In the past, people came in to fish the
45 Federally managed fishery that weren't from the local
46 area; National Park Service has worked to address this
47 situation. There is no need to piece-meal the
48 regulations. A requirement to check fish wheels every
49 24-hours is reasonable. When there are fish running, the
50 operator needs to check the fish wheel 2-3 times a day.

1 It is important for the Federal
2 Subsistence Management Program to take the lead on this
3 issues; we should not wait to see what the State does.
4 Land ownership and public information are very important
5 in areas of known abuse.

6
7 Thank you, Mr. Chair.

8
9 CHAIRMAN LOHSE: Thank you, Donald.
10 Okay. With that, we are going to go back to Proposal 21.
11 We have a motion to have it on the table for discussion.
12 We were going to get an amendment to it. Dean, did you
13 come up with an amendment that you'd like to offer?

14
15 MR. WILSON: Yeah, I did. For FP06-21,
16 under the portion where it's bold, you must check the
17 fish wheel at least once every 24-hour period and remove
18 all fish, the new amendment would be must check the fish
19 wheel at last once every 48-hour period and remove all
20 fish. And my understanding is this is going to be
21 contingent upon Board of Fisheries. Is that correct?

22
23 CHAIRMAN LOHSE: I didn't have that
24 impression on this one here, but I did have that
25 impression on the one prior to it. If the Board of
26 Fisheries doesn't do something equivalent it would be
27 more stringent than the State regulations?

28
29 MR. WILSON: Yeah. I don't see why we
30 should be more stringent upon the subsistence regs.

31
32 CHAIRMAN LOHSE: I believe, if I remember
33 right, and correct me if I'm wrong, Tom -- is Tom out
34 there? I was looking at the other Tom, Tom Boyd. Our
35 board meeting is before the Board of Fish schedule-wise,
36 or is it after the Board of Fish?

37
38 UNIDENTIFIED SPEAKER: After.

39
40 CHAIRMAN LOHSE: Okay. So we can leave
41 that in there then and the Board of Fish meeting would be
42 over and we could leave that in as a recommendation of
43 the Council that it would be contingent upon what the
44 Board of Fish does. So you'd like to offer that
45 amendment then?

46
47 MR. WILSON: Yeah.

48
49 CHAIRMAN LOHSE: Do I hear a second.

50

1 MR. CARPENTER: Second.
2
3 MR. KOMPKOFF: I second it.
4
5 CHAIRMAN LOHSE: It's been moved and
6 seconded to amend FP06-21 to you must check the fish
7 wheel at least once during every 48-hour period and
8 remove all fish. This, I think, is a step in the right
9 direction. I don't know if it's a small enough one, but
10 I think it's a good compromise. Any other comments from
11 any members of the Council. Doug.
12
13 MR. BLOSSOM: Mr. Chairman. Dean, what
14 do you mean contingent on the Board of Fish. What if
15 they say every two hours? You don't want that.
16
17 MR. WILSON: No.
18
19 MR. BLOSSOM: So how do we tie it in to
20 what the Board of Fish does?
21
22 MR. WILSON: The reason being is if we
23 put this in place right now, we're going to be more
24 stringent than the State regs are right now. So
25 depending upon if they actually put in something for two
26 hours, then at that point this 48-hour limit would come
27 into play. Is that correct?
28
29 CHAIRMAN LOHSE: Well, that would have to
30 be a recommendation from the Council. Myself, Dean, I
31 think this is a good step in the right direction. I
32 think it would be worthwhile leading the way. If this
33 48-hour period doesn't cause any hardships, even if the
34 Board of Fish does nothing, I think it would be a proper
35 step for us to take as subsistence users.
36
37 MR. WILSON: Yeah, I don't have any
38 issues with that. I think the 48-hour limit would give
39 enforcement some things to work with and also it would
40 keep those of us that are using fish wheels, accessing
41 them by distance, by boat, keep us off of the trooper
42 list ourselves.
43
44 CHAIRMAN LOHSE: So do you feel that it's
45 necessary to have it contingent on the Board of Fish or
46 should we just put it through as a proposal and let them
47 decide on the merits after they see what the Board of
48 Fish does?
49
50 MR. WILSON: Well, I'm not sure how the

1 Board of Fish is going to handle the 24-hour thing. I
2 know there was some opposition to it. So I'd recommend
3 putting in a recommendation and have this contingent upon
4 the outcome of that.

5
6 CHAIRMAN LOHSE: I think that's what Doug
7 was getting at. By contingent, if the Board of Fish goes
8 more stringent, then are they going to follow the Board
9 of Fish or are we saying that for subsistence users this
10 would be adequate. Let's say the Board of Fish decides
11 to go every eight hours and if we're contingent on the
12 Board of Fish, the Board may decide that we should then
13 follow the Board of Fish and go every eight hours.

14
15 MR. WILSON: I can't imagine them going
16 every eight hours myself, you know.

17
18 CHAIRMAN LOHSE: Don't count on it. Bob.

19
20 MR. CHURCHILL: I'm not sure what we're
21 really saying is contingent, but what we'd like to do is
22 have the Board of Fish certainly consider those things
23 we've offered in testimony and discussion and I'd offer
24 that we make a summary of that in a letter for the
25 Chair's signature and offer that into the deliberations
26 for the Board of Fisheries. I think there's a lot of
27 good information they would not otherwise have. I think
28 this proposal personally stands on its own merit and is a
29 real positive step forward. I think our actions stands
30 on its own and I think the Board of Fisheries would
31 benefit from a synopsis of our discussion and thoughts on
32 it. I mean that's where I would like to see us go with
33 this. We're really not saying contingent, but I think we
34 ought to offer what we've done to the Board of Fisheries
35 for their benefit.

36
37 CHAIRMAN LOHSE: Thank you, Bob. That's
38 kind of how I feel on it, too, Dean. That the
39 information is valuable to the Board of Fish, but we
40 don't have to follow them. We could actually lead if
41 necessary.

42
43 MR. WILSON: Okay. Well, let's just put
44 this in as not contingent and just put it in as a
45 proposal.

46
47 CHAIRMAN LOHSE: Okay. Any other
48 discussion on it.

49
50 MR. CHURCHILL: Call the question.

1 CHAIRMAN LOHSE: The question has been
2 called. All in favor of FP06-21, you must check the
3 fish wheel at least once during every 48-hour period and
4 remove all fish, signify by saying aye.
5
6 IN UNISON: Aye.
7
8 CHAIRMAN LOHSE: Opposed signify by
9 saying nay.
10
11 (No opposing votes)
12
13 CHAIRMAN LOHSE: Thank you, Dean.
14
15 MR. CARPENTER: That was the amendment.
16
17 CHAIRMAN LOHSE: That's the amendment.
18 Now we have to vote on the proposal as amended. Any
19 other discussion.
20
21 MR. CHURCHILL: Call the question.
22
23 CHAIRMAN LOHSE: The question has been
24 called. The amended FP06-21, you must check the fish
25 wheel at least once every 48-hour period and remove all
26 fish. All in favor signify by saying aye.
27
28 IN UNISON: Aye.
29
30 CHAIRMAN LOHSE: Opposed signify by
31 saying nay.
32
33 (No opposing votes)
34
35 CHAIRMAN LOHSE: Motion carries. Okay.
36 With that we go on to -- Bob.
37
38 MR. CHURCHILL: And we did agree as a
39 Council that we'd provide that information to the Board
40 of Fisheries in written form.
41
42 CHAIRMAN LOHSE: Right.
43
44 MR. CHURCHILL: Thank you.
45
46 CHAIRMAN LOHSE: The justification for
47 our doing that is for the people who check fish wheels by
48 boat. This would create a hardship to require them to do
49 it more often.
50

1 MR. CHURCHILL: Plus the language that
2 Dean offered the information on the way to put live traps
3 and the rest of it in. I think all that would be
4 insightful to some of those Board members that otherwise
5 have no idea.

6
7 CHAIRMAN LOHSE: Right. FP06-22. Jerry.

8
9 MR. BERG: Thank you, Mr. Chairman. Good
10 morning everybody. Proposal 22 starts on Page 157 in
11 your books. Proposal 22 was also submitted by the Ahtna
12 Subsistence Committee and requests that fyke nets be
13 allowed to harvest up to 1,000 salmon in Tanada Creek
14 upstream of the National Park Service weir and that
15 incidental harvests of other fish be allowed.

16
17 The proponent stated that the current
18 gear types allowed in the Batzulnetas fishery are not
19 efficient enough to harvest an adequate number of salmon
20 to meet subsistence needs. The proponent suggests that a
21 fyke net be allowed only after coordination with the
22 Federal in-season manager. The definition of a fyke net
23 in Federal regulation includes basket traps, which are a
24 traditional funneling-type device that's been used in
25 Tanada Creek historically. This change would allow elders
26 to pass on their knowledge of traditional uses of a fyke
27 net to younger generations.

28
29 As many of you know, Batzulnetas has been
30 used as a traditional fish camp by Ahtna people for
31 centuries. Copper River tributaries, including Tanada
32 Creek and the Copper River above Slana, were closed to
33 subsistence fishing by State regulation in 1964. Tanada
34 Creek remained closed to subsistence fishing through
35 1986. In 1987, an interim subsistence fishery was
36 allowed at Batzulnetas for the first time since 1964
37 through an emergency regulation issued by ADF&G.

38
39 In most years from 1988 through 2000 the
40 Batzulnetas fishery has similar provisions to those
41 established by court order in 1987. Then in December of
42 2000 the Federal Subsistence Board approved a
43 recommendation from this Council to establish Federal
44 subsistence fishing regulations for the Batzulnetas
45 fishery. The Federal regulations require users to have a
46 permit that allows the use of fish wheels, dipnets and
47 rod and reel in the Copper River and dipnets, spears and
48 rod and reel in Tanada Creek. The fishery occurs right
49 at the mouth of Tanada Creek.

50

1 Chinook salmon may be kept if caught in a
2 fish wheel in the Copper River but may not be taken if
3 caught in Tanada Creek. There are no current harvest
4 limits for sockeye salmon taken in the Batzulnetas
5 fishery under Federal regulations.

6
7 A similar proposal requesting the use of
8 a fish trap and associated fyke net to harvest freshwater
9 fish in Tanada Creek was submitted to the Federal
10 Subsistence Board in 2002. The description of the fish
11 trap consisted of a lead or fence stretched across the
12 portion of the stream to guide the fish moving upstream
13 into the fyke net or basket trap. These basket traps are
14 considered to be the same as the Federal definition of a
15 fyke net.

16
17 Fyke nets are allowed in the general
18 statewide provisions of methods and means and since there
19 are no gear restrictions for freshwater fish in Tanada
20 Creek. That meant that fyke nets were allowed for
21 freshwater fish harvest in Tanada Creek. When we
22 notified the proponent of this, the proponent withdrew
23 that proposal after being informed that fyke nets were
24 allowed to harvest freshwater fish in Tanada Creek that
25 year. So that's why this Council never did see that
26 proposal.

27
28 Also related to this proposal is a
29 statewide Federal subsistence fishing regulation which
30 prohibits anyone from obstructing more than one half the
31 width of any stream with any gear used to take fish for
32 subsistence uses. This regulation is relevant because
33 Tanada Creek is a very small stream and it may be
34 difficult to use the fyke net and associated lead net
35 used to guide the fish that spans only half the width of
36 the stream.

37
38 Ahtna elders have described very precise
39 specifications for the construction of a fish trap and
40 associated fyke net and they did not block the entire
41 width of the stream. There were also very precise rules
42 for fishing once the basket trap and lead net were in
43 place. The fishing device was removed as soon as they
44 had enough salmon and only a certain amount of fish could
45 be harvested at one time, which served as their own type
46 of management system within the creek.

47
48 In addition, only male salmon were
49 harvested and females were often placed over the weir to
50 escape upstream. There are two sockeye salmon stocks

1 that spawn in the Tanada Creek drainage. Chinook salmon
2 are the only other salmon documented in Tanada Creek with
3 very small numbers of chinook salmon having been counted
4 through the weir.

5
6 Table 1 in the analysis summarizes the
7 weir and aerial salmon survey data that we've collected
8 or that various agencies have collected over the years in
9 Tanada Creek. Primarily ADF&G and National Park Service
10 have collected that data. Sockeye salmon counts have
11 been highly variable with a high of almost 29,000 fish
12 counted in 1998 and as low as 128 fish counted in 1975.

13
14 Chinook salmon counts through the Tanada
15 Creek Weir have typically been less than 10 fish a year
16 with a high of 16 in 2001 and zero in 2004. There's also
17 resident populations of grayling, whitefish and longnose
18 suckers in the Tanada Creek drainage. There have not
19 been any studies to assess these populations for these
20 species, but there are no conservation concerns at this
21 time due to what is assumed to be a very low harvest for
22 these species.

23
24 The best documented Ahtna weir and
25 associated basket trap or fyke net device was located at
26 Tanada Creek at this location at Batzulnetas.
27 Historically, the fishery was so important that it
28 attracted people from surrounding communities. These
29 basket traps were used in Tanada Creek until 1946 and
30 were the last documented use of this gear type in the
31 Copper River drainage. It is reported that a game warden
32 visited the Batzulnetas fishery in the 1940s and told
33 Katie John's father that they could not use the weir and
34 associated basket traps and, as a result, the device was
35 removed at that time and has not been used since.

36
37 Sockeye salmon harvest in the Batzulnetas
38 fishery have varied widely over the years, but have been
39 fairly consistent since 1997, as you can see in the
40 harvest summary in Table 2 of the analysis. During the
41 past seven years the sockeye salmon harvest in the
42 Batzulnetas fishery has varied from a high of 582 fish in
43 1998 to a low of only 62 fish in 2001.

44
45 The ratio of the number of fish harvested
46 in the Batzulnetas fishery to the number of fish counted
47 at the weir has been relatively low with harvest rates
48 varying from a low of one percent in 2004 to a high of
49 almost four percent in 2001, as you can see in Figure 1.
50 Of course, these figures do not reflect any harvest of

1 Tanada Creek bound salmon that would have occurred in
2 other fisheries downstream in this area.

3
4 The take of chinook salmon has not been
5 allowed in Tanada Creek since the closures in 1964.
6 Allowing the use of a fyke net or basket trap in Tanada
7 Creek would re-establish the use of a traditional gear
8 type for this historical fishery. Fyke nets are a modern
9 term used for a basket trap and are used in conjunction
10 with a lead net or fence that's used to divert the fish
11 into the fyke net.

12
13 Tanada Creek is a small stream and it may
14 be difficult to use the fyke net with the associated
15 leads to help divert the fish and also comply with the
16 regulation not to block more than one half of the stream
17 width. However, there are a couple of small islands in
18 the stream near the Batzulnetas fishing site and these
19 islands may help to allow the use of this gear type while
20 also allowing the other half of the stream to be left
21 open for fish migration.

22
23 Daily coordination with the in-season
24 manager during the sockeye season will be critical in
25 allowing the use of fyke nets and getting the fyke nets
26 into the stream in time to capture any short pulse of
27 sockeye salmon migrating through the area. Escapements
28 into Tanada Creek have been highly variable with as many
29 as 100 fish one day and 4,500 the next. Oftentimes due
30 to a sudden rise in water levels from recent rains and
31 this flashy type of salmon migration into Tanada Creek
32 would require that someone be present at the fishing site
33 when the fyke net was actively fishing.

34
35 It also seems that the weir would have to
36 be built in place prior to any expected fishing because
37 the Park Service weir counting the fish is very close to
38 the fishing site, just a few hundred yards downstream of
39 the fishing site. Establishing a 1,000 sockeye salmon
40 harvest limit for fish caught in a fyke net should allow
41 for sufficient subsistence harvest and adequate
42 escapements in most years.

43
44 There has not been a harvest limit of
45 sockeye salmon in Tanada Creek since the Federal
46 subsistence regulations were established in 2001.
47 Additional harvests of sockeye salmon should not be a
48 concern during years with strong salmon returns, but
49 could be restricted through in-season actions if sockeye
50 salmon were low.

1 An effort will be made during this coming
2 winter to review existing Tanada Creek salmon escapement
3 data to assess the feasibility of establishing a
4 management objective for Tanada Creek sockeye salmon.
5

6 Allowing the harvest of incidentally
7 caught fish could cause a concern for the small
8 population of chinook salmon that return to Tanada Creek.
9 To help protect the few chinook salmon that may be caught
10 in a fyke net they will need to be returned to the water
11 unharmed, which could only be accomplished if the net was
12 closely attended.
13

14 Obviously allowing fyke nets to again be
15 used in this historical significant fishery would help to
16 ensure that the younger generation has the opportunity to
17 learn more about the traditional and cultural values of
18 this technique from their elders.
19

20 The recommended conclusion is to support
21 the proposal with some modifications. We've tried to
22 balance the use of this traditional gear type with a bit
23 of a cautious approach since this could be an efficient
24 gear type used in a small stream. So our recommended
25 modifications were to, one, limit the use to only one
26 fyke net and only after consultation with the in-season
27 manager to ensure adequate spawning escapement; and, two,
28 to require the subsistence user to be present while a
29 fyke net is actively fishing; and, three, to maintain the
30 chinook salmon caught incidentally in Tanada Creek be
31 released unharmed to the water.
32

33 That completes my presentation. I'll be
34 happy to try to answer any questions, Mr. Chair.
35

36 CHAIRMAN LOHSE: Thank you, Jerry. Any
37 questions for Jerry.
38

39 (No comments)
40

41 CHAIRMAN LOHSE: I think you covered it
42 pretty thoroughly. Okay. Alaska Department of Fish and
43 Game.
44

45 MR. TAUBE: Thank you, Mr. Chairman. Tom
46 Taube, Alaska Department of Fish and Game. The
47 Department has some concern about this proposal as
48 written. It is still unclear from the Staff
49 recommendation if a weir can extend greater than one half
50 the width of the stream. It's previously discussed that

1 there are islands located in Tanada Creek, but if this
2 island is more than halfway across the creek channel, the
3 users would be in violation of the statewide regulation.
4

5
6 There needs to be more detail within the
7 regulation of how this fishery will be managed. The text
8 refers to a highly variable return with 100 to 4,500
9 salmon in consecutive days. If the fyke trap and weir is
10 located upstream of the floating weir, it is likely these
11 fish would pass the fishing site before the fyke trap
12 could be deployed or subsistence users notified.

13
14 The State questions how the Federal
15 manager will estimate the cumulative escapement prior to
16 the annual run being completed while keeping in mind the
17 highly variable nature of the recent assessed escapement.
18 Also, we question how the manager will determine when to
19 allow harvest when there are two separate spawning stocks
20 at the lake outlet and the Tanada Lake shoal and, at
21 present, no discernible way to determine what a
22 sustainable harvest on each one might be.

23
24 The run strength and timing of these
25 stocks as mentioned are highly variable and, at present,
26 forecasting of such is tenuous at best. Additionally, we
27 have no data on what the downriver harvest rates are for
28 this stock, information that is critical to evaluating
29 this proposal. During years of high abundance from 1997
30 to '98 or 2004, a harvest of 1,000 fish or greater is
31 likely sustainable; however, during years of low
32 abundance, this same harvest level would likely be
33 detrimental to these stocks.

34
35 This concern and others mentioned
36 previously need to be addressed by modifying this
37 proposal.

38
39 CHAIRMAN LOHSE: Thank you, Tom. You
40 expressed the concerns. Have you got some suggestions
41 for modifications?

42
43 MR. TAUBE: I guess specific to the width
44 of the stream. I think looking at the island and seeing
45 if it is greater than half the width, to put some
46 provision on there for Tanada Creek that half width of
47 the stream could be exceeded in this case. For the
48 return rates, I guess from the State's perspective, we'd
49 like to see more data gathered on the return before
50 allowing this fishery or possibly we have suggested that
Mentasta Village get an educational permit from the State

1 and do it for one year and we can see how it goes from
2 there before putting it in regulation.

3

4 CHAIRMAN LOHSE: The question on that
5 first part, you said if the island is over half, get an
6 extension so the weir can be over half. If there's a law
7 in place that says it can't be over half, they don't have
8 to go all the way to the island. I mean you can make a
9 weir whatever length. If the law already says they can't
10 go over half, then you just would make a weir that didn't
11 go over half. Even if that left a hole.

12

13 MR. TAUBE: That's correct. I guess from
14 reading the Staff analysis, it sounded like that would be
15 the preferred method to go to the island.

16

17 CHAIRMAN LOHSE: But if it's over half,
18 it's illegal, so they can't.

19

20 MR. TAUBE: That's correct.

21

22 CHAIRMAN LOHSE: That is a law that's in
23 place and I think that's in place in the Federal law,
24 too. That would just have to be a case if they measure
25 and find it's over half, that technique doesn't work and
26 they would just have to go -- I mean they can't go over
27 half period on either State or Federal law, right?

28

29 MR. TAUBE: That's correct.

30

31 CHAIRMAN LOHSE: So I sure wouldn't see
32 any reason to put a provision that would take that one
33 out. On the other part, what would happen if you tied
34 the harvest to a percentage of what's actually gone
35 through? We look at this table here and we see they've
36 taken somewhere between one and three and a half percent
37 of the return over the last five years. What if you just
38 tie it in like they do out at Chignik where you have to
39 have some escapement go through first and then after that
40 you maintain it so that you have -- I'm not suggesting
41 this as a number, but that the harvest doesn't exceed
42 over two percent of what's gone through the weir. Would
43 that tie in in a way that would be -- they count them
44 through the weir, so that would be a way that would be
45 applicable. Would something like that put safeguards
46 enough in? Because then in a year of a low run they're
47 not going to take -- you know, if it's a percentage of
48 what's gone over the weir, it's going to leave a
49 sufficient amount or it would keep it within bounds that
50 way. Would something like that be more acceptable?

1 MR. TAUBE: Mr. Chairman. That's exactly
2 kind of what we're looking for in the regulation, some
3 specifics on how that fishery would be managed. There's
4 been discussions about having either a percentage or some
5 other means to allow fish through, but the Department
6 would like to see that actually in regulation. Not as
7 it's specifically written in consultation with the
8 manager, but we'd like to see specifics in the
9 regulation.

10
11 CHAIRMAN LOHSE: I'll put you on the
12 spot. Do you have any suggestions as to what kind of
13 percentage would be acceptable? I won't say adequate,
14 I'll say acceptable.

15
16 MR. TAUBE: I think we'd need to look at
17 the historical data closely to come up with that
18 percentage.

19
20 CHAIRMAN LOHSE: Jerry.

21
22 MR. BERG: Ye, Mr. Chair. And we've had
23 these discussions among Staff about what would be most
24 appropriate and we talked about percentages, weekly
25 percentages, and that's why we came up with the
26 recommendation to have Park Service, OSM, Fish and Game
27 Staff and maybe some other folks get involved with trying
28 to review the data this winter and try to come up with
29 what seems like a reasonable objective to use. But, in
30 the interim, we felt like there were enough safeguards,
31 to work closely with the manager this season and just
32 kind of see how it works.

33
34 We really don't know how this type of a
35 gear type is going to work. We feel the in-season
36 manager already has a good working relationship with the
37 users there and that we'd be fine with that working
38 relationship for this one year and then try to look
39 closely at the data this winter and see what we can come
40 up with on more specific ideas for numbers because it is
41 difficult without doing a more thorough analysis of the
42 data. Mr. Chair.

43
44 CHAIRMAN LOHSE: Thank you, Jerry. I
45 figured you probably had done that and that's why I was
46 kind of putting Tom on the spot there, to see if we could
47 move forward with that. I don't think there's any
48 question how the gear is going to work. It's going to be
49 more how the users use the gear in conjunction with
50 consultation and everything. The gear is going to work

1 unless, like you said, there's high flows or something
2 that would wash it out. Even if it's washed out it can
3 be replaced fairly fast because it's an efficient piece
4 of gear.

5
6 It's more of a question of how it's going
7 to work in conjunction with allowing sufficient
8 escapement for spawning and everything else. The gear is
9 going to work much easier than a fish wheel will. The
10 fact that the gear is more efficient it's going to
11 increase the take greatly. It's easier to use. So I can
12 understand Tom's idea about having some safeguards.

13
14 I also think if it's done in consultation
15 and if, in all cases, you know, Park Service, Fish and
16 Game, OSM and the users are willing to work together on
17 it, I think they can come up with some way to spread the
18 take over the season and not take an excessive percentage
19 of the amount of fish that go through. If you start with
20 the realization that you can't take more than so much of
21 any one portion so that you have sufficient going
22 through, which is what they're writing up here, the gear
23 is going to work. What it's basically doing is okaying a
24 different gear type for the same objective.

25
26 Any other questions. Bob.

27
28 MR. CHURCHILL: An issue has been raised
29 about ability to provide good information in-season. I
30 think Jerry spoke pretty clearly he was confident that
31 could happen. Could he provide us with some information
32 on how he sees that happening where the data will flow
33 from, how it will be gathered, that sort of thing.

34
35 MR. BERG: I can certainly take my best
36 shot at it and then I guess Eric Veach might want to
37 chime in if he has something to add. Certainly the Park
38 Service has a weir right there, so they have Staff that
39 are there on a daily basis and they certainly can be
40 working with the user on a daily basis. The fish going
41 through the weir just a couple hundred yards downstream
42 of the fish site, so it's going to be a very closely
43 coordinated aspect.

44
45 MR. VEACH: Mr. Chairman. Eric Veach
46 with Wrangell-St. Elias National Park and Preserve. I
47 would just add to that, as the Council knows and we've
48 reported, for the last five years now we've been
49 operating a weir in Tanada Creek, so seven days a week
50 during the fishing season we have two shifts that are

1 traveling down to that weir every day, so basically ever
2 12 hours we'll have folks that will be traveling right
3 past the fishing site to go to the weir to perform their
4 shift. Those folks have cell phones and radio
5 communication, so they can be in constant communication
6 with myself. And exchange of information flows both
7 ways. Certainly if folks are at the Batzulnetas fishing
8 camp, they often stop the crew and chat with them and
9 find out how many fish have been moving through the
10 weir, so the communication flows both ways. It's
11 basically instantaneous all the time because we can talk
12 to users twice a day and the users can also talk to us
13 twice a day.

14

MR. CHURCHILL: Thank you.

15

16
17 CHAIRMAN LOHSE: Thank you, Eric. I
18 think that's one thing that needs to be stressed on this
19 one here, that there is a weir downstream. The fish are
20 counted through the weir, right?

21

MR. VEACH: Uh-huh.

22

23
24 CHAIRMAN LOHSE: So you have a constant
25 count as to how many fish have gone into the stream.

26

MR. VEACH: (Nods affirmatively)

27

28
29 CHAIRMAN LOHSE: So there's a constant
30 count as to how many fish have been accessible to the
31 fyke net or out of what group of fish they'll be coming.

32

33 MR. VEACH: That's correct, Mr. Chair. I
34 would stress too that we work very closely with the
35 village of Mentasta, certainly when they're operating
36 their fish wheel. They always share their harvest
37 information with us. They always let us know if they're
38 catching fish or if they're not and I would only assume
39 that it would continue to be that way when they're
40 operating fyke nets. So we would know how many fish are
41 going through the weir and, at the same time, they would
42 let us know how many fish they're harvesting.

43

44 What we're really talking about here is
45 the potential risk of overharvest within a 12-hour
46 period. So if they did have a very efficient set with
47 that fyke net and they were potentially harvesting 100
48 percent of the fish that had moved through the weir,
49 within 12 hours that information would get back to me as
50 the in-season manager and if we felt it was appropriate

1 to take some action or response to that, we would have
2 the information we needed. We would know both the count
3 through the weir and the harvest up to that point with
4 the fyke net.

5
6 CHAIRMAN LOHSE: Do you have a daily
7 tally as to the amount of fish that have been through the
8 weir?

9
10 MR. VEACH: We do. Basically that
11 information is faxed to me on a daily basis and we keep
12 track of that at park headquarters. We've had a couple
13 problems with our website, but we're certainly trying to
14 get that information up and available on our website.
15 There is a little bit of a lag time as far as getting it
16 onto our website.

17
18 CHAIRMAN LOHSE: So, technically, it
19 would be very feasible or possible -- and I'm just taking
20 numbers off the top of my head. Say at this point in
21 time 2,000 fish have come through the weir, so at this
22 point in time you could have taken 40 red salmon and you
23 could kind of put a limit on how many can be taken out of
24 the fyke net judging by how many have gone through the
25 weir. It could be very flexible, kind of a total thing
26 that up to this point in time no more than so many fish
27 and then, as the weir changes, you could change it. It
28 would be feasible to do that.

29
30 MR. VEACH: I think it would definitely
31 be feasible. Although I think it would be really
32 valuable for us to sit down as kind of an interagency
33 team and develop an escapement plan, I would sort of
34 envision we could manage it similar to the way we manage
35 periodic openings in the Chitina subdistrict so that we
36 would have an idea what the escapement has been and if we
37 wanted to allocate a portion of that escapement for
38 harvest with a fyke net, we could do that. Again, as Tom
39 mentioned, the concern is valid. It's going to have to
40 happen pretty fast because there will be a short travel
41 time between the weir and the fyke net, but I think it's
42 a do-able thing.

43
44 CHAIRMAN LOHSE: Tom.

45
46 MR. CARPENTER: I'm curious about
47 something Tom said about there's two major spawning
48 areas. Is the run timing for those two spawning areas
49 completely different or do the fish tend to show up all
50 at once and then distribute equally into the different

1 areas?

2

3 MR. VEACH: We're not sure. That's a
4 good question. We've certainly looked at the run timing.
5 At times it seems like there's two peaks in the run
6 timing past the weir, which might indicate that those
7 stocks are moving separately. We haven't taken the next
8 step to tag those fish and see where they wind up when
9 they get up on the spawning grounds of the lake. It's a
10 little bit complicated in the fact that one of the stock
11 spawns in the outlet and the other stock that spawns
12 along the lake shore has to pass through the outlet
13 before it can get to the lake shore. So when you see
14 fish in the outlet, some of those fish may be spawning
15 there and some of those fish just may be moving through
16 too. It's a little bit hard to link that back to the
17 migratory time in the weir, plus access to the lake is
18 tough, too, so we don't have the ability to observe those
19 fish in the lake on a daily basis.

20

21 MR. CARPENTER: After the fish have
22 passed the weir and you know a count, do you actually go
23 in and do a visual count in the lake of how the fish
24 distribute to those two spawning areas?

25

26 MR. VEACH: No. We typically rely on
27 ADF&G to do the aerial counts and those are done as a
28 peak count, usually only a couple times a year.

29

30 CHAIRMAN LOHSE: Eric, can I ask you a
31 question.

32

33 MR. VEACH: Sure.

34

35 CHAIRMAN LOHSE: Do the fish in Tanada
36 Lake do something like the fish in Long Lake where they
37 go into the lake and then come up on the spawning
38 grounds? I mean kind of congregate in the lake and then
39 you've got fish coming on the spawning grounds until all
40 of them are used up. They're not all on the spawning
41 grounds at one time.

42

43 MR. VEACH: Yeah, exactly. At least a
44 portion of those fish are ripening in the lake before
45 they go to spawn. My assumption is that some of the
46 later fish are spawning much more rapidly once they get
47 to the lake.

48

49 CHAIRMAN LOHSE: It seems to be the way
50 it appears because we have fish on the spawning grounds

1 from September to April and they're all the same fish.
2 So when they're in the lake you can't count them.
3 They're not visual in the lake except when they come up
4 on the spawning grounds.

5
6 MR. VEACH: Uh-huh.

7
8 CHAIRMAN LOHSE: James.

9
10 MR. SHOWALTER: Good morning. I've got a
11 couple questions. I think the gentleman on the right, my
12 right. He was quoting State regs. This is a Federal
13 subsistence. My understanding it's Federal and not
14 State, but advisory from the State. Also, isn't
15 subsistence use first priority over everybody else?

16
17 MR. TAUBE: The reference was to a
18 statewide regulation, which was both a Federal regulation
19 and a State regulation about not blocking one half of the
20 stream width, so it was actually a Federal regulation
21 that I referred to. Also, there is a subsistence
22 priority under State regulations, but there is a
23 subsistence fishery downstream of Tanada Creek and there
24 also is a State subsistence fishery which we can issue
25 permits for, but it's within the Tanada Creek and the
26 Batzulnetas area. This is just a request for a gear
27 addition to the Federal regulations. That's what our
28 comments are towards.

29
30 MR. SHOWALTER: Okay. Thank you.

31
32 CHAIRMAN LOHSE: Any other discussion.
33 Dean.

34
35 MR. WILSON: Eric, for that area right
36 now, if I understand you right, you don't have any actual
37 cut off numbers that you're planning on using for the
38 summer, is that correct?

39
40 MR. VEACH: That is correct. As Jerry
41 mentioned, there is no limit currently for salmon harvest
42 with any gear type in Tanada Creek or in the Copper River
43 immediately downstream of Tanada Creek.

44
45 MR. WILSON: And for Tom, the way it's
46 written right now with the proposal and the amendments to
47 it by OSM, and with them not having actual numbers that
48 they plan on cutting it off at as it is right now, what
49 would the worst case scenario be that you would foresee?

50

1 MR. TAUBE: Mr. Chairman, Mr. Wilson. I
2 guess the risk is in years of low returns. I mean
3 they've had years where they've only had 1,700 fish pass
4 through. As a percentage, that sustainable would be
5 overharvested in a given year and that's where the
6 concern lies. In years when there's a high return rate,
7 there probably wouldn't be a concern, but when we have a
8 low return rate there's a potential, even based upon a
9 certain percentage past the weir, that there's going to
10 be overharvest on those stocks.

11
12 MR. WILSON: Okay. That's kind of why I
13 was wondering. If we have a low return year, is there
14 plans right now to allow escapement prior to the fyke
15 nets going in or, as it is right now as written, if this
16 goes in, can they start laying fyke nets out prior to
17 there being any escapement at all?

18
19 MR. VEACH: Right now, the way the
20 proposal is written, I think, as Jerry mentioned, we'd
21 want to see the weir in place before the fyke nets were
22 installed. Obviously there would have to be some
23 escapement through the weir before they could actually
24 harvest anything in the fyke net, but there isn't any
25 regulation in place that would mandate any escapement
26 past the fyke net before they could begin fishing.
27 That's certainly something the Council could recommend.

28
29 MR. WILSON: I doubt if the folks that
30 are fishing up there want to decimate this fishery, so I
31 think having the weir in place ahead of time is a good
32 tool to use for escapement itself, so maybe we'll talk
33 about that after a while.

34
35 MR. VEACH: If I could follow up on that
36 too, Mr. Chair. Some of the proponent's interest here is
37 increased efficiency and I think certainly what their
38 interest would be would be waiting -- typically what we
39 see at the weir is a small number of fish originally and
40 then the run picks up strength at some point in the
41 season, sometimes early, sometimes a little later, but I
42 think the proponents would want to wait until there was a
43 good number of fish passing the weir before they put the
44 fyke net in place just because it would be more efficient
45 for them.

46
47 You know, having operated a weir in that
48 stream now for five years, I can certainly attest that
49 it's a difficult place to have a weir. We spend nearly
50 \$63,000 a year trying to hold that weir in place. This

1 is some of the better technology I would say right now on
2 the market for operating weirs and to get the materials
3 and the weir panels that we use to run that weir into the
4 stream we actually transported them in there by
5 helicopter. I think the proponents are going to have
6 considerably less resources at their disposal to build
7 and operate a fyke net out there. So, again, I think
8 because of that they'd be very interested in the
9 increased efficiency. They certainly probably wouldn't
10 want to put a fyke net in early when you still have a lot
11 of runoff coming off the lake because that's going to be
12 a really difficult time of the year to hold the fyke net
13 in place.

14

CHAIRMAN LOHSE: Gloria.

15

16
17 MS. STICKWAN: So when do you think they
18 would be able to put in the weir and use it, June or
19 July?

20

21 MR. VEACH: Based on what I've seen out
22 there I think it would probably be later in June.
23 Typically what we try and do is get the weir in place by
24 Memorial Day weekend, so sometimes in late May, because
25 at that point water flows are usually still pretty low
26 because the lake is still frozen. What we see is
27 sometime usually shortly after that the lake thaws and
28 opens up and we have a big pulse of water that comes
29 downstream and just depending on what the snowpack is at
30 that time, that can last anywhere from a few days to
31 three weeks. My guess would be it would probably be
32 somewhere around the third week of June before they could
33 probably effectively fish a fyke net.

34

35 On a year like this last one, I don't
36 know that you could have ever effectively gotten a fyke
37 net in there. We struggled pretty much all year with
38 high flows. After the water came off the lake, we had a
39 lot of rain. We really didn't go more than three or four
40 days at a time without some sort of precipitation and the
41 water stayed high all season long.

42

CHAIRMAN LOHSE: Tom.

43

44
45 MR. CARPENTER: Yeah, Eric, what do you
46 estimate as the minimum amount of spawners that that
47 system needs to be successful?

48

49 MR. VEACH: I'm not sure that I can give
50 you a hard and fast number. What we've seen is

1 escapement anywhere from about 1,600 to maybe 29,000
2 fish. Certainly I would tend to argue that 1,600 would
3 be the minimum number. We were very concerned about the
4 escapement in the year that the escapement was only
5 1,600. Beyond that I think I might seek some additional
6 guidance from some of my peers here to give you a hard
7 and fast number.

8
9 Just one thing I'd like to follow up on
10 though. Certainly escapement would still need to be the
11 first priority whatever management plan that we develop
12 for Tanada Creek here. We would need to establish that
13 number and that would need to be the priority first over
14 the subsistence harvest.

15
16 MR. CARPENTER: Right. I guess my point
17 is there's no doubt that nobody wants to decimate this
18 run. The question I have in my mind is if we don't
19 really know what the minimum amount of spawners that we
20 need in this system to have a successful spawn and we
21 don't really know if there's a difference in the run
22 timings that go into these two spawning areas, I guess my
23 question would be when do you know when to let them put
24 this fyke net in? Is it just completely dependant on the
25 amount of fish sitting in front of the weir? I guess the
26 reason I was curious, if you knew about a minimum amount
27 of spawners, if you always let those fish into the lake
28 and then they put their net in, then it's really not a
29 question at all.

30
31 MR. VEACH: No, I think those are
32 excellent questions. I think we're going to need to take
33 a hard look at how efficient this gear type really is.
34 What I anticipate is the last few years because of a lot
35 of channel changes in the Copper River, the Copper River
36 is moving towards the Batzulnetas fish camp and the
37 places where the users have traditionally operated their
38 fish wheel the bank has just eroded. In fact, there's
39 even some grave sites that are at serious risk right now.

40
41 What I anticipate happening is that the
42 users will probably for a while at least attempt to use
43 this gear type in place of the fish wheel and I don't
44 know that their harvest will necessarily be any higher
45 with the fyke net than it has been with the fish wheel,
46 but I think that's something we need to pay very close
47 attention to.

48
49 Again, I think your questions are
50 questions that we need to answer as we move into that

1 first year of operation with this fyke net. If the fyke
2 net is so efficient that we see anything like 70, 80, 100
3 percent of the escapement through the weir being
4 harvested for any given period, even for one night, in
5 that fyke net, then I think we're going to have to take a
6 very hard look at how and when that fyke net is utilized.
7 If we see efficiency that is similar to what's been
8 harvested in the fish wheel, which has typically been a
9 couple hundred fish a season, I don't think that the
10 concern for the overall stock health is any greater than
11 what we're currently working under, I guess.

12
13 Mr. Chair, if I could just back up and
14 follow up on James' question earlier regarding the
15 statewide provision for fishing in half the stream. I'd
16 like to mention that this fishery would actually occur
17 within the National Park. Those are certainly guidelines
18 we're going to have to work under, but I also think too
19 that there's maybe some slightly different policy
20 implications for gear types within the National Park and
21 with our subsistence users in the park and I don't know
22 that I'm prepared to articulate much more than that, but
23 I just thought that I should maybe mention that. This is
24 kind of a long-standing traditional fishery. You know,
25 we need to kind of take a look at that statewide
26 provision or look at maybe how we could manage this
27 differently where it's a fishery inside a National Park.

28
29 CHAIRMAN LOHSE: Jerry, can I ask Eric a
30 question real quick. Are the Tanada Lake fish mostly
31 four-year fish or five-year fish?

32
33 MR. VEACH: Almost entirely five-year
34 fish.

35
36 CHAIRMAN LOHSE: I notice that this
37 year's weir count isn't on here. Do you have any
38 recollection of what this year's weir count was?

39
40 MR. VEACH: That's a good question. At
41 the start of the season we were concerned that it was a
42 pretty low return to Tanada Creek. As I mentioned, we
43 were fighting high flows all season long out there. In
44 this case, even our \$65,000 weir was substantially less
45 than 100 percent efficient. Because of that I can't tell
46 you the exact number of fish that went through the weir,
47 but I do know that it was at least 4,183 and that was as
48 of September 6th.

49
50 So what happened there this year, Mr.

1 Chairman, is that during those high flows we did have
2 some fairly substantial escapement around the weir, but
3 we've also been using video cameras upstream of the weir,
4 which are mounted over the stream channel, pointing down
5 at the stream channel and it's actually been a fairly
6 effective system. This is the first year we've really
7 gotten to test it at extremely high flows. It seems to
8 have worked really well. So that 4,183 salmon is based
9 upon the counts past the cameras, which were
10 substantially higher than about the 800 fish we counted
11 through the weir this year.

12
13 So, as you can see, even with our \$65,000
14 weir, we were only able to actually trap about 25 percent
15 of what appears to be escapement in the creek. The folks
16 back at the Park are actually finishing up the videos
17 right now as we speak, so I suspect the majority of the
18 run appeared to have come through by September 6th, but I
19 suspect that number will be even higher as they finish
20 watching those videotapes.

21
22 CHAIRMAN LOHSE: So you have a real early
23 run and then you have real late fish there, too.

24
25 MR. VEACH: That's correct. It's a very
26 long window, so we often see fish as early as mid June
27 and then typically we'll see at least a few fish coming
28 through as late as Labor Day and even after that at
29 times. Sometimes we'll still see some fish straggling
30 through in mid September.

31
32 CHAIRMAN LOHSE: How did your video
33 cameras work if you had high flows? Is there an area in
34 the creek that's always clear and shallow enough even at
35 high flows that you'd be able to see the bottom?

36
37 MR. VEACH: They worked amazingly well
38 and I was probably the biggest skeptic of how well they
39 would work at high flows. What we do is we have a couple
40 PVC flash panels, so those are pieces of PVC pipe that
41 are spaced about an inch apart that are then six feet
42 wide. They're laid perpendicular to the stream flow
43 across the bottom of the channel, so that provides a
44 bright white background on the channel bottom. Plus, as
45 the fish move across it, it's sort of like looking at
46 barber poles is maybe the best way to describe it. It's
47 sort of a break in that pattern, so it makes it very easy
48 to see those fish.

49
50 Again, I was doubtful that at high flows

1 this was going to work very well, but we were actually
2 able to see the panel width across the bottom of the
3 stream even at high flows, so we're relatively
4 comfortable with those counts. We probably don't see all
5 the fish that go across those panels at high flows, but
6 based on what we've seen in the past we consistently see
7 somewhere around 85 to 90 percent of the fish that are
8 migrating across those panels and that's based on weir
9 counts downstream and lower flow years when we were
10 confident that we didn't have any fish leakage.

11
12 CHAIRMAN LOHSE: Then one other question.
13 On a five-year fish, would a 2001 fish be coming back
14 next year or would a 2001 fish be coming back this year?

15
16 MR. VEACH: You're putting me on the spot
17 to do some higher-level math here, Mr. Chairman, but I
18 believe that would be next year.

19
20 CHAIRMAN LOHSE: Okay. So the 4,000
21 basically that you counted this year is not the return of
22 the 1,600, it's probably the return on the year previous
23 to that.

24
25 MR. VEACH: Correct.

26
27 CHAIRMAN LOHSE: Okay. Because if I
28 remember right from Long Lake, and you can correct me if
29 I'm wrong, I remember we had one of our biggest returns
30 on one of our lowest escapements one time, so the
31 escapement doesn't necessarily predict the return.

32
33 MR. VEACH: And I would say that's
34 particularly true on Tanada Creek. I can't necessarily
35 tell you what factors seem to be driving that population,
36 but because we're somewhat at the edge of the species
37 range of the Copper River there, I think that there's
38 probably a lot of factors that dictate the size of that
39 return other than just the escapement of the brood year.

40
41 CHAIRMAN LOHSE: Any other discussion.
42 Bob.

43
44 MR. CHURCHILL: Through the Chair. Is
45 the primary drive on this more educational for the elders
46 to teach the new generations on traditional methods of
47 harvest? That's kind of the sense I get from the
48 narrative. Would you agree with that?

49
50 MR. VEACH: Mr. Chairman, Mr. Churchill.

1 I would definitely agree with that. I worked with
2 Katherine Martin to help draft this proposal and
3 certainly one of her bigger concerns was that they wanted
4 to make sure that this knowledge was not lost to future
5 generations. One of her real concerns was regardless of
6 any management plan, would they be able to operate this
7 weir during their culture camp.

8
9 Obviously I wouldn't be the person making
10 the decision on that because the decision would be up to
11 the Federal Subsistence Board, but my statement to her
12 was I would certainly think that if the users were
13 willing to release those fish within the context of a
14 management plan, that they could probably operate this
15 just about any time during the summer and she was
16 actually willing to do that. It was so important to her
17 to make sure that this knowledge wasn't lost. If they
18 could just put this fyke net in place, even if it meant
19 releasing the fish, that was something she wanted to have
20 the ability to do.

21
22 CHAIRMAN LOHSE: Bob.

23
24 MR. CHURCHILL: As a follow up, so really
25 what we're dealing with is to ensure that educational
26 piece comes in and harvest is secondary to it. It sounds
27 like it's very clear from what Katherine is trying to do.

28
29 MR. VEACH: Through the Chair. That was
30 certainly my impression, Mr. Churchill. I would say
31 though that they're certainly interested in harvesting
32 too. If they can do this rather than operating the fish
33 wheel, it's more efficient and it prevents them -- what
34 they've had to do in the last couple years is continually
35 move their fish wheel further downstream to find a place
36 to operate and if they can avoid that, I think they're
37 interested in doing that.

38
39 MR. CHURCHILL: Thank you very much.

40
41 CHAIRMAN LOHSE: One other question. Was
42 that 1,000 fish kind of an arbitrary number? You brought
43 up a point just before that if this ends up -- you know,
44 we have a certain amount of fish being harvested there
45 anyhow and if this ends up replacing that harvest because
46 of its efficiency, because of its educational value and
47 because of the hardship they're having putting their
48 wheels in where they were putting them in, if this ends
49 up replacing that, that amount of fish would be taken
50 anyhow. If the 1,000 is an arbitrary number and the

1 number was made more equal to what's been taken over the
2 last five years on an average for a start, do you think
3 that would be acceptable to the proponents? I mean was
4 the 1,000 a needed number or was the 1,000 just a number
5 that was picked and put there?

6
7 MR. VEACH: The basis for the 1,000 fish
8 number was the users at Batzulnetas have reported harvest
9 up to 997 salmon in the past. I might actually yield to
10 Gloria here, but the impression I got was that because
11 they had never harvested more than 1,000 fish in the past
12 that they certainly thought they could put that number on
13 there without infringing on any harvest that they've done
14 in the past.

15
16 CHAIRMAN LOHSE: Pete, did you have your
17 hand up.

18
19 MR. KOMPKOFF: Along with the dipnet and
20 rod and reel catches, is that included in that 1,000
21 fish?

22
23 MR. VEACH: The way the proposal is
24 written is that the 1,000 fish would be the limit for the
25 number of fish harvested with the fyke net and that
26 wouldn't apply to any of the other gear types.

27
28 CHAIRMAN LOHSE: Gloria.

29
30 MS. STICKWAN: We talked about a number
31 and Katherine agreed to 1,000 because this would be fish
32 for the whole community. There's over 100 people that
33 live in Mentasta, so she didn't really want to put a
34 number on there, but we told her she had to, otherwise it
35 probably wouldn't pass, so she agreed to 1,000.

36
37 CHAIRMAN LOHSE: Doug.

38
39 MR. BLOSSOM: Mr. Chairman. Eric, didn't
40 this 1,000 fish arrive from court decisions and how much
41 can you deviate from the court decisions?

42
43 MR. VEACH: Mr. Chair, Mr. Blossom. The
44 court decision actually applied to the State fishery, so
45 we would actually -- the court decision wouldn't have any
46 effect on how we choose to manage the Federal fishery.

47
48 MR. BLOSSOM: But I'm reading this court
49 decision on Page 169 and it says that the cap is 1,000
50 fish and not more than 250 in a week. So if you can

1 deviate from that, is the court going to come back in and
2 say, oops, you messed up? I'm just reading what's in the
3 book here. You know, court decisions, sometimes you've
4 got to stay with them and not get too far away.

5
6 MR. VEACH: Go ahead.

7
8 MR. BERG: Through the Chair. Mr.
9 Blossom, that court decision applied to the State
10 management of the fishery in the late '80s and early
11 '90s, so that court decision applied to the State
12 management of the fishery but does not apply to the
13 Federal management of the fishery. So that information
14 was provided just as a reference to the history behind
15 how we've gotten to where we are today, but it does not
16 apply to the Federal regulations and the Federal fishery.
17 It applied to the State fishery when it was managed by
18 the State and their regulations.

19
20 CHAIRMAN LOHSE: Doug.

21
22 MR. BLOSSOM: Mr. Chairman, Jerry. It
23 says in 2000 the district decision by the court was still
24 the same. But you don't have to abide by that at all.

25
26 MR. BERG: No.

27
28 MR. BLOSSOM: You can ignore the court.

29
30 MR. BERG: Well, it just doesn't apply at
31 this point. I believe it may have expired. I think it
32 was a one-year court decision. But it does not apply to
33 the Federal regulations at this point.

34
35 CHAIRMAN LOHSE: So, Jerry, if that
36 doesn't apply, but the court even there recognized that
37 it should be spread over time and put no more than 250
38 over a week, which is one of the concerns that Tom
39 brought up. I'm just wondering whether we could do
40 something like that so that the 1,000 fish didn't come
41 out of one portion of the run, whether you could make
42 that kind of a stipulation and whether that would
43 alleviate some of the angst, some of the worry on the
44 State's part if you had some kind of provision in there
45 that no more than so much could be taken in any one time
46 period. Jerry.

47
48 MR. BERG: Mr. Chair. That just kind of
49 follows up on the comment I was going to make earlier,
50 following up with Tom's concern about at what point do we

1 allow a fishery, how many fish do we need for escapement,
2 and I think that's probably the first question we need to
3 answer. I think this team that we're going to get
4 together this winter that's part of what we need to
5 answer. First, what number do we need at least as a
6 starting point. That number doesn't need to be set in
7 stone, but for this coming season what is a number that
8 we think is reasonable to get numbers through the weir
9 before we can even allow this gear type. That's the first
10 question I think we need to answer.

11

12 Then the second part, is there a number
13 on a weekly basis, a percentage that we can come up with
14 using the data that's available and the history we have.
15 I think it's reasonable that we might be able to get this
16 done before your winter Council meeting, but we can
17 certainly give you an update at your winter meeting.

18

19 I would just hesitate to recommend
20 putting any numbers in regulation today before we get a
21 bunch of people together to talk about this a little more
22 thoroughly. It was just difficult this summer with
23 everything going on and it just wasn't possible to get
24 the number of people to sit down and really have the
25 discussions we need to, so that's why we felt like we'd
26 probably want to do that this winter. I can't guarantee
27 that we'll have final consensus or what our decision
28 would be by your winter Council meeting, but we can
29 certainly give you an update as to some preliminary
30 thoughts at that point. Mr. Chair.

31

32 CHAIRMAN LOHSE: Thank you, Jerry. I've
33 been asking a lot of questions and it's not because I'm
34 worried about it not being managed properly because I
35 think we have enough different interest groups that are
36 going to have their fingers in the pie to the point where
37 it's going to be looked at very carefully what's done
38 that's between the State and the Park Service and OSM,
39 Ahtna and fishermen down the river and everything else.
40 It's not going to be something that happens in a vacuum.
41 It's also not something that has a potential to wipe the
42 run out in one year either.

43

44 Personally, I don't see any problem with
45 it, but I wanted to get all the things on the table that
46 we could get on the table from all of you. With that, I
47 think we'll go on to other agencies unless somebody else
48 has a question for these guys. Dean, one more.

49

50 MR. WILSON: Yeah, I'll give you one more

1 question. I've worked with Tom in the past on a fyke net
2 that I have and they are really good for educational
3 purposes. There's only a couple of us I think that have
4 them right now, but education-wise they are really good.
5

6 I am curious, I didn't see in here where
7 there are any specifications on net size or what the
8 escapement size of fish are going to go through there.
9 Is there going to be specs on that also? Incidental
10 catch of other fish is going to be kept I understand.
11 Maybe somebody can answer that as far as do they plan on
12 keeping other fish. Is there going to be regulations put
13 on that as well or looked at?
14

15 MR. BERG: They would be allowed to keep
16 other fish caught incidentally except chinook salmon if
17 it goes through as it's being recommended right now, not
18 just because of the low numbers of chinook going through.
19 Certainly there was an interest to have a fyke net for
20 freshwater fish a couple years ago and I think the
21 harvest of those species are very low in Tanada Creek, so
22 certainly the incidental catch of those fish would be
23 allowed at this point. Were you also asking about the
24 specifications of the parameters of the fishing device
25 itself?
26

27 MR. WILSON: I'm trying to envision how
28 this is going to be set up there and I know a lot of the
29 smaller fish usually follow the banks a lot more. So if
30 this is going to be next to a bank and you don't have
31 many fish there at all already as far as your suckers or
32 whatever else you have in there, could this hurt the
33 population that's left in there, that resides in there?
34

35 MR. BERG: We really don't know very much
36 about the populations of the freshwater species and I
37 think if we did start seeing a significant amount of
38 harvest, I don't know what significant would be, but if
39 we started seeing maybe 20, 40, 50 fish of these species
40 being taken, then we might have to take a second look at
41 it and try to figure out some way around that if we
42 needed to. I really don't see it as a problem at this
43 point. I think it's a good question. Kind of hard to
44 answer at this point.
45

46 MR. VEACH: I might follow up on that a
47 little, too. The finer mesh that you have on a fyke net,
48 as I'm sure you probably know, Mr. Wilson, is that the
49 more resistance you get with the current it makes it that
50 much tougher to hold it in place. So I think to a

1 certain extent that may limit how many smaller resident
2 species are actually captured. So to keep that fyke net
3 in place you're going to have to have a fairly large
4 mesh, otherwise the current is going to just take it out
5 because it will plug with debris and it will essentially
6 form a dam instead of a net at that point.

7
8 As far as what we do know too about
9 resident species, there is a relatively substantial
10 grayling migration through Tanada Creek real early in the
11 season, you know, usually right after we get our weir in,
12 so right at the end of May, first part of June. Usually,
13 again, that coincides with pretty high water, so I think
14 it's going to be tough to harvest a lot of grayling with
15 a fyke net in there because you'd be fighting high water
16 again.

17
18 CHAIRMAN LOHSE: Tom.

19
20 MR. TAUBE: Mr. Chairman. Just to add,
21 with the State permits that we issue for fyke traps, the
22 specifications for the opening where the fish swim in has
23 been small, four inches I believe is what we put on your
24 permit, and that's basically to exclude large steelhead
25 and salmon. The purpose for this fishery is to capture
26 salmon, so the larger opening would probably be allowed
27 so there wouldn't necessarily be a minimum size for the
28 opening and that's what we've done for the freshwater
29 fish, for the pikes, under the State regulations. Just
30 for clarity I thought I'd add that.

31
32 CHAIRMAN LOHSE: I think what Dean was
33 asking is whether you'd have to have an escape panel in
34 the back of it which would allow small fish to escape,
35 but the way this is written, part of the reason for
36 having it is to take some smaller fish, not just salmon.

37
38 Any other questions. Bob.

39
40 MR. CHURCHILL: What are the other
41 species that are running in this water?

42
43 MR. VEACH: Primarily grayling, longnose
44 sucker. There may be some whitefish. We don't see
45 whitefish in the weir, but they may be moving through the
46 system after we've removed the weir. Typically what we
47 see through the weir in addition to sockeye salmon is
48 grayling and longnose sucker.

49
50 MR. CHURCHILL: Thank you.

1 CHAIRMAN LOHSE: Just as a side, Eric, it
2 might be nice to have a fyke net on a stream like that
3 just to keep track of whether we get any northern pike in
4 the system. I've heard rumors of northern pike in the
5 Upper Copper now from a couple different people. The
6 watersheds come awful close in a couple places. At times
7 in high water in the spring you could get some crossover.
8 Something like that would at least keep track. You'd
9 find out if any of them are around.

10
11 Any other questions for them. If not,
12 we're going to go on to the other agencies and the other
13 people, then we'll get back to discussion on this. We
14 can always call them back. So other Federal, State and
15 Tribal agency comments. Do we have any. Bruce.

16
17 MR. CAIN: Bruce Cain, Native Village of
18 Eyak. This is a real opportunity I think for the Council
19 to put something back in place that I think needs to be
20 there. If there is anything that comes out of this whole
21 subsistence debate, is that Katie should be able to get
22 her fish trap back there at Batzulnetas. There's a
23 certain place where that was. It may not meet the exact
24 specifications of the statewide regulations, but it needs
25 to go where it was. They had it there for a purpose.
26 They had a management system in place and it worked for
27 hundreds, maybe thousands of years.

28
29 So, if it's set up right and I wouldn't
30 get too detailed on specifications. Maybe we could learn
31 something from Katie while she's still around and Eugene
32 Henry and some of the other folks. Let them go put it in
33 and see what they do and document it so maybe we can all
34 learn something.

35
36 The way that weir is going to be put in,
37 there's going to be poles and logs and sticks in the
38 creek bottom. That's not going to block all the fish.
39 They're going to wiggle down through there. They've got
40 other ways of regulating, letting a certain number of
41 females and males go through and pulling the trap when
42 they're processing, things like that, they've got it all
43 figured out. Plus on that island, that whole other
44 channel may not be half the width, but that whole other
45 channel is there to let fish go through. So that's my
46 comments. Thank you.

47
48 CHAIRMAN LOHSE: Thank you, Bruce. Any
49 questions for Bruce. If I remember right, the Native
50 Village of Eyak learned quite a bit by listening to one

1 of the elders up country, didn't you, when it came to
2 fish wheels.

3

4 MR. CAIN: They're the ones that know
5 what's going on. I think we can all learn from that.
6 And you're not going to have Katie around too much
7 longer. It's not just Katherine and the village of
8 Mentasta that's going to lose that knowledge, we're all
9 going to lose it.

10

11 CHAIRMAN LOHSE: Thank you, Bruce. Okay.
12 Fish and Game Advisory Committee comments.

13

14 (No comments)

15

16 CHAIRMAN LOHSE: I don't hear any.
17 Summary of written public comments. Donald.

18

19 MR. MIKE: Thank you, Mr. Chair. The
20 Ahtna Subsistence Committee supports Proposal 20. We
21 support the Federal Subsistence Board taking no action on
22 Proposal 20. I'm sorry. I've got the wrong one. The
23 Ahtna Subsistence Committee supports Proposal 22 to allow
24 use of fyke nets to harvest salmon in Tanada Creek. This
25 harvest method has been used customarily and
26 traditionally by the Ahtna people to harvest salmon and
27 freshwater fish.

28

29 The Wrangell-St. Elias Subsistence
30 Resource Committee commented that the two members of the
31 Wrangell-St. Elias National Park Subsistence Resource
32 Commission who were present for discussion of this
33 proposal supported it as modified in the Staff analysis.
34 Mr. Marshall noted that the Mentasta residents are not
35 able to harvest enough fish to feed the village with
36 their wheel.

37

38 The Eastern Interior Regional Advisory
39 Council's recommendation was to support the proposal as
40 written and their justification was the Council reviewed
41 the materials and heard the presentation by Rod Campbell
42 and comments by National Park Service staff. The Council
43 supports the use of this traditional subsistence fishing
44 gear type in Tanada Creek.

45

46 This concludes the written public
47 comments, Mr. Chair. Thank you.

48

49 CHAIRMAN LOHSE: Thank you, Donald. I
50 don't see any public testimony requested for this one.

1 So, with that, a motion to accept is in order so we can
2 discuss it.

3

4 MR. CHURCHILL: So moved.

5

6 MR. CARPENTER: Second.

7

8 CHAIRMAN LOHSE: It's been moved and
9 seconded to accept Proposal FP06-22, no more than 1,000
10 salmon may be taken by fyke net and no limit on the
11 incidental harvest of other fish. Fyke nets may only be
12 utilized upstream of the Tanada Creek weir.

13

14 Okay. I have one question for Eric real
15 quick now that I've re-read this. Are we talking about
16 fyke nets or a fyke net?

17

18 MR. VEACH: I believe the Staff
19 recommendation is for a fyke net. You know, I don't have
20 the original language for the proposal in front of me. I
21 might again yield to Gloria. I think that Katherine was
22 probably only interested in installing a fyke net.
23 That's certainly the impression I got from our
24 discussions, but Gloria might be able to clarify that a
25 little more.

26

27 CHAIRMAN LOHSE: So it would be proper to
28 change that to saying the fyke net may only be utilized
29 upstream of the Tanada Creek weir.

30

31 (Pause)

32

33 CHAIRMAN LOHSE: So since we have this
34 motion, we'll need an amendment to put the modified
35 motion on. James.

36

37 MR. SHOWALTER: Yes. It says nets and a
38 given number. So if you have 1,000 nets and you catch
39 one in each one, that would be it. So I don't see where
40 it would make a difference in the nets as long as you
41 have a number there to go by.

42

43 CHAIRMAN LOHSE: Tom.

44

45 MR. CARPENTER: Mr. Chairman. I think
46 through the discussion it sounds like the modified
47 language that OSM has brought before us is probably the
48 language, in my opinion, that we ought to put into the
49 proposal and I would offer the modified language on Page
50 166 that OSM has brought before us as amended language

1 for this proposal.

2

3

MR. CHURCHILL: Second.

4

5 CHAIRMAN LOHSE: Okay. It's been moved
6 and seconded to substitute the modified language on Page
7 166, which includes that chinook salmon caught must be
8 returned to the water unharmed and that it can be used
9 only after consultation with the in-season manager in
10 order to ensure maintenance of adequate spawning
11 escapement. I think that's what Tom was bringing up.
12 And the user must be present when the fyke net is
13 actively fishing and no more than 1,000 sockeye may be
14 taken in Tanada Creek. Tom.

15

16 MR. CARPENTER: I guess I'll speak to
17 that. My concern is that the people of Mentasta and
18 everybody associated with that village get their fish.
19 The one concern that I do have is that we do have to have
20 a minimum amount of fish to get into that system every
21 year for recruiting purposes and I feel pretty confident
22 with what Eric said and Jerry and Tom. I think they all
23 work together up there very well along with the people in
24 the village. I think it's pretty safe to say that the
25 in-season manager isn't going to do anything detrimental
26 to the run and I don't believe the people in the village
27 will either.

28

29 I think the language that OSM brought to
30 us is adequate for now and if the staff comes up with
31 some appropriate language in the future as to a
32 percentage of the run, then we can deal with it at that
33 time.

34

35

CHAIRMAN LOHSE: Bob.

36

37

38 MR. CHURCHILL: I also am very confident
39 based on the thorough ease of management as I've heard
40 described and, as Tom says, it seems like all the parties
41 are working well. The primary emphasis is educational.
42 I haven't heard anything that needs aren't being met as
43 far as total fish harvested, so I certainly would like to
44 speak in favor of this.

44

45

46 CHAIRMAN LOHSE: Any other discussion.
47 Gloria, what is your opinion on that.

47

48

49 MS. STICKWAN: I was just wondering why
50 there's nets instead of net. Is that a mistake?

50

1 CHAIRMAN LOHSE: It should be fyke net.
2 I think that's addressed in.....
3
4 MR. WILSON: Types of use.
5
6 CHAIRMAN LOHSE: Right. Where it said
7 fyke nets there, that's talking about legal gear, but it
8 says one fyke net can be used, so you'd have to leave
9 fyke nets up there because that's basically not saying
10 you can use more than one, but that type of gear is
11 legal.
12
13 MS. STICKWAN: Okay.
14
15 CHAIRMAN LOHSE: Any other discussion on
16 the amendment.
17
18 MR. CHURCHILL: Call the question.
19
20 MR. WILSON: Question.
21
22 CHAIRMAN LOHSE: Dean has a question.
23
24 MR. WILSON: I have a question for Jerry
25 if we can bring him back up real quick. Jerry, the
26 proposal as modified that you guys wrote up, it says that
27 the user must be present when the fyke net is actively
28 fishing and there's not a whole lot of salmon coming up
29 during a lot of the year. Was this reasonable to them?
30 Did they plan on camping out right there the majority of
31 the time they're running this because they're going to do
32 a lot of camping I would think or is this okay with them?
33
34 MR. BERG: I might have to defer to Eric,
35 but my understanding is that hopefully they would get the
36 lead net in place but not deploy the actual fyke net to
37 entrap the fish until we get adequate numbers of fish
38 moving through so they could have it in place so they
39 wouldn't have to be present unless it was actively
40 fishing. It wouldn't actively be fishing until they put
41 the fyke net in the water. So once they put that in the
42 water we felt like it would be critical for them to be
43 there to release any chinook salmon that might get in
44 there and also just because it's such a flashy system and
45 it could just get flooded with fish fairly quickly. I
46 have not spoken with the proponent on what they intended.
47 I don't know if Gloria can provide some insight.
48
49 MS. STICKWAN: She was present when we
50 worked on this proposal and we did say they had to be

1 there all the time when it's in use.
2
3 CHAIRMAN LOHSE: She didn't see any
4 problem with that then.
5
6 MS. STICKWAN: She didn't object to it.
7
8 CHAIRMAN LOHSE: Good. Does that answer
9 your question, Dean?
10
11 MR. WILSON: Yes.
12
13 CHAIRMAN LOHSE: Okay. Then the question
14 has been called on the amendment. All in favor signify
15 by saying aye.
16
17 IN UNISON: Aye.
18
19 CHAIRMAN LOHSE: All opposed signify by
20 saying nay.
21
22 (No opposing votes)
23
24 CHAIRMAN LOHSE: Motion carries. We have
25 an amended motion in front of us using the language on
26 Page 166. Do we need any further discussion.
27
28 MR. CHURCHILL: Question.
29
30 CHAIRMAN LOHSE: The question has been
31 called. All in favor of the amended proposal, the
32 language as found on Page 166, signify by saying aye.
33
34 IN UNISON: Aye.
35
36 CHAIRMAN LOHSE: Opposed signify by
37 saying nay.
38
39 (No opposing votes)
40
41 CHAIRMAN LOHSE: Motion carries. Okay.
42 Break.
43
44 MR. KOMPKOFF: Mr. Chairman. Before we
45 take a break, just for clarification I'd like to know if
46 there's any other fyke nets being used in other
47 tributaries up the Copper River other than Tanada Creek.
48
49 CHAIRMAN LOHSE: Dean.
50

1 MR. WILSON: Yeah, I've got one near my
2 fish camp, but not on a tributary. It's actually right
3 on the Copper. It's just for small species of fish.
4
5 CHAIRMAN LOHSE: For whitefish and
6 suckers.
7
8 MR. WILSON: Burbot.
9
10 MR. KOMPKOFF: Thank you.
11
12 (Off record)
13
14 (On record)
15
16 CHAIRMAN LOHSE: Okay. We're almost all
17 back at the table.
18
19 (Pause)
20
21 CHAIRMAN LOHSE: We're on FP06-02. If we
22 can make our usual good time here, we should be done by
23 2:00 o'clock this afternoon with this proposal. I've had
24 a request that we try to break for lunch about 15 minutes
25 till 12:00 today so that we have time to get a couple
26 things done before noon and come back at 1:00 and get
27 right started. If we finish this in halfway decent time,
28 we're going to go onto number 10, the fisheries report,
29 and see if we can get that out of the way before lunch.
30 Okay. Helen.
31
32 MS. ARMSTRONG: Thank you, Mr. Chair.
33 Helen Armstrong, Office of Subsistence Management. If
34 everyone would turn to Page 172 in their books for this
35 analysis. Proposal FP06-02 was submitted by the Cheesh-
36 na Tribal Council, Chistochina and the proposal requests
37 adding residents of Chistochina and Mentasta Lake to the
38 customary and traditional use determination for
39 freshwater fish in the Tanana River drainage.
40
41 This is a case where we were discussing
42 yesterday there was already an existing C&T, so these two
43 communities have requested to be added and, therefore, I
44 only looked at those two communities' C&T uses.
45
46 Currently the customary and traditional
47 determination for freshwater fish in the Tanana River
48 drainage is for all residents of the Yukon-Northern area.
49 I have passed out the fish reg book so that you could
50 look at that huge, vast area. The Yukon- Northern area

1 actually has a number of maps for the whole Northern
2 areas. Maps 3, 4 and 5 and in the reg booklet that's on
3 Pages 28, 29 and 30. The area we're talking about is on
4 Page 30. The reason that you're hearing this, because
5 this is out of your region, is because Mentasta and
6 Chistochina are in your region. So the Eastern Interior
7 Council has also heard this proposal and at the end I'll
8 give you what their recommendation was.

9
10 Freshwater fish are taken by these two
11 communities and include whitefish, grayling, lake trout,
12 Dolly Varden, burbot and pike.

13
14 Proposal 02 applies to all Federal public
15 waters under Federal jurisdiction in the Tanana River
16 drainage. There is a map on Page 173 that shows where
17 those waters are. As you can see when you look at the
18 map, most of those water are actually under State
19 jurisdiction, but there are Federal fisheries
20 jurisdiction just upstream of the village of Tetlin and
21 the Tetlin Lakes outlet stream, which enter the Tanana
22 River at the boundary of the Tetlin National Wildlife
23 Refuge. The headwaters of the Tanana River include
24 Nabesna and Chisana River drainages, which are located in
25 the Wrangell-St. Elias National Preserve.

26
27 Both Chistochina and Mentasta are
28 resident-zoned communities for Wrangell-St. Elias
29 National Park, so they do qualify to harvest in the Park.

30
31 The Federal Subsistence Management
32 Program adopted the regulations. The fish regulations
33 were based on relevant sections of the State Subsistence
34 Fishery Regulations. This was done in October of 1999.
35 At that time the State recognized the Yukon-Northern area
36 as a subsistence fishery. In the Federal regulations,
37 residents of Yukon-Northern area were listed as having a
38 positive C&T determination for use of freshwater fish in
39 the Yukon River drainage, which includes the Tanana River
40 drainage. The Board has never considered customary and
41 traditional use determinations for Chistochina and
42 Mentasta in the Tanana River drainage.

43
44 Chistochina and Mentasta as both
45 primarily Ahtna Athabaskan communities. They are small
46 communities. Chistochina had 93 people in 2000 and
47 Mentasta Lake had 142 people.

48
49 I'm not going to go through all the eight
50 factors. I will incorporate all of those into the record

1 that are listed in this analysis, but I'm going to focus
2 your attention on the factors that I think you'll have
3 the most discussion on, which is the long-term consistent
4 pattern of use as well as the areas of use.

5
6 In terms of numbers of harvesters and
7 pounds harvested, freshwater fish is a supplemental
8 subsistence resources. It's not a primary resource,
9 which was the case in what we were looking at yesterday
10 in Prince William Sounds. But the importance of
11 freshwater fish should not be dismissed because these
12 species can be obtained at times when other wild foods
13 are scarce or out of season, such as late spring when
14 grayling is the first fresh fish available before salmon
15 arrive or when during the hunting season when lake fish
16 are caught in hunting camps or in mid winter when
17 whitefish or other fish such as burbot can be caught
18 through the ice.

19
20 Chistochina had a household use study
21 done in 1987. It's been a little while. The freshwater
22 fish harvest was highest for grayling and whitefish, with
23 a total of 450 and 425 fish harvested respectively, with
24 mean harvests of 11 and 13 edible pounds of fish per
25 household. Lake trout, burbot, pike and Dolly Varden
26 were also harvested, between one to eight pounds per
27 household harvested. There's a Table on Page 175 which
28 lists the fish harvested in that study in 1987 and the
29 quantities you can also see the per capita harvests and
30 the percent of households receiving, trying, harvesting
31 and giving.

32
33 In 1987, there was also a household use
34 study in Mentasta. They harvested significantly more
35 whitefish than any other freshwater fish with 1,345
36 edible pounds. Grayling was the second highest harvest
37 with 298 edible pounds. Burbot, pike and Dolly Varden
38 were also harvested in lower numbers with a 317, 41 and
39 15 pounds of fish taken respectively. Then there's
40 tables for Mentasta. Tables 2, 3 and 4 list tables of
41 harvest in 2001, '87 and again 2001, so you can refer to
42 those. So it's clear that people are taking freshwater
43 fish. The question is where are they taking them. Are
44 they taking them on Federal waters or State waters.

45
46 There were some studies done in the early
47 '80s with mapping conducted by ADF&G in '83 and '84. In
48 those maps, Chistochina and Mentasta showed that they
49 took fish from Jack Lake, Pickerel, Virginia, Jimmy Brown
50 and Peggy Lakes and the Twin Lakes, which are all on

1 Federal waters. There also was some indication there in
2 that mapping that there were some fish taken by Mentasta
3 from the headwaters of the Chisana River on the Tetlin
4 Wildlife Refuge.

5
6 As I said, I'm not going through all the
7 eight factors. It was clear that they met all of them.
8 I think the focus should be on whether they were taking
9 them on Federal public lands or not. I think it's pretty
10 clear when you look at the quantities of fish taken and
11 the fact that they are taking some also on State lands
12 that the harvest is not particularly large or
13 significant.

14
15 The Staff conclusion is to support the
16 proposal. Our justification is that information from
17 ADF&G Subsistence Division household surveys and Park
18 Service community studies show that freshwater fish
19 provides diversity to the diet in Chistochina and
20 Mentasta. While freshwater fish harvest from Federally-
21 managed public waters on the Tanana River drainage are
22 not extensive, there is documentation of the use in the
23 Tanana River drainage from the Twin, Jack, Pickerel,
24 Virginia, Jimmy Brown and Peggy Lakes within the
25 Wrangell-St. Elias National Park and Preserve, as well as
26 the headwaters of the Chisana River on the Tetlin
27 National Wildlife Refuge. All eight factors are
28 fulfilled for making a positive customary and traditional
29 use determination for Mentasta and Chistochina for
30 freshwater fish in the Tanana River drainage in the
31 Yukon-Northern area.

32
33 I'd like to add that the Eastern Interior
34 Council met about two weeks ago and they supported this
35 proposal but modified it to added Slana. And, I'm sure
36 you're all aware since it's in your region, Slana is
37 right between Chistochina and Mentasta Lake on the road
38 system. They added Slana as well as the people living in
39 the areas between Mentasta and Chistochina. The reason
40 they added Slana was because they also used those areas
41 as well for taking freshwater fish and they didn't want
42 to exclude the people scattered off of the road system
43 there. I did do some quick preliminary review of the
44 literature and did find evidence to support that Slana
45 uses freshwater fish in that area as well. There were
46 maps done in '83, '84, at the same time that the other
47 mapping was done. So I'm offering that to you so that if
48 you so choose you can consider what the Eastern Interior
49 Council had recommended.

50

1 That concludes my presentation if you
2 have any questions. I know I didn't go over all the
3 details in the analysis, so if you'd like me to, I can do
4 that as well. Thank you, Mr. Chair.

5
6 CHAIRMAN LOHSE: Thank you, Helen. And
7 thank you for that last part because this Council has
8 kind of had a policy, I'll say, although not a written
9 policy, but over the years have always deferred to the
10 Councils that the action is actually taking place in.
11 Since this directly affects the Eastern Interior and this
12 is their area, the odds are pretty good that we'll
13 probably just defer to their decision, but we'd still
14 like to hear the information. But we've done that pretty
15 much in the past because we don't feel like we should be
16 putting something on somebody else, so we've kind of done
17 that, but we'll listen to all the information and then we
18 can make the decision if we want to do that at the end.

19
20 At this point in time, Alaska Department
21 of Fish and Game. Bob, you sure may. I'm sorry. Didn't
22 look around.

23
24 MR. CHURCHILL: Not a problem. I wasn't
25 asking to go to lunch.

26
27 (Laughter)

28
29 MR. CHURCHILL: I'm reading the chart on
30 per capita harvest and use and on Table 4 it says that
31 per capita there's 43 pounds roughly of grayling eaten
32 per person per year in Mentasta. Are they dried? What
33 are we dealing with? How are they prepared? Do you
34 know?

35
36 CHAIRMAN LOHSE: Bob, where are you
37 looking?

38
39 MR. CHURCHILL: Table 4 on Page 176.

40
41 MS. ARMSTRONG: All I really had in here,
42 and I apologize because I'm not an Ahtna specialist, but
43 freshwater fish are eaten fresh and occasionally frozen
44 and then more remote areas they dry, smoke and can their
45 fish.

46
47 MR. CHURCHILL: Thank you.

48
49 CHAIRMAN LOHSE: Bob, were you looking
50 for a recipe on how to eat grayling?

1 (Laughter)

2

3 MR. CHURCHILL: Oh, I know how to eat
4 grayling. I just have never seen grayling in any of the
5 communities I've traveled in and eaten in that quantity,
6 so it's something new to me.

7

8 CHAIRMAN LOHSE: Fish and Game.

9

10 MS. SEE: Thank you, Mr. Chair. For the
11 record, my name is Marianne See with Alaska Department of
12 Fish and Game and Division of Subsistence. The Federal
13 analysis does contain the information from studies we're
14 aware of that pertain to this region and to these
15 particular communities. We note that the information
16 does apply to the upper portion of the watershed and, as
17 such, the data that we're presented and we're aware of do
18 not substantiate customary and traditional use of fishery
19 sources in the entire Tanana River drainage by Mentasta
20 or Chistochina residents.

21

22 So our concern here really is just
23 locational. We certainly think that the other
24 information presented is accurate. We also note that we
25 could suggest a modification that would address this
26 particular issue such as, quote, Tanana River drainage,
27 that portion upstream of the confluence of the Tanana and
28 Tok Rivers, including the Tok River drainage. That is
29 based on consultation with the authors of the studies
30 that were just mentioned in the Federal analysis and
31 their familiarity with the data and the communities that
32 they worked with and they felt that best represented the
33 data that they had. Thank you.

34

35 CHAIRMAN LOHSE: Thank you, Marianne.

36 Tom.

37

38 MR. CARPENTER: I just have a question
39 maybe for Helen. In the Eastern Interior meeting, were
40 you there?

41

42 MS. ARMSTRONG: No, I was not.

43

44 MR. CARPENTER: Do you know if they
45 looked at what the State said in regards to the entire
46 Tanana drainage?

47

48 MS. ARMSTRONG: I don't know if they had
49 the comments. I don't believe they had the comments. If
50 they had the comments, then they probably would have at

1 least heard it.

2

3 CHAIRMAN LOHSE: Barbara.

4

5 MS. CELLARIUS: Mr. Chair. Barbara
6 Cellarius, Wrangell-St. Elias National Park and Preserve,
7 and I did attend the Eastern Interior meeting. While the
8 text of the comments that the State made at that meeting
9 were not the same, they did express a concern about
10 whether it was the entire Tanana River drainage.

11

12 CHAIRMAN LOHSE: And Eastern Interior
13 decided to just leave it the entire Tanana River
14 drainage?

15

16 MS. CELLARIUS: Yes. They didn't modify
17 the location.

18

19 CHAIRMAN LOHSE: But they had the
20 opportunity to and a suggestion.

21

22 MS. CELLARIUS: Yes. I don't remember
23 exact text, but there was some concern expressed about
24 whether the entire Tanana River drainage was appropriate.

25

26 CHAIRMAN LOHSE: Thank you. Any other
27 questions for Marianne or Barbara while she's still
28 sitting there before she runs off. Gloria.

29

30 MS. STICKWAN: I don't understand where
31 the Tanana River drainage is on this map. Is it all of
32 Unit 12 or what?

33

34 CHAIRMAN LOHSE: The Tanana River
35 drainage would be all the Tetlin National Refuge, the
36 north side of Chisana, all the north side of the
37 Wrangell-St. Elias. If they leave it the entire Tanana
38 River drainage, it goes all the way down to where it
39 joins on the Yukon down at -- it's smaller letters than I
40 can read, but I want to say Tanana. Is that correct? In
41 other words, it's below Manley Hot Springs. I think it's
42 Tanana where it joins into the Yukon, isn't it? Right.
43 So if it's left for the Tanana River drainage, it will
44 include the whole Tanana River from the Tetlin National
45 Wildlife Refuge, the Tanana on the Yukon, including the
46 other big rivers that go into it. This map is pretty
47 small, but I know that would include the Chena and a
48 bunch of the other rivers down that way, Gloria.

49

50 MS. STICKWAN: What page is that?

1 MS. ARMSTRONG: Page 30.
2
3 CHAIRMAN LOHSE: Yeah, Page 30.
4
5 MS. ARMSTRONG: Mr. Chair. I just want
6 to emphasize that it does include all that, but those are
7 not Federal waters.
8
9 CHAIRMAN LOHSE: Right. If I understand
10 right, mostly what we're dealing with is the Federal
11 waters on the north side of Wrangell-St. Elias National
12 Park, right? Are there any other Federal waters down the
13 Tanana?
14
15 MS. ARMSTRONG: And the Tetlin Refuge.
16
17 CHAIRMAN LOHSE: And the Tetlin, which is
18 also on the north side of the Wrangells right there.
19
20 MS. ARMSTRONG: (Nods affirmatively).
21 Also, just kind of an aside, most of our C&T
22 determinations, not all, but most of them are fairly
23 broad and the existing one is for all the Yukon-Northern
24 area, which goes all the way up to the North Slope. It's
25 huge. So we haven't generally done these very specific
26 drainage C&T's. There are some though. Actually, Pat
27 Petrivelli created a list the other day and there are a
28 few around the state. So what the Board has done in the
29 past, it's a fairly broad -- so there's a range of what
30 we've done.
31
32 CHAIRMAN LOHSE: Well, it's interesting
33 to me because the Eastern Interior does not encompass
34 this whole area. I'm trying to remember where the cut-
35 off is. I don't have the maps that way.
36
37 MS. ARMSTRONG: I should add this
38 proposal was heard by Western Interior and the Yukon-
39 Kuskokwim Council and they also supported Proposal 02,
40 but they didn't make any changes to add any communities
41 or maybe they deferred to Eastern Interior. I'm not 100
42 percent sure. I know there were no changes made though,
43 but they did hear it because they do have C&T.
44
45 CHAIRMAN LOHSE: Because it affects
46 their.....
47
48 MS. ARMSTRONG: Well, because they have
49 C&T. I really only affects the Eastern Interior Council
50 because of the area they use.

1 CHAIRMAN LOHSE: Okay. Tom.

2

3 MR. CARPENTER: You said that the only
4 modification was that you put Slana in the rural
5 residents between Chistochina and Mentasta. Does that
6 include all the people on the Nabesna Road?

7

8 MS. ARMSTRONG: They did not mention the
9 Nabesna Road. I just had somebody read me the
10 transcript. The transcripts had just come in and it
11 wasn't mentioned. They said in the area between
12 Chistochina and Mentasta. So they didn't define a
13 boundary precisely there.

14

15 CHAIRMAN LOHSE: Okay. Dean.

16

17 MR. WILSON: On that I think Slana is
18 pretty much all-encompassing. I'm sure some people would
19 know that, but Slana I believe is encompassing pretty
20 much north of Chistochina area. If anybody has more
21 information on that. But I know there was a
22 classification years ago when I was picking up fire-
23 fighters in Slana, North Slana and different areas like
24 that. It was a pretty encompassing area. Do you have
25 anything on that, Eric?

26

27 MS. ARMSTRONG: Maybe we can add too that
28 most -- I apologize that it's not on the map. I realized
29 last night when I was reviewing this that we need to lay
30 over the boundaries of the Prince William Sound area and
31 the Y-K Northern area on Page 173, but most of the
32 Nabesna Road right in that area is in the Yukon-Northern
33 Region. It's not actually in the Prince William Sound
34 Region, so they already have C&T.

35

36 CHAIRMAN LOHSE: Barbara.

37

38 MS. CELLARIUS: Mr. Chair. We don't have
39 formal community boundaries in the Copper Basin, so a lot
40 of the time we're talking about what communities people
41 identify themselves with. As Helen said, it's only about
42 the first 20 miles of the Nabesna Road that are within
43 the Prince William Sound area. It's around Twin Lakes as
44 you go into Tanada Lake trail is where the boundary is
45 approximately. There are a couple settlement areas that
46 are about four miles outside of Slana that are very
47 clearly identified with Slana and I think those are the
48 major population centers, but we don't have formal
49 boundaries.

50

1 CHAIRMAN LOHSE: Thank you. Any other
2 questions for Marianne, Barbara or Helen.

3
4 (No comments)

5
6 CHAIRMAN LOHSE: Thank you. Other State,
7 Federal or Tribal Agencies have anything to say.

8
9 (No comments)

10
11 CHAIRMAN LOHSE: Interagency Staff
12 Committee comments.

13
14 (No comments)

15
16 CHAIRMAN LOHSE: Fish and Game Advisory
17 Committee comments.

18
19 (No comments)

20
21 CHAIRMAN LOHSE: Summary of written
22 public comments. Donald.

23
24 MR. MIKE: Thank you, Mr. Chair. The
25 Ahtna Subsistence Committee commented on Proposal FP06-
26 02. Their comment was we support FP06-02 to revise the
27 customary and traditional use determination of the Tanana
28 River drainage to include residents of Chistochina and
29 Mentasta Lake for freshwater fish. They have customarily
30 and traditionally used this area to harvest freshwater
31 fish, and should be granted a positive C&T.

32
33 And in the green handout, which is in
34 your folder, the Western Interior support as written
35 pending Eastern Interior and Southcentral Regional
36 Councils actions as home regions. Their justification
37 was support granting a positive determination to Mentasta
38 Lake and Chistochina to provide for traditional
39 subsistence needs for freshwater fish. Their
40 recommendation hinges on support of the home regions
41 involved. And you've heard the recommendations developed
42 by Eastern Interior from Helen Armstrong. Thank you, Mr.
43 Chair.

44
45 CHAIRMAN LOHSE: Thank you. At this
46 point in time a motion to put FP06-02 on the table for
47 discussion is in order.

48
49 MR. KOMPKOFF: I move.

50

1 MS. STICKWAN: Second.
2
3 CHAIRMAN LOHSE: It's been moved by Pete,
4 seconded by Gloria. Discussion. Do we want to do our
5 own on this or do we want to do like we've usually done
6 after hearing all this information. I think Eastern
7 Interior has done a very, very good job and they are the
8 home region. If we did anything, my suggestion would be
9 that we defer to their action and I'll leave that up to
10 anybody else to make that a motion if they wish.
11 Otherwise, we'll vote right on this proposal as it's
12 written.
13
14 MR. KOMPKOFF: I make a motion to defer
15 to the Eastern Council.
16
17 MR. CARPENTER: Second.
18
19 CHAIRMAN LOHSE: So we have a motion to
20 amend this to defer to the decision of the Eastern
21 Interior Council. It's been moved and seconded. Any
22 discussion.
23
24 MR. CARPENTER: Question.
25
26 CHAIRMAN LOHSE: Question on the motion.
27 All in favor signify by saying aye.
28
29 IN UNISON: Aye.
30
31 CHAIRMAN LOHSE: All opposed signify by
32 saying nay.
33
34 (No opposing votes)
35
36 CHAIRMAN LOHSE: Motion carries. That's
37 the amendment. Now we need to vote on the amended
38 motion. Any discussion.
39
40 MR. KOMPKOFF: Question.
41
42 CHAIRMAN LOHSE: The question is called.
43 All in favor of the motion as amended signify by saying
44 aye.
45
46 IN UNISON: Aye.
47
48 CHAIRMAN LOHSE: All opposed signify by
49 saying nay.
50

1 (No opposing votes)

2

3 CHAIRMAN LOHSE: Motion carries. We will
4 defer to the decision of the home region. Okay. With
5 that, we've got a half an hour and we have an
6 organization that's known for their fast speed at getting
7 things across to us, so we're going to turn this over to
8 Doug McBride. If he takes over half an hour, we'll hit
9 the gavel and he'll have to come back at the end of the
10 meeting. (Laughs) Doug, sorry. Go ahead.

11

12 MR. MCBRIDE: Mr. Chairman, Members of
13 the Council. Thank you very much. My name is Doug
14 McBride. I'm with the Office of Subsistence Management.
15 I'm here to talk to you about Item 10 in your agenda,
16 which is the Fisheries Resource Monitoring Program.
17 There are a couple pieces to this. The piece I will be
18 talking to you about is the 2006 monitoring plan. That's
19 new programs to be started in 2006. Following my
20 presentation then Erica McCall Valentine with the Native
21 Village of Eyak, who is the partner position for the
22 Southcentral Region, is here to give you an update on the
23 Partners Program

24

25 In your book, the information about the
26 Fisheries Resource Monitoring Program begins on Page 180.
27 The first part is an introduction and the only part of
28 that introduction that I just want to call your attention
29 to is on Page 183, Table 1 at the top of that page.
30 That's simply the amount of money available for new
31 project starts in 2006 and we have a guideline funding
32 model that gives us some target dollar amounts. It just
33 puts order in our world, if you will, to give people an
34 idea of how much money is available across regions and
35 data types.

36

37 Obviously, the part you'd be interested
38 in on the left under regions, if you go down to
39 Southcentral, which is about the middle of that, then go
40 over on the right, the third column from the end is the
41 total. That's \$103,000. So what we've got is a modest
42 amount of money for new program starts in 2006.

43

44 I would add that that amount of money is
45 very finite in 2006 and I say that because U.S. Forest
46 Service had some funding shortfalls in 2006, so the money
47 available for Southcentral is totally coming from the
48 Department of Interior, so there really is a very finite
49 amount of money available for this coming year.

50

1 If you move ahead in your book to Page
2 186, you get into the specific information about the
3 Southcentral Region. The first piece of information are
4 the strategic priorities for the region. I'll take just a
5 minute to cover that. I think everyone on the Council is
6 aware that we spent a lot of time over the last year
7 developing a strategic plan for the Fisheries Resource
8 Monitoring Program in Southcentral Alaska.

9
10 There were two Council members that
11 directly participated in the work group. There were a
12 lot of members in the audience that were part of the work
13 group that developed that plan as well. The plan was
14 reviewed on two different occasions by the full Council
15 and the kinds of things that we got out of this plan, at
16 least in my view, have really served our process very
17 well.

18
19 If you look at the information on that
20 page you'll see that we identified in order of priority
21 what we call subsistence fishery units for the region and
22 the top two were Copper River salmon and Copper River
23 freshwater species. For those fishery units we
24 identified sockeye salmon as a species of very high
25 priority for information for Federal subsistence
26 management, and then specifically our top information
27 need was to get estimate or index abundance of total run
28 by species.

29
30 If you look down at the bottom of that
31 page, that bullet, that relates to the Copper River
32 freshwater species and what we were looking for there was
33 to estimate or index abundance and composition by
34 species.

35
36 The value of doing all this was I think
37 we did a really good job in articulating what we were
38 looking for in terms of proposals because if you look at
39 the proposals that are on the table for consideration, if
40 you go to Page 189, you'll see some tables there. We
41 have two projects on the table for consideration. One is
42 Project 06-501, Tanada and Copper Lakes burbot abundance
43 estimate. That's a project proposal to estimate burbot
44 abundance in two lakes on the Wrangell-St. Elias National
45 Park, so that would be in Federal waters, that sustain
46 some level of subsistence burbot harvest.

47
48 Then the other project is 06-502,
49 estimate the in-river abundance of Copper River sockeye
50 salmon. That's a project proposal by the Native Village

1 of Eyak to do a tagging estimate of abundance for Copper
2 River sockeye salmon as a ground truth or verification if
3 you will for the estimates that are derived by the Miles
4 Lake sonar program that's operated by Alaska Department
5 of Fish and Game at Miles Lake.

6
7 Both of those proposals directly speak to
8 the two top subsistence fishery units and the top
9 information needs in those fishery units. So that's why
10 I said just a minute ago that I thought that strategic
11 planning exercise really served us very well. I think
12 we've done a good job of working with the potential
13 investigators to get proposals of high strategic
14 importance. This also makes it easy or at least
15 straightforward if you will for our Technical Review
16 Committee to identify what's important. It was a lot of
17 effort to tell people what we think is important for
18 project proposals.

19
20 I guess, to cut to the chase, we have two
21 very good proposals. If you look at the information on
22 those tables, you'll see some of the reasons why we think
23 they're important. I've already covered their strategic
24 importance. Both proposals are very technically sound.
25 They're proposed by investigators that we're very
26 familiar with that have done an outstanding job.

27
28 You can look for instance, particularly
29 in the middle of Page 189, Table 3. It lays out local
30 hire and matching funds. Both of these proposals bring
31 some very significant matching funds to the table, so
32 that's leveraging the very limited dollars that we have
33 in the monitoring program.

34
35 If you page ahead to Page 191, you'll see
36 the Technical Review Committee recommendations for the
37 region. They basically said both these proposals are
38 ready to go, but because of the funding limitation the
39 TRC recommends that for 2006 the Project 502 is
40 recommended for funding and the burbot proposal is not
41 recommended for funding at this time because of the
42 funding limitation. We've already spoken with the
43 investigator and asked them to bring this proposal back
44 to us in 2007. We know we're going to have more money
45 available and we can look at that again.

46
47 Mr. Chairman, that concludes my
48 presentation and I'd be happy to answer any questions.
49 Before I turn the microphone off, specifically what we
50 would need from the Council, there is an action item

1 here, is for the Council to look at the Technical Review
2 Committee recommendation and either support that or amend
3 it to the Council's wishes. Mr. Chairman.

4
5 CHAIRMAN LOHSE: Thank you. So the two
6 that have cleared have been the burbot one and the Copper
7 River salmon one, but your recommendation for this year
8 is to do the Copper River salmon one and bring the burbot
9 one back to us in the future because of funding.

10
11 MR. MCBRIDE: Mr. Chairman, that's
12 exactly correct.

13
14 CHAIRMAN LOHSE: So what you need from us
15 at this point in time is whether we think the Copper
16 River salmon one is valuable enough that we should go
17 along with your review committee and recommend it for
18 funding.

19
20 MR. MCBRIDE: Mr. Chairman, that is
21 correct.

22
23 CHAIRMAN LOHSE: Okay. Do I hear any
24 comments or motions from anybody on the Council. Tom.

25
26 MR. CARPENTER: Mr. Chairman. I move
27 that this Council follow the recommendation of the
28 Technical Review Committee to go ahead and fund Project
29 06-502 estimate in-river abundance of sockeye salmon and
30 the burbot project 06-501 be brought back for review next
31 year.

32
33 MR. CHURCHILL: Second.

34
35 CHAIRMAN LOHSE: It's been moved and
36 seconded. Any discussion. Nobody has any objections to
37 it. In that case, the question is in order.

38
39 MR. CHURCHILL: Question.

40
41 CHAIRMAN LOHSE: The question has been
42 called. All in favor of the motion signify by saying
43 aye.

44
45 IN UNISON: Aye.

46
47 CHAIRMAN LOHSE: All opposed signify by
48 saying nay.

49
50 (No opposing votes)

1 CHAIRMAN LOHSE: Motion carries. Boy,
2 that was a short one for you.

3
4 MR. MCBRIDE: Thank you very much, Mr.
5 Chair and Members of the Council.

6
7 CHAIRMAN LOHSE: Thank you. Does that
8 follow that the shorter the money, the shorter the
9 presentation?

10
11 MR. MCBRIDE: There is a correlation
12 there.

13
14 (Laughter)

15
16 MS. VALENTINE: Hello, Mr. Chair,
17 Council. If you guys turn to Page 202, there is a
18 written review of the Partners for Fisheries Monitoring
19 Program. Again, my name is Eric McCall Valentine and I'm
20 the Partners for Fisheries Monitoring Program social
21 scientist for the Southcentral Region. This position is
22 funded from monies from the U.S. Fish and Wildlife
23 Service through monies that are available for the
24 Fisheries Resource Monitoring Program funds. The
25 position is housed with the Native Village of Eyak in
26 Cordova.

27
28 I'm going to give a brief update on what
29 I've been doing since the last Council meeting. I've
30 been working on a variety of Fisheries Resource
31 Monitoring Program projects including the TEK of salmon
32 runs in the Copper River basin, the variations in
33 subsistence salmon harvest in the upper Copper River
34 basin, I've assisted a bit with the chinook escapement
35 monitoring project and the lower river sonar project.

36
37 I'm a co-principal investigator in the
38 TEK of salmon runs project as well as the variations in
39 subsistence salmon harvest project. The TEK of salmon
40 runs project was originally due to end this year, but
41 because we're uncovering many leads and ideas that must
42 be followed through to complete the project, we've
43 submitted an investigation plan modification with a new
44 due date of September of 2006. The harvest variation
45 project is currently running to plan and it should be
46 completed on time.

47
48 Also this summer I mentored five student
49 interns. Three of those interns were full time and two
50 part time. Because they were such an integral part of my

1 summer, I'm going to detail a bit as to what each of
2 those interns did. The first student I had was Ethan
3 McGaffy. He's a graduate student in anthropology at the
4 University of North Texas. He worked with the Mentasta
5 Traditional Council and conducted a harvest monitoring
6 surveys in the community of Mentasta Lake. Ethan does
7 plan to return next summer for a second field season and
8 is actually turning this project with the support of the
9 Mentasta Traditional Council into his Master's thesis. A
10 draft of his summer's finding should be available in
11 early December.

12
13 The second intern that I had hired this
14 summer was Stacy Deschamps. She is a graduate student in
15 education at Alaska Pacific University. Stacy worked on
16 many different projects this summer, but her main focus
17 was to develop a guide to cultural and environmental
18 programs for students in Southcentral Alaska. In
19 developing this guide, she worked with Southcentral
20 tribes, NGO's, universities and State and Federal
21 programs. Additionally, Stacy worked for two weeks at
22 the Chinook Escapement Monitoring Project in Canyon Creek
23 and she attended and participated in the Batzulnetas
24 culture camp, provided Anchorage-based logistical support
25 for the Chinook Escapement Monitoring Project and she
26 attended a TEK science camp in Fort Yukon.

27
28 My third intern was James Lorrush. He's
29 an undergraduate student at the University of Washington.
30 James was born in Unalakleet and he is a Lower Brule
31 Sioux Tribe member in South Dakota. Jim worked with the
32 U.S. Forest Service through Forest Service funded
33 projects to develop an NVE action plan for the Aleknagik
34 Archaeology Village Site in Cordova. He also attended
35 the TEK science camp in Fort Yukon, worked for two weeks
36 at the same fish camp in Canyon Creek and also attended
37 the Batzulnetas culture camp.

38
39 The last two interns I had hired were
40 stationed in Cordova. Their names are Kayla Holly and
41 Tomasina Anderson. They are both Native Village of Eyak
42 tribal members. Kayla is an undergraduate student at
43 Edmonds Community College in Washington and Tomasina is
44 an undergraduate student at the University of Alaska
45 Southeast. Under the Partners for Fisheries Monitoring
46 Program grant, Kayla and Tomasina were hired part-time to
47 develop a seasonal harvest calendar for the Native
48 Village of Eyak. This type of calendar depicts the
49 traditional Eyak harvests throughout the entire year.
50 Upon completion of this calendar design, the University

1 of Alaska SeaGrant has obligated funds to print this
2 calendar.

3
4 So, in addition to working on the
5 Fisheries Resource Monitoring Program projects and
6 mentoring the student interns, I've also attended
7 conference and meetings concerning Federal subsistence
8 fisheries, fisheries management and tribal environmental
9 management and conservation. I've participated in
10 Copper River/Prince William Sound Native Fisherman's
11 Association meetings and the Ahtna Subsistence Committee
12 meetings, as well as assisting the Native Village of
13 Tazlina in securing funds through BIA to provide training
14 sessions for the Ahtna Subsistence Committee.

15
16 These training sessions will provide
17 educational opportunities for Ahtna Subsistence Committee
18 tribal representatives and Federal and State subsistence
19 regulatory processes. The training sessions are spread
20 throughout the year with the first intra-session in early
21 November to take place in Gulkana. This training session
22 directly corresponds with the Board of Fish and the
23 Federal subsistence meetings of the next few months.

24
25 With that, Mr. Chair and Council, I thank
26 you for supporting this funding opportunity for my
27 position and I'm willing to answer any questions that you
28 might have.

29
30 CHAIRMAN LOHSE: Pete.

31
32 MR. KOMPKOFF: For the record, would you
33 please state your name. I didn't hear it.

34
35 MS. VALENTINE: It's Erica McCall
36 Valentine.

37
38 CHAIRMAN LOHSE: Any questions. It
39 sounds like you had a busy summer.

40
41 MS. VALENTINE: Yeah.

42
43 CHAIRMAN LOHSE: Do things slow down in
44 the winter or do they stay just as busy?

45
46 MS. VALENTINE: They stay just as busy
47 because now, with all the meetings that are going on and
48 then gearing up for the summer, looking for new interns.

49
50 CHAIRMAN LOHSE: Any other questions or

1 comments.

2

3 (No comments)

4

5 CHAIRMAN LOHSE: Thank you for the work
6 you're doing.

7

8 MS. VALENTINE: Thanks.

9

10 CHAIRMAN LOHSE: Okay. Then we have the
11 strategic plan update. Doug, did you pretty well cover
12 that?

13

14 MR. MCBRIDE: I think we're covered on
15 that.

16

17 CHAIRMAN LOHSE: We're covered on that.
18 By gosh we have 12 minutes before I was going to break
19 for lunch. I think we can go on to No. 11. Dan LaPlant.
20 A briefing on Federal closure reviews and call for
21 proposals to change Federal subsistence wildlife
22 regulations. Page 203.

23

24 MR. LAPLANT: Good morning, Mr. Chairman,
25 Members of the Council. For the record, my name is Dan
26 LaPlant. I'm a Staff wildlife biologist with the Office
27 of Subsistence Management. I'm going to shift gears here
28 a little bit and talk about wildlife for a while.

29

30 As you consider wildlife proposals that
31 you may want to present during the upcoming wildlife
32 cycle, we wanted to present you with some information on
33 the review of Federal closures that OSM has recently
34 completed. Your briefing for this is on Page 203.

35

36 The Office of Subsistence Management has
37 initiated a process of evaluating existing closures of
38 Federal public lands to hunting, trapping and fishing for
39 the purpose of providing the Regional Advisory Councils
40 and the Federal Subsistence Board with an opportunity to
41 review these closures. We've been referring to these as
42 Federal Closure Reviews and going out to each Council and
43 having this discussion. We've found out that our
44 terminology has probably caused a little bit of
45 confusion. So I want to make certain that everyone
46 understands what we're talking about here right from the
47 beginning.

48

49 We're talking about closures in Federal
50 regulations where hunting is closed to non-Federally

1 qualified hunters or closed to hunters that are hunting
2 under State regulations. So those are the closures we're
3 talking about.

4
5 There are currently thirty of those in
6 Federal subsistence wildlife regulations and they are
7 distributed throughout the state. Actually there are
8 some in nine of the ten regions. As you look at the
9 distribution of them on Page 203, you'll see there's two
10 of them for Southcentral Region. I'll talk about those
11 in a little bit more detail here in a few minutes.

12
13 As far as fishery closures, there are
14 three in Southeast and two shellfish closures in
15 Kodiak/Aleutians, but we're just going to be talking
16 about wildlife closures here now.

17
18 Section .815(3) of ANILCA allows closures
19 when necessary for the conservation of healthy
20 populations of fish and wildlife, and to continue
21 subsistence uses of such populations. The existing
22 closures represent both situations. The examples we
23 explain here is we have closures for muskox hunting in
24 Unit 22 that have been put in place to conserve the
25 healthy populations of wildlife as allowed in Section
26 .815. And in Unit 2 deer we have a closure there that
27 was specifically put in place because subsistence users
28 provided substantial evidence to the Board that they were
29 unable to meet their subsistence needs because of
30 competition from other users. So that fits the other
31 criteria. So the Board has used both those criteria in
32 the past.

33
34 Fish and wildlife populations are known
35 to fluctuate based upon weather patterns, management
36 actions, habitat changes, predation, harvest activities,
37 disease, and so on. Subsistence use patterns are also
38 known to fluctuate as reliance on a species in low
39 abundance may be offset by greater use of other species,
40 as human populations vary, access changes, water levels
41 vary, and so on. Or as subsistence users alter their
42 activities due to social influences.

43
44 So it's for these reasons that the
45 validity for a Board s decision to establish a closure
46 may change over time. It's for these reasons that we
47 felt it was important to review the existing closures
48 that we have in our regulations and we decided to look at
49 all the closures that have been in place prior to the
50 year 2001 and the remainder of the closures we'll look at

1 next year.

2

3

4 So the reviews that we'll be talking
5 about here in a few minutes include a summary of a brief
6 history of the closures, along with a description of why
7 the closure was implemented and a recommendation by OSM
8 as to whether the closure should be continued or deleted
9 from the regulations.

9

10

11 So, following the presentations, we're
12 asking the Councils to consider the OSM recommendation,
13 share your views on the issue and, of course, the input
14 from the Councils will be helpful in developing a
15 regulatory proposal needed to consider the appropriate
16 adjustments to the regulations.

16

17

18 The proposal window in the briefing says
19 it closes October 21st, but for Southcentral Council it
20 has been extended to October 28. So if the Council
21 chooses to submit a proposal, any wildlife proposal,
22 either dealing with the closures or any other wildlife
23 proposal, we're offering to work closely with the Council
24 in helping develop those proposals.

24

25

26 On the following page is the beginning of
27 the description of the two closures that we did review
28 that pertains to Southcentral. The first one covers
29 Unit 7 moose in the Kings Bay area. The current
30 regulation states here that the harvest limit is one bull
31 with spike-fork or 50-inch antlers or 3 or more brow
32 tines on either side and may be taken by the community of
33 Chenega Bay and also by the community of Tatitlek.
34 Public lands are closed to the taking of moose except by
35 eligible rural residents hunting under these regulations.

35

36

37 So that last sentence there in the
38 regulation is the closure that we're referring to. That
39 closure is effective from the dates of August 10th to
40 September 20th. As you can see, the State regulation for
41 that area is one bull spike-fork or 50 with 3 brow tines
42 and their season is August 20th to September 20th. So
43 that season would therefore apply only to the non-Federal
44 lands in that area. State regulations are prohibited
45 from applying to the Federal lands because of the closure
46 in Federal regulations.

46

47

48 Instead of going through the summary here
49 of the closure, let me just cut right to the chase here.
50 On Page 206 is OSM recommendations. As you can see,
there are three options that we identified as

1 recommendations that we were going to make on any of
2 these closures. What we've checked here on this one is
3 other recommendation. The reason we did that is because
4 we'd already received a proposal from a resident from
5 Chenega Bay to modify the harvest season for the Kings
6 Bay moose hunt. So we knew we were going to be looking
7 at this regulation closely anyway, so that's why we
8 checked that box.

9
10 In addition to that, last Friday we did
11 receive a proposal from the State specifically requesting
12 that the Board remove the closure language from the
13 regulations for this hunt. So we already have a proposal
14 that will result in a full analysis by OSM Staff and will
15 be coming back to the Council at the winter meeting with
16 an analysis of this closure. So I don't know if you want
17 to have any further discussion on this issue or not, but
18 I'll stop right there before I go on to the next one.

19
20 CHAIRMAN LOHSE: So this will be coming
21 on our table.

22
23 MR. LAPLANT: Yes.

24
25 CHAIRMAN LOHSE: At our next meeting with
26 a full discussion of it.

27
28 MR. LAPLANT: That's correct. Like I
29 said, we have two proposals on this issue already.

30
31 CHAIRMAN LOHSE: So we should probably
32 just consider this a head's up, something to think about,
33 especially Pete, so you can have good information for
34 this when it comes up in the next meeting.

35
36 MR. KOMPKOFF: Yes. One thing I'd like
37 to do is, if there's a way to extend the closure to the
38 28th of October rather than the 21st.

39
40 MR. LAPLANT: Mr. Kompkoff, that decision
41 has already been made.

42
43 MR. KOMPKOFF: Oh, it's already been
44 made.

45
46 MR. LAPLANT: We've extended the window
47 for this Council to submit proposals until the 28th.

48
49 MR. KOMPKOFF: Thank you.

50

1 CHAIRMAN LOHSE: So since it's now going
2 to be on our plate at the next meeting, leave it go until
3 then.

4
5 MR. KOMPKOFF: Yes.

6
7 CHAIRMAN LOHSE: Is that agreeable to the
8 rest of the Council.

9
10 (Council nods affirmatively)

11
12 CHAIRMAN LOHSE: Okay. That sounds like
13 what we'll do on this one here. Is the one on goats
14 going to be on our table, too?

15
16 MR. LAPLANT: Mr. Chairman, yes, it is.
17 It looks like I have one minute here to wrap up this one.

18
19 (Laughter)

20
21 CHAIRMAN LOHSE: No, you don't. That
22 clock back there says you have five.

23
24 (Laughter)

25
26 MR. LAPLANT: Oh, okay. I'll go through
27 it in a little bit more detail then.

28
29 (Laughter)

30
31 MR. LAPLANT: The second one that
32 pertains to Southcentral is for goat in Unit 6(D),
33 subarea RG245. This is a closure that
34 actually Federal regulations says that the taking of
35 goats is prohibited on all Federal public lands. What we
36 have here is a closure that not only prohibits hunting by
37 those hunting under State regulation, but it also
38 eliminated any Federal hunt. As you can see, that
39 regulation was initiated back in 1993.

40
41 The State has a regulation for this area
42 and it's one goat by permit available in person in
43 Anchorage, Cordova, Fairbanks, Glennallen, Palmer,
44 Soldotna, and Valdez and their hunt is from September
45 15th to the 31st, but their regulation only applies to
46 the non-Federal lands in that subarea.

47
48 A little bit of the history of this
49 closure. It was originally closed in '92 by special
50 action and then in '93 it was made permanent by a regular

1 proposal that went through the total cycle. In '95 it
2 was looked at again in the context of a more
3 comprehensive proposal that dealt with all of the
4 subareas within Unit 6 and the decision when it was
5 looked at in '95 was to maintain that closure in subarea
6 245.

7
8 The justification for the closure that
9 the Board made at the time is that due to the steep
10 decline in the goat population the Federal Subsistence
11 Board believed the population could sustain no harvest by
12 any user group to be consistent with the conservation of
13 a healthy population.

14
15 Council recommendations. Proposal No.
16 33, when it was originally closed, there was none and
17 that's because there was no Councils back in 1993. So,
18 when Proposal No. 12 came up in '95, the Council's
19 recommendation at that time was to support the proposal
20 and the stated reason was concern for the health of the
21 population.

22
23 State recommendations there for Proposal
24 33, they were neutral on the proposal and they recognized
25 the problem. They also said they were not going to have
26 a season, but then State season was re-established in the
27 year 2000. So the State has had a season again in the
28 non-Federal lands in that subarea since the year 2000.

29
30 On Page 208 it describes a population
31 that was estimated to be 152 in the year 2003. We don't
32 have any more recent populations. If you look at the
33 table there, you can see how the population has come back
34 over the recent years. The hunting effort, the harvest
35 trend is displayed on Table 2 and this represents the
36 harvest that was done under State regulations on the non-
37 Federal lands in that subarea. There were five goats
38 taken during those years.

39
40 The OSM recommendation on this is to
41 initiate the proposal to identify or eliminate the
42 closure. To update you on this, last Friday we also
43 received a proposal from the State to eliminate the
44 closure to non-Federally-qualified users, but they did
45 not include a recommendation to re-establish the Federal
46 hunt. So the Council may want to consider submitting
47 such a proposal. Of course, this issue will come back to
48 the Council at your winter meeting, but the Council may
49 want to consider a proposal to re-establish the Federal
50 fund. Mr. Chairman.

1 CHAIRMAN LOHSE: Thank you. So this will
2 be on our plate, but I have a question of protocol.
3 Since this hunt will be on our plate at the winter
4 meeting, at that time can we -- do we have to have a
5 proposal in ahead of time to establish a Federal hunt or
6 in considering the State hunt have we got the authority
7 to institute a Federal hunt instead?

8
9 MR. LAPLANT: Mr. Chairman. I would
10 think that even if you didn't submit a proposal, when
11 you're discussing the issue at your winter meeting, you
12 could modify or even the Staff recommendation may be to
13 institute a Federal hunt at the same time. So the issue
14 is going to be on the table and I think it would be in
15 the realm of reason to make adjustments that would
16 reinstate the Federal hunt if appropriate, yes.

17
18 CHAIRMAN LOHSE: That's what I was
19 thinking. If the issue is on the table, then there's no
20 emergency that we put in a proposal at this point in time
21 because we will be able to discuss the whole
22 ramifications from one side or the other. If we wish to
23 make a Federal hunt, we'd have the ability to do that or
24 we can just open it up under State regulations if we wish
25 to do that at that point in time. Am I correct?

26
27 MR. LAPLANT: I believe that's correct,
28 Mr. Chairman, yes.

29
30 CHAIRMAN LOHSE: Tom.

31
32 MR. CARPENTER: Dan, just for
33 clarification, is 245 Valdez Arm?

34
35 MR. LAPLANT: Yes, it is. The south side
36 of Valdez Arm.

37
38 CHAIRMAN LOHSE: We counted them on the
39 ferry the other day. I've never seen so many goats from
40 the ferry in my life. That was pretty neat. Okay. In
41 that case, if we don't have to put a proposal in, if it's
42 on the table, unless somebody in the Council has the wish
43 to put a proposal in, we can take this under advisement
44 and recognize that we're going to deal with it in the
45 winter meeting and use this for information. Council
46 agree to that.

47
48 (Council nods affirmatively)

49
50 CHAIRMAN LOHSE: Okay. You took four

1 minutes too long. (Laughs) We're recessed until 1:00
2 o'clock.

3

4 (Off record)

5

6 (On record)

7

8 CHAIRMAN LOHSE: We're going to go on to
9 Proposal 9 like we said we were going to do after lunch.
10 Helen, you're going to get us started on this one. Oh, I
11 better call this meeting back in session. My fault.
12 We'll call the Southcentral Alaska Subsistence Regional
13 Advisory Council fall meeting back in session. Thank
14 you.

15

16 MS. ARMSTRONG: Thank you, Mr. Chair.
17 Once again, this is a C&T analysis and as you can tell in
18 the book it is quite long and I'm going to skip over some
19 details, but that does not mean they're not important but
20 they are incorporated into the record. If you have
21 questions on any of those details, I'm happy to address
22 those.

23

24 Proposal FP06-09, submitted by Ninilchik
25 Traditional Council, Stephen Vanek, Fred H. Bahr, and
26 Henry Kroll, requests the following: 1) a positive
27 customary and traditional use determination for all
28 residents of the Cook Inlet Area for salmon, Dolly
29 Varden, trout, char, grayling, and burbot taken in the
30 Cook Inlet Area; and 2) a positive customary and
31 traditional use determination for all residents west of a
32 line due southeast of the Crescent River mouth and
33 intersecting another line drawn northeast of the south
34 side of Tuxedni Bay for herring, smelt, whitefish, and
35 salmon taken in Tuxedni Bay.

36

37 I need to note here that we were told
38 yesterday that that description of Tuxedni Bay is
39 incorrect and I do not have the correct description, but
40 I do know that the map on Page 49 shows the correct area
41 of Tuxedni Bay. There had been some question about the
42 Federal jurisdiction. Earlier in the program it had been
43 all the way to the very mouth, which is what's described,
44 and it's actually much farther back. So the correct area
45 we're talking about is the shaded area on the map on Page
46 49.

47

48 Proposal FP06-09 is a deferred and
49 combined proposal from the following three proposals
50 during the 2002 regulatory cycle: 1) FP02-11a, submitted

1 by Ninilchik Traditional Council, Stephen Vanek and Fred
2 H. Bahr, requested a positive customary and traditional
3 use determination for all fish and all shellfish in the
4 Cook Inlet Area for residents of the Kenai Peninsula
5 District; 2) FP02-12a, submitted by Henry Kroll,
6 requested a positive customary and traditional use
7 determination for herring, crab, smelt, whitefish, razor
8 clams, and salmon in Tuxedni Bay for residents of Tuxedni
9 Bay; and 3) FP02-13a, submitted by Steve Vanek of
10 Ninilchik, requested a subsistence season for salmon and
11 halibut for the Cook Inlet Area.

12
13 The Board deferred those proposals and
14 making any decisions until they could have a study
15 completed that Fish and Wildlife Service funded through
16 the FIS program, the Cook Inlet Customary and Traditional
17 Subsistence Fisheries Assessment, which Jim Fall and
18 others at ADF&G completed in 2004. The Board had
19 concluded at that time that the historical, contemporary,
20 community and area specific harvest use information was
21 needed in order for the Board to address the unique and
22 rapidly changing situation in Cook Inlet. The study that
23 Fall did provides a comprehensive assessment of past,
24 present, and potential subsistence uses and it documents
25 the use areas for that one year of study for uses,
26 methods and means. And I don't know if the Council
27 members have received a copy or wanted a copy. It's a
28 very good study and I have a copy here if people wanted
29 to look at it any time today.

30
31 I'm not going to go through all of these,
32 but just so you know it's in the analysis, Appendix A
33 gave details from those deferred proposals in 2001 and
34 it's there for you to refer to.

35
36 I wanted to emphasize that this proposal
37 does not affect nonrural communities. We had a lot of
38 discussion yesterday about Valdez and the Cook Inlet area
39 and there's a map on Page 46, Map 1, that shows you which
40 communities are rural and nonrural. The shaded areas are
41 the nonrural areas, so the communities that are not
42 affected by this proposal are Kenai, Soldotna, Homer,
43 Clam Gulch, Kalifornsky, Nikiski, Salamatof, Sterling,
44 Anchor Point, Kachemak City, Fritz Creek, Seward, and
45 Moose Pass. So these communities are not included in
46 here because they are nonrural.

47
48 The other part of the proposal requested
49 customary and traditional use determination for herring,
50 smelt, whitefish, and salmon in Tuxedni Bay. However,

1 herring, smelt, and whitefish are covered under fish
2 other than salmon and thus already have a positive
3 customary and traditional use determination. So this
4 analysis does not include a discussion of herring, smelt,
5 or whitefish in Tuxedni Bay and will only include salmon.

6
7 There were some related proposals, FP06-
8 10 through 13, which were for harvest and seasons of fish
9 in Kenai Peninsula. These have been deferred until the
10 2007 regulatory year because we felt it was better to do
11 the C&T determination first and then next year, depending
12 on what happens with that determination, then the Board
13 can look at those deferred proposals for seasons and
14 harvest limits.

15
16 Another thing that is very critical in
17 this discussion
18 is the extent of Federal waters. Map 2 on Page 48 you
19 can see the Federal waters. Well, there's one on Page 48
20 and then another one later on Page 66. They have harvest
21 locations in Federal waters. This is really important
22 because, as you know, if the use isn't in Federal waters,
23 then we don't have any jurisdiction.

24
25 As I said, the part in Tuxedni Bay has
26 changed. I should have added at that time that this was
27 reviewed by the Solicitor's Office of the Department of
28 Interior because there had been an issue related to
29 Chisik Island and Tuxedni Bay. They determined that no
30 pre-Statehood Federal withdrawals included the marine
31 submerged lands around Chisik Island. Therefore, Federal
32 jurisdiction in Tuxedni Bay, within the Cook Inlet Area,
33 does not extend to the marine waters around Chisik
34 Island; nor are submerged lands below the mean high tide
35 line within the boundaries of Lake Clark National Park
36 and Preserve in Tuxedni Bay.

37
38 There also is an issue of which
39 communities have National Park subsistence use
40 eligibility. None of the resident zone communities for
41 Lake Clark National Park on the west side of Cook Inlet
42 (Iliamna, Lime Village, Newhalen, Nondalton, Pedro Bay,
43 and Port Allsworth) are in the Cook Inlet Area. There's
44 no evidence that they use the Cook Inlet Area, so they
45 have not been included. The National Park itself is a
46 resident zone, therefore residents of the Park in the
47 Cook Inlet Area are qualified local rural subsistence
48 users of the Park.

49
50 Also, during one of the reviews, it had

1 come to my attention that the southern portion of Denali
2 National Park and Preserve is within the Cook Inlet Area
3 boundary, but in looking at it we determined that this
4 portion is covered by glaciers and there aren't people
5 who live in that area. So there is no evidence that
6 people in the Denali National Park resident zone
7 communities of Nikolai, Telida, Minchumina, or Cantwell
8 harvest fish in the Cook Inlet Area, so those have not
9 been analyzed.

10
11 The regulatory history is long and
12 complicated. As you know, this is an area that has had
13 extreme change over the years. Until 1952, freshwater
14 streams in the Kenai Peninsula were open to subsistence
15 fishing, but commercial fishing decimated the salmon
16 populations and salmon stocks began a steady decline. In
17 1952, the road was constructed and all streams and lakes
18 of the Kenai Peninsula were closed to subsistence
19 fishing. Only rod or hook or line were allowed for
20 personal use. There is a table in Appendix B in the back
21 of the analysis that summarizes the history of Cook Inlet
22 subsistence and personal use salmon fishing regulations.

23
24 The current Federal regulations for
25 fisheries provide a positive customary and traditional
26 use determination for rural residents of the Cook Inlet
27 Area for all fish except salmon, Dolly Varden, trout,
28 char, grayling, and burbot. These determinations were
29 taken from the State fisheries regulations and adopted by
30 the Board when Federal fisheries regulations were
31 established in 1999.

32
33 Since 1992, most of the Cook Inlet Area
34 has been classified as a nonsubsistence area under State
35 regulations with the exception of rainbow and steelhead
36 trout and, unless restricted by terms of a permit, fish
37 may be taken at any time in the Cook Inlet Area except in
38 the nonsubsistence area of Cook Inlet. There are small
39 portions around Nanwalek, Port Graham, Seldovia, and
40 Tyonek, all non-road connected, that are outside the
41 nonsubsistence area. These four communities are located
42 in State managed areas. Rainbow and steelhead trout
43 taken incidentally in other subsistence finfish net
44 fisheries and through the ice may be retained for
45 subsistence fisheries, which is a provision mirrored in
46 Federal regulations. Table 1 on Page 51 identifies State
47 subsistence and personal use salmon fisheries that are
48 open to all residents of Alaska.

49
50 I'm not going to go into all the details

1 of the regulatory history. I have some more things I
2 have to say in a minute when we talk about the history of
3 use. If you have questions, please let me know.

4 The communities in the Cook Inlet area
5 that are shown on Map 2 are also addressed in Table 2.
6 Table 2 has communities that have a CDP after them. That
7 stands for the census designated place. The census
8 designated places are not true communities in a sense,
9 but they are defined by census and sometimes, like in the
10 case of Ninilchik, Happy Valley, sometimes that
11 population will be included with Ninilchik, sometimes
12 it's broken out. But these are described in Table 2.
13 There's a list of the rural communities, their population
14 and then their original.

15
16 There are also 500 to 600 other residents
17 in rural areas of the Cook Inlet area who live outside
18 those communities and areas identified in this table. We
19 don't really know exactly where they live, but as we were
20 discussing earlier about Mentasta and Chistochina, this
21 is true on the road system anywhere in the state where
22 you have people living along the roadside.

23
24 I am not going to go into details on all
25 of these communities. The only thing I wanted to just
26 mention is that Tyonek is a traditional Dena'ina
27 community. I think probably most people know that there
28 are communities of Old Believers that now have a fair
29 amount of non-Old Believers living in them as well. The
30 Nikolaevsk, Voznesenka, Razdolna, and Kachemak Selo.
31 Those were settled by Old Believers in the early to late
32 1960s. My understanding is that some of those communities
33 are offshoots of some of the original ones, but the Old
34 Believers have been here generally since the 1960s.

35
36 The other communities are mixed in terms
37 of being composed of homesteaders. There were people
38 who'd come in because of development on the Kenai
39 Peninsula, commercial fishing, a variety of reasons that
40 people have moved into this area, so we have a real
41 mixture of what communities are composed of.

42
43 The study that was done by ADF&G in 2002
44 by Fall provided a thorough review of the subsistence
45 fisheries and both past and present in Cooper Landing,
46 Hope, Ninilchik, Nikolaevsk and Seldovia. So it was not
47 all of the communities, but some. They documented
48 household use, harvest, harvest locations and other
49 information pertinent to subsistence fishing in the Cook
50 Inlet.

1 In the 2002 study, as the 1998 study that
2 was also done by ADF&G, Ninilchik's uses also included
3 Happy Valley CDP. Voznesenka, Fritz Creek East, Razdolna
4 and Kachemak Selo were not studied because these were
5 considered to have use patterns similar to Nikolaevsk.
6 I'm going to talk about the results of that study and
7 other studies.

8
9 The eight factors were looked at in this
10 analysis. The two that I think are the ones we should
11 focus on today are the long-term consistent pattern of
12 use as well as the area of use. You have to bear with me
13 because we have a lot of communities and there's a lot of
14 information, so it's a little bit complicated, but I am
15 going to summarize everything in the end to try to wrap
16 it up and tie it together for you.

17
18 The Dena'ina Athabaskans are the
19 indigenous people of much of the Kenai Peninsula today
20 and, as I'm sure you all know, they refer to themselves
21 as the Kenaitze. The Dena ina have occupied the Cook
22 Inlet area since around 1000 AD and occupied both the
23 east and west side of Cook Inlet, including the Tuxedni
24 Bay. The traditional Dena ina subsistence use patterns
25 changed throughout the early 1800s when the Russian fur
26 traders came and disrupted the Dena ina way of life
27 through changes to economic, social, and health
28 conditions.

29
30 In 1878, the first commercial fish
31 packing operation was established at the Kenai River and
32 the first canneries were established in the 1880s. The
33 fur trade had collapsed and the Russian era had ended and
34 more Americans had moved in. The Dena ina fished fall
35 runs of coho salmon up-river along the Kenai and Kasilof
36 Rivers at traditional settlements like Stepanka at Skilak
37 Lake or camps along the Killy and other tributaries.

38
39 The gold rush occurred in the late 1890s.
40 We had major immigration of Euro-Americans to the Kenai
41 Peninsula with settlements created at Kenai, Knik, and
42 Hope. With the arrival of the Euro-Americans came
43 disease and decimation of the Dena ina people.

44
45 In the early 1900s, the annual
46 subsistence cycle of the Dena ina was commercial fishing
47 in the inlet and the mouth of the Kenai River during the
48 spring and summer, and going up-river in the fall to
49 harvest the fall run of silvers, fish for freshwater
50 fish, hunt moose, and trap furbearers. This pattern

1 continued until the 1940s with the creation of the Kenai
2 National Moose Range.

3

4 In the early 1940s, many Dena ina
5 continued their traditional pattern of going to the
6 Stepanka camps. By this time, the Dena ina population
7 had been so decimated by disease that most Dena ina were
8 concentrated in Kenai and were rarely seen in the Cooper
9 Landing area.

10

11 In the 1970s, the land claim hearings
12 attested to traditional uses of lands and cabins along
13 the upper Kenai River, and fishing between the Kenai
14 River and Tustumena Lake into the mid-1940s. In 1941, the
15 Kenai Moose Range was established and only those who had
16 permits could use the cabins previously built by trappers
17 and subsistence fishers. Alaska Natives continued their
18 annual trapping, hunting, and fishing activities based on
19 these ancestral locations.

20

21 The homesteaders arrived in the early
22 1930s, 1940s, after World War II. Commercial and
23 subsistence fishing became important aspects of their
24 annual cycle. In freshwater, gillnets and seines were
25 used in the Kenai, Skilak and Tustumena lakes to harvest
26 lake trout, grayling, whitefish, and char. Trappers in
27 the upper Kenai River area maintained gillnets in the
28 upper Kenai and caught salmon and trout for personal use.
29 Other uses mentioned were taking silver salmon through
30 the ice in the winter and steelhead below Skilak Lake in
31 the late '40s and '50s.

32

33 In 1952, gillnets were made illegal in
34 many fresh waters, thus eliminating one of the Kenai
35 Peninsula Dena ina s primary reasons for their fall
36 occupation of their upriver sites and a closure of the
37 traditional Sepanka fishery that had been a traditional,
38 long-standing source of salmon for the Dena ina, the
39 Kenaitze Indians. As a result of this closure, snagging
40 became the primary harvest method.

41

42 By 1973, snagging had become illegal.
43 Local residents turned to the beaches of Cook Inlet to
44 fish with gillnets in the subsistence fishery. In the
45 '70s, sport fishing had grown and the Kenai had become a
46 favorite spot for sport fishing.

47

48 In the early '80s, the State Board of
49 Fisheries added more restrictions on subsistence and
50 personal use fishing along the Cook Inlet beaches,

1 closing beaches to subsistence gillnetting. By the
2 mid-1990s, only two personal use fisheries remained at
3 the mouth of the Kenai and Kasilof rivers.

4
5 On the west side of Cook Inlet there is a
6 lot of evidence the Dena'ina lived in the west side in
7 the villages at Polly Creek and Tyonek. After diseases
8 decimated the Dena'ina, the remaining Dena'ina moved to
9 Tyonek and Kenai and none of the other villages remained
10 on the west side. The west side of the inlet was also
11 utilized by people living on the east side as recently as
12 the '70s and '80s.

13
14 There have been reports of people from
15 Ninilchik traveling to the west side to harvest salmon
16 for commercial and subsistence purposes as well as to
17 take moose, black bear, and harbor seals. They had
18 campsites at Tuxedni Bay or stayed with friends with
19 cabins and homesteads in the area.

20
21 Subsistence fishing on the west side also
22 has been regulated since the '80s when commercial fishers
23 could no longer remove salmon for home use from their
24 commercial harvests and catch fish for home use in
25 accordance with subsistence regulations. When
26 subsistence fishing was closed in the 1980s throughout
27 the inlet, some noncommercial set net fishing has
28 occurred on the west side outside of the regulations.

29
30 In the 2003 survey by Fall, only 29
31 percent of Cooper Landing households and 16 percent of
32 Seldovia households said they had ever fished at Tuxedni
33 Bay. Respondents in other communities had never fished at
34 Tuxedni Bay.

35
36 Currently the fishing practices are quite
37 different from what has happened historically. There are
38 numerous tables in this analysis that come directly out
39 of the Fall report listing quite a bit of detail where
40 people have harvested and how much and what they've
41 harvested throughout the Kenai Peninsula.

42
43 I also wanted to note that I've
44 summarized the regulatory actions for Cook Inlet
45 subsistence use and personal use fishing in Appendix B in
46 Table 1. Court decisions affected openings, gear types,
47 and user groups throughout this period after the 1980s
48 and '90s. In Appendix B, Tables 2 through 4 illustrate
49 the regulatory history of seasons, methods, and harvest
50 limits affecting subsistence users.

1 In terms of where people are taking fish,
2 the questions you need to address here is who is taking
3 the fish, what they're taking and where they're taking.
4 There's no doubt about it that salmon is a primary fish
5 resource in all these communities. It was the highest
6 category of use in each community, except Ninilchik,
7 which had a higher use of moose than salmon. Of the non-
8 salmon fish species, Dolly Varden, rainbow and steelhead
9 trout are the only species used in every community in the
10 study. This was in the study done in 2002.

11
12 The only three communities that do not
13 show use of lake trout or char are Seldovia, Tyonek, and
14 Voznesenka. Lake trout are only found in Federal public
15 waters. Grayling is used by Hope, Cooper Landing, North
16 Fork Road, Fritz Creek and Tyonek households.

17
18 Arctic char was used in two communities,
19 Fritz Creek and Seldovia. Burbot was only used by Hope
20 households in 1990. This is actually not just from the
21 2003 study, but from all the information we have from all
22 the studies. The pattern of use of the nonsalmon species
23 reflects the distribution of the resource in the Cook
24 Inlet Area. There are only a few isolated populations of
25 Arctic char that occur in lakes in the Swanson River area
26 and Cooper Lake. Burbot also has a limited presence in
27 Juneau Lake, near Cooper Landing. Cooper Landing, Hope,
28 Nikolaevsk, Ninilchik, and Seldovia households did not
29 report any harvest of burbot in the 2002-2003 study.

30
31 Fall compared in his 2002-2003 study the
32 use of fish measured in pounds per person to other recent
33 years for which survey data were available. They were
34 fairly comparable in Cooper Landing, Hope, and Ninilchik.
35 The estimated harvests in 2002/03 were very similar to
36 the other most recent study year, which was 53.9 pounds
37 per person of fish in 1990 in Cooper Landing, 61.7 pounds
38 were found in 2002-03. In Hope, 65.8 pounds in 1990,
39 62.4 pounds in 2002-03. And Ninilchik, 80.8 pounds in
40 1998 and 81.7 pounds in 2002-03. To me this is
41 interesting because it shows that there is a lot of
42 consistency and verifies probably the results of the
43 study too.

44
45 In ADF&G s 2002-03 study, between 53 and
46 62 percent of Cooper Landing, Hope, Nikolaevsk,
47 Ninilchik, and Seldovia households fished for salmon and
48 between 20 and 45 percent fished for nonsalmon in fresh
49 water. Of freshwater fish harvested, these five
50 communities all harvested Dolly Varden and rainbow trout;

1 pike were harvested by all but Hope; grayling weren t
2 harvested by Hope and Ninilchik households; lake trout
3 weren t harvested by Seldovia households; whitefish were
4 only harvested by Cooper Landing households; steelhead
5 were only harvested by Cooper Landing and Seldovia
6 households; and no one harvested burbot.

7
8 The next question is areas of use. The
9 question of the day. As you know, the regulatory history
10 has changed significantly how people have fished and
11 where they have fished. The actions in '52 prohibited
12 subsistence fishing except by rod and reel in waters in
13 the Kenai National Wildlife Refuge and, as a result of
14 those restrictions, Cook Inlet Area subsistence users
15 were restricted to marine waters until personal use
16 fishing allowed dip nets at the mouths of some rivers in
17 1981 and the use of gillnets in 1985.

18
19 Map 4 on Page 66 shows the places, the
20 rivers that I will talk about as well as where they are
21 in terms of Federal lands. One of the drawbacks in the
22 maps they had in the Cook Inlet study is the maps didn't
23 show where Federal waters and Federal lands were, so this
24 map shows that.

25
26 Cooper Landing's fish harvests from
27 Federal public waters in 2002-03 were as follows: 40 and
28 29 percent of households took sockeye salmon from the
29 Russian and Upper Kenai Rivers respectively. About 2
30 percent of households took Chinook salmon. There is no
31 Chinook season in the upper Kenai River mainstream or its
32 tributaries. And 16 percent of households took coho from
33 the Upper Kenai River and Skilak Canyon. Less than 1
34 percent of households harvested pink salmon from Kenai
35 Lake and the Russian River each. Dolly Varden, rainbow
36 trout, and lake trout were taken in the Kenai Lake and
37 Kenai Lake streams, the Kenai mountain streams, and the
38 Russian, Swanson, Upper Kenai Rivers and the Skilak
39 Canyon.

40
41 All remaining harvests were from State
42 managed waters and these areas were used by less than 2
43 percent each of households except for the Kasilof, Lower
44 Kenai, and Ninilchik rivers, but no more than 16 percent
45 of households used these areas. The lower Kenai River,
46 which is under State management, is important for taking
47 Chinook, sockeye, and coho salmon. Cooper Landing
48 residents harvest some grayling in Crescent Lake and
49 Crescent Creek.

50

1 If you look at the tables starting on
2 Page 67, you can see what Jim Fall and ADF&G did in their
3 report. They listed the areas fished by Federal public
4 lands and waters and then other, then you can go across
5 in the table and see the percentage of households who
6 harvested the various fish. I want to remind everybody
7 too that this is just one year of data.

8
9 For Hope, their harvests were primarily
10 in the Kenai Mountains streams on the Chugach National
11 Forest and the Kenai National Wildlife Refuge and they
12 harvested coho (35 percent of households), pink (20
13 percent), and chum (12 percent) salmon, Dolly Varden (17
14 percent), lake trout (2 percent) and hooligan (2
15 percent). Also on the Refuge, Hope residents took
16 sockeye salmon from the Upper Kenai and Russian Rivers,
17 as well as from State managed waters on the lower Kenai
18 River. Hope residents did not harvest steelhead in 2002-
19 03.

20
21 I should also add here I didn't actually
22 go into this in the analysis, but I know this is
23 something that's been discussed quite a bit. In terms of
24 the methods that were used in doing this study, when
25 researchers went to Cooper Landing they were having a
26 problem finding so many of the dwellings they went to
27 weren't inhabited by year-round residents, they had
28 thought they would only interview a sampling of the
29 population, but then decided to interview 100 percent of
30 all the households where people were full-time residents.
31 In Hope they did the same thing. They ended up having a
32 very high percentage of households that were interviewed.

33
34 In Nikolaevsk they did a subsampling of
35 the population, so they divided out the Old Believers and
36 the non-Old Believers, so those results were looked at
37 differently or separated in the data. Then in Ninilchik
38 they only interviewed 17 percent of the households out of
39 about 1,000 people who lived there and that's including
40 Clam Gulch, but they interviewed 17 percent of the
41 households and did not do any stratified sampling. In
42 Seldovia, I think they interviewed about 29 percent of
43 the households.

44
45 Back to the location of uses. Most
46 Nikolaevsk households (98 percent) harvested most of
47 their fish from State managed waters, Kachemak Bay and
48 the lower Kenai River. Only 2 percent of households
49 surveyed, which equates to one household, harvested
50 sockeye and rainbow trout from the Russian River. Their

1 use patterns are considered to be similar to the use
2 patterns of Razdolna and Kachemak Selo, which is also Fox
3 River CDP, and Voznesenka, which are all in the vicinity
4 of non-Federal lands.

5
6 For Ninilchik, which includes Happy
7 Valley CDP, some documentation is available on the use of
8 waters in the Kenai National Wildlife Refuge before 1952
9 from a 1994 Ninilchik subsistence survey, which mapped
10 resource use over an individual's lifetime. Those maps
11 showed use areas covering the entire Kenai Peninsula and
12 represented use over the lifetime. Those maps, which I
13 didn't include here, they were in the last analysis that
14 you saw, but they were quite broad and quite generalized
15 and showed the use of the whole Kenai Peninsula.

16
17 We have information on historical sites
18 of people in the region as well using the Russian River.
19 As I've talked about, the population on the Kenai
20 Peninsula has changed from a large percentage of
21 indigenous people, homesteaders and commercial fishers,
22 to a population dominated by new residents who have
23 full-time jobs and changes in the subsistence use
24 patterns. This is quite apparent in the community of
25 Ninilchik for the traditional indigenous people of
26 Ninilchik.

27
28 The Ninilchik Natives now live in
29 permanent homes and no longer move seasonally to hunt and
30 fish. Their fish harvests are now generally concentrated
31 close to their homes, particularly when fish are
32 abundant. Ninilchik natives make up about 17 or 19
33 percent of the community of Ninilchik. What might have
34 been traditional for a sub-population of the people in
35 Ninilchik might not -- it's a community that's really
36 changed in character.

37
38 In the 2002-2003 survey of Ninilchik
39 households interviewed, few harvested fish from Federal
40 public waters, only 4 percent of households interviewed,
41 which equates to about 4 households, harvested sockeye
42 salmon in the Russian River and 1 percent, which is one
43 household, harvested rainbow trout and lake trout in
44 Kenai Lake or Kenai mountain streams on the Kenai Refuge.
45 Chinook and coho salmon and Dolly Varden were taken from
46 Ninilchik River and Deep Creek, which are both under
47 State management and close to Ninilchik. Most Ninilchik
48 residents took sockeye salmon from the lower Kenai River,
49 and sockeye salmon were taken from the Kasilof and
50 Ninilchik Rivers; all of these rivers are outside of

1 Federal jurisdiction.

2

3 After we had prepared the early drafts of
4 this analysis, the BIA came to us and told us that there
5 was an unpublished survey that Ninilchik Traditional
6 Council had done and BIA had paid for it in 1999 of their
7 use of fish and wildlife. BIA staff then met with the
8 Ninilchik Traditional Council to talk to them about the
9 results of that study. It wasn't something that was ever
10 put out to the public. It was unpublished results. What
11 was probably the most critical to us is there had been
12 mapping done with the study and no tabulation. There was
13 tabulation, but not really specific, it was fairly broad,
14 of where people had actually taken all their subsistence
15 resources. It wasn't just fish.

16

17 The Ninilchik Traditional Council is
18 going to present those results today. I have not seen
19 them. We were in a rush to get this book to the printer
20 and they didn't want to be rushed with that, so we
21 haven't had an opportunity to really evaluate what they
22 found, but that will be presented to you later today.

23

24 In Seldovia, none of the Seldovia
25 households interviewed in 2002-03 used any Federal public
26 lands or waters for fishing and their primary fishing
27 location was Kachemak Bay. From what it said in the
28 report, they were surprised that they were being studied
29 because they didn't see their uses were on Federal waters
30 at all.

31

32 Twenty years ago there was an ADF&G study
33 of some communities on the Kenai Peninsula and Kachemak
34 Bay and they described how Seldovia hunters traveled to
35 the Central Kenai Peninsula to hunt moose and it is
36 possible that while hunting moose they may have taken
37 incidental harvests of freshwater fish or other fish. In
38 the study done today, there wasn't any indication that
39 was happening now.

40

41 The Tuxedni Bay area also was used by
42 commercial fishers and subsistence fish may have been
43 taken when commercial fish were harvested. In 1982,
44 there were 50 set gillnet license holders identified on
45 the west side between Harriet Point and Chinitna Bay with
46 the majority of the set nets located in Tuxedni Bay.
47 There was some documentation that Seldovia residents used
48 the Tuxedni Bay area on a regular basis for salmon in
49 conjunction with moose hunting, but in Falls study in
50 2002-2003 they did not find any current harvest of fish

1 by Seldovia residents in Tuxedni Bay.

2

3 Port Graham and Nanwalek were not
4 included in the ADF&G study in 2002-2003 that Fall did,
5 but they have had other studies done on them. Their uses
6 are fairly localized and all in State managed waters.
7 These areas are either not Federal public waters or in
8 nonsubsistence use areas.

9

10 Tyonek s subsistence uses of fish are on
11 the west side of Cook Inlet, but they're all in waters
12 managed by the state.

13

14 Tuxedni Bay. There apparently is one or
15 two perhaps families living in the Tuxedni Bay area. The
16 proponent for this proposal, Mr. Kroll, is a resident in
17 the Bay and they have consistently harvested salmon.
18 There was a random telephone survey done of Kenai Borough
19 residents in 1991 that showed that there were people who
20 had visited or used the West Cook Inlet portion of Lake
21 Clark National Park. Of these users, 52.7 percent fished
22 for salmon, less than 5 percent were subsistence users.
23 But the 2002-2003 study that Fall did for ADF&G did not
24 find any harvest of fish by Kenai Peninsula residents
25 from Tuxedni Bay.

26

27 To summarize -- actually, I'll talk about
28 the effects of proposal first before I summarize.
29 Adoption of this proposal to provide a positive customary
30 and traditional use determination for the rural residents
31 of the Cook Inlet Area for all fish would not be expected
32 to change current harvest levels or subsistence use
33 patterns. The 2002-03 study by Fall documented the use
34 and harvest patterns of fish in the Cook Inlet Area and
35 found very little harvest today in the Cook Inlet Area
36 from Federal public waters by residents of the study
37 communities with the exception of the communities of Hope
38 and Cooper Landing.

39

40 Currently there is no customary and
41 traditional use determination for salmon, Dolly Varden,
42 trout, char, grayling, or burbot in the Cook Inlet Area,
43 so all rural residents in the State qualify. The season
44 and harvest limits mirror State sport fishing
45 regulations. It is not anticipated that the communities
46 of Hope and Cooper Landing would harvest fish differently
47 if they had a positive customary and traditional use
48 determination for fish in the Cook Inlet Area from
49 Federal public waters.

50

1 Just as we had yesterday with Prince
2 William Sound, right now it's all Federally qualified
3 rural residents of the state can take fish in this area,
4 but we don't anticipate that there would be any change in
5 harvest.

6
7 Our preliminary conclusion is to support
8 with modification. To divide the Cook Inlet Area into
9 two districts, the Kenai Peninsula District and the West
10 Side Cook Inlet District, described as the Federal public
11 waters of Tuxedni Bay. In the Kenai Peninsula District,
12 only Hope and Cooper Landing would have a positive
13 customary and traditional use determination for salmon,
14 Dolly Varden, trout, excluding steelhead, and char.
15 Grayling, burbot, and steelhead would have no subsistence
16 priority. Only the residents of Tuxedni Bay would have a
17 positive customary and traditional use determination for
18 salmon in Tuxedni Bay.

19
20 Again, the part that we have jurisdiction
21 is the upper part, which I've heard is actually not very
22 fishable. It's pretty muddy waters in there.

23
24 The justification for this is that Cooper
25 Landing and Hope residents harvested salmon, Dolly
26 Varden, rainbow trout, and lake trout from Federal public
27 waters in 2002-03. Hope and Cooper Landing fulfilled all
28 eight factors of customary and traditional use
29 determinations.

30
31 With the exception of Cooper Landing and
32 Hope, Cook Inlet Area communities harvested fish in 2002-
33 03 almost exclusively from State managed waters. The
34 study of the Cook Inlet Area uses of fish in 2002-03
35 demonstrated that there was only a very low level
36 harvest, 1 percent to 4 percent of households, from any
37 Federal public waters for harvesting salmon in the
38 communities of Ninilchik and Nikolaevsk, none in
39 Seldovia, and 0 percent to 2 percent use of Dolly Varden,
40 rainbow trout, or lake trout from Federal public waters.
41 These uses were by one to four households and are not
42 indicative of a community subsistence pattern of use.

43
44 Which gets back to Bob's questions
45 yesterday of how much use is a community pattern of use
46 and I have grappled with quite a bit in the last few
47 months and ultimately, of course, will be a decision of
48 the Board, but I think that's something that the Council
49 here needs to discuss as well.

50

1 As I said, the Ninilchik Traditional
2 Council is preparing a summary of information to present
3 to you today. This may have additional information that
4 may or may not shed more light on Ninilchik's uses.
5

6 Subsistence fish uses in Voznesenka,
7 Fritz Creek East, Razdolna, and Kachemak Selo have not
8 been studied, but are believed to be similar to the use
9 patterns described in Nikolaevsk and their fish harvests
10 are most likely not from Federal public waters. No use
11 by any of the study communities was found in Tuxedni Bay,
12 although in the past Ninilchik and Seldovia have reported
13 use in Tuxedni Bay. Previous research has indicated that
14 Tyonek residents fish uses are on State managed waters
15 on the west side of Cook Inlet. Nanwalek and Port Graham
16 residents harvest fish from State managed waters.
17

18 Residents of Tuxedni Bay demonstrated use
19 of Tuxedni Bay. There was limited information on all of
20 the eight factors for Tuxedni Bay, but there was
21 information indicating that salmon were harvested in this
22 area.
23

24 Grayling, burbot, and steelhead should
25 not be given any subsistence priority in the Cook Inlet
26 area because: 1) the grayling harvest is quite small, and
27 although the locations of the harvest were not included
28 in the study results so it is unknown where these
29 harvests are exactly, grayling are not native to the
30 Kenai Peninsula; 2) burbot is only found in one or maybe
31 two small lakes and none of the communities show any use
32 of burbot; and 3) there were no harvests of steelhead
33 from Federal public waters in 2002-03 by the study
34 communities.
35

36 I think the Council should also discuss
37 -- the other thing I grapple with is how much -- is this
38 one year of data, how much importance does previous use,
39 if people aren't using it any more
40 should they be given C&T. These are all really tough
41 questions I think people have to address.
42

43 With that, Mr. Chair, I conclude my
44 presentation.
45

46 CHAIRMAN LOHSE: Thank you, Helen. That
47 was a very good presentation. Any questions for Helen.
48 Doug.
49

50 MR. BLOSSOM: Mr. Chairman. Did I hear

1 you right when you said that like in Cooper Landing you
2 interviewed everybody because half the households were
3 empty. In Ninilchik you did 17 percent. Every community
4 was different in how you did this.

5
6 MS. ARMSTRONG: Well, it wasn't me
7 personally, I want you to know that, but it was ADF&G
8 Subsistence Division and they were funded by FIS, which
9 is under OSM office. I'll just tell you the percentages.
10 In Cooper Landing they ended up interviewing 75.7 percent
11 of the households. In Hope it was 81.1 percent. In
12 Nikolaevsk it was, of Old Believe households, 65.9
13 percent. The other households was 38.2, other being non-
14 Old Believers. Ninilchik was 17.3 percent. Seldovia was
15 29.6 percent.

16
17 I did call Jim Fall, who was the
18 principal investigator on this, and asked him why they
19 only interviewed 17 percent and he said, well, in
20 Ninilchik population is high enough. They had 577
21 households and they didn't need to interview as large a
22 percentage because it was a large population, a random
23 sample. I can't speak to it any more than that as to why
24 it was low enough. They also didn't go back to Ninilchik
25 to review the results of the study, which they did in
26 some of the other communities, and I'm not certain why
27 that was either.

28
29 MR. CHURCHILL: What was the percentage
30 of Cooper Landing?

31
32 MS. ARMSTRONG: The question was what was
33 the percentage in Cooper Landing. It was 75.7 percent of
34 households were interviewed. That's out of -- well,
35 their initial estimate of households was 313. They had
36 176 households were vacant, non-resident households or
37 moved. So they attempted to interview 312 households and
38 of those the final number that they interviewed who were
39 permanent residents was 136. It really shows you the
40 nature of that community too.

41
42 MR. CHURCHILL: Thank you.

43
44 CHAIRMAN LOHSE: Doug.

45
46 MR. BLOSSOM: I guess the point I'm
47 getting at is that -- for instance in the Old Believer
48 section, you took part of the community and put one way
49 and part the other way. Ninilchik is every bit as much
50 Old Believer and New Believer as that area, so why didn't

1 you do it the same? I'm just picking on Ninilchik
2 because I live there. In Ninilchik, I'd think you would
3 have found most households were there. In Cooper Landing
4 they were vacant. I guess I'm just saying to the Council
5 look at this data, it's interesting, but, gosh, you need
6 to use the same base point if you're going to get the
7 same information.

8
9 MS. ARMSTRONG: Since I don't work for
10 the Subsistence Division at ADF&G, I can't answer all
11 those questions, but I don't know if Marianne See can or
12 not.

13
14 CHAIRMAN LOHSE: Thank you, Helen. Doug,
15 I think to a certain extent you're right and a certain
16 extent you're wrong. If you deal with statistics, you
17 find that as you're dealing with a larger population you
18 can get the same results by doing a smaller percentage of
19 the people involved in that population and when you're
20 dealing with something that's a small population, you
21 have to have a higher percentage of the people
22 interviewed.

23
24 I don't know for sure, but from what I
25 understood it turned out there was 117 households in
26 Cooper Landing that you'd actually call Cooper Landing
27 households. If what you're saying is correct, you've got
28 500 and some households in Ninilchik that are all
29 Ninilchik households. I mean they're all there. So it
30 would take less of them interviewed to come up with the
31 same results. That's just the way I understand it and I
32 may be wrong on that. If you've got somebody out here
33 that deals with that kind of stuff that you could give us
34 a little better explanation, it sure would be worthwhile.
35 Marianne.

36
37 MS. SEE: Thank you, Mr. Chair. Yes, I
38 will attempt to explain this a bit. You were on the
39 right track, Mr. Chair, with your point that in larger
40 communities there are survey instruments that are used
41 and statistically valid ways of sampling smaller
42 populations and testing reliability of that information.
43 That was the case here. There was a survey instrument
44 developed based on scoping meetings and there was a
45 statistically valid approach to how larger communities
46 could be sampled so that there wasn't in fact a census or
47 a complete survey of everybody in the community, which is
48 appropriate for the smaller communities. So you'll see
49 those and you would expect in this kind of survey to see
50 -- or study rather, you'd expect to see a higher

1 proportion of households surveyed in small communities
2 versus larger communities where you would use a sample.
3 In this case, 100 households in a community the size of
4 Ninilchik is a statistically valid sample and those
5 households were randomly selected.

6
7 CHAIRMAN LOHSE: Thank you. Any
8 questions. Helen.

9
10 MS. ARMSTRONG: I think what I heard, if
11 I heard Doug right, he was asking -- I guess what I have
12 a question about is why there would be a separation out
13 of an Old Believer community but not in Ninilchik when
14 you have a subpopulation that's also a strong subgroup of
15 a community? They specifically talk in the report I
16 think about the fact that the Old Believers were handled
17 as a separate strata because of potential differences in
18 resource use patterns, but then that wasn't done in
19 Ninilchik or Seldovia when you have a subpopulation of
20 Alaska Natives. Is that what you were asking, Doug, why
21 that was done?

22
23 MR. BLOSSOM: Mr. Chairman. I heard you
24 say that, you know, if you're going to compare apples and
25 apples, let's do it. Let's not do differently. You've
26 got every bit as big of Old Believer and New Believer
27 segment in Ninilchik as you do in the Russian Villages.
28 If you're going to compare data, I'd just like to see it
29 all comparable and I disagree that you had 300 and some
30 people in Cooper Landing -- I'm not trying to pick on
31 Cooper Landing, 369 and 700 in Ninilchik and you're
32 telling me that 170, half the people in Cooper Landing
33 were absent.

34
35 CHAIRMAN LOHSE: Pat.

36
37 MS. PETRIVELLI: Mr. Chair. I'd just
38 like to add some things about the stratification or the
39 idea of stratification. I sat in on the discussions of
40 designing the survey and I'll have to admit
41 stratification just wasn't on my brain then because I was
42 thinking of this household survey as an opinion survey,
43 looking at the future uses, and I didn't think of it as
44 the documentation of past uses. But the Subsistence
45 Division in the past has done household surveys and they
46 use that stratified method, which they did in the Old
47 Believer community, because when they know segments of
48 the community that will exhibit certain patterns that
49 they should isolate them.

50

1 In the past, like in the Copper Basin in
2 the Upper Tanana, in those studies what they did was
3 identified high and low harvesters. In other studies
4 throughout the state they did high, medium and low
5 harvesters. Then in Southeast they looked at active and
6 less active harvesters. With that is a recognition that
7 in subsistence communities 30 percent of the households
8 harvest 70 percent of the resources. So when they try to
9 identify those high harvesters, then they make sure they
10 include them in this random sampling of the community.

11
12 For some reason Ninilchik wasn't surveyed
13 that way and I don't know if it's just because it's in
14 the non-subsistence use area. In the study that was
15 designed in 1998 they also failed to do that
16 stratification for Ninilchik also, but they did stratify
17 the Old Believer community as a separate component. In
18 other areas throughout the state, the Subsistence
19 Division has done that. Like in Cordova, they randomly
20 sampled all the Eyak households separately from the non-
21 Eyak households.

22
23 So in the past they have done that. I
24 cannot answer because I know they just followed the same
25 pattern they did in 1998 and I really don't know. I
26 think they just truly looked at it as the idea of
27 statistical variation in trying to do the whole community
28 rather than identifying active harvesters or less active
29 or high harvesters or low harvesters.

30
31 When I reviewed it, I was thinking mainly
32 it was an opinion thing because when we were doing the
33 household questions and when we had the scoping meetings
34 before we conducted the survey, we were trying to
35 determine the best ways to get opinions about future uses
36 of the resources. Then we added those questions in about
37 the past uses kind of as a truth segment about saying --
38 because we asked them what would you like to do in
39 Federal public waters and then we ask what have you done
40 to have some kind of basis of judgment. It wasn't
41 designed to document the uses. And I was going to talk
42 about that later.

43
44 MS. SEE: Mr. Chairman. This is Marianne
45 See again for the record. I just wanted to note
46 something out of the actual study itself about the
47 sampling that may address Member Blossom's concern. I'll
48 just read it. It's short.

49
50 Several changes took place in the

1 sampling design of this study after field work commenced.
2 Many more vacant and seasonally occupied houses were
3 encountered in Cooper Landing and Hope than expected.
4 Due to the considerable time involved in locating
5 households and an adjustment downward in the estimate of
6 total year-round households, it was decided to interview
7 every year-round household that consented to be
8 interviewed rather than retain the 50 percent random
9 sample goal.

10
11 In Nikolaevsk, Old Believer and other
12 households were handled as separate strata due to
13 potential differences in demography and resource use
14 patterns. That, I believe, is what Helen was saying.
15 Thus Nikolaevsk became a stratified random sample rather
16 than a simple random sample. A simple random sample is
17 what was used in Ninilchik, for example. There were no
18 changes to the sampling strategies in Ninilchik or
19 Seldovia. I'll also note that one of the cooperators in
20 this study was the Ninilchik Tribal Council, which helped
21 out considerably by providing researchers and helped
22 conduct the surveys in the communities, including
23 Nikolaevsk.

24
25 Thank you. If there's other questions on
26 this, I'll try to clarify those.

27
28 CHAIRMAN LOHSE: Doug.

29
30 MR. BLOSSOM: Thank you, Mr. Chairman. I
31 don't want to belabor this, but in the mind of Ninilchik,
32 Nikolaevsk for instance, they're Cheechakos. I mean
33 we're talking about Cheechakos compared to old time
34 Alaskans. They weren't there when Ninilchik was there.
35 That's just a new village. So when you start talking
36 about -- you know, back in the '50s when they started
37 curtailing subsistence and changing all this, we were all
38 there. Nikolaevsk wasn't there. So now, in the modern
39 times, we've got these villages that they're calling Old
40 Believers but don't believe that. They're new believers.
41 The old core subsistence users on the Kenai were villages
42 like Ninilchik because they were there. They were there
43 forever and they used these things.

44
45 So that's why I'm raising these
46 questions. In modern times there's no subsistence to do
47 because it's regulated to where you can't do it. You
48 know, back when I was in Ninilchik in the early days, you
49 could throw out a net on the beach and subsistence fish
50 any time commercial fishing was going on. You can't do

1 that now. So we're looking at times that are present and
2 times that are past and I think subsistence you need to
3 look back past when they did all this regulating and
4 that's the true subsistence user.

5
6 CHAIRMAN LOHSE: Marianne.

7
8 MS. SEE: Thank you, Mr. Chair. I just
9 wanted to note that the goal of this kind of project is
10 to study community use and to ensure that the methodology
11 used reflects the usage of the users in the community.
12 There are specific cases where, as was noted, there was a
13 reason for stratification, but normally we are trying to
14 capture sufficient sample size to describe all uses that
15 are going on in the community and that is, in fact, the
16 methodology that was used here to ensure that we got that
17 for Ninilchik and all the other communities and this was
18 done under an advisory group that included a number of
19 different partners to ensure that we were using a valid
20 survey approach with adequate sampling sizes, appropriate
21 questions and methodologies and local interviewers to
22 ensure that this was a really valid instrument and the
23 results would be robust. Thank you.

24
25 CHAIRMAN LOHSE: Thank you, Marianne. I
26 think you brought out a little point right there that it
27 really doesn't matter about the history of the
28 communities. To do a survey like this, you survey all of
29 the communities for the current use. You're trying to
30 get a sample right there of what's going on today. So
31 the length of time the community has been there doesn't
32 change what's happening today. It does change what's
33 happened in the past and it does, like Doug was talking
34 about, go into what happened prior when things could
35 happen, but at this point in time we're trying to get a
36 snapshot. Bob.

37
38 MR. CHURCHILL: Yeah, I'd like to ask
39 questions. A couple things on your methodology. How did
40 you determine year-round residents for purposes of your
41 survey?

42
43 MS. ARMSTRONG: I believe they asked.

44
45 MR. CHURCHILL: They just asked them.

46
47 MS. ARMSTRONG: They asked. I don't
48 think they ask for documentation. They just asked do you
49 live here year round.

50

1 MR. CHURCHILL: Thanks. Secondly, what
2 technique did you use to make your random selections of
3 households interviewed?

4
5 MS. SEE: Through the Chair. I do not
6 know the exact methodology to do that. If that's a
7 concern that you want answered, I can make a phone call
8 and try to get that answered.

9
10 MR. CHURCHILL: Yes, it is a concern.

11
12 MS. SEE: It could be that Pat Petrivelli
13 knows the answer, but I do not know that.

14
15 MR. CHURCHILL: She's running from the
16 back of the room.

17
18 MS. ARMSTRONG: It says it in here. I'm
19 sorry. Surveys were conducted face to face with a sample
20 of households selected from borough housing stock records
21 supplemented by key responding ground truth by borough
22 maps by project personnel. Do you know exactly, Pat?

23
24 MS. PETRIVELLI: The general procedure is
25 you get a map of the borough platting that has all the
26 houses on each road and then you assign them a number and
27 then you generate random numbers, so as the numbers come
28 up you have that list of random numbers and then you go
29 through with the random numbers until you meet your
30 survey goal and then you quit.

31
32 MR. CHURCHILL: I do my taxes the same
33 way. Thank you.

34
35 (Laughter)

36
37 CHAIRMAN LOHSE: Are you a tax advisor?

38
39 (Laughter)

40
41 MR. CHURCHILL: No, I'm just out on
42 release right now.

43
44 (Laughter)

45
46 CHAIRMAN LOHSE: Okay. Gloria.

47
48 MS. STICKWAN: I didn't have a question.
49 I just think what Doug Blossom said the same thing
50 happened in our area. They said that we didn't use any

1 migratory birds. Well, it was closed. We couldn't hunt
2 for migratory birds. So it looked like in our area that
3 we didn't use migratory birds. I think the same thing
4 could be applied here. Their seasons were cut off back
5 in the '50s and to interview people it will show that
6 they didn't hunt, fish or whatever because the seasons
7 were closed. So I think it does make a big difference.

8

9 CHAIRMAN LOHSE: Okay. Dean.

10

11 MR. WILSON: I have one question before
12 you guys leave. I don't understand one portion of the
13 survey. Old Believer versus new believer, what does that
14 have to do with anything, use and determination? Why was
15 that even in here?

16

17 CHAIRMAN LOHSE: Helen.

18

19 MS. ARMSTRONG: The Old Believers -- the
20 new believers is Mr. Blossom's term over here. (Laughs)
21 They're members of the communities on the Kenai
22 Peninsula, so they were surveyed to see what their uses
23 are. They've been here since the early '60s. You know,
24 it's also a question that the Board hasn't grappled with
25 in entirety is how long a use becomes a consistent
26 pattern of use. It's the same as logging communities or
27 anything else that are new. As you were saying, the
28 newcomers to the area. So I think that's why that had
29 become a discussion.

30

31 CHAIRMAN LOHSE: Tom.

32

33 MR. CARPENTER: Just to follow up on what
34 Dean said. You said when you did the survey you were
35 looking at a snapshot as to what the community is doing
36 now or will do in the future. If that's the case, then
37 why are you separating the population within the
38 community to see what they'll do in the future or they're
39 doing now? Shouldn't it just be a community as a whole
40 regardless if they're a new believer or an Old Believer?

41

42 MS. SEE: Through the Chair. These were
43 community based interviews, so they were done by
44 communities. If you have distinctive communities, like
45 Nikolaevsk, that are based on a particular ideology,
46 they're still a community, you still do the interviews.
47 Their ideology and background has a distinct name, but
48 these are community based interviews.

49

50 In fact, the sample instrument that was

1 used, the survey had questions on past, present and
2 potential fisheries involvement, so there were more
3 questions asked about that whole context than may have
4 been your impression of earlier remarks.

5
6 CHAIRMAN LOHSE: Marianne, can I ask you
7 a question. Do you know, did they use different
8 surveyors in the Old Believer community than they used in
9 the new believer community because I know that sometimes
10 -- I deal with them on the fishing grounds and I know
11 that sometimes to deal with them, if you're not a member
12 of the community, it's pretty hard to talk to them. So I
13 could see possibly what they could do is end up using
14 different people to survey them.

15
16 MS. SEE: Mr. Chair. In the methodology
17 of this project, they note that interviewing was
18 conducted after first meeting with the community's
19 Russian Orthodox priest, and I'm reading from the methods
20 section. In a few cases family members provided
21 translation assistance and there were specific
22 researchers that were involved in those interviews for
23 consistency. But, yes, when you have a situation with
24 translation and consistency, then you try to keep the
25 same team in place.

26
27 CHAIRMAN LOHSE: Any other questions
28 before we go on to the Alaska Department of Fish and Game
29 comments.

30
31 (No comments)

32
33 CHAIRMAN LOHSE: Thank you for your help,
34 Marianne. We'll go on to Alaska Department of Fish and
35 Game then.

36
37 MS. SEE: Thank you, Mr. Chair. The
38 Federal Staff analysis and recommendations draw
39 appropriately from the final report, which we've
40 discussed quite a bit so far, by the Division of
41 Subsistence for this project, which was FIS Project 03-
42 045 and resulted in Technical Paper 285. It was
43 commissioned specifically to provide background and
44 customary and traditional uses of Cook Inlet fish
45 resources within Federal conservation unit waters. The
46 Federal Staff analysis of this information is thorough,
47 in fact I'd say it was very thorough, and accurately
48 applies the study's findings.

49
50 We also noted in our written comments

1 that the additional set of survey information, which
2 evidently was collected by the Ninilchik Tribal Council
3 in 1999, we anticipate this being discussed later on here
4 after my comments and we consider that this information
5 should be fully evaluated as well. We did not see this
6 information prior to this meeting, haven't seen it yet,
7 and it's unfortunate that we weren't able to see it or
8 anyone else involved in evaluating this proposal.

9
10 So the other comment we had in our
11 written comments here was about the boundary issue, which
12 has already been noted by Federal Staff will be
13 corrected, and that was to correct the written
14 description of the boundary for the mouth of Tuxedni Bay
15 so it conforms with the mapped information and the mapped
16 information appears to be correct.

17
18 If there are additional questions about
19 the study, the Fish and Game report number 285, I'd be
20 happy to try to answer those questions. I was not a
21 researcher on this project, but I've had extensive
22 conversations with Dr. Fall, who unfortunately couldn't
23 be here today, and we can get information for you about
24 this if you have other questions. Thank you.

25
26 CHAIRMAN LOHSE: Any questions for
27 Marianne.

28
29 MR. CHURCHILL: I have one.

30
31 CHAIRMAN LOHSE: Oh, Bob has a question.

32
33 MR. CHURCHILL: Any reason for not being
34 able to receive the information that the Ninilchik Tribal
35 Council gathered?

36
37 MS. ARMSTRONG: You can ask them why we
38 didn't know about it earlier, but BIA found out about it
39 right as we were doing the early reviews and they came
40 and talked to people in Ninilchik. In the tables that we
41 saw, there were tables saying which GMUs they had used,
42 but it was fairly broad and a GMU doesn't tell you
43 whether it's on Federal land or not or Federal waters.
44 So when they went and talked to -- it was Pat Petrivelli
45 and Glenn Chen, went to talk to the Ninilchik Traditional
46 Council, they found out that there were actually maps
47 done with mylar overlays for each resource and it was a
48 process that they had to find the boxes with the maps
49 because that information had not been really tabulated in
50 a way that was useful to us. So they were asked could

1 you please go through these surveys and see if you can
2 glean more information that could be helpful to us.
3 There was a very short time period, so it just didn't
4 happen in time to be published in the book.
5
6 MR. CHURCHILL: Thank you.
7
8 MS. ARMSTRONG: But you can talk to them
9 more about that. I think they're going to do a little
10 presentation as well.
11
12 CHAIRMAN LOHSE: Other questions.
13
14 (No comments)
15
16 CHAIRMAN LOHSE: Thank you. I guess we
17 will go on to the Ninilchik Council and their
18 presentation right now.
19
20 MR. ENCELEWSKI: Mr. Chairman, could we
21 have five minutes.
22
23 CHAIRMAN LOHSE: A five minute break? I
24 guess we can have a five minute break.
25
26 (Off record)
27
28 (On record)
29
30 CHAIRMAN LOHSE: School's in session.
31 Time to be quiet.
32
33 (Pause)
34
35 CHAIRMAN LOHSE: No talking in class.
36
37 (Laughter)
38
39 CHAIRMAN LOHSE: Bob.
40
41 MR. CHURCHILL: I wasn't the one talking,
42 sir.
43
44 (Laughter)
45
46 CHAIRMAN LOHSE: You'll have to stay
47 after.
48
49 (Laughter)
50

1 CHAIRMAN LOHSE: Okay. Don.

2

3 MR. MIKE: Thank you, Mr. Chair. Before
4 we go any further, it looks like we'll be going into
5 tomorrow, so we'll be meeting at the Kenai Visitor's
6 Center, which is just about a mile down the road from
7 this place and we'll break down after this meeting is
8 done today and get the other facility prepped for
9 tomorrow.

10

11 CHAIRMAN LOHSE: Thank you, Donald. Pat.

12

13 MS. PETRIVELLI: Mr. Chair. I just had a
14 few comments before Ninilchik's presentation. Part of it
15 was my concern about the draft analysis and the heavy
16 reliance on the survey results. I think we discussed the
17 whole stratification issue a little bit. Of course, it is
18 confusing about the idea of selecting certain portions of
19 the community, but stratified surveys are usually done --
20 when you break communities into different parts is to
21 make sure you get a sample from each of those sectors,
22 you know, with the heavy and low harvesters.

23

24 That's just a thing that was done in the
25 past by the Subsistence Division and I think it's a
26 useful tool to get that representative sample. When you
27 do that and you say 17 percent of something, then you get
28 17 percent of the high harvesters and 17 percent of the
29 low harvesters, then you get a representative sample.
30 When you just get 17 percent of the whole community
31 without knowing their harvesting activities, then that's
32 questionable.

33

34 I have no idea why Ninilchik wasn't
35 stratified, but thinking back two years ago or three
36 years it would have been nice if we did it. But the idea
37 was though, like I said, we were just looking at getting
38 opinions about future use patterns because the Kenai
39 Peninsula is so unusual with it being a non-subsistence
40 area.

41

42 I'm going to switch to what I was wanting
43 to say. With this analysis, when we dealt with this
44 issue a couple years ago and we looked at all the eight
45 factors and the Council made its recommendation, the
46 emphasis on one of the factors is the idea of factor one,
47 long-term consistent pattern of use of the resource.
48 Taking into account interruptions beyond the users
49 control and then the Board was concerned how did those
50 factors before 1952 affect it, so this study was designed

1 to look at that.

2

3

4 When the State said this analysis does
5 have some aspects describing those uses that are in
6 there, say on Page 55, about the descriptions of the
7 Kenai, Skilak and Tustumena Lakes for freshwater fish
8 using gillnets and seines, and then on Page 56 saying
9 salmon was by far the most important fishery resource and
10 then freshwater fish having the relatively small -- I
11 mean it has taken some of that historical stuff out of
12 there, but, to me, the most important part of that study
13 is that chapter 2 of the study and that described the
14 whole historical background of the use of the resources.

14

15

16

17 The only thing I'm going to read is from
18 the summary points of their study and they go, in
19 summary, although archaeological and ethno-historical
20 information documents subsistence uses of fisheries
21 resources in Kenai Peninsula waters now under Federal
22 Subsistence Board management more than 50 years ago,
23 demographic, economic and regulatory conditions have
24 changed radically.

24

25

26 Unfortunately, that's the message that
27 this analysis keeps emphasizing, is how much has changed.
28 But, you know, in the whole state demographic, economic
29 and regulatory conditions have changed radically,
30 especially in road-connected areas of the state. But the
31 historical documentation shows that residents of the
32 Kenai Peninsula did use these resources in Federal public
33 waters and Ninilchik residents in the scoping sessions,
34 which are included in this report, describe their uses of
35 those waters and that's contained in the analysis too.

35

36

37 It is acknowledged that demographics have
38 changed in Ninilchik. It is no longer a small community
39 of 150 people. There are 775 people there. But there is
40 a core of users and that core user group has been
41 documented in various communities throughout the Kenai
42 Peninsula. When the Ninilchik people come to testify,
43 they're going to talk about their uses and I think that's
44 more important than survey results that missed 82 percent
45 of the households in Ninilchik. So I'd just urge you to
46 listen carefully to what the Ninilchik people say
47 themselves and how they describe their use of the
48 resources. Thank you.

48

49

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

1 (No comments)

2

3 CHAIRMAN LOHSE: Thank you. Then we'll
4 go on to the Ninilchik presentation.

5

6 MS. DURDAHL: Good afternoon. My name is
7 Sarah Durdahl. I'm with Ninilchik Traditional Council.
8 I am going to be talking a little bit about Ninilchik's
9 fisheries proposal pretty much because the ADF&G report
10 is so important or seems to be so important in our
11 determination. I'll be highlighting a couple of the
12 issues that we have with that report and why we don't
13 feel that it reflects our use. And then I will be
14 talking about the infamous Ninilchik subsistence surveys
15 that have been referred to several times already today.

16

17 First off, this is pretty much
18 reiteration, but again the survey results from the fall
19 study are one year documentation. 2002-2003 is basically
20 what was asked of the users. In looking at the eight
21 criteria to determine who gets a C&T determination, I
22 don't see how this could fulfill the first criteria of a
23 long-term consistent pattern of use. So that's the first
24 point about the survey I'd like to make.

25

26 Additionally, as Pat said and others,
27 only 17.3 percent of the population was surveyed. In
28 this, we feel that from the data and the length of
29 residency in Alaska or even on the peninsula it's pretty
30 short for the users that were surveyed, so we feel this
31 does not reflect the core subsistence users of Ninilchik.

32

33 Lastly, the survey design again,
34 reiterating the stratification and why they chose to
35 stratify Nikolaevsk into different strata and not
36 Ninilchik when we definitely have a core subsistence user
37 group and what you could call an other population that is
38 very different from each other, so we're not quite sure
39 why they chose to do that. That pretty much concludes
40 the Fall, et al, comments that I have.

41

42 Moving on to the Ninilchik subsistence
43 surveys that were done. This was before my time, but
44 there was two surveys, one done in 1994 and an additional
45 survey done in 1999. These were BIA-funded surveys to
46 document lifelong subsistence patterns of Alaska Natives
47 in Ninilchik.

48

49 I have a final copy of the survey and I
50 apologize that I don't have more, but this is what I

1 could find, so I'm willing to pass that around if you
2 want to look at it. Basically in the survey it asks
3 species used, everything from fisheries, freshwater,
4 saltwater, moose, marine mammals, mushrooms, everything.
5 All subsistence resources are documented in here.

6
7 How much they harvested, what they tried
8 to use, the average amount that they harvested and the
9 area they harvested and, unfortunately, that's where it
10 gets a little gray because they did not break it down
11 into Federal and State areas. It was Game Management
12 Units so you could get an idea of where out on the
13 Peninsula the use was, but they weren't thinking ahead of
14 saying, oh, they might come back and say that we didn't
15 harvest anything on Federal waters. So that's pretty
16 much the background of that.

17
18 It summarizes, has some comments, but
19 that's about it. I will pass this around if anybody
20 would like to look at it. These were confidential
21 surveys. They were coded for confidentiality so nobody
22 felt they were at risk of prosecution, whatever.

23
24 (Laughter)

25
26 MS. DURDAHL: So I brought a couple of
27 them. I did not bring all of them. As Helen referred to
28 earlier, there were mylar overlays, they were given a map
29 and basically you were given a felt colored pen and for
30 salmon you were to circle the area that you harvested
31 salmon and this is current and lifelong use. So
32 basically there's just a whole bunch of overlays in here
33 and you can get an idea of what people did and what the
34 actual survey data looked like. So I'll also pass these
35 around.

36
37 MR. KOMPKOFF: You said they were
38 confidential.

39
40 MS. DURDAHL: No, but these are -- these
41 are confidential, but these don't have any names on them.
42 They just have numbers and I don't know what the numbers
43 are.

44
45 MR. KOMPKOFF: I just didn't want to
46 breach your confidentiality.

47
48 (Laughter)

49
50 MS. DURDAHL: No. I don't think I have

1 and it was kind of a racy move, but I thought that
2 because it was kind of vague on how people selected, I
3 wanted the Council to be able to see what the people
4 actually did with the maps and how they selected the
5 areas. So I thought it would be helpful and maybe I'll
6 get in trouble, but I don't think anybody is going to
7 find that code sheet because I haven't yet either.

8

9 CHAIRMAN LOHSE: The statutes of
10 limitations is almost over anyhow.

11

12 MS. DURDAHL: There you go. So what I
13 did with the survey data is I went through it, however
14 confidential it was, through the individual surveys, I
15 looked at the maps and I separated them out into what was
16 on Federal land and what was on State land, the uses of
17 the fishery. So this was not something that was done
18 originally with the survey, but because this was in
19 question and this was all we had to go on, I went through
20 and looked at their maps and put the overlay in there and
21 differentiated. If it was Tustumena Lake, I knew it was
22 Federal. If it was Cook Inlet, I knew it was State.
23 That's how I did it. Then I just basically summarized
24 the information for each of the surveys.

25

26 This compares 1994 and 1999 use. You
27 have handouts of this slide. This documents percent of
28 household surveys on the Y axis and then land use on the
29 X axis. The 1994 is the brown brick color. 1999 is
30 orange. Sixty percent of the households surveyed in 1994
31 did circle or state in the survey that they used Federal
32 land. In 1999, 25 percent of those surveyed said that
33 they used Federal public waters to harvest fisheries.

34

35 I don't think I mentioned the sample size
36 for each of the surveys. In 1994, the sample size was 25
37 households. In 1999, the sample size was 20 households.
38 I will admit that this is a small number, but, again, I
39 wasn't part of the original study design and I don't know
40 what kind of participation they got. I wasn't around
41 then. But this is what we have to work with again. So,
42 again, this summarizes 1994 and 1999.

43

44 To further break it down, as I mentioned
45 before, because they specified Game Management Units,
46 basically this picture here I stole from the Fall, et al,
47 2000 publication because I thought maybe you had seen
48 this before and it was an easy reference. Basically it
49 breaks the Peninsula down into Game Management Units,
50 15A, B and C, and then also divides it into Federal and

1 State lands. I went through and documented which
2 households used Area B, which households used Area D and
3 Area F only just because those were the Federal areas in
4 question.

5
6 This is the result of the 1994 surveys.
7 Again, in percentage of households surveyed and then it's
8 broken down by the matrix mapping area, again, from the
9 picture on the right. The survey was broken down into
10 salmon and non-salmon, so I don't know if the non-salmon
11 is lake trout or, you know, you see what I'm saying.
12 That's as far as I could break it down. I didn't have,
13 you know, we harvested lake trout in Tustumena Lake. I
14 don't have that, but this is as close as I could get to
15 that.

16
17 Basically this says that in 1994 24
18 percent of the households surveyed harvested salmon on
19 Federal public lands in Area B on the map, 12 percent
20 harvested non-salmon in Area B, 28 percent of the
21 households surveyed harvested salmon in Area D, 33
22 percent harvested non-salmon in Area D, 24 percent of the
23 households surveyed harvested salmon in Area F and 36
24 percent of the households surveyed harvested non-salmon
25 in Area F. Again, this was in 1994 with a sample size of
26 25.

27
28 These are the results for 1999. There
29 were no households harvesting fisheries or salmon in Area
30 B, 10 percent harvested non-salmon in Area B, 15 percent
31 harvested salmon in Area D, 10 percent harvested non-
32 salmon in Area D, 15 percent harvested salmon and non-
33 salmon in Area F.

34
35 So, to conclude this, our main objection
36 with this is that we don't feel that the Ninilchik core
37 subsistence user group was reflected in this one year
38 survey. Further would even state that a C&T
39 determination made on that survey would possibly be
40 irresponsible. That's as far as I'm going to go with
41 that.

42
43 Also, we feel that the Ninilchik
44 subsistence survey suggests that there is higher harvest
45 on Federal public lands than is thought by other
46 agencies.

47
48 That concludes what I have if you have
49 any questions. Maybe I should say a little bit about
50 this survey data. I didn't know about it myself until

1 Glenn called me up and asked me about a survey. He said
2 I heard there was a subsistence survey and I said, oh,
3 really. So I didn't know about this data until about
4 three or four weeks ago. The person that did this survey
5 is no longer at Ninilchik, they've moved on, so basically
6 I think all of their files were boxed up and put away in
7 storage, so that's where I found them.

8
9 So it wasn't that we weren't trying to
10 disclose this information. It was more that we weren't
11 aware of it and when we found out that we were possibly
12 not going to get the C&T -- or we were recommended
13 against getting the C&T information. We thought, oh, my
14 gosh, we better pull that out if need be. So that's a
15 little background about the surveys and why they've been
16 elusive to folks.

17
18 I'll take any questions if there are any.

19
20 CHAIRMAN LOHSE: Bob.

21
22 MR. CHURCHILL: First, thank you. I
23 appreciate it. I really like the methodology of having
24 maps where people can circle use area. I think it
25 bridges a lot of potential gaps.

26
27 MS. DURDAHL: Uh-huh.

28
29 MR. CHURCHILL: Secondly, how did you
30 define a core subsistence users?

31
32 MS. DURDAHL: I wouldn't say I actually
33 have a definition of that, but we have a community which
34 would typically probably be tribal members. They've
35 lived in Alaska their entire lives. They are typically
36 associated with going out and gathering their resources.
37 So I don't have a definition for that, but basically I'm
38 considering the people -- we kind of have two groups in
39 Ninilchik that I see and that's the people that have
40 lived there all their lives and generations of families,
41 you know, there's been several core families that have
42 been in Ninilchik and their offspring, and then there's
43 been the influx of people from the Lower 48, people from
44 other countries. They may gather, but it's not the same.
45 So I guess when I think of a core subsistence user group
46 in Ninilchik, it's those families that have always relied
47 on going out and gathering their resources.

48
49 MR. CHURCHILL: So multi-generational
50 resident relying heavily on subsistence use?

1 MS. DURDAHL: Yeah. It's a big part of
2 their life. It's part of their culture and what they've
3 always done. If they don't have their smokehouse full
4 from wherever it may be, Federal, State or whatever --
5 you know, I mean these people do use their resources.

6
7 MR. CHURCHILL: So a reliance on
8 subsistence activities for sustenance is a piece of it.

9
10 MS. DURDAHL: Yeah. I'm getting on the
11 record with this, so I just want to be sure I say it
12 accurately.

13
14 MR. CHURCHILL: As long as you don't tell
15 any secret hunting or fishing spots, you're usually okay.
16 Thank you.

17
18 (Laughter)

19
20 MS. DURDAHL: You'll be the first to
21 know.

22
23 (Laughter)

24
25 CHAIRMAN LOHSE: My understanding, that
26 since this was a tribal survey, the people surveyed were
27 tribal members, weren't they?

28
29 MS. DURDAHL: Correct. It was an
30 exclusive tribal member.

31
32 CHAIRMAN LOHSE: Tribal member survey.
33 So that would be the core group because they were tribal
34 members there also.

35
36 MS. DURDAHL: Right.

37
38 CHAIRMAN LOHSE: Now, I had a question.
39 You surveyed 25 and 20. Back in '95 and '99, about how
40 many tribal households did you have? I mean what kind of
41 percentage would you have thought of that of the tribal
42 households?

43
44 MS. DURDAHL: You know, that's a good
45 question. I don't know how many tribal households there
46 were in those years. Would you know, Helen, any idea?

47
48 (Pause)

49
50 MS. DURDAHL: Helen is guessing that

1 there were between 100 and 120 households based on
2 population growth.
3
4 CHAIRMAN LOHSE: That would have been
5 tribal households at that time.
6
7 MS. DURDAHL: Right.
8
9 CHAIRMAN LOHSE: So we're looking at 15
10 to 20 percent basically of them surveyed.
11
12 MS. DURDAHL: Right. Of tribal members
13 households.
14
15 CHAIRMAN LOHSE: Do you know whether that
16 was a random sample of those tribal households or was it
17 stratified as to look for the people who use the most
18 subsistence?
19
20 MS. DURDAHL: It was not a stratified
21 sample.
22
23 CHAIRMAN LOHSE: Not a stratified, just a
24 random sample of the tribal households.
25
26 MS. DURDAHL: Uh-huh.
27
28 CHAIRMAN LOHSE: Okay. One other
29 question I had. There's a very significant decline
30 between '99 and '95. Have you got any -- I mean that's
31 putting you on the spot and I don't really mean to do
32 that, but I'm sure you noticed that as you were doing
33 things.
34
35 MS. DURDAHL: I did.
36
37 CHAIRMAN LOHSE: And I'm sure you talked
38 to other people.....
39
40 MS. DURDAHL: I did.
41
42 CHAIRMAN LOHSE:as you were doing
43 the things.
44
45 MS. DURDAHL: Yeah.
46
47 CHAIRMAN LOHSE: Have you got any
48 indication as to why there was such a dramatic -- I mean
49 it's about 50 percent.
50

1 MS. DURDAHL: Yeah.
2
3 MR. ENCELEWSKI: I'd just suggest that
4 maybe some of the older users are not with us.
5
6 MS. DURDAHL: So we had a die off.
7
8 CHAIRMAN LOHSE: We see that in Cordova
9 all the time. I mean that's totally possible that that
10 would have something to do with it. Pete, do you have
11 some questions.
12
13 MR. KOMPKOFF: Yes, I do. After looking
14 at some of these surveys, '99 was the most recent survey
15 done?
16
17 MS. DURDAHL: Correct.
18
19 MR. KOMPKOFF: But looking at the old
20 traditional surveys, some of the answers that were given
21 were do you do more subsistence now than you did then and
22 they said they do less now because of the restrictions
23 and regulations.
24
25 MS. DURDAHL: Right.
26
27 MR. KOMPKOFF: Is that true?
28
29 MS. DURDAHL: Oh, I'm sure. Yeah.
30
31 CHAIRMAN LOHSE: I think a prime example
32 of that, Pete, is like Greg was saying before, it wasn't
33 that long ago if you needed salmon you put a gillnet in
34 the ocean right in front of your house and now you can't
35 do that. Tom.
36
37 MR. CARPENTER: I just have a couple
38 questions. So there's about 1,000 residents, is that
39 what you estimate, in the general vicinity?
40
41 MS. DURDAHL: My understanding is that in
42 Ninilchik there are just under 780 residents and that's
43 from, I believe, a 2003 census.
44
45 MR. CARPENTER: Okay. I guess one
46 question that I have in regard to this survey is do you
47 think this survey data reflects upon Ninilchik community
48 as a whole? Because this is what we're dealing with.
49 We're dealing with a C&T determination for the entire
50 community.

1 MS. DURDAHL: Right.
2
3 MR. CARPENTER: So do you feel that this
4 data reflects upon the entire community as a whole?
5
6 MS. DURDAHL: I couldn't say that because
7 the other community members were not surveyed. Do you
8 see what I'm saying?
9
10 MR. CARPENTER: I do. And I guess the
11 point I'm making, there's a big difference between this
12 survey and the one the State did.
13
14 MS. DURDAHL: I agree.
15
16 MR. CARPENTER: I mean a huge difference.
17
18 MS. DURDAHL: I agree.
19
20 MR. CARPENTER: So when I look at
21 Ninilchik as a whole, just the data that's been presented
22 here, the data the State presented from the non-Native
23 population.....
24
25 MS. DURDAHL: Right.
26
27 MR. CARPENTER:is completely
28 different than a survey that's done from basically 100
29 percent of the Native households.....
30
31 MS. DURDAHL: Right.
32
33 MR. CARPENTER:from the survey
34 data.
35
36 CHAIRMAN LOHSE: Tom, could I speak to
37 that for a second.
38
39 MR. CARPENTER: Sure.
40
41 CHAIRMAN LOHSE: When we did Dot Lake,
42 when we did Chickaloon, when we did a number of those
43 communities we recognized that the old community had a
44 pattern of subsistence, that there were new people living
45 in that community, and the fact that the old community
46 had that pattern of subsistence carried the new people
47 who had come to the community even if they didn't have
48 the same pattern because the community as a whole doesn't
49 have to have an equal use of the resource when you have a
50 core group of the community -- and I know we went through

1 the same thing for sure on Dot Lake, the same thing for
2 Chickaloon. You know, they have a core community. In
3 fact, both of those at that time were tribal communities
4 with a group of other people who lived there.

5
6 The argument was that you couldn't take
7 just the tribal part of the community and give them C&T
8 and leave the other people out who were now part of the
9 community. But the fact that you had that core group
10 that were subsistence, that got the C&T for the community
11 and that other people who moved in then benefitted from
12 it, for lack of a better way of putting it, but they
13 couldn't take away the rights of the people that were
14 there to have C&T just because they came there and
15 changed the make-up of the community by being there, you
16 know.

17
18 MR. CARPENTER: Right. And I guess just
19 to respond to that, and I agree with you completely and I
20 agree with what happened there, but I think the make-up
21 of Ninilchik is the exact opposite of Dot Lake. If you
22 have seven, eight, nine hundred households and 20 percent
23 of those households were surveyed, you have a much
24 smaller number of people that traditionally went out and
25 harvested under these percentages, but you've got seven
26 or eight hundred that don't, according to the State
27 survey. Do you see my point? My point is how can you
28 give an entire community a C&T if a majority of the
29 community doesn't harvest under those levels that their
30 survey shows?

31
32 CHAIRMAN LOHSE: Well, I'll try to
33 answer, Marianne, and then if you've got a comment on it,
34 too, would you like to comment first?

35
36 MS. DURDAHL: No more questions?

37
38 CHAIRMAN LOHSE: Oh, we'll have
39 questions. You stay sitting there.

40
41 MS. DURDAHL: Okay.

42
43 CHAIRMAN LOHSE: No more movie is what we
44 were talking about.

45
46 MS. DURDAHL: Okay.

47
48 (Laughter)

49
50 CHAIRMAN LOHSE: Marianne.

1 MS. SEE: Yes, Mr. Chair, thank you. I
2 wanted to just provide some information from the study
3 community tables that describe some of the demographic
4 characteristics. There are 577 households in Ninilchik.
5 The estimated population is 1,621 individuals in the
6 community. Also the data were analyzed from the survey
7 here with regard to fish harvest levels between Alaska
8 Native and non-Native populations and there were no
9 statistical differences in the fish harvest levels
10 between Alaska Native and non-Native populations based on
11 this study. So that was not an issue. Nor was there any
12 significant relationship between the length of residency
13 and the level of harvest of resources in any study
14 community. Thank you.

15
16 CHAIRMAN LOHSE: Thank you, Marianne.
17 Greg.

18
19 MR. ENCELEWSKI: Well, I was just going
20 to talk a little bit here. I don't know about this later
21 study by the State. I'm not so sure I understand fully
22 how they came about those numbers. I do know that I've
23 lived all my life in Ninilchik, born and raised there,
24 generation from generation. My grandfather and all of
25 them, they originally settled there. And I do know that,
26 yeah, we have a lot of newcomers and they also use the
27 resource for subsistence, too. In fact, just so it's on
28 record, our community is one of these tourist
29 communities, as you all know, and we heavily depend on
30 the resources in the spring and the fall a lot more than
31 a lot of our transient people do just in the summer.

32
33 CHAIRMAN LOHSE: James.

34
35 MR. SHOWALTER: Yes. I could see where
36 you're coming from on a survey that's doing the core
37 community, which is tribal. The reason why I say that,
38 I'm in the same situation. The tribal here got
39 overridden by the influx of people, so I don't know how
40 you do it, but the way it is right now it is a rural
41 community and under their given criteria, which is
42 another story. Thank you.

43
44 CHAIRMAN LOHSE: Any other questions.
45 Bob.

46
47 MR. CHURCHILL: Yeah, I'm looking at
48 these surveys and the lead question in almost every
49 category is did members of your household try to harvest
50 or use and then you fill it in, salmon or plants or

1 whatever. Was there any time frame put on that? What
2 context was given for that when we were asking the person
3 filling it out?

4
5 MS. DURDAHL: My understanding was that
6 it was current and as far back as you can remember.
7 There's a little blurb in the very beginning that says
8 resources harvested currently and then as far back as you
9 can remember. There should be historical stuff in there.
10 I'm not sure which specific area you're referring to.

11
12 MR. CHURCHILL: No, it was a lead
13 question in almost every area.

14
15 MS. DURDAHL: So I'm guessing because I
16 didn't do the survey, but I'm guessing that that's now,
17 so currently. Otherwise there would probably be two
18 separate categories.

19
20 MR. CHURCHILL: It seems to hint at --
21 because the follow up to that in almost every section is
22 how would you compare your shellfish with other recent
23 years.

24
25 MS. DURDAHL: Right.

26
27 MR. CHURCHILL: So it seems to be trying
28 to put some kind of historical context, it just doesn't
29 say what.

30
31 MS. DURDAHL: Yeah. I agree.

32
33 MR. CHURCHILL: There's a lot of good
34 information in these. Plus it does break out quite a few
35 categories.

36
37 MS. DURDAHL: Yeah.

38
39 MR. CHURCHILL: I mean there's an awful
40 lot of information in here. Do you have all of these?

41
42 MS. DURDAHL: I don't have them all here,
43 but I have them at my office.

44
45 MR. CHURCHILL: No, I'm not asking if you
46 have them here, but do you have all the original surveys?

47
48 MS. DURDAHL: I do. I found them, yes.
49 It was great.

50

1 CHAIRMAN LOHSE: Any other questions.

2

3 (No comments)

4

5 CHAIRMAN LOHSE: Thank you for that
6 presentation. Interagency Staff Committee.

7

8 (No comments)

9

10 CHAIRMAN LOHSE: Nothing. Fish and Game
11 Advisory Committee.

12

13 MR. STOCKWELL: Good afternoon. I'm Bill
14 Stockwell. I'm the chairman of the Cooper Landing Fish
15 and Game Advisory Committee. I'd just like to go over a
16 few things. One is I'd like to say this isn't our first
17 time talking about the Federal subsistence issues of
18 fisheries in the Cooper Landing area. We've had several
19 meetings with Federal Staff, some of the members of this
20 Council have been at a meeting.

21

22 I have a copy of a memorandum that Ann
23 Wilkerson sent to you on a meeting we had on May 3rd,
24 2002. It was attended by Pat Petrivelli. This is when
25 Jim Fall came and explained the survey was going to start
26 and talked about that. We had about 50 people at the
27 meeting, a question and answer period, and she kind of
28 describes what people want. I think you'll find that
29 this follows very closely with what Jim Fall found in the
30 study when he came to Cooper Landing. So that's on the
31 record. We've had a couple other meetings with the
32 Federal Staff.

33

34 One thing I'd like to bring up. It says
35 in there that there weren't any written comments, however
36 we had a meeting specifically on the proposals before
37 you.

38

39 One other thing I wanted to bring up, we
40 did submit proposals two or three times on the fisheries.
41 None of them were ever published because the whole
42 process was deferred. We pulled our proposal this year
43 and did not have it published because basically it was
44 more restrictive than what the people in Cooper Landing
45 requested. It's documented well in the technical study
46 that Jim Fall did, so we felt that what was there was
47 basically what the people in Cooper Landing are telling
48 you that they want for subsistence.

49

50 We did have a meeting on May 17th to

1 discuss the proposals. One of them, of course, was this
2 one here. The others are the deferred ones and stuff I
3 brought up yesterday. This was turned in to the Federal
4 Staff on June 22nd. For some reason it was not part of
5 the analysis. I'll let somebody else describe why it
6 wasn't. Anyhow, I'll read you what we wrote for this
7 proposal in this letter and we can go on from there.

8
9 Cooper Landing Advisory Committee opposes
10 this proposal as being much too broad in scope. We do
11 not believe that every rural community in the Cooper
12 Landing area customarily and traditionally use salmon,
13 Dolly Varden, trout, char and you said grayling and
14 burbot are not available for subsistence. This was done
15 previously under Federal order by the Federal Subsistence
16 Board from the waters under the jurisdiction of the
17 Federal Subsistence Board, especially the waters of the
18 Cooper Landing area.

19
20 Before it was closed by Federal order in
21 1952, the communities within the Kenai River watershed
22 had always used the fisheries resources in the Cooper
23 Landing area, especially around the mouth of the Russian
24 River. That's well documented. People have been there
25 for 3000 years for subsistence. However, today the
26 community of Cooper Landing is the only community within
27 the watershed considered as rural by the Federal
28 Subsistence Board.

29
30 We do not feel that the people of
31 Ninilchik or the Kenai Peninsula rural communities or the
32 Cook Inlet rural communities before the roads were built
33 and before subsistence was closed in 1952 came to Cooper
34 Landing to do their subsistence fishing when they had
35 better and more plentiful and fresher resources near
36 their communities. Nor do we believe that the people in
37 Cooper Landing went to Ninilchik to subsistence fish.

38
39 While people above the area in Cook Inlet
40 may have harvested fish available as they traveled
41 through Cooper Landing, none can show a long-term
42 consistent pattern of use, a consistent harvest and use
43 near reasonably accessible from their community or
44 satisfy the other factors determining customary and
45 traditional use.

46
47 The Cooper Landing Advisory Committee
48 amended this proposal to read that only the community of
49 Cooper Landing should have a customary and traditional
50 use determination for salmon, Dolly Varden, trout and

1 char in the Federal waters of the Cooper Landing area and
2 that the Federal waters of the Cooper Landing area would
3 be defined as all waters of the Kenai River watershed
4 upstream of Skilak Lake.

5
6 We believe that Cooper Landing is the
7 only community that can come close to satisfying the
8 eight factors for determining customary and traditional
9 use within the waters of the Cooper Landing area. The
10 finding of the Cook Inlet customary and traditional use
11 fisheries assessment certainly seems to support our
12 amendment to this proposal and the amendment supports the
13 findings and the wishes of the people in Cooper Landing.

14
15 With that I'll stop and I'll be glad to
16 discuss this with anybody that has a question for me.

17
18 CHAIRMAN LOHSE: Bob.

19
20 MR. CHURCHILL: Bill, thanks for coming
21 down. It's nice to see an advisory committee here.
22 Drawing from your testimony, and I happen to be one of
23 the folks that was at those public meetings, the drift I
24 got was the primary subsistence target in the Cooper
25 Landing and Hope area was salmon, almost exclusively as
26 far as fisheries go. Is that consistent with what you're
27 testifying to?

28
29 MR. STOCKWELL: I'll speak for Cooper
30 Landing and I'll let Hope speak for themselves, but I
31 think the documentation is pretty much the same. If you
32 look at the charts in the analysis and also the charts in
33 here, they'll show that primarily in Cooper Landing
34 people harvest sockeye salmon and coho salmon for their
35 major source of salmon.

36
37 If you look under the category of other
38 fish, one of them of course is halibut and that's nothing
39 we're discussing here when you talk about poundage, the
40 poundage they harvest of the rest of the species is
41 fairly small. The larger poundage would be in Dolly
42 Varden. That's because the Dolly Varden regulations have
43 been more liberal in the last few years than they have
44 for rainbow trout.

45
46 So I would say the primary subsistence
47 use -- the primary fish that people in Cooper Landing
48 keep during the seasons and process for year-round use
49 is salmon and the predominant one is sockeye salmon
50 because that's our biggest run. However, I think coho is

1 also very important to the people in Cooper Landing. But
2 those two species I think are the resident fishery
3 species. Of course some are harvested through the ice in
4 the winter time and those are for dinner that day and so
5 are the ones that are kept sport fishing for resident
6 species. Does that answer your question?

7
8 MR. CHURCHILL: Thank you very much.

9
10 CHAIRMAN LOHSE: Any other questions.
11 Pete.

12
13 MR. KOMPKOFF: Yeah, Bill. Under the
14 sport fishing, do you have any idea how many pounds leave
15 Cooper Landing every year of sockeyes?

16
17 MR. STOCKWELL: Yeah, I kind of dug this
18 out in the chart. Coho salmon it shows -- I found the
19 poundages someplace. Oh, yeah, per household. Okay.
20 27.1 pounds of coho and 62.2 pounds of sockeye. That's
21 on Page 59 in your analysis and it's up near the top. It
22 also shows the poundage for chinooks, but, of course,
23 chinook salmon has been closed for many years in the
24 upper river drainage and there would be no reason to open
25 those up for subsistence. The fish have not been good
26 quality when they get up there. So they're being
27 harvested in non-Federal waters.

28
29 MR. KOMPKOFF: Just for follow up, I
30 guess my question was for the sport fishing aspect do you
31 have any idea. I just want to know what the sport
32 fishing poundage is taken out of Cooper Landing every
33 year. Just a rough estimate.

34
35 MR. STOCKWELL: How much is subsistence
36 and how much is sport fishing?

37
38 MR. KOMPKOFF: No.

39
40 CHAIRMAN LOHSE: I think what he's asking
41 and, like he says, this may not be relevant, but he was
42 just asking do you have any idea how many pounds of sport
43 fish are caught in the Cooper Landing area that go out of
44 Cooper Landing.

45
46 MR. STOCKWELL: Oh, out of Cooper
47 Landing. I would guess that probably 90 percent of the
48 sockeye salmon that are caught in the Cooper Landing area
49 depart Cooper Landing. We probably have 20 times more
50 people who are not entitled to rural subsistence fishing

1 every day in Cooper Landing than we do local people that
2 are fishing. Of course, a lot of the local people that
3 are fishing are guiding and aren't fishing at that time.
4 I don't know. It could be even more than that. But the
5 majority of the fishing that is done in the Cooper
6 Landing area is a tourism industry. That's correct.

7
8 CHAIRMAN LOHSE: I guess what Pete was
9 really asking was how many sockeye salmon go out of
10 Cooper Landing and how many.....

11
12 MR. STOCKWELL: Probably George can give
13 you a better idea, but there's probably 100,000 fish or
14 something a year taken in the -- I'm talking about
15 sockeye. I know we don't keep -- what do we keep, a
16 couple thousand fish a year probably. Well, more than
17 that, but less than 5,000.

18
19 CHAIRMAN LOHSE: And about 100,000 go
20 out.

21
22 MR. STOCKWELL: Well, it's about 100,000
23 caught a year.

24
25 CHAIRMAN LOHSE: Yeah. Doug.

26
27 MR. BLOSSOM: Mr. Chairman. You received
28 this pink proposal book in May or June. Did you folks
29 act on those proposals?

30
31 MR. STOCKWELL: As a matter of fact, we
32 didn't get a State proposal book.

33
34 MR. BLOSSOM: Did you act on these
35 proposals?

36
37 MR. STOCKWELL: Yes, we acted on.....

38
39 MR. BLOSSOM: FP06-10.

40
41 MR. STOCKWELL:09, 10, 11, 12, 13,
42 14, 15.

43
44 MR. BLOSSOM: What was your conclusions
45 on those? On 10, did you go for it or against it?

46
47 MR. STOCKWELL: They're not on the table,
48 but I'll give them to you. Oppose Proposal 10, oppose
49 Proposal 11, oppose Proposal 12, oppose Proposal 13, and
50 14 was Prince William Sound. Yes, we opposed them all.

1 MR. BLOSSOM: Thank you.
2
3 CHAIRMAN LOHSE: Any other questions.
4 Thank you, and thank you for testifying.
5
6 MR. STOCKWELL: If you have anything
7 more, I'll be available for you.
8
9 CHAIRMAN LOHSE: Now summary of written
10 public comments. Doug.
11
12 MR. BLOSSOM: Mr. Chairman. I've looked
13 around the room and there's no one here from Central
14 Peninsula but me, so I guess I would just give you.....
15
16 CHAIRMAN LOHSE: Would you like to step
17 down?
18
19 MR. BLOSSOM: Do you want me to get over
20 there?
21
22 CHAIRMAN LOHSE: When the time comes,
23 would you like to do that? We're taking written ones
24 right now.
25
26 MR. BLOSSOM: Didn't you call AC's?
27
28 CHAIRMAN LOHSE: Oh, you're going to do
29 it for the -- okay. Gotcha. Gotcha covered, Doug.
30 Sorry. Sometimes I don't listen very carefully.
31
32 MR. BLOSSOM: Mr. Chairman, Board
33 Members. Doug Blossom, Central Peninsula Advisory
34 Committee. I'm just going to give you the quick for and
35 against they did on these proposals. This is in the
36 proposal book that was sent out in May to the Advisory
37 Committees. Cook Inlet Area Proposal FP06-10, Central
38 Peninsula Advisory Committee was unanimous for that.
39 Proposal FP06-11, the Central Peninsula Advisory
40 Committee was 8-1 in favor. As I remember the one person
41 was a little concerned with rainbow trout is why it
42 wasn't unanimous. Proposal FP06-12, they were unanimous
43 for that one. Proposal FP06-13, they were unanimous for
44 that one. That is the four that Central Peninsula
45 Advisory Committee took up.
46
47 CHAIRMAN LOHSE: Any questions for Doug.
48 Doug, were you trying to point out the difference between
49 the other Advisory Committee and this Advisory Committee.
50

1 MR. BLOSSOM: Mr. Chairman, no. I just
2 had this book along and that's what they voted and I
3 thought you should know what that Advisory Committee
4 voted.

5
6 CHAIRMAN LOHSE: Okay. Written public
7 comments. Donald.

8
9 MR. MIKE: Thank you, Mr. Chair. We just
10 received last minute public comments on Proposal 9.
11 There are nine individuals from the Ninilchik community
12 and they each submitted a letter and I'll just read the
13 letter and then read the individual's name after that.
14 They've also listed if they've historically harvested
15 fish in the area, yes or no, and species harvested and
16 areas of harvest that occurred. They were asked if they
17 were currently harvesting fish in that area and they also
18 provided additional comments.

19
20 This is addressed to the Southcentral
21 Alaska Subsistence Regional Advisory Council. Chairman
22 Lohse, Members of the Board, this letter is in support of
23 FP06-09 requesting a positive customary and traditional
24 use determination for rural residents of Ninilchik to
25 harvest salmon, Dolly Varden, trout, char, grayling and
26 burbot on Federal lands in the Cook Inlet area. This
27 individual checked yes, I have historically harvested
28 fish in the area and the species the individual listed is
29 Dolly Varden, trout and the area of harvest was Skilak,
30 Tustumena area. They've also checked if they currently
31 harvest in this area and this individual checked no.
32 This individual was Linda Painter (ph) from Ninilchik.

33
34 The next individual is Anita Roberts and
35 she has she historically harvested fish in the area, yes,
36 and species harvested are Dolly Varden, trout, char,
37 grayling in the areas of Tustumena and Skilak Lake area.
38 She stated she currently harvests fish in this area.
39 Species harvested are Dolly Varden, trout, char in the
40 areas of Tustumena and Skilak area. Additional comments
41 are I fully support the above-mentioned facts.

42
43 The next individual is Gene Steik and he
44 checked he has historically harvested fish in this area
45 for Dolly's, grayling, char and rainbow and the areas it
46 occurred in were Units 15(A), (B) and (C).

47
48 Leo Steik in Ninilchik. He historically
49 harvested fish in this area for Dolly, grayling, char,
50 rainbow in Units 15(A), (B) and (C).

1 Chris Steik, he has historically
2 harvested fish in this area. He said yes. And currently
3 fish in the area, yes.

4
5 John Steik. He checked he historically
6 harvested fish in this area, yes. And he currently
7 fishes in this area, yes.

8
9 Marianne Hostetter, she checked that she
10 historically harvested fish in this area, yes, for kings
11 and silvers in areas of Ninilchik and she currently
12 harvests fish in this area for kings, reds and silvers in
13 Ninilchik. Additional comments are I believe it's not
14 fair to allow us to only harvest 50 or 75 kinds when
15 everyone else can fish continually, even tourists. Kings
16 have always been our mainstay. They are our traditional
17 mainstay.

18
19 Can't read the first name, but the
20 individual's last name is Cooper and he historically
21 harvests fish in the area, yes, for Dolly Varden in Unit
22 15(C) and currently fishing in the area for Dollys in
23 15(C). I believe it's Matthew Cooper.

24
25 And Alvin Steik, he historically
26 harvested fish in this area and currently harvests fish
27 in this area. He checked yes.

28
29 That concludes the written public
30 comments, Mr. Chair.

31 CHAIRMAN LOHSE: Thank you, Donald.

32
33 MR. STOCKWELL: May I say one more thing.

34
35 CHAIRMAN LOHSE: Yes, you may.

36
37 MR. STOCKWELL: Bill Stockwell, Cooper
38 Landing AC. I forgot to bring up one point that I think
39 is important. There are people who live between Hope and
40 Cooper Landing in the rural area. They may have been
41 missed because they have rural mail service out of Moose
42 Pass, but they live in that area around Summit Lake. I
43 don't know how many are living there right now, but one
44 of our members of our committee used to live up there and
45 I'm not sure whether he's there now. So you might, like
46 you did on the one for the other one, talk about the
47 rural people in between, whatever you decide to do.
48 There are people in there that wouldn't be covered by the
49 recommendations from the Staff. Thank you.

50

1 CHAIRMAN LOHSE: Thank you. Okay. We
2 have six requests for testimony. We're going to do it
3 randomly since we learned about random when we took
4 samples. I have six of them upside-down in front of me
5 and I'm just going to pick one at a time. Sarah.

6
7 MS. DURDAHL: I already went.

8
9 CHAIRMAN LOHSE: Sarah Durdahl. You
10 already went. That was a good one for the first one.

11
12 CHAIRMAN LOHSE: Bob.

13
14 MR. CHURCHILL: Do you want to ask if
15 anybody who's asked to testify has time constraints this
16 late in the day? I hate to throw a monkey wrench in your
17 random plan.

18
19 CHAIRMAN LOHSE: Well we're only going to
20 give them a minute and a half, right?

21
22 (Laughter)

23
24 CHAIRMAN LOHSE: No, we'll give them
25 longer than that. I think with six people we've got
26 time. I hope we've got time for six people to testify
27 between now and 5:00 o'clock. We only have five people
28 anyhow. Michelle Steik.

29
30 MS. STEIK: As you heard in the written
31 comment, I'm of the Steik family that several of the
32 written comments came in from. We are a family who goes
33 back many generations in Ninilchik area, native to the
34 area. My grandparents had 17 children. We have a very
35 big family. I have many aunts and uncles, several of
36 whom you've heard from. We have always traditionally
37 fished for trout and Dollys up on Tustumena. We go up
38 there to harvest for those species. We also, when we go
39 up there to hunt back in that area, we harvest fish in
40 that area as well during that time. We also use those
41 fish species on Tustumena as sort of a filler for when
42 salmon is lean during years or even throughout the year.

43
44 The main thing I wanted to comment on was
45 the survey that was done with the 17 percent on Ninilchik
46 population. I'm strongly unhappy with that survey. I
47 think that survey could have been done much, much better.
48 I really advise not to rely on that survey for this
49 determination. I think, as someone said earlier,
50 bordering on loony, you know. It was stated that the

1 survey was done to determine future use, not past use.
2 If we're making a determination of what people have used
3 traditionally with a few questions tacked onto the end of
4 a survey, and now we're going to base the determination
5 on it, it's not satisfactory. It's not representative.
6

7 If we're going to figure out past use
8 determination, then we need to have a survey that samples
9 the people that have been there, the people that have
10 traditional use. The survey that was done in 2002, we
11 had a huge population explosion in the town of Ninilchik
12 around that time with all the charters coming in. You
13 can drive right through Ninilchik and there's charters
14 down the whole road through the town. You've got four
15 miles of charters on either side of the road. That
16 happened right in the beginning of 2001, 2002. That's
17 when all these people were moving in and starting their
18 charter businesses. You're going through and just asking
19 someone are you a year-round resident or not. Well,
20 they're on a charter, what are they going to say, no I
21 just come and fish in the summer. They're going to say
22 they're year-round residents. I don't see where this
23 survey is at all valid for determining past use.
24

25 As far as stratifying the survey in
26 Nikolaevsk and then not stratifying it in Ninilchik and
27 now we're going to go back and base customary use, I'm
28 just blown away. I'm blown away. I understand the
29 survey. I don't understand using that particular survey
30 to determine customary use in the Ninilchik area.
31

32 The survey was done in the summer in the
33 Ninilchik area. There's a huge influx of people that
34 don't even live in Ninilchik year round in the summer.
35 The population of our town I heard just recently is 1,600
36 people in Ninilchik. We must be talking Memorial Day
37 weekend because there's no 1,600 people down there today.
38

39 There's so much statistical manipulation
40 that could be done that I really find that the survey
41 that was used is not representative and I would urge the
42 Board not to base their decision on a survey that is not
43 meant or was not intended to be used for customary and
44 traditional.
45

46 I would also like the Board to know that
47 traditionally our family has -- you know, my father took
48 me to Tustumena Lake when I was small. I go to Tustumena
49 Lake and fish. So that's my little personal testimony as
50

1 well.

2

3 CHAIRMAN LOHSE: Thank you, Michelle. It
4 sounds like a lot of rural coastal communities. If you
5 want to make a survey to find out who lives there, do it
6 in late January, early February, and then maybe you'd
7 have people who live there all year round. Bob.

8

9 MR. CHURCHILL: Could you expand a little
10 bit on methods and means on the fisheries when you're
11 fishing Tustumena for trout and Dolly Varden.

12

13 MS. STEIK: As far as I know, we've
14 stayed within the law.

15

16 (Laughter)

17

18 MR. CHURCHILL: I'm not asking for
19 anything incriminating. I won't say anything about my
20 fishing methods if you don't yours.

21

22 (Laughter)

23

24 MS. STEIK: And, as far as I know, the
25 legal way for us that we've always done it to stay within
26 the law is with a rod and reel, go up there and we'll
27 take a boat up into the lake and camp here and there
28 along the shore, wherever we swing in. We swing in some
29 places where it's nice and sandy or we'll swing in where
30 there's a little creek coming out. You know, we're not
31 bringing a map with us and logging certain areas, but we
32 go up there at least every year.

33

34 MR. CHURCHILL: And I'm not interested in
35 your fishing spots. I won't share mine either.

36

37 (Laughter)

38

39 MR. CHURCHILL: I'm talking about methods
40 and means. So basically rod and reel.

41

42 MS. STEIK: Uh-huh.

43

44 MR. CHURCHILL: And these were probably
45 preserved by freezing, canning, what?

46

47 MS. STEIK: Generally fresh. We
48 generally go up and get fresh and eat fresh. We have
49 frozen them before. I don't think we have, in my six-
50 member family, canned them. And I think we've smoked

1 them before.

2

3 MR. CHURCHILL: They're tasty smoked.
4 Thank you very much.

5 CHAIRMAN LOHSE: Thank you, Michelle.
6 Any other questions for Michelle. Thank you.

7

8 MS. ARMSTRONG: Mr. Chairman. Helen
9 Armstrong, OSM. I just wanted to respond. When Marianne
10 said the population was 1,600, that was including Happy
11 Valley and the actual population of Ninilchik in the
12 report by Jim Fall and others at ADF&G was listed as, I
13 believe, 777. According to the study, the survey was
14 done in March and not in the summer. Thanks.

15

16 CHAIRMAN LOHSE: Well, I think what she
17 was implying is if there were 1,600 people there, it had
18 to be done in the summer. Okay. I've got a Sara Stokes.

19

20 MS. STOKES: My name is Sara Stokes. I'm
21 here to testify that me and my family, the Tamidas and
22 Kvasnikoffs fish traditionally and culturally and
23 customarily in the Tustumena Lake, as did Michelle Steik
24 and her family, pretty much with the same means, rod and
25 reel, and we would rarely pack them or freeze them. We'd
26 pretty much eat them fresh.

27

28 MR. CHURCHILL: It's so good.

29

30 MS. STOKES: So good. I work for the
31 Ninilchik Traditional Council. I was the point of
32 contact when ADF&G came to the tribe to ask for help in
33 finding two people who were local, who knew the area and
34 would go conduct surveys. That was as far as the
35 collaboration went between the tribe and ADF&G, just to
36 kind of clarify that point.

37

38 I know that once this survey was
39 conducted and the word was out, we had a huge amount of
40 very, very angry tribal elders who were very disappointed
41 that they did not get the chance to be heard because they
42 were primarily the ones who -- if you're going to talk
43 about tradition and custom, pretty much relates to
44 culture and what's been passed on through the years,
45 their voices weren't heard in this survey. If you're
46 taking 17 percent of the population and I believe the
47 tribe has 20 percent of Ninilchik, you're getting a very,
48 very skewed view of people who do actually traditionally
49 and customarily fish on Federal lands. The 17 percent,
50 the majority of them who were surveyed, probably charter

1 fish. That's not tradition or culture in Ninilchik.
2 Thank you.
3
4 CHAIRMAN LOHSE: Thank you. James.
5
6 MR. SHOWALTER: I've got a comment. You
7 said you use rod and reel, am I correct?
8
9 MS. STOKES: Yeah.
10
11 MR. SHOWALTER: What I'm getting at is,
12 that has been in the early past, but in the distant past
13 it has not been customary. It looks like you're on the
14 newer generation. Is that correct?
15
16 (Laughter)
17
18 MS. STOKES: Yes.
19
20 CHAIRMAN LOHSE: Any other questions.
21 Bob.
22
23 MR. CHURCHILL: Without divulging
24 anything, did you or your family participate in the
25 Traditional Council survey?
26
27 MS. STOKES: No.
28
29 MR. CHURCHILL: Do you have any working
30 knowledge of that survey?
31
32 MS. STOKES: No, that survey was
33 conducted before I started working at the Traditional
34 Council.
35
36 MR. CHURCHILL: Thank you very much.
37
38 CHAIRMAN LOHSE: Any other questions for
39 Sara. Dean.
40
41 MR. WILSON: Let me get this straight.
42 You actually had people that were willing to testify and
43 they were told they could not testify for that survey
44 that was done by ADF&G, is that correct?
45
46 MS. STOKES: Once the survey was
47 conducted and completed and they packed up and went back
48 to Anchorage, the word got out, people were hearing, oh,
49 I had these weird people come up and survey. Our tribal
50 elders are pretty outspoken and once they heard that

1 there was an opportunity for them to be heard, they were
2 very, very disappointed that they didn't get to be heard.

3

4 CHAIRMAN LOHSE: Dean.

5

6 MR. WILSON: So they were just missed
7 then. They weren't actually offered to testify. They
8 just found out after it was all over with.

9

10 MS. STOKES: Right. Nobody was offered.
11 It was a random tool.

12

13 CHAIRMAN LOHSE: Bob, did you have a
14 question.

15

16 MR. CHURCHILL: More of a comment. My
17 understanding, if I followed what was said earlier, these
18 folks were randomly selected by a method. It wasn't a
19 matter of being able to testify. It just sounds like we
20 didn't hit a lot of elders. This is unfortunate.

21

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

24 Thank you. Ivan Encelewski.

25

26 MR. ENCELEWSKI: I'm related to him.

27

28 CHAIRMAN LOHSE: I would think you're
29 probably related to him.

30

31 (Laughter)

32

33 CHAIRMAN LOHSE: And she's probably
34 related to you.

35

36 (Laughter)

37

38 MR. ENCELEWSKI: Thank you. First of
39 all, my name is Ivan Encelewski and I'm the executive
40 director of the Ninilchik Traditional Council. I just
41 want to make a few quick comments. I don't want to
42 reiterate on some of the things that previous Ninilchik
43 people have testified.

44

45 In my job, of course, I deal with many
46 people, elders, tribal members, and the non-Native
47 community as well. We're not an incorporated city. The
48 tribe provides a lot of services, so I hear from a lot of
49 people and I talk to a lot of people. I'm not to testify
50 of my personal use, although my heritage is from

1 Kvasnikoff, Oskolkoff, all those that have traditionally
2 fished in Skilak, Tustumena Lakes for trout.

3
4 We had a short meeting when we found out
5 about the Staff analysis that came out that didn't
6 recommend Ninilchik inclusion. Glenn and Pat were nice
7 enough to let us know and we had an elder there and some
8 people testify during that meeting of their use and
9 history and there's several elders and people that didn't
10 just comment but that had talked to me. I see people on
11 a daily basis in the office and we've discussed this and
12 there's just been a lot of comment and support of
13 historical customary and traditional use of those Federal
14 waters.

15
16 Also to comment, it's been mentioned that
17 the Traditional Council was involved. We were asked by
18 the State in the survey simply to hire individuals. The
19 survey was developed, designed, implemented, trained. We
20 had no input other than to hire two local individuals to
21 conduct the survey. There was a lot of concern with the
22 survey.

23
24 I was not aware of one person in the
25 entire community that was surveyed. As Sara mentioned,
26 there were several of our tribal members that were very
27 upset that they hadn't been contacted. So I don't know
28 how the survey was generated, you know, the pool was
29 generated, but I can certainly testify that it missed a
30 lot of subsistence users that subsistence use for Dolly
31 Varden, trout, freshwater fish in Federal waters from
32 Ninilchik. Of course, you know, it's not just a
33 summertime thing. There's a lot of ice fishing, there's
34 Hidden Lake, Skilak, others, so it's not just Skilak and
35 Tustumena. So those are some of my comments.

36
37 In regards to the -- you know, there have
38 been regulation changes and some of the trends you might
39 see in our survey of less Federal use, a lot of that has
40 to do with regulations and the regulations years ago, I
41 mean you could go get all the trout you wanted. Now it's
42 become heavily, heavily regulated, so you're going to see
43 less and less as our elders grow older. Several of them
44 that wanted to testify that couldn't be here, you know,
45 can't do it anymore. A lot of our younger people have to
46 step up and provide for them, but sometimes that's not
47 being done.

48
49 Also, the tourism and the influx of
50 people, the community has grown considerably. It used to

1 be primarily Native, a lot of older people, but nowadays
2 there's hundreds of charter boats and it's become highly
3 touristic. As you know, we're one of the places in all
4 of Alaska that people come to fish in our waters and our
5 areas and stuff like that. And our people do go to areas
6 and have gone to areas of Cooper Landing and others to do
7 fishing as well, just as other people influx all around
8 the state to our communities to hunt and fish.

9
10 I would just say, you know, the
11 Traditional Council and myself, my relatives, we strongly
12 support this proposal and would ask that you consider
13 including Ninilchik in this. We have strived at the
14 tribe to develop a resource division. We have two staff
15 biologists who are here. One who has almost completed
16 his master's degree, and we're developing a lot of data
17 on moose hunting programs, we have a resource management
18 agreement with our village corporation, a ton of GIS
19 capabilities. We're trying to develop more surveys, user
20 population of both fish.

21
22 We're looking at possibly doing some
23 biological sampling for some of our freshwater fish. So
24 we do care about the fish population. We don't believe
25 conservation is really an issue with the proposal to
26 include Ninilchik, but we are working hard to protect our
27 resources and to be a positive role in the biological
28 process. Once again, I'd just thank you for your time
29 and thank you for allowing me to testify.

30
31 CHAIRMAN LOHSE: Any questions. Bob.

32
33 MR. CHURCHILL: It's not easy testifying,
34 is it?

35
36 MR. ENCELEWSKI: No.

37
38 MR. CHURCHILL: You did a great job.
39 Thank you. A couple questions. You didn't say, but I'm
40 curious. Did you have any problems with the individuals
41 that were selected that did the survey in your community
42 or were you generally happy with who was selected?

43
44 MR. ENCELEWSKI: For the State survey?

45
46 MR. CHURCHILL: Yes.

47
48 MR. ENCELEWSKI: I guess I would say I'm
49 not aware of one person that was surveyed.

50

1 MR. CHURCHILL: No, I'm talking about the
2 individuals that were selected that actually went out and
3 conducted it on the State's behalf.

4
5 MR. ENCELEWSKI: Oh.

6
7 MR. CHURCHILL: I understood you to say
8 that the State had asked you for individuals to do that
9 for them.

10
11 MR. ENCELEWSKI: Oh, no, we had no
12 problems with them. The two people that actually did the
13 survey for the State that was developed by them did a
14 wonderful job as far as I'm concerned, as far as
15 interviewing the people they were told to interview.

16
17 MR. CHURCHILL: Did you go over the
18 survey results as far as the Traditional Council survey
19 results? Are you familiar with them?

20
21 MR. ENCELEWSKI: Our survey results?

22
23 MR. CHURCHILL: Yeah.

24
25 MR. ENCELEWSKI: Somewhat. I didn't do
26 either of the surveys, so I can't give you a lot of
27 detailed information. I may be able to answer a question
28 or two.

29
30 MR. CHURCHILL: And I am more interested
31 in -- my understanding is the target was to be for the
32 Traditional Council was members of the tribe.....

33
34 MR. ENCELEWSKI: Yeah.

35
36 MR. CHURCHILL:that were long-term
37 residents and that was the basis of the data, the intent
38 of that.

39
40 MR. ENCELEWSKI: Yeah. It was a BIA-
41 funded survey and I believe it was a small ANILCA grant,
42 I know that. There was two ANILCA grants. One was in
43 '94 and '99. Basically the purpose of the grant was --
44 it was about 10 to \$15,000 to hire the staff to do the
45 surveys, to compile the results. The '94 one I didn't
46 participate at all. The '99 I was a little bit aware. I
47 worked there at the time. I wasn't doing the actual
48 survey, but I do know we got a letter back when they
49 closed out our grant that the BIA had given us a really
50 strong commendation for the work that we did on that

1 survey.

2

3 MR. CHURCHILL: On the '99 survey?

4

5 MR. ENCELEWSKI: Yeah.

6

7 MR. CHURCHILL: Okay. Thank you very
8 much.

9

10 CHAIRMAN LOHSE: Pete.

11

12 MR. KOMPKOFF: Yeah, Ivan, I respect your
13 position. You've got a lot to worry about. What would
14 you like to see us pull out of this proposal here for
15 Ninilchik's sake?

16

17 MR. ENCELEWSKI: What would we like to
18 see?

19

20 MR. KOMPKOFF: Yeah.

21

22 MR. ENCELEWSKI: I think we definitely
23 want to see Ninilchik included in the areas rather than
24 just including Hope and Cooper Landing. Of course, we
25 submitted this along with two other individuals who are
26 not members of the tribe. One has recently passed away.
27 But we had submitted the proposal for Ninilchik to be
28 included in this and then I guess the Staff analysis came
29 out recommending that Ninilchik not be included in the
30 communities, so I would certainly like to see Ninilchik
31 included in that proposal that was taken out under the
32 Staff analysis or not recommended to be included in the
33 Staff analysis.

34

35 CHAIRMAN LOHSE: Any other questions.
36 Thank you, Ivan. Darrel Williams.

37

38 MR. WILLIAMS: Good afternoon. You guys
39 have heard a lot about this already. I think what I'll
40 try to do is kind of mop up on a few issues. I think it
41 is probably the best thing to do.

42

43 The reason for the big push, why everyone
44 is here from Ninilchik, is to try to get a positive
45 determination for the customary and traditional use.
46 There was a lot of concern when we saw Ninilchik wasn't
47 included in the proposal. Quite honestly, when we
48 compare ourselves to places like Cooper Landing that have
49 archaeological districts, with areas like the Skilatinu
50 (ph) site, generally it was the Native Alaskans who made

1 those sites. As far as the tribe is concerned, it's
2 really a detrimental blow to the culture to have
3 something like that come up.

4
5 I personally have harvested from Federal
6 waters. I really enjoy getting out and doing that kind
7 of stuff. One of my favorite places to go is Indian
8 Creek on the back side of Tustumena. It's a lot of fun.
9 But they do watch you pretty close because of the gold
10 claims. But it's a neat place.

11
12 One of the things I'd like to talk about
13 as far as Ninilchik and when it was founded as a
14 community. In 1847, Grigorii and Mavra Kvasnikoff moved
15 from Kodiak to Ninilchik and they built a Russian church.
16 I think as far as long term use, that's very significant.
17 It's history. I believe Doug Blossom had a very good
18 point when he brought up earlier that, yes, Ninilchik was
19 there before Nikolai was and that was another point of
20 contention that had come up when we were looking at the
21 proposals and we had come across the stratification of
22 the surveys.

23
24 Part of the survey problem that we've had
25 in Ninilchik, personally, from things I've had to do with
26 the members of the tribe, I'm specifically talking about
27 the -- it's approximately 700 members of the tribe that
28 live within the tribal boundaries from Kasilof River to
29 Homer. In that area is 700 people. And what I've found
30 that's very profound whenever we try to design anything
31 to be able to deliver to these people is that three
32 generations ago the primary language in Ninilchik was
33 Russian. We still have elders who speak broken English
34 and cannot read or write.

35
36 I honestly made this mistake here like
37 about a week ago. I handed an elder gentleman some paper
38 and I got this blank look like what do I do, I can't read
39 it. He didn't know what to do. It's a very profound
40 thing because in most places in America today it's taken
41 for granted. But the culture that we're talking about
42 and the most important people of this culture are the
43 older folks and many have died here recently. It's very
44 important to them and they do get upset and angry when
45 they feel like they haven't been heard.

46
47 Even in a random survey when it may have
48 been an event where they just did not happen to pick
49 their house for whatever reason. But the very simple
50 things like reading and writing is very important in this

1 kind of thing and this is one of the things we've seen in
2 the tribe and we're trying to rectify. We're trying to
3 give this advantage back to the people and keep them
4 informed, let them know.

5
6 A lot of things that have happened in the
7 past is these people didn't know, they didn't understand,
8 they could not read the signs literally. When you put a
9 sign up that says we're going to have a meeting about the
10 subsistence stuff and no one tells them until a couple
11 weeks later and the surveys are done and gone, they
12 didn't know and, yeah, they are angry.

13
14 But that's just kind of an important
15 point I think that everybody should just kind of stop and
16 think about for a second because I take it for granted a
17 lot.

18
19 I was going to touch base on a lot of the
20 different areas for the cultural use determination. As
21 far as one of the notes I made on here was as far as
22 harvest techniques that I have been told about, and it
23 kind of goes back to this literary thing with the Russian
24 community where we don't have a lot of written records,
25 and it's interesting in this culture there's a lot of
26 things that go from storytelling, word of mouth here that
27 the older folks talk about. Like fish traps and using
28 scoops to catch fish, you know. Today, just like Sara
29 sitting here earlier, traditionally people use nets or
30 rods and reels. That's the idea of tradition here.
31 They're not fly fishermen, which is a different kind of a
32 sport.

33
34 (Laughter)

35
36 MR. WILLIAMS: So things have changed
37 dramatically for these folks. One of the other profound
38 things about harvesting, and it did come up earlier also,
39 is ice fishing. It's a profound thing for a lot of these
40 folks. If you shoot a moose and you put it in your
41 freezer and you have to rely on that moose, after about
42 three months of moose you're ready for something
43 different. If it means going to drill a hole in the ice
44 and getting a couple fish, you're willing to do that and
45 a lot of these folks do.

46
47 The elders, which is where we get a lot
48 of our direction from, one of the things that they're
49 very disappointed about is not that they can't fish, they
50 can go and catch their two fish, but they want to take

1 their kids and their grandkids out and show them the way
2 they caught the fish. That's been something that's been
3 kind of difficult to do even through programs of the
4 tribe to be able to do educational type fisheries.
5 Taking a net down on the beach is one aspect of history
6 that can be addressed to the tribe, but if you go back to
7 (indiscernible) site and you address those kind of
8 issues, they're not addressed at all. So essentially it
9 is a loss of culture that we're very concerned with.

10

11 As far as handling and preserving
12 harvest, I think that's very well documented.
13 Essentially here on the Kenai Peninsula there has been
14 books written about it. These techniques include coal
15 smoking, salting fish, drying fish and all kinds of
16 methods to store them for future use. A lot of people
17 have different preferences, but that's what it really
18 boils down to.

19

20 A lot of the areas that I have been told
21 where people would go would be Swanson River lake system.
22 A lot of people go there to recreate and a lot of people
23 go there to fish. It seems like the more folks I have
24 talked to I find that they do more ice-fishing in the
25 winter time to supplement what they have collected in the
26 summer. Gardens are a big deal. A lot of people grow
27 gardens down there. That's the same thing. After you're
28 running out of cabbage or you've eaten so much moose,
29 it's time for something else. For them, they want to be
30 able to have the opportunity to go and do that.

31

32 As far as harvest that's shared and
33 distributed, traditional resources essentially have
34 always been distributed amongst the tribe and tribal
35 members and even in the village of Ninilchik. This has
36 been seen in everything from fishing to growing gardens.
37 At one point in time they even had an area where there's
38 a community potato patch where they would grow potatoes
39 and harvest them and they'd be shared among all the
40 community members. That's one of the deals where you
41 look at the issues of the old original village you find
42 where they built root cellars to store these things in
43 and there's a lot of neat stories about that that the
44 older folks can tell you about.

45

46 As far as the diversity of wildlife that
47 provide culture and economical and nutritional elements
48 in a community. Essentially, when we really get down to --
49 if we can get a positive C&T determination, we can
50 actually look more at harvest stuff. We're not really

1 that far, however part of the thing is that freshwater
2 fish, the availability of it as an addition to the diet
3 is a big deal. The same thing. You eat moose for three
4 months, pretty soon it gets old.

5
6 I looked up some statistics and just
7 thought I'd throw out some numbers out there just for
8 funzies. It was from the State Subsistence Division that
9 rural Alaskans rely on self-caught foods for more than
10 one pound per day per person. So that's actually a lot
11 of fish. The classification may not be exactly the same
12 in Ninilchik, but when you break down the core user group
13 -- when we break down to the tribes core user group, our
14 traditional families who have lived here and you actually
15 look at what they eat, harvest, put away, that is more
16 representative of the 30 percent that you would typically
17 find anywhere else. So when we looked at the statistics
18 that were put out we really had to raise an eyebrow
19 because generally there's 30 percent and the 30 percent
20 just wasn't there and I don't know where it was.

21
22 Other things as far as Native population
23 that I might just touch on. Natives tend to have a
24 genetic disposition on metabolizing high-density lipids.
25 So a lot a folks have problems with their cholesterol and
26 fish is very good for them and so is moose and a lot of
27 other traditional things.

28
29 As far as alternatives, really looking at
30 Ninilchik and the dynamics of the population there, if
31 it's in the middle of July and the salmon are starting to
32 run, you have a lot of alternatives and the same thing.
33 When it's February or March, you don't have a lot of
34 alternatives. So, actually, the availability of being
35 able to harvest freshwater fish on Federal land is a
36 viable alternative for these people's lifestyle.

37
38 You know, guys, I'm not even going to go
39 over the Fish and Game report because we've really spent
40 a lot of time on that and, personally, one of the big
41 questions I had that I had read in that book about the
42 survey results is where it said that all heads of
43 households were born in the continental United States and
44 all had lived in the community less than 10 years.

45
46 Now, when I compare that to the
47 Kvasnikoffs who moved here in 1847, I have a hard time
48 thinking that none of them were born in Alaska. That
49 essentially, as far as the tribe is concerned, is our
50 perspective of what our core user group is and the people

1 that we need to take care of. We do support other
2 members in the community. It's just that the tribe has
3 to come first. They're the people I work for, they sign
4 my paycheck, they're the first guys. But there is good
5 support for everyone.

6
7 One of the questions that Sara had I
8 could address now. Someone had asked her about what the
9 non-Native population use was in comparison to a lot of
10 the programs the Natives do. One of the big comparisons
11 we have for that is essentially the moose hunting program
12 that we put on down in Ninilchik. Granted, we use that
13 as a means of generating revenue to help pay for the
14 program, to be able to provide some kind of maintenance
15 and management so we don't have a bunch of people going
16 out there just tearing stuff up.

17
18 Essentially, surprisingly enough, every
19 year we have approximately an equal amount of Native and
20 non-Native participation in that program, which is a very
21 interesting fact. We have not put this into a
22 perspective of fishing yet. A lot of the work we do has
23 not been geared towards actual -- it's been geared
24 towards conservation-based management, not so much as
25 presenting in this kind of environment.

26
27 So, technologically, the tribe is
28 advancing and we are starting to approach things in a
29 more professional manner, so to speak, and we plan on
30 continuing to do that. I hope that answers some of the
31 questions of different issues that have come up. We've
32 been discussing this for a while. Does anyone have any
33 questions.

34
35 MR. CHURCHILL: Mr. Chairman.

36
37 CHAIRMAN LOHSE: Bob.

38
39 MR. CHURCHILL: Thanks for testifying.

40
41 MR. WILLIAMS: Uh-huh.

42
43 MR. CHURCHILL: I thought you were clear
44 and articulate. I appreciated it. You were talking
45 about Swanson Lake. Is that a long-time use? I almost
46 got the sense since the charter boats moved in you guys
47 went north. Any sense of time frame on that use in the
48 Swanson Lakes?

49
50 MR. WILLIAMS: The elders I've been

1 talking to and the majority of them are in their 70's who
2 have gone out to Swanson River, there are some relations
3 between the Ninilchik Natives and the Kenaitze I think it
4 is up there. So they would get together and go fishing.
5 As far as calling that a potlatch activity or something,
6 I don't know if it would go that far. However, it was
7 something they did together. And ice fishing was a big
8 thing. I've heard a lot about it. One of the things I've
9 heard about lately is that when you go to Swanson River,
10 Swanson River has become a park. The parking areas are
11 groomed. You may do this, you may not do this, you may
12 park here, you may not park here. If your car is left
13 along the road, it will be towed. That's not what they
14 used to do. In the traditional form and sense of what
15 the Native community did here, that is not it. If they
16 want to build a park, they should build a park.

17
18 MR. CHURCHILL: Thank you. Some follow
19 up if it's okay.

20
21 CHAIRMAN LOHSE: Yes.

22
23 MR. CHURCHILL: I saw in the survey there
24 was a section devoted to harvest of marine mammals.

25
26 MR. WILLIAMS: Yes.

27
28 MR. CHURCHILL: In your talking with
29 elders, could you expand on that a bit.

30
31 MR. WILLIAMS: I have heard of elders
32 harvesting seals. I don't know of any who have lately
33 and, honestly, I don't know what the legalities or
34 regulations are on that at this point in time. But
35 that's the marine mammal I think they were trying to
36 address.

37
38 MR. CHURCHILL: I'm sure they're past the
39 statute of limitations.

40
41 (Laughter)

42
43 MR. WILLIAMS: I'm sure.

44
45 MR. CHURCHILL: The other thing I saw was
46 an allusion to harvesting whales. I'm guessing that was
47 probably belugas.

48
49 MR. WILLIAMS: I would imagine. I don't
50 know anybody who has actually harvested a whale

1 personally.

2

3 MR. CHURCHILL: The other thing I saw
4 alluded to and I wondered if you'd heard anything about
5 was a shark harvest.

6

7 MR. WILLIAMS: I know some people have
8 harvested sharks and I know they have made some crafts
9 out of the parts of the sharks. I heard some information
10 about that here yesterday, which was kind of curious, and
11 I want to do more checking into it about what exactly the
12 shark population is doing in Cook Inlet. I know as far
13 as the whales they did a lot of work on that. That's a
14 pretty high profile thing. I hadn't heard about the
15 sharks and that's something I need to check into.

16

17 MR. CHURCHILL: One final thing. The
18 educational permits, every time I've heard about them
19 people just go nuts. They're the greatest experience.
20 I'm guessing at this point you're just considering
21 applying for educational permits on fisheries, you've not
22 done that yet.

23

24 MR. WILLIAMS: We actually have an
25 educational fishery.

26

27 MR. CHURCHILL: Oh.

28

29 MR. WILLIAMS: Down in Ninilchik. We're
30 allowed to take 100 king salmon until the Kenai River
31 meets whatever escapement there is.

32

33 MS. STEIK: 75 kings.

34

35 MR. WILLIAMS: Oh, 75 kings.

36

37 MS. STEIK: 100 silvers.

38

39 MR. WILLIAMS: 100 silvers.

40

41 MS. STEIK: 850 fish total.

42

43 MR. WILLIAMS: 850 fish total.

44

45 MR. CHURCHILL: That was what you were
46 about to say.

47

48 MR. WILLIAMS: Yeah, that is what I was
49 getting at.

50

1 (Laughter)

2

3 MR. WILLIAMS: The problem and where we
4 get a lot of grief is when you have 700 tribal members
5 and you can take 600 and some fish total, who gets to go
6 without. In their mind, yes, it's educational, but also
7 that is one of their means of trying to put food in the
8 freezer. So who gets a fish for the winter and who does
9 not and it's just a terrible point of contention and it
10 is something that is coming to be addressed.

11

12 MR. CHURCHILL: Thank you very much, Mr.
13 Williams.

14

15 CHAIRMAN LOHSE: Any other questions for
16 Darrel. James.

17

18 MR. SHOWALTER: Really it's a comment or
19 comments. You were talking about the elders and language
20 and understanding writing and reading. I know where
21 you're coming from there because I have the same problem
22 in this area, but yet they can speak their own language,
23 they can communicate with the existing tribal members.
24 On these surveys, they can't fill them out. They have to
25 have help from the younger generation on the education.
26 That's what all tribes has to remember. Now the tribes
27 have to get educated to get what they lost back. Okay,
28 that covers both of them. That was my comment.

29

30 MR. WILLIAMS: I think it's very
31 important and I'm really glad I could actually make a
32 comment about that here because it's a very profound here
33 in this community on the Kenai Peninsula. I believe that
34 agencies who are going to perform these kinds of
35 applications need to consider exactly what Mr. Showalter
36 was saying. If you're going to give a survey, you may
37 need to get a person that speaks the language who can be
38 there to help with that survey.

39

40 I personally made that mistake myself.
41 When you realize it and you're standing there and you're
42 thinking, oh, no, but the problem is five years later
43 when you look at the information again and that wasn't
44 considered, then it's a big problem trying to sort all
45 this information out and leads to a conundrum just like
46 this.

47

48 CHAIRMAN LOHSE: Bob.

49

50 MR. CHURCHILL: Just a suggestion. I was

1 involved in a survey about wanton waste and moose
2 harvest. We kept getting these horrible numbers on
3 wanton waste and then it happened to be a person from the
4 tribe said you've got to ask these elders what they
5 consider waste. What they were talking about really was
6 people were not using the moose head, not gelling the
7 nose as they used to do, so I think your point is a good
8 one. Not only is it a language issue, but it's a sense
9 of culture to ask a specific question so that we're
10 getting good information. But those are tricky to do.

11

12 MR. WILLIAMS: Yeah, they sure are. Mr.
13 Chair, based on the information that I've given, the same
14 thing, what we would like to see for the Ninilchik Tribe
15 is a positive determination for cultural and traditional
16 use.

17

18 CHAIRMAN LOHSE: Any other questions for
19 Darrel. I'll make a comment, Darrel, because you brought
20 something up. In my mind I had excused the stratified
21 survey in Nikolaevsk because I knew that the people there
22 because I fish around them talk Russian, so I figured
23 you'd have to have two different parts of the community
24 and one part would take people who could speak their
25 language and could actually relate to them. I never
26 thought of that for your community.

27

28 MR. WILLIAMS: Right.

29

30 CHAIRMAN LOHSE: The other thing, I
31 understand exactly what you mean about ice fishing in
32 February and March when everything else is getting old
33 and stale and canned and frozen. Ice fishing is pretty
34 important for people who live out in rural areas, I
35 think.

36

37 MR. WILLIAMS: It is.

38

39 CHAIRMAN LOHSE: Because that's your
40 fresh fish until spring.

41

42 MR. WILLIAMS: It is.

43

44 CHAIRMAN LOHSE: So, with that, if nobody
45 has anything, Darrel, thank you.

46

47 MR. WILLIAMS: Thank you, sir.

48

49 CHAIRMAN LOHSE: Lastly, Bill Stockwell.
50 You already testified. My gosh.

1 MR. CHURCHILL: Two out of six, you're
2 really cooking.
3
4 CHAIRMAN LOHSE: I did pretty good.
5 Okay. With that we have had all the public testimony.
6 At this point in time, can we take a five-minute break.
7
8 (Off record)
9
10 (On record)
11
12 CHAIRMAN LOHSE: We'll call this meeting
13 of the Southcentral Alaska Subsistence Regional Advisory
14 Council back in session. We're on Proposal 06-09. At
15 this point in time we could use a motion to put it on the
16 table so that we can discuss it.
17
18 MR. CHURCHILL: So moved.
19
20 MR. SHOWALTER: Second.
21
22 MR. ENCELEWSKI: Second.
23
24 CHAIRMAN LOHSE: It's been moved and
25 seconded that we accept Proposal 06-09. Discussion.
26 Don't everybody speak at once. Bob.
27
28 MR. CHURCHILL: I guess here is what I'm
29 struggling with. I'm confident that Department of Fish
30 and Game did their very best on their survey, but it's
31 also pretty obvious the community of Ninilchik has some
32 very real concerns that we didn't include the elders. In
33 looking at how the '94 and '99 survey were completed, I
34 think there was some good information gathered, but the
35 questions are vague enough. I don't think it really
36 identifies the sense of history we really need to develop
37 a C&T. So I'm not sure we have the information base to
38 make a decision on what areas were used, what species
39 were targeted at this point. For myself, I don't know if
40 I have enough data to make a really informed decision on
41 this proposal.
42
43 CHAIRMAN LOHSE: Thank you, Bob. Any
44 other comments. Doug.
45
46 MR. BLOSSOM: Mr. Chairman. I guess look
47 at Page 46. There's a map of the rural part we're
48 talking about. I guess you look at all these charts and
49 you listen to what happened and then you think of what we
50 did in Prince William Sound. I guess I'm ready to make

1 an amendment to Proposal FP06-09 and say all rural
2 residents on the Kenai use all species of fish present on
3 Federal land and meet C&T for use of this resource. I
4 mean that's kind of what we did in Prince William Sound.
5 We did exclude Whittier. But there's rural residents
6 using this whole area and that's the amendment I'm
7 proposing.

8
9 CHAIRMAN LOHSE: Do I hear a second to
10 that amendment.

11
12 MR. SHOWALTER: I'll second it.

13
14 CHAIRMAN LOHSE: We have an amendment to
15 the proposal on the table. Would you repeat it again.

16
17 MR. BLOSSOM: Amend Proposal FP06-09 to
18 say that all rural residents on the Kenai Peninsula use
19 all species of fish present on Federal lands on the Kenai
20 Peninsula and meet C&T for use of this resource.

21
22 CHAIRMAN LOHSE: Okay. I had to write it
23 down so I could repeat it. Would you like to speak to
24 your motion.

25
26 MR. BLOSSOM: Yes, Mr. Chairman. If you
27 look at Page 46 and the map. We talked at length about
28 Ninilchik and Cooper Landing and some about Hope. You
29 look at the other areas involved. I think it kind of
30 relates much the same as Prince William Sound. It's not
31 going to make that much difference if we put it all in
32 and then see how it goes.

33
34 CHAIRMAN LOHSE: Bob.

35
36 MR. CHURCHILL: I disagree. I think what
37 we did in Prince William Sound was much more focused. We
38 had certainly more evidence I felt on the eight points.
39 I think we don't have a lot of evidence on all the
40 points, some of the critical points, in terms of where it
41 was harvested, use patterns. I think to move -- if we
42 move forward based on the evidence we have, I'll vote
43 against this. I think we can make some good decisions
44 with better information. I just don't feel we've covered
45 the eight points as thoroughly as we need to.

46
47 CHAIRMAN LOHSE: Any other comments.
48 Greg.

49
50 MR. ENCELEWSKI: Mr. Chairman. I think

1 it's without doubt that Ninilchik meets customary and
2 traditional use. I think the testimony has been
3 overwhelming. I think all the surveys and the data all
4 prove to that point. I'm not so sure that we need the
5 whole area here. I would question some of these other
6 newer communities. Whether they qualify for customary
7 and traditional use, I'm not positive there, but I
8 definitely feel that Ninilchik should be added for
9 customary and traditional use.

10

11 CHAIRMAN LOHSE: Bob.

12

13 MR. CHURCHILL: I'd like to remind the
14 Council we have Ninilchik saying that the State survey is
15 absolutely worthless and laughable and we're on record at
16 that point. The Ninilchik survey certainly went to the
17 tribal folks, but if you've looked at the survey results,
18 they're fairly vague in terms of either time frames and a
19 lot of other issues that I think we need. I don't doubt
20 that Ninilchik has used fish and game in a customary and
21 traditional fashion, but I don't think that's the
22 question. I don't think that's sufficient information to
23 make an informed decision as broad as we're proposing to
24 do it.

25

26 CHAIRMAN LOHSE: Gloria.

27

28 MS. STICKWAN: I've listened to this
29 Southcentral, I've been to a lot of meetings, I've heard
30 other communities where there where there wasn't hardly
31 any information. They were given C&T. I mean we should
32 be consistent for the way we do all communities.

33

34 CHAIRMAN LOHSE: Tom.

35

36 MR. CARPENTER: I'm struggling with this
37 one although I can understand how the people on this
38 Council and the people that testified, I could understand
39 their position completely. I guess one of the things I
40 struggle with, and I struggled with this on the State
41 side for a couple of issues, that i don't think the
42 Federal Board has stated very clearly at all as to when a
43 proposal for C&T comes before the Council, they haven't
44 given very good direction as to how far back are we
45 really supposed to look. Is it 50 years, 100 years? I
46 think if there was a little bit of clarity there it might
47 be a little bit easier for the Councils to make decisions
48 on this. I think the survey that BIA paid for, the
49 evidence that was brought before us today, while there
50 were very good points into allowing people from Ninilchik

1 to have C&T, I think there was evidence that was lacking
2 in regards to exactly where the harvest of the fish were
3 taken.

4

5 On the other side, I think the State
6 survey had some problems itself in regards to separating
7 certain communities and not doing that with Ninilchik.

8

9 So I think at this time, in my own mind,
10 I just don't know if there's enough evidence one way or
11 the other to do this. I definitely don't know enough
12 about the rest of these communities, Doug. I know Greg
13 had a question too about including all of these
14 communities, to include it with a positive C&T and he
15 lives in this area. I know you live in this area too and
16 maybe you have different feelings there, but at this time
17 it's kind of hard for me to justify.

18

19 CHAIRMAN LOHSE: Dean.

20

21 MR. WILSON: I guess I better wade into
22 this just a little bit. Handing out C&T I've learned is
23 a big step. We've heard some good testimony and much of
24 it from Ninilchik is they've had a history of fishing in
25 these areas, primarily Tustumena Lake, up into the Cooper
26 Landing area. I wish there was a way we could cut that
27 off. But I'm having a problem with that. That along
28 with several of these other communities. Once you go
29 towards the overall residents of Cook Inlet versus just
30 what the Staff has recommended, you're including a lot of
31 people in here. I understand that there -- this is a
32 touchy issue for having the meeting right in Kenai. This
33 is a tough one to deal with and I'm definitely struggling
34 with it also. I'll leave it at that.

35

36 CHAIRMAN LOHSE: Bob.

37

38 MR. CHURCHILL: Again, I think Mr.
39 Encelewski testified and we've talked a lot about lake
40 trout. I happen to fish Hidden Lake too and I know
41 there's lake trout there and he was saying some anecdotal
42 things that indicates people range that far north. I
43 think that bears looking at if, in fact, it was
44 traditional use and heavily used, routinely used. That's
45 good evidence, the evidence Mr. Williams brought forward
46 about coming to Swanson River and that area, but we don't
47 have a lot of evidence on it. I think the information
48 may well be there. I just don't think we have it. If
49 we've moved forward in the past and made these decisions
50 on little or no evidence, shame on us, but I don't think

1 that obligates us to continue to do it.

2

3 CHAIRMAN LOHSE: I'm going to answer a
4 few questions and give a few comments. One to Tom to
5 start off with. We are given non-specific guidelines and
6 even the eight factors are guidelines, not rules. We're
7 not required to satisfy all eight factors. It's not a
8 measurable thing. We've been given latitude to make a
9 decision based on the knowledge that we've accumulated as
10 users in the area. There is no time frame set.

11

12 I mean if we'd say that you had to use it
13 prior to 1952 -- and I was asking Doug when the road
14 system went into effect because we've talked a lot about
15 how things changed in '52. Well, prior to '52 there
16 wasn't much of a road system on the Kenai or by '52 they
17 had gotten a pretty good one started, but the road system
18 changed things at the same time the regulations changed
19 things. So you can't go back and say because it was used
20 in the past you can use it today or because you're using
21 it today you can use it today. You have to take a look
22 at that.

23

24 It says is it used, traditionally used.
25 What's traditional? I think one time in the past when we
26 were deciding we said second and third generations. Do
27 we have to go back 1,000 years, do we have to go back 100
28 years? Again, this is latitude we've been given as a
29 Council to decide. I look at the Kenai, I look at the
30 road system that's developed, I look at rural residents
31 on a road system, and I know that most of the rural
32 residents in Kenai have wheels. I would find it real
33 doubtful that somebody who is a rural resident on the
34 Kenai today does all their hunting and fishing in their
35 back yard. If we go prior to the road system, I'm sure
36 they did all their hunting and fishing in close proximity
37 to where they live.

38

39 I live in Unit 11. I have customary and
40 traditional use for caribou in Unit 13 up at Denali. I
41 get in my car to go caribou hunting and I drive 200 miles
42 to go caribou hunting. I have customary and traditional
43 status because of what's been done. I look at the Kenai
44 and I say here's a road system, here's rural residents.
45 You're not going to tell me when Darrel in the middle of
46 winter decides to go ice fishing and it's good on the
47 other side of the border in Federal waters that he's not
48 going to drive up there to do it.

49

50 We don't have a time frame set that way.

1 We're dealing with tradition that changes customary and
2 traditional. We looked at it and we said change. We've
3 changed methods, we've changed means. Doug talked about
4 what they used to do out in Ninilchik to go trapping and
5 where they used to sleep. I'm pretty sure that you
6 wouldn't find many trappers today that would go dig a
7 hole underneath a tree and take their family out to go
8 beaver trapping and go up to the head of the valley to go
9 beaver trapping with the kind of things they had in those
10 days. Today we hop on our snowmachine, we go trapping
11 and we come back the same day.

12

13 I, myself, as a rural resident of
14 Southcentral, looking at what we've done up there, for
15 lack of a better way to put it, we just ended up
16 deferring to the Eastern Interior this morning for the
17 people there to go on the Tanana River. For me, I would
18 find it hard to vote against Doug's amendment.

19

20 Not that everything can be proved and set
21 in stone, but I would just find it hard to believe that a
22 subsistence user in Ninilchik -- because there's nothing
23 in our regulations that say they have to use rainbow
24 trout five times a year or Dollys 10 times a year.
25 People from Ninilchik testified that they go up -- and
26 they're one of the few communities -- like Gloria said,
27 we've had trouble getting people from communities to come
28 and say this is what we do. The same thing happened to
29 us on another one. We had a community come and testify
30 as to what they did. We ignored them. We have
31 communities that don't come, we take the statistics and
32 the figures that are given to us and we give them C&T.
33 Now we have a community that comes and says this is what
34 we do and we say, well, we need to hear more. So I plan
35 on voting with Doug on this one. Doug.

36

37 MR. BLOSSOM: Mr. Chairman. I guess
38 maybe I should give a history lesson of what I know of
39 this whole area. Our family moved to the peninsula in
40 1948. There were no roads, there was no power, there was
41 land and I've lived there ever since. I've watched this
42 whole area go from what it is now back to what it was
43 then. We've heard a lot about the old history. I could
44 kick in a little more.

45

46 For instance, I had a permit at one time
47 to fish for fish in Tustumena Lake from the Federal
48 government. You can't do it nowadays. Before the roads
49 were in, I remember the people, especially from
50 Ninilchik, a good number of them went trapping every

1 winter and they went up Tustumena, Crooked Creek, all
2 Federal land they were on. Spent considerable time.
3 They ran the mail to Seward. They had dog sleds back
4 then everywhere and that's what they used.

5
6 Now you come to the present and we've got
7 a road and I guarantee that every day just about there's
8 someone from this area that's either fishing in Hidden
9 Lake or Skilak or Tustumena. They're catching freshwater
10 fish just about every day because it's easy to do now.
11 Do we take the present or the past? I can relate to
12 both. In both places I see people -- these are
13 designated rural, these areas, and I see people from
14 these areas going onto Federal land. I'm sure every day
15 some of these people are there fishing for something.
16 How do you draw the line? We didn't draw the line, like
17 Gloria says, in other areas.

18
19 CHAIRMAN LOHSE: Donald.

20
21 MR. MIKE: Thank you, Mr. Chair. On Mr.
22 Blossom's amendment to the proposal he mentioned all
23 rural residents on the Kenai Peninsula. Did he intend to
24 leave out the residents of Tuxedni Bay? I just want to
25 clarify that.

26
27 CHAIRMAN LOHSE: Were you talking to the
28 second part of the proposal, the Tuxedni Bay?

29
30 MR. BLOSSOM: No.

31
32 CHAIRMAN LOHSE: You were talking to the
33 first part of the proposal.

34
35 MR. BLOSSOM: (Nods affirmatively)

36
37 CHAIRMAN LOHSE: Pete.

38
39 MR. KOMPKOFF: After hearing the
40 testimony from different folks in Ninilchik and Doug's
41 experience, I'm going to vote with Doug on this issue.

42
43 CHAIRMAN LOHSE: James.

44
45 MR. SHOWALTER: I'm going to have to vote
46 for the amendment. I also was born and raised here in
47 Kenai. I have seen the changes. I have done the
48 subsistence until it was regulated out. I know where
49 he's coming from on the different usage for different
50 areas for your different species, for your salmon and

1 your freshwater fish, for your different hunting areas.
2 How they used to traverse the Kenai River, for instance.
3 They'd have their boats and the only way they'd get up
4 there they'd line them up and they'd have to pack their
5 supplies up, be on the fast water to get the boat up to
6 continue the trip for hunting moose and up to the
7 mountains for your sheep and goat. I have seen that. I
8 haven't personally done it, no, but I have seen it done.
9 I'm going to have to vote for this amendment.

10

11 CHAIRMAN LOHSE: Tom.

12

13 MR. CARPENTER: I hear you, Doug. And I
14 was pretty close to being with you, but to be consistent
15 like I was, I believe, when I voted to not include
16 Whittier, I have a hard time throwing all these other
17 communities in with this amendment when the only
18 community that demonstrated that they were really wanting
19 to participate with this proposal were the people from
20 Ninilchik. That, in itself, is why I'll have to vote
21 against the amendment.

22

23 I don't think we can take a proposal that
24 OSM Staff has done the background work on and we've had
25 testimony from Ninilchik that gave us extra evidence than
26 what we were presented in this report to prove that they
27 may be willing to have a C&T or deserve a C&T, but all
28 these other communities I don't know that they've
29 demonstrated that and so in that way I'll have to vote
30 against the amendment.

31

32 CHAIRMAN LOHSE: Bob.

33

34 MR. CHURCHILL: I sense a tie, but I'd
35 just like to add for the record I don't think you're
36 doing anybody a favor by moving forward without what I
37 would consider good evidence that the full Board can
38 consider. I appreciated what the folks from Ninilchik
39 had to say. I don't doubt the accuracy or truthfulness
40 of it. I just think we don't have the evidence at this
41 point. With that I'll call the question.

42

43 CHAIRMAN LOHSE: The question has been
44 called on the amendment. The amendment is all rural
45 residents on the Kenai Peninsula use all species of fish
46 present on Federal lands on the Kenai Peninsula and meet
47 C&T for use of this resource. All in favor signify by
48 saying aye.

49

50 IN UNISON: Aye.

1 CHAIRMAN LOHSE: All opposed signify by
2 saying nay.
3
4 MR. CHURCHILL: Nay.
5
6 MR. CARPENTER: Nay.
7
8 MR. WILSON: Abstain.
9
10 CHAIRMAN LOHSE: I think we better have a
11 show of hands. Two nays, one abstention and all the rest
12 yes. Okay. Now, the second half. Tuxedni Bay.
13 Remember, this is just an amendment. This is not the
14 proposal. An amendment can be amended, too.
15
16 MR. CARPENTER: Mr. Chairman. Just a
17 point of clarification. Doug's amendment was only
18 amending the portion that dealt with.....
19
20 CHAIRMAN LOHSE: Cook Inlet.
21
22 MR. CARPENTER: With Cook Inlet.
23
24 MR. BLOSSOM: Well, the west side.
25
26 CHAIRMAN LOHSE: Right.
27
28 MR. CARPENTER: The west side. The rest
29 of the proposal that deals with Tuxedni Bay you were fine
30 with. The original language that OSM brought is still
31 intact?
32
33 CHAIRMAN LOHSE: Yes, it's still there.
34
35 MR. CARPENTER: So the only thing we've
36 changed so far was -- okay.
37
38 CHAIRMAN LOHSE: Okay. Any more
39 discussion. Tom.
40
41 MR. CARPENTER: I'd just like to ask a
42 question. All rural communities or all rural residents
43 on the Kenai Peninsula, the way I look at it, that would
44 pretty much encompass everybody besides Homer, Kenai,
45 Soldotna and Seward and Moose Pass?
46
47 CHAIRMAN LOHSE: Homer, Anchor Point,
48 Clam Gulch.
49
50 MR. CARPENTER: Clam Gulch to Nikiski to

1 Sterling. And then Moose Pass to Seward.
2
3 MR. CHURCHILL: Yes.
4
5 CHAIRMAN LOHSE: So it leaves Hope,
6 Cooper Landing, Ninilchik and then these other
7 communities down here at the bottom. Doug.
8
9 MR. BLOSSOM: Mr. Chairman. That area is
10 rural now. That is the rural part of this whole thing.
11 We're just going for C&T finding.
12
13 CHAIRMAN LOHSE: And it was your
14 intention, Doug, to include those lower communities in
15 your C&T finding?
16
17 MR. BLOSSOM: It was, yes. But if he's
18 not comfortable, he needs to say so.
19
20 CHAIRMAN LOHSE: If he's not comfortable
21 he can make an amendment on that. Otherwise, if there's
22 no further discussion or no other amendment.....
23
24 MR. CHURCHILL: (Away from microphone)
25
26 CHAIRMAN LOHSE: If nobody changes it,
27 the second piece stays as it is in the proposal as worded
28 on Page 43. So if somebody wants to change it to what
29 was suggested, somebody needs to make an amendment.
30
31 MR. CHURCHILL: So it's offering herring,
32 smelt, whitefish and salmon?
33
34 CHAIRMAN LOHSE: Uh-huh. We were told
35 that herring, smelt and whitefish they already had.
36
37 MR. CHURCHILL: So we are just adding
38 salmon.
39
40 CHAIRMAN LOHSE: That's my understanding.
41 Am I correct on that? James.
42
43 MR. SHOWALTER: Yes. I don't know if
44 they are classifying smelt as hooligan or both the same
45 because there is a difference between the species.
46
47 CHAIRMAN LOHSE: But they're both smelt.
48
49 (Laughter)
50

1 CHAIRMAN LOHSE: They're not when you eat
2 them, but they are in the book. Okay. No other
3 discussion, no other amendment. Dean.

4
5 MR. WILSON: No amendment, but I want to
6 get this clear. The Tuxedni Bay, herring, smelt,
7 whitefish and salmon is being added in. That wasn't even
8 in the existing regulation, is that correct? That's all
9 being added in?

10
11 CHAIRMAN LOHSE: That's all being added
12 in unless somebody makes an amendment. I don't hear one.
13 Tom.

14
15 MR. CARPENTER: I guess just a little bit
16 more discussion here. Maybe I'm just a little confused.
17 We did have a recommendation from OSM.

18
19 CHAIRMAN LOHSE: Right, on Page 44.

20
21 MR. CARPENTER: That there was some
22 amended language. I believe -- I'd like to hear from the
23 people that live on the Peninsula that are on this
24 committee. We're dealing with all freshwater species.
25 OSM said that, number one, grayling wasn't an indigenous
26 species on the peninsula I believe is what they said and
27 I believe they said there was one or two small lakes that
28 had some burbot and I don't remember if they said those
29 were on State land or on Federal land. Then there's
30 steelhead. I believe the only thing they actually
31 requested for the west side of Cook Inlet was salmon. I
32 guess I'm curious to hear from maybe Doug or Greg or
33 James if that's really what their intentions are, to have
34 everything, or do you really think we ought to consider
35 some of the language that OSM presented in regards to
36 some of those other species.

37
38 CHAIRMAN LOHSE: Doug, got a comment on
39 that.

40
41 MR. BLOSSOM: Mr. Chairman. Over there
42 where they're requesting this, there's maybe two families
43 that live there, I believe. I don't know why you
44 wouldn't want to give them herring. I mean I don't see
45 any big deal with that, or smelt, either one. I think
46 there is a whitefish that run in the Crescent River. I
47 don't see any problem with it. They probably have two or
48 three hundred ton of herring come through there in the
49 spring. There's no problem with them catching a few
50 herring for subsistence. I think the same thing with

1 smelt.

2

3 CHAIRMAN LOHSE: Maybe you can clarify,
4 Helen. They already have herring, smelt and whitefish,
5 don't they?

6

7 MS. ARMSTRONG: They already have C&T, so
8 it's not that they're being excluded, it's just that it's
9 a mute point. They already have it. The only one they
10 didn't have was salmon.

11

12 CHAIRMAN LOHSE: So salmon would be the
13 only one they need to have.

14

15 MS. ARMSTRONG: Would it help if I
16 reviewed why we left out grayling, burbot and steelhead
17 again? Would that help at all?

18

19 CHAIRMAN LOHSE: It would help.

20

21 MS. ARMSTRONG: Grayling harvest is small
22 and it says although the locations of the harvest were
23 not included in the study results, this is the ADF&G Fall
24 study, it's unknown where these harvests are exactly, but
25 grayling are not native to the Kenai Peninsula, so it's a
26 small harvest and it's not a native resource, so I was
27 convinced by my colleagues that we shouldn't give C&T to
28 grayling. We don't even know if that harvest is on
29 Federal lands or not. Burbot is only found in one or two
30 maybe small lakes and none of the communities show any
31 use of burbot and there were no harvests of steelhead
32 from Federal public waters in the 2002-2003 study by the
33 studied communities. That's why they were excluded.

34

35 CHAIRMAN LOHSE: So you don't know if the
36 grayling are even on Federal land.

37

38 MS. ARMSTRONG: There might be some
39 biologists here that could tell me. That's the man I was
40 looking for.

41

42 MR. NELSON: Thank you, Mr. Chairman.
43 Dave Nelson with the National Park Service. Grayling
44 were first stocked here on the Kenai Peninsula by the
45 Fish and Wildlife Service and in Crescent Lake in 1957.
46 Crescent Lake is on Federal land. Since then they've
47 been stocked in some relatively small lakes, but they're
48 not indigenous to the Kenai. There are a few grayling in
49 the Kenai River drainage, in Quartz Creek, and I have
50 heard over the years that only one has been caught in the

1 Russian River. Those grayling are on Federal land.

2

3 CHAIRMAN LOHSE: They are on Federal
4 land.

5

6 MR. NELSON: Yes, they are.

7

8 CHAIRMAN LOHSE: I'll make two comments
9 on that. We're talking about being consistent. Moose
10 were stocked in Cordova. Moose is now a Federal hunt.
11 Deer were stocked in Cordova. Deer is now a Federal
12 hunt. Neither of them were indigenous to the area. We
13 now have C&T on moose and deer in Cordova. So the fact
14 they were stocked doesn't follow. That has nothing to do
15 with it. They're a small population. MuskoX were
16 stocked. There's a small population of muskoX. They
17 have C&T on muskoX. They're allowed to take one muskoX.
18 The fact they take a small amount of them has nothing to
19 do with it. If they're on Federal land and if they're
20 used, then that's the question. Not how many there are
21 and where they came from.

22

23 As far as steelhead, I didn't hear
24 anything from anybody on steelhead. James.

25

26 MR. SHOWALTER: On Grayling, there's also
27 grayling across the unnamed creek from Cooper Creek,
28 going up to the mountains. There is grayling there. And
29 as far as steelhead, Kenai River used to have a lot of
30 steelhead. With the fishing regulations the way they are
31 now, there still should be a lot of steelhead in there
32 because I've had pictures of steelhead laying on the
33 snow. That's before we were regulated out of the usage of
34 them.

35

36 CHAIRMAN LOHSE: I think currently, if
37 we're using sportfish regulations, you can't keep a
38 steelhead anyhow.

39

40 MR. NELSON: Mr. Chair. Just to clarify
41 and perhaps expand on what Mr. Showalter said. In the
42 Kenai River drainage there has been no documented wild
43 steelhead. They were stocked into the Kasilof River and
44 it certainly is documented some of those did stray over
45 into the Kenai River and were harvested there, but what
46 the Kenai River does have is an exceptionally large
47 rainbow trout. Thank you, Mr. Chair.

48

49 CHAIRMAN LOHSE: Pete.

50

1 MR. KOMPKOFF: I'm still confused. What
2 kind of motion do we need to make here to get this thing
3 rolling?
4
5 CHAIRMAN LOHSE: If nobody makes any
6 motion, what we have is an amended first part and we have
7 what's written on the first page on Page 43.
8
9 MR. KOMPKOFF: Then my question is to the
10 people that live on the Peninsula, are they satisfied
11 with that?
12
13 CHAIRMAN LOHSE: Greg.
14
15 MR. ENCELEWSKI: I'm satisfied.
16
17 MR. BLOSSOM: I made the motion. Yes, I
18 think it will work.
19
20 MR. KOMPKOFF: Then the question is in
21 order?
22
23 CHAIRMAN LOHSE: The question is in
24 order.
25
26 MR. KOMPKOFF: I call for the question.
27
28 CHAIRMAN LOHSE: So page 43 we have Cook
29 Inlet area. All rural residents of the Kenai Peninsula
30 use all species of fish on the peninsula and meet C&T.
31 So determination for all rural residents of Cook Inlet
32 area. Tuxedni Bay. Herring, smelt, whitefish and
33 salmon. The herring, smelt and whitefish will be crossed
34 out because they already have that. Residents west of
35 the line due southeast of Crescent River mouth and
36 intersecting another line drawn northeast of the south
37 side of the bay. That's the motion that's on the table.
38
39 MR. CHURCHILL: So we're voting on what's
40 on 44.
41
42 CHAIRMAN LOHSE: We're voting on what's
43 on 43 and the Cook Inlet area now reads all rural
44 residents of the Kenai Peninsula.
45
46 MR. KOMPKOFF: So all residents of Cook
47 Inlet area for salmon, Dolly Varden, trout, char,
48 grayling and burbot are taken from Cook Inlet area is
49 stricken.
50

1 CHAIRMAN LOHSE: That's stricken and it's
2 all rural residents of the Kenai Peninsula. The last
3 part is Tuxedni Bay. If there's no further amendments,
4 the question has been called. Dean.

5
6 MR. WILSON: I missed the Kenai Peninsula
7 portion. What is that going to include in there, Doug,
8 going from Kenai Peninsula to Cook Inlet?

9
10 CHAIRMAN LOHSE: Doug.

11
12 MR. BLOSSOM: Mr. Chairman. Dean, look
13 at Page 46 and that's the map of the rural area.

14
15 MR. WILSON: I guess what I'm looking for
16 is people wise, what are we looking at?

17
18 CHAIRMAN LOHSE: You're looking at Hope,
19 Cooper Landing, Ninilchik, Nikolaevsk.

20
21 MR. WILSON: I thought they were already
22 part of that.

23
24 CHAIRMAN LOHSE: Fritz Creek, Halibut
25 Cove, Seldovia, Nanwalek and Port Graham.

26
27 MR. BLOSSOM: They have rural status.
28 We're just looking for C&T.

29
30 MR. WILSON: I thought they were all part
31 of the Cook Inlet, so which one wasn't?

32
33 CHAIRMAN LOHSE: But what he made for a
34 motion is that it's all rural residents of the Kenai
35 Peninsula. And they had Cook Inlet over here, residents
36 of Cook Inlet. So it's now changed to all rural
37 residents of the Kenai Peninsula. Tom.

38
39 MR. CARPENTER: Mr. Chairman. Just for
40 the record, I believe I could have supported Ninilchik
41 with the evidence that came before us. Not to belay this
42 any longer. But, once again, being consistent, I don't
43 feel that adding all these other communities without them
44 demonstrating a willingness -- I just don't think that's
45 the way to do it.

46
47 CHAIRMAN LOHSE: I'll give you a chance
48 to make one more amendment.

49
50 MR. CARPENTER: No, I'm fine.

1 MR. CHURCHILL: The question has been
2 called.
3
4 CHAIRMAN LOHSE: The question is called.
5 All in favor signify by saying aye.
6
7 IN UNISON: Aye.
8
9 CHAIRMAN LOHSE: All opposed signify by
10 saying nay.
11
12 MR. CHURCHILL: Nay
13
14 MR. CARPENTER: Nay
15
16 MR. WILSON: Abstain.
17
18 CHAIRMAN LOHSE: Motion carries. That's
19 it for the day.
20
21 (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)

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