

1 BRISTOL BAY FEDERAL SUBSISTENCE  
2 REGIONAL ADVISORY COUNCIL  
3  
4 PUBLIC MEETING  
5  
6 VOLUME I  
7  
8 Naknek, Alaska  
9 October 1, 2007  
10 1:25 o'clock p.m.  
11  
12  
13  
14 COUNCIL MEMBERS PRESENT:  
15  
16 Randolph Alvarez, Chair  
17 Pete Abraham  
18 Alvin Boskofsky  
19 Dan Dunaway  
20 Thomas Hedlund  
21 Boris Kosbruk, Sr.  
22 Nanci Morris Lyon  
23 Daniel O'Hara  
24  
25  
26 Regional Council Coordinator - Clifford Edenshaw  
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1 P R O C E E D I N G S  
2  
3 (Naknek, Alaska - 10/1/2007)  
4  
5 (On record)  
6  
7 CHAIRMAN ALVAREZ: Good afternoon, everybody.  
8 My name is Randy Alvarez, the Chairman of the RAC.  
9 I'll like to call the meeting to order, 1:25.  
10  
11 And to begin with, those of you guys,  
12 or us, that when it comes time to speak, or you're  
13 recognized to speak, we need to turn your mic off and  
14 on. There's a button right there that says off and on.  
15 Turn it on, and then when you get done speaking, turn  
16 it off.  
17  
18 And first of all I would like to ask  
19 Pete Abraham if he would do the invocation.  
20  
21 MR. ABRAHAM: (Gives invocation)  
22  
23 CHAIRMAN ALVAREZ: Pete, (In Native).  
24 Okay. Thank you, Pete.  
25  
26 Roll call, Cliff, would you do that?  
27  
28 MR. EDENSHAW: Thank you, Mr. Chair.  
29 Daniel O'Hara.  
30  
31 MR. O'HARA: Here.  
32  
33 MR. EDENSHAW: Randy Alvarez.  
34  
35 CHAIRMAN ALVAREZ: Here.  
36  
37 MR. EDENSHAW: Peter Abraham.  
38  
39 MR. ABRAHAM: Yeah.  
40  
41 MR. EDENSHAW: Virginia Aleck. Absent.  
42 Thomas Hedlund.  
43  
44 MR. HEDLUND: Here.  
45  
46 MR. EDENSHAW: Boris Kosbruk.  
47  
48 MR. KOSBRUK: Here.  
49  
50 MR. EDENSHAW: Dan Dunaway.

1 MR. DUNAWAY: Here.  
2  
3 MR. EDENSHAW: Nanci Morris.  
4  
5 MS. MORRIS LYON: Here.  
6  
7 MR. EDENSHAW: Alvin Boskofsky.  
8  
9 MR. BOSKOFKY: Here.  
10  
11 MR. EDENSHAW: And we have one vacant  
12 seat. Mr. Chair, there is a quorum.  
13  
14 Virginia Aleck contacted me about a  
15 week ago. I spoke with her, and she's going to submit  
16 her resignation. And she and her husband are moving to  
17 Homer.  
18  
19 CHAIRMAN ALVAREZ: Thank you, Cliff.  
20 What's the latest update on the vacancy?  
21  
22 MR. EDENSHAW: The nominations packet  
23 is back east and they're awaiting approval by the  
24 Secretaries of Interior and Agriculture. And at the  
25 winter meeting there will be -- the seat will be  
26 filled.  
27  
28 CHAIRMAN ALVAREZ: Okay. You mean the  
29 next spring meeting?  
30  
31 MR. EDENSHAW: The winter, in February  
32 '08. I think that's when we're going to meet next is  
33 February '08.  
34  
35 CHAIRMAN ALVAREZ: Yeah. Right. Thank  
36 you, Cliff.  
37  
38 No. 3, welcome and introduction of the  
39 Regional Council Staff and guests. I guess we had roll  
40 call, and you know all of us, so I guess we should  
41 start with Staff and audience. Rod, we could start  
42 with you, I guess.  
43  
44 MR. CAMPBELL: Rod Campbell, U.S. Fish  
45 and Wildlife Service, Office of Subsistence Management.  
46  
47 MR. PAPPAS: George Pappas, Department  
48 of Fish and Game, subsistence liaison team.  
49  
50 MS. WILLIAMS: Liz Williams,

1 anthropologist, Office of Subsistence Management,  
2 Anchorage. I'm new.  
3  
4 MS. LAVINE: Robbin LaVine, subsistence  
5 fisheries social scientist with the Bristol Bay Native  
6 Association.  
7  
8 MS. GREFFENIUS: Laura Greffenius. I'm  
9 a wildlife biologist with Office of Subsistence  
10 Management, Anchorage.  
11  
12 MR. SWAIN: My name is Michael Swain.  
13 I'm a wildlife biologist with the Togiak National  
14 Wildlife Refuge.  
15  
16 MR. NELSON: I'm Dave Nelson. I'm a  
17 fisheries biologist with the National Park Service out  
18 of Anchorage.  
19  
20 MR. MOORE: Ralph Moore, Katmai  
21 National Park.  
22  
23 MS. MCBURNEY: Mary McBurney,  
24 subsistence program manager for the Aniakchak National  
25 Park and Lake Clark.  
26  
27 MR. CHEN: Good afternoon. My name is  
28 Glenn Chen. I'm with the Bureau of Indian Affairs and  
29 the InterAgency Staff Committee.  
30  
31 MR. LIND: Orville Lind, ranger for the  
32 Alaska Peninsula/Becharof Refuge.  
33  
34 MR. WATTS: I'm Dominic Watts.  
35  
36 MR. BUTLER: Lem Butler.  
37  
38 CHAIRMAN ALVAREZ: Thank you, guys.  
39 Welcome. Okay. I guess that was everybody.  
40  
41 Cliff, I guess we're down to No. 4, the  
42 election. Would you take care of that.  
43  
44 MR. EDENSHAW: All right. Mr. Chair.  
45 We'll go ahead and start out. Currently Randy Alvarez  
46 is the Chair, Nanci is the VP and Virginia, who will  
47 tender her resignation, she was the secretary.  
48  
49 The Chairman serves one year. I'll  
50 open the floor up for nominations. Yes, Mr. O'Hara.

1 MR. O'HARA: I nominate Randy Alvarez.  
2  
3 MR. EDENSHAW: Mr. Alvarez has been  
4 nominated.  
5  
6 MR. O'HARA: Yeah, Randy as Chair.  
7  
8 MR. ABRAHAM: I second the motion.  
9  
10 MR. EDENSHAW: Just nomination. Dan  
11 Dunaway.  
12  
13 MR. DUNAWAY: I'd like to move to close  
14 the nominations.  
15  
16 MR. EDENSHAW: There's a motion to  
17 close the nomination's are closed.  
18  
19 MR. O'HARA: Second that motion.  
20  
21 MR. EDENSHAW: Second. All those in  
22 favor of the motion signify by saying aye to elect  
23 Randy Alvarez as the chair.  
24  
25 IN UNISON: Aye.  
26  
27 MR. EDENSHAW: Those opposed.  
28  
29 (No opposing votes)  
30  
31 MR. EDENSHAW: Congratulations, Randy.  
32  
33 CHAIRMAN ALVAREZ: Thank you.  
34  
35 MR. EDENSHAW: We'll go ahead and move  
36 on to the vice chair.  
37  
38 MR. O'HARA: Mr. Chairman.  
39  
40 CHAIRMAN ALVAREZ: O'Hara.  
41  
42 MR. O'HARA: Nominate Nanci Morris as  
43 -- Lyon, excuse me, as vice chair here.  
44  
45 MR. EDENSHAW: There's a motion on the  
46 floor to nominate Nanci Morris Lyon as vice chair.  
47  
48 MR. ABRAHAM: Second.  
49  
50 MR. EDENSHAW: No. Just the

1 nomination. A motion to close nominations.  
2  
3 MR. O'HARA: I so move.  
4  
5 MR. EDENSHAW: So moved.  
6  
7 MR. DUNAWAY: Second.  
8  
9 MR. EDENSHAW: There's a motion on the  
10 floor to nominate -- I mean, not nominate, but to elect  
11 Nanci Morris Lyon as the vice chair. All those in  
12 favor of the motion signify by saying aye.  
13  
14 IN UNISON: Aye.  
15  
16 MR. EDENSHAW: Those opposed, same  
17 sign.  
18  
19 (No opposing votes)  
20  
21 MR. EDENSHAW: Congratulations, Nanci.  
22 And during the course of the chairmanship, when Randy,  
23 you know -- at the board meetings, if Randy's unable to  
24 -- we have two meetings yearly, so in case Randy's  
25 unable to attend any of the fisheries or wildlife  
26 meetings, the vice chair would step in, just as if he  
27 was unable to attend any of the council meetings, the  
28 vice chair.  
29  
30 We'll move on to secretary. Virginia  
31 Aleck was serving as secretary prior to -- our last  
32 time we held elections, which was just a little over a  
33 year ago. Mr. Alvarez.  
34  
35 CHAIRMAN ALVAREZ: I'd like to nominate  
36 Dan Dunaway for that seat.  
37  
38 MR. EDENSHAW: Dan Dunaway's been  
39 nominated as secretary for the Council.  
40  
41 MR. O'HARA: Mr. Chairman, I make a  
42 motion that we make nominations cease.  
43  
44 MR. EDENSHAW: There's a motion on the  
45 floor to close nominations.  
46  
47 CHAIRMAN ALVAREZ: Second.  
48  
49 MR. EDENSHAW: Second. All those in  
50 favor of the motion signify by saying aye.

1 IN UNISON: Aye.  
2  
3 MR. EDENSHAW: Those opposed.  
4  
5 (No opposing votes)  
6  
7 MR. EDENSHAW: Congratulations. Dan  
8 Dunaway will serve as the secretary. And I'll go ahead  
9 and turn the meeting back over to our Chairman, Randy  
10 Alvarez.  
11  
12 CHAIRMAN ALVAREZ: All right. Thank  
13 you, guys, for reelecting me. I guess I can be honored  
14 to serve as the chair again. Okay. No. 5.  
15  
16 And I guess I should congratulate Nanci  
17 and Dan Dunaway for also their election.  
18  
19 MS. MORRIS LYON: Thank you.  
20  
21 MR. DUNAWAY: Thank you.  
22  
23 CHAIRMAN ALVAREZ: No. 5, review and  
24 adoption of the agenda. Dan, did you want to amend?  
25  
26 MR. O'HARA: Yes, Mr. Chair.  
27  
28 CHAIRMAN ALVAREZ: Or bring it up.  
29 Adopt.  
30  
31 MR. O'HARA: Move to adopt -- Mr.  
32 Chairman, I make a motion to adopt the agenda.  
33  
34 MR. DUNAWAY: Second.  
35  
36 CHAIRMAN ALVAREZ: The motion's been  
37 made by Dan O'Hara to adopt the agenda, seconded by Dan  
38 Dunaway.  
39  
40 MR. O'HARA: And if I could speak --  
41 sorry. Mr. Chairman, if I could speak to that, because  
42 it's on the floor now, right?  
43  
44 CHAIRMAN ALVAREZ: Yes.  
45  
46 MR. O'HARA: Okay. We would like to  
47 amend that motion to include under new business  
48 language to amend the water rights at -- for the Lake  
49 Clark National Park I believe is what it's called, at  
50 Sixmile Lake, so they can have the water rights of that

1 particular portion of business. Last year at the  
2 Federal Board level, they could not help us with that  
3 particular part of the legislation, because this  
4 Council had not acted on giving the water rights to the  
5 Federal people on -- it's part of the program, it's  
6 just probably a housekeeping item that needs to be  
7 taken care of. So if we could add that under the  
8 agenda, that would be good.

9

10 CHAIRMAN ALVAREZ: Okay. So we'll add  
11 under new business, No. 14, water rights for the Lake  
12 Clark National Park, it's pertaining to the Sixmile  
13 Lake area.

14

15 Also, I would like to add Katmai  
16 Preserve bears, Mulchatna Caribou, and Unit 9 moose,  
17 discuss those.

18

19 And is there anything else that members  
20 would like to add to the agenda. Nanci? Orville.

21

22 MR. LIND: I would just like to point  
23 (indiscernible, away from microphone). Alaska  
24 Peninsula Refuge.

25

26 CHAIRMAN ALVAREZ: Who?

27

28 MR. LIND: Dominic Watts.

29

30 CHAIRMAN ALVAREZ: Is he here?

31

32 MR. LIND: He's here.

33

34 CHAIRMAN ALVAREZ: Okay. Anything else  
35 for our agenda?

36

37 (No comments)

38

39 CHAIRMAN ALVAREZ: Okay. I guess we  
40 have a motion then, or is there any more -- Call for  
41 the.....

42

43 MR. O'HARA: Wait a minute. Do we --  
44 I'd make a motion to accept those amendments if we  
45 could have a second to that.

46

47 MS. MORRIS LYON: Second.

48

49 MR. DUNAWAY: Second.

50



1 CHAIRMAN ALVAREZ: Okay. The motion's  
2 been moved by -- made by Dan O'Hara, and seconded by  
3 Dan Dunaway to accept the amendments under new  
4 business. All in favor signify by saying aye.  
5  
6 IN UNISON: Aye.  
7  
8 CHAIRMAN ALVAREZ: Opposed.  
9  
10 (No opposing votes)  
11  
12 CHAIRMAN ALVAREZ: Okay. Now we're  
13 back to the agenda as amended. All in favor signify by  
14 saying aye.  
15  
16 IN UNISON: Aye.  
17  
18 CHAIRMAN ALVAREZ: Opposed.  
19  
20 (No opposing votes)  
21  
22 CHAIRMAN ALVAREZ: Motion carried. The  
23 agenda is adopted.  
24  
25 Okay. No. 6. Cliff, the minutes of  
26 the last meeting. I guess you don't need to -- I'll  
27 just.....  
28  
29 MR. EDENSHAW: No.  
30  
31 CHAIRMAN ALVAREZ: Is there any --  
32 everybody should have the minutes, have read the  
33 minutes. Is there any.....  
34  
35 MR. EDENSHAW: Mr. Chair, perhaps you  
36 could just entertain a motion to adopt. Normal.  
37  
38 CHAIRMAN ALVAREZ: Okay. Good.  
39  
40 MS. MORRIS LYON: Move to adopt the  
41 minutes of last spring.  
42  
43 CHAIRMAN ALVAREZ: All right. The  
44 motion's been made by Nanci to adopt the minutes of the  
45 last meeting.  
46  
47 MR. DUNAWAY: Second.  
48  
49 CHAIRMAN ALVAREZ: Seconded by Dan  
50 Dunaway. Any questions. Cliff.

1 MR. EDENSHAW: Mr. Chair and Counsel.  
2 For some of the agency Staff, I sort of tried something  
3 new this past cycle. Normally I do them -- well, I did  
4 them, but I was just -- I mailed them out later than  
5 normal just to see -- because I know when we come to  
6 the meetings, the agencies and perhaps the Council, if  
7 there's changes, so I just waited until the last -- you  
8 know, before we do our publications for them to send  
9 those out. And I think after this next meeting, I'll  
10 just go back. I wanted to see if there was any more --  
11 at least I know from both the refuges that it's  
12 probably better if I get it to them sooner than waiting  
13 until the end, because they had some other things to  
14 do. But, anyway, for those of you -- I normally mail  
15 those out, and I'll continue to do that. I'll go back  
16 to that process after this meeting's -- after we're  
17 done here.

18  
19 CHAIRMAN ALVAREZ: All right. Thank  
20 you, Cliff. Okay. So would it be acceptable to accept  
21 them without -- I don't think there's any changes. I  
22 don't see any myself, so.....

23  
24 MR. DUNAWAY: Time for the question?

25  
26 CHAIRMAN ALVAREZ: Yes.

27  
28 MR. DUNAWAY: Call the question.

29  
30 CHAIRMAN ALVAREZ: The question's been  
31 called for. Okay. All in favor of accepting the  
32 minutes from February 20th/21st of '07 signify by  
33 saying aye.

34  
35 IN UNISON: Aye.

36  
37 CHAIRMAN ALVAREZ: Opposed.

38  
39 (No opposing votes)

40  
41 CHAIRMAN ALVAREZ: Motion carried. Now  
42 we are down to No. 7, the chairman's report. No. A,  
43 the 805c letter from the Chairman of the Federal  
44 Subsistence Board on Page 20. Okay. I guess I can  
45 read it. It's not very long.

46  
47 It's from Mr. Michael R. Fleagle, the  
48 Chairman of the Federal Subsistence Board. Enclosed  
49 with this letter is a report to the Federal Subsistence  
50 Board action at its May 30th through the May 2nd, 2007,

1 meeting regarding proposed changes to subsistence  
2 wildlife regulations. The Board used a consensus  
3 agenda on these proposals where the Regional Advisory  
4 Council, the InterAgency Staff Committee, and Alaska  
5 Department of Fish and Game were in agreement. The  
6 Board adopted its consensus agenda at the conclusion of  
7 the meeting.

8

9 Details of these actions and the  
10 Board's deliberations are contained in the meeting  
11 transcripts. Copies of transcripts may be obtained by  
12 calling our toll-free number and are available on-line  
13 at the OSM website.

14

15 The Federal Subsistence Board  
16 appreciates the Bristol Bay Subsistence Regional  
17 Advisory Council's active involvement and diligence  
18 with the regulatory process. The 10 Regional Advisory  
19 Councils continue to be the foundation of the Federal  
20 Subsistence Management Program and the stewardship  
21 shown by the Regional Advisory Council Chairs and their  
22 representatives at the Board meeting was noteworthy.

23

24 And if we have any questions, we can  
25 please call them or Mr. Edenshaw at that number.

26

27 MR. EDENSHAW: Mr. Chair.

28

29 CHAIRMAN ALVAREZ: Cliff.

30

31 MR. EDENSHAW: And just for the public  
32 out there who's in the meeting. If you go to Page 21  
33 and 22, there was some state -- or actually 21, 2 and  
34 3, there was statewide proposals, and that infers that  
35 all 10 Regional Councils made recommendations on these  
36 statewide proposals. And for those of you, there's --  
37 the information on the table, they're just duplicates  
38 of what's already inside these booklets, and these  
39 booklets that were on the table, if any of you hadn't  
40 received any. So I only put those out there, because  
41 some people may not want to carry a book, but I  
42 included the agenda, some of the proposals and some of  
43 the other information on there.

44

45 And then if you moved over to Page 26,  
46 that was the Bristol Bay Council's recommendations on  
47 the three proposals. Of course, the Board concurred  
48 with the Council on Proposal 23. On Page 24 -- I mean,  
49 excuse me, on Page 28 regarding Proposal 24, they went  
50 ahead and modified the proposal to have the moose at

1 least one -- a bull from December through January 31st.  
2 And then the last proposal, on 25, that -- they  
3 concurred with the Council's recommendation on that.

4  
5 So those were the three proposals  
6 within the Bristol Bay Region, and the other three were  
7 statewide proposals.

8  
9 CHAIRMAN ALVAREZ: Okay. Thank you,  
10 Cliff. So that was the action taken by the Federal  
11 Subsistence Board for statewide proposals and for the  
12 Bristol Bay proposals.

13  
14 Down to No. B, Council members report.  
15 Pete.

16  
17 MR. ABRAHAM: This is a concern about  
18 moose tickets. We -- the state issued out. Do we have  
19 a -- you're the state person now, right?

20  
21 MR. PAPPAS: For fisheries. I wasn't  
22 prepared to talk about, moose. (indiscernible, away  
23 from microphone) call them and get them here  
24 (indiscernible, away from microphone).

25  
26 MR. ABRAHAM: Anyway, this is harvest  
27 ticket reporting after hunting and stuff. Some of the  
28 guys don't turn their harvest tickets in, so a year  
29 later they're denied of that harvest ticket. It  
30 happened in Togiak twice already. Still those people  
31 go out hunting, you know, without a permit. My concern  
32 right now is the price of everything is sky high. In  
33 Togiak itself any beef, any meat is averaging about \$9  
34 a pound. For a steak, it's about almost \$15 a pound.  
35 So the people are going out to get their meat  
36 regardless.

37  
38 So my suggestion is on the harvest  
39 tickets a volunteer can get the people -- the people's  
40 names from whomever is issuing the permits, get those  
41 names out and remind those people about turning their  
42 tickets in, which I am doing right now. I'm  
43 volunteering to call those eight names to make sure  
44 their tickets are turned in.

45  
46 So I think in all these 10 regions we  
47 have over here, they ought to do the same thing I'm  
48 doing, to make sure that tickets are turned in so they  
49 won't be denied a year later. That's my concern and my  
50 report.

1 Thank you, Mr. Chairman.

2

3 CHAIRMAN ALVAREZ: Thank you, Pete.

4 Yeah, those moose harvest report have to be filled out,  
5 because if we -- like we are doing now, experience low  
6 populations, or can't hunt at all, like in the  
7 Mulchatna -- or the North Peninsula Caribou. If we  
8 have to go to Tier II, those harvest ticket reports  
9 show that you have a history of hunting and harvesting  
10 caribou or moose, and if you don't turn that in, the  
11 Department figures you haven't been hunting. So if we  
12 have to go to Tier II for any reason, you won't be --  
13 you won't get as many points to be able to hunt as you  
14 would have if you would have turned your tickets in,  
15 your report in. So that's a good comment, Pete.

16

17 And does any other Council members wish  
18 to -- anything to report on.

19

20 MR. DUNAWAY: Could I just ask Pete a  
21 question?

22

23 CHAIRMAN ALVAREZ: Go ahead, Dan.

24

25 MR. DUNAWAY: Pete, have you talked to  
26 Jim Wellington and Ted and Eunice about -- out there in  
27 Togiak, the problem you have?

28

29 MR. ABRAHAM: I think last year I  
30 mentioned that, but I'm not too sure about it. But  
31 this year I have not contact them, but I'm volunteering  
32 without -- yes, it's got to be done. Otherwise those  
33 people that didn't return -- submit their or turn in  
34 their permits, they're making themselves as criminals  
35 out there. If they're caught without it, you know,  
36 that's a lengthy report and everything. If I do it as  
37 a volunteer to make sure it's turned in, then hopefully  
38 a year after that, you know, they learn how to do it, I  
39 mean, you know, without somebody reminding them.

40

41 MR. DUNAWAY: Yeah. Okay. Well, I'm  
42 sure Eunice and Jim would appreciate your help on it,  
43 and I know that you've always been good about it.

44

45 I've seen that problem that Randy's  
46 talking about when I was even in Sand Point. They  
47 nearly lost their subsistence rights to hunt in  
48 Stepovak Bay, because nobody sent in their cards, and  
49 it takes hours to get that straight. So, yeah,  
50 hopefully people will protect their rights.

1 So, that's all. Mr. Chair.

2

3 CHAIRMAN ALVAREZ: Thank you, Dan.

4 Anybody else.

5

6 (No comments)

7

8 CHAIRMAN ALVAREZ: When we're

9 discussing some of the proposals and new business I

10 suppose, we'll have another chance on those issues,

11 because they're kind of related to what we're going to

12 be talking about. So if there's nothing else on

13 Council reports, we're down to No. C, 2006 annual

14 report reply. Cliff.

15

16 MR. EDENSHAW: Mr. Chair, for those of

17 you -- on those blue books on the bottom, I included a

18 copy, just, you know, the -- there's some language in

19 there about, you know, how we go about providing annual

20 reports, and drafting annual report issues and

21 submitting those to the Board. But if you look on Page

22 -- it's after here on -- it's on Page 30. And this

23 here was the Council's annual report and the response

24 from the Federal Board regarding ATV use. And Ralph's

25 here in the -- and I'm sure when we get down to that

26 portion we'll have more information regarding what he

27 presented at our last meeting, so I won't go into that

28 very much. As you can see, the Park Service did

29 provide their responses in the there, but I know we

30 discussed the issue a little bit more thoroughly at our

31 last meeting, so I won't say too much, and when we get

32 down to the Park Services' portion of the agency

33 reports, I'm sure Ralph and Mary will provide some

34 additional information regarding the report that the

35 Council reviewed and provided comments back to Ralph

36 on.

37

38 And that's all I have. Mr. Chair.

39

40 CHAIRMAN ALVAREZ: Thank you. Thanks,

41 Cliff.

42

43 MR. EDENSHAW: And also one comment

44 regarding Dan Dunaway and Pete's. For Unit 17A moose,

45 that's -- there's -- the State administers the

46 registration permits, and also the Council addressed

47 the statewide proposal at the last meeting regarding

48 permit reporting. So there's two ways, you know, the

49 Council has been looking at the -- you know, perhaps

50 Pete needs to talk to Jim more, and he can say, you

1 know what -- and perhaps this is a joint effort that  
2 could concur, you know, that could happen between the  
3 Togiak Refuge and the State regarding permit reporting.

4  
5 The other way they could go is that,  
6 you know, 17A, there's quite a bit of Federal lands,  
7 and the refuge could be administering the hunt  
8 themselves. But, anyway, that's something that, you  
9 know, the Council could discuss amongst themselves, you  
10 know, and -- but, you know, that's something that's --  
11 you know, there's a cooperative agreement in place  
12 between the refuge and the State, you know, and they  
13 administer the permits. So there just needs to be I  
14 think some kind of communication with Pete and his --  
15 Paul Liedburg, you know, he's the refuge.

16  
17 But, you know, if they're having  
18 problems reporting, you know, when they pick up  
19 registration permits in Togiak, I think that's just  
20 something that Pete has to -- you know, and the refuge  
21 need to work out between, you know, the refuge and the  
22 State, because I think the Council did a good job at  
23 that State -- at the last meeting regarding permit  
24 reporting, and they addressed that first item in the  
25 statewide proposal.

26  
27 MR. ABRAHAM: Mr. Chairman, that's why  
28 I'm volunteering for that. I'll be talking to Jim  
29 Wellington, providing that he gives me a steam now and  
30 then.

31  
32 MR. O'HARA: Mr. Chairman.

33  
34 CHAIRMAN ALVAREZ: Dan.

35  
36 MR. O'HARA: Cliff, you said that the  
37 National Park Service, Katmai National Park and  
38 Preserve apparently or I guess that would be Kokhanok  
39 area? Where is it on the agenda? Down under agency  
40 reports? Where is it at on the agenda? Beginning at  
41 13, where will that the ORVs be addressed in dealing  
42 with use of that in the park and preserve?

43  
44 MR. EDENSHAW: Mr. Chair and Mr.  
45 O'Hara. Inside the annual report reply there was  
46 information that Ralph and the Park Service provided.  
47 At our last meeting they provided a draft report. So  
48 I'm just assuming that Ralph would prefer to address  
49 that when we get into the agency reports versus here in  
50 the annual report.

1 MR. O'HARA: Okay. That's perfect.  
2 Yeah. I just want to know where it's at.  
3  
4 MR. EDENSHAW: Okay.  
5  
6 MR. O'HARA: Thank you. Mr. Chairman.  
7  
8 MS. MORRIS LYON: (Indiscernible,  
9 microphone not on)  
10  
11 MR. EDENSHAW: No, they're under 13 E  
12 and F, Lake Clark, Katmai National Park and Preserve  
13 and Aniakchak.  
14  
15 MS. MORRIS LYON: (Indiscernible,  
16 microphone not on)  
17  
18 MR. EDENSHAW: No. What do you mean?  
19  
20 MS. MORRIS LYON: (Indiscernible,  
21 microphone not on)  
22  
23 MR. EDENSHAW: Oh, that was just a  
24 separate. Well, Ralph will address any issues the Park  
25 Service has, as well as the ATV when we get down to 13  
26 E and F.  
27  
28 CHAIRMAN ALVAREZ: All right. Thanks,  
29 Dan. Okay. So I guess we will be hearing from Ralph  
30 more, the superintendent of the park, on that.  
31  
32 Is that it for C then, Cliff, the  
33 annual report?  
34  
35 (No comments)  
36  
37 CHAIRMAN ALVAREZ: We've probably just  
38 -- you know, it's there. It's, let's see, one, two,  
39 three pages of reading. It's from the Federal  
40 Subsistence Board and in reply to our annual report to  
41 them.  
42  
43 Okay. Here now we're down to No. D,  
44 Develop 2007 annual report. Refer to guidance for  
45 writing annual reports. Cliff, what do we need to do  
46 that?  
47  
48 MR. EDENSHAW: Mr. Chair. As I was  
49 pointing out those books there, the Regional Advisory  
50 Council, those have guidance in terms of providing some



1 oversight of how the Council can go about providing,  
2 or, you know, putting issues for consideration for  
3 their annual report. And we can go ahead and between  
4 today and, you know, tomorrow, before the Council  
5 adjourns, if there's any additional -- or I shouldn't  
6 say additional, but any annual report issues, you know,  
7 resources issues the Council has concerns over that  
8 cannot be addressed within wildlife or fisheries  
9 proposals or else the Fisheries Resource Monitoring  
10 projects. You know, I think the issue that brings up  
11 with permit reporting, you know, that can be addressed  
12 in the annual report, because we can sit there and  
13 draft correspondence to Jim Wellington or the  
14 Department of Fish and Game as well as the refuge and  
15 ask that they address the issue in terms of, you know,  
16 the -- you know, how they can improve that, as well as  
17 we're going to discuss some issues under new business  
18 regarding Mulchatna caribou, the Sixmile, the fisheries  
19 proposal that was deferred as well as brown bear, or  
20 else any other issues the Council may have that they  
21 would like to see included in their annual report.

22  
23 CHAIRMAN ALVAREZ: All right. Thanks.  
24 Yeah, I think all that stuff on new business we can put  
25 on or we amended probably should be along with comments  
26 on the proposals that we are going to be dealing with,  
27 and so -- and anything else that comes up that we can  
28 add to it.

29  
30 Okay. No. 8, open floor to public  
31 comments on the Federal Subsistence Program. Any of  
32 the public that wishes to comment on any of these  
33 proposals before us or anything that they want to bring  
34 up for Federal lands can fill out a card and testify at  
35 any time during the meeting. And it would be  
36 preferably at -- when we are taking up -- like if they  
37 wanted to say, if they wanted to testify on either of  
38 the two proposals that we'll be discussing or the new  
39 business agenda, it probably would be the appropriate  
40 time to testify when the public comes up to comment, so  
41 we will do it that way. But all you needed -- if the  
42 public wants to testify, just fill out a card and hand  
43 it to the coordinator.

44  
45 No. 9, fisheries proposal review and  
46 Regional Council recommendation. Okay. This is the  
47 procedure, Board members, that we will be using when we  
48 discuss these two proposals. The first, No. 1, is we  
49 will have somebody from Staff introduce the proposal  
50 and the analysis. The second one, ADF&G will comment

1 on it. All the way down and you'll see No. 7, if the  
2 public wants to testify, then they can fill out a blue  
3 card and testify for these proposal. And you can see  
4 there's eight items. We will be going by these steps  
5 when we discuss these two proposals. Any comment.

6

7 MR. EDENSHAW: Mr. Chair. If the  
8 Counsel will just make sure that they mark down for  
9 Proposal FP08-11, No. 12, is draft customary and  
10 traditional use determination policy for Council  
11 recommendation; No. 11, the draft resources fisheries  
12 monitoring plan. At least I know for those four, we  
13 need the Council to make recommendations on those. I  
14 just want to make sure -- and some of the other stuff,  
15 you know, is just normally housekeeping in terms -- if  
16 there's motions to.....

17

18 UNIDENTIFIED VOICE: Which ones?

19

20 MR. EDENSHAW: On Page No. 2, No. 11,  
21 12, FPO 11, No. 12, No. 10, the draft customary and  
22 traditional use determination, which one of -- which  
23 Staff will go through the Fisheries Resources  
24 Monitoring Program, which Rod Campbell will present as  
25 we proceed through the agenda. But I just want to make  
26 sure the Council can make recommendations on those.

27

28 CHAIRMAN ALVAREZ: Dan.

29

30 MR. O'HARA: That's why we're here.

31

32 CHAIRMAN ALVAREZ: Okay.

33

34 MR. EDENSHAW: That's all I had. Mr.  
35 Chair.

36

37 CHAIRMAN ALVAREZ: Thank you, Cliff.  
38 All right. So we're -- No. 9 is just the outline of  
39 how we will be going over these two proposals which  
40 we'll be taking up next. So will be right to -- we're  
41 at Proposal FP08-11. And who.....

42

43 MR. EDENSHAW: Mr. Chair.

44

45 CHAIRMAN ALVAREZ: .....it's submitted  
46 by the Aniakchak Subsistence Resource Commission. It  
47 requests the addition of snagging by handline or rod  
48 and reel, to the legal methods of harvesting salmon for  
49 the Alaska Peninsula and Chignik areas. Is Liz  
50 Williams going to be doing this, or is somebody else

1 going to be.....

2

3 MR. EDENSHAW: Yes. Mr. Chair. For  
4 the counsel and the other agencies, Liz Williams is our  
5 anthropologist for this region. And Laura you met --  
6 she also introduced herself. She's also here. She's  
7 the wildlife biologist. Laura Greffenius and myself.  
8 We pretty much comprise the team for this region. So  
9 Liz is going to present the draft analysis for  
10 Proposals No. 11 and 12. Liz.

11

12 CHAIRMAN ALVAREZ: Liz. And you know  
13 how to operate the mic, turn the button on and off.  
14 And state your name and then proceed.

15

16 MS. WILLIAMS: Hi. I'm Liz Williams  
17 with the Office of Subsistence Management. Good  
18 afternoon.

19

20 The analysis for FP08-11 begins on Page  
21 37 in your Council book. And as Mr. Alvarez noted,  
22 FP08-11 was submitted by the Aniakchak Subsistence  
23 Resource Commission, and they request the addition of  
24 snagging to legal methods of harvesting salmon for the  
25 Alaska Peninsula and the Chignik areas.

26

27 The communities that would be affected  
28 by this proposal include Chignik, Chignik Lagoon,  
29 Chignik Lake, Port Heiden, Perryville, Ivanoff Bay,  
30 Meshik, Sand Point, Port Moller, Nelson Lagoon, False  
31 Pass, Cold Bay and King Cove.

32

33 According to the proponents, snagging  
34 is an efficient and selective method of harvesting one  
35 or two salmon. This doesn't replace a bulk subsistence  
36 harvest. They mainly are thinking about when people go  
37 out camping or hunting or berry picking, somebody wants  
38 a salmon or two for a dinner, they grab it the quickest  
39 way possible.

40

41 Two members of the Aniakchak SRC met  
42 last Monday, September 24th, and they discussed this  
43 proposal, and in response to a list of questions from  
44 me, they stated that the proposal, as I mentioned, as I  
45 mentioned is intended primarily for camp meals. They  
46 want small spontaneous harvests with a rod and reel and  
47 a single hook. The practice of harvesting a couple of  
48 salmon for immediate use is customary and traditional  
49 practice throughout rural Alaska, all over.

50

1                   Last year Proposal FP07-06 was approved  
2 with modification by the Federal Subsistence Board, and  
3 that proposal, too, required snagging be legalized.  
4 That proposal also included spear or arrow or hand  
5 capture as legal methods and gear types used to harvest  
6 salmon in Lake Clark and its tributaries by Federally-  
7 qualified subsistence users.

8  
9                   So when I saw these two, it looked to  
10 me like the intents of the proposals might be similar,  
11 and it's not standard for the Staff to add stuff to a  
12 proposal, but I called Virginia Aleck and talked to her  
13 about the similarities between these two proposals, and  
14 the intents of them. And I asked her, should we add the  
15 same methods that Lake Clark had as well, and she said,  
16 yes. So I'm not trying to force these other methods on  
17 anybody. I was trying to be administratively  
18 efficient.

19  
20                   I also worked in Kodiak a lot where  
21 people did like to get a specific fish at a specific  
22 time, and it wasn't always legal for people just to get  
23 it at that time, but it was a traditional practice.

24  
25                   So Mrs. Aleck agreed that the  
26 modification to add these other methods would be okay  
27 with her, but we didn't get to talk to the whole  
28 Aniakchak SRC as a whole. There wasn't a quorum at  
29 their meeting last week.

30  
31                   The areas affected by this proposal  
32 include the Federal public waters within the Alaska  
33 Peninsula and Chignik areas. So, of course, this would  
34 only be legal in waters within Federal boundaries. If  
35 this proposal was adopted, therefore, only Federally-  
36 qualified subsistence users living in the communities I  
37 mentioned earlier could legally engage in snagging,  
38 spear or arrow or hand capture.

39  
40                   These new gear types make the harvest a  
41 little more efficient, but they're probably not going  
42 to increase the harvest. This is totally different  
43 from people getting their big bulk set for smoking and  
44 drying.

45  
46                   When the Board approved the proposal  
47 that I mentioned from last year, the Alaska Department  
48 of Fish and Game said that they couldn't allow these  
49 harvests to be listed on the State subsistence permit,  
50 because snagging is not legal under State law. So what

1 the Board did is said that when people snagged in Lake  
2 Clark, they could do it without a permit. So that's  
3 another modification to this proposal that I added to  
4 use the same language that the Board proposed for the  
5 Lake Clark proposal about snagging that was passed last  
6 year.

7

8 The Eastern Aleutian communities of  
9 Sand Point, Port Moller, Nelson Lagoon, False Pass,  
10 Cold Bay and King Cove are included in this area that  
11 would be affected. These communities were not  
12 represented on the Kodiak RAC this year. They just  
13 didn't have any members from that area still on the  
14 RAC. So these communities didn't really get to have a  
15 voice in this, but they would be affected. However,  
16 they wouldn't have to participate if they didn't want  
17 to. And again only residents of these communities  
18 would be eligible to snag. It wouldn't be like a  
19 statewide thing.

20

21 So the preliminary conclusion is to  
22 support FP08-11 with modification to allow harvest of  
23 salmon without a permit by snagging by handline or rod  
24 and reel, and a single hook is what the SRC specified,  
25 using a spear, bow and arrow, or capturing by bare  
26 hand. And the proposed regulation would read pretty  
27 much like that. You may also take salmon without a  
28 permit by snagging, handline or rod and reel, using a  
29 spear, bow and arrow, or capturing by bare hand.

30

31 And that's the end of the analysis.

32

33 CHAIRMAN ALVAREZ: Thank you, Liz. Is  
34 there any questions for Liz from the Board members.  
35 Dan.

36

37 MR. O'HARA: Yeah. Ms. Williams, why  
38 do you include the other communities? I mean, it's one  
39 thing to mention that they didn't have a quorum or  
40 being represented, but that really isn't our  
41 jurisdiction.

42

43 MS. WILLIAMS: This is a cross-over  
44 proposal, and the proponent asked for the areas of the  
45 Alaska Peninsula Wildlife Refuge as well as the  
46 Aniakchak National Wildlife Refuge, and those  
47 communities happened to be within those Federal land  
48 units, so we presented this proposal at the  
49 Kodiak/Aleutians RAC, but like I said, there was nobody  
50 there. But because the proposal is specific to those

1 two Federal land units, all of the communities within  
2 those land units get lumped in. And so that's why the  
3 Eastern Aleutian communities are in there.

4

5 MR. O'HARA: Well, they are a complete  
6 separate unit from us. I mean, you can say that, it  
7 doesn't make a difference to them, if they say no or  
8 something different, that's up to them. We have no  
9 legal jurisdiction or any kind of authority over those  
10 kind of people, and we don't necessarily want to mix  
11 with them either. We have reasons that we don't want  
12 to get into their situation, because it's a totally  
13 different situation. It doesn't make a difference to  
14 me. I was just curious why those villages ended up  
15 there.

16

17 Thank you.

18

19 CHAIRMAN ALVAREZ: Is there anybody  
20 else.

21

22 MR. EDENSHAW: Mr. Chair.

23

24 CHAIRMAN ALVAREZ: Cliff.

25

26 MR. EDENSHAW: Perhaps Liz could share  
27 with the Council if the Kodiak Council did make a  
28 recommendation on the proposal.

29

30 MS. WILLIAMS: I wasn't at that  
31 meeting, but the Kodiak Council decided to table it I  
32 believe. Is that correct, George? They had some  
33 concerns about snagging relating to sport fishing  
34 ethics. And I don't know what the procedure is. I  
35 mean theoretically we could take those communities out  
36 maybe, I don't know. But because of the way -- and it  
37 is a different culture area totally, but they were just  
38 within the Federal land units and that's how the  
39 proposal was submitted. So -- but the Kodiak RAC  
40 tabled it until they got more information.

41

42 CHAIRMAN ALVAREZ: All right. Thank  
43 you, Liz.

44

45 MR. EDENSHAW: Mr. Chair.

46

47 CHAIRMAN ALVAREZ: Dan Dunaway.

48

49 MR. DUNAWAY: (Indiscernible, mic not  
50 on)

1 CHAIRMAN ALVAREZ: Cliff, do you have  
2 something to say?

3  
4 MR. EDENSHAW: No, I wanted to get more  
5 information from Liz, because if the Council -- I have  
6 a regs book with the fisheries on Map 9, and that  
7 certainly will answer Dan's question -- Mr. O'Hara's,  
8 regarding -- there's the Alaska Peninsula and the  
9 Chignik areas, and so when the Council's -- go ahead,  
10 Nanci, can you pass that down? When the Council  
11 proceeds, you know, after they've had their question  
12 and answer with Liz, they may also -- in spite of the  
13 Kodiak Council deferring or tabling the proposal,  
14 certainly the Council will have an opportunity in their  
15 recommendations to also modify the proposal, you know,  
16 if they so choose to in regards to Dan's concerns about  
17 the other communities that are -- you know, if you look  
18 at the wildlife -- if you look at a wildlife map, you  
19 know, we have Units 9 and 17, and those communities,  
20 you know. And then if you look at the fisheries, the  
21 jurisdiction is totally different. So -- and certainly  
22 the Council has the purview to go ahead and modify the  
23 proposal if they so choose to, but I think one thing  
24 that the Council should -- they could certainly look at  
25 is including language that Liz presented them with  
26 regards to the Kodiak Council's tabling the proposal,  
27 and that's something that we could also add in the  
28 Council's recommendation, because I don't have that in  
29 front of me in terms of what they -- when they met.  
30 I'm not sure if Glenn or someone else attended that  
31 Kodiak meeting, other agency Staff that are present.  
32 But that's something that we can certainly do. I could  
33 probably find out here before we adjourn tomorrow.

34  
35 CHAIRMAN ALVAREZ: Thank you, Cliff.  
36 Yeah, I think we should comment of this proposal, you  
37 know, and if they don't want to, that's up to them, or  
38 if they want to go against the proposal, that's fine.  
39 They can do what they want, but we have our -- you  
40 know, we're here to do a job, and we need to do -- you  
41 know, comment on these.

42  
43 So is there any other -- Dan Dunaway.

44  
45 MR. DUNAWAY: One thing, we've had --  
46 probably don't have enough chance yet, but maybe if  
47 Mary or somebody from Lake Clark could speak to how the  
48 current regulation change has been working up there.

49  
50 The other thing, maybe, Liz, you could

1 answer me, if this goes on for a while, if it's allowed  
2 and goes on without any permit, is there going to be a  
3 method for collecting information on -- harvest  
4 information, quantity, location and so on? or are we  
5 going to get into a situation where we're not -- with  
6 no permit, and no documentation as to that activity. I  
7 don't know if Liz and Mary want to share answers, and  
8 two different questions, but.....

9

10 CHAIRMAN ALVAREZ: Okay. If any --  
11 Mary? Does somebody have an answer to that question?

12

13 MS. MCBURNEY: For the record, Mary  
14 McBurney, subsistence program manager for Lake Clark  
15 National Park and Preserve.

16

17 To answer your question, Mr. Dunaway,  
18 there has been -- at least for this year, it's been  
19 imperceptible. If -- there really hasn't been much  
20 activity, particularly with regard to snagging that has  
21 been observed anywhere within Lake Clark. And I have  
22 yet to see anybody that's been trying to catch salmon  
23 with a bow and arrow or a spear yet either, although  
24 there might be somebody that are tickling salmon  
25 somewhere, you know, catching them by hand. But as far  
26 as the snagging issue is concerned, so far it has not  
27 presented itself to be a concern at all. And we  
28 haven't had any reports of any sport subsistence  
29 conflicts with regard to say sport fishermen observing  
30 subsistence fishers using snagging as a harvest method.  
31 So for the year of data that we do have, it really has  
32 not been problematic at all.

33

34 CHAIRMAN ALVAREZ: Thank you, Mary.  
35 Yes.

36

37 MR. DUNAWAY: I have a question. Then  
38 I inquired about how you are going to plan to -- I'm  
39 sorry. The part about how you plan to develop a  
40 history of harvest levels, locations and so on for  
41 either documenting whether you have a problem or not,  
42 what's the plan with no permit system?

43

44 MS. MCBURNEY: Well, at this point it's  
45 been the law enforcement division that has been  
46 handling that, and there are regular patrols that are  
47 out in the more popular areas where people fish, where  
48 the salmon congregate. And as I aid, this past year  
49 there's been no problem, no issue. And for that matter  
50 really no observed activity. But I would imagine that



1 the first inclination -- or the first indication that  
2 we would have would come through our law enforcement  
3 personnel who are out basically doing streamside  
4 surveys and patrols.

5  
6 CHAIRMAN ALVAREZ: Thank you, Mary.

7  
8 Nanci, did you want to comment?

9  
10 MS. MORRIS LYON: No, that answers my  
11 questions.

12  
13 CHAIRMAN ALVAREZ: All right.

14  
15 MR. ABRAHAM: Mr. Chairman.

16  
17 CHAIRMAN ALVAREZ: Pete.

18  
19 MR. ABRAHAM: Are we talking about  
20 spawned out salmon in the lakes?

21  
22 MS. WILLIAMS: Most of the time, no. I  
23 thought that might be part of it, but the SRC said it's  
24 generally just a sockeye in some of the tributaries of  
25 Lake Clark. But there are people that do want salmon  
26 at specific times, but this wouldn't be when they  
27 grabbed their big net full of red fish.

28  
29 MR. ABRAHAM: Yeah.

30  
31 MS. WILLIAMS: This would be more like  
32 when they're camping.

33  
34 MR. ABRAHAM: Because in Togiak Lake  
35 the only time that people are after -- or by snagging  
36 the salmon is spawned out salmon for their dinner that  
37 night, because by snagging those salmon, it's going to  
38 take you a long, long time to get your fish. I mean,  
39 even 10 fish. That's why I'm just wondering if it's  
40 spawned out salmon, what's the concern about it.

41  
42 CHAIRMAN ALVAREZ: Yeah, Pete, yeah,  
43 that's the -- the intent of the proposal is just when  
44 they're out camping or picking berries, just to be able  
45 to get a fish to eat. It's not their main way of  
46 getting their subsistence fish to smoke or put in the  
47 freezer, so it -- I think the Federal Board approved it  
48 because of that, it was just one fish once in a while.  
49 And like Mary says, you know, there doesn't seem to be  
50 any problem, or probably hardly anybody even doing it.

1 That's probably why.  
2  
3 Any more comment on that.  
4  
5 MR. BOSKOFISKY: Mr. Chairman.  
6  
7 CHAIRMAN ALVAREZ: Alvin.  
8  
9 MR. BOSKOFISKY: I for a fact go out and  
10 get fish to even dry by snagging. You don't always get  
11 them just when there's no ice around. We get fish  
12 until late February. And we do get our fish to eat.  
13 And it is all salmon, not just sockeye.  
14  
15 CHAIRMAN ALVAREZ: Okay. So you're  
16 saying it's when there's ice and it's had to get a net  
17 out, you -- it could be a way to -- one of the ways to  
18 get your fish to hang?  
19  
20 MR. BOSKOFISKY: That's correct.  
21  
22 CHAIRMAN ALVAREZ: I never thought of  
23 that. All right. Thank you, Alvin.  
24  
25 MR. EDENSHAW: Mr. Chair.  
26  
27 CHAIRMAN ALVAREZ: Cliff.  
28  
29 MR. EDENSHAW: I wanted to ask Liz,  
30 too, just for clarification, when the Council moves  
31 towards their recommendation, without having -- and I  
32 think we want to avoid what we went through with  
33 Sixmile, perhaps the Council could identify waters  
34 where there may be some jurisdictional issue with what  
35 Dan mentioned initially with -- you know, what -- the  
36 definition of Federal waters and jurisdiction, if Liz  
37 knows -- if the SRC pointed out which waters they  
38 intend to snag in, so that that will be clarified.  
39  
40 MS. WILLIAMS: Well, it's any of the  
41 waters within Aniakchak National Monument and Preserve,  
42 and the Alaska Peninsula Wildlife Refuge. So all the  
43 Federal waters within those two conservation units.  
44 And this came up at the Board meeting last year, and  
45 the Board made a conscious decision not to fiddle too  
46 much about that, because they were concerned about  
47 people having to get two different permits, a Federal  
48 permit and a State permit. And I can't remember who it  
49 was from the Park, but it was an enforcement person I  
50 believe who said that it wasn't an issue for him. And

1 I don't know if this was just off the cuff or not, but  
2 the State management person there at the time even said  
3 that people could theoretically write their snag to  
4 catch on the State permit, but they couldn't list that  
5 as a method. So they wouldn't be fishing legally on  
6 State law, but they could still put it on their permit.  
7 Now, whether or not that's accurate today, I don't  
8 know, but they wouldn't need to be fishing legally  
9 under State regs if they were fishing in Federal  
10 waters.

11  
12 CHAIRMAN ALVAREZ: Thank you, Liz.  
13 Anybody else.

14  
15 (No comments)

16  
17 CHAIRMAN ALVAREZ: Okay. Then is that  
18 it for the analysis?

19  
20 (No comments)

21  
22 CHAIRMAN ALVAREZ: I guess then we'll  
23 go down to No. 2, ADF&G comments on this proposal.

24  
25 MR. PAPPAS: Good afternoon. My name  
26 is George Pappas, Department of Fish and Game,  
27 subsistence liaison team for the commercial and sport  
28 fisheries divisions. And I'm here to talk on Proposal  
29 FP08-11.

30  
31 This was included in your Regional  
32 Advisory Council books, and this is actually just a  
33 copy from the same comments that went forth to the  
34 Kodiak/Aleutians Regional Advisory Council. I've been  
35 instructed to read this into the record.

36  
37 If adopted, this proposal would add  
38 snagging with a hook and line as legal means to harvest  
39 all species of salmon in fresh waters of the Alaska  
40 Peninsula and the Chignik fisheries management areas.  
41 Federal Staff recommends the proposal be expanded to  
42 include other methods and means recently adopted in  
43 Lake Clark.

44  
45 The Department opposes this proposal.  
46 The Alaska Board of Fisheries has currently -- excuse  
47 me, has recently considered and decided not to allow  
48 snagging as a means of harvest in the fresh waters of  
49 Alaska. Federally-qualified subsistence users would be  
50 required to use a separate Federal permit to use this

1 methods and means, because it is not authorized by the  
2 State permit.

3  
4 Rod and reel, bow and arrow, spear and  
5 bare-hand catch or snagging are not legal means --  
6 excuse me, are not legal methods on State or private  
7 lands so Federally-qualified subsistence users would  
8 have to be sure that they are on Federal lands or in a  
9 boat if they use these methods.

10  
11 And if you look on the Page 49 of your  
12 RAC book, you'll notice there's a land status map of  
13 the Chignik watershed area. You'll notice the dark  
14 lands are private or corporate lands, and the -- and  
15 which are non-Federal lands. And specifically in the  
16 Chignik watershed, you would have to travel quite some  
17 distance to get to Federal lands to be able to fish  
18 from, otherwise you'll have to actually -- Federal  
19 subsistence users would have to actually be standing in  
20 the water or fish from a boat in that watershed.

21  
22 Yeah, travel to use these methods on  
23 Federal lands in this area, which is generally remote  
24 and less accessible would be costly. Liberal State  
25 subsistence fisheries are allowed on all lands, so this  
26 method is not needed for meaningful subsistence  
27 harvest, and would be confusing for the user, and  
28 complicated for law enforcement personnel.

29  
30 Salmon may be harvested under the  
31 Alaska Board of Fisheries regulations using gillnets  
32 and purse seines. The State provides a subsistence  
33 preference on all lands, and liberal State subsistence  
34 fisheries for salmon are provided on the Alaska  
35 Peninsula. For example, subsistence fisheries in  
36 Chignik in the Alaska Peninsula area, including Sand  
37 Point, Port Moller and Cold Bay, have liberal household  
38 limits of 250 fish. The subsistence fishermen can be  
39 authorized to take more fish if they need it.

40  
41 Legal gear types allowed for the  
42 Chignik and Alaska Peninsula subsistence fisheries  
43 include gillnets and seines, except for in Chignik Lake  
44 where purse seines may not be used. Additional gear  
45 types can be specified and added to the State's  
46 subsistence permit. For one example, up in Port Moller  
47 some folks wanted to use Hawaiian throw nets, so the  
48 area manager up there said, why not, so there are folks  
49 that fish in Port Moller with Hawaiian throw nets for  
50 salmon for subsistence.

1                   Each management area has specific  
2 stipulations on respective areas of subsistence  
3 permits. For example, timing restrictions to separate  
4 subsistence and commercial fishermen, gillnet lengths  
5 -- gillnet length limits in areas open to commercial  
6 fishing, and closed waters. A commercial salmon  
7 license holder or CFEC permit holder may not  
8 subsistence -- excuse me, may subsistence fish for  
9 salmon during commercial salmon periods in the Chignik  
10 area, but may not subsistence fish 12 hours before or  
11 after each period. If they're a commercial salmon  
12 license holder or a CFEC permit holder in the Chignik  
13 Management Area goes fishing in the Chignik Lagoon,  
14 Lake or River, they're required to call Fish and Game  
15 at the weir to make sure --in order to separate  
16 subsistence and commercial harvests. And that works  
17 real well. It's a simple radio call to say, hey, I'm  
18 going to fish in this spot this time, and when they're  
19 done, just give us a holler back. It's -- I was the  
20 area manager in Chignik for five years, and it works  
21 fairly smoothly.

22  
23                   These restrictions include reduced  
24 annual limits -- excuse me. Additional State  
25 subsistence fishery restrictions exist in the Alaska  
26 Peninsula to conserve smaller inaccessible streams.  
27 Restrictions include reduced annual limits of harvest  
28 of particular systems and areas, and the Alaska Board  
29 of Fisheries has determined the combined amounts  
30 necessary for subsistence for the communities in the  
31 Alaska Peninsula area is 34,000 to 56,000 salmon  
32 annually, and the ANS or the Chignik area, which is  
33 Chignik Bay, central and eastern districts of the  
34 Chignik Management Area is 5,900 to 14,250 fish  
35 annually.

36  
37                   Most salmon runs on the Alaska  
38 Peninsula are currently listed as stocks of concern by  
39 the Board of Fish. The use of snagging as a legal  
40 method may increase the harvest of salmon throughout  
41 the drainages on the Alaska Peninsula by an unknown  
42 amount. It is not known whether such harvest would be  
43 large enough to raise any conservation issues on  
44 individual tributaries or creeks and streams with small  
45 numbers of specific stocks.

46  
47                   I need to make a correction to our  
48 preliminary Staff comments here. This next sentence  
49 was incorrect, and it was pointed out to me. It said,  
50 the Department agrees with the Bristol Bay Regional

1 Advisory Council's comments of the October 2nd and 3rd,  
2 2006. That is incorrect. The Bristol Bay RAC did not  
3 say that. That came from the Federal.....

4

5 MR. CAMPBELL: Mike Edwards.

6

7 MR. PAPPAS: It came from Mike Edwards  
8 with OSM who was presenting the Federal Staff analysis  
9 at the time.

10

11 MR. CAMPBELL: Yeah, he was with  
12 (indiscernible, away from microphone) InterAgency Staff  
13 Committee staff report. He provided the analysis for  
14 this proposal (indiscernible, away from microphone) his  
15 analysis that he provided to the Bristol Bay RAC.

16

17 MR. PAPPAS: Part of the analysis that  
18 was provided to the Bristol Bay RAC by the local  
19 fisheries biologist, Federal fisheries biologist. So,  
20 in other words, I made a mistake, or somebody in our  
21 group made a mistake when they said the Bristol Bay  
22 RAC. That is incorrect. So that's corrected.

23

24 The comment that was made was the  
25 proposed use of snagging with a rod and reel as a means  
26 of harvest is a cause for concern. Given the  
27 likelihood that not all fish hooked by snagging will be  
28 landed, this method is -- potentially result in a  
29 number of fish being injured, and depending on the  
30 severity of the injury, may not successfully spawn.  
31 Additionally, the injury rate could be very high and  
32 there could be a potential that a fisher could con --  
33 excuse me, for a fisher to continue snagging until  
34 successful, therefore snagging with rod and reel in  
35 Lake Clark or its tributaries should not be considered  
36 a biologically sound method of harvest. And that was  
37 stated in October 2006.

38

39 As for jurisdiction issues, under  
40 Sections 102 and 103(c) of ANILCA, Federal regulations  
41 do not apply to State or private lands, and do not  
42 apply to validly selected, but not yet conveyed lands.  
43 Detailed maps of where the Federal jurisdiction is  
44 claimed and the basis of each claim need to be  
45 provided. And if you look on Page 48 of your RAC book,  
46 this gives you the patchwork of the Federal and State  
47 lands on the Alaska Peninsula. And you will see that  
48 there are, you know, 100 plus miles of contiguous State  
49 lands on the north side, and if a subsistence user -- a  
50 Federal subsistence user wanted to fish from land on

1 the north side, they would actually have to go inland  
2 quite some ways in accordance with State regulations.

3

4 If the Federal Board allows snagging,  
5 the Federal agencies will be responsible for  
6 permitting, reporting and monitoring the fishery.  
7 Using multiple permits and requiring separate reporting  
8 would be confusing and cumbersome for Federally-  
9 qualified subsistence users. And the comment from --  
10 Liz said earlier, the Federal subsistence users  
11 initially were encouraged to write their harvest down  
12 on the State permit when the Federal and State  
13 regulations were the same. Now that they're diverging,  
14 somebody with a State permit, it has basically -- I've  
15 got a copy of one here, it has what's legal and where  
16 it's legal, and they would -- it would not be a  
17 document that would -- it would not be legal to  
18 Federally subsistence with the different legal means  
19 and methods in areas than what's on the State permit.  
20 And an individual could be cited by I guess a state  
21 trooper, but -- yeah, a fish and wildlife officer.  
22 Excuse me.

23

24 The proposed uses of snagging as a  
25 means of harvest create also enforcement problems.  
26 Snagging in fresh water is not consistent with the  
27 principles of sound management and conservation of fish  
28 and wildlife resources, contradict regulations, and  
29 subsistence permit stipulation do not allow for rod and  
30 reel as a legal gear type, but Federal subsistence  
31 regulations instruct Federal subsistence fishers,  
32 participants to use a State-issued subsistence permit  
33 to record their harvest. If this proposal is adopted,  
34 Federal subsistence users participating in a Federal  
35 subsistence fishery, would not be able to use a State  
36 permit.

37

38 The Department requests clarification  
39 regarding which methods of snagging are being requested  
40 in the proposal. Is this proposal requesting to  
41 provide Federally-qualified subsistence anglers the  
42 opportunity to use a rod and reel, to snag salmon, or  
43 would subsistence users utilize a hand line with a  
44 treble hook attached.

45

46 And that pretty much concludes the  
47 Department's preliminary comments for this proposal,  
48 sir.

49

50 CHAIRMAN ALVAREZ: Thank you, Mr.

1 Pappas. I wasn't a high proponent of the proposal,  
2 but, you know, we discussed it before last year with  
3 Lake Clark, and in my view it wouldn't be utilized all  
4 that much, like Ms. McBurney, Mary, had said, that they  
5 don't even now how many people did it or it was small.  
6 And it -- but it -- when you're out camping, you know,  
7 you -- and it is a good method, because you've got a  
8 fishing rod with you, not a net, and I -- you know, and  
9 the Board had said you don't need -- they made it so  
10 you didn't have to have a subsistence permit, so, you  
11 know, that would take care of the State, but, you know,  
12 if you -- if the person wanted to, they can always  
13 write it down as part of their catch. Just for  
14 documentation. So it is quite controversial all right,  
15 even though it's a -- I consider it as a small number.  
16 It's just the way it's taken that people don't -- some  
17 people don't like.

18

19 Any other comment. Dan.

20

21 MR. DUNAWAY: Yeah. Mr. Chair.

22 Looking around in the room, usually we have kind of a  
23 legal person here. As I listen to some of the  
24 information presented to us, it comes to my mind maybe  
25 if somebody wants to volunteer to try to answer this.  
26 I understand there's an intent here that would reflect  
27 small catch, spontaneous and so on. But does this  
28 language in fact restrict or really focus on that  
29 intent, or could this -- I had too much experience  
30 between intent and actuality in my career, especially  
31 when people, or some people, I could spend all winter  
32 trying to write an airtight regulation, and it would  
33 take 10 minutes for some folks to figure out a way  
34 through it. As written, would it prevent somebody from  
35 getting their entire summer or entire complement of  
36 subsistence fish by snagging? As written or as we  
37 adopted it, or would there be regulations promulgated  
38 out of this regulation that would speak closer to the  
39 intent that this is probably an infrequent, small take  
40 on an occasion -- something like that, or could  
41 somebody say, hey, this is what the rule is, and we're  
42 going to take all 250 fish by snagging.

43

44 CHAIRMAN ALVAREZ: I'll comment on  
45 that, Dan. The way I see it is if the person wanted to  
46 take all their subsistence fish this way, they could,  
47 and like Alvin had mentioned earlier, like late in the  
48 year when they've got too much ice to put a net out,  
49 it's a way of putting a few fish on the rack. And, you  
50 know, that's -- they should be able to do that.



1 MR. DUNAWAY: Oops, I didn't turn --  
2 yeah, Mr. Chair. That's an interesting comment, Alvin,  
3 I hadn't thought of that angle, but as I've spoken out,  
4 and I think I better be consistent, from personal  
5 observation and training, I have real objections to  
6 heavy loads of snagging. It would one fish here, one  
7 fish there, especially somebody who's a real pro at it,  
8 you don't waste much time. But if it opens the door to  
9 wholesale snagging and injury of a lot of fish that are  
10 not used, or not -- and maybe impaired from spawning, I  
11 just -- it troubles me a lot. And at this point, I'm  
12 not inclined to support this.

13

14 CHAIRMAN ALVAREZ: Thank you, Dan.

15

16 MR. ABRAHAM: Mr. Chairman.

17

18 CHAIRMAN ALVAREZ: Pete.

19

20 MR. ABRAHAM: Snagging has not been a  
21 problem anywhere. I mean, even Togiak area where  
22 there's lots of people going up lakes, hardly anybody  
23 snags fish over there, because to them they're rushing  
24 over there, but -- and they want fish, if you have no  
25 spare net, they snag it. Other than that, hardly  
26 anybody use snagging. Not only that, you know, because  
27 under the State law it's -- snagging is -- I mean, it's  
28 not allowed. So I don't -- it's not a problem  
29 anywhere.

30

31 Thank you. Mr. Chairman.

32

33 CHAIRMAN ALVAREZ: Yeah. Thank you,  
34 Pete. I don't see where it -- like Dan says, it could  
35 be a problem, but I don't see that. I know that I  
36 don't like -- I never -- the intent -- when we first --  
37 this first came before us, it -- I didn't really like  
38 it, but it is a means -- a way of doing it when you're  
39 out trying to catch one or two for dinner that night,  
40 but you know, the issue of actually the person catch  
41 them all like that, I guess, I don't want to see it  
42 illegal if that's how they wanted to take all their  
43 fish, if they couldn't do it any other way.

44

45 Nanci.

46

47 MS. MORRIS LYON: Yeah. I see this --  
48 I have some conflicts also with this. I see this as a  
49 great tool for what Alvin has described. I think that  
50 that's a great opportunity for them to be able to get

1 fish when they need them, and do it efficiently. but I  
2 also have conflicts with the language as well, and I  
3 would feel a whole heck of a lot more comfortable if it  
4 was stipulated or somehow restricted in the amount of  
5 fish that could be taken by this method, because I also  
6 see huge potential for creating conflicts between user  
7 groups in areas. And, you know, that's one thing we  
8 certainly wouldn't want to promote by any means. So I  
9 would throw that out there, too, if anybody has some  
10 positive suggestions on how perhaps limitations could  
11 be inserted into the proposal so that it wouldn't be an  
12 all out seasonal thing.

13

14 Thank you.

15

16 CHAIRMAN ALVAREZ: Mr. Pappas.

17

18 MR. PAPPAS: Mr. Chair. The  
19 Kodiak/Aleutians Advisory Council, they recommended  
20 that the Department go forth with this at the Board of  
21 Fisheries. There is a Department of Fish and Game-  
22 generated proposal specifically for Clark River, which  
23 is right next to the Chignik Lake Village, and it's  
24 currently considered closed waters under State  
25 regulations. Under State regulations for subsistence,  
26 all tributaries to Black Lake and Chignik Lake are  
27 closed. But they recommended to go forth with that  
28 proposal, since it does open the door for changing the  
29 closed water areas to introduce dip nets or something  
30 besides snagging. And they also discussed the  
31 possibility of having a daily limit on different types  
32 of gear type. The Department didn't -- hasn't made any  
33 commitment to any direction, but they gave advice to me  
34 to take back to the State, when it comes down to the  
35 time to figure out the regulations for that area, talk  
36 to the user groups and come up with something that  
37 might work for everybody. And also they recommended  
38 some type of a seasonal separation, picking a date  
39 where, later in the season, maybe less people would be  
40 in that part of the woods, and you don't have to worry  
41 about too high of an exploitation rate. I don't know  
42 what the Board of Fish is going to do with that, but  
43 that's some ideas they told me to take back to our  
44 Staff.

45

46 Mr. Chair.

47

48 CHAIRMAN ALVAREZ: Thank you. Rod.

49

50 MR. CAMPBELL: Yes. Thank you, Mr.

1 Chair. For the record, Rod Campbell. I'm with OSM.

2

3 This probably doesn't alleviate all the  
4 concerns that Dan and Nanci have mentioned, but I'm  
5 sure the Council is aware that the Federal in-season  
6 manager does have the authority, if there's some  
7 concerns about the number of fish taken by snagging,  
8 they do have the authority to adjust the method and  
9 means and provide in-season restrictions if there are  
10 some concerns that do come up to them. Again, that  
11 would be outside of the regulatory proposal. But they  
12 could handle some of these concerns by special action.

13

14 Thanks.

15

16 CHAIRMAN ALVAREZ: Thank you, Rod. Any  
17 more comment. Were you done with your report, or your  
18 comments on this?

19

20 MR. PAPPAS: Mr. Chair, yeah, I was  
21 going to conclude, but as you stated earlier, this is a  
22 pretty big area this proposal would cover. It would go  
23 all the way out to Russia. From here to basically  
24 Russia. So -- including all the Aleutians. It is  
25 quite the diverse set of fisheries between here and  
26 there.

27

28 Thank you, sir. I am concluded.

29

30 CHAIRMAN ALVAREZ: All right. Thank  
31 you. If it's on Federal land, I don't see an issue,  
32 because the farther you get out there, the less  
33 conflicted there tend -- there would be. If there was  
34 somebody that's trying to subsist out there, I'm sure  
35 they probably wouldn't see very many -- the farther you  
36 go out, the less sport fishermen there would be, and  
37 you'd probably even -- if they needed to catch  
38 something to eat, you know, I wouldn't -- I'm sure they  
39 could probably use whatever means they could.

40

41 Dan.

42

43 MR. DUNAWAY: I want to clarify. I'm  
44 not used to -- like Dan O'Hara brought up originally,  
45 I'm not used to thinking outside our jurisdiction, but  
46 from the comment Mr. Pappas just brought up, I  
47 personally know there was -- snagging was a serious  
48 problem right in Unalaska/Dutch Harbor, and there's a  
49 real serious potential for damaging runs in that area.  
50 And maybe somebody could speak. Would -- if we support

1 this, would that open those waters, that area? Those  
2 are real small runs out there, and you've got several  
3 thousand people there. And I've written tickets  
4 personally for snagging. Maybe somebody could help me  
5 out.

6

7 CHAIRMAN ALVAREZ: All right. Yeah,  
8 I've got a question on that. Rod. Do they qualify?  
9 Are they -- do you have a C&T determination out there?  
10 Just a -- but it's really not in our jurisdiction like  
11 it's said, but, you know, just for argument.

12

13 MR. CAMPBELL: Excuse me. Mr. Chair.  
14 Rod Campbell, OSM. That was for Dutch Harbor? My  
15 understanding is that this proposal is for the Chignik  
16 and Alaska Peninsula area. It's not for the Aleutian  
17 Islands area. Definition of Alaska Peninsula area,  
18 pretty much Page 47 in our reg books, stops out at the  
19 tip of the Peninsula.

20

21 UNIDENTIFIED VOICE: Mr. Chairman.  
22 That is the white reg books.

23

24 MR. PAPPAS: That is true. That is  
25 absolutely correct. Yeah, these Regional Advisory  
26 Councils do represent -- the decision-making here  
27 represents the Kodiak/Aleutians -- excuse me, is a  
28 cross-over proposal and it includes the  
29 Kodiak/Aleutians, but he is correct. I retract my  
30 statement. I apologize.

31

32 CHAIRMAN ALVAREZ: Thank you.

33

34 MR. EDENSHAW: Mr. Chair.

35

36 CHAIRMAN ALVAREZ: Cliff.

37

38 MR. EDENSHAW: Perhaps after the  
39 meeting we could -- the Council took care of the  
40 previous -- they could request, you know, move -- and I  
41 don't want to sit there and throw a wrench into what  
42 we're discussing now, but, you know, the Council can --  
43 you know, what we can do in the future is when  
44 proposals -- we could ask them to clarify, to follow  
45 the same wildlife boundary, and I'm not sure what kind  
46 of hairball that would be, but, you know, you could sit  
47 there, and to omit that portion, you know, just as we  
48 do with Units 9D and E, with the traditional Bristol  
49 Bay boundaries, we could ask them to -- we could ask  
50 the Board to -- if we submit a proposal and align the

1 boundaries so that there wouldn't be so much confusion  
2 with the other units.

3

4 CHAIRMAN ALVAREZ: Boris.

5

6 MR. KOSBRUK: And I've never seen  
7 people subsist on snagging because of the damage it  
8 does to the salmon when you're putting it in. It's  
9 bad. It's going to -- you don't see it very often,  
10 very, very often see that, that's because they're  
11 probably all camping and run the (indiscernible).

12

13 CHAIRMAN ALVAREZ: What method are you  
14 talking about?

15

16 MR. KOSBRUK: Pardon me?

17

18 CHAIRMAN ALVAREZ: What method you  
19 were?

20

21 MR. KOSBRUK: Snagging, they do not  
22 snag unless they're picnicking and they need meat or to  
23 cook or something like that. And there again they  
24 don't want to do that, because of the (indiscernible)  
25 on the salmon.

26

27 CHAIRMAN ALVAREZ: Thank you. Thank  
28 you, Boris.

29

30 Any more question to the ADF&G. Cliff.

31

32 MR. EDENSHAW: Mr. Chair. And perhaps  
33 with Mary and other Park Service, I'm certain that, you  
34 know, prior to the Board meeting, you know, granted  
35 they don't have a quorum to discuss the proposal, I'm  
36 sure that you could get comments from some of those  
37 individuals who serve on the SRC that could be  
38 provided. Liz is pointing at Tom. No? Which one?  
39 Alvin? Yeah. But, you know, she said that they  
40 weren't -- you know, the SRC submitted the proposal,  
41 and it's not beyond our reaches to grab additional  
42 comments from those members in spite of them not having  
43 a quorum, which would help support whatever  
44 recommendation, you know, that -- which is -- you know,  
45 why they submitted the proposal to begin with.

46

47 CHAIRMAN ALVAREZ: Thank you, Cliff. I  
48 guess that concludes ADF&G comments. No. 3, other  
49 State of Federal Agency comments. Do we have any.

50

1 (No comments)  
2  
3 CHAIRMAN ALVAREZ: Seeing nobody get  
4 up, we'll go down to No. 4, InterAgency Staff Committee  
5 comments.  
6  
7 MR. EDENSHAW: Mr. Chair, and Glenn  
8 Chen is Staff Committee for the Bureau of Indian  
9 Affairs, so if you have any questions during any  
10 deliberations, I'm certain you could call upon him if  
11 you'd like also.  
12  
13 CHAIRMAN ALVAREZ: All right. Thank  
14 you. So I guess if anybody got any InterAgency Staff,  
15 contact Glenn back there.  
16  
17 No. 5, ADF&G advisory committee  
18 comments. Are there any.  
19  
20 (No comments)  
21  
22 CHAIRMAN ALVAREZ: Seeing none, No. 6,  
23 summary of written public comments. Cliff, do we have  
24 any?  
25  
26 MR. EDENSHAW: Mr. Chair, I don't see  
27 any. There weren't any for this proposal.  
28  
29 CHAIRMAN ALVAREZ: Okay. So there are  
30 none. No. 7, public testimony. We have one card. Mr.  
31 Allen Aspelund, Sr.  
32  
33 MR. ASPELUND: Mr. Chairman.  
34  
35 CHAIRMAN ALVAREZ: Okay. All right.  
36 We can. That will probably be later on or tomorrow  
37 morning. Probably later on this afternoon, as soon as  
38 we do the other proposal. All right. We can wait  
39 until then.  
40  
41 Cliff.  
42  
43 MR. EDENSHAW: Mr. Chair. for the  
44 record, Mary passed out two pieces of paper, one from  
45 the Lake Clark SRC and one from the Aniakchak. And  
46 just for the record, it's addressed to Mr. Randy  
47 Alvarez, the Chair. It says, Dear Mr. Alvarez, the  
48 Aniakchak National Monument SRC, Subsistence Resource  
49 Commission, meeting scheduled for September 24th, 2007  
50 was canceled for lack of a quorum. The Aniakchak

1 National Monument Subsistence Resource Commission  
2 appreciates the opportunity to share with you its  
3 recommendations on these Federal subsistence proposals.  
4 If I can be of further assistance, feel free to contact  
5 me at 845-2253, Harry Kalmakoff, the Chair.

6  
7 And that's all, Mr. Chair.

8  
9 CHAIRMAN ALVAREZ: Thanks, Cliff.

10  
11 Okay. Then that will bring us down to  
12 No. 8, Regional Council deliberation, justification and  
13 recommendation. That reminds me. Did we move to adopt  
14 this, bring this up before us, or do we need to do that  
15 now?

16  
17 UNIDENTIFIED VOICE: (Indiscernible,  
18 mic not on)

19  
20 CHAIRMAN ALVAREZ: So we need to do  
21 that now. We need somebody to move to bring the  
22 proposal before us.

23  
24 MR. O'HARA: I'll make a motion that we  
25 accept Proposal FP08-11.

26  
27 CHAIRMAN ALVAREZ: To adopt it to bring  
28 before us?

29  
30 MR. O'HARA: Yes, bring it before  
31 the.....

32  
33 CHAIRMAN ALVAREZ: Okay. A motion's  
34 been made to -- for Proposal 08-11 to adopt.

35  
36 MR. HEDLUND: Second.

37  
38 CHAIRMAN ALVAREZ: Seconded by Thomas  
39 Hedlund. Okay.

40  
41 Now we are -- do I have any -- anybody  
42 want to comment on this proposal. Committee members.  
43 I guess I can start.

44  
45 This is basically the same thing that  
46 we have up in Lake Clark, and I'm in favor of  
47 supporting it, because it's just on the other end of  
48 our jurisdiction from where we supported it before.  
49 And although like ADF&G Staff had said or pointed out  
50 to us on Page 47, that it's not going to be -- they

1 wouldn't be able to do it very on the land around  
2 Chignik, but around Perryville or Ivanoff or some of  
3 the other villages, it's not that far away to utilize  
4 this method. And I kind of think that it's not going  
5 to happen very much, but it's just -- they would be  
6 able to utilize that method for harvesting, is because  
7 I think most people would be -- tend to be packing  
8 around rod and reels instead of bow and arrows or  
9 spears, so I'm going to support the proposal.

10

11 Anybody else want to comment on it.

12 Dan.

13

14 MR. DUNAWAY: As written, unless we  
15 want to make an amendment, I'll be opposed. I really  
16 would like to see these proposals written more tightly  
17 to reflect the intent rather than leaving the door open  
18 for some potential abuse. I realize like Randy says,  
19 and others, that it's not likely to be abused that  
20 much, which raises the question in my mind, then how  
21 badly is it needed. I feel that I've got to be  
22 consistent with good biological practices, and I don't  
23 think snagging is. If this was written to allow  
24 harvest of not more than five fish from the period say  
25 May through October or some such, and at a particular  
26 time, and then to acknowledge what I think is a lot  
27 more real concern is what Mr. Boskofsky brought up in  
28 the clearly more off fishing seasons. I would be a lot  
29 more inclined to support it. If I thought there would  
30 be any support for it, I would move to amend that, but  
31 if anybody else is interested, I guess let me know.  
32 But I really hate to see doors flung open that could  
33 create a snarl later. And personally as a kid I used  
34 to snag fish, and reflecting back on it, I probably did  
35 a fair amount of damage compared to how many fish I  
36 got. I've seen people a lot more proficient at it than  
37 me, so -- but with that, that's about all I have to  
38 say.

39

40 CHAIRMAN ALVAREZ: I'm interested in  
41 what you would like to have amended.

42

43 MR. DUNAWAY: I would amend the  
44 language to say allow the snagging to only -- not more  
45 than five fish at a time, in the periods say from -- I  
46 kind of arbitrarily picking dates, and people that live  
47 down in that area could help me, but May through the  
48 end of October. Not more than five fish at a time by  
49 snagging. And then something to the effect November  
50 through May for maybe there'd be no limit when there's



1 less likely to be a large number of fish that you could  
2 be yanking on the river through -- and doing a lot of  
3 damage. And to accommodate some -- what sounds like to  
4 me a real concern for getting fish, because I can  
5 imagine trying to get a net around raggedy ice and  
6 stuff. I mean, I've done that with seining, too.

7

8 CHAIRMAN ALVAREZ: Yeah I don't think  
9 we should do that. I wouldn't be in support of having  
10 times to do that, because, you know, if we're going to  
11 have it, I think we should have it the same as would be  
12 in Lake Clark Park and Preserve.

13

14 Any other comment.

15

16 MR. HEDLUND: Mr. Chairman.

17

18 CHAIRMAN ALVAREZ: Kenny.

19

20 MR. HEDLUND: Yeah, I sort of agree  
21 with Dan there. I'd like to see a limit, and I don't  
22 think five would be a -- I think even less than five  
23 would be a good number. You know, one or two is all  
24 you need for dinner. And I think if you open it up,  
25 you open it up to abuse like Dan is saying. That's  
26 what I'm worried about. And I think like Alvin is  
27 talking here, I think you could make exceptions for  
28 certain areas. And that's my concern is I don't now if  
29 I want to support holding it wide open -- excuse me,  
30 blow it wide open for, you know, snagging. I mean I've  
31 seen it where there's abuse, you know, and I don't --  
32 you know, like Dan says, I don't think it does the  
33 salmon stock much good. And that's just my personal  
34 feeling.

35

36 CHAIRMAN ALVAREZ: Okay. I've got a  
37 question for you. You serve on the Lake Clark SRC?

38

39 MR. HEDLUND: Uh-huh. (Affirmative)

40

41 CHAIRMAN ALVAREZ: So if we were to  
42 change, amend this proposal to have a time limit, would  
43 you like to see it in the Lake Clark National Park and  
44 Preserve?

45

46 MR. HEDLUND: For sure. I'd like to  
47 see it changed to where, you know, they limit it.

48

49 CHAIRMAN ALVAREZ: That's -- I would --  
50 I want -- if we're going to have -- I would like to see

1 both of these the same.  
2  
3 MR. HEDLUND: Yeah, I would, too.  
4  
5 CHAIRMAN ALVAREZ: The same  
6 regulations.  
7  
8 MR. HEDLUND: I mean, I personally.....  
9  
10 CHAIRMAN ALVAREZ: Not one different  
11 than the other.  
12  
13 MR. HEDLUND: Yeah, these leaves the  
14 door open to abuse. You know, I mean, you've got kids  
15 out there, you know, snagging and stuff like that, but  
16 then I've seen it on the other side where Grandma told  
17 her grandson to run down and get a fish for supper.  
18 Well, the poor kid got pinched, you know. And so I  
19 think it should be in there, but I think it should be  
20 limited to like one or two. I mean, no family eats  
21 more than two fish for dinner unless he has a real big  
22 family, and I haven't seen that yet.  
23  
24 CHAIRMAN ALVAREZ: Okay. Thank you.  
25  
26 MR. BOSKOFISKY: Not everybody owns a  
27 skiff or a bike or some way to get around, or has a  
28 net. People go out, they take what they're going to  
29 use. They're not taking more than what they need.  
30 They're not abusing it. I don't think it effects the  
31 record of what escapement going into any system.  
32 Mostly all the fish that are taken people recorded, so  
33 Fish and Game ends up knowing what's been taken. They  
34 may not put on the paper that it was snagged, but it's  
35 reported as subsistence.  
36  
37 Thanks.  
38  
39 CHAIRMAN ALVAREZ: Thank you, Alvin.  
40 Dan.  
41  
42 MR. O'HARA: There's several things I  
43 think that we should take into consideration. A number  
44 of years ago our native corporation put in a bill to  
45 Congress to put a net in Lake Clark -- Naknek Lake up  
46 here to catch some red fish. And, of course, the old  
47 Senator Ted Kennedy loaded it up with so much garbage  
48 that it didn't pass. But then the next year we put it  
49 in again and it did pass. And, of course, the Park  
50 Service, they went ballistic when they found that out,

1 and they were sure that there would be nets from here  
2 all the way to Bay of Island, you know. Well, there  
3 wasn't. And people still today take a few red fish.

4  
5 And it's just -- you know, a council  
6 like this blows things out of proportion. And I can  
7 see the interest of you people who would vote against  
8 it, because you have personal interest in -- you're a  
9 state guy setting here not being able to snag a salmon,  
10 and the Federal guy's sitting over here -- with your  
11 clients, and the Federal guy's sitting over here and he  
12 can. Well, that's the problem.

13  
14 When I was Chair of the Advisory  
15 Council, we put in for rainbow trout to be a  
16 subsistence fish. And we were in Anchorage, and, you  
17 know, the television cameras were in my face like this,  
18 it was five years ago, because we put in a proposal  
19 that rainbow trout could be a subsistence fish. And  
20 the hue and cry from the sports guys went up like there  
21 was no tomorrow. To this day I don't think there's  
22 five people who have gone to Federal land to catch a  
23 rainbow trout. The guy with \$250,000 of airplane and  
24 about another \$10,000 worth of gear and five bags to go  
25 with it, I pack them out there all the time, and 10,  
26 \$15,000 to go out and do that, he's the guy out to  
27 catch rainbow trout, you know. And the subsistence  
28 user is just using a fish. And I don't think there's  
29 any abuse taking place. And if it is, we can stop it.

30  
31  
32 For instance now, we had -- and by the  
33 way, we got that. If you go from Egegik up to Gertrude  
34 Creek or Contact Creek it must be, it's going to cost  
35 you \$300 of fuel to go up there with jet runner, and  
36 people don't have that kind of stuff. They can't  
37 hardly get out of their village to catch a moose, and  
38 if they do, they get tagged for it, and they lost their  
39 moose down there the other way, and I would have  
40 changed that, too.

41  
42 And so that has not been abused as far  
43 rainbow trout goes.

44  
45 And, you know, they had a situation in  
46 Western Alaska Brown Bear Management Plan. Title VIII  
47 is totally different than what the average person uses  
48 -- I use the State of Alaska's permitting system to get  
49 my salmon and I write the permit and I send it in every  
50 year so I can keep doing it. And so they said, if you

1 got a brown bear and you had it tanned in Anchorage,  
2 you can cut its legs off and head off and everything,  
3 and you send a round ball of fur in to town, and that's  
4 your end result of -- and yet the guy can pay 15,  
5 \$20,000 to go out there and just leave everything in  
6 the woods. And the guides love that, that's their  
7 life, you see. But for us to go out and get an animal,  
8 hang him on the wall if we wanted to, well, we're  
9 penalized for that, because we might sell their claws  
10 or something. Well, they sell the whole bear for a lot  
11 more than that.

12  
13 So as far as I'm concerned, you know,  
14 we ought to take a look at where we're going here. If  
15 it's being abused -- what happened on this deal where  
16 you can sell \$50 or \$300 or \$500 worth of fish? That  
17 hasn't changed one day. But we put a paper trail in  
18 there if you do. That we said, if you are going to  
19 sell -- I buy salmon, smoked salmon from Pedro Bay  
20 every year, and there's a paper trail, there's a  
21 receipt. So if they want to follow me up on that --  
22 and we haven't abused that. No one has started a mom  
23 and pop operation to sell \$500,000 worth of fish, you  
24 know, to do that.

25  
26 So I think as far as I'm concerned, I'm  
27 going to support the proposal just like that. I don't  
28 care about Nelson Lagoon and those guys, because that's  
29 a whole different region. But as far as I'm concerned  
30 it's something that, you know, we can use on just an  
31 as-needed basis. I don't think there's going to be any  
32 abuse, and maybe we'd call Glenn Alsworth and ask him  
33 how many people abuse that system since they've had it  
34 now a year and we probably will find none.

35  
36 Thank you. Mr. Chairman.

37  
38 CHAIRMAN ALVAREZ: Thank you, Dan. So  
39 -- as soon as we get done with this. We're almost  
40 done. I guess -- do you guys want to think about this  
41 and take a break?

42  
43 MR. O'HARA: No, we -- let's just get  
44 it over.

45  
46 CHAIRMAN ALVAREZ: Did anybody else  
47 have any more comment on this? I'm ready to vote,  
48 unless somebody else has.....

49  
50 MR. ABRAHAM: Mr. Chairman. Nobody's

1 going to abuse, because they're been doing it for I  
2 don't know, many, many years, and it's not going to  
3 change. I mean, one dinner, one fish. Just because  
4 there's it's in the paper, they're not going to go out  
5 for 10 of them. It's not going to change. Heck, no  
6 one's going to abuse it. Why don't you just vote for  
7 it and go for it. See what happens. You can always  
8 change it.

9

10 Thank you. Mr. Chairman.

11

12 CHAIRMAN ALVAREZ: Yes.

13

14 MR. O'HARA: Call for the question.

15

16 CHAIRMAN ALVAREZ: The question's been  
17 called. Okay. So we'll vote on the proposal as  
18 written. All in favor of Proposal FP08-11 signify by  
19 saying aye.

20

21 IN UNISON: Aye.

22

23 CHAIRMAN ALVAREZ: Opposed.

24

25 MR. DUNAWAY: Aye.

26

27 MS. MORRIS LYON: Aye.

28

29 CHAIRMAN ALVAREZ: Okay. So that's --  
30 I read six to two. I only heard two. Was there more  
31 than two opposed?

32

33 MR. DUNAWAY: I opposed.

34

35 CHAIRMAN ALVAREZ: Yeah, you and Nanci.  
36 So I read six to two. So motion passed.

37

38 Okay. We are on Proposal 08-12. We  
39 will take a 10-minute break first and then resume on  
40 the next proposal.

41

42 (Off record - 2:53 p.m.)

43

44 (On record - 3:09 p.m.)

45

46 CHAIRMAN ALVAREZ: All right. We're  
47 going to come back to order. We are on Proposal FP08-  
48 12. And this one's been submitted by the Lake Clark  
49 Subsistence Resource Commission. And Ms. Williams will  
50 be giving us an analysis and the proposal language.

1 Okay. Liz, you have the floor.

2

3 MS. WILLIAMS: Hi. Liz Williams again  
4 with Office of Subsistence Management.

5

6 And Proposal FP08-12 begins on Page 52  
7 in your book. And this proposal was submitted by the  
8 Lake Clark Subsistence Resource Commission. And they  
9 requested the addition of traditional small-scale  
10 subsistence fish traps and weirs made of wooden stakes  
11 to the list of legal subsistence fishing gear listed in  
12 the general part of the Federal regulations. And this  
13 would be for the Naknek/Kvichak District, Lake Clark  
14 drainage of the Bristol Bay area. And where they want  
15 these is in the tributaries of Lake Clark, not in the  
16 lake itself.

17

18 When we looked at this proposal, it  
19 became clear that the definition of fyke net and lead  
20 that are already in general fishing regulations include  
21 or means fish trap and weir as a fence, as the  
22 proponents requested. So we don't need to make a  
23 specific new regulation for that part. However, that's  
24 the general part of the Federal fishery regulations,  
25 and we have to make specific regulations for the  
26 Bristol Bay area to have that. And we're on Page 52 if  
27 you're still looking.

28

29 There's some other regulations there  
30 that have to be kept in mind in relation to this  
31 proposal, and one is you can't obstruct more than one-  
32 half of the width of any stream with any gear used to  
33 take fish for subsistence, and you can't take fish from  
34 waters within 300 feet of a stream mouth. You also  
35 can't take it within a certain distance of a weir.

36

37 The areas affected by this proposal  
38 include the Federal public waters, again, within the  
39 Bristol Bay area that are in the Kvichak, Iliamna, Lake  
40 Clark drainage. The use of fyke nets and leads is  
41 proposed for all fish. In the proposal, the proponent  
42 specifically mentions salmon, grayling and white fish,  
43 and the only species that there appear to be biological  
44 concerns about are the Kvichak River sockeye salmon.  
45 However, if this proposal is adopted, it's unlikely  
46 that this small harvest would have an affect on Kvichak  
47 River sockeye.

48

49 On September 21st, I attended the Lake  
50 Clark SRC meeting to sort of narrow down some aspects

1 of this proposal and try to understand exactly what the  
2 proponent wanted. And I was curious about the salmon  
3 or the non-salmon fish, and the proponent said that the  
4 primary fish they wanted to harvest were suckers,  
5 whitefish, grayling, Dolly Varden, pike and an  
6 occasional salmon with these types of devices.

7

8                   These types of devices have a very long  
9 history in Lake Clark and Iliamna area. If anyone's  
10 read the Alana and Balluta studies or the Stickman and  
11 McBurney studies, it's very well documented in there.

12

13                   And, again, fyke nets and leads or fish  
14 traps and weirs are a traditional method of harvesting  
15 fish, but they're also a way of -- that people  
16 traditionally managed fish. They would harvest -- or  
17 they would allow fish to swim into these holding areas,  
18 they would pull out the ones they wanted, and let the  
19 other ones go unharmed. This may make people's  
20 harvests a little bit more efficient, but it shouldn't  
21 increase the subsistence harvest at all. This also  
22 will re -- you know, sort of decrease bycatch and will  
23 give people a higher quality catch than certain net  
24 fisheries, because the fish are alive when you get  
25 them.

26

27                   Lake Clark has a lot of tributaries,  
28 and each has a very specific variety of fish, including  
29 salmon and non-salmon species. And so in order to make  
30 sure that people don't put up special types of gear  
31 maybe where there's a population in danger or  
32 something, we are requesting or adding to this  
33 proposal, that a permit from the Federal in-season  
34 manager be acquired before one is constructed, and the  
35 Federal in-season manager used to be based in King  
36 Salmon, but now that office is based in Anchorage. And  
37 so we were hoping that coordination between the Fish  
38 and Wildlife Service in-season manager and local Park  
39 Service personnel in Lake Clark could be the ones to  
40 administer these permits.

41

42                   And this permit would also be used to  
43 report harvest, and this information could be shared  
44 with ADF&G to add to their subsistence harvest data  
45 base, because it wouldn't be put again on your  
46 subsistence salmon permit from the State, because it's  
47 not legal gear by the State.

48

49                   The Lake Clark SRC requested  
50 specifically the use of wooden stakes to make their

1 fish traps. In the office, we didn't want to hold  
2 people to a specific material, so we tried to leave the  
3 regulation general and not specify wood. However, at  
4 the SRC meeting, the park superintendent and the SRC  
5 said they really wanted to keep with wooden stakes for  
6 a couple of reasons. The Park superintendent said that  
7 he had aesthetic issues, Park issues. He didn't want  
8 PBC pipe sticking out of some of the streams. And the  
9 SRC said that they liked to only use mainly black  
10 spruce poles or other types of wildwood poles, because  
11 these are not supposed to be permanent devices like  
12 fish traps. They're very temporary, very short-term  
13 use. Maybe a day. You stick it up and then once you  
14 get what you want, you knocked it down.

15  
16 Because of the temporary nature of  
17 these devices, the fyke nets and the leads, at the  
18 Staff Committee meeting they had requested that people  
19 put their name and address and sort of identifying  
20 information on these fish traps and leads, but the SRC  
21 requested that that not be the case, because these are  
22 very temporary. You're only going to have it up while  
23 you're there in the first place, and people who are  
24 going to leave it up when they're not supposed to,  
25 probably wouldn't put their name on it anyway.

26  
27 Members of the SRC again spoke of this  
28 method of fishing as an application of a traditional  
29 management practice in which only select fish are  
30 harvested and the rest are released unharmed. And once  
31 the device -- the desired harvest was taken, the device  
32 would be removed from the water.

33  
34 So the OSM Staff preliminary conclusion  
35 is to specify regulations for fyke nets and leads in  
36 Lake Clark and its tributaries, but there's no need to  
37 add fish trap or weir to specify the types of device  
38 that we're talking about.

39  
40 I'm not sure what to do about the  
41 materials used in the construction part. My  
42 inclination is to follow the lead of the SRC and just  
43 say wood only, local wild wood. Like I said, they had  
44 a different opinion than the Staff did. Some Staff  
45 thought that specifying wood was overly onerous  
46 regulation.

47  
48 So the way the new regulation would  
49 read is for Bristol Bay area, all fish, outside the  
50 boundaries of any district, you may take salmon by set



1 gillnet only, except that you may take salmon by spear  
2 in the Togiak River, excluding its tributaries. Then  
3 there's the next part, you can take salmon by beach  
4 seines in Lake Clark. And then we would add, you may  
5 also take salmon with a fyke net or lead in tributaries  
6 of Lake Clark. You may only use a fyke net or lead  
7 with a permit issued by the in-season manager. You  
8 must be present when the fyke net is actively fishing.  
9 It has to be attended at all times. And again this is  
10 the part the SRC didn't like, you must have your first  
11 initial, last name, address, and subsistence permit  
12 number plainly and legibly described on a sign at or  
13 near your fyke net lead.

14

15 And the justification for our support  
16 of this proposal is that fyke nets and leads are  
17 customary and traditional fishing gear, and the  
18 required permits for use of fyke nets or leads issued  
19 by the in-season manager will ensure conservation of  
20 fishery resources and timely harvest reports.

21

22 There's also another regulation in the  
23 general regulations that says you can only get one  
24 subsistence salmon permit per year. And so we probably  
25 need -- it's not proposed here, but we probably need to  
26 change that regulation to say that you can get only one  
27 state and only one Federal subsistence fishing permit  
28 per year. So that came up sort of at the last minute.  
29 I apologize. It's not in the analysis in your book,  
30 but it's something else to consider.

31

32 And at the SRC meeting, it was hard for  
33 me to understand, I'm used to seeing baskets as fish  
34 traps, but I asked the proponent to draw for me what he  
35 was envisioning, and so I have a two-page diagram that  
36 will show you what he's referring to. What he said,  
37 it's going to be very close to the shore. The halfway  
38 width will not be a problem. It would be 300 feet.  
39 And if you look at the back, what he's proposing is  
40 vertically inserted wooden poles into a tributary of  
41 Lake Clark. And fyke net is to be two words.

42

43 That's the end of my analysis.

44

45 CHAIRMAN ALVAREZ: Thank you. Any  
46 questions. Dan.

47

48 MR. O'HARA: Yeah. Ms. Williams, It's  
49 a pretty interesting proposal. I like the idea of the  
50 wood, because, you know, PCB pipes and everything,

1 that's not natural, what do you do. But one of the  
2 things that would be the easiest to do is use wire  
3 mesh, and then you can have damaged fish and stuff like  
4 that. So I think their idea of the natural stocks,  
5 and, I don't know, if they need a permit to do cutting  
6 in parks and preserves or not, I guess that's up to  
7 your regulation, but that's really interesting.

8

9 When I was growing up on Oleleander  
10 River, one of the tributaries of the Chinkelyes which  
11 is a tributary of Iliamna River, and Chinkelyes ran all  
12 the way over to within maybe four miles of Iliamna Bay.  
13 It went all the way up there to Summit Lake and then  
14 you went over the top of the mountain into Iliamna Bay,  
15 called Williamsport now. And we would take a -- we  
16 sectioned off the whole river, this tributary, and put  
17 a chicken mesh container with funnels coming in like  
18 that, and the fish would go in there, and then you had  
19 a flip top. And all we did it was in May month that we  
20 caught that for feeding dogs. I'm sure the sports guys  
21 love to hear us that we feed fish to the dogs. May not  
22 get out of here alive, but who cares. I've lived long  
23 enough. And then whatever you didn't use, you just  
24 opened the back end and let them go, you know. So that  
25 was interesting. And it was way back, you know, eight  
26 days before gravel, so that was a long time ago. It's  
27 an interesting method.

28

29 CHAIRMAN ALVAREZ: Thank you, Dan.

30

31 Anybody else. Dunaway.

32

33 MR. DUNAWAY: Thank you, Mr. Chair.

34 When I read about this, I had a few questions, and I  
35 think I got some of them answered, but I guess I'll go  
36 through them.

37

38 So when this person proposed this, how  
39 many did they anticipate being built in a season?

40

41 MS. WILLIAMS: Probably one. Some  
42 people said it might be a good thing for a culture  
43 camp. One person said he likes to do it if he's in an  
44 emergency without his fishing pole or any other method  
45 to harvest fish. So like the other proposal, it would  
46 sort of be a standby, not a regular practice. The SRC  
47 supported it, but thought only one of their members  
48 would probably be actually practicing the method, but  
49 they also thought it was important for the community to  
50 know how to use the method and build it, and how to

1 take care of yourself if you got in a jam.

2

3 MR. DUNAWAY: Yeah. Thank you, Mr.  
4 Chairman. I have a few more questions, because I've  
5 been exposed to similar ideas other places, and they  
6 were specifically the culture camp type thing. And to  
7 me it does maybe make a difference whether this could  
8 be used by many people many places or one or two in a  
9 season.

10

11 So then would this be kind of a  
12 communal thing where quite a few folks would use it, or  
13 -- it sounds like maybe though it could be used for an  
14 individual, or did.....

15

16 MS. WILLIAMS: I think it could sort of  
17 be maybe if they did the culture camp thing. But more  
18 than anything, it was for individual, very sparse,  
19 incidental use, not huge numbers of people would  
20 probably be necessarily wanting all these types of fish  
21 at a certain time. Just a very small use.

22

23 MR. DUNAWAY: Okay. Thank you. Was  
24 there any discussion about requiring removal of these?  
25 You said that they anticipated they would remove them.  
26 Was there any discussion about mandatory removal?

27

28 MS. WILLIAMS: There wasn't. And part  
29 of that was because the sticking the sticks in the  
30 ground, by the time winter came, they would get knocked  
31 over. But most people said they would be pulling the  
32 stakes up in the holding pen after what was harvested  
33 was taken. And so sort of part of the process of the  
34 harvest is the removal of the holding pen, because you  
35 let all the ones you don't want go. We could add that  
36 if the Council wanted to.

37

38 MR. DUNAWAY: Yeah. I had quite a list  
39 here, Mr. Chairman. And was there any time -- specific  
40 time of year they want to do this or.....

41

42 MS. WILLIAMS: People mentioned they  
43 like to go when tributaries are shallow, because the  
44 species that were mentioned tend to hug the banks in  
45 the shallower times of year. I imagine that would be  
46 more like a fall type fishery. But theoretically  
47 because it was a survival device type thing, perhaps  
48 any time of year. There was not a limit. Because so  
49 many people like to harvest fish at different stages in  
50 their lives, depending on the condition of the meat.

1 Some of us may not always think this way, but some  
2 people like salmon with white meat, some people like  
3 maybe a longer lived grayling or sucker.

4

5 MR. DUNAWAY: Okay. I have one more  
6 question. I guess I'll wait maybe for the State guy,  
7 because I think it speaks more to State issues. But --  
8 yeah, that's all I have for now. Mr. Chairman. Thank  
9 you very much.

10

11 CHAIRMAN ALVAREZ: Thank you, Dan.

12

13 Anybody else have any comments or  
14 questions.

15

16 MR. ABRAHAM: Mr. Chairman.

17

18 CHAIRMAN ALVAREZ: Pete.

19

20 MR. ABRAHAM: Yeah. This particular --  
21 well, the idea of this over here or similar to this  
22 over here are being used up around Yukon area, but  
23 after it's frozen. They use it to get ling cod,  
24 whitefish, and it's lots better than a net, because the  
25 net kills the fish right away, but with this over here,  
26 you release what you don't eat. Like you said, Dan,  
27 you pull up a couple little stakes, they come out. And  
28 it's an old traditional way of doing that before modern  
29 fish traps and nets come around. That's how they used  
30 to -- they put a funnel in front of it. And that's how  
31 they used to catch fish and drive fish down, you know.  
32 And it just comes right out. Maybe that's why, you  
33 know, they -- the fish never declined, because what  
34 they take and what they need is being released in the  
35 old times.

36

37 Thank you, Mr. Chairman.

38

39 CHAIRMAN ALVAREZ: Thanks, Pete.

40 Cliff.

41

42 MR. EDENSHAW: Mr. Chair. When the  
43 council moves along and makes their recommendation, I  
44 wanted to ask Liz if she could -- you know, when she  
45 gets back to the office, if she could go ahead and  
46 stipulate resident zone communities within this  
47 drainage, because those resident communities are the  
48 only ones who are able to hunt and harvest fish, salmon,  
49 freshwater fish within I think where this proposal  
50 comes from.

1 And also to avoid duplication from the Lake Clark, from  
2 the proposal last year, hopefully the Council will  
3 address Sixmile, because it's within this proposal as  
4 well.

5  
6 CHAIRMAN ALVAREZ: Liz.

7  
8 MS. WILLIAMS: I apologize. The  
9 resident zone communities are specified in the  
10 analysis. I just didn't say it. And the SRC did ask  
11 that this be considered for Sixmile Lake as well. Or  
12 tributaries of.

13  
14 CHAIRMAN ALVAREZ: Thank you.

15  
16 MR. ABRAHAM: Mr. Chairman.

17  
18 CHAIRMAN ALVAREZ: Pete.

19  
20 MR. ABRAHAM: Something similar was  
21 used in Togiak River, and it's sort of like a family  
22 type thing. A certain family would gather, fish in  
23 that -- but this is like a dam, and when there's enough  
24 fish in there, they catch them out, they pull them out.  
25 The next family would do the same thing until they're  
26 done, and they release everything. And somewhere --  
27 something similar has been going on in Mekoryuk River  
28 for many, many centuries. Those holes belong to each  
29 family. And I think it's been going on down there. So  
30 this is nothing new. It's something that's something.  
31 It's some -- it's the old traditional way of, you know,  
32 catching fish, not hurting them. When they do -- you  
33 know, like I said, they release what they don't need.

34  
35 CHAIRMAN ALVAREZ: Okay. Thanks, Pete.  
36 Okay. I guess we're down to No. 2, ADF&G comments. Go  
37 ahead, Mr. Pappas.

38  
39 MR. PAPPAS: Yes, thank you, Mr. Chair.  
40 George Pappas once again, Department of Fish and Game's  
41 subsistence liaison team.

42  
43 I handed out the Department's  
44 preliminary comments this morning and them underneath  
45 your -- each of your name tags on a board there. I  
46 apologize for the timing of passing these out. We  
47 working out several reasons. Had a lot of difficulties  
48 this year, the absence of personnel within the  
49 department, received the proposals about five weeks  
50 late, et cetera. A lot of things accumulated in having

1 these late, so I professionally apologize, and it will  
2 be my charge to ensure this doesn't happen again.

3

4 If adopted, this proposal would allow  
5 the use of fish traps or weirs constructed of wooden  
6 stakes as an additional method for take of all species  
7 of salmon by Federally-qualified subsistence users in  
8 Lake Clark and its tributaries. Both the Alaska Board  
9 of Fisheries and the Federal Subsistence Board recently  
10 took action to liberalize the methods used in the  
11 subsistence fisheries in Lake Clark. The Federal Board  
12 approved the use of spear, snagging, hand lines, drift  
13 gillnets and beach seines at the January 2007 Board  
14 meetings.

15

16 Discussions at the winter 2007 Bristol  
17 Bay Regional Advisory Council meeting focused on the  
18 RAC's concerns about improving the overall health of  
19 the Kvichak -- excuse me. I'm sorry -- River and Lake  
20 Clark area sockeye salmon which was determined by the  
21 Alaska Board of Fisheries to be a stock of concern in  
22 2003. Use of a fish weir or trap as a harvest method  
23 may increase the harvest in small tributaries on  
24 discrete stocks, compounding current conservation  
25 concerns. Adoption of this proposal would be  
26 inconsistent with the concerns or sockeye salmon stocks  
27 previously expressed by the RAC and the State.

28

29 In addition, if this proposal is  
30 adopted, Federally-qualified fishers would need to use  
31 a separate Federal subsistence permit and be certain  
32 that they are standing on Federal lands to operate the  
33 fish traps and weirs, including fyke nets and leads  
34 which is included in the Federal Staff analysis,  
35 because these methods are not prohibited by State  
36 statute. What I mean when I say they're not  
37 prohibited, at the bottom of our analy -- or, excuse  
38 me, our Staff comments, currently the use of  
39 traditional basket traps is allowed under State  
40 regulations in the form of an educational fishery in  
41 the Swanson River in Cook Inlet, and that's by the  
42 Kenaitze folks, and fyke nets are allowed as a gear  
43 type for subsistence and personal use to target species  
44 other than salmon in other parts of the State.

45

46 Salmon may be harvested under State  
47 regulations using set gillnets and beach seines with no  
48 limit on the amount harvested. To provide additional  
49 subsistence opportunity, the Alaska Board of Fisheries  
50 liberalized gear types for subsistence harvest

1 beginning in 2007 season to allow the use of spears and  
2 beach seines. In 2000 through 2003 the river system  
3 drainage extended goals were not met in the amounts  
4 necessary for subsistence as determined by the Alaska  
5 Board of Fisheries were not met. During years of poor  
6 returns, people may fish more intensively in Lake Clark  
7 area and also use other areas to meet their needs.

8

9                   Excuse me. The Kvichak River system  
10 sockeye salmon stocks was determined by the Alaska  
11 Board of Fisheries to be a stock of management concern  
12 in 2003, and previously as a stock of yield concern in  
13 2000. Such harvest by fish -- such harvest by fish  
14 weir or trap could be large enough to raise  
15 conservation concerns on individual tributaries,  
16 because the complete stock status is unknown for all  
17 tributaries of Lake Clark. The one stock assessment  
18 project that estimates passage of salmon near the Lake  
19 Clark watershed is a counting tower project on the  
20 Newhalen River at the outlet of Lake Clark watershed.  
21 The 2000 to 2006 average passage estimate for sockeye  
22 salmon entering Lake Clark is approximately 366,000  
23 fish. The destination, run timing and spawning  
24 distribution of these salmon is unknown. The recent  
25 average harvest for all subsistence users upstream of  
26 the counting tower is approximately 10,000 to 20,000  
27 salmon, about 3 to 5 percent of the run that are  
28 enumerated past that -- or estimated past Newhalen.

29

30                   The Department has serious concerns  
31 about focused exploitation on any particular component  
32 of the Lake Clark watershed. Conservation issues will  
33 exist if fish traps or weirs are installed to  
34 specifically target salmon in tributaries or lakes that  
35 do not have established escapement goals, stock  
36 assessment projects, estimated exploitation rates or  
37 established abundance-based harvest limits per body of  
38 water.

39

40                   Installation of site-specific harvest  
41 gear types which could harvest most or all salmon  
42 migrating into a small tributary is not sound fisheries  
43 management. Weirs and fish traps with attached leads  
44 that obstruct navigational channels will likely be more  
45 -- the most efficient gear type that a user could  
46 install in a small tributary, but strategic design and  
47 installation of such gear types could effectively limit  
48 salmon migrating into specific tributaries.

49

50                   The proposal indicates that a weir or

1 trap could be operated to select the best fish for  
2 harvesting, but does not consider the potential impacts  
3 this sorting will have on the fish. Trapping, crowding  
4 and holding fish could likely cause injuries and stress  
5 to fish that are left in the trap for any amount of  
6 time, especially in small shallow tributaries where the  
7 temperatures of the water may be elevated. Injuries  
8 induced by being passed through a trap may result in  
9 decreased spawning success depending of the frequency  
10 of the currents. If a trap or weir is installed in an  
11 area where the stream constricts, the flow or channel  
12 of the stream is concentrated, or at the base of rapids  
13 or a current obstruction, the vast majority of the fish  
14 attempting to migrate upstream likely could be handled  
15 by the Federal subsistence users while sorting the weir  
16 and trap catch.

17  
18 Also, serial installation, meaning  
19 multiple weirs or traps installed on the same  
20 tributary, of fish traps or weirs in a concentrated  
21 area or tributaries, may cause localized depletion.  
22 Small tributaries likely could not support significant  
23 and concentrated harvest. Even moderate harvest from  
24 the small tributaries with small or unknown salmon  
25 returns could result in localized depletion issues.

26  
27 If adopted despite these serious  
28 conservation concerns, the Board will need to set a  
29 limit on the number of weirs or traps operated on a  
30 single stream, how this will be -- how this program  
31 will be implemented and the number of households that  
32 can use a weir or fish trap. If this proposal is  
33 recommended by this RAC, they should also recommend  
34 harvest limits by species for each tributary where the  
35 weir or fish traps would be operated or -- would be  
36 operated to be based on the best scientific assessment  
37 information available for each tributary. They should  
38 not be allowed in tributaries where recent stock  
39 assessment information is not available.

40  
41 The Department also has concerns about  
42 the impacts that weirs and fish traps may have on the  
43 habitat of the salmon stream. Driving wood stakes into  
44 the bed of a creek or a stream to trap and handle  
45 salmon and other species of fish, will disturb riparian  
46 and river bottom habitat. Installing a weir may cause  
47 significant scouring, and alter the river's channel  
48 during high water events. Habitat damage may also  
49 occur if fish traps and weirs, including fyke nets, are  
50 authorized for use by multiple households.



1 Under sec -- for jurisdiction issues,  
2 under Section 103(c) of ANILCA, Federal regulations do  
3 not apply to State or private lands within the exterior  
4 boundaries of Federal conservation system units.  
5 Further, the State owns nearly all the submerged lands  
6 in navigable waters. Less than 40 percent of the Lake  
7 Clark shoreline is now in Federal ownership, including  
8 virtually all of the shoreline from Port Alsworth south  
9 along the shores of the lake's -- to the lake's outlet  
10 along with much of the northwestern shoreline.

11  
12 The State's request for the Office of  
13 Subsistence Management to provide detailed maps of  
14 specifically where the Federal subsistence users can  
15 fish and where the Federal jurisdiction is claimed, and  
16 the basis of each claim -- excuse me, and the basis of  
17 each claim has been placed by the Department of Fish  
18 and Game. These requests for clarifications of  
19 ownership are most recently documented in the January  
20 2000 Board meeting's materials book on Page 324 and in  
21 the recent request for reconsideration of Proposals  
22 FP07-06 and FP07-07 submitted to the Board May 15th in  
23 2007.

24  
25 Federal subsistence users who install  
26 and operate fish traps in Lake Clark while standing on  
27 property that is not Federally owned could be cited for  
28 violating State regulations that do not authorize fish  
29 traps or weirs.

30  
31 The Department agrees with the  
32 proponent that the proposed usage of a weir or fish  
33 trap may impact other user groups. Allowing  
34 installation of weirs or a trap for the purpose of  
35 harvest will create significant social conflict and  
36 allocation issues. Installing a structure such as a  
37 weir or trap will preempt other user groups who are  
38 wishing to fish in the vicinity or upstream of the  
39 structure. State regulations prohibit fishing within  
40 100 yards of a weir. If consecutive weirs or traps are  
41 installed, all accessible and preferred fishing sites  
42 may be occupied and prevent other users from fishing in  
43 a creek along the Lake Clark shoreline. This would be  
44 specifically true if the weir or fish trap were  
45 installed in small tributaries which possess limited  
46 sections of water where anglers may successfully target  
47 and harvest fish.

48  
49 Fish weirs have been documented to  
50 become bear attractants. Excuse me. Attractants to

1 bears. A fish wheel or trap that successfully  
2 captures, holds or concentrates salmon in a small  
3 tributary could likely be considered a productive  
4 feeding ground that will attract bears over time. If  
5 this proposal is adopted there's a great potential for  
6 increased interaction with bears.

7  
8 In addition to displacing other users,  
9 altering fish behavior through holding, crowding and  
10 handling trapped fish may impact the success of other  
11 users. Weirs and traps do alter fish behaviors to  
12 different degrees. Weirs that have been opened for  
13 fish passage for short periods of time tend to make the  
14 fish congregate and build up behind a weir. Fish  
15 passing through a weir or passed by hand out of a fish  
16 trap have been observed to be spooked and/or stressed.  
17 Angler success will likely be impacted if the behavior  
18 of the fish they are targeting is altered.

19  
20 Anglers tend to sport fish in the most  
21 productive areas available, which will likely be  
22 downstream of a weir or a trap. And if an angler  
23 fishes downstream of a weir or fish trap, and his  
24 location is deemed too close to the weir or trap by  
25 Federal subsistence users, social conflict could ensue.

26  
27  
28 And this is the conclusion for  
29 Department comments. Mr. Chair.

30  
31 CHAIRMAN ALVAREZ: Thank you, George.  
32 I've got a question or two. You know, like you  
33 stated, that the State has jurisdiction on navigable  
34 waters. How deep does it have to be, the water, to be  
35 a navigable water?

36  
37 MR. PAPPAS: Mr. Chair, I'm not an  
38 expert on navigable waters. I'm not sure if anybody  
39 here is. I've been peripherally involved with  
40 different issues out in the Aleutians. In some areas  
41 there you could float a 60-foot barge through are  
42 considered non-navigable. And I've been other areas  
43 that have been considered navigable, but you couldn't  
44 float something that large through. I don't have a  
45 good answer for you, sir.

46  
47 CHAIRMAN ALVAREZ: Rod, do you know?

48  
49 MR. CAMPBELL: Mr. Chairman. For the  
50 record, Rod Campbell. I'm with OSM. I'm certainly not

1 an expert on this, but this was one subject you  
2 probably remember that came up at the last Board  
3 meeting, and it's referenced in Ms. Williams' report  
4 concerning jurisdiction. It's noted at 50 CFR 100.3,  
5 and it's in Section (c) of the Federal regulations.  
6 And I'll go ahead and read that if you'd like to see if  
7 that -- because there is a difference of opinion  
8 between the State and Federal group.

9  
10 The regulations contained in this part  
11 apply on all public lands excluding marine waters, but  
12 including all inland waters both navigable and non-  
13 navigable within and adjacent to the exterior  
14 boundaries of the following areas. And they list  
15 different conservation units including national parks,  
16 refuge, and everything else.

17  
18 CHAIRMAN ALVAREZ: Thank you, Rod.  
19 Yeah. I brought that up, because I always thought it  
20 was against the law, you know, that when we became a  
21 state, they made -- they passed a law that outlawed  
22 fish traps. So if we were to pass a regulation, would  
23 that be opposing the State law? Would it be in  
24 conflict, or would -- how would jurisdiction be?

25  
26 MR. CAMPBELL: Ms. Williams may want to  
27 address that, sir. This was something that came up  
28 when the Federal Board addressed -- I think there was a  
29 proposal in the Copper River area that did say fish  
30 traps, however it met the definition, the Federal  
31 definition of fyke nets, even though they requested  
32 fish nets. We might have some additional comments from  
33 Ms. Williams or National Park Service is here, but it  
34 did meet the Federal definition of a fyke net, which  
35 was already a legal type.

36  
37 CHAIRMAN ALVAREZ: Okay. That kind of  
38 solves that I guess. If it was called a -- if the  
39 proposal and regulation were to call it that then I  
40 guess it would be legal. Liz.

41  
42 MS. WILLIAMS: I anticipated this  
43 question from a lot of people. And in the ethnographic  
44 literature, there are a lot of stories of modern people  
45 talking about how they were cited for having a fish  
46 trap in the 60s after statehood. So I went back and I  
47 looked at the Statehood Act, which is when a lot of  
48 people say fish traps were abolished. Fish traps were  
49 abolished. The commercial ones. But at the second  
50 part of the Statehood Act that talks about -- it's not

1 the Statehood Act, there was an act after the Statehood  
2 Act. The State law says that nothing -- it says  
3 commercial fish traps, you can't have them, blah-blah.  
4 But it says nothing in this section shall prevent the  
5 maintenance, use or operation of small, handdriven fish  
6 traps of the type ordinarily used on rivers of Alaska  
7 which are otherwise legally maintained and operated in  
8 or above the mouth of any stream or river in Alaska.  
9 So in the 1960s or whenever this act was passed, I  
10 can't read my own stuff, and this is on Page 57 of the  
11 analysis. The post statehood action about commercial  
12 fish traps acknowledged small subsistence fish traps as  
13 still legal. And if you look at State law today, fish  
14 traps are still legal in State law. It's just in their  
15 general regulations, but not in their area specific  
16 regulations for this area, because up in the northwest  
17 there are legal fish trips, I think as George said, not  
18 or salmon, but for other types of fish. But this fish  
19 trap proposal is for incidental salmon. It's mainly or  
20 the other fish I mentioned.

21  
22 But the other thing is, in the general  
23 Federal regulations and in the general State  
24 regulations, these types of gear are legal, and each  
25 region has the opportunity to specify the types of  
26 regulations it would like.

27  
28 So it's a commonly misquoted belief,  
29 but my legal opinion, which is not really legal, is  
30 that they're still legal. But I have asked our  
31 solicitors to look over this history.

32  
33 CHAIRMAN ALVAREZ: So that's another  
34 thing I was going to mention. He's mentioned that  
35 there are fish traps already in use in the state up  
36 north?

37  
38 MR. PAPPAS: Fyke nets.

39  
40 CHAIRMAN ALVAREZ: Fyke nets, that's  
41 what they're called. So.....

42  
43 MR. PAPPAS: Yes, fyke nets and basket  
44 traps.

45  
46 CHAIRMAN ALVAREZ: Okay. Thank you.  
47 Anybody else. Dan.

48  
49 MR. DUNAWAY: I alluded to asking the  
50 State guy a question, and that was the one I had there

1 on the traps. But I'm left a little unclear from the  
2 discussion, the jurisdiction here. Is it that the  
3 State and the Feds still dispute who has jurisdiction  
4 in the specific area we're talking about, or -- I heard  
5 what Rod said, but I'm not sure I understood it fully.  
6 Are they saying -- the Federal Government saying that  
7 they would have jurisdiction within the creeks, within  
8 the boundaries of Lake Clark Park to allow this under  
9 Federal regulations?

10

11 MR. PAPPAS: Mr. Chair. Mr. Dunaway.  
12 From the Department's comments we have here, and this  
13 is a common theme throughout the Department comments  
14 that I have for all the RACs, the waters are being  
15 claimed under Federal jurisdiction. The Department  
16 contests that. But the Department is certain that the  
17 -- and depending on where the boundaries are of the  
18 Federal public lands. The private in-holdings, the  
19 selected lands yet to be conveyed are under State  
20 jurisdiction. The lands. Not the waters, the lands.

21

22 CHAIRMAN ALVAREZ: Rod.

23

24 MR. CAMPBELL: Yeah. Well, Mr.  
25 Chairman, I'm not the lawyer on this. What I was  
26 addressing and what I read was specifically talking  
27 about the waters within those boundaries, so if there's  
28 someone else with a legal background to say if you can  
29 fish on non-Federal land, from that bank above the mean  
30 high water into Federal public waters and fish under  
31 Federal regulations, I guess I'm probably not the  
32 person to answer that question. It has been discussed  
33 in the past and -- but I don't think I'm the person to  
34 answer it.

35

36 MR. DUNAWAY: Thank you, Mr. Chair.

37

38 CHAIRMAN ALVAREZ: Dan.

39

40 MR. DUNAWAY: That's all I have at the  
41 moment.

42

43 MR. EDENSHAW: Mr. Chair.

44

45 CHAIRMAN ALVAREZ: Cliff.

46

47 MR. EDENSHAW: Mr. Chair. And for the  
48 Council, when we -- when the Council gets ready to  
49 formulate a recommendation, you know, as Dan brought up  
50 in a previous discussion the Park Service had regarding

1 jurisdiction in Sixmile and the proposal asks for Lake  
2 Clark and, you know, you see the -- in the proposal  
3 they specified within the Naknek/Kvichak District of  
4 the Bristol Bay and specifically in Lake Clark and its  
5 tributaries. You know, it would preferable if the  
6 Council just stipulates, you know, within Lake Clark.  
7 You know, at last year's meeting when Dan came in, we  
8 omitted Sixmile and we'll get into those public  
9 comments, but just for the -- instead of wrestling over  
10 the legal def -- you know, where -- who has leg --  
11 jurisdiction over which waters, you know, it would be  
12 good just for the Council to go ahead and, you know,  
13 include which areas of water they want, you know, in  
14 the proposal, and, you know, the rest will get  
15 straightened out by when Randy attends the Board  
16 meeting in -- I think it's in December when we adjust  
17 the fisheries proposals, when the Board will meet on  
18 that. But I think this is a similar proposal that we  
19 covered last year with snagging in Lake Clark, and in  
20 terms of the jurisdiction, you know, those will get  
21 ironed out, but we'll make sure that we're little bit  
22 more inclusive in terms of where those are.

23

24 CHAIRMAN ALVAREZ: Thank you. I'm  
25 thinking here. Okay. This proposed regulation, a set  
26 gillnet, and then down at the bottom we're talking  
27 about a weir made of -- with sticks. But a set  
28 gillnet, I was always under the impression you couldn't  
29 fish up in these tributaries -- you couldn't put a net  
30 out up there, only down in the lake and 300 feet away.  
31 I thought -- that's what I thought this weir -- where  
32 the weir was going to be. I didn't think they were  
33 planning on putting it up there, because it -- I'm  
34 confused about that. Am I not wrong? You can't put a  
35 net up there.

36

37 UNIDENTIFIED VOICE: Where?

38

39 CHAIRMAN ALVAREZ: In the tributaries.  
40 A subsistence net. You have to be out -- you have to  
41 be 300 feet away.

42

43 MR. EDENSHAW: That's correct.

44

45 CHAIRMAN ALVAREZ: But you're going to  
46 be able to put a fyke net up there, and it's -- and I  
47 don't understand that. I thought this fyke net was  
48 going to be kind of in the same place as the  
49 subsistence net, just kind of take its place.

50

1 MR. O'HARA: It's not just going to be  
2 working on the lake. It's going to work on the  
3 tributaries. You've got to have moving water. It's  
4 got to be in the tributaries. (Indiscernible,  
5 microphone not on) you can put a net in the lake.  
6  
7 CHAIRMAN ALVAREZ: Liz.  
8  
9 MS. WILLIAMS: (Indiscernible, away  
10 from microphone)  
11  
12 CHAIRMAN ALVAREZ: Nanci.  
13  
14 MS. MORRIS LYON: Yeah. I wrestled  
15 with that, and once I realized, you know, what they  
16 were doing and targeting, and thought this proposal  
17 through, it took me a couple times reading it there at  
18 home. Then I realized I'm actually somebody who thinks  
19 that this is a very good proposal. I think that it  
20 creates a great opportunity for another option for  
21 subsistence fishing that is actually less harmful than  
22 a lot of the rest of them, whereas you can pick and  
23 choose the fish you want out of there and let the  
24 others swim away. The only thing I really need to see  
25 changed in it is that I would like to see the holding  
26 stakes removed, or at least a portion of them removed  
27 as a part of the proposal in order to ensure that the  
28 fish that are not being used do in fact -- are able to  
29 swim away. But the requirement for the people having  
30 to be there the whole time. I just think it's a really  
31 good proposal over all and it has great benefits.  
32 Thank you.  
33  
34 CHAIRMAN ALVAREZ: Dan.  
35  
36 MR. O'HARA: Is there anything you guys  
37 are for? I mean, they have a couple of them there  
38 you.....  
39  
40 MR. PAPPAS: The State of Alaska.....  
41  
42 MR. O'HARA: .....do you wear  
43 suspenders and a belt to hold the same thing I suppose.  
44  
45 MR. PAPPAS: The State of Alaska does  
46 currently provide for subsistence for the residents of  
47 Alaska in the subsistence areas. And if there -- and  
48 the non-subsistence areas are personal use places and  
49 fisheries that provide for the opportunity.  
50

1 MR. O'HARA: George, I was just giving  
2 you a bad time. Okay.  
3  
4 MR. PAPPAS: I was practicing my canned  
5 answer, sir.  
6  
7 MR. O'HARA: There's a couple of things  
8 that are around. First of all, when the -- we've been  
9 inside the Naknek River for eight years. This is the  
10 eighth year I believe we're inside the Naknek. Finally  
11 there was pretty early in July.....  
12  
13 MS. MORRIS LYON: Twelve years.  
14  
15 MR. O'HARA: Twelve years. Long.....  
16  
17 UNIDENTIFIED VOICE: The first  
18 (indiscernible) was in '86.  
19  
20 MR. O'HARA: But I mean, contiguous  
21 like, for years and years we haven't fished the  
22 Kvichak, and then last year, or two years ago, a little  
23 while, the 14th or so, and this last year, 2007, we  
24 were out there by the 4th of July or something like  
25 that. You know, even then we were still back, Egegik  
26 and Naknek were still inside the rivers. Every year  
27 consistently, and you can check these figures if you  
28 want, you got a good escapement in Lake Clark. Why?  
29 Because they came by early. They always come by early.  
30 They're the -- I've flown over it for years. You go  
31 past Igiugig, you'll see a stream of fish going, they  
32 go right to Lake Clark. Early. And the reason that  
33 Area M hasn't had a chance to target them quite as  
34 much, and that's logical. And so you can't lump the  
35 Kvichak and Lake Iliamna into a lack of escapement  
36 because Lake Clark has gotten its escapement, you can  
37 be honest about that. They have gotten their  
38 escapement every year. They've counted them, they have  
39 weirs there now. They name them, they number them,  
40 they do everything to them. So they really know what's  
41 going on.  
42  
43 You made a good point though. You made  
44 an excellent point. Imagine me saying you made an  
45 excellent point. Just only kidding, George. Okay. We  
46 can't be all serious about this business all the time.  
47 Anyway, you know, if those weirs are -- if those, what  
48 do you call them, fykes? Those things that they put in  
49 the -- yeah, put in the ground. If they do stay there  
50 any longer than what those guys need, a day or so to



1 catch the fish, they will start building up a system  
2 where, you know, you may not want a sandbar, or you may  
3 not want this change in the flow of water. That's an  
4 excellent point, and they can't do that. I agree with  
5 Nanci. If they put them in, stay with them, then take  
6 them out. You don't want them there for seven days and  
7 have bears come down and getting in there. So I think  
8 it -- and they're going to be permitted by the Park  
9 Service I believe, aren't they? They're going to be  
10 permitted by park manager or whoever the manager is?  
11 Right?

12  
13 UNIDENTIFIED VOICE: What's finally  
14 adopted.

15  
16 MR. EDENSHAW: If it's adopted it  
17 would.

18  
19 MR. O'HARA: Yeah. I mean, it's going  
20 to be closely regulated. And management from the  
21 Federal side is going to say, hey, your five days are  
22 up. Pull up those things and go do something  
23 different, you know. So I wouldn't want just a few  
24 stakes pulled out to let the fish go. I wouldn't  
25 support that proposal. They all have to come out. If  
26 you're using them for a few days to get subsistence  
27 use, well, that's find, but don't put 100 fish in  
28 there, because they can't get out, and then all of a  
29 sudden you've got a sandbar you can't live with, and  
30 all of a sudden things have changed and you've got an  
31 excellent point there.

32  
33 Thank you, Mr. Chairman.

34  
35 CHAIRMAN ALVAREZ: Thank you, Dan. So  
36 this -- from what I can gather, they're going to be  
37 targeting all species that's in that tributary.

38  
39 MR. O'HARA: They're all going to be in  
40 that area.

41  
42 CHAIRMAN ALVAREZ: So they -- you know,  
43 and what do they really want? The SRC, what were they  
44 targeting? What are they going to try to target?  
45 There are not a lot of -- there's a lot of salmon going  
46 to be there at times of the year, but in.....

47  
48 MS. WILLIAMS: They said in this order,  
49 like suckers, whitefish, grayling, pike, and the  
50 occasional salmon. So I think it's the stuff that they

1 don't haul up in their big net always, but some --  
2 although they do get whitefish that way, but just some  
3 of the stuff that's swimming in the creeks.

4

5 CHAIRMAN ALVAREZ: Okay.

6

7 MS. WILLIAMS: And Mary was at the  
8 meeting, too, so if she would like to add to that, I  
9 welcome here.

10

11 CHAIRMAN ALVAREZ: Do we have any stock  
12 concerns up there for any of these species? None?  
13 Okay.

14

15 MS. WILLIAMS: And that's one of the  
16 reasons we did put consultation with both the in-season  
17 manager, who's Fish and Wildlife Service, as well as  
18 the Park's person, because that way a person could call  
19 them and say, I want to go in this creek. If there is  
20 a concern, the park person or the in-season manager can  
21 say, well, no, could you switch two over, because  
22 something happened there. So that way there's a  
23 communication in case there is a stock of concern  
24 somewhere, that that would be avoided and someone could  
25 go somewhere else.

26

27 CHAIRMAN ALVAREZ: All right. Thank  
28 you. Anybody else. Okay. George.

29

30 MR. PAPPAS: Mr. Chair, yeah, that goes  
31 directly back to our comments. the Department  
32 definitely feels that the RAC should consider  
33 recommending harvest limits by species by tributary to  
34 make sure that not everybody -- if this is approved,  
35 everybody participates in the fishery in one area, and  
36 that was one of the primary concerns the department had  
37 early on was localized depletion by too much  
38 participation in particularly one creek or two creeks.  
39 And it does happen near communities, larger communities  
40 where the access is much -- much more accessible  
41 tributaries. That's one of our main concerns here.

42

43 CHAIRMAN ALVAREZ: Yeah, it's a good --  
44 that was one of my -- what I was pointing at. I know  
45 some of those tributaries are small, and they don't  
46 have a lot of -- there's not going to be a lot of every  
47 specie in there, and they could overharvest it, so.....

48

49 Dan.

50

1 MR. DUNAWAY: Yeah, Mr. Chair.  
2 Listening to you talk and to Mr. Pappas talk, it just  
3 popped in my head that I believe the Board of Fish just  
4 adopted a lot more restrictive sport fish regulations  
5 in some of the rivers in that area for pike, because of  
6 concerns of over-harvest from the sport fishery. And I  
7 know in the resent 15 years the general bag limits for  
8 sport fish for grayling, pike, Dolly Varden throughout  
9 Bristol Bay and in particular some of those areas was  
10 dramatically reduced from 10 fish down to 2 or 3, and I  
11 think it's catch and release in some places on pike  
12 right now, just as of last December. So that does kind  
13 of -- if they're that concerned about sport fish  
14 activity, that would add -- something like this could  
15 add additional concerns as well to those populations.  
16 Thank you.

17  
18 CHAIRMAN ALVAREZ: Thanks, Dan.  
19 Anybody else.

20  
21 (No comments)

22  
23 CHAIRMAN ALVAREZ: Okay. See none,  
24 let's move down to No. 3, other State or Federal Agency  
25 comments.

26  
27 (No comments)

28  
29 CHAIRMAN ALVAREZ: Nobody jumps up.  
30 No. 4.....

31  
32 MR. DUNAWAY: Oh, then I have a  
33 question. I was hoping the Park Service might speak  
34 (indiscernible, mic not on).

35  
36 CHAIRMAN ALVAREZ: Dan Dunaway wanted  
37 the Park Service on this proposal. And can somebody  
38 speak on that? Mary.

39  
40 MS. MCBURNEY: Mary McBurney,  
41 subsistence program manager, Lake Clark National Park  
42 and Preserve.

43  
44 From our perspective, this is another  
45 proposal that would not pose any problems that we can  
46 see. he people that have requested the use of this  
47 particular method -- or two people, fairy few people  
48 have this traditional knowledge any longer, and one of  
49 the reasons why they would like to kind of recapture it  
50 as a way to catch fish is so that they can pass that

1 information along to the younger generation. And as  
2 Liz mentioned in her analysis, one of the reasons why  
3 this is information that they would like to pass along  
4 is for its survival value, that if you were finding  
5 yourself out in a situation without provisions in an  
6 emergency, that this would be a way that you could  
7 procure some fish fairly easily without having a hook  
8 and line with you or anything else, but just the  
9 materials at hand.

10

11 Our law enforcement folks really don't  
12 see that there would be any issue with this. Again we  
13 anticipate that there are only going to be maybe one or  
14 two people that would probably engage in this fishery.  
15 It's a lot of work, and there are just easier ways of  
16 catching fish. But this is more to get back to a  
17 customary and traditional method for catching fish, and  
18 just being able to legalize it so that people can catch  
19 fish this way.

20

21 CHAIRMAN ALVAREZ: Dan.

22

23 MR. DUNAWAY: Thank you, Mary. That  
24 sheds quite a bit of light on it. One thing that I  
25 think Dan O'Hara mentioned, and it's something that  
26 also popped into my mind here is if somebody goes to  
27 construct one of these, and they're going to be  
28 whacking down a lot of brush or supplies to build them,  
29 and if they're on private property, that could create  
30 quite a bit of consternation. How does the Park view  
31 it or are they going to allow this, or is that going to  
32 be part of a permit, or if you can't haul a chainsaw,  
33 or how -- I guess I'm really focused on this just to  
34 explain to myself, and I don't mean to belabor all  
35 this, but I was just as these House Bill 134 hearings  
36 and I got kind of a lecture from some of the  
37 representatives about the law of unintended  
38 consequences, and I want to be real broad minded here  
39 or open minded about if you just do a little bit, but  
40 all of a sudden you kind of uncork all kinds of  
41 unexpected things. So has that been discussed and  
42 anticipated how it will be handled?

43

44 MS. MCBURNEY: Well, one of the  
45 gentlemen that s familiar with this fishing method said  
46 that traditionally a lot of the stakes came from beaver  
47 houses, that if you could find a beaver house, that you  
48 could get all the stakes you needed. They already had  
49 pointy ends on them, and they were very easy to drive  
50 into the bottom of a stream bed.

1                   You do raise a good point though  
2 regarding people going out and probably chopping down  
3 trees or whatever. We do have regulations that, you  
4 know, limit the use of wood to dead and downed trees.  
5 We could permit people to use a chainsaw to harvest  
6 wood, but that's generally for house logs and perhaps  
7 firewood, and generally speaking this is not a method  
8 of fish harvest that I think people are going to be  
9 toting chainsaws out into the woods to cut down enough  
10 timber to construct one of these things.

11  
12                   But again, more of an opportunistic  
13 sort of harvesting method where if you came across a  
14 beaver lodge or maybe a muskrat, you know, house, that  
15 you could go ahead and take some of the sticks from  
16 that. Maybe beach drift -- driftwood as well, but that  
17 was my impression as far as where most of the materials  
18 have traditionally come from.

19  
20                   MR. DUNAWAY: Okay. Thank you. Mr.  
21 Chairman. That helps. I can't help thinking though,  
22 both these proposals, there's a lot of Staff that -- or  
23 some staff that helps these Councils, and frankly maybe  
24 I've been dealing too much with commercial fishing  
25 proposals in our advisory committee in Nushagak, but I  
26 think they could be written a lot more tightly before  
27 they come to us. I think if they really only want one  
28 or two fish traps, they want a little bit of snagging,  
29 I wish to see that, rather than these wide open things  
30 that could blow up on you. Because I think preserving  
31 cultural knowledge is huge and cool, and I really  
32 support it, but I thought there was like educational  
33 permits that are used in other parts of the State to  
34 address that that don't blow wide open. And so I want  
35 to support this to the degree that I've heard it is  
36 wanted, but that's not the language before us. And I  
37 sure think that if you know that much, that the  
38 proposal should come to us with a lot more clear  
39 language that really keeps it down to what they want.  
40 And that's just going to be my request. But I hope we  
41 can work through this, because I want to have something  
42 here that allows folks to maintain this valuable  
43 knowledge. And I don't want it to end up wide open,  
44 that we end up with 15 or 20 of these going every which  
45 way. And I guess we could speak to that a little  
46 later.

47  
48                   Thank you very much for clarify though.

49  
50                   MS. MCBURNEY: You're welcome.

1                   CHAIRMAN ALVAREZ: Thanks, Mary. Dan,  
2 do you want.....  
3  
4                   MR. O'HARA: Yeah, if Dan is done. Are  
5 you done?  
6  
7                   MR. DUNAWAY: Yeah.  
8  
9                   MR. O'HARA: Okay. That was a concern  
10 I had, too, you know, if you -- and I would have  
11 surmised once you put a fish trap in, and you took this  
12 material out, you could use it again. And there may be  
13 other people who'd want to use it, and there isn't  
14 anything wrong with that. And the reason I say there  
15 isn't anything wrong with it, because the management  
16 people are going to issue the permit. And I was just  
17 drawing Nanci a little diagram of -- and, Dan, you're  
18 coming, just right across from Sixmile Lake is a lake,  
19 and Kenny knows it real well, too. A lot of whitefish  
20 go up there. There's a stream that comes out, and you  
21 could really catch a lot of whitefish. You could  
22 damage the amount of fish out of there. But I guess  
23 that -- those are all dealing with the permitting  
24 process of the park management up there, Lake Clark  
25 Park and Preserve for those five villages that would do  
26 that. So I would be comfortable with that, but, you  
27 know, If you had 10 or 12 different people want to go  
28 up on that stream and cut down all the little spruce  
29 saplings and all of a sudden you've got a lot of stuff  
30 flowing into the rivers, and then you've got another  
31 problem. So I guess it's going to be on a permit-by-  
32 permit basis to determine how the ecosystem is  
33 maintained properly and yet, you know, be able to --  
34 and sometimes that's about the only way you're going to  
35 catch some of those fishes, unless you want to put a  
36 net in there or something, and in a net everything you  
37 catch is going to die. And so I guess those are things  
38 that the management people themselves are going to have  
39 to handle.  
40  
41                   CHAIRMAN ALVAREZ: All right. Thanks,  
42 Mary. Anybody else.  
43  
44                   (No comments)  
45  
46                   CHAIRMAN ALVAREZ: Okay. Thank you,  
47 Mary. So I guess we're on InterAgency Staff Committee  
48 comments.  
49  
50                   (No comments)

1 CHAIRMAN ALVAREZ: No. 5 is ADF&G  
2 advisory committee comments.

3  
4 MR. O'HARA: You're the chairman.

5  
6 CHAIRMAN ALVAREZ: Yeah, but we discuss  
7 this, so I'm not going to bring it up. Okay. No. 6,  
8 summary of written public comments. Do we have any,  
9 Cliff?

10  
11 MR. EDENSHAW: Yes, we do. Mr. Chair  
12 and Council. Mary McBurney passed out two pages, and  
13 one of them is from the Lake Clark Subsistence Resource  
14 Commission, and they state, Dear Mr. Alvarez, the Lake  
15 Clark SRC met on September 21st, 2007 and considered  
16 the following proposal to make regulatory changes to  
17 the Federal Subsistence fishing program. With regard  
18 to Proposal FP08-12, the Lake Clark SRC makes the  
19 following recommendation. Proposal 12, to allow the  
20 use of fish traps and weirs in tributaries of Lake  
21 Clark. Support with modification. The SRC supports  
22 the proposal with the modifications suggested by the  
23 Office of Subsistence Management. As modified, this  
24 proposal will allow subsistence fishers to use fykes  
25 made from wood stakes in tributaries of Lake Clark and  
26 Sixmile Lake.

27  
28 Another point of business discussed b  
29 the SRC was a request for clarification from Judy  
30 Gottlieb, the NPS representative to the Federal  
31 Subsistence Board regarding Federal subsistence fishing  
32 in Sixmile Lake. This past spring the Federal  
33 Subsistence Board approved Proposal FP07-07 submitted  
34 by the Lake Clark SRC to allow seining as a method for  
35 harvesting salmon in Lake Clark.

36  
37 During the Board's deliberation, a  
38 question was raised regarding Federal jurisdiction on  
39 Sixmile Lake adjacent to Lake Clark. At the May 10th,  
40 2007 Federal Subsistence Board meeting, it was reported  
41 that Sixmile Lake is under Federal jurisdiction. This  
42 finding led to another discussion regarding whether the  
43 Board's previous action on FP07-07 should be extended  
44 to include Sixmile Lake in addition to Lake Clark. As  
45 a result, Ms. Gottlieb asked the Lake Clark SRC for our  
46 input.

47  
48 After a brief discussion the SRC passed  
49 a motion to request the Bristol Bay RAC to make a  
50 formal recommendation to the Federal Subsistence Board

1 that seining be allowed as a harvest method for salmon  
2 in Sixmile Lake. Since the State Board of Fish  
3 approved this similar proposal at its spring meeting,  
4 this clarification would provide subsistence users an  
5 opportunity to fish with a seine in Sixmile Lake either  
6 under State or Federal regulations.

7

8 We respectfully request the Bristol Bay  
9 RAC to take action at your fall meeting and making this  
10 recommendation to the Federal Subsistence Board on our  
11 behalf.

12

13 The Lake Clark SRC appreciates the  
14 opportunity to share with you its recommendations on  
15 Federal subsistence proposals and issues of concern.  
16 If I could be of further assistance, feel free to  
17 contact me at 781-2211, Glenn Alsworth, Chair, the Lake  
18 Clark National Park SRC.

19

20 CHAIRMAN ALVAREZ: Thanks, Cliff. That  
21 was it then for the public comment?

22

23 MR. EDENSHAW: Yes, Mr. Chair.

24

25 CHAIRMAN ALVAREZ: Okay. No. 7, public  
26 testimony.

27

28 (No comments)

29

30 CHAIRMAN ALVAREZ: Seeing none. Down  
31 to No. 8, Regional Council deliberation, justification  
32 and recommendation. Dan.

33

34 MR. O'HARA: I think if we put this  
35 into the form of a motion that we -- I would like to  
36 state that we make sure that after this method of  
37 harvesting is done that these articles be removed so  
38 that the stream is clear and free, and no obstruction  
39 is going to take place or fish or going to die or get  
40 hung up in it. And I think also we need to be careful  
41 of the materials used, because that's a big issue in  
42 the drainage into streams of other debris that would,  
43 you know, hurt the production of fish. So I think  
44 those are a couple of things that -- I don't know if we  
45 need to make an amendment to this or are clear or what,  
46 but that's just my thought.

47

48 Mr. Chairman. Thank you.

49

50 CHAIRMAN ALVAREZ: Yeah, Dan. I'm



1 concerned about that, too. And also I wouldn't want to  
2 see more than one of these in a tributary at a time if  
3 we were to pass it. You know. And so -- some of these  
4 are pretty small. Those ones out of Lake Clark aren't  
5 that big. I don't even -- if they're considered  
6 navigable. You know, you can run a jet boat up a  
7 couple of them, but you're going to have trouble  
8 drifting down. You'd be bouncing off the bottom.

9

10 Anyway, anybody else have any comment  
11 on it. Dan.

12

13 MR. DUNAWAY: Yeah. I'm inclined to --  
14 I was kind of trying to list some of the criteria. I'm  
15 wondering if one, two, three traps total per year, a  
16 maximum of five days use each. I kind of like the  
17 idea, only wood stakes, so that if there's any other  
18 artificial stuff they used that got dropped or lost, it  
19 wouldn't be an unsightly mess or come up somewhere  
20 else, like wire, plastic or whatever. I like the idea  
21 of a permit required and people being present.

22

23 I share some concerns about which  
24 tributaries if there's other population concerns, like  
25 pike or whatever. I don't know how practical it would  
26 be to have any sort of a species specific limit.  
27 That's usually pretty repugnant to subsistence users  
28 anyway.

29

30 I'd like to pass it, but with some  
31 pretty stringent sideboards on it that would narrow it  
32 down like I was requesting of the park.

33

34 And that's all I have to say to that.

35

36 CHAIRMAN ALVAREZ: Kenny.

37

38 MR. HEDLUND: Yeah, I think we're just  
39 beating a dead horse. I don't think we're going to  
40 see, you know -- nobody uses these fish traps any more,  
41 and like it was mentioned, I think it was two people,  
42 you know, out of that whole area, so I don't think  
43 we're going to see fish traps. So I don't really see  
44 the concern here. Nobody's going to go out and expel  
45 that much energy to catch fish when they could do it  
46 with a net or any other ways.

47

48 CHAIRMAN ALVAREZ: Dan, go ahead.

49

50 MR. O'HARA: I think probably if we

1 start saying, you know, you can put so many and this  
2 type of species is going to be caught, that's getting  
3 -- to me, I think that's a micro-management type of a  
4 thing. And you have biologists up there. I guess Mary  
5 is still here, isn't she? You have biologists up  
6 there, don't you, that count those fish and name and  
7 number them, or everything?

8

9 MS. MCBURNEY: Well, specific species,  
10 right now (indiscernible, away from microphone).

11

12 MR. O'HARA: Yeah, I mean, we all  
13 pretty much know what's there, and, you know, one year  
14 they went down there with -- you know, when Dick  
15 Russell was still a biologist, and killed about 40  
16 trout in the Lower Talarik, the end of the world. I  
17 think that guy is still in jail, so -- you know, I  
18 don't think we're going to kill off everything, and I  
19 sure wouldn't want to be the guy cutting down all those  
20 trees for fish trap. You can use a stick of dynamite  
21 or something, you know, it would be a lot easier.  
22 Maybe we shouldn't put that in there, huh, Dan?

23

24 CHAIRMAN ALVAREZ: All right.

25

26 MR. DUNAWAY: They're pretty  
27 specifically disallowed. I think he got them all fired  
28 up now.

29

30 CHAIRMAN ALVAREZ: Mary.

31

32 MS. MCBURNEY: Mary McBurney, Lake  
33 Clark National Park and Preserve. One of the things  
34 that I just wanted to draw your attention to is this  
35 would be conducted under a separate Federal permit.  
36 And the items that you have mentioned so far are things  
37 that we can also make as stipulations of the permit.  
38 And we would be issuing new permits each year, so we  
39 can see how things go. If there are problems, if there  
40 are abuses, or if there's unintended consequences, we  
41 can certainly address a lot of that with the permits as  
42 well and stipulations.

43

44 CHAIRMAN ALVAREZ: Yeah, Dan was  
45 asking, is it going to say that they will take those  
46 stakes out and it will be attended the whole time  
47 or.....

48

49 MS. MCBURNEY: We could ask -- the  
50 proposal as written now, it would have -- include the

1 language that you would have -- they would need to be  
2 attended at all times while it was in place. I would  
3 say that the provision to require that they be removed,  
4 that putting them in regulation is probably not a bad  
5 idea, simply because many other SRCs and other groups,  
6 they take a look at what's happening in other areas of  
7 the State, and I think that would probably put a nice  
8 precedent there that, yes, that is a requirement for  
9 utilizing this method of fishing. It could also be  
10 dealt with in the permit, but in regulation you know  
11 it's there.

12

13 CHAIRMAN ALVAREZ: All right. Thanks.  
14 Anybody else.

15

16 MR. EDENSHAW: Mr. Chair.

17

18 CHAIRMAN ALVAREZ: Cliff.

19

20 MR. EDENSHAW: If the counsel comes  
21 down to it, you know, if they go ahead and modify the  
22 proposal, I would just ask that they please include the  
23 Sixmile jurisdiction also as the SRC stipulated in  
24 their written comment. And as Mary also said, you  
25 know, we have fishwheels throughout the state where  
26 they also state -- you know, there are certain  
27 stipulation that the individual be there during the  
28 operation of the fishwheel, so it's not uncommon that,  
29 you know, there's situations like that in the  
30 regulations.

31

32 MR. O'HARA: Mr. Chairman.

33

34 CHAIRMAN ALVAREZ: Okay. Dan.

35

36 MR. O'HARA: You actually want the  
37 removal of the stakes and they be present at all times,  
38 and then to comply with State regulations, where they  
39 have -- you say you could have seining in the Sixmile  
40 Lake, that jurisdiction be given to the Federal people,  
41 will that take care of it?

42

43 MR. EDENSHAW: Mr. Chair. Mr. O'Hara.  
44 I think we're -- I think what I'm reading from what the  
45 SRC submitted is that -- and perhaps Mary could help  
46 me. What I'm zeroing in on is that we have this  
47 proposal with fykes and leads. So I'm asking that  
48 because the Board had contention with Sixmile on their  
49 jurisdiction, you know, that when they addressed the  
50 beaching, I'm asking that the Council go ahead address

1 the lead and fyke nets, then say that that be also  
2 allowed in Sixmile. And then what we could do after is  
3 -- and in regards to the request from the Lake SRC  
4 regarding beach seining, that's a total separate issue  
5 where we can -- where I would like the Council to come  
6 back and revisit that issue just as Dan had suggested  
7 when we were talking prior to us going on record is  
8 that the Council address FP07 -- is it 07?

9

10 UNIDENTIFIED VOICE: This one?

11

12 MR. EDENSHAW: No, no, no. No, the  
13 beach seine, the one from last year, this past year.  
14 Is it FP07 -- I would just like the Council to address  
15 that separately. And so for the use of Fyke nets and  
16 leads, I would like them to sit there and say that  
17 Sixmile -- that this method be also allowed in Sixmile,  
18 because we're addressing jurisdiction for beach  
19 seining, for one method, we might as well do them with  
20 fyke net and led, if that makes -- does it.....

21

22 MR. O'HARA: That doesn't necessarily  
23 mean they're going to be putting the fish traps in  
24 Sixmile.

25

26 MR. EDENSHAW: And that's why I was  
27 asking Mary for clarification. Is that something that  
28 -- that would -- to me -- I don't know, but I'm just  
29 trying to kill two birds with one stone, because the  
30 Board has already had a question regarding jurisdiction  
31 in Sixmile for methods for beach seining down in  
32 Sixmile, and I don't even know if they beach seine in  
33 Sixmile. So my point was that if we're going to allow  
34 the use of fyke and leads within Lake Clark, it should  
35 be also included in Sixmile.

36

37 MS. MCBURNEY: I'm sorry, I lost track  
38 of what the question was.

39

40 MR. EDENSHAW: Mr. Chair. Dan was  
41 asking if we -- if the Council includes in this motion  
42 to also include Sixmile, does that necessarily mean  
43 it's going to occur in Sixmile with the use of fyke  
44 nets and leads?

45

46 MS. MCBURNEY: Well, my understanding  
47 is that this method is used exclusively in tributaries,  
48 so as far as the Sixmile Lake itself, I doubt it.

49

50 MR. O'HARA: And I think the issue is

1 it's an over-all blanketing type thing more than  
2 putting it in the lakes, yeah. So that's my -- you  
3 know, we'll get it. Since we didn't for seining, we  
4 had it in Lake Clark, but we forgot -- the Council  
5 forgot to put it in for Sixmile. The State of Alaska  
6 did both. So it's just a matter of more of a  
7 housekeeping item, yeah, so that's my -- thank you.  
8 That's.....

9

10 CHAIRMAN ALVAREZ: Thank you, Mary. I  
11 -- Kenny, you had something?

12

13 MR. HEDLUND: Yeah, I do. As far as  
14 Sixmile, I mean, beach seining, they've been beach  
15 seining there for as long as I know, and I don't  
16 remember ever seeing a beach seine up on Lake Clark,  
17 but they do it in Sixmile all the time, and that's how  
18 they -- they put it in with an addition last year I  
19 think it was. Last spring.

20

21 And as far as, you know, the traps,  
22 yes, you will see them up at, you know, like the  
23 Pickeral Lakes there, and you could still see posts in  
24 there right now from them, you know, down through the  
25 past using the traps in there. And I assume that's  
26 where they'll be using them.

27

28 CHAIRMAN ALVAREZ: So they had them  
29 there before then?

30

31 MR. HEDLUND: Yes. You can still see  
32 the stakes. They're still there.

33

34 CHAIRMAN ALVAREZ: Okay. I've got one  
35 comment on -- you know, I'm -- I wasn't real hot about  
36 this, you know, especially if there's only two people,  
37 but it could be used as a cultural thing, you know, and  
38 it probably won't be done that much because -- I was  
39 trying to figure how many stakes you're going to need,  
40 and you're going to need a lot, otherwise you're going  
41 to have -- your fish are going to swim through. So it  
42 probably wouldn't replace subsistence, but -- and it's  
43 done up other places up north. We wouldn't be setting  
44 precedent I guess, so -- but I was worried that it  
45 would be against State law and, you know, I don't know  
46 how I'm going to vote. The Park Service supports it  
47 so, so, you know, I guess I can support it, but, you  
48 know, it's -- if it was -- badger me to vote against  
49 it, I would. But that's kind of how I feel about it.  
50 It's -- I don't know, just hadn't seen it, but I guess

1 they done it before and there's still evidence, so I'll  
2 go with it, so -- anybody else want to comment?

3

4 (No comments)

5

6 CHAIRMAN ALVAREZ: Okay. We're ready  
7 for a motion I guess. Anybody want to move to adopt it  
8 and.....

9

10 MR. ABRAHAM: I'll move (indiscernible,  
11 mic not on).

12

13 CHAIRMAN ALVAREZ: Pete Abraham made a  
14 motion to adopt 08-12.

15

16 MS. MORRIS LYON: Second.

17

18 CHAIRMAN ALVAREZ: Second by Nanci.  
19 And we have any more.

20

21 MR. O'HARA: I guess I make a friendly  
22 motion to -- I'll make a friendly motion to amend the  
23 -- to add an amendment to it that the stakes be removed  
24 when they're finished with the subsistence use, and  
25 this be also included in the Sixmile Lake area.

26

27 MS. MORRIS LYON: Second.

28

29 CHAIRMAN ALVAREZ: Okay. Motion to  
30 amend by Dan O'Hara. Seconded by Nanci. Any comment  
31 on that. Dan.

32

33 MR. DUNAWAY: Yeah. Mr. Chair. Pete,  
34 when you moved initially, did you move to support the  
35 original proposal or the proposal with the recommended  
36 modifications -- or the modifications recommended in  
37 our book here, which -- well, it's on Page 51 there.

38

39 MR. ABRAHAM: I moved with  
40 modifications.

41

42 MR. DUNAWAY: Okay. Thank you. Mr.  
43 Chair. I think I'm inclined to support it with these  
44 friendly amendments. I'm wondering about adding --  
45 requiring it only be constructed of natural local  
46 materials. Or is that just to -- I'll just open that  
47 up as a discussion. I don't want to be micro-managing,  
48 but I sure like the idea that if for some reason that  
49 the water comes up and it gets blown up, if it's just  
50 beaver sticks, it's there. If it's who knows whatever,

1 rebar or whatever else, it's kind of a mess.

2

3 CHAIRMAN ALVAREZ: Well, it's supposed  
4 to be wood according to the proposal and what the Park  
5 Service wanted, but, you know, if I was going to do  
6 that, I'd probably -- would cut all my stakes at home  
7 from trees around instead of spending two hours up  
8 there trying to scrounge up enough trees to put them  
9 right in the tributary. You know, that would be the  
10 way I would do it, so I would figure that they would  
11 bring, you know, enough stakes to do it.

12

13 So anyway, any more question on this.

14

15 (No comments)

16

17 MR. O'HARA: Question.

18

19 CHAIRMAN ALVAREZ: The question's been  
20 called. Okay. We've got the amendment. Voting on the  
21 amendment. All in favor signify by saying aye.

22

23 IN UNISON: Aye.

24

25 CHAIRMAN ALVAREZ: Opposed.

26

27 (No opposing votes)

28

29 CHAIRMAN ALVAREZ: Okay. The amendment  
30 passed. Okay. Now we will vote for the amended  
31 proposal. All in favor of the amended proposal,  
32 signify by saying aye.

33

34 IN UNISON: Aye.

35

36 CHAIRMAN ALVAREZ: Opposed.

37

38 (No opposing votes)

39

40 CHAIRMAN ALVAREZ: Motion carried  
41 unanimously, both.

42

43 Okay. We will go to No. 10. Draft  
44 customary and traditional use determination policy for  
45 Council recommendation. And Liz Williams. Then we  
46 will take a recess.

47

48 MR. EDENSHAW: Mr. Chair.

49

50 CHAIRMAN ALVAREZ: Cliff.

1 MR. EDENSHAW: Thank you. Can we --  
2 under new business will you address Sixmile for beach  
3 seine under new business?

4  
5 CHAIRMAN ALVAREZ: Yes.

6  
7 MR. EDENSHAW: Okay.

8  
9 MR. DUNAWAY: That's what we meant by  
10 water rights earlier, wasn't it?

11  
12 CHAIRMAN ALVAREZ: Yeah. We should try  
13 and get done 10 and 11. Okay. All right. Liz.

14  
15 MS. WILLIAMS: Liz Williams. The  
16 customary and traditional use policy that you have in  
17 your book is a draft. And so right now we're asking  
18 for a lot of consideration and Public comment about it.  
19 Polly Wheeler, who's the lead anthropologist at our  
20 office wrote it, and I don't have her phone number with  
21 me, but she encourages people to call her and discuss  
22 any issues they may have with it.

23  
24 And the reason we have this draft  
25 customary and traditional use determinations policy,  
26 this began several years ago. In January of 2005,  
27 there was a letter from then Governor Murkowski to  
28 Secretary of the Interior Norton noting specific  
29 concerns over what the State perceived as  
30 inconsistencies and lack of clear criteria on customary  
31 and traditional use determinations. The State asked  
32 that the customary and traditional use determinations  
33 be rigorously evaluated and only provided where  
34 substantial evidence is present.

35  
36 In responding to the State's complaint,  
37 the Deputy Secretary of the Interior requested that the  
38 Federal Subsistence Board review and clarify its  
39 approach to making C&T determinations. As the Staff  
40 was working on this draft policy, the State filed a  
41 lawsuit in Federal court against the Federal Board,  
42 challenging it's May 2005 decision to expand customary  
43 and traditional use finding for moose in the community  
44 of Chistochina to include all of Unit 12 instead of a  
45 narrow part of it.

46  
47 The Alaska Federation of Natives also  
48 expressed concern about the State's efforts to  
49 influence the way customary and traditional use  
50 determinations are made by the Federal Subsistence



1 Program. These concerns were expressed in AFN's 2006  
2 resolutions and in a recent letter to the Chairman of  
3 the Senate Indian Affairs Committee.

4

5 In June 28, 2007 Secretary of Interior  
6 Kempthorne instructed the Board to continue work on the  
7 policy and get it done as soon as possible.

8

9 On June 27th, 2007 the U.S. District  
10 Court denied the State's challenge to the Board's  
11 decision to expand the C&T finding for moose for the  
12 community of Chistochina to include all of Unit 12.  
13 And I have some summaries of the court decision about  
14 Chistochina with me, and if you'd like the whole court  
15 decision, I can mail that to you.

16

17 But what the Chistochina decision did  
18 was affirm the Federal Subsistence Board's approach to  
19 C&T determinations and provided further clarification  
20 to the Board regarding C&T determinations. It  
21 underscored the role of customary and traditional  
22 determinations in the Federal Subsistence Management  
23 Program mainly to identify uses needing protection  
24 under ANILCA. It clarified that the role of C&T  
25 determinations is not to limit the pool of users to the  
26 smallest possible group, but rather to identify the  
27 uses that need protection under ANILCA.

28

29 The Federal program's procedures for  
30 addressing customary and traditional use  
31 determinations, which have been used since the  
32 beginning of the program are outlined in the policy  
33 that you have in your book. And there's nothing new in  
34 there. What the court decision did was affirm the way  
35 the Board and the Councils have been doing customary  
36 and traditional use determinations.

37

38 Some of the primary parts of the draft  
39 policy are -- as I said, there's not a change, it's  
40 merely a clarification of what we do regarding  
41 customary and traditional use determinations and how we  
42 do it. Part of this process is to consider the eight  
43 factors in a holistic way, not just one, not just a  
44 checklist, not based on a certain number of what's  
45 harvested where or fossilized footprints in certain  
46 places that prove somebody harvested something there.

47

48 Part of this process is to consider --  
49 excuse me. The Chistochina decision underscores the  
50 importance of addressing them all -- all the factors in

1 a holistic way. The decision states that in making C&T  
2 determination for a specific community, the Federal  
3 Subsistence Board must first consider whether the  
4 community generally exhibits the eight regulatory  
5 factors which exemplify customary and traditional use.

6

7 So there's nothing new in the draft  
8 policy. There are no specific definitions, thresholds  
9 or benchmarks as was shown in the Chistochina decision.  
10 If such parameters and thresholds are to be developed,  
11 there would have to be rulemaking that would occur to  
12 make this possible.

13

14 It's important to note that the policy  
15 is a draft. The Federal program is extremely  
16 interested in Council input. Comments from the  
17 Councils, the State of Alaska and the public are being  
18 gathered until December 1st, 2007. You can get them in  
19 by phone, fax, email or in writing, whatever works best  
20 for you. And once the comments are received, the Board  
21 is going to meet to discuss them and adjust the draft  
22 according to the public comment. The goal is to have  
23 the policy in place with Secretarial approval by June  
24 2008.

25

26 And that's the end of this briefing.  
27 Again, the Chistochina decision is considered to be an  
28 affirmation of what the Board has done so far by using  
29 the eight factors in a holistic way to make customary  
30 and traditional use decisions.

31

32 CHAIRMAN ALVAREZ: Okay. Thank you,  
33 Liz.

34

35 Any comment or questions.

36

37 MR. O'HARA: I have some questions.

38

39 CHAIRMAN ALVAREZ: Dan.

40

41 MR. O'HARA: Liz, this is basically is  
42 what we've been doing since we got 1 through 8. I  
43 mean, nothing is -- this is obviously just a report  
44 that the status quo is still here. Yeah. Thank you.

45

46 MS. WILLIAMS: Yeah, the State  
47 requested more clarity, and so what we did is sort of  
48 just write down and process what we do and what we have  
49 been doing.

50

1 CHAIRMAN ALVAREZ: Dan Dunaway.  
2  
3 MR. DUNAWAY: Is there a chance that I  
4 can get a copy of what you just read to us? I'm sorry,  
5 I don't think I absorbed everything you read to us.  
6 Thank you.  
7  
8 CHAIRMAN ALVAREZ: So when would we  
9 need to adopt this policy?  
10  
11 MS. WILLIAMS: The sooner -- you won't  
12 have to adopt it until after the Board sort of works on  
13 the draft. This is just a draft for public comment.  
14 Then the Board's going to go over it and it's still  
15 going to be a draft, and then you will be given it to  
16 decide upon before the Board finalizes it.  
17  
18 CHAIRMAN ALVAREZ: Okay. Yeah, that's  
19 kind of my question. I was wondering what the  
20 procedure was going to be, if we had to do it before it  
21 went to the Board. But I guess that the Board will do  
22 it first and then it will come back to us and go back  
23 to them. Okay. And then you said it will go back --  
24 they will come with a preliminary -- their preliminary  
25 June 8th, '08.  
26  
27 MS. WILLIAMS: I think, yeah. I gave  
28 Dan my notes. I can't.....  
29  
30 CHAIRMAN ALVAREZ: Yeah, that's what I  
31 remember. June '08 you said.  
32  
33 MS. WILLIAMS: Yeah. The public  
34 comments are just the very, very early draft that we  
35 have, December 1st, but then, yeah, I believe that is  
36 what it said. June.  
37  
38 CHAIRMAN ALVAREZ: Okay. So we  
39 wouldn't see it probably until about a year from now.  
40 All right. Any more comment or question.  
41  
42 MR. ABRAHAM: (In Native)  
43  
44 CHAIRMAN ALVAREZ: (In Native) Okay.  
45 We are on.....  
46  
47 MR. EDENSHAW: Mr. Chair.  
48  
49 CHAIRMAN ALVAREZ: Mr. Edenshaw.  
50

1 MR. EDENSHAW: Was the Council going to  
2 take action and adopt the policy or provide a  
3 recommendation to the -- on this draft C&T policy?  
4  
5 CHAIRMAN ALVAREZ: I hadn't even -- I  
6 don't know. I'm not that familiar with it, unless  
7 there -- you know, I didn't take a good look at.....  
8  
9 MS. WILLIAMS: You can do that  
10 (indiscernible, away from microphone) look at it and  
11 start making comments. It's just a draft  
12 (indiscernible, away from microphone).  
13  
14 CHAIRMAN ALVAREZ: If you guys want to,  
15 you know, if you -- well, we're confident -- I  
16 mean.....  
17  
18 MR. DUNAWAY: I need more time to  
19 digest it before I have any comments.  
20  
21 (Other comments - people did not turn  
22 on their microphones so they are indiscernible)  
23  
24 CHAIRMAN ALVAREZ: Okay. We will move  
25 on. Number -- Pete says (In Native). No. 11,  
26 Fisheries Resource Monitoring Program.  
27  
28 MR. EDENSHAW: Mr. Chair.  
29  
30 CHAIRMAN ALVAREZ: Cliff.  
31  
32 MR. EDENSHAW: Before Rod gets started,  
33 I wanted to read in -- I think the Council may have to  
34 revisit FP08-12. And perhaps Dave should come up here  
35 and explain this to the Council versus -- and this here  
36 is -- this email was from Dave Nelson who's back here.  
37 He's a fish biologist with the National Park Service.  
38 And somehow this has to get ironed out with the Council  
39 before it goes to the Board.  
40  
41 And he says, Liz, as we discussed,  
42 current regulation for the Bristol Bay area allow only  
43 one permit -- he's talking about the subsistence  
44 fishing permit -- per household to take salmon. That  
45 regulation reads blah-blah-blah.  
46  
47 But anyway, he says if Proposal FP08-12  
48 is adopted as written and fyke net and lead, i.e.,  
49 weir, are permitted in the tributaries to Lake Clark,  
50 subsistence users would have choose between fishing

1 under the new regulation, i.e., using a weir, fyke net,  
2 lead, versus the established regulations using a set  
3 gillnet. A State permit is required.

4  
5 The above existing regulation would  
6 preclude them from receiving two permits. We doubt  
7 that this is the intent of the proponent, the Lake  
8 Clark SRC, that submitted the proposal and assume that  
9 at least some subsistence users would like to fish with  
10 both gear types.

11  
12 And then there's -- he stipulates that  
13 a regulation that says only one State subsistence  
14 fishing permit for salmon and one Federal subsistence  
15 permit for salmon may be issued to each year per year.  
16 So in essence, Dave is saying that if Randy goes out or  
17 Tim, if he's up there in Lake Clark and goes and gets a  
18 permit that the Park Service issues for fyke and lead,  
19 he cannot go and get a State permit to go down to  
20 sixmile and throw a net in down there to harvest  
21 salmon. And Dave's here to clarify any other.....

22  
23 CHAIRMAN ALVAREZ: Dave.

24  
25 MR. NELSON: Thank you, Mr. Chairman,  
26 and good afternoon.

27  
28 I believe that Cliff summarized that  
29 very well. This is not -- in my mind, it's not that  
30 complex. At this point here in Bristol Bay, a  
31 household can receive only one permit, and that permit  
32 is issued by the State. And generally -- excuse me.  
33 Generally speaking, most of you folks are using a  
34 gillnet to harvest your salmon with that State permit.

35  
36 There is another regulation that says  
37 that you may only have one salmon permit per household.  
38 So if you would like to go out and use your gillnet to  
39 harvest fish, and then also if this regulation is  
40 adopted by the Federal Subsistence Board, if you would  
41 like to go out and use a weir to harvest your fish,  
42 you're going to have to have two permits. One is going  
43 to be the State permit that you now receive, and the  
44 other would be a permit that would be issued by the  
45 Federal agency. Actually it's by the Federal  
46 Subsistence Program, and I'm sure that the National  
47 Park Service would be willing to help out and issue  
48 that permit for Port Alsworth.

49  
50 So basically, Cliff help me out here, I

1 think that we probably need to simply say that you may  
2 have two permits, one from the State and the other a  
3 Federal permit to use a weir.

4  
5 Thank you, Mr. Chair.

6  
7 CHAIRMAN ALVAREZ: Thanks, Dave. Liz.

8  
9 MS. WILLIAMS: If you want to look at  
10 Page 54 in your book, I can show you the reg that Dave  
11 thought about, the cascade and unintended consequences  
12 of this proposal.

13  
14 If you look at Page 54, there's 1, 2,  
15 3, 4, 5 things that start with 27, and then the sixth  
16 one is the one that says only one subsistence fishing  
17 permit for salmon may be issued to each household per  
18 year. We didn't have this in the analysis, because it  
19 came up after this went in your book, but we wanted to  
20 change it to something like you may only get one State  
21 and one Federal subsistence permit per year. So we  
22 need your.....

23  
24 MR. O'HARA: Mr. Chairman, will that  
25 work in the form of a motion?

26  
27 CHAIRMAN ALVAREZ: Well, it sounds like  
28 we need to do that.

29  
30 MR. O'HARA: Well, I'd so move that we  
31 would do a State and a Federal permit for salmon. So  
32 we've got to have a second.

33  
34 CHAIRMAN ALVAREZ: Okay. We have a  
35 motion by Dan O'Hara to amend 08-12, so we need to --  
36 Dave.

37  
38 MR. NELSON: Thank you. Mr. Chair.  
39 Perhaps I could help you out.

40  
41 CHAIRMAN ALVAREZ: Hey, wait.

42  
43 MR. O'HARA: Yeah, I'll withdraw my  
44 motion (indiscernible, microphone not on).

45  
46 CHAIRMAN ALVAREZ: Okay. Let's listen  
47 to what he says here.

48  
49 MR. NELSON: Yes. Thank you, Mr.  
50 Chair. I do have some language that perhaps I could

1 read into the record, if that would acceptable to you.  
2 I believe that that would address the issue.  
3  
4 MR. O'HARA: (Indiscernible, microphone  
5 not on)  
6  
7 MR. NELSON: Yes, it would. And the  
8 way the motion would read then would be that only one  
9 State subsistence fishing permit for salmon and one  
10 Federal subsistence permit for salmon may be issued to  
11 each household per year.  
12  
13 Thank you. Mr. Chair.  
14  
15 CHAIRMAN ALVAREZ: Thanks, Dave. So  
16 presently it says only one State, or one permit, one  
17 subsistence permit. So we would have to amend it to  
18 say one State and then one Federal.  
19  
20 MR. O'HARA: One Federal permit.  
21  
22 CHAIRMAN ALVAREZ: So is that your  
23 proposal? Or amendment?  
24  
25 MR. O'HARA: Yeah, for each household  
26 per year.  
27  
28 MS. MORRIS LYON: Second.  
29  
30 CHAIRMAN ALVAREZ: Okay. Motion made  
31 and seconded by Nanci.  
32  
33 MR. O'HARA: Withdraw all our  
34 stuff.....  
35  
36 CHAIRMAN ALVAREZ: To amend 08-12. Dan  
37  
38 MR. DUNAWAY: Mr. Chair. So this  
39 motion, are we voting to reconsider the proposal, or  
40 making a friendly amendment to that, just adding on? I  
41 don't want to get around the axle on Roberts, but, you  
42 know, just so I'm clear how we do it. So we're moving  
43 to reopen discussion on it and adding this recommended  
44 language.  
45  
46 MR. O'HARA: Mr. Chairman. Excuse me.  
47 You know, I think in some cases it's going to be always  
48 use a permit with the State of Alaska to get salmon.  
49 We do it ever since I've lived here in Naknek in '69.  
50 It's not a problem. But should somebody else need to

1 have some other method, and they're not going to get to  
2 the shores of a lake with a net, then they have another  
3 method of getting salmon. I think it's just a common  
4 sense type thing. And I appreciate you bringing it up.  
5 I had no idea that there was a -- that it had that far  
6 reaching effect, but I mean we could have been left out  
7 of the loop on that.

8

9 CHAIRMAN ALVAREZ: Okay. All right.

10

11 MR. EDENSHAW: Mr. Chair.

12

13 CHAIRMAN ALVAREZ: Go ahead, Cliff.

14

15 MR. EDENSHAW: Can I ask Dave a  
16 question? So then can we stipulate on the Federal  
17 permit that if we're addressing fyke and weir -- or  
18 lead, that you also include beach seine or gillnet?  
19 Because from the paper I read, the email that you sent  
20 to Liz, what I'm getting is that if Tom's up there in  
21 Iliamna and wants to go out and use a fyke and lead, he  
22 is no longer eligible for a State permit. That's what  
23 I read in your email, that's what I understood, that --  
24 or else if he goes out and uses a State permit and  
25 beach seines or gillnets down in Sixmile, he cannot use  
26 the fyke or the weir or the lead up in Lake Clark.

27

28 CHAIRMAN ALVAREZ: Dave.

29

30 MR. NELSON: Yeah. I'm going to have  
31 to confess that I haven't given that part of it a lot  
32 of thought, but one point that I would make here that I  
33 think would be important to the -- perhaps to the  
34 Council and to the folks that participate in these  
35 fisheries is that if they continued, as Mr. O'Hara  
36 said, to get the State permit, which has been around  
37 forever, that is an excellent way for the State  
38 managers to keep track of the -- those fish that are  
39 harvested with gillnet. Then you would have a second  
40 permit which would also enable managers to keep track  
41 of fish that were harvested under this perhaps new  
42 regulation if the Board of -- excuse me, if the Federal  
43 Board adopts it, and you folks approve it. So that --  
44 I thought right now it would be a little bit cleaner  
45 perhaps to get two permits, and a household could have  
46 two permits. And, of course, as we've heard here  
47 today, there probably will not be a lot of folks  
48 participating under the Federal permit, but it does  
49 provide a tracking mechanism so that the Council can  
50 see what the effect of their actions are.



1 Thank you. Mr. Chair.  
2  
3 CHAIRMAN ALVAREZ: Thanks, Dave.  
4  
5 So I guess if nobody has any objections  
6 to -- that we are back on 08-12 without Robert's  
7 Procedures. So -- and we have -- I guess our motion is  
8 still valid, made by Dan, seconded by Nanci to make it  
9 that you'd have to have a Federal and a State permit.  
10 So is there any more comment or question.  
11  
12 (No comments)  
13  
14 CHAIRMAN ALVAREZ: Seeing none, we'll  
15 vote on the amendment that you need to have these two  
16 permits, a Federal and a State. All in favor signify  
17 by saying aye.  
18  
19 IN UNISON: Aye.  
20  
21 CHAIRMAN ALVAREZ: Opposed.  
22  
23 (No opposing votes)  
24  
25 CHAIRMAN ALVAREZ: Motion carried.  
26 Okay. Now we go back to the amended proposal. All in  
27 favor signify by saying aye.  
28  
29 IN UNISON: Aye.  
30  
31 CHAIRMAN ALVAREZ: Okay. Opposed.  
32  
33 (No opposing votes)  
34  
35 CHAIRMAN ALVAREZ: Seeing none. Motion  
36 is carried unanimously.  
37  
38 Okay. Now we are back.....  
39  
40 MR. EDENSHAW: Mr. Chair.  
41  
42 CHAIRMAN ALVAREZ: Cliff.  
43  
44 MR. EDENSHAW: Before you move on, so  
45 the exactly language that Dave read into the record is  
46 what you guys would like to use, a State permit or a  
47 Federal. They may use a State or a Federal. Is that  
48 the language you read, Dave?  
49  
50 MR. NELSON: That's correct. Per

1 household.  
2  
3 MR. EDENSHAW: Okay. Per household.  
4 So they may use one -- okay.  
5  
6 CHAIRMAN ALVAREZ: Allen, do you want  
7 to -- which -- did you want to comment on ARB or -- I  
8 guess we will have Rod and the other presenters, and  
9 then when they get down, then I guess you can -- we'll  
10 do the public on No. 11.  
11  
12 UNIDENTIFIED VOICE: (Indiscernible,  
13 away from microphone)  
14  
15 CHAIRMAN ALVAREZ: Well, there's only  
16 two. On No. 11, Fisheries Resource Monitoring Program,  
17 we have A and B, and Rod, you're going to do the draft  
18 2008 Fisheries Resource Monitoring Program?  
19  
20 MR. CAMPBELL: Yes, Mr. Chair.  
21  
22 CHAIRMAN ALVAREZ: Okay. Go ahead,  
23 Rod.  
24  
25 MR. CAMPBELL: Thank you. Mr.  
26 Chairman. Council members. My name is Rod Campbell  
27 with the Office of Subsistence Management.  
28  
29 I'll be covering the draft 2008  
30 Fisheries Resource Monitoring Plan. That's on Page 67  
31 in your Council book. There are several pages and I'm  
32 just going to hit the highlights on those. I'm sure  
33 you've probably had an opportunity to read those, and  
34 if you have any questions, I'll try to answer those.  
35  
36 To increase the quantity and quality of  
37 information available for management of subsistence  
38 fisheries, the Fisheries Resource Monitoring Program  
39 was created within the Office of Subsistence  
40 Management. It was previously referred to as FIS, and  
41 then we had a reorganization, so you may be familiar  
42 with that term.  
43  
44 Now, the mission statement is on Page  
45 67. The mission of the monitoring program is to  
46 identify and provide information needed to sustain  
47 subsistence fisheries on Federal public lands for rural  
48 Alaskans through a multi-disciplinary collaborative  
49 program.  
50

1                   Moving on to Page 68, it talks about  
2 the project evaluation process. We have a Technical  
3 Review Committee that evaluates proposals. And the ones  
4 that make it past the first cut are subsequently blown  
5 up to full investigation plans, and then the TRC makes  
6 recommendations for funding.

7  
8                   The four factors that they use to  
9 evaluate those studies are strategic priority,  
10 technical/scientific merit, investigator ability and  
11 resources, and partnership and capacity building.

12  
13                   And I'll move on over to Page 70, at  
14 the top of Page 70. Beginning in 2008, the Office of  
15 Subsistence Management will issue future requests for  
16 proposals on a biannual basis. The next call will be  
17 issued in November 2008 for the 2010 to 2013 monitoring  
18 plan. And proposals are solicited according to the  
19 following two data types: stock status and trends,  
20 harvest monitoring and traditional ecological  
21 knowledge.

22  
23                   And down the middle of Page 70 you can  
24 see the -- for 2008 there was a total of 30  
25 investigation plans under consideration for funding.  
26 That was across the entire state. Of those 21 were the  
27 stock status and trends projects and 9 were the harvest  
28 monitoring traditional ecological knowledge projects.  
29 The traditional ecological knowledge recommends funding  
30 for 23 of these investigations. And down that graph on  
31 Table 1 you can see right in the middle of that is  
32 Southwest Alaska. There was a total of five  
33 investigation plans submitted, and the Technical Review  
34 Committee recommended funding three of those. Total  
35 funding available for the new projects in 2008 is \$2.1  
36 million.

37  
38                   And I will go over to Page 72. It has  
39 an overview of the Southwest Alaska proposals. I will  
40 focus on obviously your area, because the  
41 Kodiak/Aleutians are also grouped in this large  
42 geographic area of Southwest Alaska.

43  
44                   To ensure that the monitoring program  
45 addresses the highest priority information needs for  
46 the Federal Subsistence Fisheries Management program,  
47 two strategic plans were developed in the Southwest  
48 region. The Bristol Bay/Chignik plan was completed in  
49 October of 2005 and as I mentioned before they have a  
50 Kodiak/Aleutians plan which doesn't affect this

1 Council. For the Bristol Bay salmon, and also there  
2 was projects for the Bristol Bay/Chignik non-salmon.

3  
4 A summary of these monitory project  
5 programs that have been completed in Southwest Alaska  
6 since 2000 are shown on Table 1 on Page 73. And again  
7 the top three sections, we have Bristol Bay salmon,  
8 Chignik salmon, Bristol Bay/Chignik freshwater species.  
9 And these are the projects that have been completed  
10 since 2000. If you count those up, it should be 22  
11 projects have been completed since the program's  
12 inception in 2000.

13  
14 Then on Page 74, Table 2 has a summary  
15 of the ongoing 2008 projects. You can see the first  
16 one there for Chignik salmon, Perryville/Clark River  
17 coho and sockeye salmon aerial surveys. And also for  
18 the Bristol Bay/Chignik areas, Lake Clark whitefish  
19 assessment, Togiak River rainbow/smelt assessment, and  
20 Kvichak watershed subsistence fishing project.

21  
22 On Page 75, on Table 5, the Technical  
23 Review Committee has recommended funding for the 2008  
24 fisheries resource monitoring projects. Again, since  
25 Southwest Alaska was a larger geographical group,  
26 they've lumped Kodiak projects in here. You can see  
27 the first one is Kodiak and really does not have any  
28 interest to this RAC at least for voting purposes, and  
29 also the fourth one there is the Buskin River. So  
30 under the stock status/trends it has Togiak River  
31 chinook salmon radio telemetry they've recommended for  
32 funding, and also the Lake Clark sockeye salmon  
33 counting weirs. And then underneath that for the  
34 harvest monitoring and traditional ecological knowledge  
35 projects, there was a project for Lake Clark whitefish  
36 TEK that was not recommended for funding.

37  
38 And here are the funding guidelines for  
39 2008. At the bottom of that page is \$240,000.

40  
41 On the next page, 76, I'll go into the  
42 recommendation for funding. The technical review  
43 committee reviewed those proposals, and they ranked  
44 them in the order that they felt priorities were  
45 justified. You see the Lake Clark sockeye counting  
46 towers, Togiak River chinook salmon radio telemetry,  
47 and then -- well, the Kodiak one really shouldn't be in  
48 there for this program. And the ones below the line  
49 were not recommended for funding.

50

1                   There's some more detailed information  
2 in your book on each one of these projects. This is  
3 something, as Cliff mentioned earlier, that if the  
4 Council does support funding these projects, there  
5 would need to be a motion to approve those. And again  
6 there's recommendations for funding on Page 76 for your  
7 area. There's 08-405, Lake Clark sockeye salmon  
8 counting weirs, 08-402, Togiak River chinook salmon  
9 radio telemetry. Those were the two projects in your  
10 area that were recommended for funding by the Technical  
11 Review Committee. And as I had mentioned, the projects  
12 below the line on that table are not recommended for  
13 funding at this time. It wasn't necessarily that they  
14 were not good projects, but with the limited amount of  
15 money, and also there may be some areas of the  
16 proposals that were submitted that needed additional  
17 work and maybe submitted at a later time once some of  
18 those things have been beefed up or improved.

19

20                   That's all I have.

21

22                   CHAIRMAN ALVAREZ: Rod, look at the 08-  
23 401, Big Creek coho salmon weir. Is that in Kodiak, or  
24 is that a mistake?

25

26                   MR. CAMPBELL: It says -- 08-401, it  
27 says Big Creek weir in Kodiak, and it talks about the  
28 Old Harbor Tribal Council, so I believe that one --  
29 and, of course, the one right behind -- below that on  
30 the top of the next page is the Buskin River which runs  
31 right through the middle of Kodiak.

32

33                   MR. DUNAWAY: Tripping me up.

34

35                   CHAIRMAN ALVAREZ: There's a weir up  
36 there in Big Creek, Don.

37

38                   MR. DUNAWAY: (Indiscernible,  
39 microphone not on)

40

41                   CHAIRMAN ALVAREZ: Well, there was.  
42 Yeah.

43

44                   MR. CAMPBELL: Yes, sir, I'm not -- I  
45 don't know the -- I can't keep track of the Big Creeks  
46 or the Salmon Creeks or the Quartz Creeks. But this  
47 does say Kodiak and it does reference Old Harbor, which  
48 is definitely a Kodiak area.

49

50                   CHAIRMAN ALVAREZ: Okay. Thank you.

1 So we need to move to adopt the resource monitoring  
2 plan.  
3  
4 You know, I noticed in your counting --  
5 Alagnak counting assessment, escapement, and I hunted  
6 moose up there this fall. And I never smell that river  
7 so stink. There was so much fish up there, more than  
8 I've ever seen. And even more than four or five years  
9 ago when Marine Creek had five million escapement. That  
10 was just in that one area, but this -- now there's --  
11 the fish are just down below. Anyway, I just wanted to  
12 point that out.  
13  
14 MR. DUNAWAY: Population explosion of  
15 bears there.  
16  
17 CHAIRMAN ALVAREZ: Anyway. So do we  
18 need -- somebody want to move to -- or should we move  
19 to adopt the resource.....  
20  
21 MR. DUNAWAY: (Indiscernible,  
22 microphone not on)  
23  
24 CHAIRMAN ALVAREZ: Yeah.  
25  
26 MR. O'HARA: (Indiscernible, microphone  
27 not on)  
28  
29 CHAIRMAN ALVAREZ: Okay.  
30  
31 MR. O'HARA: Lake Clark sockeye, right?  
32 And Togiak River chum salmon, is that right?  
33  
34 MR. CAMPBELL: Through the Chair. Yes,  
35 sir, that's right. You have those right. 08-405 is  
36 Lake Clark sockeye, 08-402 is Togiak chinook salmon  
37 radio telemetry project.  
38  
39 MR. O'HARA: Is that \$232,420?  
40  
41 MR. CAMPBELL: Well, I didn't add it,  
42 but -- add the two up. I don't have my abacus.  
43  
44 MR. O'HARA: I so move, Mr. Chairman.  
45  
46 CHAIRMAN ALVAREZ: Okay. Motion by Dan  
47 O'Hara. Any second.  
48  
49 MR. BOSKOFKY: Second.  
50

1 CHAIRMAN ALVAREZ: Seconded by Alvin to  
2 accept the recommendations, the resource monitoring  
3 plan for 2008. Any more comment, questions.  
4  
5 (No comments)  
6  
7 MR. DUNAWAY: Question.  
8  
9 CHAIRMAN ALVAREZ: The question's been  
10 called. All in favor of the motion signify by saying  
11 aye.  
12  
13 IN UNISON: Aye.  
14  
15 CHAIRMAN ALVAREZ: Opposed.  
16  
17 (No opposing votes)  
18  
19 CHAIRMAN ALVAREZ: Motion carries, 8/0.  
20 Okay.  
21  
22 The next one. Rod, were you going to  
23 do B?  
24  
25 MR. CAMPBELL: Yes, Mr. Chairman. I do  
26 apologize. This -- I have a handout here that I'm  
27 going by. It has an outline that probably should have  
28 been included in the book, but it wasn't. I will have  
29 some copies made of that and provide that to the  
30 Council. But if it's all right, I'll just read from  
31 the summary that I have and then provide that  
32 information to you tomorrow if that's okay.  
33  
34 CHAIRMAN ALVAREZ: Okay.  
35  
36 MR. CAMPBELL: Thank you, sir.  
37  
38 Yes, this 11(b), this is the partners  
39 program for fisheries monitoring. As most of you know,  
40 this was initiated in 2002 to help strengthen the  
41 Alaska Natives and rural involvement in subsistence  
42 fisheries, both in management and research. \$1 million  
43 annually goes to Alaska Native organizations, including  
44 the Association of Village Council Presidents, Bristol  
45 Bay Native Association, the Council of Athabascan  
46 Tribal Governments, the Kuskokwim Native Association,  
47 Native Village of Eyak, Tanana Chiefs Conference, among  
48 others. It hires eight fisheries biologist or  
49 anthropologists and approximately 45 student interns  
50 seasonally. It encompasses six Native organization

1 that represent 146 villages and a land mass greater  
2 than half of Alaska.

3

4                   They conduct fisheries research  
5 projects and rural internship programs. The projects  
6 results help to guide fisheries management decisions,  
7 and there's over 100 new partnerships established that  
8 have helped to build community support. Twenty high  
9 school and 25 college student interns are mentored  
10 annually. Matching funds come from the National  
11 Science Foundation for the intern program. And the  
12 interns receive college credits through the University  
13 of Alaska and the State of Alaska rural high school  
14 program.

15

16                   New positions awarded in 2008. There's  
17 a question mark on that. Everything has to do with  
18 funding. The current agreements will all close on  
19 December 31st of this year. We're awaiting the  
20 President's budget to determine available funding for  
21 the continuation of this program in 2008. We've  
22 received 164 letters of support from tribal and Native  
23 organizations, universities, four universities, 18  
24 government agencies and 13 private organizations  
25 telling what a wonderful job this has done and how this  
26 has helped people in -- especially young people in  
27 rural communities. Letters of support have been sent  
28 to our Alaska Senators and Representative. The Alaska  
29 Federation of Natives submitted a request for a  
30 congressional oversight hearing that includes support  
31 for the continuation of this program.

32

33                   And I just have a -- this was just a  
34 brief overview that I have. I really don't have any  
35 real specific information to give you, but we do have  
36 Robbin LaVine from the Bristol Bay Native Association  
37 is here, and she can certainly provide you some  
38 information on what this program has done locally, and  
39 I'd like to turn that over to here with your  
40 permission, sir.

41

42                   CHAIRMAN ALVAREZ: Okay. Rod, thanks.  
43 Robbin.

44

45                   MS. LAVINE: Yes. Mr. Chairman and  
46 members of the Council. For the record my name is  
47 Robbin LaVine. I am the subsistence fisheries social  
48 scientist and anthropologist with the Bristol Bay  
49 Native Association. I'm going on my third year of  
50 service there. And it is a wonderful program.



1 I just thought I'd kind of look over  
2 this handout here and kind of give you a little bit  
3 more of an on-the-ground update.

4  
5 Originally this program had -- it was  
6 over -- I think it had a budget of over a million a  
7 year, which had been kind of promised to the tribes of  
8 Alaska statewide to fulfill -- if you will look on Page  
9 69 of your handbooks, you see when we're looking at the  
10 FRMP program, project evaluation process, No. 4 on Page  
11 69, partnership/capacity building. ANILCA mandates  
12 that the Federal Government provide rural residents a  
13 meaningful role in the management of subsistence  
14 fisheries, and the monitoring program offers tremendous  
15 opportunities for partnerships and participation of  
16 local residents in monitoring research. And it is in  
17 that -- and it is in that spirit that the partnership  
18 program was created.

19  
20 And there was hope that with success it  
21 would be maintained, and if -- at least, if not  
22 maintained -- or at least if it didn't grow, at least  
23 it would be maintained. But we are looking at dramatic  
24 cuts.

25  
26 So all of the wonderful accomplishments  
27 that we have seen in just five short years really --  
28 Alaska Native organizations, communities, residents,  
29 have participated on fisheries research projects, stock  
30 status and trends as well as TEK projects. Statewide  
31 intern students have gone to science camps, interns  
32 have developed professional and academic experience.  
33 And we're beginning just now to see these young people  
34 graduate with degrees and to on to get hired in  
35 subsistence fisheries or fisheries management  
36 statewide. It's a tremendous program.

37  
38 But right now funding -- in light of  
39 the cuts to this program, while there were eight  
40 positions when I started, there are now only three of  
41 us left. And more than likely, if nothing changes, at  
42 least perhaps three of us will have our positions  
43 through 2008, but there's no guarantee that that will  
44 continue beyond next year as far as I understand. And  
45 I think it's a real shame, because what we're doing is  
46 what we set out to do, which was really try to ensure  
47 in our regions that local people take part in the  
48 process of subsistence fisheries research and  
49 potentially management.

50

1                   And just to say a little bit about what  
2 I've been doing, aside from the interns, which has been  
3 tremendous, a tremendous experience each season, and I  
4 have personally overseen at least 18 internship  
5 placements successfully, college credits acquired, many  
6 of them come back each year, and they're developing a  
7 love for fisheries biology or subsistence management or  
8 anthropology.

9  
10                   Aside from that, I'm also participating  
11 in a number of different research projects. And one of  
12 the ones that we are in the process of completing, and  
13 should not see its end until 2009, and hopefully I will  
14 be still on the research team, I did write into this  
15 project -- well, most research projects look for --  
16 they bring professionals in, they bring the biologist  
17 or the anthropologist into a particular community or  
18 region, and they talk to some folks, and they look at  
19 what's going on, and they say, well, from my vantage  
20 point, this is what I think is going on. They put that  
21 down in their report and they hand it in. And I  
22 thought, well, wouldn't it be nice if the local people  
23 from the communities that are involved actually get to  
24 direct the questions, actually get to kind of tell us  
25 what they think is most important in regards to  
26 subsistence fisheries. So within the project that we  
27 have, the Kvichak watershed subsistence fisheries  
28 ethnography, and this is 07, where are we, 07-452, I  
29 also kind of wrote sort of a mini-project within that  
30 project. We are working with the communities of  
31 Newhalen, Iliamna, Nondalton, and Port Alsworth, and  
32 from each community a family has been selected after we  
33 spent a summer in each -- last summer in each  
34 community, and a family has been selected to represent  
35 themselves, but also their community, and the  
36 importance of subsistence fishing for the community, or  
37 them, for the region. And they're going to be  
38 documenting their subsistence fisheries activities over  
39 the course of the year. They're going to be  
40 determining through a number of different media  
41 available to them what they think is important, and  
42 telling their own unique story. And each family -- so  
43 far we have two that are confirmed, and I just met with  
44 some folks in Nondalton and Port Alsworth. And next  
45 week I'll be meeting with folks in Iliamna and  
46 Newhalen.

47  
48                   I'm very excited about this project.  
49 The families are compensated as well, but I think it  
50 really pulls in a local perspective, and really ensures

1 that local people are involved and that they are heard.  
2  
3  
4 And I guess that my report. Any  
5 questions.  
6

7 CHAIRMAN ALVAREZ: I've got a comment,  
8 Robbin. You know, I really appreciate this  
9 partnership, too. With the -- for co-management, you  
10 know, they -- ever since this Council was started, you  
11 know, we've had more control and more say on fish and  
12 game. And it makes people feel better. And it also --  
13 like you said, it puts more people doing things,  
14 controlling their own future or destiny, you know, it  
15 -- the way it used to be, we didn't -- we were always  
16 told -- always had somebody else do all that for us and  
17 told what to do and what not -- what we couldn't do.  
18 And you didn't have as much -- or a whole lot of say.  
19 And it -- now we have -- you know, now it's -- we kind  
20 of control our destiny. And I think it's up to us now,  
21 you know, to understanding and learning to manage our  
22 resource.  
23

24 So, you know, and it made me -- here is  
25 what happened, it's made me more self-conscious of  
26 taken fish and game. And I'm -- you know, a long time  
27 ago, you know, I never thought of, for instance,  
28 shooting a cow moose. But any more now that I'm in the  
29 position I'm in, we're fighting to have enough to  
30 harvest. And it really irritates me, you know, when I  
31 hear somebody that still does that. So it -- I just  
32 wanted to comment that, you know, I think it's a good  
33 plan that we have, and I think it's working.  
34

35 Nanci, you have something to say.  
36

37 MS. MORRIS LYON: Yeah. Robbin, just,  
38 you know, to build also on Chairman Alvarez's comments,  
39 I feel like the opportunities that that program has  
40 provide for our young people are just untold, because a  
41 lot of times, you know, our youth are uncomfortable  
42 leaving the area to find out if they would be  
43 interested in something. And it's given them the  
44 opportunity to try it out at home with resources and in  
45 an environment that they're familiar with and more  
46 comfortable with. And I think that that -- I would  
47 like to think anyway that it's promoted a lot more in-  
48 depth knowledge on their part and perhaps given some of  
49 them courage to go on to do the things that they were  
50 very reluctant to do. And then I think just like, you

1 know, Chairman Alvarez has said, you know, it's  
2 increasing our ability to have local knowledge that  
3 will be truly knowledgeable in more than just one way  
4 in being able to expand experiences for, you know,  
5 especially our youth that wouldn't otherwise be able to  
6 have that opportunity. So I certainly see a lot of  
7 positive in this program and very few negatives, and  
8 certainly, you know, would like to make sure I get a  
9 letter of support sent in for the program as well.

10

MS. LAVINE: Thank you.

12

CHAIRMAN ALVAREZ: Dan.

14

15 MR. O'HARA: With Randy Alvarez  
16 shooting cow moose out of season and Dan Dunaway  
17 snagging fish, I hope we've got a statute of  
18 limitations some place and you guys don't end up in the  
19 same little cell.

20

(Laughter)

22

23 MR. O'HARA: Boy, it's good to get that  
24 on the record, huh? Anyway there is a statute of  
25 limitations, that's good.

26

27 But, you know, you were making a  
28 comment there, Robbin, and you mentioned 18  
29 internships. And there's a thing called job shadowing  
30 and Shell Oil came out here and talked to the students  
31 at our high school and said that. I think it was 90  
32 percent of the grades 7 through 11, if they pick the  
33 job shadowing program they like, they usually got a  
34 degree in it. And that's a pretty -- yeah, it's a  
35 great success. So if you've gotten 18 of them, some of  
36 these came with degrees in, you know, whatever,  
37 fisheries biologist or anthropology or whatever it is  
38 they would be interested in, which I see Karen Stickman  
39 is an incredible example of what young people can do  
40 from her community of Nondalton. It's an excellent  
41 program.

42

43 And if we can do anything, you know, if  
44 we need to -- if we can possibly lend support, write a  
45 letter or email or resolution from the borough or  
46 anything to continue to support this program, that's  
47 what we need to do. We live and die by our resources.  
48 It's good. I appreciate it. Appreciate your work.

49

50 MS. LAVINE: Thank you. At this point

1 I think we are -- I know AFN has called for an  
2 oversight hearing. There has been a delay so far. I  
3 think that the Presidential budget for 2008 has not yet  
4 been approved. I believe Congress and the Senate have  
5 requested a significant amount over what was -- the  
6 cuts suggested by the Presidential budget. And we're  
7 still waiting for I think input on which way that will  
8 go. I do know there will be some funds left for the  
9 program at least for 2008, but each year it is a  
10 battle, and it doesn't look good for the long haul.

11  
12 But I do feel, I think we've been so  
13 outstandingly successful, and it's great to have local  
14 involvement in the projects. But as you said, having  
15 the young people of the region, the internships and the  
16 science camps, but I see it myself with the  
17 internships, and I've seen -- actually last year I had  
18 the intern program coordinator, Valle Peterson from  
19 Naknek, from South Naknek, and she's now -- she's got  
20 her degree in hand, and she was hired to be a fisheries  
21 biologist for I think the Arctic Slope Environmental  
22 Division. And they called me and asked for a  
23 reference, and I could not restrain myself in singing  
24 her praises, because she's really outstanding. And you  
25 see Laura Sorenson who's close to getting her degree  
26 working with the projects out here. We have Kay Larson  
27 Blair who was an intern with BBNA for a number of years  
28 and is now on a career program with U.S. Fish and  
29 Wildlife Service, Office of Subsistence Management.  
30 And a number of young people who are now just changing  
31 their degrees to biology and even specifically  
32 fisheries so that -- and with dreams and hopes of  
33 coming back here to work. And so if nothing else, if  
34 we do not carry on beyond 2008 or so, I think these  
35 young people will be a spectacular living legacy of the  
36 program. But I really do hope its value is recognized  
37 by the folks with the purse strings.

38  
39 CHAIRMAN ALVAREZ: Thank you, Robbin.

40  
41 MS. LAVINE: Thank you.

42  
43 CHAIRMAN ALVAREZ: When I shot cows, it  
44 was still legal.

45  
46 (Laughter)

47  
48 MR. DUNAWAY: Leave that in the record.

49  
50 CHAIRMAN ALVAREZ: Okay. Well, we just

1 eliminated the cow season last year.  
2  
3 Allen, did you want to testify now on  
4 this?  
5  
6 MR. ASPELUND: Mr. Chair.  
7  
8 CHAIRMAN ALVAREZ: Okay. You may now  
9 or you can wait until tomorrow. But now if you want.  
10  
11 MR. DUNAWAY: Mr. Chair.  
12  
13 CHAIRMAN ALVAREZ: Dan, go ahead.  
14  
15 MR. DUNAWAY: Real quick, Allen,  
16 because I want to hear what you have to say, but would  
17 it be appropriate for us to pass a letter or resolution  
18 supporting the program? Because the other part of this  
19 is it's getting harder and harder to find kids to work  
20 in those field camps, and I was up against it. And I  
21 sure support it, especially with kids with local  
22 knowledge.  
23  
24 UNIDENTIFIED VOICE: Under new  
25 business.  
26  
27 MR. DUNAWAY: Under new business.  
28 Okay. We'll wait. Thank you.  
29  
30 CHAIRMAN ALVAREZ: Allen.  
31  
32 MR. ASPELUND: Mr. Chairman. Council  
33 members. My name is Allen -- got it. Okay. Mr.  
34 Chairman. Council members. My name is Allen Aspelund,  
35 and I am an elder now in my community. I happened to  
36 hit 76 plus. Earlier I was considered a senior I guess  
37 when I was 65 and started my social security.  
38  
39 But my concern is what I'm going to --  
40 you might have to correct me. I'm just looking at the  
41 agenda I got off from the table, and it was showing  
42 that requests for subsistence wildlife proposals. And  
43 mine was in reference to it would be actually hunting.  
44 And I'm here because our group, as the elders now, some  
45 of our elders think we're forgot but not lost. And I  
46 hear a lot of people which you heard earlier speaking  
47 about youth and forward.  
48  
49 But I feel -- my group, in fact I am  
50 now the president of Bristol Bay Elder's Action Group

1 who is a local group here that tries to do benefits for  
2 our three communities here. And one of them that we're  
3 real proud of, and if you notice we have this here big  
4 building out of the window here that is the Southwest  
5 Elders Home. And that is for our elders in the  
6 community, and also we have elders that is not  
7 basically from our communities.

8

9 But with that, I want to move on to --  
10 and I look at you folks as messengers, because you're  
11 here to go before the full Board, the Federal Board,  
12 and hoping you would be speaking in our behalf. And  
13 the one is again, and it was joked around earlier in  
14 reference to moose. The thing I would like to do is  
15 see where somehow you can in reference -- or comparison  
16 up north, I believe they do with the whales with NOAA,  
17 they allow like a village harvest of so much of a  
18 specie. The same thing is here basically. And ours is  
19 again the word moose. And I want you to know it is  
20 getting scarce. And the fact is a few years ago we  
21 were able -- fortunately our group was able to get some  
22 confiscated moose meat from the Fish and Game and maybe  
23 a few other people, and this meat actually then we pass  
24 on to our elders or our community. And this year it  
25 has been actually zero. Nobody has been getting any  
26 moose. But the thing I'm looking at I guess is the act  
27 that we'd like to see -- we're looking out for the  
28 group, and, true, a lot of our elders may be with  
29 families, but we do have elders that have no families  
30 in our communities. And I'm referring to our three  
31 communities. And the thing there is I'm hoping you can  
32 convince the Board that maybe you can grant like a  
33 special harvest to villages or a group like ours, if we  
34 could be recognized, but preferably like even a village  
35 so it would have a special harvest for say a village  
36 allocation of -- so for potlucks or, for instance,  
37 distribution to our elder people.

38

39 And with that, I would -- I'm just  
40 suggesting. We do have now the Becharof Refuge, and  
41 one thing about them, their guy underneath these -- or  
42 along with the State regulations, and there they're  
43 allowed two cow moose if I recall, and as soon as  
44 they're caught, you have to report them within 48  
45 hours, whatever, and they close that specific -- the  
46 cow season down, but the other continue. I'm looking  
47 at the fact is it's real competitive for an elder --  
48 for instance, as an elder, I have to go and get a -- I  
49 can't go hunting -- I could, but I'm speaking now when  
50 I say this in reference as being an elder, is that

1 they'd have to get a proxy permit, and a lot of our  
2 people don't understand that. You have to go up to  
3 Fish and Game, and you have to, you know, sign papers,  
4 whatever. It's sort of -- it's kind of a disturbing  
5 thing, so it's not being done. So, sure, there's maybe  
6 avenues we can be doing things, but I'm looking at  
7 where you folks go back to that Board and convince them  
8 somehow to do kind of -- it's like a village or a group  
9 allocation. And I'd like to see where -- with the size  
10 of our group now, we're looking at probably 124 seniors  
11 in our three communities. And again we go by numbers.  
12 And everybody's concerned about takes. And my concern  
13 is that if you can grant us an opp -- and I'm talking  
14 about now the Becharof Refuge, that's where your  
15 Federal land that I think you people are governing. So  
16 therefore, and it might be where you allow I would say  
17 the neighboring communities, because I'm speaking these  
18 three communities, but I believe in the south we have  
19 maybe Egegik borders the Becharof, whatever, so we're  
20 using kind of a broad sense or thought that if it  
21 benefits others there, so be it, so we're not just  
22 carving the specific here, saying Naknek, South Naknek,  
23 King Salmon. It's where you grant us say one moose per  
24 hunting period, which we have one, I believe it's  
25 September 1st and then one again in December, so you're  
26 granting the village or a group, recognized group of so  
27 many, a special harvest of these here, and it could be  
28 done by appointing a proxy hunter, because up north,  
29 boy, the young ones like to be a whaler captain some  
30 day, maybe around here we need to have somebody could  
31 become a professional good hunter, the younger person,  
32 to go out and do the hunting. So we could do it by  
33 proxy for the village or a group.

34  
35 And then with that again, as you know,  
36 we all get out there and I would like to see where it  
37 has to be pretty well worked out maybe with the Fish  
38 and Game, because in territorial days our season  
39 opened, if I recall, I went out I think August 20th and  
40 used to hunt moose, which was a better time. So if  
41 this special thing I'm asking for, if you can grant us  
42 -- I've got to back up a little bit, excuse me.

43  
44 The way it is now, I believe that as a  
45 residential hunter we can go out on September 1st, and  
46 the out-of-state hunter is September 5th, but the same  
47 closing dates. Well, maybe on this special one you  
48 grant us prior to even the state allowable time, five  
49 days, so otherwise we go out in August 20-whatever.  
50 26th, because like 31 days I guess in August, so we



1 grant us anyway five days prior to that to go out and  
2 get that one moose for that particular first hunt  
3 season, and that -- where that would be shared then  
4 within our communities. And like I said, you take an  
5 average moose of 6, 700 pounds times 100, whatever, you  
6 know, the distribution isn't going to be great, but the  
7 idea, we are looking out for elder groups, or where  
8 that could become part of their historic food source.

9

10 So I guess that's all I'm trying to do  
11 is get you folks to take an interest in this and move  
12 it forward to the proper would be. And with that, I  
13 guess that's about basically what I am trying to refer  
14 to. And mine is, like I'm saying, is talking about the  
15 Federal land, and the closest one to us is Becharof  
16 Refuge, who does grant us to do hunting there now.

17

18 And with that, I thank you.

19

20 CHAIRMAN ALVAREZ: All right. Thank  
21 you, Allen.

22

23 Tomorrow on new business, we're going  
24 to be taking up some proposals. Katmai bears,  
25 Mulchatna Caribou, and then I also put on Unit 9 moose,  
26 and I asked Lem Butler if he would come and give us  
27 some information, because I've been getting calls from  
28 other villages that they didn't get any moose this  
29 year. So people want to see something done. Change  
30 the regulations so that they -- there's not enough  
31 moose any more. And like you said, I think you should  
32 -- you know, we need to have your input, too, when we  
33 discuss these proposals.

34

35 I'm not sure what -- I talked some to  
36 Troy Hamond a few days ago, and now a week or so -- a  
37 couple weeks ago I talked to Lem Butler, our Fish and  
38 Game biologist about this and asked them to come and  
39 give us information on what we need to -- what can we  
40 do. You know, it's -- a lot of people are saying we  
41 need to close non-residents, but to do that, I think we  
42 need -- you would have to have Tier I or Tier II, and  
43 we need -- you know, we need that information.

44

45 So I guess tomorrow would be a good  
46 time to -- we can come -- you know, you can testify  
47 again on that, you know. The way we operate is all  
48 you've got to do is turn a card in, and you can testify  
49 whenever we're talking about anything. I would rather  
50 prefer that you can testify more than once and just

1 talk to the specific issue that we're talking about  
2 instead of talk for a half hour about everything and  
3 then we'll forget most of what you said, so if you want  
4 to testify again, you may.

5

6 Dan.

7

8 MR. O'HARA: Allen, what you're saying,  
9 I appreciate you taking the time to come today. What  
10 you're saying is if it's five days before the regular  
11 seasons that a special hunt is allowed on Federal  
12 lands, to take a certain number of animals to address a  
13 certain number of elders, that's kind of like a  
14 proposal. Or what would that be called?

15

16 MR. EDENSHAW: A proposal. Mr. Chair.  
17 Mr. O'Hara.

18

19 MR. O'HARA: All right. And that's  
20 something then that would go to the Federal Board, and  
21 then it becomes part of the regulations, and you  
22 designate a proxy person to go out and do that hunt so  
23 the people get the moose, fine. I know -- I'd like to  
24 have Lem come up if -- Butler, if he wouldn't mind  
25 coming up. I have a question to ask him about moose.  
26 Would that be possible, Mr. Chairman?

27

28 CHAIRMAN ALVAREZ: Do you guys want to  
29 do that now? Or did you want to wait until tomorrow.

30

31 MR. O'HARA: I just wanted -- in  
32 reference to Allen's comments, I wanted.....

33

34 MR. HEDLUND: Before you do that.

35

36 MR. O'HARA: Yeah, sure.

37

38 MR. HEDLUND: I think the Federal lands  
39 has I think it's 10 days before the regular State  
40 season right now, isn't it? Because I think.....

41

42 UNIDENTIFIED VOICE: It's the 28th of  
43 August.

44

45 MR. HEDLUND: Yeah, I think it is. And  
46 the Federal lands now has I think about a 10-day before  
47 the State.

48

49 Thank you.

50

1 MR. O'HARA: Okay. That is kind of,  
2 Allen, what I guess we had in mind, so it's something  
3 we can look at in the future.

4  
5 But in reference to that, I guess, Ron,  
6 maybe you'd be the best guy to come and talk about the  
7 number of moose permits that have been issues on  
8 Federal lands.

9  
10 UNIDENTIFIED VOICE: (Indiscernible,  
11 away from microphone)

12  
13 MR. O'HARA: Well, between Katmai Park  
14 and Preserve and the Meshik Valley which is I guess the  
15 Becharof, we clocked about 25 or 30 horns out of there  
16 alone. Somebody's killing the moose.

17  
18 Thank you, Allen.

19  
20 MR. EDENSHAW: Mr. Chair.

21  
22 CHAIRMAN ALVAREZ: Cliff.

23  
24 MR. EDENSHAW: And Laura Greffenius is  
25 here to help with the Council if they so choose to  
26 submit any proposals. But from some of the testimony  
27 that Allen gave, there isn't any designated hunter  
28 under Federal regulations for moose. That's one  
29 proposal the Council could submit to allow a designated  
30 hunter to harvest moose in Unit 9E.

31  
32 The second thing, with the community  
33 harvest, that may have to be explored a little more,  
34 because if the Council went to a community harvest for  
35 Naknek, that may take away other harvest from  
36 individuals such as Randy or -- well, he doesn't live  
37 here any more, but Nanci in King Salmon, or, you know,  
38 that may take away from others, so Allen may also  
39 consider before we adjourn is that if that building  
40 over there has 124 elders who are affiliated with it,  
41 if they have a name, you know, they could certainly  
42 consider an allocation for it, you know, because we  
43 allow cultural harvests and potlatches, you know, all  
44 over the State, so that's another avenue for him to  
45 consider is a proposal which would allow a certain  
46 amount of moose to be harvested for that organization.

47  
48 CHAIRMAN ALVAREZ: That's what I was  
49 going to say. The State allows a ceremonial harvest  
50 for a group for potlatches. All you've got to do is go

1 to the Fish and Game and get a permit to do that. And  
2 I'm pretty sure that's still in effect, but I know  
3 nobody here does that. But Nondalton does, and the  
4 Board of Game had approved that a while back.

5  
6 UNIDENTIFIED VOICE: Iliamna does, too.

7  
8 CHAIRMAN ALVAREZ: Iliamna does. Okay.  
9 So that is still in effect I think, so, you know, that  
10 -- but I never heard of anybody here doing that. But  
11 that would be, you know -- that's a thought.

12  
13 Anyway, we need to -- we can talk more  
14 about this on new business when we do that. So if you  
15 want to testify on any other -- tomorrow on those  
16 proposals or when we talk about that, you may.

17  
18 Okay. So -- and I was looking at this  
19 No. 12. We're down to No. 12 then. Request for  
20 Subsistence Wildlife Proposals. Maybe we should have  
21 had that there.

22  
23 MR. DUNAWAY: Yeah.

24  
25 CHAIRMAN ALVAREZ: You know, like some  
26 of this new business. So I guess -- do we skip that  
27 then if we're going to put everything over here in new  
28 business?

29  
30 MR. EDENSHAW: Well, Mr. Chair, they  
31 can just stay there. You know, that's just -- it's  
32 something that remains open until October 19th, so it's  
33 really no big ideal in terms of where it's at in the  
34 agenda. All it is is the Council has until October  
35 19th to submit proposals. It doesn't need a -- it's  
36 always good for the Council to have a motion and say,  
37 yeah, we'll go ahead and do that, but anyone from the  
38 public, anyone from the Council, they can submit a  
39 proposal. So that's that.

40  
41 CHAIRMAN ALVAREZ: Okay. So and if we  
42 went down, is somebody going to report on every one of  
43 these -- on agency reports then? Do we have somebody  
44 here?

45  
46 MR. EDENSHAW: Mr. Chair. Yes, you can  
47 see by the names. I know Rod's here and Liz. That's  
48 if the Council so chooses. You know, you go down for  
49 the first one, No. 1, you know, certainly if the  
50 Council had question regarding -- I'm not sure what

1 Rod's going to do with this presentation, but the Board  
2 has -- or the Council has addressed the closure policy  
3 in the past when we went through this. And I'm sure  
4 it's been updated, but if the Council had questions for  
5 Rod, he'd be more than happy to answer their questions.

6

7

CHAIRMAN ALVAREZ: Okay.

8

9

MR. EDENSHAW: The short answer is, Mr.  
10 Chair, that on 1 through 6, as you can see, No. 4 and 5  
11 are informational, and then the other 3 with Rod's name  
12 by it and Liz's, they had some information they were  
13 going to provide to the Council.

14

15

CHAIRMAN ALVAREZ: I would like to hear  
16 the agency reports before we go into proposals. Don't  
17 have -- it doesn't make much sense to me to go over --  
18 start doing proposals without hearing agency reports.  
19 For instance, you know, the Staff, the biologist on  
20 population and stuff like that. Like No. D, ADF&G, Lem  
21 would give us a rundown on population and what's -- you  
22 know, what he's been doing, before we start making --  
23 we wouldn't have so many questions. And it would take  
24 less time to hear agency reports before we started  
25 doing proposals. So maybe.....

26

27

MR. EDENSHAW: Mr. Chair. When I first  
28 came on in the program, I was up in Nome. We went up  
29 to Unalakleet. We were holding a meeting. We were  
30 running out the door trying to make recommendations on  
31 proposals, and the whole -- I believe the whole basis  
32 for the program is that the Federal Board is going to  
33 implement hunting, fishing and trapping regulations.  
34 So I refer to see the Council make recommendations on  
35 these proposals whether they're -- you know, when they  
36 come back, if they have to have additional information  
37 and the Board defers them. It's much more -- it's  
38 better for me to have a recommendation in hand than at  
39 the end when Staff or someone -- you know, we don't  
40 have enough time to address proposals. And I think  
41 today, you know, maybe if you want to do that, we could  
42 do that. Because I think on the same hand with  
43 fisheries and wildlife, we've received fewer regula --  
44 I mean, fewer proposals. When I was up in Unalakleet  
45 running out the door, we had 12 or 15 proposals. I  
46 haven't seen that many proposals in this region since I  
47 came on board six years ago. So, you know, that's  
48 something we can explore, but I would rather see the  
49 Council go through and make recommendations on  
50 proposals than go through agency reports and have

1 questions. I think we went through the fish proposals  
2 this afternoon with very limited questions regarding  
3 stocks and stuff like that.

4

5 CHAIRMAN ALVAREZ: Okay. So tomorrow  
6 we will do agency reports. And so what we have coming  
7 up on new business is Katmai bears, Mulchatna caribou  
8 and Unit 9 moose, and then the water rights for  
9 Sixmile/Lake Clark. So if you.....

10

11 MS. MORRIS LYON: And the resolution to  
12 support the Partnership Program.

13

14 CHAIRMAN ALVAREZ: Oh, the resolution  
15 for the Partnership. But talking about -- referring to  
16 wildlife proposals, Katmai bears, Mulchatna caribou and  
17 Unit 9 moose we'll be discussing. But it sounds like  
18 we're probably going to make a proposal for Katmai  
19 bears and if you have any infor -- and also information  
20 on Mulchatna caribou and the Unit 9 moose. A lot of  
21 people think there needs to be something done. There's  
22 not enough moose. So that was -- we would like to hear  
23 in your reports that, those issues that are going to be  
24 coming up.

25

26 So anybody -- I guess we should  
27 probably -- do you guys want to continue or wait until  
28 tomorrow morning?

29

30 (There were comments, but people did  
31 not turn on their microphones)

32

33 CHAIRMAN ALVAREZ: How long is this  
34 going to take, do you think, all this?

35

36 (There were comments, but people did  
37 not turn on their microphones)

38

39 CHAIRMAN ALVAREZ: Shall we start doing  
40 some of the reports?

41

42 UNIDENTIFIED VOICE: Rod can give you a  
43 better idea because he's got some of these reports.

44

45 MR. CAMPBELL: Mr. Chairman. Just for  
46 planning purposes, there are under Section 13, agency  
47 reports, my name is down there for three of these  
48 reports. It could probably just as easily be under  
49 information item. The information is in the book on  
50 the pages that's there. If the Council wants to look

1 at that and have any questions, I would try to answer  
2 that, but I can certainly make it as brief as possible,  
3 or you can just put it down as an information item for  
4 you to look at, and if you have any questions, I'll  
5 either try to -- I'll try to answer them, and if I  
6 can't, then Cliff or myself will get some answers for  
7 you. So if that would help with your planning your day  
8 tomorrow.

9

10 CHAIRMAN ALVAREZ: Dan.

11

12 MR. O'HARA: Cliff, we've got about a  
13 whole day here for tomorrow, right? Hello? I mean,  
14 you know, we come to the end of the meeting and we just  
15 don't let the people give their reports, and they come  
16 here to give their reports. And so they need to give  
17 their reports. And so I think you're going to be going  
18 until 5:00 o'clock tomorrow night.

19

20 CHAIRMAN ALVAREZ: Then let's continue.

21

22 MR. O'HARA: Well, you can continue if  
23 you want. Yeah.

24

25 CHAIRMAN ALVAREZ: Okay. We will  
26 continue on Item 13, Agency Reports. I guess -- I  
27 don't want to make it too brief. You know, if there's  
28 something important that we need to know, you need to  
29 state it.

30

31 So, Rod, No. 1, status of closure  
32 policy.

33

34 MR. CAMPBELL: Yes. Mr. Chairman.  
35 Again, Rod Campbell with OSM.

36

37 The status of the closure policy is on  
38 Page 88. There's a brief one-page outline for you with  
39 some bullets showing the highlights. I'll briefly go  
40 over that.

41

42 The Federal Subsistence Board was  
43 directed by the Secretaries of Interior and Agriculture  
44 October 2005 to draft a policy to clarify when it is  
45 legally and administratively appropriate to close or  
46 restrict takings of fish and wildlife on Federal public  
47 lands. This are under Section 815 and 816 of ANILCA.  
48 All the Councils had a chance to review the at the  
49 winter meetings 2006. There were some revisions made  
50 based on what -- not only what the Council provided,

1 but also the public and different agencies, the State  
2 of Alaska and also the solicitor's office to make sure  
3 things were legal.

4

5 Our new policy, it was sent to the  
6 Secretary, it's signed. And in August 2007 it was  
7 approved. And I don't know, it says there's copies in  
8 here, but I don't know if Cliff has any additional  
9 copies for you or not on that.

10

11 But I'll just briefly go over what the  
12 new policy -- it's more of a clarification. It talks  
13 about the internal management as making things more  
14 transparent so people know exactly what elements are  
15 needed to institute these closures. And it talks about  
16 the key elements. Those are the bullets right in the  
17 middle of that page of Page 88. It is a case-by-case  
18 basis. Not only will they use physical and cultural  
19 components. It's not just the food you eat, but it  
20 also has to do with restricting subsistence as a  
21 lifestyle.

22

23 The third bullet, making decisions  
24 regarding closures. They will consider recommendations  
25 by the affected Councils, giving deference to them as  
26 appropriate under ANILCA Section 805(c). The Board  
27 will also consider the comments and recommendations by  
28 the State of Alaska and the public. Again, these are  
29 all on case-by-case basis. And then they will decide  
30 whether or not to implement closures or restriction.

31

32 I think most of you realize that there  
33 are very limited criteria that can be used to close  
34 Federal public lands and waters to non-Federally-  
35 qualified subsistence users. Those are little  
36 hashmarks down there. I don't know if -- I can briefly  
37 hit those. When a fish or wildlife population is  
38 insufficient to sustain takings for all uses, taking  
39 for non-subsistence uses may be reduced or prohibited.  
40 Again, we're maintaining the subsistence priority as  
41 key. The second bullet, when a fish or wildlife  
42 population is insufficient to sustain takings for all  
43 subsistence uses, then the resources shall be  
44 apportioned between Federally-qualified users according  
45 to Section 804 of ANILCA. And then it goes, the last  
46 one is in the worst case scenario, when fish or  
47 wildlife is insufficient to sustain takings for any  
48 uses, then you would need to prohibit any take just to  
49 protect the resource.

50



1                   Then down at the bottom is one of the  
2 things that has been going for the last three years at  
3 least about the closures. The closures will be removed  
4 as soon as conditions allow. And the one note down  
5 here is that the Board has agreed to review these  
6 closures at least every three years to make sure that  
7 they -- they're not in effect any longer than they need  
8 to be. I think that was a key that hasn't been  
9 happening before. There were some closures that were  
10 on there from State regulations. They remained, they  
11 were adopted by the Federal program, and they've been  
12 in effect. And our Office of Subsistence Management  
13 and the other Federal agencies have been going through  
14 reviewing those, especially the wildlife. There's a  
15 lot of those, to look at those and see which ones are  
16 still viable and need to be maintained, and then others  
17 which really there's no conservation reason to have  
18 them on the books. And again they will be reviewing  
19 those every three years.

20  
21                   That really hits the high lights, and  
22 that last point is something that was -- if I remember  
23 correctly, was very new.

24  
25                   Thank you, sir.

26  
27                   CHAIRMAN ALVAREZ: Thanks, Rod. Any  
28 questions or comment.

29  
30                   (No comments)

31  
32                   CHAIRMAN ALVAREZ: Okay. Seeing none,  
33 I guess we're on to the status composition.

34  
35                   MR. CAMPBELL: Yes. Mr. Chair. I'm  
36 again Rod Campbell with OSM.

37  
38                   That's on Page 89, the status of the  
39 composition recommendation. I think we have gone over  
40 this for the last few years. December of '98 the  
41 Safari Club International and others filed a suit  
42 against the Secretaries and the Federal Subsistence  
43 Board. There was a complaint about the Council  
44 charters. When they were changed to stipulated members  
45 would be represented, they would have to have either  
46 subsistence or commercial/sport fishers, and that goal  
47 for the commercial or sport users was set at 30 percent  
48 for each Council. They were trying to have some kind  
49 of balance through legal action.

50

1                   August 2006 the court said that the  
2 Board did not provide sufficient administrative record  
3 for this. They didn't necessarily say that it wasn't  
4 the appropriate mix, but there wasn't -- they didn't go  
5 through all the steps to verify how they came up with  
6 the 70/30 system, and they needed to go back and relook  
7 at that and see if there was some possible other  
8 percentages or breakdowns that may be appropriate, and  
9 then they needed to really build an administrative  
10 record and to justify those. And you can see in the  
11 bullets in the middle of the page, the court order --  
12 it was actually a court order that said that they had  
13 to follow those steps. They had to explain the current  
14 situation and rationale for the 70/30 rule, and we  
15 opened up to comments regarding it, and also solicit  
16 any kind of other alternative plans, other methods to  
17 see what would be the most appropriate method.

18  
19                   The Councils -- this was brought to the  
20 Councils and their recommendations were sought at your  
21 winter 2007 meetings.

22  
23                   And then in the third bullet it says  
24 May of 2007, the Board did consider public comments,  
25 Council recommendations. They reviewed these different  
26 alternatives and developed its own recommendations, and  
27 that was to maintain the 70/30 split for the Council  
28 composition. And again, that 30 percent was to try to  
29 set a goal of representation for commercial and sport  
30 users on each Council, to try to have a balance for the  
31 Council.

32  
33                   And the last paragraph there, the  
34 Federal Subsistence Management Program will now proceed  
35 to publish a notice in the Federal Register describing  
36 this process, and they are going to bring this back to  
37 the court and to -- hopefully that will satisfy the  
38 court and the judge's request for the -- to provide an  
39 administrative record for this decision. And then it  
40 will go to the Secretaries if that's the case for their  
41 final approval.

42  
43                   So it would be the same 70/30 as we  
44 have been operating on, but we still need to get  
45 approval from the court, and once that's gone, then it  
46 goes to the Secretary.

47  
48                   Thank you.

49  
50                   CHAIRMAN ALVAREZ: Didn't we make this

1 recommendation last meeting to support?

2

3 MR. CAMPBELL: Yes, sir. I believe it  
4 says at all the winter 2007 meetings, that's what --  
5 and this Council did make a recommendation on that.  
6 All the Council's did, and then the Federal Board  
7 looked at that at their May meeting. They took all  
8 that into consideration and then said, you know, if  
9 there's a better way, they didn't know really what it  
10 was.

11

12 CHAIRMAN ALVAREZ: Okay, Rod. Thanks.  
13 No. 2 -- why do we have two number 2's?

14

15 MR. CAMPBELL: I don't know. I should  
16 have turned that over to the biometrics staff I guess,  
17 but get beyond one.....

18

19 CHAIRMAN ALVAREZ: Rural and non-rural  
20 determinations. Liz, are you going to do that one?

21

22 MS. WILLIAMS: Hi. Liz Williams.

23

24 As you know, every time the U.S.  
25 conducts a census, the Federal Program is required to  
26 look at the populations of rural communities and other  
27 communities as well to see if the communities that are  
28 under Federal subsistence regulations are rural or non-  
29 rural. And I think everybody received in the mail a  
30 blue book, I think I see one over there, with -- yes,  
31 the requests for reconsideration that came after those.

32

33

34 What happened is after the Staff made  
35 the recommendations, and they went through some public  
36 comment periods, the Board made decisions about who was  
37 rural and who wasn't. And this was published in the  
38 Federal Register on May 7th, 2007. And so anybody who  
39 didn't agree with those determinations had 60 days from  
40 the publication date to submit a request for  
41 reconsideration. And when you request a  
42 reconsideration, you have to provide information that's  
43 not previously considered by the Board, or that the  
44 Board informa -- the information that the Board used  
45 was incorrect, or that the Board's interpretation of  
46 information was in error or contrary to existing law.

47

48 So what we're doing right now, the  
49 Staff is going through those requests for consideration  
50 that you have, and just looking at them piece by piece

1 to try to analyze out, as well -- with our legal team  
2 as well, if any of the RFRs meet these criteria.

3  
4 And we got some from the State of  
5 Alaska, Alaska Outdoor Council, Kenai River Sport  
6 Fishing Association, Alaska Fly Fishers, Ketchikan  
7 Indian Community, and the Organized Village of Saxman.  
8 As you now, Ketchikan was non-rural and it stayed non-  
9 rural, but Saxman ended up being non-rural, which was  
10 different from its past rural status. Kodiak and Sitka  
11 maintained their rural status. There was a part of  
12 Prudhoe Bay that was changed to non-rural, because  
13 there really are no permanent residents in that little  
14 section. Adak which once was a thriving military base  
15 is now scaled back to a very small community, so it was  
16 changed to rural. And there were a couple of places on  
17 the Parks Highway and a part of Sterling near Soldotna  
18 that were changed to non-rural, because they were  
19 clustered in with non-rural communities.

20  
21 So that process is on-going. It takes  
22 a very thorough review to go through all of these  
23 claims, and we'll keep you posted. We don't really  
24 have any specific deadlines for when these will be  
25 finished yet. We have some sort of reviews due in  
26 December, but you'll be given information as to what  
27 claims are considered valid or not. I don't think any  
28 of them affect directly this Council, but if you're  
29 interested in any of them, you can certainly call us or  
30 let us know if you want information as to the status of  
31 each RFR.

32  
33 CHAIRMAN ALVAREZ: Thank you, Liz.  
34 Anybody have any comments to make.

35  
36 (No comments)

37  
38 CHAIRMAN ALVAREZ: Okay. Thank you.  
39 No. 3, Rod, are you doing to do that one? Two-year  
40 cycles?

41  
42 MR. CAMPBELL: Yes, sir.

43  
44 CHAIRMAN ALVAREZ: The budget.

45  
46 MR. CAMPBELL: Yes. Again, Rod  
47 Campbell with OSM.

48  
49 Page 91 talks about going to the two-  
50 year cycle. The OSM budgets has already been talked

1 about. They have been declining, and appear to be  
2 continuing to decline.

3  
4 There's just four paragraphs on Page  
5 91, but the subsistence program has had to restructure  
6 and change its -- the way it does business. Instead of  
7 having both fisheries and wildlife proposals --  
8 accepting those every year, you're going to go to a  
9 two-year cycle. And that started June 6th of this  
10 year, 2007.

11  
12 And explaining the process, and the  
13 Federal Subsistence Board will be addressing wildlife  
14 regulations, proposals to change wildlife regulations  
15 and the Fisheries Resource Monitoring Program in the  
16 odd numbered years, and the fisheries regulations in  
17 the even numbered years. You can see that on Page 92,  
18 there's a table that kind of outlines it probably much  
19 clearer than I can explain it. But as you can see on  
20 the top of Page 92, for 2008, in January they'll have  
21 the normal call for -- to change fisheries regulations.  
22 And it will go through the same process. And then  
23 fisheries regulations, the call to change those will  
24 not come up again until January of 2010. And then the  
25 wildlife regulations, the next call for them will be  
26 January of 2009.

27  
28 I'm going to go back to the summary on  
29 Page 91. Office of Subsistence Management budget has  
30 declined 2.6 million since 2001. We had an additional  
31 reduction of \$500,000 recently. We've already talked  
32 about the Federal budget, it hasn't been accepted.  
33 There's another reduction in there, if that goes  
34 through of another \$500,000. Since 2004, the number of  
35 Staff at OSM has declined by 19 percent. And as I  
36 briefly mentioned earlier today, OSM has gone through a  
37 reorganization to try to handle this two-year cycle.  
38 We now have a fisheries division. We no longer have  
39 FIS, it's the Fisheries Resource Monitoring Program.  
40 We have a fisheries division there. We have a wildlife  
41 division. We have an anthropology division to handle  
42 this.

43  
44 So by alternating those cycles, we will  
45 have -- combine the fisheries regulatory biologist  
46 staff, which was me, because we lost a couple of  
47 fisheries biologists and weren't able to handle them,  
48 so they've moved me to the fishery division where we  
49 had the former FIS biologist that did a tremendous  
50 amount of work and still do on all these programs.

1 We're combined, so they will -- we will all be working  
2 on regulatory proposals, and then on the odd years when  
3 they have the wildlife proposals, then that was where  
4 we have these resource monitoring programs. So it was  
5 just -- it was too much to try to do the regulatory  
6 program and these monitoring programs with the limited  
7 staff we have every year. That was one of the reasons  
8 that it was reorganized. So now you'll have the  
9 fisheries staff working on regulatory proposals in even  
10 years and then in the odd years when you're accepting  
11 wildlife proposals, then the fisheries staff will be  
12 working on your resource monitoring programs. So we  
13 can maintain fewer staff, try to get the same amount  
14 done; however, you won't be able to put in proposals  
15 every year for these.

16

17 And again you have -- you do have  
18 pathways with special action requests if there's  
19 something of major concern that people did not foresee,  
20 or there's a change, some kind of conservation issue,  
21 that you can put in a special action request and the  
22 Board can address that. So you do have that avenue to  
23 protect the resource, it's just the regulatory process  
24 will not be every year.

25

26 And I think that really covers -- it  
27 covers everything I had to say on it. Hopefully we  
28 will still be responsive to the Council and the  
29 Council's needs. It's just -- it's really something  
30 out of our control, and it's the best we can do.

31

32 Thank you.

33

34 CHAIRMAN ALVAREZ: Thank you, Rod.  
35 Yeah, I don't see a problem with going every two years.  
36 The Board of Game does it for the State, and the Board  
37 of Fish is every three years. That's kind of a long  
38 time, but I don't think two years is -- things will get  
39 out of control. And like you say, there's a program --  
40 there's a way to -- if there's an emergency, they will  
41 take up regulations.

42

43 Anybody else got any comment. Nanci.

44

45 MS. MORRIS LYON: Yeah. Thank you, Mr.  
46 Chairman.

47

48 Yeah, I think that you guys did a good  
49 job in kind of analyzing it out and distributing it, so  
50 that, you know, there wouldn't be a heavier burden one

1 place or another.

2

3 But my question would be, do you have  
4 a set of guidelines set up or a set of standards  
5 whereby you're going to judge what you would deem to be  
6 an emergency so we know how to address those to you so  
7 that we address your concerns? Like, you know, what  
8 are the points going to be, how are you going to  
9 analyze and evaluate them to give us something so we  
10 know how to put proposals together that we think you --  
11 we need -- that might need your immediate attention.

12

13 Thank you.

14

15 MR. CAMPBELL: Through the Chair. This  
16 would be the same criteria that is already listed under  
17 special actions. That's what I was talking about. I  
18 was talking about addressing it through the special  
19 action request, so those criteria would be there. If  
20 it's something that was unexpected, the nature was  
21 unexpected, you didn't know that this was going to  
22 happen, it was an effect of a regulation or an effect,  
23 whether it be a natural disaster or weather or  
24 something out of your control, or that you couldn't  
25 foresee. I think it's the same criteria that we have  
26 in our special action. And that would be the route  
27 that you would -- I understand it would be the normal  
28 route that you would.....

29

30 MS. MORRIS LYON: (Indiscernible,  
31 microphone not on)

32

33 MR. CAMPBELL: Yes.

34

35 CHAIRMAN ALVAREZ: Cliff.

36

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

38

39 I want to ask if Rod could convey to  
40 the Council, for example, in '08, in January, call for  
41 proposals. How soon could we expect, and I assume that  
42 this call will come from Pete Probasco, the current ARD  
43 for subsistence, if a Council was to not meet. Nanci  
44 asked is there a criteria laid out that he's going to  
45 make his decision on whether a Council will meet or  
46 not? Or more so not meet. Because we know in your --  
47 in the policy here on Page 91 it says that Regional  
48 Advisory Councils will continue to meet twice each year  
49 unless lack of other business to be conducted in a  
50 particular case warrants not holding a meeting for a

1 given region and cycle.

2

3 And then secondly, if -- well, let's  
4 just say in January that we're not going to have a  
5 fisheries meeting for Bristol Bay, does that also --  
6 I'm sure Randy probably -- I don't know how he feels  
7 about attending a Board meeting the following year if  
8 the Council didn't have any proposals, so the Chair's  
9 involvement would be another good question.

10

11 MR. CAMPBELL: Through the Chair.  
12 Cliff, no, I don't if there's -- I haven't seen any  
13 criteria that was set up to discuss that. I'm sure  
14 it's on a case-by-case basis. If you have a Council  
15 that has no fishery proposals, there's no interest in  
16 any of those whatsoever, there may be some other issues  
17 that need to be addressed. Maybe there's not. Then in  
18 that case, if there's no fish proposals, there's no  
19 other proposals of interest, really of interest for the  
20 Council to look at, then someone could make a judgment  
21 call on that. But I think the intent is to continue to  
22 have the Councils meet twice a year whenever possible,  
23 because it's really a -- I mean, you guys are the basis  
24 of this entire program, and I think they want to  
25 continue to do that. So unless somebody else may have  
26 some better insight than myself, I think it would be on  
27 a case-by-case basis, and you'd certainly have some  
28 input from the Chairs and the Council I'm sure.

29

30 CHAIRMAN ALVAREZ: Well, we would need  
31 to, because even if we did -- one year did fish, and  
32 the next year did game, the first meeting we do fish,  
33 you would generate the proposals and the second meeting  
34 we would discuss all the fishery proposals. So that's  
35 kind of how it's worked. And also -- but -- and then  
36 we also when we discuss the fishery proposals, we're  
37 also able to generate game proposals. But it won't be  
38 that way this year, I mean, if they change it to every  
39 two years, it will be just -- we will have half the  
40 workload. So, you know, the way I understand it, we'll  
41 still have two meetings a year.

42

43 MR. DUNAWAY: It says right in here.

44

45 CHAIRMAN ALVAREZ: Yeah. We'll  
46 continue. So that's why I said I don't see a problem  
47 with this two-year cycle.

48

49 Anybody else got any comment.

50



1 MR. DUNAWAY: Mr. Chair.

2

3 CHAIRMAN ALVAREZ: Dan.

4

5 MR. DUNAWAY: I guess just looking in  
6 this little thing on Page 91, there's on Page 91,  
7 there's -- my understanding is Regional Advisory  
8 Council will continue to meet twice a year unless lack  
9 of other business to be conducted in a particular case  
10 warrants not holding the meeting. So, yeah, I'm  
11 inclined to think there probably will be something. We  
12 have in the past wound them up in a day, too.

13

14 CHAIRMAN ALVAREZ: And also -- oh,  
15 sorry. You know, I wouldn't be inclined to go to the  
16 Federal Subsistence Board meeting if we don't have  
17 anything from our committee, you know, and just sit  
18 there. I could comment on other people's area  
19 proposals, but, you know, I just don't think that --  
20 feel right about doing that. You know, unless somebody  
21 else wants to go. But when we have our own proposals  
22 before them, you know, I feel that we need to be there  
23 to do that, but, you know, to go to the meetings and  
24 sit there for hours while they're talking about  
25 somebody else's area and proposals is -- I don't -- you  
26 know, that's one way of saving money, you know. I  
27 don't think -- I wouldn't want to. I don't feel I need  
28 to go unless somebody else -- unless they wanted to  
29 send somebody, someone else can do that, you know, but  
30 maybe that's probably a way -- the State kind of does  
31 that. They don't -- they're hesitant about sending  
32 advisory committees in if we don't have an issue before  
33 them. And it probably should be the way that they  
34 operate this, too, you know. Okay.

35

36 MR. EDENSHAW: Mr. Chair.

37

38 CHAIRMAN ALVAREZ: Cliff.

39

40 MR. EDENSHAW: All I was getting at,  
41 Rod, was that, for instance, for example, I said  
42 January, you know, this past -- this meeting we're  
43 currently holding we had two fish proposals. Two. So  
44 come January, if there weren't any proposals, you know,  
45 he could sit there and, yeah, he can say we're not  
46 going to have a meeting for Bristol Bay in February.  
47 Because in the fall the Council will have made  
48 recommendations on wildlife proposals, so there would  
49 be -- so I'm just looking after you, saying, well, is  
50 there -- how far in advance would that notice be given

1 to the Council so that -- that's all. And maybe it's  
2 nothing.

3  
4 CHAIRMAN ALVAREZ: I think that we  
5 should leave it to the discretion of the OSM to  
6 determine that.

7  
8 Okay. Let's move on. No. 4 is --  
9 Cliff, a couple of -- do you want to do 4 and 5, a  
10 couple of informational.....

11  
12 MR. EDENSHAW: Before we continue, Mr.  
13 Chair, after No. 5 under the compensation, you could  
14 add Doug McBride, and Doug's back here. He'd like to  
15 provide the Council with some information also.

16  
17 CHAIRMAN ALVAREZ: Okay.

18  
19 MR. EDENSHAW: And Doug is -- I  
20 believe he's the in-season manager for the region now.  
21 And before he became the in-season manager, we had Tim  
22 Morrison and Mike Edwards who worked in the King Salmon  
23 FRO fisheries, and they're no longer here, so Doug has  
24 now taking over the responsibilities as the in-season  
25 manager for the Bristol Bay Region.

26  
27 CHAIRMAN ALVAREZ: Doug.

28  
29 MR. MCBRIDE: Yes.

30  
31 CHAIRMAN ALVAREZ: Okay. So that's --  
32 4 and 5 is just a couple of informational -- the letter  
33 from the Secretary of the Interior and then also No. 5  
34 is Regional Advisory Council compensation. They didn't  
35 want to pay us? Everybody else here gets paid.

36  
37 MR. EDENSHAW: I tried to give you your  
38 money earlier.

39  
40 CHAIRMAN ALVAREZ: That's what I was  
41 saying, you know, if we're not getting paid, we need to  
42 come down here and be shipped back home as quickly as  
43 possible.

44  
45 Okay. I guess we're up to Doug.

46  
47 MR. MCBRIDE: Mr. Chairman. Members of  
48 the Council. My name is Doug McBride. I'm with the  
49 U.S. Fish and Wildlife Service, Fisheries Program.  
50

1                   And first of all, let me say thank you  
2 very much for fitting me into your agenda. And I'll  
3 also start off by apologizing for getting here so late.  
4 I was supposed to be on the afternoon flight, and Pen  
5 Air decided to get here about 5:00 o'clock. So that's  
6 just the way it goes. I don't think -- I probably just  
7 don't need to say anything more than that on that.

8  
9                   Mr. Chairman. As Cliff said, the  
10 position I'm in right now is the designated in-season  
11 fisheries manager for Bristol Bay and Chignik. And  
12 I'll take just a very brief could of minutes to kind of  
13 give you an update as to what's happened, and why I'm  
14 in this position, and what's happened organizationally  
15 in the Fish and Wildlife Service.

16  
17                   I'm sure you all know Jim Larson and  
18 Mike Edwards, they were the King Salmon Fisheries  
19 Office, and just last winter the Fish and Wildlife  
20 Service moved the King Salmon Fisheries Office into  
21 Anchorage. They did that for a couple of reasons.  
22 Cost savings and then there's a new emphasis on getting  
23 involved with a big fish habitat initiative in Cook  
24 Inlet and the Mat-Su Valley. Those are the primary  
25 reasons why the Staff was moved in.

26  
27                   However, they're maintaining the  
28 historic function of that office, including the in-  
29 season management capability -- or function of the  
30 branch chief of the fisheries office. And that was  
31 formerly held by Jim Larson. Now, when the office  
32 moved, Jim decided that moving to Anchorage wasn't what  
33 he had in mind, so he had enough years and he retired  
34 and is actually down in Thorne Bay on Prince of Wales  
35 Island in Southeast.

36  
37                   At any rate, since the Staff moved and  
38 since Jim retired, they asked me if I wanted to take a  
39 shot at doing this, and I said, heck, yes. I was  
40 actually formerly in the Office of Subsistence  
41 Management in the old Fisheries Information Services  
42 that Rod spoke about a little bit ago, so at least I  
43 have a lot of familiarity with Federal subsistence  
44 management, not necessarily right here in Bristol Bay,  
45 but elsewhere in the state certainly.

46  
47                   At any rate, I didn't really have  
48 anything new to report in terms of in-season  
49 management. I just wanted to make you aware that I'm  
50 in that position right now. With the run that happened

1 in Bristol Bay this year, I don't think there was a lot  
2 of in-season problems in this part of the world.

3  
4 And I guess the only other thing that I  
5 would add is the fisheries staff, when I said they were  
6 maintaining a lot of the historic mission of the King  
7 Salmon fisheries office, in fact, one of the programs  
8 that you talked about earlier, projects you talked  
9 about earlier today, the Togiak chinook project, the  
10 former King Salmon fisheries office, they call them the  
11 Anchorage fisheries office now, is going to be doing  
12 that project assuming that the Federal Board approves  
13 that project.

14  
15 With that, Mr. Chairman, I'll close my  
16 comments and answer any questions, and again thank you  
17 very much, and I look forward to working with you. I  
18 know several of you either from what I'm doing now or  
19 what I used to do with the State of Alaska. Mr.  
20 Chairman.

21  
22 CHAIRMAN ALVAREZ: All right. Thank  
23 you, Doug. Yeah. I've seen you before. It's good to  
24 see -- have you.

25  
26 Anybody, any comments or questions.

27  
28 (No comments)

29  
30 CHAIRMAN ALVAREZ: It's getting late,  
31 see. Thank you.

32  
33 UNIDENTIFIED VOICE: It's welcome.

34  
35 CHAIRMAN ALVAREZ: Yeah. Welcome. We  
36 are on B, Togiak National Wildlife Refuge.

37  
38 MR. SWAIN: Well, good afternoon.  
39 Chairman and members of the Council. My name is  
40 Michael Swain. I'm a new biologist for Togiak National  
41 Wildlife Refuge. I guess in the interest of time I'm  
42 going to be pretty brief with this. A lot of what I'm  
43 going to present is actually contained in the Council  
44 books that you have.

45  
46 The refuge has been involved with 26  
47 different fish and wildlife related projects this past  
48 year. A couple of the highlights what I'd like to  
49 point out, on Page 96 we have two cooperative salmon  
50 escapement projects on the Kuskokwim side of our

1 refuge, one on the Kanektok River, and the other on  
2 Goodnews River. The Goodnews River project's been  
3 running since 1980. The Kanektok I think 10 years  
4 after that.

5  
6 A new item for that particular long-  
7 term monitoring project, this year they installed an  
8 underwater video counting system to improve the  
9 efficiency and accuracy of the counts. It allows them  
10 to track fish escapements at times later in the day and  
11 earlier in the day than we were getting data for  
12 before.

13  
14 On Page 98, Mulchatna caribou. I'm not  
15 personally real familiar with the project, so I'll just  
16 read what's contained in the informational bulletin  
17 here. Togiak Refuge assisted the Alaska Department of  
18 Fish and Game with telemetry and monitoring flights,  
19 radio collared deployment, satellite data acquisition,  
20 data entry and database management. Results from the  
21 last photo census conducted July 2006 indicated the  
22 herd has decreased to 45,000 caribou.

23  
24 A bull mortality study began in October  
25 2006 with the collaring of 30 male calves. In March  
26 2007 the Alaska Board of Game reduced the resident  
27 harvest limit to two caribou in Units 9A, 9C on the  
28 Alagnak River drainage, 9B and 17 and a limited same  
29 day airborne hunting in Units 9B, 17B and 17C. The  
30 refuge has all intentions of continuing this  
31 cooperative work.

32  
33 The next item, the Nushagak Peninsula  
34 caribou. A couple of things I'd like to point out that  
35 actually aren't really contained in the summary there.  
36 This is the second year of this project. The  
37 population has been under 600 animals, which is the  
38 threshold prescribed by the Nushagak Caribou Management  
39 Plan. So hunting has been curtailed because of that,  
40 and the 2007 hunt canceled.

41  
42 The Nushagak Peninsula Caribou Planning  
43 Committee will meet in October to review the population  
44 status and management activities, to address the  
45 population decline of the caribou herd, which grew from  
46 initial stocking in 1988 of about 1400 animals, but  
47 then it declined to approximately 500 currently.

48  
49 We have been monitoring habitat quality  
50 in the area, just looking at the various factors that

1 may be responsible for the decline. That work's been  
2 ongoing or I think about 15 years. Based on surveys  
3 done in 1993, '97 and 2002 we found that lichen cover  
4 has declined in the area. We performed another lichen  
5 survey in 2007 and those data are currently still being  
6 analyzed.

7  
8                   One fact that we're investigating more  
9 that may be responsible for part of the decline of the  
10 Nushagak herd is wolf predation. We placed radio  
11 collars on two different wolf packs in the vicinity of  
12 the Peninsula herd in the spring of 2007. We found  
13 that one pack in particular uses the Peninsula and does  
14 prey on caribou. Actually a bit more than we expected  
15 it might. The use pattern has been real variable,  
16 however, and really there's only been one individual  
17 wolf that has ranged down into that area. So the data  
18 we currently have is fairly preliminary. We're  
19 expecting to continue this for the next year and a half  
20 and have intentions of tagging more wolves in the area  
21 and doing a more intensive study.

22  
23                   I guess the final thing that I'd like  
24 to point out is on Page 100. The Togiak Refuge is  
25 involved in an oral history and traditional ecological  
26 knowledge project. We're in the final stages of  
27 compiling information from that project of traditional  
28 ecological knowledge from the Kuskokwim drainage from  
29 residents of Goodnews Bay and Quinhagak. A report of  
30 that will be available later this fall.

31  
32                   A final thing that's not actually  
33 contained on our informational bulletin. We're still  
34 in the process of revising and finalizing our  
35 comprehensive plan, our CCP. That's currently at the  
36 printers. It's due out here sometime early this month,  
37 probably within the next week or so. When those come  
38 out, we'd get you a copy if you're interested.  
39 Comments, we'll be able to submit those from November  
40 through 18th of January.

41  
42                   A couple of the key things on the new  
43 document as it comes out. The regular plan and the  
44 public use plan have been published together. There's  
45 really no substantive issues for the actual CCP  
46 document, the regular plan. However, the more  
47 controversial issues are contained in the public use  
48 portion. Just to be real brief, the most controversial  
49 issue of those is we're proposing at this point in the  
50 plan to implement use limits on personal trips in the

1 Kanektok and Goodnews River.  
2  
3 So with that, that basically summarizes  
4 my report. I can take questions if you'd like.  
5  
6 CHAIRMAN ALVAREZ: Thank you, Michael.  
7 Okay. Let's see, we are -- that would put us down to  
8 C, Alaska Peninsula/Becharof National Wildlife Refuge.  
9  
10 MR. LIND: We're going to go ahead and  
11 give that report tomorrow since everybody is.....  
12  
13 CHAIRMAN ALVAREZ: Okay. So that means  
14 we have lost Alaska Department of Fish and Game. We  
15 could do -- who is -- is somebody here for Lake  
16 Clark/Katmai Park and Preserve. Okay.  
17  
18 UNIDENTIFIED VOICE: (indiscernible,  
19 away from microphone)  
20  
21 CHAIRMAN ALVAREZ: Well, I was thinking  
22 about Lem, the game biologist.  
23  
24 UNIDENTIFIED VOICE: (indiscernible,  
25 away from microphone)  
26  
27 CHAIRMAN ALVAREZ: You can -- yeah,  
28 maybe right after Mary. You don't need to be. You  
29 know, we're planning on staying here until 7:00  
30 o'clock.  
31  
32 MS. MCBURNEY: Well, Mary McBurney,  
33 Lake Clark National Park subsistence program manager.  
34  
35 I don't really have a lot of detail to  
36 present to you this afternoon as far as a report is  
37 concerned. But I thought that one thing that would be  
38 of interest to you would be how things are doing on the  
39 Kvichak and the Newhalen sockeye escapement. And Dan  
40 Young, our fisheries biologist for Lake Clark National  
41 Park, assembled these graphs, and I just wanted to  
42 share these with you and draw your attention to the  
43 second graph, the one labeled 2000/2007 Newhalen  
44 escapement, and just note that the blue line with the  
45 number 667,572, that was the escapement for this year  
46 that was counted going past the Newhalen counting  
47 tower. And I would also like to note that that's the  
48 second highest escapement that we've had in the past  
49 eight years. So coupled with last year's escapement of  
50 over 700,000, and for that matter if we just go back

1 maybe a couple of other years, we can see that we're  
2 starting to see a trend upward, which, of course, is  
3 where everybody would like to see that trend heading.

4  
5 One of the things that Dan has been  
6 noting is that this year in particular the fish seem to  
7 be arriving, the bulk of the run arrived quite a bit  
8 earlier than normal, and this -- people were ready for  
9 them, and everybody had an opportunity to get out and  
10 to get as many fish as they needed, so all the  
11 subsistence needs were met this year. But this is a  
12 trend that Dan is watching just to see if perhaps what  
13 we are seeing might be some shifts in the run timing  
14 due to climatic changes or other factors.

15  
16 On the reverse side, for those of you  
17 that really enjoy looking at the daily numbers, is just  
18 a daily escapement with the cumulative total. And  
19 these are the -- basically the numbers that are  
20 reflected on the graph on the reverse page.

21  
22 So this is just a quick little report  
23 that I'm doing by proxy for Dan. So I'm hoping that  
24 you're not going to have a lot of detailed questions  
25 about it, because unfortunately I'm not the fisheries  
26 biologist and I really can't answer in a great deal of  
27 detail.

28  
29 MR. EDENSHAW: Mary, on Page 70, is  
30 that what Rod gave with the FIS presentation, so the  
31 Newhalen -- the Lake Clark, it says the Lake Clark  
32 Counting Tower, that's the same as the Newhalen,  
33 correct?

34  
35 MS. MCBURNEY: That is correct. So --  
36 well, thank you for bringing that up. That's a good  
37 thing I can report is that that project has been  
38 renewed for another three years. So that project will  
39 continue to gather data over the next three seasons.  
40 And thank you very much for your support of that project  
41 as well. It's really meant a lot to us, and it  
42 certainly has yielded some excellent data. We have a  
43 much better handle of what's going on and what's going  
44 into the lake system.

45  
46 CHAIRMAN ALVAREZ: All right. Thank  
47 you, Mary. Boy, it looks like we're letting too many  
48 fish go by.

49  
50 Now, they have -- you know, we're still



1 in the conservation issue for probably a couple more --  
2 a year or two, but the Department's management plan is  
3 still conservative, but those that are trying to --  
4 they're going to be pushing for -- to get management  
5 plan out of the conservation mode, which means there's  
6 going to be more commercial fishing out in the Kvichak  
7 district, so there probably in years -- the next years  
8 to follow, it won't be that high, because there's going  
9 to be more commercial fishing.

10

11 MS. MCBURNEY: Which is all the more  
12 reasons to keep that counting tower project going so we  
13 can keep an eye on that.

14

15 CHAIRMAN ALVAREZ: Yeah. And, you  
16 know, so it's good to have those numbers, and I'm --  
17 everybody's happy that the Kvichak is coming back, but  
18 I think we've been in river so much in other areas are  
19 getting more fishermen and they're getting tired of  
20 that, so there's going to be a push this year to get  
21 the management plan back the way it used to be, so it's  
22 probably going to be resulting in more commercial  
23 fishing in the Kvichak district, you know. And it's --  
24 I'm think it's probably -- that's probably what's going  
25 to happen, so -- and it won't be -- there won't be  
26 those kind of numbers again, you know, the last couple  
27 years, like that. So that's what I think is going to  
28 happen, you know. I've been pushing to be  
29 conservative, but it -- we've had good runs the last  
30 three years, and it seems to be headed -- the trend is  
31 going the other way where it's rebounding, so it's  
32 probably going to be -- we'll have more commercial  
33 fishing, so it's probably not going to have that kind  
34 of numbers again. You know, we've been having some big  
35 runs.

36

37 What I'm trying to do is explain why  
38 they're so big, and they're probably not going to be  
39 that big in the future again. I mean, from what I  
40 understand, the forecast for next year, I heard this,  
41 probably going to be going down. It's less than it has  
42 been the last few years. This last year was more than  
43 the year before, last year, before last was more than  
44 three years ago the forecast. So now it sounds like  
45 there's -- the forecast for the amount of fish  
46 returning is probably going to start going back the  
47 other way with the amount that's been forecast is much  
48 so. You know, they probably need to consider that,  
49 too. So I just wanted to pass that on.

50

1 MS. MCBURNEY: Thank you  
2  
3 CHAIRMAN ALVAREZ: Anybody else got a  
4 question for Mary?  
5  
6 (No comments)  
7  
8 CHAIRMAN ALVAREZ: Okay. Thank you.  
9  
10 We have your letter about the ORV and  
11 Katmai. I guess -- were you going to comment on that,  
12 Ralph, or -- I know Dan wanted this. Maybe in the  
13 morning?  
14  
15 UNIDENTIFIED VOICE: (indiscernible,  
16 away from microphone) that's fine. (Indiscernible,  
17 away from microphone)  
18  
19 CHAIRMAN ALVAREZ: Good. Okay. Then  
20 that will give us an opportunity for -- to do -- Ted,  
21 yeah. Sorry.  
22  
23 MR. DUNAWAY: You're getting tired.  
24  
25 CHAIRMAN ALVAREZ: Ted, would you like  
26 to report. You're ADF&G?  
27  
28 MR. KRIEG: Yes.  
29  
30 CHAIRMAN ALVAREZ: Okay. And you're  
31 with subsistence, right?  
32  
33 MR. KRIEG: Yes, Subsistence Division,  
34 Fish and Game.  
35  
36 We have -- there's this project that  
37 was referred to earlier, Kvichak watershed subsistence  
38 fishery ethnography. We have a PowerPoint that we  
39 could present later We were going to kind of follow on  
40 the coattails of Alaska Peninsula/Becharof Refuge,  
41 because we needed to use the PowerPoint Projector.  
42  
43 But I guess what I'm -- I could go  
44 through some of the highlights of that now, if you want  
45 to try to see the PowerPoint later. And it's -- Robbin  
46 LaVine with BBNA, she kind of -- she did a little big  
47 of an overview of our -- or actually a good overview of  
48 what she's proposing and planning to do and starting to  
49 do with the family documentation. And I guess the -- I  
50 think I can cover most of the main points in the

1 PowerPoint. We have some photographs, there's some  
2 maps, a couple of maps that were put together.  
3  
4 UNIDENTIFIED VOICE: (Indiscernible,  
5 microphone not on)  
6  
7 MR. KRIEG: Well, I could do it  
8 tomorrow if that works. I mean if.....  
9  
10 MR. DUNAWAY: I think we're getting  
11 burn out.  
12  
13 CHAIRMAN ALVAREZ: Yeah. Good. You  
14 know, it's no sense reporting to us if we're not -- if  
15 we're going to be lost. So if you have a PowerPoint to  
16 show us or papers to read or something, we can follow  
17 along, or a PowerPoint, but.....  
18  
19 MR. KRIEG: Yeah. Anyway, the  
20 PowerPoint would be better.  
21  
22 CHAIRMAN ALVAREZ: Okay. Who else. I  
23 guess it's close enough. We will adjourn until  
24 tomorrow morning, 8:30. I mean, none adjourn, but  
25 recess.  
26  
27 (Off record)  
28  
29 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

UNITED STATES OF AMERICA                    )  
  )ss.  
STATE OF ALASKA                                )

I, Joseph P. Kolasinski, Notary Public in and  
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Joseph P. Kolasinski  
Notary Public in and for Alaska  
My Commission Expires: 03/12/08